

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1371

H. P. 1149

House of Representatives, March 18, 1981

Referred to the Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative McCollister of Canton.

STATE OF MAINE

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

**AN ACT to Amend the Campaign Reporting Law.**

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

**Sec. 1.** 21 MRSA § 1397, sub-§ 4, ¶ C, as repealed and replaced by PL 1979, c. 434, § 3, is amended by adding at the end a new sentence to read:

**If a report indicates that it is incomplete but is being filed to meet the filing deadline, it shall be completed within an additional 10-day period.**

**Sec. 2.** 21 MRSA § 1398, last ¶, as repealed and replaced by PL 1977, c. 575, § 14, is amended by adding at the end a new sentence to read:

**The court shall award the State reasonable attorneys fees along with any penalty collected.**

**Sec. 3.** 21 MRSA § 1398, as amended by PL 1979, c. 479, §§ 4 and 5, is further amended by adding at the end a new paragraph to read:

**If the Secretary of State fails to report to the Attorney General or the Attorney General fails to enforce a violation after notice from the Secretary of State, his salary is forfeited for each day until the action required is taken.**

**Sec. 4.** 21 MRSA § 1398-A is enacted to read:

**§ 1398-A. Sanctions against Legislators**

**The Secretary of State shall immediately certify to the Speaker of the House of**

**Representatives and the President of the Senate the name of any incumbent Legislator who has failed to pay, within 30 days after the commission's notice, the full amount of the penalty under section 1398. Upon receiving the certification, the Speaker of the House of Representatives and the President of the Senate shall remove from any committee assignment any Legislator whose name appears on the certification. They shall prevent that Legislator from taking any action on the floor of the appropriate body, except voting. They shall direct the Legislative Finance Officer to withhold payment of any salary to the Legislator until an amount sufficient to pay the total outstanding penalty has been withheld at which point the penalty is deemed to have been paid.**

#### STATEMENT OF FACT

This bill permits the State to recover attorney fees in actions to recover penalties for the failure to file reports under the campaign reporting law. It provides for a daily loss of salary for each day that the Secretary of State or Attorney General fail to enforce the penalty sections. It strips incumbent Legislators of committee assignments and any floor activity, except voting, while they are delinquent in failing to report. It also provides for withholding of a delinquent Legislator's salary in an amount sufficient to pay any outstanding fines and penalties. Finally, it allows an additional 10 days after the reporting deadline for the completion of any incomplete report.