lobbyist Update

includes legislative changes

for the 2012 lobbying year
5. Have reached 8 hours of lobbying activity in a single calendar month.
4. And must be compensated for the activity.
3. Regarding a legislative action.
2. For the purpose of influencing that official.
1. Must communicate with a covered lobbyist and have to register.

When do you become a

Who is a lobbyist associate?
Principal lobbying and file their own reports. They must register as a lobbying firm. Someone at XYZ corporation starts lobbying on behalf of XYZ non-profit or someone that works for a different agency. Who is not a lobbyist Associate.
of their employer. This does not include salaried employees there on behalf activities.

Postage, and food and lodging connected with lobbying, pocket expenditures made by the individual for printing, within the state, and for other out-of-lobby-related travel; (time) other than reimbursement for someone who does not receive compensation for their

Who is a volunteer lobbyist?
$100 for each associate lobbyist
$200 for the principal lobbyist
The fees have not changed this year.
Fees
Where do I Register

www.marine.gov/ethics
Amendments to Registration

- Adding authorized agents
- Changes in Client Info
- Changes in Lobbyist Contact Info
- Includes adding associates
- Registration
- You can't make changes to the
run a credit card for you.

You can send a check or I can manually

If you are adding an Associate you

you need to email them to me.

I need the changes in writing so
Where do I File the Report?

Help the Reports Are Due
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday, August 18</td>
<td>Commission will hear appeal of June 16, 2011, decision by the City-County Planning Commission on a variance to a Development Plan for a special residential subdivision.</td>
</tr>
<tr>
<td>Monday, August 29</td>
<td>Commission will hear an appeal of an August 15, 2011, decision by the City-County Planning Commission on a Development Plan.</td>
</tr>
</tbody>
</table>
Legislature
Legislature or an employee of the
candidate for an officer of the
member-elect
Official in the Legislative Branch (a
Legislative Branch
A list can be found at www.maine.gov/ethics > Executive Branch Lobbying

Governors' cabinet

Those agencies whose Commissioners or directors are in the offices of the Governor and not the entire staffs of the Office of the Governor and not the entire staffs of the Governor's cabinet and staff.

The reference to "staff" was intended to mean employees who have positions as a major function of their positions.

Individuals in those departments and agencies who have positions as a major function of their positions.

Individuals in those departments and agencies who have positions as a major function of their positions.

Executive Branch
State Treasurer
Secretary of State
Attorney General
Constitutional Officers
under the appropriate branch

related to your lobbying activities

Report all compensation that is

Total Compensation for Lobbying – Question Number 4
Exper testimony

Travel documents

Research costs

Preparation of documents

tied to lobbying activities.

This includes all expenditures that are

Question Number 5

Total Expenditures Made for Lobbying Activities –
In question 7, if the expenditure is over $25,00 in value, then it would need to be itemized.

Expenditures could include:
- Small gift type items
- Golf games
- Meals

Total expenditures made to or on behalf of officials and family members could be $25,000 and over 7.
The entire amount of event needs to be reported even if there were others present.

The dollar amount per person does not need to be broken down, but the officials do need to be listed.

Includes:

- Legislative Breakfasts
- Events at the Hall of Flags
- Other events

Officials/Family Members Question Number 8

List of events and attendees if $250.00 or more was spent on
This is for one LD/LS/Issue in a Single Calendar Month

Question #10

Compensation/Expenses Exceed $1,000

Legislative Actions For Which
Two examples of how this may occur.

Question Number It

Client

Original Sources of Contributions/Payments of $1,000 or More to
Criteria for Reporting Indirect Lobbying:

• A letter or written communication delivered by mail or comparable
delivery service. E-mail is not considered a letter.
• A letter or written communication delivered by print media.
• A communication broadcast, cable, or satellite transmission.
• The solicitation is made by:

accordance with the Constitution of Maine
that is before the Legislature as a result of a direct initiative in
for the purpose of influencing legislative action, other than legislation
public to solicit them to communicate directly with any covered official
Indirect Lobbying means to communicate with members of the General
Indirect Lobbying over $15,000
What is Considered Lobbying?
expenditures is made for those activities.
compensation or reimbursement for
approval or veto of a legislative action when
staff for the purpose of influencing the
Governor or the Governor’s cabinet and
influencing any legislative action or with the
official in the executive branch or with an
official in the legislative branch, an
Lobbying means to communicate directly
analyses concerning legislative action. Written proposals for testimony or oral testimony before an official legislative committee or branch. An official in the executive branch, an official in the legislative branch, an official and submit to the governor, an official lobbying includes time spent to prepare
Governor for his approval.

Legislative document presented to the

Governor in approving or vetoing any

branch acting in his official capacity, or action

any committee or an official in the Legislative

House of Representatives or the Senate,

by either

resolution, amendment, report, nomination

modification, enactment or defeat of any bill,

"the drafting, introduction, consideration,

Legislative Actions
Legislation will be introduced is
proposed legislation, or whether
drafted, what to include in the
influencing how legislation will be
communications made for the purpose
the introduction of legislation. So
includes the drafting of legislation and
The definition of legislative action
Lobbying
adopted rule changes is lobbying. In influence the legislature’s review of the communicating with a covered official to if the rule changes are major substantive, however to influence legislative action. Lobbying because they are not intended adoption of rule changes do not count as rulemaking prior to the agency’s contacts with an agency to influence a
Research done by someone other than the lobbyist is considered lobbying if that research is used in written or oral testimony, proposals or analysis.

- Expert advise/research personnel
- This includes work done by other office
What is Not Lobbying
a state board of commission, 
a state agency commissioner or the chair of
legislative or constitutional
the appointment or request of the Governor, a
the other group regarding legislative action by
workgroup, subcommittee, taskforce, stakeholder
Providing requested information or participating in
Influencing legislation,
Communication that is not made with the intent of
Intended to be submitted to a covered official,
Time spent to prepare legislation that is never
interest and not specific to legislation.

educate the officials about the employer's business or general issues of

Educational seminars for a covered official – provided the seminar is to

employee;

Speaking to a covered official about general issues of interest to the

Travel time;

Sitting and waiting to testify or communicate with an official;

Monitoring legislation;

Government procurement;

administrative action such as licensing, permitting, rate setting, or

Communicating with agency officials in an effort to influence other kinds

of
associate on the registration. This includes the principal lobbyist and each.

Technically the penalty is ($50 or $100) for each lobbyist listed first 24 hours.

It is a $100 penalty per month that the report is late after the first reporting deadline.

It is a $50 penalty if the report is filed within the first 24 hours.

There are nasty penalties for filing late reports. The penalty amounts have changed for the 2012 lobbying year.

Oops my lobbyist Report is late
Some Pesky Details
the term "Lobbyist"
organizes the Lobbyist represents, or
the name of the Lobbyist's employer, the
name of the firm the Lobbyist works for,
Clearly state the name of the Lobbyist,

The Tag Must:
All Lobbyists Must Wear Name Tags
committee orally or in writing. disclosed the name of the individual to the legislative committee, the lobbyist must disclose to provide testimony to an individual or client compensates another lobbyist or client represents. If the organization the lobbyist represents. If the committee, a lobbyist must disclose to the committee. When testifying before a legislative
At the end of session you can file Non-Session Waivers. If you will not be doing any lobbying outside of session, any lobbying waivers you file will not be effective.
You only want to file a termination report if you will no longer be lobbying for the client – ever.
The dreaded report that was due on 12/30 is no longer Annual Reports
name of the client not the lobbyist.

Campaign contributions made from the client must be made in the

contributions.

during legislative session they may not however make seed money

Lobbyist and the associates may make $5 qualifying contributions

(a special election)

major decision maker listed on the registration. (an exception is during

This includes any PAC/BGC that has one of the above as an officer or

Legislature, constituent officials of the legislature, or their staff or agents.

promise a campaign contribution to the Governor, members of the

Lobbyist associates, and their clients may not intentionally give, offer or

During any time in which the Legislature is in session, Lobbyists,

Campaign Contributions
Under the criminal code the value of the gift is not a factor. Any economic gain or advantage is enough to make the prohibition applicable.

Is the gift permitted by law?

Would the gift result in any economic advantage to the public servant that is not applicable to the general public?

Does the person making the gift have an interest in the matter that is or will be considered by the legislature?

Before giving a gift ask yourself 2 questions:

Gifts are reported on the campaign finance report however.

Gifts to Covered Officials and Their Family Members
or 287-6221

Cindy.Sullivan@maine.gov

Questions? Call or email me at