



TO: The Honorable Louis Luchini  
The Honorable John Schneck, Co-Chairs  
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: January 30, 2019

RE: LD 76 An Act to Strengthen the Integrity of the Legislature by Extending the  
Waiting Period before Legislators May Engage in Any Amount of Compensated  
Lobbying

Good morning. My name is Ann Luther. I'm the Advocacy Chair of the League of Women Voters of Maine, a volunteer, and a resident of Trenton. The League of Women Voters of Maine submits the following testimony *Neither For Nor Against* LD 76.

The League of Women Voters believes that responsible government should be responsive to the will of the people and that it should be free from undue influence, corruption, and the appearance of corruption. We also believe that good public policy results from vigorous and open debate in which all voices are heard.

Lobbying activities are protected by the First Amendment: Congress shall make no law abridging the right of the people "to petition the government for a redress of grievances." Yet the rise over the last two centuries of a lobbying system dominated by paid lobbyists has resulted in a system where access to this right is tilted in favor of those who can pay.

Questions of fair access may be exacerbated when some lobbyists have easier access to lawmakers than others, especially for "revolving door" lobbyists – those former legislators or executive branch officials who leave the government to go into the private sector and work to influence their former colleagues.

Additional concerns arise that serving legislators might be influenced by the prospect of future employment. Legislators might seek to ingratiate themselves with lobbying firms or lobbyist employers by favoring their interests. Even if it's only the appearance favoritism, the appearance factor is important to helping citizens keep faith with their government and reduce their skepticism about public officials.

Allowing a "cooling off" period before accepting a lobbying job can lessen any suspicion that a legislator is beholden to any special interest.

One final note: the League has long been opposed to term limits. We note with irony that term limits have deprived the legislature itself of the service and expertise of many skilled legislators who are interested in and adept at the development and implementation of public policy. The



legislature itself has been weakened as a result. In the meantime, power and experience have been professionalized and transferred to the paid lobbyists. This has arguably made our democracy less accountable to the will of the people, not more.

The League supports the elimination of the safe harbor provision in current law. Eight hours of compensated lobbying during a month may not seem like an exorbitant amount of time. However, in calculating the eight hours, only time spent actually engaging with legislators for the purpose of influencing their decisions is included. Any conversations that do not impinge on public policy decisions are not included. These relationship-building discussions are more apt to occur between people who have served together than between people who do not know each other as well. This gives former legislators more access and potentially more influence on public policy decisions of former colleagues.

The proposal in LD 76 to extend the cooling-off period during which former legislator may not engage in compensated lobbying to four years is greater than we can support. According to the National Council of State Legislatures, cooling-off periods nationally range from none at all to two years.<sup>1</sup> The most common cooling-off period among the fifty states is one year, the same as Maine's. More than one-half of the states have a one-year cooling-off period, nine have a two-year period and the remainder have either none or six months. For this reason, we are testifying *Neither For Nor Against* LD 76.

