

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1356

6
7 H.P. 1031

House of Representatives, March 29, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Michael of Auburn.

Cosponsors: Representative Rolde of York and Representative Brown of
11 Gorham.

12 STATE OF MAINE
13

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

17 AN ACT Regarding Contributions to
18 Political Campaigns.
19

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

22 Sec. 1. 21 MRSA §1395, sub-§1, as amended by PL
23 1977, c. 575, §8, is further amended to read:

24 1. Individuals; committees; associations. No
25 individual, other than a candidate in making a con-
26 tribution to himself or a candidate's spouse in
27 making a contribution to that candidate, or political
28 committee, other committee or association shall may
29 make contributions to a candidate, in support of the
30 candidacy of one person, in an aggregate amount
31 greater than \$1,000 in any election, except that the
32 limit shall be \$500 in any election for the Senate
33 and \$250 in any election for the House of Representa-
34 tives.

1 Sec. 2. 21 MRSA §1395, sub-§2, as enacted by PL
2 1975, c. 759, §1, is repealed.

3 Sec. 3. 21 MRSA §1395, sub-§2-A is enacted to
4 read:

5 2-A. Corporation contributions prohibited. No
6 officer of a corporation, incorporated under the laws
7 of this or any other state or foreign country, or an
8 agent or person acting on behalf of a corporation,
9 may pay, give or lend, or authorize to be paid, given
10 or lent, any money or other thing of value belonging
11 to the corporation, to a candidate, financial agent
12 or political committee or other person or association
13 for the payment of a candidate's election expenses.

14 A. The provisions of this subsection shall not
15 be deemed to prohibit:

16 (1) Direct communications, other than by
17 newspapers of general circulation, radio,
18 television or billboard advertising likely
19 to reach the general public, by a corpora-
20 tion to its stockholders and executive or
21 administrative personnel and their immediate
22 families on any subject;

23 (2) Nonpartisan registration and
24 get-out-the-vote campaigns by a corporation
25 aimed at its stockholders and executive or
26 administrative personnel and their immediate
27 families; and

28 (3) The solicitation of contributions to a
29 separate, segregated fund to be used for
30 political purposes by a corporate officer,
31 agent or other person on behalf of a corpo-
32 ration. Any such fund shall be deemed a
33 political committee for the purpose of this
34 subsection and shall be subject to the re-
35 quirements applying to political committees.

36 B. It shall be unlawful:

37 (1) For a separate, segregated fund to make
38 a contribution or expenditure by utilizing
39 money or anything of value secured by physi-

- 1 cal force, job discrimination, financial
2 reprisal or the threat of force, job dis-
3 crimination or financial reprisal, or as a
4 condition of employment, or by money
5 obtained in any commercial transaction;
- 6 (2) For any person soliciting stockholders
7 or executive or administrative personnel and
8 members of their immediate family for a con-
9 tribution to that fund to fail to inform the
10 person of the political purposes of that
11 fund at the time of the solicitation;
- 12 (3) For any person soliciting any other
13 person for a contribution to such a fund to
14 fail to inform the other person at the time
15 of the solicitation of his right to refuse
16 to contribute without any reprisal;
- 17 (4) For a corporation or a separate segre-
18 gated fund established by a corporation to
19 solicit contributions to that fund from any
20 person other than its stockholders and their
21 immediate families and its executive or
22 administrative personnel and their immediate
23 families;
- 24 (5) For a corporation or a separate, segre-
25 gated fund established by a corporation to
26 receive contributions to that fund from any
27 person other than its stockholders and their
28 immediate families and its executive or
29 administrative personnel and their immediate
30 families;
- 31 (6) For a corporation to engage in job dis-
32 crimination or to discriminate in job pro-
33 motion or transfer because of an employee's
34 failure to make a contribution to that fund;
- 35 (7) For a corporation to pay, give or lend,
36 or authorize to be paid, given or lent any
37 money or other thing of value belonging to
38 the corporation to that fund for any pur-
39 pose. This provision shall not be deemed to
40 prohibit such a fund from using the prop-
41 erty, real or personal, facilities and

1 equipment of a corporation solely to estab-
2 lish, administer and solicit contributions
3 to the fund. No such property, real or per-
4 sonal, facilities or equipment of a corpora-
5 tion may be utilized for the purpose of
6 influencing votes for a particular candi-
7 date; and

8 (8) For a public utility company to form a
9 separate segregated fund or funds or polit-
10 ical committee or other committee in support
11 of political candidates or parties, or to
12 use corporate property, real or personal,
13 facilities, equipment, materials or services
14 of the utility to establish, administer or
15 solicit contributions to that fund or polit-
16 ical committee.

17 C. For the purposes of this subsection, the term
18 "executive or administrative personnel" means
19 individuals employed by a corporation who are
20 paid on a salary rather than hourly basis and who
21 have policy-making, managerial, professional or
22 supervisory responsibilities.

23 D. Any individual or corporation violating this
24 subsection shall be punished, as provided in
25 section 1402. No corporation may reimburse any
26 individual for all or part of a fine imposed as a
27 penalty.

28 Sec. 4. 21 MRSA §1395, sub-§3, as amended by PL
29 1977, c. 575, §9, is further amended to read:

30 3. Aggregate contributions. No individual, other
31 than a candidate in making a contribution to himself
32 or a candidate's spouse in making a contribution to
33 that candidate, or political committee, other commit-
34 tee association or separate segregated fund, shall
35 may make contributions to candidates aggregating more
36 than ~~25,000~~ \$10,000 in any calendar year, except
37 that the limit shall be an aggregate amount of \$5,000
38 in any calendar year to candidates for the Senate and
39 the House of Representatives or to committees, asso-
40 ciations or funds using any portion of their
41 resources to promote the election or defeat of candi-
42 dates for the the Senate or the House of Representa-

1 tives.

2

STATEMENT OF FACT

3 This bill establishes new campaign contribution
4 limits for election to the Senate and the House of
5 Representatives. It abolishes corporate contribu-
6 tions as several other states have done and as the
7 Federal Government has done for federal elections.
8 It prohibits the solicitation by corporations of the
9 nonexecutive or nonadministrative employees for con-
10 tributions to political funds. The bill prohibits
11 public utilities from forming so-called political ac-
12 tion committees. The bill also includes political
13 committees, other committees and associations in the
14 aggregate contribution limits and reduces the aggre-
15 gate total which may be contributed yearly from
16 \$25,000 to \$10,000 for races other than the House
17 Representatives and the Senate and to \$5,000 for
18 races to those offices. Much of this bill is based
19 on West Virginia, Iowa and other state laws.

20

1063031583