

MAINE STATE LEGISLATURE

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October 14, 1975

Markham L. Gartley, Secretary of State

State

Leon V. Walker, Jr., Assistant

Attorney General

Legislative Activities of Thomas Mangan

By his own statement, attached to your memorandum of June 4, 1975, Mr. Mangan was engaged in lobbying activities during the past regular session of the Legislature. His claim, however, is that he conducted these activities on his own time, and in addition as a representative of Paul Couture, County Commissioner of Androscoggin County, and that he received no compensation for this activity. Several of the Legislators have questioned his right to act as a lobbyist without having registered as such.

You asked whether Mr. Mangan was required to register under the provisions of 3 M.R.S.A. Chapter 15. Before assuming the facts presented by him in his written statement, the Attorney General has had an investigation conducted by Alfred Howes, Chief Criminal Inspector of his Criminal Division.

The documentation obtained by Mr. Howes clearly supports his findings that Mr. Mangan was hired by the County Commissioners Association in October, 1974, prior to the convening of the 107th Legislature and was being paid from Federal CETA funds; that his job description was for a Legal Research Aide, which involved research and investigation of problems common to the Counties and their respective municipalities with involvement in legislative matters. There is nothing to show that legislative lobbying was a part of this job, and additionally there is a written statement by Roland D. Landry, Executive Secretary of the County Commissioners Association that the Association does not have, nor has it ever allocated funds for the purpose of lobbying. His statement says that the general consensus in the Association that tax moneys should not be used for such purposes. In addition, Mangan, when interviewed, reaffirmed his earlier statement that he was not paid from any source other than CETA funds, while also reaffirming that he appeared before legislative committees, and discussions of interest to the Association with many legislators. Attached are copies of (a) the narrative position description (b) a press release of October 29, 1974, and (c) the statement of Roland Landry.

On the basis of this investigation, which confirms Mr. Mangan's statement, the answer to your question is that he was not required to register as a lobbyist.

3 M.R.S.A. § 311 provides:

"Any person ... accepting employment to act as legislative counsel or agent to promote or oppose, directly or indirectly, legislation by the Legislature shall register within 48 hours after such employment upon a docket as provided ..."

3 M.R.S.A. § 314 provides:

"The term 'legislative counsel' . . . shall be construed to mean any person who for compensation appears at any public hearing before committees of the legislature in regard to proposed legislation. The term "legislative agent" . . . shall be construed to mean any person . . . [who] for hire or reward does any act to promote or oppose proposed legislation except to appear at public hearings before committees of the Legislature, and shall include all persons who for compensation shall approach individual members of the Legislature or members-elect thereof with the intent in any manner, directly or indirectly, to influence their action upon proposed legislation."

3 M.R.S.A. § 315 further provides:

"This chapter shall not apply to state, county, municipal or quasi-municipal officials, or their regularly elected or appointed subordinates, who act for no compensation other than their ordinary salary or compensation as such public officials or subordinates." (Emphasis supplied.)

The statement of Executive Secretary Landry that taxpayers' money should not be used to lobby legislation accords with Attorney General Report 1942, P. 153, that it is not a function of County Commissioners to lobby either in their own persons or through an employed agent.

In conclusion, then it follows that Mr. Mangan is not either a "legislative counsel" or a "legislative agent," and (2) that since he received no compensation or reward other than his regular salary as a Legal Research Aide, he comes under the provisions of 3 M.R.S.A. § 315 and is therefore not required to register under § 311.

LVWJr/mf