

# Maine Lobbying Guidebook



*For the 2024 Lobbying Year*



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## DECLARATION OF PURPOSE

The Constitution of Maine guarantees the right of the people to petition their government for the redress of grievances and to freely express their opinions on legislation and issues. The Legislature reaffirms its obligation to hear the requests and opinions of all of the people, and to preserve and maintain the integrity and accessibility of the legislative process.

The Legislature recognizes groups of citizens may choose one among them to present their views to Legislators, and, because of the amount and complexity of proposed legislation, may employ persons knowledgeable in the legislative process to present their views. Such activities are proper methods of expressing the opinion of a group of citizens.

The Legislature also recognizes such activities must be carried out openly so other citizens are aware of the opinions and requests made in this manner. Legislative decisions can fully reflect the will of all the people only if the opinions expressed by any citizen are known to all and debated by all, and if the representatives of groups of citizens are identified and their expenditures and activities are regularly disclosed.

Therefore, the Legislature declares, in order to ensure the full participation of all the people of the State in the legislative process, full disclosure of the identity, expenditures and activities of any persons who engage in professional lobbying is required. Such disclosure will insure the openness and integrity of the legislative process and encourage the expression of the will of all the people of the State. 3 M.R.S. § 311

## IMPORTANT NOTICE

The information in this guide reflects the current Lobbyist Disclosure Law pertaining to Lobbyists as of the Second Regular Session of the 131<sup>st</sup> Legislature. The Commission has taken care to make it accurate, however, it is not a substitute for the applicable statutory provisions of the Lobbyist Disclosure Law and Commission's rules. The statutes and rules are controlling in the event of any omission or misstatement in this publication.

## NOTE FROM THE COMMISSION STAFF

The Ethics Commission advises all lobbyists our main priority is helping you. Maine's lobbying disclosure laws can be complicated and cannot all be summarized in a guidebook. We have a dedicated employee for lobbyists, who will work with you throughout the entirety of your tenure. Please contact us with your questions so we can help you get compliance right the first time.

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## CHAPTER 1

# Introduction to Lobbying Terms

### Definition of Lobbying

Lobbying is directly communicating with covered officials for the purpose of influencing, approving, or vetoing of a legislative action(s), when compensation or reimbursement for expenses is paid.

### Other Definitions

**Covered officials.** An official in the executive or legislative branch, a constitutional officer, the Governor, and the Governor's cabinet and staff.

**Direct communication.** Any oral or written communication with a covered official (e.g., one-on-one conversations, testimony, letters, emails, texts, phone calls, etc.) and the time spent preparing proposals for, or testimony or analysis concerning, a legislative action.

**Legislative action.** The drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, nomination, or other matter by the Legislature, by either the House of Representatives or the Senate, any committee, or an official in the Legislative Branch acting in their authorized capacity, or action of the Governor in approving or

vetoing any legislative document presented to the them for their approval.

**Compensation.** Anything of value received or to be received in return for, or in connection with, services rendered or to be rendered.

**Person.** An individual, corporation, business, labor union, for profit or nonprofit organization, or any municipality or quasi-municipality or group of persons acting together. "Person" does not include the State of Maine or any State of Maine agency.

**Employment.** An agreement to provide services for compensation or reimbursement of costs.

**Lobbying firm.** A company or association employing or contracting with more than one lobbyist or lobbyist associate, and receives, or is entitled to receive, compensation for engaging in lobbying.

### Non-Lobbying Activities

Lobbying does not include time spent providing information to or participating in a subcommittee or stakeholder group, task force, or other work group regarding legislative action, when participation is by the appointment of or at the



request of the Governor, a Legislator, legislative committee, constitutional officer, state agency commissioner, or the chair of a state board or commission.

## Types of Lobbyists

**Principal Lobbyist.** An individual who engages in more than 8 hours of lobbying in any calendar month and who is either:

- specifically employed or retained by a client for the purpose of engaging in lobbying; or
- the regular employee of another person who engages in lobbying on that person's behalf or request.

**Lobbyist Associate.** An individual who is a partner, associate, employee, or co-worker of a principal lobbyist and who lobbies more than 8 hours in a calendar month on behalf of the client listed in the principal lobbyist's registration.

**Volunteer Lobbyist.** An individual who receives no compensation for lobbying other than reimbursement for lobbying-related travel within the State and reimbursement for other costs, such as, printing, postage, food, and lodging paid for by the individual out-of-pocket. Reimbursements cannot be made for time spent lobbying that would have been otherwise compensated by an employer or in the course of the individual's employment. A volunteer lobbyist is not required to register with the Commission.

**Legislative Designees.** An employee of a state office who is either designated by the head of the office as the primary employee to lobby, or who is expected to lobby for more than 10 hours during a legislative session, must enroll as a legislative designee with the Commission within 15 business days of the convening of a regular legislative session. The office must notify the Commission in writing of any changes of its designees within 15 business days of the change. A legislative designee is exempt from all other reporting requirements.

## Grassroots Lobbying

Grassroots lobbying is when a person communicates with members of the general public by radio, television, print media, direct mail, email, a website, social media, other digital format, telephone, or similar service asking them to communicate directly with any covered official for the purpose of influencing legislative action. It does not include communications to the general public regarding legislation resulting from a citizen initiative, or communications by an organization to its stockholders, employees, board members, officers or dues-paying members.

A lobbyist is responsible for reporting grassroots lobbying if it is done by them, their associate(s), their firm, or their client. If a person engages in grassroots lobbying and they do not have a registered lobbyist at the time of the activity, then they must file a grassroots lobbying report with the Commission if required.



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#### LEGAL REFERENCES

Definition of "grassroots lobbying"	3 M.R.S. § 312-A(7-B)
Definition of "legislative designee"	3 M.R.S. §§ 132-A(8-A); 313-A
Definition of "legislative action"	3 M.R.S. § 312-A(8)
Definition of "lobbying"	3 M.R.S. § 312-A(9)
Definition of "lobbyist," including volunteer lobbyist	3 M.R.S. § 312-A(10)
Definition of "lobbyist associate"	3 M.R.S. § 312-A(10-A)
Definition of "official in the executive branch"	3 M.R.S. § 312-A(10-C)
Definition of "official in the Legislative Branch"	3 M.R.S. § 312-A(11)



## CHAPTER 2

# Registration and Reporting

### Joint Declaration

A registration of a principal lobbyist *and* client is a joint declaration the lobbyist will lobby on behalf of the client during the lobbying year. As such, a registration must be filed by a principal lobbyist for each client every lobbying year.

Lobbyist associates must be named in the registration. If a lobbyist associate needs to be added after the registration is filed it must be amended.

A registration fee of \$250 applies to each registration of a principal lobbyist, and \$125 for each lobbyist associate.

Once a registration form is filed and the fees paid, it is effective for the duration of the lobbying year of December 1<sup>st</sup> - November 30<sup>th</sup>. Registrations automatically terminate at the end of the lobbying year, but can also be terminated anytime by a notification from the lobbyist or client stating all lobbying activity on behalf of the client has ceased for the current lobbying year.

### Registering as a Lobbyist

**When to Register.** A lobbyist registration is triggered when an individual has lobbied more

than 8 hours in a calendar month. Once that threshold is crossed, a registration must be filed within 10 calendar days. Registrations may be filed *before* reaching the threshold. Once registered, monthly lobbying reports are required even if no lobbying activity occurs.

**How to Register.** Registrations are filed online and the fees can be paid online with a credit or debit card, or by mailing a check to the Commission. All registrations must be approved by Commission staff before taking effect; registrations are not approved until the fees are received.

### Content of the Registration

Registration forms must include the following:

- name of the lobbyist and any associates;
- name of the client;
- business addresses and contact information for the lobbyist, any associates, and the client;
- date lobbying commenced;
- date the 8-hour threshold was exceeded;
- description of the client's business or mission and its legislative interests;



- legislative committees the lobbyist will lobby during the year;
- amount of compensation the lobbyist will receive, or the basis by which compensation will be determined;
- names of any person authorized to file reports on behalf of the lobbyist; and
- certification the lobbyist and any associates have completed the annual harassment prevention training.

### Monthly Reporting

Once registered, the lobbyist must file monthly reports. A separate monthly report is filed for each client and include the activity of the principal lobbyist and any lobbyist associates.

There are two types of reports: Activity Reports and No Activity Reports. If no lobbying occurred and no expenditures were incurred or made in the reporting period, a No Activity Report may be filed. Activity Reports are required if:

- any lobbying occurred during the calendar month, even if less than 8 hours;
- the lobbyist incurred or was reimbursed for expenditures related to lobbying activities;
- the lobbyist or the client had expenditures related to covered officials or events; or
- the lobbyist or client had expenditures related

to grassroots lobbying.

Each report covers one calendar month. Reports must be filed by 11:59 p.m. on the 15<sup>th</sup> day of the month *after* the month covered by the report. For example, the report for the month of January is due on February 15<sup>th</sup>. If a due date falls on a Saturday, Sunday, or holiday, the report is due on the next regular business day.

2024 Lobbyist Reporting Schedule	
Due Date	Reporting Period
Tuesday, January 16	December 1-31, 2023
Thursday, February 15	January 1-31, 2024
Friday, March 15	February 1-29, 2024
Tuesday, April 16	March 1-31, 2024
Wednesday, May 15	April 1-30, 2024
Monday, June 17	May 1-31, 2024
Monday, July 15	June 1-30, 2024
Thursday, August 15	July 1-31, 2024
Monday, September 16	August 1-31, 2024
Tuesday, October 15	September 1-30, 2024
Friday, November 15	October 1-31, 2024
Monday, December 16	November 1-30, 2024

### How To File Monthly Reports

Monthly reports are filed online using the Commission’s eFiling website. All principal lobbyists and authorized agents receive usernames and passwords to access eFiling. Lobbyist associates can also have usernames and passwords if necessary.

**No Activity Report.** A No Activity Report may only





be filed if a lobbyist did not engage in any lobbying or make any expenditures during the covered calendar month.

**Activity Report.** An Activity Report must be filed if any lobbying or grassroots lobbying occurred or if the lobbyist made or incurred any expenditures during the covered month. Activity Reports must include:

- **Total Compensation:** all compensation received by lobbyists and lobbyist associates for lobbying done during the reporting month, with totals for lobbying the legislative branch, executive branch, and/or constitutional officers reported in separate, aggregated amounts.
  - **Total Expenditures:** all expenditures, made for the purpose of lobbying, such as travel reimbursements, payments to others to provide testimony, research and analysis costs, printing, etc. Expenditures related to covered officials must also be reported, but in a separate section.
  - **Total Expenditures on Officials and Family Members:** the amount of all expenditures made by the lobbyist, lobbyist associate, or client, directly to or on behalf of one or more covered officials, including members of the official's immediate family, even if the expenditures were not made for the purposes of lobbying. Expenditures for events costing less than \$250 do *not* need to be reported.
- ◇ If more than \$25 is spent on behalf of a covered official or their immediate family, the lobbyist must also disclose the name of the official or family member, the person making the expenditure, and the amount and purpose of the expenditure.
- **Events Costing \$250 or More:** a description of each event taking place during the month costing \$250 or more attended by covered officials and/or family members, and a list of all covered officials and their family members who were in attendance. An "event" does *not* include events in the Hall of Flags or legislative breakfasts.
  - **Legislative Actions:** a list of all bills and issues lobbied during the month with a brief description providing some specificity about the issue.
  - **Legislative Actions for Which Compensation or Expenditures Exceed \$1,000:** a list of all legislative actions named in the previous section and the specific amount when compensation or expenditures exceeds \$1,000 for that particular action.
  - **Original Sources:** a list of all persons who have given more than \$1,000 to the client for the purpose of paying for lobbying or grassroots lobbying during the lobbying year.
  - **Grassroots Lobbying:** a list of all expenditures made or incurred for the purposes of



grassroots lobbying exceeding \$2,000 during the month, except for salaries paid to the client's regular employees.

### Non-Session Reporting Waivers

Once the Legislature has adjourned sine die (final adjournment), a lobbyist who does not anticipate engaging in lobbying for the remainder of the lobbying year may request a waiver of the monthly reporting requirement.

A non-session waiver removes the obligation to file monthly reports, but the registration remains active until the end of the lobbying year. If the lobbyist re-engages in lobbying before the end of the lobbying year, they must notify the Commission staff to resume their monthly reporting.

Before a non-session waiver will work, a monthly report must be filed covering the period between the last filed report and the date indicated by the lobbyist the waiver should begin. The waiver's effective date should be the last day of the month *prior* to its filing.

### Termination Reports

If a lobbyist's employment with a client terminates prior to the end of the lobbying year they must notify the Commission, and file a monthly report covering the period between the last filed report and the date of termination. Once a termination has been received by the Commission, the lobbyist no longer has to file reports for that client.

### Lobbyist Expenditure Reports

A lobbyist, lobbyist associate, or lobbying firm making an expenditure directly to or on behalf of a covered official, or a member of their immediate family, shall file a supplemental expenditure report if the value of the expenditure exceeds \$300 **and** there is *no* expectation of reimbursement from the client. This supplemental report must include:

- the date of the expenditure;
- the name and address of the lobbyist, lobbyist associate or lobbying firm;
- the amount of the expenditure;
- a description of the goods or services purchased;
- the date, location, and a description of any event paid for by the lobbyist, lobbyist associate or lobbying firm at which covered officials and their immediate family members were in attendance; and
- the names of all covered officials and immediate family members to whom the expenditures were directly made, or on whose behalf the expenditures were made, or who attended an event paid for by the lobbyist, lobbyist associate or lobbying firm.

The report is due no later than 11:59 p.m. on the 15<sup>th</sup> of the month following the month in which the expenditure was made or incurred. The report can be filed on eFiling. If a lobbying firm made the



expenditure it should select one lobbyist to file the report.

**Grassroots Lobbying Reports for Those Without a Lobbyist**

Anyone not employing a registered lobbyist but who makes expenditures in excess of \$2,000 in a calendar month for the purpose of grassroots lobbying must file a report no later than 11:59 p.m. on the 15th of the month following the date on which that amount was exceeded. Salaries paid to the spender’s employees are not expenditures for purposes this report. This report must include:

- The name of the entity required to file the report;
- The name of an individual serving as the contact for the entity;
- The business address and contact information for the entity;
- A description of the business activity or

mission of the entity;

- The amount of expenditures for grassroots lobbying made or incurred during the month that is the subject of the report, with separate totals for expenditure categories;
- The legislative actions subject to the grassroots lobbying; and
- A list of all of the entity’s original sources and a statement of the amount paid by each original source. If an original source is a corporation, nonprofit, or a limited partnership, the corporation, nonprofit organization or limited partnership, not the individual members, must be listed as the original source.

**LEGAL REFERENCES**

Lobbyist Registration and Fees	3 M.R.S. § 313
Duration of Registration/Lobbying Year	3 M.R.S. § 314
Contents of Registration	3 M.R.S. § 316
Contents of Monthly Reports	3 M.R.S. § 317
Non-Session Reporting Waivers	3 M.R.S. § 317(4)
Termination Reports	3 M.R.S. § 314
Lobbyist Expenditure Reports	3 M.R.S. § 317(1-A)
Grassroots Lobbying Reports for Those without a Registered Lobbyist	3 M.R.S. § 317-A



## CHAPTER 3

# Penalties and Investigations

### Failure to File a Registration or Report

**Failure to File a Registration.** If a lobbyist who is required to file a registration fails to file within 10 calendar days of exceeding the 8-hour threshold in a calendar month, they may be assessed a fine of \$100 for every month registration is not filed.

**Failure to File a Report.** If a lobbyist fails to file a monthly report by the deadline, they will be assessed a penalty. The penalty amount is determined by how late the report is filed and the lobbyist's filing history in the current lobbying year.

### *Penalty Amounts.*

- If a late report is filed within 24 hours of the deadline, the penalty is \$50.
- If a late report is filed after 24 hours but before the 15<sup>th</sup> of the next month, the penalty is \$100.
- If the a late report is not filed until after the 15<sup>th</sup> of the next month, the penalty will increase \$100 for every month the report is late.
- An additional \$50 is added to the penalty amount for any previous late report filed by the lobbyist for any client during the lobbying year.

For example, if a lobbyist files the January Lobbying Report two days late, and the March lobbying report one day late, the penalty for both would be \$100, as \$50 would be added to the initial \$50 penalty for the March report because the January report was late.

**Suspension.** The Commission may suspend a lobbyist who fails to file a required report or pay an assessed fine, and they will be reinstated on the date the required report or payment is received by the Commission.

**Requesting a Waiver of a Penalty.** A lobbyist may request a waiver of any penalty assessed by the Commission staff. Waivers must be made in writing and state the reason for the delinquency. Waiver requests will be heard at the next Commission meeting. Only the Commission may grant penalty waivers.

**Mitigating Circumstances.** The Commission may wholly or partially waive a penalty if the failure to register or file a report was due to mitigating circumstances, the penalty is disproportionate to the level of experience of the lobbyist, or is disproportionate to the harm suffered by the public. Mitigating circumstances include a valid emergency, an error by the Commission, or



evidence a *bona fide* effort was made to file the report on time.

**Compliance Reviews**

The Commission staff reviews registrations and reports for compliance and will contact a lobbyist for any apparent omission or error. Any substantial violations of the requirements, regardless of whether the violations has been, will be placed on the agenda for the Commission’s next meeting.

**Commission Investigations**

Any person may file a complaint with the Commission and ask it to conduct an investigation into an alleged violation of the lobbying disclosure laws and regulations.

If the members of the Commission find cause to believe a violation may have occurred, based on a complaint or other received information, it may undertake an investigation into the failure to file a registration or to determine the accuracy or completeness of a registration or report.

The Commission may turn matters over to the Attorney General for enforcement.

**LEGAL REFERENCES**

Penalties	3 M.R.S. § 319(1)
Suspension	3 M.R.S. § 319(1-A)
Waiver Requests	3 M.R.S. § 319(1); Rules, Chapter 1, § 4(3)(B)
Commission Investigations	3 M.R.S. §§ 321(8), 322(1&2)
Compliance Reviews	Rules, Chapter 1, § 4(3)



## CHAPTER 4

# Restrictions and Additional Requirements

### Restrictions on Lobbyists

**Campaign Contributions in Session.** During a regular or special session, lobbyists, lobbyist associates, lobbying firms, and lobbyist employers may not intentionally give, offer, or promise a contribution to a covered official or to a PAC, ballot question committee, or party committee of which the covered official is a treasurer, officer, or primary fundraiser or decision maker. This prohibition does not apply if the contribution is *not* the property of the lobbyist, lobbyist associates, lobbying firms, or lobbying employer. The prohibition also does not apply to contributions regarding a special election from lobbying firms, lobbying employers, and from lobbyist and lobbyist associates *who are eligible or will be eligible to vote in the special election* (i.e., are voters in the district for which the special election is being held).

**Campaign Contributions Not in Session.** When the Legislature is not in session, lobbying firms and lobbying employers may make contributions to covered officials, candidates, and committees of which the officials or candidates serve as the treasurer, officer, or primary fundraiser or decision maker. Lobbyists and lobbyist associates,

however, may only make contributions to covered officials and candidates if the lobbyist or associate *are eligible or will be eligible to vote in the special election* (i.e., are voters in the district for which the special election is being held).

**Exceptions.** These prohibitions do *not* apply at any time if the contribution is for:

- A *bona fide* social event hosted for nonpartisan, charitable purposes;
- A covered official's campaign for federal office; or
- The attendance of the covered official at fundraising events held by a municipal, county, state or national political party, or the advertisement of the expected presence of the covered official at such an event, as long as they have no involvement in soliciting attendance at the event and all proceeds are paid directly to the political party hosting the event or a nonprofit charitable organization.

**Gifts to Covered Officials and Bribery.** A person may be found guilty of bribery if they promise, offer, or give any pecuniary benefit to another with the intention of influencing the other's action,



decision, opinion, recommendation, vote, nomination or other exercise of discretion as a public servant, party official or voter.

Pecuniary benefit is broadly defined to mean any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain. The criminal code does not assign a certain monetary value to what could be considered a pecuniary benefit. Bribery is a Class C crime and giving improper gifts to a public servant is a Class E crime. This provision does not apply to:

- campaign contributions;
- a meal, if provided by industry or special interest organizations as part of an informational program presented to a group of public servants, or if the meal is a prayer breakfast or served during a meeting to establish a prayer breakfast; or
- a subscription to a newspaper, news magazine or other news publication.

**Compensation Contingent on Outcome of Legislative Action.** No one may accept employment as a lobbyist if compensation is contingent upon the outcome of legislative action.

**Instigating Legislative Action to Obtain Employment as a Lobbyist.** No one may instigate the introduction or commencement of any legislative action for the purpose of obtaining

employment as a lobbyist to support or oppose such legislative action.

#### **Quasi-Independent State Entities and Lobbyists.**

The governing body of a quasi-Independent state entity may not retain any person, other than entity staff, who is required to register as a lobbyist.

#### **Additional Requirements for Lobbyists**

**Testifying Before a Legislative Committee.** When testifying before a legislative committee, a lobbyist must disclose to the committee the name of the client they represent. When a lobbyist, lobbyist associate, or client is compensating someone for the purpose of testifying before a legislative committee, the lobbyist must disclose to the committee, either orally or in writing, the name of that individual.

If a lobbyist or lobbyist associate fails to disclose this information, the Commission may suspend them and/or assess a penalty of up to \$5,000.

**Name Tags.** When a registered lobbyist or lobbyist associate is engaged in the act of lobbying, they must wear a clearly visible name tag. The name tag must display both their name and either the name of the lobbyist's firm or employer, the organization the lobbyist represents, or the word "lobbyist."

**Harassment Prevention Training.** All lobbyists, and lobbyist associates shall complete mandatory harassment prevention training at the start of each legislative session. Each lobbyist and



lobbyist associate must maintain copies of their annual certifications for a minimum of 2 years.

If completion of the harassment training is not possible due to circumstances beyond the lobbyist's control, the Commission may grant a limited extension to them upon request. If a lobbyist has a very limited physical presence in the State House and the Burton M. Cross Building, the Commission may exempt the lobbyist from this requirement.

The Commission shall reject all lobbyist registrations for whom all lobbyist and lobbyist associates have not the completed the harassment training, successfully requested a waiver, or registered to take an upcoming training. The Commission may suspend any lobbyist or lobbyist associate who fails to take available trainings and does not successfully request a waiver of the requirement.

### Waiting Periods

**Former Legislators.** Anyone who has served as a Legislator may not engage in compensated lobbying until one year after their term as a Legislator has ended.

**Former Executive Branch Officials.** An individual whose salary is subject to adjustment by the Governor or who is in a major-policy influencing position may not engage in lobbying for more than 8 hours in a calendar month until one year after their employment in that office ends. A fine of \$100 may be assessed for every day the individual is in violation of this restriction.

#### LEGAL REFERENCES

Restriction on Campaign Contributions	1 M.R.S. § 1015-A; Rules Ch.1, § 12
Bribery	17-A M.R.S. § 602
Contingent Compensation/Instigated Legislation	3 M.R.S. § 318
Quasi-Independent State Entities and Lobbyists	5 M.R.S. § 12022(6)
Testifying Before Legislative Committee	3 M.R.S. § 319-A
Waiting Periods	1 M.R.S. § 1024; 3 M.R.S.A § 318-A
Name Tag Requirement	3 M.R.S. § 327
Harassment Training	3 M.R.S. § 170-B, § 312-B



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