

Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 413 – An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on
Accepting Political Contributions

February 27, 2017

Senator Mason, Representative Luchini, and members of the Joint Standing Committee on
Veterans and Legal Affairs:

Thank you for the opportunity to testify on LD 413 – An Act To Limit the Influence of Lobbyists
by Expanding the Prohibition on Accepting Political Contributions.

My name is Andrew Bossie. I am the Executive Director of Maine Citizens for Clean Elections.

Maine Citizens for Clean Elections has been the leading campaign finance organization in Maine
for over twenty years, and one of the nation's most respected state-based organizations
advocating for democratically funded elections. We are proud of our national reputation. But we
are all Mainers, and our mission has always been with and for the people of this state.

We strongly support LD 413.

Let me first say that we have nothing against lobbying and lobbyists. We are lobbying you right
now. Lobbying is protected by the constitutional right to petition one's government. Over the
years, lobbying has become a profession, and the term "lobbying" is sometimes equated with
professional advocacy. MCCE supports the right to lobby in all its forms – whether volunteer,
citizen lobbying, or paid advocacy by professionals.

Especially in the case of a citizen legislature, lobbyists have become a fixture in the lawmaking
process, often providing helpful information and perspective. But it is quite obvious that
lobbyists are not here just to provide information. All lobbyists have an agenda. They want
something from you. Many times, they want something that will benefit their clients financially.
Sometimes the financial benefit is very large. Sometimes what the lobbyist seeks comes at the
expense of taxpayers and/or other worthy programs or interests.

Still, we don't object to lobbying. We do have a problem, however, when lobbying gets
intertwined with financial contributions. When a lobbyist gives financial support to a legislator,
and then asks that legislator to support a particular bill for the lobbyist's client – now we have a
problem. At the extreme, there is an agreement between the legislator and the lobbyist. This is
the crime of bribery. But even when you don't reach the extreme of bribery, even when there is
no explicit agreement – the introduction of money into the lobbying relationship is troubling.
The feeling of financial indebtedness and gratitude has a subtle effect on the recipient. For
example, the recipient may be just a little more willing to agree to a meeting. The recipient may

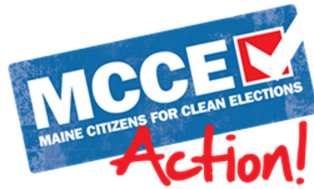
pay just a little more attention to the issues raised by the contributor. The recipient may be just a little more indulgent of the contributor's arguments. The recipient, feeling that he or she is in the presence of a supporter, may feel more inclined to follow the contributor's advice.

Even where the relationship is squeaky clean, campaign contributions from a lobbyist to a lawmaker raise the appearance of undue influence. They damage the public trust. It would be much better if the public never had to worry about whether the legislature is subject to such influences. Legislators should not take money from the very interests that are trying to drive public policy in a certain direction.

And there's one more aspect to this relationship – the extent to which lobbyist contributions create a natural selection process for candidates. Those candidates whose policy positions tend in favor of lobbyist interests are more likely to attract lobbyist contributors and have a leg up in fundraising, un-leveling the playing field in favor of those candidates.

The legislature has already approved this concept, and it has been part of Maine law for many years. LD 413 only removes the artificial time restrictions on the current ban, making it a year-round ban instead of just a session ban. At least five other states currently have a year-round ban on lobbyist contributions. With Maine's strong history of protecting the integrity of our elections and government, we believe Maine should join those states and enact LD 413.

Thank you for the opportunity to testify. I would be happy to take your questions or provide additional information for the work session.



Fact Sheet

“Looking the Other Way”—Lobbyist Contributions in Maine

It is time for Maine to enact a year-round lobbyist contribution ban.

Existing Law: Although few legislators defend the practice, there is nothing illegal about legislators’ soliciting contributions from lobbyists or lobbyists making contributions to legislators. In fact, if a legislator has a PAC, the amount of the **contribution a lobbyist may give is unlimited**. Contributions of \$500, \$1,000 and even \$10,000 are possible and even commonplace. The only restriction is that lobbyist solicitations or contributions from lobbyists may not occur between the opening of the legislative session and the final gavel (adjournment sine die). Also, Clean Elections candidates cannot have a PAC and can only solicit small amounts of seed money. Qualifying contribution to MCEA candidates may only come from lobbyists if they reside in the candidates’ home district.

Hitting Up Lobbyists in Maine: Lobbyists play a large role in private fundraising for candidate campaigns, and it’s getting bigger. There is an emerging trend where the chairs of legislative committees solicit lobbyists who have business in their committee. For example, the House and/or Senate chairs (and/or lead legislator in the minority party) in the Energy, Utilities and Technology Committee could invite lobbyists for the large power utilities and/or wind power advocates to attend a fundraiser or even pay \$3,000 to be a “host.” These new “Chairman’s PACs” that focus on lobbyists create **a worrying appearance of special interest favoritism** at the committee level – where the real policymaking often occurs in Maine.

Other States are Leading the Way On Banning Lobbyist Contributions: Many states recognize that **lobbying and campaign contributions are a dangerous mix**. According to the National Conference of State Legislatures, five states (Alaska, Kentucky, South Carolina, Tennessee and California)

already **ban lobbyist contributions at any time**. Twenty-six states have some form of session ban, including fifteen states that ban contributions from any source during the session. Connecticut and Massachusetts ban lobbyist contributions larger than \$100 and \$200 respectively. These states are providing leadership on this issue and ensuring that elected officials do not appear to be trading access and favors with contributors.

The Constitution Does Not Prohibit a Ban: There is a First Amendment right to lobby the legislature, and courts have also upheld the right to make campaign contributions. But lobbyists should not be using money to secure access or bolster their position with legislators. And legislators need to refrain from soliciting those with business before them. In Maine we now see professional lobbyists specifically targeted for large campaign contributions – a practice that poses **a serious threat to legislative impartiality**. Courts have recognized that where the recipient is a legislator, the state is justified in regulating their contributions to protect public confidence.

The Solution: The current “session ban” is good policy, but does not go far enough anymore. It makes no sense to prohibit contributions after the opening gavel, but to look the other way regarding contributions made just a few hours earlier. Contributions from special interests to the lawmakers that decide on their legislative agenda are **inappropriate at any time**. Let’s put an end to the appearance of favoritism, special access, and unfair influence over the lawmaking process. **MCCE supports LD 413 – An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions.**

Contributions Linked to Lobbying – 2016 Cycle Illustrative Examples

Contributions to Leadership PACs and Caucus PACs		
Contributor with Lobbying Connection	Total Contributed	Number of Contributions
MAINE ASSOCIATION OF REALTORS PAC	\$80,225	41
TIME WARNER CABLE	\$75,613	29
ANTHEM BLUE CROSS BLUE SHIELD	\$57,750	27
MAINE BANKERS ASSOCIATION POLITICAL ACTION COMMITTEE	\$55,750	41
MAINE CREDIT UNION LEAGUE - LEGISLATIVE ACTION COMMITTEE	\$54,900	47
BERNSTEIN SHUR	\$38,200	49
ASTRAZENACA PHARMACEUTICALS	\$34,250	37
CIANBRO CORPORATION, INC.	\$33,275	55
CENTRAL MAINE POWER POLITICAL ACTION COMMITTEE	\$32,800	45
PIERCE ATWOOD LLP	\$30,205	63
ALTRIA CLIENT SERVICES, INC.	\$29,750	21
PHARMACEUTICAL RESEARCH & MANUFACT. OF AMERICA (PHRMA)	\$27,750	31
VERRILL DANA LLP, ATTORNEYS AT LAW	\$27,500	45
WAL-MART STORES, INC.	\$26,500	25
PFIZER, INC.	\$23,500	19
DIAGEO NORTH AMERICA, INC	\$20,000	27
EATON PEABODY	\$17,000	56
EMERA MAINE	\$16,250	27

Contributions to Candidates		
Contributor with Lobbying Connection	Total Contributed	Number of Contributions
MAINE ASSOCIATION OF REALTORS PAC	\$8,500	27
ASSOCIATED BUILDERS AND CONTRACTORS OF MAINE PAC	\$6,600	27
MEA FUND IN SUPPORT OF PUBLIC EDUCATION	\$4,875	13
CIANBRO CORPORATION, INC.	\$4,475	14
SUMMIT NATURAL GAS OF MAINE, INC.	\$3,875	11
MAINE CREDIT UNION LEAGUE - LEGISLATIVE ACTION COMMITTEE	\$3,575	24
NAIFA-ME PAC (NATIONAL ASS'N OF INS. AND FIN. ADVISORS OF ME)	\$3,250	13
MITCHELL TARDY	\$3,200	10
PIERCE ATWOOD LLP	\$2,825	12
ASTRAZENACA PHARMACEUTICALS	\$2,800	12

Campaign finance reports do not always reliably indicate whether a contributor has lobbying connections. The information in these tables is presented only to illustrate certain examples and is not meant to be all-inclusive.