

MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1549, L.D. 2109)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2541

H.P. 1856 House of Representatives, March 17, 1988
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 MAYO of
Thomaston.

STATE OF MAINE

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

1 **AN ACT to Clarify Reporting**
2 **Requirements under the Campaign Finance Laws.**
3

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

6 Sec. 1. 21-A MRSA §1016, sub-§3, ¶A, as enacted
7 by PL 1985, c. 161, §6, is amended to read:

8 A. All contributions made to or for the candidate

1 or committee. The value of a contribution sold at
2 public auction is the amount of the purchase price
3 paid at the public auction. If the contribution
4 is to be sold at public auction, the treasurer or
5 candidate is not required to report it as a
6 contribution until it is sold at public auction.
7 An auction is a public auction for the purposes of
8 this section if the public at large is invited and
9 eligible to bid for any item in the auction;

10 Sec. 2. 21-A MRSA §1017, sub-§3, ¶A, as enacted
11 by PL 1985, c. 161, §6, is amended to read:

12 A. Reports shall be filed not later than 5 p.m.
13 on the 7th day before the date on which an
14 election is held and must be complete as of the
15 11th day before that date. The first reports filed
16 in a year in which an election is held must
17 include all contributions made to and all
18 expenditures made by the candidate or committee as
19 of the completion date, and must cover not less
20 than the 6 months immediately preceding the
21 completion date; if a previous report was filed,
22 the report must cover the period from the last
23 completion date. Other reports must be complete
24 for the filing period. A filing period is that
25 period of time from one completion date to the
26 next completion date.

27 Sec. 3. 21-A MRSA §1057, sub-§3, ¶A is enacted
28 to read:

29 A. The value of a contribution sold at public
30 auction is the amount of the purchase price paid
31 at the public auction. If the contribution is to
32 be sold at public auction, the treasurer is not
33 required to report it as a contribution until it
34 is sold at public auction. An auction is a public
35 auction for the purposes of this section if the
36 public at large is invited and eligible to bid for
37 any item in the auction.

38

STATEMENT OF FACT

1 The purpose of this new draft is the same as that
2 of the original bill: To clarify campaign reporting
3 procedures with regard to contributions of items later
4 sold at auction. Current law is unclear as to how to
5 report the value of an item donated to a candidate,
6 committee or political action committee when that item
7 is sold at an auction. The appraised or estimated
8 value of an item is very often not the price paid for
9 the item at an auction, and this dichotomy is
10 confusing. This new draft establishes that the
11 reportable value of such an item is the price paid for
12 it at a public auction. This is appropriate because
13 that is the benefit the candidate, committee or
14 political action committee receives from the
15 contribution. The contribution does not need to be
16 reported until the item is actually sold. The auction
17 must be a public auction to which the public is
18 invited and at which anyone may bid on any item.

19 This new draft also closes a potential loophole in
20 current law concerning contributions and expenditures
21 made early in a campaign. Under current law,
22 expenditures and contributions made more than 6 months
23 before the 11th day before the election are not
24 clearly included in campaign financing reports. This
25 new draft clarifies that all contributions and
26 expenditures made before the 11th day before the
27 election must be reported. For committees and
28 candidates which have not accepted contributions or
29 made expenditures more than 6 months before the
30 election, the report must still cover that 6-month
31 period. For committees or candidates which have filed
32 reports in the past, the report need cover only that
33 period since the last report completion date.

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