

Lobbyist Update

**Includes Legislative Changes
for the 2012 Lobbying Year**

When do you Become a “Lobbyist” and have to Register?

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

Who is a Lobbyist Associate?

- A partner, associate or employee of a lobbyist or is a co-employee of a regular employee of another person if that regular employee is a registered lobbyist;
- Lobbies on behalf or the employer named on the lobbyist registration; and
- Expend more than 8 hours in a single calendar month lobbying on behalf if an employer of the lobbyist

Who is not a Lobbyist Associate

- Someone that works for a different agency than you do but is lobbying as well.

For example the lobbyist's firm is hired to lobby on behalf of xyz non-profit (or corporation). Someone at xyz starts lobbying as well. They must register as a Principle Lobbyist and file their own reports.

Who is a Volunteer Lobbyist?

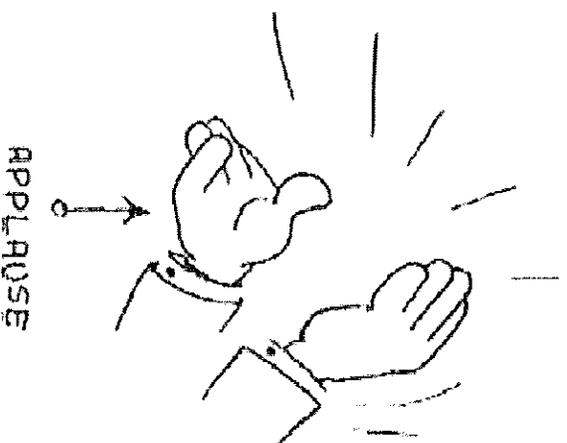
Someone who does not receive compensation for their lobbying efforts (time) other than reimbursement for lobby-related travel within the State, and for other out of pocket expenditures made by the individual for printing, postage, and food and lodging connected with lobbying activities.

This does not include salaried employees there on behalf of their employer.

Fees

The fees have not changed this year

- \$200 for the principle lobbyist
- \$100 for each associate lobbyist



Where do I Register

- www.maine.gov/ethics

Amendments to Registration

- You can't make changes to the registration
- Includes adding Associates
- Changes in lobbyist contact info
- Changes in client info
- Adding authorized agents

**I need the changes in writing so
you need to email them to me.**

**If you are adding an Associate you
can send a check or I can manually
run a credit card for you.**

Help the Reports Are Due

- Once you register as a lobbyist you have to start filing reports regardless of the amount of activity the lobbyist has had for the month. The 8 hour threshold only applies to **when** you have to register.



Where do I File the Reports?

- You can access the reports from two different places
- From our main website www.maine.gov/ethics > filer log-in or
- From the campaign finance link: <https://secure.mainecampaignfinance.com/mainelogin.asp>.



Maine Commission on Governmental Ethics and Election Practices

Contribute

Make a quality contribution to a Special Election candidate. We're looking for the best level of the Maine Commission on Governmental Ethics and Election Practices. The site is designed to assist in the way our Commission makes information and to promote their complete reports for candidates and others.

Meetings	Filing Deadlines	Notices
<p>The next meeting of the Commission is scheduled for the following dates (subject to change):</p> <p>Thursday, July 28 Lunch and Music</p> <p>Thursday, August 18 9:00 a.m. Commission Office 45 Memorial Drive, Second Floor Augusta, Maine Paula Swanson</p>	<p>August 5, 2011 11 Day Pre-Election Campaign Finance Report Due for SE RD 121</p> <p>August 15, 2011 July Lobbyist Report due August 15th</p> <p>All Candidate Candidates Vote Reporting</p>	<p>Opportunity to comment on the maine Clean Election Act Program</p> <p>Job Opportunity Candidate Registrar</p> <p>Special Election in District 121 Special Election in District 121 Special Election in District 121</p> <p>Special Election in District 121 Special Election in District 121 Special Election in District 121</p> <p>Opportunity to comment on the maine Clean Election Act Program</p> <p>Job Opportunity Candidate Registrar</p> <p>Special Election in District 121 Special Election in District 121 Special Election in District 121</p>



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12/27/2011

Home Page for Diggers Place

LOBBYIST YEAR 2009 - **Refresh**

REPORT TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	STATUS	LAST MODIFIED
Lobbyist/Client Joint Registration Report	12/1/2008 to 11/30/2009	11/30/2009	10/30/2009 9:17:58 AM	Filed	
Joint Lobbyist/Client Annual Report Request for Waiver of Non-Secular Reporting Requirement	12/1/2008 to 11/30/2009	11/30/2009			
Notification of Termination	12/1/2008 to 11/30/2009	11/30/2009			
Lobbyist Disclosure Monthly-Short Form		N/A			MULTIPLE
Lobbyist Disclosure Monthly		N/A			MULTIPLE

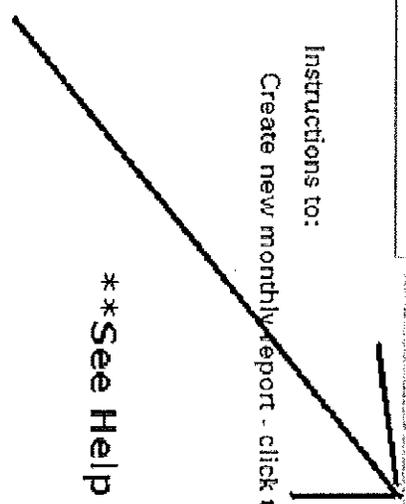
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Cindy Sullivan

Lobbyist Disclosure Monthly

Report Description	Report Status	Report Date	
October -- 2009	In-Progress	10-30-2009	<input type="button" value="Delete"/> <input type="button" value="Print"/>

Instructions to:
 Create new monthly report - click the Add button



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Please click on the link to the Public Campaign Finance Page for the State of Maine.

Lobbyist Monthly Disclosure Report - October 2009
 This report is due by 11:59 PM, on November 10, 2009.

1. LOBBYIST INFORMATION
 Lobbyist Name: _____
 Lobbyist's Firm/Organization: _____
 Business Address: _____
 City: _____
 State: _____
 Zip Code: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

2. CLIENT INFORMATION
 Client Name: _____
 Principal Lobbyist Contact: _____
 Business Address: _____
 City: _____
 State: _____
 Zip Code: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

3. LOBBYIST ASSOCIATES

Date: _____

Internet 100%

Hold down the CTRL key when clicking to select multiple lobbyist/associates for this report.

4. TOTAL COMPENSATION FOR LOBBYING

25000	100000	000
Legislative Branch Officials	Executive Branch Officials	Constitutional Officers

5. TOTAL EXPENDITURES ON LOBBYING ACTIVITIES

5000	2000	000
Legislative Branch Officials	Executive Branch Officials	Constitutional Officers

6. TOTAL EXPENDITURES TO OR ON BEHALF OF OFFICIALS AND FAMILY MEMBERS

000	000	000
Legislative Branch Officials	Executive Branch Officials	Constitutional Officers

Important Information on Gifts to Public Officials

7. ITEMIZED EXPENDITURES OF \$25 OR MORE

Date of expenditure: _____
 Expenditure on behalf of:
 Covered Official Family Member

Date	Covered Official	Family Member/Relationship	Amount	Delete
10/12/2009	1	/	25	Delete
Purpose:	2222			

Add New Event

8. LIST OF EVENTS AND ATTENDEES IF \$250 OR MORE WAS SPENT ON OFFICIALS

Date	Amount	Event Description	Add New Attendee
10/12/2009	300	conference	Update Delete
Covered Official	Family Member	Relationship	Update Delete

Legislative Branch

Official in the legislative branch (a member, member-elect, candidate for or officer of the Legislature or an employee of the Legislature

Executive Branch

An individual in a major policy-influencing position in:

- A department or agency listed in Title 3, section 959 or in Title 5, chapter 71
- Individuals in those departments and agencies who have major policy development as a major function of their positions but whose positions are not specifically listed
- The Governor's cabinet and staff

The reference to “staff” was intended to mean employees who work in the Office of the Governor and not the entire staffs of those agencies whose Commissioners or directors are in the governors cabinet

A list can be found at www.maine.gov/ethics > For Lobbyists > Executive Branch Lobbying

Constitutional Officers

Attorney General

Secretary of State

State Treasurer

Total Compensation for Lobbying – Question Number 4

Report all compensation that is related to your lobbying activities under the appropriate branch

Total Expenditures Made for Lobbying Activities –

Question Number 5

This includes all expenditures that are tied to lobbying activities.

- Preparation of documents
- Research costs
- Travel documents
- Expert testimony

Total Expenditures Made To or On Behalf of Officials
and Family Members Question Number 6 &
Expenditures Over \$25 Question Number 7

Expenditures could include:

- Meals
- Golf games
- Small gift type items

If the Expenditure is over \$25.00 in
value then it would need to be itemized
in question 7

**List of Events and Attendees if \$250.00 or More Was Spent on
Officials/Family Members Question Number 8**

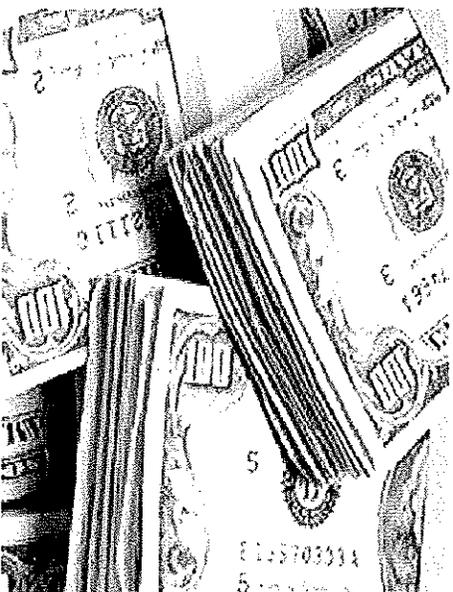
This includes:

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

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

The entire amount of event needs to be reported even if there were others present

**Legislative Actions For Which
Compensation/Expenditures Exceeded \$1,000
Question #10**



This is for one LD/LR/Issue in a Single Calendar Month

Original Sources of Contributions/Payments of \$1,000 or More to

Client

Question Number 11

Two examples of how this may occur

1. Local non-profit XYZ has a national office. The local office calls them and says that some legislation is being proposed that they want to lobby but their budget doesn't have the money. The national office sends a contribution to the local office with the intent of it being used to pay the lobbying fees.
2. You are hired by the ABC entity. The ABC entity has their parent company pay some of the lobbying fees that total over \$1000. The parent company would then be reported as an original source.

Indirect Lobbying Over \$15,000

Indirect Lobbying means to communicate with members of the general public to solicit them to communicate directly with any covered official for the purpose of influencing legislative action, other than legislation that is before the Legislature as a result of a direct initiative in accordance with the Constitution of Maine

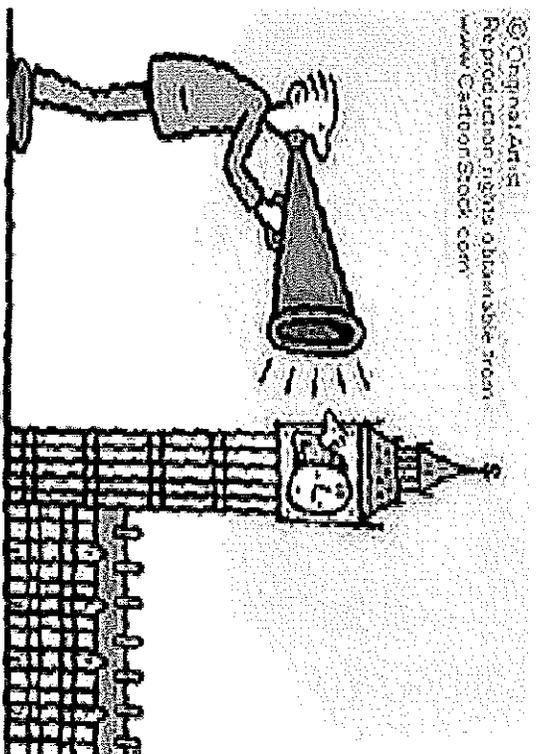
The solicitation is made by:

- A broadcast, cable or satellite transmission;**
- A communication delivered by print media; or**
- A letter or written communication delivered by mail or comparable delivery service. E-mail is not considered a letter.**

Criteria for Reporting Indirect Lobbying:

- You have to be a registered lobbyist in Maine**
- You have to spend \$15,000 in a single calendar month**

What is Considered Lobbying?



Lobbying means to communicate directly with an official in the legislative branch, an official in the executive branch or with a constitutional officer for the purpose of influencing any legislative action or with the Governor or the Governor's cabinet and staff for the purpose of influencing the approval or veto of a legislative action when compensation or reimbursement for expenditures is made for those activities.

Lobbying includes time spent to prepare and submit to the Governor, an official in the legislative branch, an official in the executive branch, a constitutional officer, or a legislative committee oral or written proposals for, testimony or analyses concerning, a legislative action.

Legislative Actions

“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 his official capacity, or action of the Governor in approving or vetoing any legislative document presented to the governor for his approval.

The definition of legislative action includes the drafting of legislation and the introduction of legislation. So communications made for the purpose of influencing how legislation will be drafted, what to include in the proposed legislation, or whether legislation will be introduced is lobbying

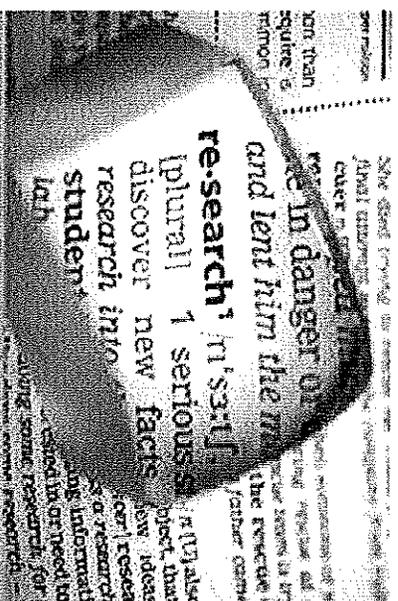
Contacts with an agency to influence a rulemaking prior to the agency's adoption of rule changes do not count as lobbying because they are not intended to influence legislative action.

HOWEVER

If the rule changes are major substantive, communicating with a covered official to influence the Legislature's review of the adopted rule changes is lobbying.

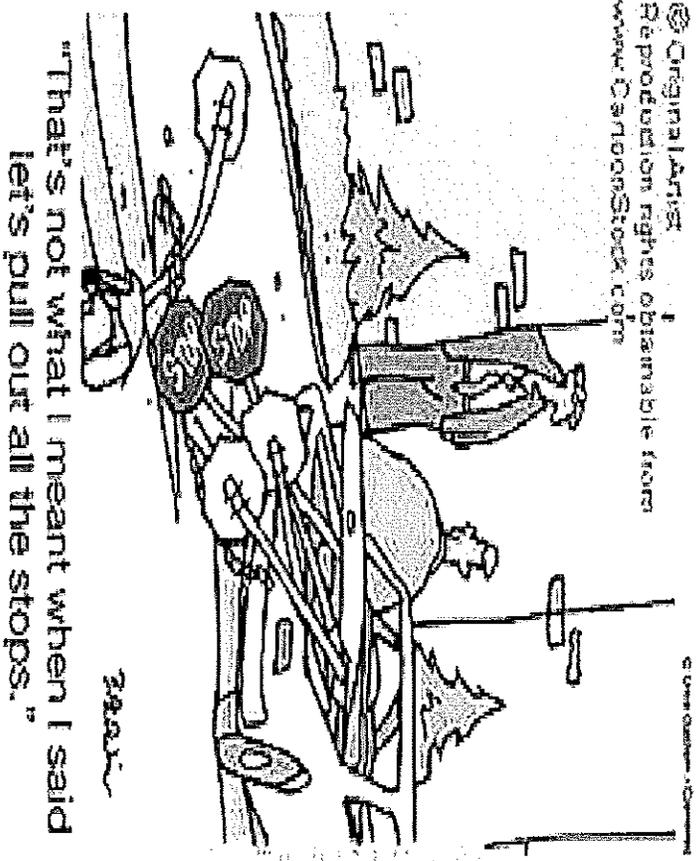
Research done by someone other than the lobbyist is considered lobbying if that research is used in written or oral testimony, proposals or analysis.

- This includes work done by other office personnel
- Expert advise/research



What Is Not Lobbying

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- Time spent to prepare legislation that is never intended to be submitted to a covered official,
- Communication that is not made with the intent of influencing legislation,
- Providing requested information or participating in a workgroup, subcommittee, taskforce, stakeholder group or other group regarding legislative action by the appointment or request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency commissioner or the chair of a state board of commission.

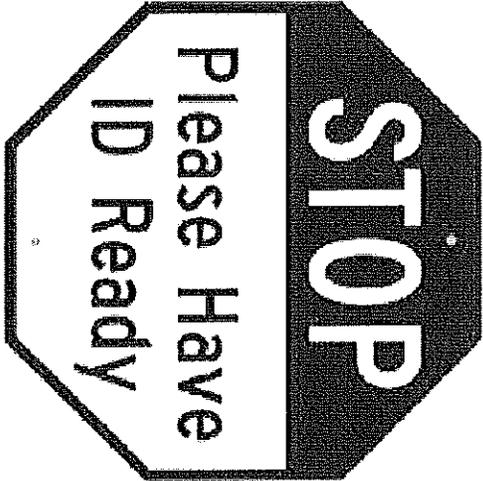
- **Communicating with agency officials in an effort to influence other kinds of administrative action such as licensing, permitting, rate setting, or government procurement,**
- **Monitoring legislation,**
- **Sitting and waiting to testify or communicate with an official,**
- **Travel time,**
- **Speaking to a covered official about general issues of interest to the employer,**
- **Educational seminars for a covered official – provided the seminar is to educate the officials about the employer’s business or general issues of interest and not specific to legislation.**

Oops my Lobbyist Report is Late

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

- It is a \$50 penalty if the report is filed within the first 24 hours of the reporting deadline,
- It is a \$100 penalty per month that the report is late after the first 24 hours,
- Technically the penalty is (\$50 or \$100) for each lobbyist listed on the registration. This includes the principal lobbyist and each associate.

Some Pesky Details



All Lobbyists Must Wear Name Tags

The Tag Must:

- Clearly state the name of the lobbyist,**
- Name of the firm the lobbyist works for, the name of the lobbyist's employer, the organization the lobbyist represents, or the term "lobbyist"**

When testifying before a legislative committee, a lobbyist must disclose to the committee the name of the person or organization the lobbyist represents. If the lobbyist or client compensates another individual to provide testimony to a legislative committee, the lobbyist must disclose the name of the individual to the committee orally or in writing.

Non-Session Waivers

At the end of session you can file a non-session waiver if you will not be doing any lobbying outside of session.

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LOBBYIST YEAR 2000

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Joint Lobbyist/Client Annual Report Request for Waiver of Non-Session Reporting Requirement	12/1/2008 to 11/30/2009	10			
Notification of Termination	12/1/2008 to 11/30/2009	10			
Lobbyist Disclosure Monthly-Short Form		N/A			
Lobbyist Disclosure Monthly		N/A			

[View Authorized Agents](#)

Termination Reports

You only want to file a termination report if you will no longer be lobbying for the client – ever.

Annual Reports

The dreaded report that was due on 12/30 is no longer



Campaign Contributions

- During any time in which the Legislature is in session, lobbyists, lobbyist associates, and their clients may not intentionally give, offer or promise a campaign contribution to the Governor, members of the Legislature, constitutional officers of the State, or their staff or agents. This includes any PAC/BQC that has one of the above as an officer or major decision maker listed on the registration. (an exception is during a special election)
- Lobbyist and the associates may make \$5 qualifying contributions during legislative session they may not however make seed money contributions.
- Campaign contributions made from the client must be made in the name of the client not the lobbyist.

Gifts to Covered Officials and Their Family Members

Gifts are reported on the campaign finance report however before giving a gift ask yourself 2 questions:

- 1. Does the person making the gift have an interest in a matter that is or will be considered by the Legislature;**
- 2. Would the gift result in any economic advantage to the public servant that is not applicable to the general public or is not permitted by law?**

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.

**Questions? Call or email me at
cindy.sullivan@maine.gov
or 287-6221**