

2010

# Lobbyist Update: What's New for 2011

Maine Commission on Governmental Ethics and Election Practices

Follow this and additional works at: [http://digitalmaine.com/ethics\\_docs](http://digitalmaine.com/ethics_docs)

---

## Recommended Citation

Maine Commission on Governmental Ethics and Election Practices, "Lobbyist Update: What's New for 2011" (2010). *Governmental Ethics and Election Practices Documents*. Paper 24.  
[http://digitalmaine.com/ethics\\_docs/24](http://digitalmaine.com/ethics_docs/24)

This Text is brought to you for free and open access by the State Documents at Maine State Documents. It has been accepted for inclusion in Governmental Ethics and Election Practices Documents by an authorized administrator of Maine State Documents. For more information, please contact [statedocs@maine.gov](mailto:statedocs@maine.gov).

## LOBBYIST UPDATE: WHAT'S NEW FOR 2011

### INSIDE THIS ISSUE:

<i>Gifts</i>	2
<i>Guidelines on Gifts</i>	2
<i>Testifying before a Legislative Committee</i>	2
<i>Covered Governmental Officials</i>	3

### CONTACTING THE COMMISSION

Cindy Sullivan  
PAC, Party & Lobbyist  
Registrar  
(207) 287-6221  
Cindy.Sullivan@maine.gov

## ANNUAL REPORT DUE DECEMBER 30, 2010

All lobbyists are required by law to file an annual report with the Commission for each of his or her clients, including those who have filed a Non-Session Waiver or Notice of Termination. This report is due on December 30, 2010 by 11:59 p.m. The annual report must be filed *electronically* from your homepage in the Commission's e-filing system.

The data from the monthly reports has been automatically entered into the annual report. Please review all the information on the annual report before you file it. If you have to make changes in any section, you will need to amend and re-file the appropriate monthly report prior to filing the annual report. The penalty for filing your annual report late is \$200 per month after the deadline.

## REGISTERING FOR 2011

All lobbyist registrations for the current year will automatically expire on November 30th. The new lobbying year commences on December 1st. You are not required to register as a lobbyist until you have lobbied for more than 8 hours in a calendar month.

The lobbyist registration form as well as payment of the registration fee can now be done online.

Go to [www.maine.gov/ethics](http://www.maine.gov/ethics) and select "Lobbyist Registration" from the left hand menu.

## AUTHORIZED AGENTS

Only named agents, lobbyists and lobbyist associates will be authorized to file a report on a lobbyist's behalf. As part of the filing process, the person filing the report will be required to select his or her name from a list of authorized individuals.

You may have more than one authorized agent listed on your registration form. There is no additional charge for authorized agents.

Please ensure that all members of your staff who are authorized to file reports on your behalf, along with their contact information, are included as authorized agents when filing your 2011 registration.

# LEGISLATIVE REMINDERS

## Gifts



In their monthly and annual reports, lobbyists must report the names of all covered officials and members of their immediate family to whom the lobbyist or the client spent \$25 or more on behalf of or gave anything with a retail value of \$25 or more. However it is important to note that there are significant restrictions on gifts to public officials.

The Legislative Ethics Law forbids a Legislator or an immediate family member from accepting a gift (other than a campaign contribution) from persons affected by legislation or who have an interest in a business affected by proposed legislation, where it is known or reasonably should be known that the purpose of the donor in making the gift is to influence the Legislator in the performance of his or her official duties or vote, or is intended as a reward for action on his or her part.

### Guidelines for Legislators on Acceptance of Gifts

The Commission has developed Guidelines on Acceptance of Gifts, which is available on the Commission's website, [www.maine.gov/ethics](http://www.maine.gov/ethics). Lobbyists are strongly encouraged to review these guidelines before providing any gifts to Legislators, officials of the executive branch, constitutional officers, or their staff or families.

### Testifying Before a Legislative Committee

When testifying before a legislative committee, a lobbyist must disclose to the committee the name of the person or organization the lobbyist represents. If the lobbyist or lobbyist's client compensates another individual to provide testimony to a legislative committee, the lobbyist must disclose the name of that individual to the committee orally or in writing.

*When you register, please list the legislative committees that you intend to lobby on behalf of your client.*

*Please remember that once you register you must file monthly reports, even if you did not lobby during that month.*

*Don't forget to file your monthly report on December 15, 2010 for all lobbying activity in November.*

# COVERED GOVERNMENTAL OFFICIALS

## Which governmental officials are covered by the law?

The law covers:

- officials in the legislative branch (“a member, member-elect, candidate for or officer of the Legislature or an employee of the Legislature”),
- the Governor’s cabinet and staff,
- officials in the executive branch, and
- constitutional officers.



## Which officials in the executive branch are covered?

A list of the positions in the executive branch is on the Commission’s web-site, [www.maine.gov/ethics](http://www.maine.gov/ethics).

The term “[o]fficial in the executive branch” refers to an individual in a major policy-influencing position in:

- A department or agency listed in Title 3, section 959 or in Title 5, chapter 71
- Individuals in those departments and agencies who have major policy development as a major function of their positions but whose positions are not specifically listed, and
- The Governor’s cabinet and staff.

Title 5, chapter 71 [Sections 932-959] lists about 25 departments, agencies and offices within Maine state government and designates over 100 high-ranking positions within those departments and agencies as being “major policy-influencing positions.”

The Governor’s cabinet and staff are listed on the Commission’s website and the Governor’s website, [www.maine.gov/governor](http://www.maine.gov/governor). In the opinion of the Commission, the reference to “staff” in the phrase “the Governor’s cabinet and staff” was intended to mean employees who work in the Office of the Governor and not the entire staffs of those agencies whose Commissioners or directors are in the Governor’s cabinet.

*The state’s constitutional officers are the Attorney General, the Secretary of State, and the State Treasurer.*

*The Commission staff has posted a list of all positions considered to be “major policy-influencing” on the Commission website.*

*Communicating with the staff of the Legislature or Governor about legislative issues is considered lobbying.*



<b>COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES</b>	
Mailing: 135 State House Station Augusta, Maine 04333-0135	

POSTAGE

Mailing Label

ANNUAL REPORT DEADLINE:  
DECEMBER 30, 2010  
BY 11:59 P.M.

REGISTRATION FOR 2011  
BEGINS ON 12/1/2010