

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2308

H. P. 1823 House of Representatives, January 7, 1974
Referred to Committee on Election Laws. Sent up for concurrence and
ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT Placing Certain Limits on Campaign Donations and Expenditures
for Candidates for Political Office and Public Referendum Questions.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is in the best interest of the people of the State of Maine to place certain limits on campaign spending; and

Whereas, these limits should be enacted and enforceable as far in advance of the General Election as is possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 21, § 1391-B, additional. Title 21 of the Revised Statutes is amended by adding a new section 1391-B to read as follows:

§ 1391-B. Donations to referendum campaigns

Notwithstanding any other provision of law, no person, corporation, public or private utility, association or government agency may make expenditures to initiate, promote or defeat the public referendum of direct initiative legis-

lation within the meaning of the Constitution of Maine or the state-wide public referendum of any statute in excess of \$3,000. For the purposes of this section, "expenditures" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or corporate facilities or personnel or anything of value, except a loan of money by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business.

Sec. 2. R. S., T. 21, § 1395, sub-§§ 3 and 4, amended. Subsection 3, as enacted by chapter 207 of the public laws of 1971 and as amended by section 2 of chapter 579 of the public laws of 1971 and by section 53 of chapter 414 of the public laws of 1973 and subsection 4, as enacted by chapter 207 of the public laws of 1971 and as amended by section 54 of chapter 414 of the public laws of 1973, of section 1395 of Title 21 of the Revised Statutes, are further amended to read as follows:

3. General election. Notwithstanding any other provisions of law, no candidate for political office in a general election shall dispense on behalf of such candidacy for advertising ~~as described in section 1575~~ an amount of money greater than the annual salary authorized for such office in any one year or 10¢ multiplied by the number of votes cast for all legally qualified candidates for such office at the last preceding general election for such office, whichever amount is the greater, except that no candidate for the Legislature shall expend an amount exceeding the annual salary for that office and except that a candidate for Governor and United States Senator shall be allowed to dispense twice the amount provided in this subsection.

For purposes of this subsection, "advertising" means all advertisements printed in newspapers or other printed periodicals, or broadcast on radio or television. The cost of producing such advertisements shall be included in computing the amount of money spent on advertising.

A. Exception. Expenditures by candidates for the office of State Senator and Representative to the Legislature shall be based on biennial salary.

B. Notwithstanding any other provisions of law, no candidate for political office in a general election shall dispense on behalf of such candidacy for mailings an amount of money greater than the annual salary authorized for such office in any one year or 10¢ multiplied by the number of votes cast for all legally qualified candidates for such office at the last preceding general election for such office, whichever amount is the greater, except that no candidate for the Legislature shall expend an amount exceeding the annual salary for that office and except that a candidate for Governor and United States Senator shall be allowed to dispense twice the amount provided in this subsection.

For purposes of this subsection, "mailings" means all written or printed material sent through the United States Postal System. The cost of producing such material, as well as the cost of postage, shall be included in computing the amount of money spent on mailings.

4. Primary election. Notwithstanding any other provisions of law, no candidate for political office in a primary election shall dispense on behalf of

such candidacy for advertising or mailings ~~as described in section 1575~~ an amount of money greater than 50% of either alternative specified in subsection 3, whichever amount is the greater.

A. Exception. Expenditures by candidates for the office of State Senator and Representative to the Legislature shall be based on biennial salary.

Sec. 3. R. S., T. 21, § 1395-A, additional. Title 21 of the Revised Statutes is amended by adding a new section 1395-A to read as follows:

§ 1395-A. Limitations on total expenditures

1. Limitations on total expenditures by candidates for the offices of Governor, United States Senator and United States Representatives in a general election. Notwithstanding any other provision of law, no candidate for the office of Governor, United States Senator or United States Representative in a general election shall make or authorize expenditures on behalf of such candidacy in excess of 50¢ multiplied by the number of votes cast for all legally qualified candidates for such office at the last preceding general election for such office.

2. —primary election. Notwithstanding any other provision of law, no candidate for the office of Governor, United States Senator or United States Representative in a primary election shall dispense on behalf of such candidacy an amount of money greater than 25¢ multiplied by the number of votes cast for all legally qualified candidates for such office at the last preceding general election for such office.

3. Limitations on total expenditures by candidates for other political offices in a general election. Notwithstanding any other provision of law, no candidate for other political offices in a general election shall dispense on behalf of such candidacy an amount of money greater than 50¢ multiplied by the number of votes cast for all legally qualified candidates for such office at the last preceding general election for such office. For purposes of this subsection, "other political offices" means all political offices other than Governor, United States Senator and United States Representative.

4. —primary election. Notwithstanding any other provision of law, no candidate for other political offices in a primary election shall dispense on behalf of such candidacy an amount of money greater than 25¢ multiplied by the number of votes cast for all legally qualified candidates for such office at the last preceding general election for such office. For purposes of this subsection, "other political offices" means all political offices other than Governor, United States Senator and United States Representative.

5. Limitation on expenditures from personal funds. No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination or election to political office in excess of:

A. \$35,000 in the case of a candidate for the office of Governor or United States Senator;

B. \$17,500 in the case of a candidate for United States Representative; or

C. \$5,000 in the case of a candidate for any other political office.

For purposes of this subsection, "other political offices" means all political offices other than Governor, United States Senator and United States Representative.

For purposes of this subsection, "immediate family" means a candidate's spouse, and any child, parent, grandparent, brother or sister of the candidate, and the spouses of such persons.

No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to place certain limits on total expenditures by candidates for the offices of Governor, United States Senator and United States Representatives in General and Primary Elections. The bill also limits the amount of money that may be spent on advertising and mailings in such elections and restricts the amount of money individuals and corporations may contribute to promote or defeat a referendum question.

This bill is included in the Governor's message.