

MAINE STATE LEGISLATURE

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L.D. 1902

REPORT C

Date: 2/20/2000

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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

129TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 654, L.D. 1902, Bill, "An Act To Define the Term "Caucus Political Action Committee""

Amend the bill by striking out the title and substituting the following:

'An Act To Define the Terms "Caucus Political Action Committee" and "Unenrolled Political Action Committee"'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 1 MRSA §1002, sub-§1-A, as amended by PL 2019, c. 323, §1, is further amended to read:

1-A. Membership. The Commission on Governmental Ethics and Election Practices, established by Title 5, section 12004-G, subsection 33 and referred to in this chapter as the "commission," consists of 5 members appointed as follows.

A. By December 1, 2001 and as needed after that date, the ~~appointed leader from each political party in the Senate~~ caucus leaders and the ~~appointed leader from each political party in the House of Representatives~~ House caucus leaders jointly shall establish and advertise a 30-day period to allow members of the public and groups and organizations to propose qualified individuals to be nominated for appointment to the commission.

B. By January 1, 2002 and as needed after that date, the ~~appointed leader from each political party in the Senate~~ caucus leaders and the ~~appointed leader from each political party in the House of Representatives~~ House caucus leaders each shall present a list of 3 qualified individuals to the Governor for appointment of 4 members to the commission. The ~~appointed leadership from each party in both bodies of the Legislature~~ Senate caucus leaders and House caucus leaders jointly shall present a list of 3 qualified individuals to the Governor for appointment of a 5th member to the commission.

COMMITTEE AMENDMENT

1 C. By March 15, 2002, the Governor shall appoint the members of the commission
2 selecting one member from each of the lists of nominees presented in accordance
3 with paragraph A. These nominees are subject to review by the joint standing
4 committee of the Legislature having jurisdiction over legal affairs and confirmation
5 by the Legislature. No more than 2 commission members may be enrolled in the
6 same party.

7 D. Two initial appointees are appointed for one-year terms, 2 are appointed for 2-
8 year terms and one is appointed for a 3-year term, according to a random lot drawing
9 under the supervision of the Secretary of State. Subsequent appointees are appointed
10 to serve 3-year terms. A person may not serve more than 2 consecutive terms, except
11 that if a person is appointed to fill the unexpired portion of a term to fill a vacancy
12 under paragraph F and that portion is less than 2 years, the person may serve 2
13 consecutive full terms thereafter.

14 E. The commission members shall elect one member to serve as chair for at least a 2-
15 year term.

16 F. Upon a vacancy during an unexpired term, the term must be filled as provided in
17 this paragraph for the unexpired portion of the term only. The nominee must be
18 appointed by the Governor from a list of 3 qualified candidates provided by the
19 Senate caucus leader or House caucus leader of the party from the body of the
20 Legislature that suggested the appointee who created the vacancy. If the vacancy
21 during an unexpired term was created by the commission member who was appointed
22 from the list of candidates presented to the Governor by the ~~leaders of each party of~~
23 ~~each body of the Legislature~~ Senate caucus leaders and House caucus leaders jointly,
24 the nominee must be appointed from a list of 3 qualified candidates provided jointly
25 by the ~~leaders of each party of each body of the Legislature~~ Senate caucus leaders and
26 House caucus leaders. If the list of 3 qualified candidates required by this paragraph
27 to be presented to the Governor ~~jointly by the leaders of each party from each body of~~
28 ~~the Legislature~~ Senate caucus leaders and House caucus leaders is not produced
29 within 60 days after the vacancy is created, then ~~the leaders of each party from both~~
30 ~~bodies of the Legislature~~ each Senate caucus leader and House caucus leader shall
31 present within the subsequent 15 days a separate list of 3 qualified candidates to the
32 Governor, who shall appoint a candidate from these lists within 30 days of receiving
33 the lists. Nominees appointed pursuant to this paragraph are subject to review by the
34 joint standing committee of the Legislature having jurisdiction over election practices
35 and legislative ethics and to confirmation by the Legislature.

36 G. Upon a vacancy created by an expired term, the vacancy must be filled as
37 provided in this paragraph. The nominee must be appointed by the Governor from a
38 list of 3 qualified candidates provided by the Senate caucus leader or House caucus
39 leader of the party from the body of the Legislature that suggested the appointee
40 whose term expired. When a vacancy is created by an expired term of the
41 commission member who was appointed from the list of candidates presented to the
42 Governor by the ~~leaders of each party of each body of the Legislature~~ Senate caucus
43 leaders and House caucus leaders jointly, the nominee must be appointed from a list
44 of 3 qualified candidates provided jointly by the ~~leaders of each party of each body of~~
45 ~~the Legislature~~ Senate caucus leaders and House caucus leaders. If the list of 3
46 qualified candidates required by this paragraph to be presented to the Governor

COMMITTEE AMENDMENT

1 jointly by the leaders of each party from each body of the Legislature Senate caucus
2 leaders and House caucus leaders is not produced within 60 days after the vacancy is
3 created, then ~~the leaders of each party from both bodies of the Legislature~~ each
4 Senate caucus leader and House caucus leader shall present within the subsequent 15
5 days a separate list of 3 qualified candidates to the Governor, who shall appoint a
6 candidate from these lists within 30 days of receiving the lists. Nominees appointed
7 pursuant to this paragraph are subject to review by the joint standing committee of
8 the Legislature having jurisdiction over election practices and legislative ethics and to
9 confirmation by the Legislature.

10 H. For the purposes of this subsection, ~~"political party" has the same meaning as~~
11 ~~"party" as defined by Title 21-A, section 1, subsection 28~~ "Senate caucus leader" has
12 the same meaning as in Title 21-A, section 1053-C, subsection 1, paragraph D and
13 "House caucus leader" has the same meaning as in Title 21-A, section 1053-C,
14 subsection 1, paragraph A.'

15 Amend the bill by inserting after section 1 the following:

16 '**Sec. 2. 21-A MRSA §1001, sub-§4** is enacted to read:

17 **4. Unenrolled political action committee.** "Unenrolled political action committee"
18 means a political action committee designated under section 1053-C to promote the
19 election of unenrolled candidates to the Senate or the House of Representatives.'

20 Amend the bill in section 2 in subsection 2 in the 3rd line (page 1, line 10 in L.D.) by
21 inserting after the following: "committees" the following: 'unenrolled political action
22 committees'

23 Amend the bill by striking out all of section 3 and inserting the following:

24 '**Sec. 3. 21-A MRSA §1053-C** is enacted to read:

25 **§1053-C. Caucus political action committees and unenrolled political action**
26 **committees**

27 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
28 following terms have the following meanings.

29 A. "House caucus leader" means a member of a political party in the House of
30 Representatives who has been elected the leader of that political party in the House of
31 Representatives. For purposes of this paragraph, if the Speaker of the House of
32 Representatives is a member of a political party, the Speaker of the House of
33 Representatives is deemed the House caucus leader of that political party.

34 B. "House unenrolled leader" means a member of the House of Representatives who
35 is not enrolled in a political party and who has been elected the leader of the members
36 of the House of Representatives who are not enrolled in a political party. For
37 purposes of this paragraph, if the Speaker of the House of Representatives is not
38 enrolled in a political party, the Speaker of the House of Representatives is deemed
39 the House unenrolled leader.

40 C. "Political party" has the same meaning as "party" as defined by section 1,
41 subsection 28.

1 D. "Senate caucus leader" means a member of a political party in the Senate who has
2 been elected the leader of that political party in the Senate. For purposes of this
3 paragraph, if the President of the Senate is a member of a political party, the
4 President of the Senate is deemed the Senate caucus leader of that political party.

5 E. "Senate unenrolled leader" means a member of the Senate who is not enrolled in a
6 political party and who has been elected the leader of the members of the Senate who
7 are not enrolled in a political party. For purposes of this paragraph, if the President
8 of the Senate is not enrolled in a political party, the President of the Senate is deemed
9 the Senate unenrolled leader.

10 2. Designation of caucus political action committee. Each Senate caucus leader
11 and each House caucus leader may designate one caucus political action committee to
12 promote the election of nominees of the caucus leader's political party to the body of the
13 Legislature of which the caucus leader is a member. The designation must be made in a
14 letter to the commission and remains effective until a new designation is made in a letter
15 to the commission from the caucus leader of the same political party and same body of
16 the Legislature.

17 3. Designation of unenrolled political action committee. The Senate unenrolled
18 leader and the House unenrolled leader may each designate one unenrolled political
19 action committee to promote the election of unenrolled candidates to the body of the
20 Legislature of which the unenrolled leader is a member. The designation must be made
21 in a letter to the commission and remains effective until a new designation is made in a
22 letter to the commission from the unenrolled leader of the same body of the Legislature.'

23 Amend the bill by inserting after section 4 the following:

24 '**Sec. 5. 21-A MRS §1122, sub-§10** is enacted to read:

25 10. Unenrolled political action committee. "Unenrolled political action
26 committee" has the same meaning as in section 1001, subsection 4.'

27 Amend the bill in section 5 in subsection 6-F in the blocked paragraph in the 5th line
28 (page 2, line 5 in L.D.) by inserting after the following: "committee," the following: 'an
29 unenrolled political action committee.'

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
31 section number to read consecutively.

32 **SUMMARY**

33 This amendment, which is a minority report of the committee, clarifies the process
34 for the designation of caucus political action committees by specifying that each Senate
35 caucus leader and each House caucus leader may designate one caucus political action
36 committee to promote the election of nominees of the caucus leader's political party to the
37 body of the Legislature of which that caucus leader is a member. Under the amendment,
38 a caucus leader is a member of a political party in a body of the Legislature who has been
39 elected the leader of that political party in that body of the Legislature. If the President of
40 the Senate or the Speaker of the House is a member of a political party, the President of
41 the Senate or Speaker of the House is the caucus leader of that political party in the
42 respective body of the Legislature.

1 The amendment also makes technical changes to the law governing the appointment
2 of members of the Commission on Governmental Ethics and Election Practices.
3 Specifically, in the provisions outlining who has the authority to propose individuals for
4 appointment to the commission, the phrases "appointed leader from each political party in
5 the Senate" and "appointed leader from each political party in the House of
6 Representatives" are replaced with the newly defined terms "Senate caucus leader" and
7 "House caucus leader."

8 The amendment further allows the unenrolled members of the Senate and the
9 unenrolled members of the House of Representatives to elect a leader who may designate
10 an unenrolled political action committee to promote the election of unenrolled candidates
11 to that body of the Legislature. Like a caucus political action committee, an unenrolled
12 political action committee may make unlimited donations to a candidate to fund a
13 recount. In addition, although Maine Clean Election Act candidates are generally
14 prohibited from serving as the treasurer, principal officer, primary fund-raiser or primary
15 decision maker for a political action committee, the amendment authorizes Maine Clean
16 Election Act candidates to engage in fund-raising or decision making for an unenrolled
17 political action committee to the same extent that Maine Clean Election Act candidates
18 may engage in such activities for a caucus political action committee.