

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 597

H. P. 482

House of Representatives, February 23, 1977

On motion of Mrs. Boudreau of Portland, referred to Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Carrier of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Insure Enforcement of the Penalty for Failing to File
Election Reports.**

Be it enacted by the People of the State of Maine, as follows:

21 MRSA § 1398, as last repealed and replaced by PL 1975, c. 759, § 1, is repealed and the following enacted in its place:

§ 1398. Failure to file report on time

The failure of any person required to file a report under this chapter within the time required by this chapter, unless excused by the provisions of this section, is a civil violation. There shall be a penalty of \$10 for each day that the report is late. The commission shall determine whether a report received after the time required by this chapter shall be deemed to be late. A report shall be deemed late unless the delay in filing is due to a cause deemed reasonable by the commission including, but not limited to, serious illness or death in the candidate's immediate family. The commission, upon determining that a report shall be deemed late, shall report any such failure to the Attorney General, who shall enforce such violation in a civil action to collect the amount of the penalty. Such action shall be brought in the Superior Court for the County of Kennebec or in the District Court, 7th District, Division of Southern Kennebec.

STATEMENT OF FACT

The purpose of this bill is to make enforcement of the penalty for late filing, by the Attorney General, mandatory. To prevent an undue hardship being

placed on those candidates whose late filing is caused by a legitimate excuse beyond their control, this bill would allow the commission to determine whether a report received after the deadline shall be deemed to be late, and to consider the reasons for the lateness of the report.