

MAINE STATE LEGISLATURE

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(New Draft of H.P. 763, L.D. 1026)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1677

H.P. 1228 House of Representatives, May 27, 1987
Reported by Representative PRIEST from the Committee on
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative HANDY of
Lewiston. Cosponsored by Senator KANY of Kennebec,
Representatives PERRY of Mexico and MURPHY of Berwick.

STATE OF MAINE

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

AN ACT Concerning the Reporting of Political
Advertising Provided under the
"Fairness Doctrine."

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

7 21-A MRSA §1051, as enacted by PL 1985, c. 161,
8 §6, is amended by adding at the end a new paragraph
9 to read:

10 This subchapter does not apply to any broadcast
11 time concerning any referendum campaign, as defined
12 in section 1, subsection 36, which is provided by a
13 broadcaster in accordance with the requirements of
14 the Federal Communications Act, United States Code,

1 Title 47, Section 315, generally referred to as the
2 "Fairness Doctrine."

3 STATEMENT OF FACT

4 Under a current ruling of the Commission on Gov-
5 ernmental Ethics and Election Practices, political
6 action committees must report as contributions any
7 broadcast time which is based on material approved by
8 the political action committee concerning an issue
9 when that broadcast time is provided under the "Fair-
10 ness Doctrine."

11 Full disclosure of anything of value which is
12 provided to a political action committee is required
13 under current law. The ruling concerning "Fairness
14 Doctrine" broadcast time, however, places heavy bur-
15 dens on political action committees in trying to ac-
16 curately report all such time and its value.

17 This new draft exempts from the subchapter cover-
18 ing financial reporting by political action commit-
19 tees all broadcast time provided by broadcasters to
20 fulfill their obligation to provide to the public
21 fair coverage of all sides of controversial issues of
22 public importance. This new draft recognizes that
23 even if the material provided by a political action
24 committee is used by a broadcaster to fulfill that
25 duty under federal law, the time should not be con-
26 sidered a contribution for 2 reasons. First, under
27 the federal law, the broadcast time and the informa-
28 tion presented is provided to the public, not to any
29 one side of the issue. Second, time provided as re-
30 quired by federal law should not be considered a con-
31 tribution because it is not, in essence, voluntarily
32 provided by the broadcaster.

33 Rather than require inaccurate reporting as now
34 required in this area, this new draft eliminates the
35 requirement that such time be reported at all.

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