

MAINE STATE LEGISLATURE

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*Lobbying Municipal & County Organizations
3 M.R.S.A. 312*

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 6, 1978

Honorable Thomas Mangan
Senate Chambers
State House
Augusta, Maine 04333

Dear Senator Mangan:

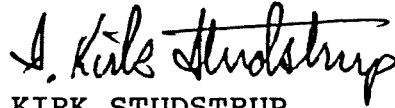
I am responding to your request that this office review its opinion of April 28, 1975, concerning the use of municipal tax funds for lobbying activities. In that opinion, we concluded that groups such as the Maine Municipal Association and the County Commissioners Association would be permitted to conduct lobbying activities even though payment for these activities are indirectly derived from municipal and county taxes. You have asked to have this opinion reviewed in light of subsequent statutory amendments, specifically enactment of 3 M.R.S.A. Chapter 15, titled "Lobbyists Disclosure Procedures."

Our review has disclosed no reason to change the opinion of April 28, 1975. The repeal and replacement of 3 M.R.S.A. Chapter 15 in 1975, subsequent to our prior opinion, did repeal the provisions of 3 M.R.S.A. § 315 as they previously existed. See P.L. 1975, Chapters 576 and 724. These provisions had been cited in our previous opinion because of their implication that municipal officials could conduct lobbying activities, but that the applicability of the previous Chapter 15 would depend upon the compensation and manner in which these activities were carried out. Although § 315 in its present form does not have these provisions, there are other provisions of the present Chapter 15 which lead to the same conclusion. Reading together the definitions of the terms "employer," "lobbying," and "person" as set forth in 3 M.R.S.A. § 312, it is clear that a municipality or quasi-municipality may be the employer of a lobbyist, e.g., the Maine Municipal Association and its agents.

Page 2

In light of the foregoing, we reaffirm the opinion expressed in the April 28, 1975, opinion, although for reasons modified by the subsequent legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Kirk Studstrup".

S. KIRK STUDSTRUP
Assistant Attorney General

SKS/ec