

# 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)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46

STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to H.P.  
375, L.D. 529, Bill, "An Act to Amend the Campaign Finance  
Reporting Laws"

Amend the amendment by striking out everything after the  
first paragraph and inserting in its place the following:

PART A

Sec. A-1. 21-A MRSA §1003, sub-§§1 and 2, as amended by PL  
1989, c. 504, §§1 and 31, are further amended to read:

1. Investigations. The commission may investigate to  
determine the facts concerning the registration of any a  
candidate, treasurer, political committee or political action  
committee and contributions by or to and expenditures by any a  
person, candidate, treasurer, political committee or political  
action committee. For this purpose, the commission may subpoena  
witnesses and records and take evidence under oath. Any A person  
or political action committee that fails to obey the lawful  
subpoena of the commission or to testify before it under oath  
shall must be punished by the Superior Court for contempt on  
application by the Attorney General on behalf of the commission.

2. Investigations requested. Any A person may apply in  
writing to the commission requesting an investigation concerning  
the registration of any a candidate, treasurer, political  
committee or political action committee and contributions by or  
to and expenditures by any a person, candidate, treasurer,  
political committee or political action committee. The commission  
shall review the application and shall make the investigation if  
the reasons stated for the request show sufficient grounds for  
believing that a violation may have occurred.

2           Sec. A-2. 21-A MRSA §1004, sub-§1, as amended by PL 1989, c.  
3           504, §§2 and 31, is further amended to read:

4           1. Contributions and expenditures. No A person, candidate,  
5           treasurer, political committee or political action committee may  
6           not knowingly make or accept any contribution or make any  
7           expenditure in violation of this chapter.

8           Sec. A-3. 21-A MRSA §1012, sub-§4, as enacted by PL 1987, c.  
9           160, §1, is repealed.

10          Sec. A-4. 21-A MRSA §1013-A, sub-§1, as amended by PL 1989, c.  
11          833, §1, is repealed and the following enacted in its place:

12          1. Candidates, their treasurers and political committees.  
13          A candidate must register the candidate's name and the name of a  
14          treasurer with the commission at least once in each legislative  
15          biennium, as provided in this section. For purposes of this  
16          section, "legislative biennium" means the term of office a person  
17          is elected to serve in the Legislature.

18           A. No later than 10 days after becoming a candidate and  
19           before accepting contributions, making expenditures or  
20           incurring obligations, every candidate for state or county  
21           office shall appoint a treasurer. The candidate may serve  
22           as treasurer. The candidate may have only one treasurer,  
23           who is responsible for the filing of campaign finance  
24           reports under this chapter. A candidate shall register the  
25           candidate's name and address and the name and address of the  
26           treasurer appointed under this section no later than 10 days  
27           after the appointment of the treasurer. A candidate may  
28           accept contributions personally or make or authorize  
29           expenditures personally, as long as the candidate reports  
30           all contributions and expenditures to the treasurer.

31           B. A candidate may authorize one political committee to  
32           promote the candidate's election. The candidate must  
33           appoint a treasurer of the political committee, who shall  
34           serve as the treasurer responsible for filing campaign  
35           finance reports under this chapter. No later than 10 days  
36           after appointing a political committee, the candidate shall  
37           register with the commission the following information  
38           regarding the political committee:

39           (1) The name and title of the committee;

40           (2) The name and address of the committee's treasurer;

41           (3) The name of the candidate who authorized the  
42           committee; and

2           (4) The names and addresses of all of the committee's  
3           officers.

4           Sec. A-5. 21-A MRSA §1013-A, sub-§2, as amended by PL 1989, c.  
5           833, §1, is repealed.

6           Sec. A-6. 21-A MRSA §1013-A, sub-§4, as enacted by PL 1989, c.  
7           504, §§4 and 31, is amended to read:

8           4. Reporting by registered treasurers. All contributions  
9           accepted and expenditures made or authorized by or on behalf of a  
10           candidate registered under this section or qualified under  
11           sections 335 and 336 or sections 354 and 355 must be recorded and  
12           reported as provided in sections 1016 and 1017.

13           Sec. A-7. 21-A MRSA §1013-B is enacted to read:

14           §1013-B. Removal of treasurer; filling vacancy of treasurer;  
15           substantiation of records of treasurer; notification  
16           to commission

17           A candidate may remove any treasurer that the candidate has  
18           appointed. In case of a vacancy in the position of treasurer of  
19           a candidate or a political committee before all of the  
20           obligations of the treasurer have been performed, the candidate  
21           shall serve as treasurer from the date of the vacancy until the  
22           candidate appoints a successor and reports the name and address  
23           of the successor to the commission. The candidate shall file a  
24           written statement of resignation of a treasurer of a candidate or  
25           a political committee and until that statement has been filed,  
26           the resignation is not effective. An individual who vacates the  
27           position of treasurer by reason of removal or resignation shall  
28           certify the accuracy of the treasurer's records to the succeeding  
29           treasurer. A succeeding treasurer may not be held responsible  
30           for the accuracy of the predecessor's records.

31           Sec. A-8. 21-A MRSA §1014, sub-§4, as enacted by PL 1989, c.  
32           504, §§6 and 31, is amended to read:

33           4. Enforcement. An expenditure, communication or broadcast  
34           which results in a violation of this section may result in a  
35           civil penalty of no more than \$100 if the violation is not  
36           corrected within 10 days after the candidate or other person who  
37           committed the violation receives notification of the violation  
38           from the commission. Enforcement and collection procedures shall  
39           must be in accordance with section 1020.

40           Sec. A-9. 21-A MRSA §1015, sub-§6, as enacted by PL 1985, c.  
41           161, §6, is amended to read:

R. of S.

2 6. Prohibited expenditures. A candidate, a treasurer, a  
4 political committee, a party or party committee, a person  
6 required to file a report under this subchapter or their  
8 authorized agents may not make any expenditures for liquor to be  
distributed to or consumed by voters while the polls are open on  
election day.

10 Sec. A-10. 21-A MRSA §1016, as amended by PL 1989, c. 878,  
Pt. A, §47 and affected by §48, is further amended to read:

12 §1016. Records

14 Each treasurer ~~or each candidate~~ shall keep detailed records  
16 of all contributions received and of each expenditure which that  
the treasurer or candidate makes or authorizes, as provided in  
18 this section. When reporting contributions and expenditures to  
the commission as required by section 1017, the ~~candidate or~~  
20 treasurer shall certify the completeness and accuracy of the  
information reported by that ~~candidate or~~ treasurer.

22 1. Segregated funds. All funds of a political committee  
and campaign funds of a candidate must be segregated from, and  
24 may not be commingled with, any personal funds of the candidate,  
treasurer, other officers, members or associates of the  
26 committee. Personal funds of the candidate used to support the  
candidacy must be recorded and reported to the treasurer as  
28 contributions to the political committee, or the candidate if the  
candidate has not authorized a political committee.

30 2. Report of contributions and expenditures. Any person  
32 who receives a contribution or makes an expenditure for a  
34 candidate or political committee shall report the contribution or  
expenditure to the candidate's treasurer within 5 days of receipt  
36 of the contribution or the making of the expenditure. Every  
person who receives a contribution in excess of \$10 for a  
38 candidate or a political committee shall give also report to the  
40 treasurer or candidate a detailed account of the contribution on  
demand of the treasurer or candidate and in any event within 5  
42 days after receiving the contribution. This account must include  
the amount of the contribution, the name and address of the  
person making the contribution and the date on which the  
contribution was received.

44 3. Record keeping. A treasurer ~~or a candidate~~ shall keep a  
46 detailed and exact account of:

48 A. All contributions made to or for the candidate or  
50 committee, including any contributions by the candidate;

R. of S.

2 B. The name and address of every person making a  
3 contribution in excess of \$10, the date and amount of that  
4 contribution and, if a person's contributions in any report  
5 filing period aggregate more than \$50, the account must  
6 include the contributor's occupation and principal place of  
7 business, if any. If the contributor is the candidate or a  
8 member of the candidate's immediate family, the account must  
9 also state the relationship. For purposes of this paragraph,  
10 "filing period" is as provided in section 1017, ~~subsections~~  
11 subsections 2 and 3-A;

12 C. All expenditures made by or on behalf of the committee  
13 or candidate; and

14 D. The name and address of every person to whom any  
15 expenditure is made and the date and amount of the  
16 expenditure.

17  
18 4. Receipts preservation. A treasurer ~~of a candidate~~ shall  
19 obtain and keep a receipted bill, stating the particulars, for  
20 every expenditure in excess of \$50 made by or on behalf of a  
21 political committee or a candidate and for any such expenditure  
22 in a lesser amount if the aggregate amount of those expenditures  
23 to the same person in any election exceeds \$50. The treasurer ~~of~~  
24 candidate shall preserve all receipted bills and accounts  
25 required to be kept by this section for 2 years following the  
26 final report required to be filed for the election to which they  
27 pertain, unless otherwise ordered by the commission or a court.

30 **Sec. A-11. 21-A MRSA §1017, sub-§2, as amended by PL 1989, c.**  
31 **833, §2, is further amended to read:**

32 2. **Gubernatorial candidates.** ~~Except as provided by~~  
33 ~~subsection 7, each~~ Each treasurer of a candidate for the office  
34 of Governor or the candidate's treasurer and the treasurer of  
35 ~~each political committee authorized by the candidate~~ shall file  
36 reports with the commission as follows. Once the first required  
37 report has been filed, each subsequent report must cover the  
38 period from the completion date of the prior report filed.

39  
40 A. In any calendar year, other than a gubernatorial  
41 election year, in which the candidate or the candidate's  
42 political committee ~~or committees~~ has received contributions  
43 in excess of \$1,000 or made or authorized expenditures in  
44 excess of \$1,000, reports shall must be filed ~~not~~ no later  
45 than 5 p.m. on July 15th of that year and January 15th of  
46 the following calendar year. These reports must include all  
47 contributions made to and all expenditures made by or  
48 authorized by or on behalf of the candidate ~~or political~~  
49 ~~committee or the candidate's treasurer~~ as of the end of the  
50 preceding month, except those covered by a previous report.

R. of S.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 375,  
L.D. 529

2 B. Reports shall ~~must~~ be filed ~~not~~ no later than 5 p.m. on  
4 the 42nd day before the date on which an election is held  
6 and must be complete as of the 49th day before that date. If  
8 a report was not filed under paragraph A, the report  
10 required under this paragraph must cover all contributions  
12 and expenditures through the completion date.

14 C. Reports shall ~~must~~ be filed ~~not~~ no later than 5 p.m. on  
16 the 6th day before the date on which an election is held and  
18 must be complete as of the 12th day before that date.

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

34 E. Reports shall ~~must~~ be filed ~~not~~ no later than 5 p.m. on  
36 the 42nd day after the date on which an election is held and  
38 must be complete for the filing period as of the 35th day  
40 after that date.

42 F. Unless further reports will be filed in relation to a  
44 later election in the same calendar year, the disposition of  
46 any surplus or deficit in excess of \$50 shown in the reports  
48 described in paragraph E shall ~~must~~ be reported as follows  
50 provided in this paragraph. A The treasurer of a candidate  
or political committee with a surplus or deficit in excess  
of \$50 shall file reports semiannually with the commission  
within 15 days following the end of the 2nd and 4th quarters  
of the State's fiscal year, complete as of the last day of  
the quarter, until the surplus is disposed of or the deficit  
is liquidated. The first report under this paragraph is not  
required until the 15th day of the period beginning at least  
90 days from the date of the election. The reports may  
either be filed in person with the commission on that date  
or postmarked on that date. The reports must set forth any  
contributions for the purpose of liquidating the deficit, in  
the same manner as contributions are set forth in other  
reports required in this section.

52 G. Unless otherwise specified in this subsection, reports  
54 must be complete back to the completion date of the previous  
56 report. The report described in paragraph E, if filed with  
58 respect to a primary election, is considered a previous  
60 report in relation to reports concerning a general election.

R. of S.

2 H. Reports with respect to a candidate who seeks nomination  
by petition for the office of Governor shall must be filed  
4 on the same dates that reports must be filed with respect to  
a candidate who seeks that nomination by primary election.

6 Sec. A-12. 21-A MRSA §1017, sub-§3-A, as amended by PL 1989,  
c. 833, §3 and affected by §21, is further amended to read:

8 3-A. Other candidates. ~~Except as provided in subsection 7,~~  
10 ~~each~~ Each treasurer of a candidate for state or county office  
12 ~~other than the office of Governor, or the candidate's treasurer~~  
~~and the treasurer of each political committee authorized by a~~  
14 ~~candidate,~~ shall file reports with the commission as follows.  
16 Once the first required report has been filed, each subsequent  
report must cover the period from the completion date of the  
prior report filed.

18 A. In any calendar year in which ~~no~~ an election for the  
20 candidate's particular office is not scheduled, when any  
candidate or candidate's political committee ~~or committees~~  
22 have has received contributions in excess of \$500 or made or  
authorized expenditures in excess of \$500, reports must be  
24 filed no later than 5 p.m. on July 15th of that year and  
January 15th of the following calendar year. These reports  
26 must include all contributions made to and all expenditures  
made or authorized by or on behalf of the candidate, ~~the~~  
28 ~~candidate's or the treasurer or the candidate's authorized~~  
~~political committee of the candidate~~ as of the end of the  
preceding month, except those covered by a previous report.

30 B. Reports must be filed no later than 5 p.m. on the 6th  
32 day before the date on which an election is held and must be  
complete as of the 12th day before that date. If ~~no~~ a  
34 report was not filed under paragraph A, the report required  
under this paragraph must cover all contributions and  
36 expenditures through the completion date.

38 C. Any contribution of \$1,000 or more made after the 12th  
day and more than 48 hours before any election shall must be  
40 reported within 48 hours of that contribution, or by noon of  
the first business day after the contribution, whichever is  
42 later.

44 D. Reports shall must be filed no later than 5 p.m. on the  
42nd day after the date on which an election is held and  
46 must be complete for the filing period as of the 35th day  
after that date.

48 E. Unless further reports will be filed in relation to a  
50 later election in the same calendar year, the disposition of



2 any surplus or deficit in excess of \$50 shown in the reports  
described in paragraph D shall must be reported as provided  
4 by this paragraph. ~~A--candidate--or--political--committee~~  
~~authorized by~~ The treasurer of a candidate with a surplus or  
6 deficit in excess of \$50 shall file reports semiannually  
with the commission within 15 days following the end of the  
8 2nd and 4th quarters of the State's fiscal year, complete as  
of the last day of the quarter, until the surplus is  
disposed of or the deficit is liquidated. The first report  
10 under this paragraph is not required until the 15th day of  
the period beginning at least 90 days from the date of the  
12 election. The reports may either be filed in person with  
the commission on that date or postmarked on that date. The  
14 reports must set forth any contributions for the purpose of  
liquidating the deficit, in the same manner as contributions  
16 are set forth in other reports required in this section.

18 F. Reports with respect to a candidate who seeks nomination  
by petition shall must be filed on the same dates that  
20 reports must be filed by a candidate for the same office who  
seeks that nomination by primary election.

22 **Sec. A-13. 21-A MRS §1017, sub-§4**, as amended by PL 1989, c.  
24 504, §§15 and 31, is further amended to read:

26 **4. New candidate or nominee.** A candidate for nomination or  
a nominee chosen to fill a vacancy under chapter 5, subchapter  
28 III, is subject to section 1013-A, subsection 1, except that the  
candidate shall register the name of a treasurer or political  
30 committee and all other information required in section 1013-A,  
subsection 1, paragraphs A and B within 7 days after the  
32 candidate's appointment, or at least 6 days before the election,  
whichever is earlier. The treasurer of a candidate shall file a  
34 campaign report under this section within--15--days--after--the  
candidate's--appointment--and--thereafter--on--the--appropriate  
36 schedule--under--this--section not later than the earlier of 15 days  
after the candidate's appointment or 6 days before the election.  
38 The report must be complete as of 4 days before the report is  
due. Subsequent reports must be filed on the schedule set forth  
40 in this section. The commission shall send notification of this  
requirement and registration and report forms to the candidate  
42 and the candidate's treasurer immediately upon notice of the  
candidate's and treasurer's appointment.

44 **Sec. A-14. 21-A MRS §1017, sub-§5**, as amended by PL 1989, c.  
46 833, §4, is further amended to read:

48 **5. Content.** A report required under this section must  
contain the itemized accounts of contributions received during  
50 that report filing period, including the date a contribution was

R. 073

1 recorded ~~received~~, and the name, address, occupation, principal  
2 place of business, if any, and the amount of the contribution of  
each person who has made a contribution or contributions  
4 aggregating in excess of \$50. ~~It~~ The report must contain the  
itemized expenditures made or authorized during the report filing  
6 period, the date and purpose of each expenditure and the name of  
each payee and creditor. Total contributions with respect to an  
8 election of less than \$500 and total expenditures of less than  
\$500 need not be itemized. The report must contain a statement  
10 of any loan to a candidate by a financial institution in  
connection with that candidate's candidacy that is made during  
12 the period covered by the report, whether or not the loan is  
defined as a contribution under section 1012, subsection 2,  
14 paragraph A. The candidate ~~is~~ and treasurer are jointly  
responsible for the timely and accurate filing of each required  
16 report.

18 **Sec. A-15. 21-A MRSA §1017, sub-§6**, as amended by PL 1989, c.  
504, §§16 and 31, is further amended to read:

20 6. **Forms.** Reports required by this section must be on  
22 forms prescribed, prepared and sent by the commission to the  
treasurer of each registered candidate at least 7 days before the  
24 filing date for the report. Persons filing reports may use  
additional pages if necessary, but the pages must be the same  
26 size as the pages of the form. Although the commission mails the  
forms for required reports, failure to receive forms by mail does  
28 not excuse treasurers, committees,--candidates and other persons  
who must file reports from otherwise obtaining the forms.

30 **Sec. A-16. 21-A MRSA §1017, sub-§7**, as enacted by PL 1989, c.  
32 504, §§17 and 31, is repealed.

34 **Sec. A-17. 21-A MRSA §1017, sub-§8**, as amended by PL 1989, c.  
833, §§6 and 7 and affected by §21, is further amended to read:

36 8. **Disposition of surplus.** Candidates A treasurer of a  
38 candidate registered under section 1013-A or qualified under  
sections 335 and 336 or sections 354 and 355 may dispose of a  
40 surplus exceeding \$50 solely by:

- 42 A. Pro rata distribution to the candidate's or candidate's  
authorized political committee's contributors;
- 44 B. A gift to a qualified political party within ~~this~~ the  
46 State, including any county or municipal subdivision of such  
a party;
- 48 C. An unrestricted gift to the State;

50

R. of S

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 375,  
L.D. 529

2 D. Carrying forward the surplus balance to a political  
committee established to promote the same candidate for a  
subsequent election;

4  
6 D-1. Carrying forward the surplus balance for use by the  
candidate for a subsequent election;

8 E. Transferring the surplus balance to one or more other  
10 candidates registered under section 1013-A or qualified  
under sections 335 and 336 or sections 354 and 355, or to  
12 political committees established to promote the election of  
those candidates, provided that the amount transferred does  
14 not exceed the contribution limits established by section  
1015; and

16 F. Repaying any loans or retiring any other debts incurred  
to defray campaign expenses of the candidate; and

18 G. Paying for any expense incurred in the proper  
20 performance of the office to which the candidate is elected,  
as long as each expenditure is itemized on expenditure  
22 reports.

24 The choice shall must be made by the candidate for whose benefit  
26 the contributions were made, and distribution of the entire  
surplus by one or more of the methods prescribed in this  
28 paragraph subsection must be completed within 4 years of the  
election for which the contributions were received.

30 **Sec. A-18. 21-A MRSA §1020, sub-§1,** as amended by PL 1989, c.  
833, §11, and affected by §21, is further amended to read:

32  
34 **I. Registration.** Any candidate or political committee that  
fails to register the name of a candidate, treasurer or political  
36 committee with the commission, within the time allowed by section  
1013-A, subsection 1 ~~ex-2~~, must be assessed a penalty of \$50.  
38 The commission shall determine whether a registration satisfies  
the requirements for timely filing under section 1013-A,  
subsection 1.

40 **Sec. A-19. 21-A MRSA §1020, sub-§2, ¶B,** as repealed and  
42 replaced by PL 1989, c. 504, §§20 and 31, is amended to read:

44 B. There is a penalty of \$50 for each business day that  
46 reports required under section 1017, subsection 2, paragraph  
C or D, ~~or~~ section 1017, subsection 3-A, paragraph B or C,  
48 section 1018, subsection 2, paragraph A; or section 1019,  
subsection 1 are late.

50

PART B

2  
3       **Sec. B-1. Committee established.** The Committee to Study the  
4 Campaign Finance Laws is established.

6       **Sec. B-2. Committee membership.** The committee consists of 5  
7 members appointed jointly by the President of the Senate and the  
8 Speaker of the House of Representatives.

10       **Sec. B-3. Appointments; meetings.** All appointments must be  
11 made no later than 30 days following the effective date of this  
12 Act. The President of the Senate and the Speaker of the House of  
13 Representatives shall jointly appoint the chair of the committee.

14       **Sec. B-4. Duties.** The committee shall study the campaign  
15 finance laws of the State.

18               In examining this topic, the committee may:

- 20               1. Meet as necessary;
- 22               2. Hold informational sessions for discussions with  
23 knowledgeable persons;
- 24               3. Conduct, summarize and analyze the results of a  
25 literature search;
- 26               4. Conduct, tabulate and analyze the results of a survey of  
27 the public or affected persons and groups;
- 28               5. Procure and analyze relevant data;
- 30               6. Conduct legal research and prepare opinions on legal  
31 questions within the scope of the study; and
- 32               7. Determine and summarize the legislative actions or  
33 governmental programs undertaken in other jurisdictions related  
34 to issues within the scope of the study.

36       **Sec. B-5. Staff assistance.** No staffing for the committee is  
37 authorized.

38       **Sec. B-6. Reimbursement.** No compensation or reimbursement for  
39 members of the committee is authorized.

40       **Sec. B-7. Report.** The committee shall submit its report to  
41 the Joint Standing Committee on Legal Affairs no later than  
42 November 1, 1991.

R. of S.

FISCAL NOTE

This bill establishes the Committee to Study Campaign Finance Laws. The costs associated with printing the committee report will be absorbed utilizing existing resources of the Legislature.'

STATEMENT OF FACT

The amendment makes several technical amendments to the bill to make several sections of law consistent with the change in the bill making the treasurers responsible for filing campaign finance reports. The amendment also makes several substantive changes in campaign finance law.

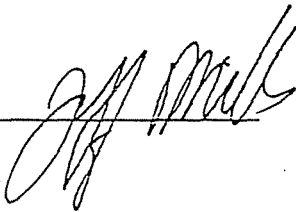
The amendment requires any person who receives a contribution of any amount or makes any expenditure on behalf of a candidate, to report the contribution or expenditure to the treasurer. With respect to the required semiannual reports of surpluses and deficits, the amendment clarifies that the report must be complete as of the last day of the reporting period. The amendment also clarifies that expenditure reports must include all expenditures made or authorized during the report filing period.

For new candidates or nominees chosen to fill a vacancy, the amendment requires them to appoint and register a treasurer sooner than under the bill. The amendment also requires them to file their first finance reports on the earlier of 15 days after appointment or 6 days before the election, and the report must be complete as of 4 days before the due date.

The amendment permits candidates to spend surplus campaign funds on any expenses related to the proper performance of their elective office. Any expenditure made for that purpose must be itemized on the campaign finance report.

Finally, the amendment establishes the Committee to Study the Campaign Finance Laws.

(Senator MILLS)  
SPONSORED BY:



COUNTY: Oxford

Reproduced and Distributed Pursuant to Senate Rule 12.  
(6/29/91) (Filing no. S-394)