

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
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LOBBYING FAQ

The Ethics Commission staff frequently receives questions regarding what kinds of activities constitute “lobbying.” Lobbying is defined by Maine statute (3 M.R.S.A. § 312-A) and generally refers to communicating directly with an official in the Legislature for the purpose of influencing legislative action, including time spent preparing and submitting oral or written proposals, testimony or analysis concerning any legislative action. It also includes communicating with the Governor for the purpose of influencing the approval or veto of a legislative action.

A person has to register as a lobbyist if he or she spends more than 8 hours in any calendar month engaging in lobbying and if that person is compensated by an employer for the time spent lobbying. Activities on the lobbyist’s personal time do not constitute lobbying.

This memo is intended to offer consistent guidance to lobbyists and employers in determining when the 8-hour threshold has been met and what activities must be included in the lobbyist’s monthly reports. The guidance is not binding -- only statutes and rules are legally enforceable -- but it reflects the Commission’s interpretation of the statutes governing lobbying in Maine and may be relied upon by the Commission in considering specific complaints or questions that may arise in the future. In the past, the Commission held a broader interpretation of the law, but has decided that a narrow approach is more appropriate.

All lobbyists and employers are encouraged to read the statute carefully (3 M.R.S.A. §§ 311 - 326), in particular the definitions in §312-A, and to adhere to its provisions. If a lobbyist or employer has questions regarding disclosure procedures, they are urged to contact Commission staff at 287-4179 prior to filing a report.

Does lobbying include...	
...sitting and waiting for an opportunity to communicate with Legislators?	No. Only direct communication is considered lobbying.
...monitoring legislation?	No. Attending a hearing or work session to monitor the progress of legislation is not lobbying, as long as the lobbyist does not communicate with a Legislator.
...travel time to the State House or other event for the purpose of communicating with Legislators?	No.
...speaking to a Legislator about general issues of interest to the employer?	As long as the communication with the Legislator is not intended to influence the drafting or consideration of a specific legislative action, the communication is not considered lobbying.
...educational seminars for Legislators?	No, provided the seminar is to educate Legislators about the employer’s business or general issues of interest and not specific legislation as outlined above.
...communicating with the employer regarding a specific LD?	If the communication is part of preparing a proposal, testimony, or analysis concerning a legislative action, the communication is lobbying. If it is for another purpose (e.g., reporting to the client on the progress of legislation), the communication is not lobbying.
...research for a specific LD?	Yes, if the research will be used for a proposal, testimony, or analysis concerning a legislative action. Otherwise, the research is not lobbying.
...communicating with staff of the Legislature?	Yes. If the communication deals with specific matters as outlined above.