

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)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

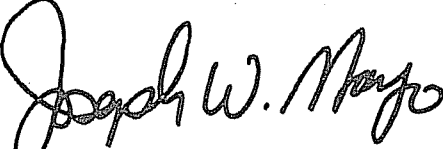
No. 515

H.P. 402

House of Representatives, February 16, 1993

An Act to Amend the State Election Laws.

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


JOSEPH W. MAYO, Clerk

Presented by Representative WENTWORTH of Arundel.

Cosponsored by Representatives: BOWERS of Washington, GEAN of Alfred, Senator: HANDY of Androscoggin.

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

2
4 Sec. 1. 21-A MRSA §1012, sub-§3, ¶B, as enacted by PL 1985, c.
161, §6, is amended to read:

6 B. Does not include:

8 (1) Any news story, commentary or editorial
10 distributed through the facilities of any broadcasting
12 station, newspaper, magazine or other periodical
14 publication, unless the facilities are owned or
16 controlled by any political party, political committee
18 or candidate. In determining whether a publication is
20 excluded under this paragraph, the following factors
22 must be considered:

24 (a) Whether the publication advocates for a
26 particular electoral result;

28 (b) Whether the publication is published through
30 the facilities of a regular publication;

32 (c) Whether the publication is distributed to a
34 publication's regular audience or a larger group;

36 (d) Whether the publication is published in the
38 regular format of the publication; and

40 (e) Whether that publication is published
42 primarily for the purpose of influencing the
44 nomination or election of a person to state or
46 county office.

48 (2) Nonpartisan activity designed to encourage
individuals to register to vote or to vote;

(3) Any communication by any membership organization
or corporation to its members or stockholders, if that
membership organization or corporation is not organized
primarily for the purpose of influencing the nomination
or election of any person to state or county office;

(4) The use of real or personal property and the cost
of invitations, food and beverages, voluntarily
provided by an individual to a candidate in rendering
voluntary personal services for candidate-related
activities, if the cumulative value of these activities
does not exceed \$50 with respect to any election;

2 (5) Any unreimbursed travel expenses incurred and paid
4 for by an individual who volunteers his personal
6 services to a candidate, if the cumulative amount of
8 these expenses does not exceed \$50 with respect to any
10 election;

12 (6) Any communication by any person which that is not
14 made for the purpose of influencing the nomination for
16 election, or election, of any person to state or county
18 office;

20 (7) The payment by a party's state, district, county
22 or municipal committee of the costs of preparation,
24 display or mailing or other distribution incurred by
the committee with respect to a printed slate card or
sample ballot, or other printed listing, of 3 or more
candidates for any political office for which an
election is held; or

26 (8) The use or distribution of any communication, as
28 described in section 1014, prepared for a previous
election and fully paid for during that election
campaign which that was not used or distributed in that
previous election.

30 **STATEMENT OF FACT**

32 This bill makes a change in the definition of campaign
34 "expenditure" to clarify what factors must be considered in
determining whether a publication should be excluded. These
factors are based on those used by federal courts to interpret
federal law similar to Maine's.