



TO: The Honorable Craig Hickman
The Honorable Laura Supica, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: Wednesday, March 15, 2023

RE: L.D. 833 – An Act to Prohibit Persons Who Donate to a Governor's Transition Committee and Inaugural Committee from Registering as Lobbyists

Good morning Senator Hickman and Representative Supica and members of the Veterans and Legal Affairs Committee.

My name is Paul Lavin. I'm a resident of Winthrop. I am here today as a volunteer for Maine Citizens for Clean Elections. I am testifying neither for nor against L.D. 833.

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 and campaign finance laws that serve the public interest. We are proud of our national reputation. But we are all Mainers, and our nonpartisan mission has always been with and for the people of this state.

We generally support efforts to ensure separation between political contributions and the formation of public policy. We also support efforts to mitigate "the revolving door" problem – where public officials move back and forth between public service and paid advocacy. The revolving door raises ethical questions because it allows a public official to leave a position of unbiased service in the public interest and immediately begin advocating for a private agenda, usually lobbying the official's former colleagues on the same issues. Often those in the revolving door are paid well by private interests for the connections and expertise they developed at taxpayer expense.

The first subsection of L.D. 833 would make a minor change in current law. It would add the following underlined phrase to the prohibition already in 3 MRS §318-A¹:

A person may not register as a lobbyist or lobbyist associate or engage in activities that require registration as a lobbyist or lobbyist associate as defined by section 312-A, subsections 10 and 10-A, respectively, if that person has within the previous 12 months been employed in a position for which the salary is subject to adjustment by the Governor under Title 2, section 6 or that is

¹ Section 318-A was signed into law on June 18, 2013.

described as a major policy-influencing position under Title 5, chapter 71. A person who violates this subsection may be assessed a fine of \$100 for every day the person engages in lobbying.

This would apply the existing ban in §318-A not only to lobbying activities, but also to the very act of registering as a lobbyist. We don't believe this change will affect many people since it is hard to understand why someone would register as a lobbyist unless they also engage in lobbying activities.²

The second part of the bill would prohibit anyone who had donated to a transition or inaugural committee of a governor-elect from lobbying for the duration of the governor's term. Prior to the 2015 Clean Elections citizen initiative, fundraising activity by gubernatorial inaugural or transition committees was not public information. MCCE was the leading advocate for requiring these committees to report that information. The donors reported by the 2023 inaugural committee as a result of that new law are listed at the end of this testimony.

Donations to the transition or inaugural committee of a governor-elect may be perceived as incurring favoritism from the new administration and a ban on donors from lobbying the administration may help mitigate that appearance. However, we read the bill as prohibiting individuals from registering as lobbyists if they donate to a committee. As the attached list shows many of the donors to an inaugural committee will likely be businesses, organizations, and lobbying firms that hire or employ lobbyists. The bill would have no impact on businesses and firms that donate to a transition or inaugural committee.

The ban in §318-A(2) would prohibit individuals who donated to these committees from subsequently lobbying that governor and their administration. However, the proposed lobbying ban would also apply to lobbying legislators and the other constitutional officers (i.e., the Secretary of State, Attorney General and State Treasurer). Those officials probably don't feel the same benefit (or indebtedness) from a donation to the gubernatorial transition or inaugural committee, and therefore the proposed ban might not have the same justification when it comes to lobbying those officials.³

We honor the sponsor's interest in separating political donations from policymaking and in seeking to address the appearance problem of currying favor from public officials. However, it is important to make any rules consistent across all groups of public officials and all types of political donations. The same appearance problem that arises in connection with a donation to an inaugural committee can be just as troubling when it arises in connection with a contribution to a candidate, caucus PAC or leadership PAC. If those who donate to an inaugural committee are banned from lobbying, why not apply the same rule to those who contribute to other recipients who are equally involved in the process of making law and policy?

Maine recently enacted a partial ban on contributions from lobbyists to elected officials and candidates for office. 1 MRS §1015-A; PL 2019, c. 534, §4. The ban has many loopholes, including allowing lobbyists

² There are five references to "registered lobbyist" in Maine law but it is not clear whether any of them creates an intentional distinction between the act of registration and the act of actual lobbying.

³ The bill, if enacted, also raises issues of fairness and retroactivity as it would impose an immediate lobbying ban during the current governor's term on individuals who donated to the inaugural committee.

to make contributions from money provided by their clients, or contributions directly from the lobbyist employer to a legislator's campaign.⁴ Perhaps a full review of existing prohibitions and those contained in this bill should be conducted to ensure a comprehensive approach and consistency across all offices and contributors. We see L.D. 833 as an attempt to separate political donations from policymaking and to address the revolving door problem, and we support that effort. However, we might prefer the more comprehensive approach to the one presented by this bill.

Thank you for the opportunity to testify. I would be happy to answer any questions.

⁴ LD 833 would prohibit a contributor from becoming a lobbyist, whereas the law enacted in 2019 prohibits a lobbyist from becoming a contributor (under certain circumstances). There may be subtle differences between the two approaches that the committee may wish to explore.

Donors to 2023 Inaugural Committee		
amount	name	type
\$20,000	ND Paper, Inc.	Business
\$20,000	Bernstein Shur	Business
\$20,000	Dirigo Center Developers LLC	Business
\$20,000	MEMIC	Business
\$10,000	Anthem Blue Cross and Blue Shield	Business
\$10,000	Charter Communications	Business
\$10,000	Irving Woodlands, LLC	Business
\$10,000	LS Power Tomorrow LLC	Business
\$10,000	Maine Northern Railway Company	Business
\$10,000	Pierce Atwood, LLP	Business
\$10,000	Irving Forest Products, Inc.	Business
\$10,000	DentaQuest PAC	PAC
\$10,000	Spectrum Management Services Co LLC	Business
\$10,000	Centene Management Company LLC	Business
\$10,000	NRG Energy Inc.	Business
\$10,000	Penobscot McCrum	Business
\$10,000	Preti, Flaherty, Beliveau & Pachios	Business
\$10,000	Unum Group	Business
\$10,000	Verrill Dana, LLP	Business
\$10,000	Democratic Governors Association	Business
\$7,744	Maine Conservation Voters Action Fund	PAC
\$5,163	Timothy Williams	Individual
\$5,163	Lindemann, Mary Allen	Individual
\$5,000	Cornerstone Government Affairs	Business
\$5,000	Maine Credit Union League Leg. Action Comm.	PAC
\$5,000	Hannaford Supermarkets	Business
\$5,000	Adam Blumenthal	Individual
\$5,000	Merit International Inc.	Business
\$5,000	Comcast Financial Agency Incorporated	Business

\$5,000	Justin Alfond	Individual
\$5,000	Churchill Downs	Business
\$5,000	Maine Health	Business
\$5,000	Adam Lee	Individual
\$5,000	Adam Lee	Individual
\$5,000	Diamond Offshore Wind	Business
\$5,000	SaviLinx LLC	Business
\$5,000	LIUNA PAC	PAC
\$5,000	American Prop. Casualty Ins. Ass. Political Acct	Business
\$5,000	Maine Optometrists PAC	Business
\$5,000	Northern Light Health	Business
\$5,000	Tidal Basin Government Consulting LLC	Business
\$5,000	American Rental Association	Business
\$5,000	Point32Health	Business
\$5,000	Lauder, Judith	Individual
\$2,581	Johnson, Wick	Individual
\$2,500	Retail Maine PAC	PAC
\$2,500	Kathie Leonard	Individual
\$2,500	Trafton, Barbara M.	Individual
\$2,500	Maine Beverage Association	Business
\$1,033	Jessica Tamayo	Individual
\$1,033	Ryan Garner	Individual
\$1,033	Betsy Saltonstall	Individual
\$1,033	Robert Kilroy	Individual
\$1,033	John Hennessy	Individual
\$1,033	William Zimmerman	Individual
\$1,033	Brian Harden	Individual
\$1,033	Drew Ketterer	Individual
\$1,033	Cray, Barbara	Individual
\$1,033	Walworth MD, Edward Z	Individual
\$1,033	Dawson, Steven	Individual

\$1,033	Mills, Paul H.	Individual
\$1,000	Michael Cuzzi	Individual
\$1,000	David Schneider	Individual
\$1,000	Elaina Estrin	Individual
\$1,000	Daniel Carles	Individual
\$1,000	Melissa Roy	Individual
\$1,000	Brenda Garrand	Individual
\$1,000	Colm O'Comartun	Individual
\$1,000	Anthony Buxton	Individual
\$1,000	Mills, Dora Anne	Individual
\$1,000	Martin, Natalie	Individual
\$1,000	Meara, Brian R.	Individual
\$516	Mark Stein	Individual
\$516	Cyrus Hagge	Individual
\$310	Walsh, Wendy B.	Individual
\$52	George Hill	Individual
\$923	Donations of \$50 or less	unitemized

Source: <https://www.maine.gov/ethics/Public-Official>