

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1558, L.D. 2158, Bill, "An Act to Discourage Negative Campaign Practices"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 21-A MRSA c. 13, sub-c. V is enacted to read:

SUBCHAPTER V

MAINE CODE OF FAIR CAMPAIGN PRACTICES

§1101. Maine Code of Fair Campaign Practices

1. Distribution to candidates. At the time a candidate for the office of Governor, the Senate or the House of Representatives registers with the commission as required under section 1013-A, the commission shall give the candidate a form containing a copy of the Maine Code of Fair Campaign Practices established in this subchapter. The commission shall, at that time, inform the candidate that subscription to the code is voluntary. For the purposes of this subchapter, "code" means the Maine Code of Fair Campaign Practices.

2. The code form. The code, printed on the form provided to candidates under subsection 1, must read as follows:

"Maine Code of Fair Campaign Practices

I shall conduct my campaign and, to the extent reasonably possible, insist that my supporters conduct themselves, in a manner consistent with the best Maine and American traditions, discussing the issues and presenting my record and policies with sincerity and candor.

I shall uphold the right of every qualified voter to free and equal participation in the election process.

2 I shall not participate in and I shall condemn defamation of
4 and other attacks on any opposing candidate or party that I do
not believe to be truthful, provable and relevant to my campaign.

6 I shall not use or authorize and I shall condemn material
8 relating to my campaign that falsifies, misrepresents or distorts
10 the facts, including, but not limited to, malicious or unfounded
accusations creating or exploiting doubts as to the morality,
patriotism or motivations of any party or candidate.

12 I shall not appeal to and I shall condemn appeals to
14 prejudices based on race, creed, sex or national origin.

16 I shall not practice and I shall condemn practices that tend
18 to corrupt or undermine the system of free election or that
hamper or prevent the free expression of the will of the voters.

20 I shall promptly and publicly repudiate the support of any
22 individual or group that resorts, on behalf of my candidacy or in
opposition to that of an opponent, to methods in violation of the
letter or spirit of this code.

24 I, the undersigned, candidate for election to public office
26 in the State of Maine, hereby voluntarily endorse, subscribe to
and solemnly pledge to conduct my campaign in accordance with the
28 above principles and practices.

30 Candidate for Public Office"

32 **§1102. Printing of code forms**

34 The commission shall print, or cause to be printed, copies
36 of the code for distribution to registered candidates.

38 **§1103. Acceptance of completed forms**

40 The commission shall accept, at all times prior to the
42 election, completed code forms that are properly subscribed to by
a candidate.

44 **§1104. Public records**

46 The commission shall retain for public inspection all
48 completed code forms accepted by the commission under section
1103. A code subscribed to by a candidate is a public record
under Title 1, section 408.

§1105. Subscription to code voluntary

In no event may a candidate be required to subscribe to or endorse the code.

Sec. 2. Study. The Chair of the Commission on Governmental Ethics and Election Practices shall select 2 commission members, one from each major political party to serve, together with a 3rd member chosen by those 2 commission members or by the chair if those persons can not agree, on a subcommittee. The subcommittee shall study, in consultation with the Department of the Attorney General, candidates' compliance with the Maine Code of Fair Campaign Practices established by this Act and the need for, costs of and legal issues involved with establishment of a complaint procedure to enable a candidate for the office of Governor, the Senate or the House of Representatives who alleges an opponent has violated the code to file a complaint with the commission that will hold a hearing to determine whether a violation, in fact, occurred. A person who is unqualified to serve on the commission may not serve on the subcommittee. In addition, the subcommittee shall recommend any changes in the terms of the code necessary to ensure that it is enforceable with civil or criminal penalties for violations. The subcommittee shall report its recommendations to the joint standing committee of the Legislature having jurisdiction over legal affairs by January 15, 1992.

Sec. 3. Transition provision. As soon as practicable after the effective date of this Act, the Commission on Governmental Ethics and Election Practices shall send the code form provided for by the Maine Revised Statutes, Title 21-A, chapter 13, subchapter V, to candidates for the office of Governor, the Senate or the House of Representatives who have registered as required under Title 21-A, section 1013-A. The commission shall accept and make available for public inspection the endorsed code forms in the manner provided by Title 21-A, chapter 13, subchapter V.

FISCAL NOTE

The Commission on Governmental Ethics and Election Practices will absorb the costs of printing and distributing code forms, as well as the costs associated with the study, within its available resources.'

STATEMENT OF FACT

This amendment replaces the bill. The amendment establishes the Maine Code of Fair Campaign Practices, a voluntary ethics code, according to which candidates for the office of Governor,

COMMITTEE AMENDMENT "A" to H.P. 1558, L.D. 2158

2 the Senate or the House of Representatives may agree to conduct
their campaigns. The code is modeled after the fair campaign
practices code of the State of Washington.

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6 The code not only requires a candidate to avoid
misrepresentations, appeals to prejudice and other negative
campaign practices but also requires a candidate to disavow and
8 condemn negative practices undertaken by others on the
candidate's behalf.

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12 In the amendment, the Commission on Governmental Ethics and
Election Practices is responsible for distributing, at the time
candidates register with the commission, copies of the code forms
14 for those candidates' endorsement. The commission will keep on
file returned forms that are properly endorsed. The forms will
16 be available for public inspection.

18

20 The amendment requires the chair of the commission to
establish a bipartisan subcommittee to study, in consultation
with the Department of the Attorney General, compliance with the
voluntary Maine Code of Fair Campaign Practices and costs of,
22 need for and legal issues associated with establishment of a
procedure whereby a candidate could file a complaint alleging a
violation of the code with the commission which would then hold a
24 hearing and make a finding. The subcommittee will make
recommendations regarding any changes in the code required to
26 make it enforceable with criminal or civil sanctions. The
subcommittee shall report its recommendations to the joint
28 standing committee of the Legislature having jurisdiction over
30 legal affairs on January 15, 1992.

32

34 The amendment includes a transition provision requiring the
commission to send, as soon as practicable after the effective
date of this amendment, a copy of the code to registered
candidates for the office of Governor, the Senate or the House of
36 Representatives and to accept and make available for public
inspection endorsed and returned code forms.

38

The amendment adds a fiscal note.

Reported by the Committee on Legal Affairs
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