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Lobbyist Registration Requirements

3 M.R.S.A. 317
3 M.R.S.A. 312-8+9
~~312-9~~

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March 10, 1977

Honorable Judy Kany
House of Representatives
State House
Augusta, Maine

Dear Representative Kany:

This responds to your letter of February 23, 1977, in which you posed two questions relating to the current lobbying law, 3 M.R.S.A. C. 15:

Question No. 1: "Presently, is one required to register as a lobbyist if the individual drafts an amendment to a bill, presents it to a legislative committee, or consults with the committee regarding the bill and amendment?"

An individual is probably not required to register as a lobbyist under the above circumstances, though each case would have to be examined on its individual facts, and it is conceivable that, under certain circumstances, an individual would be required to register.

The definition of "lobbyist," 3 M.R.S.A. § 312-9, limits its application to persons who are: (a) employed by another person to engage in lobbying, or (b) regular employees of another person and spend an amount of time in excess of 8 hours in any calendar month lobbying. Many persons are exempt under this definition, and those individuals would not have to register as a lobbyist under any circumstances.

In addition, the definition of "lobbying," 3 M.R.S.A. § 312-8, generally excludes most communications made before or to committees in connection with particular legislation. Accordingly, it is our view that under most circumstances a person who deals exclusively with committees as committees may be exempt from lobbyist registration requirements. However, we

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would emphasize that should circumstances develop where an individual is dealing with members of committees in their positions as members of the Legislature, outside of committee work, it may well be that, if other requirements are met, that individual is required to register as a lobbyist and report the time spent dealing with such members of the Legislature. As indicated above, individual fact situations must be examined to determine the applicability of the law in such circumstances.

Question No. 2. "Once an individual has registered as a lobbyist, would that individual presently have to report compensation or expenditures for drafting an amendment to a bill if it is presented before a legislative committee and/or consulting with a committee regarding a bill or amendment?"

As in our answer to question no. 1, it is our view that an individual probably would not have to report compensation or expenditures for such committee work, though, as in answer No. 1 above, our answer is qualified and might change with a particular fact situation. 3 M.R.S.A. § 317 speaks of monthly and yearly reports and generally uses terms which require reporting of "lobbying activities" or "lobbying." As a substantial portion of work before committees is excluded from the definition of "lobbying" by 3 M.R.S.A. § 312-8, it would appear that under most circumstances individuals would not have to report expenses in connection with committee work.

I hope this information is helpful.

Sincerely,

DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec

cc: Markham L. Gartley
Secretary of State