

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1019

H. P. 856 House of Representatives, February 25, 1981
On Motion of Representative Benoit of South Portland, referred to the
Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.

Cosponsor: Representative Post of Owls Head.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT to Insure the Establishment of Clear Standards by the Commission on
Governmental Ethics and Election Practices and to Amend the Penalty
Provisions for Late Filing.**

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

Sec. 1. 1 MRSA § 1003, sub-§ 1, as amended by PL 1979, c. 541, Pt. A, § 4, is further amended to read:

1. Procedures, rules and regulations. The commission shall adopt ~~such~~, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, procedures, rules and regulations ~~as may appear~~ necessary for the orderly, prompt, fair and efficient carrying out of its duties, consistent with this chapter.

Sec. 2. 21 MRSA § 1398, first ¶, as amended by PL 1979, c. 479, §§ 4 and 5, is further amended by adding after the 2nd sentence a new sentence to read:

Procedures, rules and regulations governing the determination of lateness shall be adopted by the commission in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

Sec. 3. 21 MRSA § 1417, first sentence, as enacted by PL 1977, c. 575, § 17, is repealed.

Sec. 4. 21 MRSA § 1417, first ¶, as amended by PL 1979, c. 479, § 7, is further amended by adding at the end a new sentence to read:

Procedures, rules and regulations governing the determination of lateness shall be adopted by the commission in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

Sec. 5. 21 MRSA § 1417, as amended by PL 1979, c. 479, § 7, is further amended by adding at the end a new paragraph to read:

There shall be a minimum penalty of \$10 for failure to file a required report by the required date. In addition, a penalty shall be assessed for each business day a report is late according to the following schedule.

Total of expenditures plus contributions recorded in the report	Penalty per business day late
\$ 0 — \$ 10	None
10.01 — 100	\$ 1
100.01 — 250	2
250.01 — 500	3
500.01 — 1,000	5
1,000.01 — 5,000	7
5,000.01 or more	10

Sec. 6. 21 MRSA § 1421, as repealed and replaced by PL 1975, c. 759, § 2, is amended by adding at the end a new sentence to read:

Procedures, rules and regulations governing the making of findings on the validity of disputed or challenged ballots shall be adopted by the commission in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

STATEMENT OF FACT

This bill seeks to insure that the Commission on Governmental Ethics and Election Practices will adopt rules and regulations setting forth the standards by which they will make decisions on the major issues with which it is confronted. These rules and regulations must be adopted according to the Maine Administrative Procedure Act which allows for public comment before the rules and regulations are finally established. Such rules and regulations will assist the commission in making decisions in accordance with established standards rather than on a purely unique case by case basis which may lead to inconsistent determinations.

The bill also sets up a schedule of fines for late filing rather than a flat rate. The schedule is based on total expenditures and contributions.