

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1187

H.P. 861

House of Representatives, March 12, 2019

**An Act To Apply the Same Auditing Standards to All Candidates
and Political Action Committees**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RISEMAN of Harrison.
Cosponsored by Senator CHENETTE of York and
Representatives: ACKLEY of Monmouth, BEEBE-CENTER of Rockland, DODGE of Belfast,
DOUDERA of Camden, EVANGELOS of Friendship, HIGGINS of Dover-Foxcroft,
PEBWORTH of Blue Hill, PLUECKER of Warren.

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

2 **Sec. 1. 21-A MRSA §1003, sub-§1**, as amended by PL 2013, c. 162, §1, is
3 further amended to read:

4 **1. Investigations.** The commission ~~may~~ shall undertake the audits and
5 investigations provided for under this section to determine whether a person has violated
6 this chapter, chapter 14 or the rules of the commission. For this purpose, the commission
7 may subpoena witnesses and records whether located within or without the State and take
8 evidence under oath. A person or entity that fails to obey the lawful subpoena of the
9 commission or to testify before it under oath must be punished by the Superior Court for
10 contempt upon application by the Attorney General on behalf of the commission. The
11 Attorney General may apply on behalf of the commission to the Superior Court or to a
12 court of another state to enforce compliance with a subpoena issued to a nonresident
13 person. Service of any subpoena issued by the commission may be accomplished by:

14 A. Delivering a duly executed copy of the notice to the person to be served or to a
15 partner or to any officer or agent authorized by appointment or by law to receive
16 service of process on behalf of that person;

17 B. Delivering a duly executed copy of the notice to the principal place of business in
18 this State of the person to be served; or

19 C. Mailing by registered or certified mail a duly executed copy of the notice,
20 addressed to the person to be served, to the person's principal place of business.

21 **Sec. 2. 21-A MRSA §1003, sub-§1-A** is enacted to read:

22 **1-A. Random audits and investigations.** The commission shall undertake random
23 audits and investigations to determine whether candidates for state office and political
24 action committees required to file reports with the commission under section 1058 have
25 violated this chapter, chapter 14 or the rules of the commission. The commission shall
26 adopt rules to implement this subsection. Rules adopted pursuant to this subsection are
27 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. At a minimum,
28 the rules must:

29 A. Require the commission to audit and investigate an equal percentage of primary
30 candidates for all state offices who are certified as Maine Clean Election Act
31 candidates under section 1125, subsection 5 and primary candidates for all state
32 offices who are not certified as Maine Clean Election Act candidates;

33 B. Require the commission to audit and investigate an equal percentage of general
34 election candidates for all state offices who are certified as Maine Clean Election Act
35 candidates under section 1125, subsection 5 and general election candidates for all
36 state offices who are not certified as Maine Clean Election Act candidates;

37 C. Require the commission to audit and investigate a percentage of all political
38 action committees required to file reports with the commission under section 1058
39 equal to the percentage of candidates audited and investigated under paragraph B;

