

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1199

7 H.P. 920

House of Representatives, March 15, 1983

8 On Motion of Representative Nadeau of Lewiston, referred to the
9 Committee on Election Laws. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Prohibit 3rd Parties from
18 Distributing Political Material on Behalf of
19 a Candidate unless Authorized to do so by
20 that Candidate.
21

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

24 21 MRSA §1394, as amended by PL 1979, c. 638, §1,
25 is further amended to read:

26 §1394. Publication or distribution of political
27 statements

28 Whenever any person makes an expenditure for the
29 purpose of financing communications expressly advoc-
30 ating the election or defeat of a clearly identified
31 candidate through broadcasting stations, newspapers,
32 magazines, outdoor advertising facilities, direct
33 mails and other similar types of general public

1 political advertising and through flyers, handbills,
2 bumper stickers and other nonperiodical publications,
3 such that communication, if authorized by a candi-
4 date, a candidate's authorized political committee or
5 their agents, shall clearly and conspicuously state
6 that the communication has been so authorized and
7 shall clearly state the name and address of the
8 person who made or financed the expenditure for the
9 communication.

10 If such a communication advocating the defeat of
11 a clearly identified candidate is not authorized by a
12 another candidate, a candidate's his authorized
13 political committee or their agents, the communica-
14 tion shall clearly and conspicuously state that the
15 communication is not authorized by any candidate, and
16 state the name and address of the person who made or
17 financed the expenditure for the communication.

18 No person operating a broadcasting station within
19 this State ~~shall~~ may broadcast any such communication
20 without an oral or written visual announcement of the
21 name of the person who made or financed the expendi-
22 ture for the communication.

23 No person advocating the election of a candidate
24 may engage in the promotion of the candidacy of that
25 candidate through any medium of public political
26 advertising or any form of nonperiodical publication
27 referred to in the preceding paragraph without the
28 express, written consent of that candidate. Any candi-
29 date whose rights under this paragraph have been
30 violated may enjoin the person violating those rights
31 by filing an action in Superior Court. If the candi-
32 date prevails, the person so enjoined shall be liable
33 for the candidate's reasonable attorneys' fees and
34 court costs.

35 Any person who violates this section shall be
36 liable to a fine of not more than \$500 for the first
37 offense, and not less than \$500, nor more than \$1,000
38 for each subsequent offense.

1 STATEMENT OF FACT

2 The purpose of this bill is to prohibit 3rd parties
3 from distributing political material on behalf
4 of a candidate without the express, written consent
5 of that candidate. The bill prohibits the use of
6 public media advertising such as radio, television
7 and billboard advertising, as well as nonperiodical
8 advertising such as bumper stickers and handbills.
9 Violations of the provisions of this bill can be
10 enjoined by the candidate affected, and if he pre-
11 vails in obtaining an injunction, the enjoined party
12 will be liable for his attorneys' fees and court
13 costs.

14 The bill also imposes a civil penalty of up to
15 \$500 for the first offense of any provision and a
16 penalty of between \$500 and \$1,000 for any subsequent
17 offense.

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