

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

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H.P. 1570

House of Representatives, January 10, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

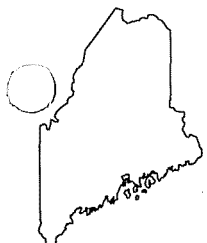
EDWIN H. PERT, Clerk

Presented by Representative MAYO of Thomaston.
Cosponsored by Senator TITCOMB of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Concerning Political Campaign Financing and Reporting.



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

2
3 Sec. 1. 21-A MRSA §1013-A, sub-§§1 to 3, as enacted by PL 1989,
4 c. 504, §§4 and 31, are amended to read:

6 1. **Candidates; candidates' treasurers.** Candidates and
7 candidates' treasurers are required to register with the
8 commission ~~for each election as follows~~ at least once in each
9 legislative biennium as provided in this section. For the
10 purpose of this section, "legislative biennium" means the term of
11 office for which a person is elected to serve in the Legislature.

12
13 A. A candidate may accept contributions personally or make
14 or authorize expenditures personally. A candidate for a
15 state or county office other than the office of Governor
16 shall register the candidate's name and address with the
17 commission within 7 days of accepting contributions in an
18 aggregate amount in excess of \$500 or incurring obligations
19 or making expenditures in an aggregate amount in excess of
20 \$500. A candidate for the office of Governor shall register
21 the candidate's name and address with the commission within
22 7 days of accepting contributions or making or authorizing
23 expenditures in excess of \$1,000.

24
25 B. A candidate may appoint a treasurer to accept
26 contributions or to make or authorize expenditures. A
27 candidate who appoints a treasurer must register with the
28 commission the name and address of the treasurer, the name
29 and address of the candidate making the appointment and the
30 treasurer's term of office, if any, within 7 days after the
31 appointment. Contributions accepted by or expenditures
32 authorized by a candidate's treasurer ~~shall be~~ are deemed
33 accepted or authorized by the candidate for the purposes of
34 this subchapter.

35
36 C. Any candidate not required to register earlier shall do
37 so within 5 days after qualifying as a candidate, by
38 petition, write-in election or otherwise.

39
40 Any candidate whose treasurer is registered with the commission
41 before the candidate files a petition or accepts contributions,
42 incurs obligations or makes expenditures in the aggregate in
43 excess of \$500 shall be considered in compliance with paragraphs
44 A and C of this subsection.

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46 2. **Authorized political committees.** A candidate may
47 authorize one political committee and one exploratory committee
48 to promote that candidate's election. Each committee shall
49 register with the commission ~~for each election~~ at least once
50 every legislative biennium as provided in this section. Each
51 political committee shall appoint a treasurer before accepting
52 any contributions or making or authorizing any expenditures.

2 Within 7 days after that appointment, each political committee shall register with the commission the following information:

4 A. The name and address of the committee's treasurer and the treasurer's term of office, if any;

6 B. The name or title of the committee making the appointment;

8 C. The name of the candidate or potential candidate who authorized the committee; and

10 D. The names and addresses of all of the committee's officers, whether or not the committee accepts any contributions or makes or authorizes any expenditures.

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16 3. Party committees. The state, district, county and municipal committees of parties shall submit to the commission the names and addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 days after the appointment, election or hiring of these persons. District, county and municipal committees which provide their state party committees with the information required by this subsection to be submitted to the commission shall be deemed to have submitted that information to the commission. No later than ~~January-1st~~ the 2nd Monday in April of each year in which a general election is scheduled, the state committee of a party shall submit a consolidated report, including the information required under this subsection for the district, county and municipal committees of that party.

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32 Sec. 2. 21-A MRSA §1017, sub-§2, ¶D, as amended by PL 1989, c. 504, §§12 and 31, is repealed and the following enacted in its place:

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36 D. Contributions aggregating \$1,000 or more from any one contributor or any expenditures of \$1,000 or more, made after the 12th day and more than 48 hours before 5 p.m. on election day, must be reported within 48 hours of those contributions or expenditures or by noon of the first business day after the contributions or expenditures, whichever is later.

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44 Sec. 3. 21-A MRSA §1017, sub-§5, as amended by PL 1989, c. 504, §§15 and 31, is further amended to read:

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48 5. Content. A report required under this section must contain the itemized accounts of contributions received during that report filing period, including the date a contribution was recorded, and the name, address, occupation, principal place of business, if any, and the amount of the contribution of each person who has made a contribution or contributions aggregating

2 in excess of \$50. It must contain the itemized expenditures made
or authorized, the date and purpose of each expenditure and the
4 name of each payee and creditor. Total contributions with
respect to an election of less than \$500 and total expenditures
6 of less than \$500 need not be itemized. The report must contain
a statement of any loan ~~of money in an aggregate amount of \$500~~
8 or more to a candidate by a financial institution in connection
with that candidate's candidacy that is made during the period
10 covered by the report, whether or not the loan is defined as a
contribution under section 1012, subsection 2, paragraph A. The
12 candidate is responsible for the timely and accurate filing of
each required report.

14 **Sec. 4. 21-A MRSA §1017, sub-§8, ¶D-1 is enacted to read:**

16 D-1. Carrying forward the surplus balance for use by the
18 candidate for a subsequent election;

20 **Sec. 5. 21-A MRSA §1051, first ¶, as enacted by PL 1985, c.**
22 **161, §6, is amended to read:**

24 This subchapter applies to the activities of political
action committees organized in this State which--expend that
26 accept contributions, incur obligations or make expenditures in
an aggregate amount in excess of \$50 in any one calendar year for
the election of state or county officers, or for the support or
defeat of any campaign, as defined in this subchapter.

28 **Sec. 6. 21-A MRSA §1053, first ¶, as amended by PL 1989, c.**
30 **504, §§24 and 31, is further amended to read:**

32 Every political action committee which that accepts
34 contributions, incurs obligations or makes expenditures in the
aggregate in excess of \$50 in any single calendar year to
initiate, support, defeat or influence in any way a campaign, -a-
36 referendum, initiated petition, candidate, political committee or
another political action committee must register with the
38 commission on forms prescribed by the commission. These forms
must include the following information and any additional
40 information reasonably required by the commission to monitor the
activities of political action committees in this State under
42 this subchapter:

44 **Sec. 7. 21-A MRSA §1058, as enacted by PL 1985, c. 161, §6,**
46 **is amended to read:**

48 **§1058. Reports, qualifications for filing**

50 Any political action committee that expends accepts
52 contributions, incurs obligations or makes expenditures in an
aggregate amount in excess of \$50 on any one or more campaigns
for the office of Governor, for state or county office or for the

2 support or defeat of a referendum or initiated petition shall
3 file a report on its activities in that campaign with the
4 commission on forms as prescribed by the commission. Any
5 political action committee required under this section to file a
6 report shall file the report for each filing period under section
7 1059, whether or not the expenditures are in excess of \$50 in any
8 one period.

9 **Sec. 8. 21-A MRSA §1059, sub-§1, ¶B,** as repealed and replaced
10 by PL 1989, c. 504, §§28 and 31, is amended to read:

11 B. Aggregate expenditures, by candidate or political
12 committee, for the reporting periods between--the--filing
13 dates--specified defined in this section and cumulative
14 totals of aggregate expenditures which must include
15 preceding reporting periods; and

16 **Sec. 9. 21-A MRSA §1059, sub-§1, ¶C,** as repealed and replaced
17 by PL 1989, c. 504, §§28 and 31, is repealed and the following
18 enacted in its place:

19 C. The total cumulative balance from all preceding
20 reporting periods; and

21 **Sec. 10. 21-A MRSA §1059, sub-§1, ¶D** is enacted to read:

22 D. Itemized cumulative aggregate expenditures which must
23 include all reporting periods to be filed in the
24 post-general election report due 42 days after the general
25 election.

26 **Sec. 11. 21-A MRSA §1060, sub-§4,** as enacted by PL 1985, c.
27 161, §6, is amended to read:

28 4. Itemized expenditures. An itemization of expenditures
29 and each expenditure, the date and purpose of each expenditure,
30 and the name and address of each recipient of an expenditure
31 made to support or oppose any candidate, campaign, political
32 committee, political action committee, political party,
33 referendum or initiated petition. The commission may specify the
34 categories of expenditures which that are to be reported to
35 enable the commission to closely monitor the activities of
36 political action committees;

37 STATEMENT OF FACT

38 The purpose of this bill is to correct several
39 inconsistencies in the current campaign financing and reporting
40 laws. The bill makes the following changes:

- 2 1. It enables candidates and candidates' treasurers to
4 register with the commission once during the legislative biennium
6 unless a candidate runs for a different office or a candidate's
8 treasurer works for a different candidate. Under current law,
10 candidates and candidates' treasurers must register for each
12 election, including primary, general and special elections.
- 14 2. It enables political committees and candidates'
16 exploratory committees to register once during a legislative
18 biennium.
- 20 3. It establishes 5 p.m. on election day as the specific
22 time by which candidates and political action committees must
24 report contributions aggregating \$1,000 or more that are received
before the election.
- 26 4. It requires that all loans connected with a candidate's
28 candidacy be reported to the commission. Current law limits the
30 reporting requirement to loans in excess of \$500.
- 32 5. It permits candidates who do not establish political
34 committees to carry surplus campaign fund balances forward in the
same manner that political committees are currently allowed.
- 36 6. It requires that contributions, obligations and
38 expenditures in excess of specific amounts be reported by all
reporting organizations. Currently, these 3 reporting
40 requirements are required for some organizations but not for
42 others.
7. It clarifies the provisions governing the contents of
campaign reports with respect to aggregate expenditures and
cumulative aggregate expenditures.
8. It changes the date by which the consolidated report of
the state committee of a political party must be filed from
January 1st of each year to the 2nd Monday in April of each year.
9. It requires that political action committees, in their
reports due 42 days after a general election, file itemized
cumulative aggregate expenditures that cover all reporting
periods.