

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1814

S.P. 708

In Senate, April 29, 2025

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**An Act to Increase Transparency in State Government by  
Amending Laws Regarding Persons Attempting to Influence the  
Competitive Bidding Process and Lobbyist Reporting During Rule-  
making Processes**

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Received by the Secretary of the Senate on April 25, 2025. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.  
Cosponsored by Representative LEE of Auburn and  
Senators: BENNETT of Oxford, DUSON of Cumberland, FARRIN of Somerset, GROHOSKI  
of Hancock, TIMBERLAKE of Androscoggin, Representative: EDER of Waterboro.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 1 MRSA c. 25, sub-c. 4 is enacted to read:

3 **SUBCHAPTER 4**

4 **INFLUENCE ON COMPETITIVE BIDDING PROCESS**

5 **§1061. Definitions**

6 As used in this subchapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Attempting to influence competitive bidding process.** "Attempting to influence  
9 the competitive bidding process" means to communicate directly with any official or  
10 employee within the Bureau of General Services or in any department or agency of the  
11 State for the purpose of influencing the award of any orders, grants or contracts by the  
12 Director of the Bureau of General Services when reimbursement for expenditures or  
13 compensation is made for those activities.

14 **2. Communicate.** "Communicate" has the same meaning as in Title 3, section 312-A,  
15 subsection 3.

16 **3. Compensation.** "Compensation" has the same meaning as in Title 3, section 312-A,  
17 subsection 4.

18 **4. Employer.** "Employer" has the same meaning as in Title 3, section 312-A,  
19 subsection 5.

20 **5. Reimbursement.** "Reimbursement" has the same meaning as in Title 3, section  
21 312-A, subsection 14.

22 **§1062. Registration required**

23 Any person who is specifically employed by another person for the purpose of  
24 attempting to influence the competitive bidding process is required to register with the  
25 commission as provided by this section.

26 **1. Registration.** When a person engages in attempting to influence the competitive  
27 bidding process on behalf of an employer, the person is required to register with the  
28 commission within 10 calendar days in the manner prescribed in subsection 2.

29 **2. Registration forms.** The commission shall prepare and make available registration  
30 forms for the registration of persons under this section. A person shall complete a  
31 registration form for each employer on whose behalf that person has engaged in attempting  
32 to influence the competitive bidding process. These forms must include the following  
33 information:

34 A. The name of the person employed by another person for the purpose of attempting  
35 to influence the competitive bidding process and the name of the employer;

36 B. The business address and other contact information for the person attempting to  
37 influence the competitive bidding process and the business address and other contact  
38 information for the employer;

1 C. The date upon which attempting to influence the competitive bidding process on  
2 behalf of the employer commenced;

3 D. A description of the employer's business activity or mission or a description of the  
4 industry, trade or profession that the employer represents;

5 E. A list of any bids submitted by the employer to the State in the previous 12 months,  
6 which must specify whether any of those bids resulted in awarded orders, grants or  
7 contracts;

8 F. The address of the employer's publicly accessible website; and

9 G. The amount of compensation the person attempting to influence the competitive  
10 bidding process will receive for that person's services or, if an exact amount is  
11 unascertainable, the basis upon which the person will charge for those services.

12 **3. Registration fee.** The fee for a registration pursuant to subsection 2 may not exceed  
13 \$250 annually per employer.

14 **§1063. Reports to commission; publicly accessible lists**

15 **1. Reports to commission.** A person registered under this subchapter is required to  
16 submit reports to the commission by 11:59 p.m. on the 15th day of the calendar month  
17 concerning the person's attempting to influence the competitive bidding process for the  
18 previous month for each registration. If the person did not engage in attempting to influence  
19 the competitive bidding process, the person must file a report stating that the person did  
20 not engage in attempting to influence the competitive bidding process for that employer in  
21 the reporting period. The report must contain the following information:

22 A. The dates to which the report pertains;

23 B. The name and address of the person attempting to influence the competitive bidding  
24 process and the employer;

25 C. The total amount of compensation the person attempting to influence the  
26 competitive bidding process received or expects to receive for those activities during  
27 the time period represented in the report. Compensation must be reported separately  
28 for any order, grant or contract the person attempted to influence;

29 D. The total amount of expenditures made or incurred by the person during the time  
30 period represented in the report for the purpose of attempting to influence the  
31 competitive bidding process for which the person has been or expects to be reimbursed.  
32 Expenditures must be reported separately for any order, grant or contract the person  
33 attempted to influence;

34 E. For each expenditure of \$25 or more reported under paragraph D, the person making  
35 the expenditure and the date, amount and purpose of the expenditure and the name of  
36 the person on whose behalf the expenditure was made; and

37 F. A list of any order, grant or contract for which the person engaged in attempting to  
38 influence the competitive bidding process.

39 **2. Publicly accessible lists.** The commission shall develop and maintain a publicly  
40 accessible website that displays:

41 A. A list of all persons who have current registrations under this section with the  
42 commission;

1        B. A list of all orders, grants or contracts that a person has engaged in attempting to  
2        influence as reported under subsection 1;

3        C. A list of all employers that have employed a person to engage in attempting to  
4        influence the competitive bidding process; and

5        D. The monthly reports filed under subsection 1.

6        **§1064. Violations**

7        A person who fails to register under section 1062, who fails to file a report within 30  
8        days of the deadline for filing under section 1063, subsection 1 or who fails to disclose  
9        information required under this subchapter is prohibited from attempting to influence the  
10       competitive bidding process for a period not to exceed one year. An employee of the Bureau  
11       of General Services or any department or agency of the State or any member of the public  
12       may file a complaint with the commission alleging a violation of this subchapter. The  
13       commission shall notify any interested parties and shall investigate any apparent violations  
14       of this subchapter.

15       **§1065. Disposition of fees**

16       Fees collected pursuant to this subchapter must be deposited into a special revenue  
17       account of the commission to be used for the purposes of administering and enforcing the  
18       provisions of this subchapter, including the costs of obtaining, maintaining, modifying or  
19       upgrading technology to facilitate disclosure of information to the public as required under  
20       this subchapter.

21       **§1066. Rules**

22       The commission shall adopt rules regarding the registration of and the reporting  
23       requirement for a person attempting to influence the competitive bidding process, including  
24       establishing fees and reporting deadlines as outlined in this subchapter. Rules adopted  
25       pursuant to this section are routine technical rules as defined in Title 5, chapter 375,  
26       subchapter 2-A.

27       **Sec. 2. 3 MRSA §312-A, sub-§7-B,** as amended by PL 2019, c. 599, §1 and  
28       affected by §5, is further amended to read:

29       **7-B. Grassroots lobbying.** "Grassroots lobbying" means to communicate with  
30       members of the general public to solicit them to communicate directly with any covered  
31       official for the purpose of influencing legislative action, other than legislation that is before  
32       the Legislature as a result of a direct initiative in accordance with the Constitution of Maine,  
33       Article IV, Part Third, Section 18, or proposed agency rule when that solicitation is made  
34       by:

35       A. A broadcast, cable or satellite transmission;

36       B. A communication delivered by print media;

37       C. A letter or other written communication delivered by mail or by comparable  
38       delivery service;

39       D. A communication delivered by e-mail, a website or any other digital format;

40       E. Telephone; or

41       F. A method of communication similar to those listed in paragraphs A to E.

1 "Grassroots lobbying" does not include a person communicating with the person's  
2 stockholders, employees, board members, officers or dues-paying members.

3 **Sec. 3. 3 MRSA §312-A, sub-§9**, as amended by PL 2007, c. 630, §6, is further  
4 amended to read:

5 **9. Lobbying.** "Lobbying" means to communicate directly with any official in the  
6 legislative branch or any official in the executive branch or with a constitutional officer for  
7 the purpose of influencing any legislative action ~~or~~ with the Governor or the Governor's  
8 cabinet and staff for the purpose of influencing the approval or veto of a legislative action;  
9 or with any official in the executive branch for the purpose of influencing any rulemaking  
10 authorized pursuant to Title 5, chapter 375, subchapter 2-A when reimbursement for  
11 expenditures or compensation is made for those activities. "Lobbying" includes the time  
12 spent to prepare and submit to the Governor, an official in the legislative branch, an official  
13 in the executive branch, a constitutional officer or a legislative committee oral and written  
14 proposals for, or testimony or analyses concerning, a legislative action or proposed agency  
15 rule. "Lobbying" does not include time spent by any person providing information to or  
16 participating in a subcommittee, stakeholder group, task force or other work group  
17 regarding a legislative action or proposed agency rule by the appointment or at the request  
18 of the Governor, a Legislator or legislative committee, a constitutional officer, a state  
19 agency commissioner or the chair of a state board or commission.

20 **Sec. 4. 3 MRSA §312-A, sub-§13-A** is enacted to read:

21 **13-A. Proposed agency rule.** "Proposed agency rule" has the same meaning as in  
22 Title 5, section 8002, subsection 8-A.

23 **Sec. 5. 3 MRSA §315-A, sub-§2, ¶E**, as amended by PL 2011, c. 179, §2, is further  
24 amended to read:

25 E. For each employer, a list of all legislative actions or proposed agency rules that  
26 have been the subject of lobbying for the year, including hyperlinks to the summary  
27 page of the Legislature's publicly accessible website for each legislative document  
28 listed or to the agency's publicly accessible website for rule-making activity;

29 **Sec. 6. 3 MRSA §316, sub-§4-A**, as enacted by PL 2007, c. 630, §12, is amended  
30 to read:

31 **4-A. Legislative and agency interests.** The general areas of legislation or rulemaking  
32 that the employer is attempting to influence;

33 **Sec. 7. 3 MRSA §316, sub-§4-B**, as enacted by PL 2007, c. 630, §12, is amended  
34 to read:

35 **4-B. Legislative committees and agencies.** The joint standing committees of the  
36 Legislature or the agencies that the lobbyist expects to lobby during the year;

37 **Sec. 8. 3 MRSA §317, sub-§1, ¶D**, as amended by PL 2019, c. 587, §13 and  
38 affected by §18, is further amended by amending the first blocked paragraph to read:

39 In the case of a lobbyist or lobbyist associate who is a regular employee of the  
40 employer, the amount of compensation must be computed by multiplying the number  
41 of hours devoted to the preparation of documents and research for the primary purpose

1 of influencing legislative action or proposed agency rule and to lobbying by the  
2 employee's regular rate of pay based on a 40-hour week;

3 **Sec. 9. 3 MRSA §317, sub-§1, ¶E-1**, as amended by PL 2019, c. 599, §3 and  
4 affected by §5, is further amended to read:

5 E-1. When expenditures made or incurred for the purposes of grassroots lobbying  
6 exceed \$2,000 during the month that is the subject of the report, the specific dollar  
7 amount of expenditures for grassroots lobbying made or incurred during the month by  
8 a lobbyist, lobbyist associate or employer, with separate totals for expenditure  
9 categories as determined by the commission, and the legislative actions or proposed  
10 agency rules that are the subject of the grassroots lobbying. Salaries paid to the  
11 employer's regular employees are not expenditures for the purposes of this paragraph  
12 and are exempt from disclosure under this paragraph;

13 **Sec. 10. 3 MRSA §317, sub-§1, ¶H**, as amended by PL 2007, c. 630, §14, is further  
14 amended to read:

15 H. A list of each legislative action by ~~Legislative Document~~ legislative document  
16 number, specific issue, nomination, proposed agency rule or other matter in connection  
17 with which the lobbyist is engaged in lobbying;

18 **Sec. 11. 3 MRSA §317, sub-§1, ¶I**, as amended by PL 2019, c. 587, §13 and  
19 affected by §18, is further amended to read:

20 I. A list specifically identifying each legislative action or proposed agency rule for  
21 which the lobbyist and lobbyist associates were compensated or expect to be  
22 compensated, or expended in excess of \$1,000 for lobbying related to those actions or  
23 proposed agency rules and a statement of the amounts compensated or expended for  
24 each; and

25 **Sec. 12. 3 MRSA §317-A, sub-§1, ¶F**, as enacted by PL 2019, c. 599, §4 and  
26 affected by §5, is amended to read:

27 F. The legislative actions or proposed agency rules that are the subject of the grassroots  
28 lobbying; and

29 **Sec. 13. 3 MRSA §319-B** is enacted to read:

30 **§319-B. Public comment before agency; lobbyist**

31 **1. Disclosure of compensation.** A lobbyist or lobbyist associate who provides public  
32 comment on a proposed agency rule shall disclose to the agency as a part of the public  
33 comment the name of the person or organization that the lobbyist or lobbyist associate is  
34 representing. A lobbyist or lobbyist associate shall disclose to the agency proposing the  
35 rule orally or in written form the name of any person who is being compensated by the  
36 lobbyist or lobbyist associate or by the person or organization that the lobbyist or lobbyist  
37 associate is representing to provide public comment before that agency.

38 **2. Report of violation.** An official in the executive branch or a member of the public  
39 may file a complaint with the commission alleging a violation of this section. The  
40 commission shall notify all interested parties and shall investigate any apparent violations  
41 of this section.

**3. Suspension; fine.** If a lobbyist or lobbyist associate fails to disclose information required in subsection 1, the commission may:

A. Suspend the lobbyist or lobbyist associate from further lobbying by written notice of the commission; and

B. Assess a fine of up to \$5,000 against the lobbyist or lobbyist associate.

## SUMMARY

This bill requires any person who is specifically employed by another person for the purpose of attempting to influence the competitive bidding process to register with the Commission on Governmental Ethics and Election Practices for each employer and to submit monthly reports regarding activity, expenditures and compensation associated with attempting to influence any order, grant or contract on behalf of that employer. The bill requires the commission to create and maintain a publicly accessible website that displays this information to the public.

It also expands the definition of "lobbying" and "grassroots lobbying" to include communicating directly with any official in the executive branch for the purpose of influencing any rulemaking.

It requires a lobbyist or lobbyist associate who provides public comment on a proposed agency rule to disclose to the agency the name of the person or organization that lobbyist or lobbyist associate is representing in the same manner as when testifying before a joint select or joint standing committee of the Legislature.