



April 28, 2025

Sen. Craig Hickman, Chair
Rep. Laura Supica, Chair
Joint Standing Committee on Veterans
and Legal Affairs

Re: LD 1814, An Act to Increase Transparency in State Government by Amending Laws Regarding
Persons Attempting to Influence the Competitive Bidding Process and Lobbyist Reporting During
Rule-making Processes

Dear Chair Hickman, Chair Supica, and members of the Veterans and Legal Affairs Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we write to provide comments in opposition to LD 1814. MSBA opposes LD 1814 because it improperly treats legal services provided during agency rulemakings and procurements as political lobbying. Requiring lawyers to register and disclose client compensation for these activities risks undermining attorney-client confidentiality and increases the costs for clients seeking to protect their legal rights before state agencies.

By way of background, the Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 2,500 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers' Compensation Law.

As drafted, LD 1814 would expand the definition of "lobbying" to include compensated individuals who assist clients in communicating with state agencies regarding rulemaking and procurement processes. If these activities exceed eight hours in a calendar month, the individual would be required to register as a lobbyist and publicly disclose the amount of compensation received. The bill would apply broadly to attorneys, consultants, and other professionals engaged in these administrative processes.

MSBA opposes LD 1814 because it risks blurring the line between legal representation and political advocacy by treating lawyers engaged in agency rulemakings and procurement processes as lobbyists subject to public reporting requirements.

LD 1814 would expand the definition of "lobbying" to include lawyers and other professionals who, for compensation, research, draft, and communicate with state agencies regarding rulemakings or procurements—and who spend more than eight hours in a calendar month doing so. Such individuals would be required to register as lobbyists and disclose the amount of compensation received for this work.

Agency rulemakings are fundamentally legal and technical proceedings that implement laws passed by the Legislature. Clients frequently retain attorneys to navigate these highly complex processes, which include public hearings, detailed regulatory analysis, and formal comments—all activities that are mostly legal in nature, not political. Unlike political lobbying, participation in agency rulemakings involves applying legal expertise to interpret statutes, draft formal comments, and advise clients on

compliance with complex regulatory frameworks. These activities are inherently legal, not political, and are governed by principles of administrative law rather than partisan advocacy. Imposing onerous lobbying registration and compensation disclosure requirements simply for researching, analyzing, and advising on agency proposals would add unnecessary burdens and costs to clients seeking essential legal representation.

Requiring lawyers to register as lobbyists and disclose client compensation for providing these core legal services risks chilling client engagement, increases legal costs, and could deter individuals, municipalities, nonprofits, and businesses from seeking legal counsel to protect their rights in administrative processes.

Further, requiring disclosure of compensation for legal representation before a state agency risks undermining the spirit of attorney-client privilege. Clients expect—and deserve—confidentiality when they engage lawyers to advise them on government regulatory actions. Public reporting of the amounts paid to attorneys for such work would intrude upon this longstanding principle and could inhibit the free and open communication necessary for effective legal counsel. Moreover, the effect of such reporting might discourage clients from hiring lawyers to protect their rights, which would not serve the public interest.

For these reasons, MSBA respectfully urges the Committee to vote **Ought Not to Pass** on LD 1814. Thank you, and please let us know if you have questions or would like additional information.

Sincerely,



Susan Faunce
President, Board of Governors

cc: Angela Armstrong, Executive Director
Rachel Okun, Chair, MSBA Legislative Committee