

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 859

H.P. 610

House of Representatives, March 5, 2013

An Act To Increase Ethics and Transparency in Government Service

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative RUSSELL of Portland.
Cosponsored by Representative: STUCKEY of Portland.

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

2 **Sec. 1. 3 MRSA §312-A, sub-§9**, as amended by PL 2007, c. 630, §6, is further
3 amended to read:

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

19 **Sec. 2. 3 MRSA §318-A** is enacted to read:

20 **§318-A. Prohibition**

21 A person may not engage in lobbying if that person has within the previous 5 years
22 been employed in a position for which the salary is subject to adjustment by the Governor
23 under Title 2, section 6 or that is described as a major policy-influencing position under
24 Title 5, chapter 71. A person who violates this section may be assessed a fine of \$100 for
25 every day the person engages in lobbying.

26 **Sec. 3. 5 MRSA §19-C** is enacted to read:

27 **§19-C. Prohibition**

28 A person may not be employed in a position for which the salary is subject to
29 adjustment by the Governor under Title 2, section 6 or that is described as a major policy-
30 influencing position under chapter 71 if that person has engaged in lobbying as defined in
31 Title 3, section 312-A, subsection 9 within the previous 12 months.

32 **SUMMARY**

33 This bill provides that a person may not be employed in a position for which the
34 salary is subject to adjustment by the Governor or a major policy-influencing position if
35 that person has engaged in lobbying in the previous 12 months. The bill prohibits a
36 person from lobbying if that person has been employed in a position for which the salary
37 is subject to adjustment by the Governor or a major policy-influencing position within the

1 previous 5 years. The bill also expands the definition of "lobbying" to include attempting
2 to influence regulatory or adjudicatory action by an executive branch agency.