

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1072

S.P. 358

In Senate, March 29, 1993

An Act to Reform Campaign Practices.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President DUTREMBLE of York.
Cosponsored by Senator ESTY of Cumberland, Speaker MARTIN of Eagle Lake and
Senator: BUSTIN of Kennebec, Representatives: GWADOSKY of Fairfield, PARADIS of
Augusta.

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

2 **Sec. 1. 1 MRSA §1007**, as amended by PL 1989, c. 561, §1, is
4 further amended to read:

6 **§1007. Annual report**

8 The commission shall submit to the Legislature and the
10 public an annual report discussing its activities under this
12 chapter and any changes it considers necessary or appropriate
regarding ethical standards and campaign financing regulation.

14 **Sec. 2. 1 MRSA §1008, sub-§2**, as amended by PL 1989, c. 561,
§2, is further amended to read:

16 **2. Election practices.** To administer and investigate any
18 violations of the requirements for campaign reports and campaign
financing and to investigate and make findings of fact and
20 opinion on the final determination of the results, within the
limits of the Constitution of Maine and the Constitution of the
22 United States, of any contested seunt county, state or federal
election within this State; and

24 **Sec. 3. 1 MRSA §1008, sub-§3**, as enacted by PL 1989, c. 561,
§3, is amended to read:

26 **3. Ethics seminar.** To conduct, in conjunction with the
28 Attorney General and the Chair of the Legislative Council or
their designees, an ethics seminar for Legislators after the
30 general election and before the convening of the Legislature, in
every even-numbered year. The Attorney General shall provide
32 each Legislator with a bound compilation of the laws of this
State pertaining to legislative ethics and conduct; and

34 **Sec. 4. 1 MRSA §1008, sub-§4** is enacted to read:

36 **4. Campaign finance laws.** To monitor the application of
38 federal and state campaign financing laws and to study
inflationary, market and other trends that may necessitate
40 changes in the State's campaign finance laws.

42 **Sec. 5. 21-A MRSA §1012, sub-§5** is enacted to read:

44 **5. Independent expenditure.** "Independent expenditure"
46 means an expenditure by a person, political committee or other
entity for the purpose of influencing the election or defeat of a
48 clearly identified candidate that is made without the cooperation
of or consultation with that candidate or the authorized agent of
50 that candidate.

52 **Sec. 6. 21-A MRSA §1015, sub-§1**, as enacted by PL 1985, c.
161, §6, is repealed and the following enacted in its place:

2 1. Individuals. An individual may not make contributions
4 to a candidate in support of the candidacy of one person
6 exceeding, in the aggregate, more than the following limits in
8 any one election:

10 A. Two hundred and fifty dollars to a candidate for the
12 Senate or House of Representatives who does not agree to
14 limit campaign expenditures in accordance with section
16 1015-C. This limitation does not apply to contributions in
18 support of a candidate by that candidate or that candidate's
20 spouse;

22 B. One thousand dollars to a candidate for the Senate or
24 House of Representatives who does agree to limit campaign
26 expenditures in accordance with section 1015-C; and

28 C. One thousand dollars to a candidate for other office.
30 This limitation does not apply to contributions in support
32 of a candidate by the candidate or the candidate's spouse.

34 **Sec. 7. 21-A MRSA §1015, sub-§2, as enacted by PL 1985, c.**
36 **161, §6, is repealed and the following enacted in its place:**

38 2. Committees; corporations; associations. A political
40 committee, other committee, corporation or association may not
42 make contributions to a candidate, including independent
44 expenditures on behalf of a candidate, in support of the
46 candidacy of one person, exceeding, in the aggregate, more than
48 the following limits in any one election:

50 A. One thousand dollars to a candidate for the Senate or
52 House of Representatives who does not agree to limit
54 campaign expenditures in accordance with section 1015-C;

56 B. Five thousand dollars to a candidate for the Senate or
58 House of Representatives who does agree to limit campaign
60 expenditures in accordance with section 1015-C; and

62 C. Five thousand dollars to a candidate for other office.

64 **Sec. 8. 21-A MRSA §§1015-B to 1015-D are enacted to read:**

66 **§1015-B. Candidate's affidavit limiting expenditures**

68 1. Expenditures covered. A candidate for the Senate or
70 House of Representatives may choose to limit campaign
72 expenditures on that candidate's behalf by the candidate, the
74 candidate's spouse, authorized political committee and political
76 party by filing an affidavit with the commission.

2 2. Contents. The candidate must swear and subscribe to and
3 have notarized an affidavit affirming that:

4 A. The candidate knows the voluntary expenditure
5 limitations set out in section 1015-C;

6 B. The candidate voluntarily agrees to limit expenditures
7 from personal funds and expenditures on the candidate's
8 behalf by the candidate's spouse, political party and
9 authorized political committee to the limits established by
10 law; and

11 C. The candidate does not condone and will not solicit any
12 independent expenditures in support of the candidate's
13 campaign.

14 3. Time for filing. Affidavits in compliance with this
15 section must be filed within 3 days after the date on which a
16 candidate files a declaration of candidacy or a declaration of
17 intent or is declared a write-in winner of a primary election.

18 §1015-C. Amounts of voluntary limitations

19 A candidate who voluntarily agrees to limit campaign
20 expenditures as provided in section 1015-B shall limit total
21 expenditures as follows:

22 1. Senate. To \$20,000 for each election for a seat in the
23 Senate; and

24 2. House of Representatives. To \$8,500 for each election
25 for a seat in the House of Representatives.

26 §1015-D. Penalty for exceeding campaign expenditure limits

27 A candidate who chooses to limit campaign expenditures as
28 provided in section 1015-B and who exceeds the total expenditure
29 limit provided in section 1015-C in an election is subject to a
30 fine in the total amount that the candidate's expenditures exceed
31 the applicable limit.

32 The Secretary of State shall assess any applicable fine and
33 deposit the money paid into the General Fund.

34 This section does not limit the enforcement powers of the
35 Attorney General under section 1004.

36 Sec. 9. 21-A MRS §1017, sub-§4-A is enacted to read:

37 4-A. Special reporting requirements. Once the sum of all
38 contributions received totals \$10,000, candidates for the Senate
39 or House of Representatives who do not choose to comply with
40 the requirements of this section shall be subject to the
41 penalties provided in section 1015-D.

2 voluntary campaign expenditure limitations in accordance with
3 sections 1015-B and 1015-C shall report to the commission each
4 additional contribution received within 24 hours after its
5 receipt.

6 **Sec. 10. 21-A MRSA §1017, sub-§8, ¶E,** as amended by PL 1991,
7 c. 839, §21 and as affected by §34, is repealed.

8 **Sec. 11. 21-A MRSA §1021** is enacted to read:

9 **§1021. Prohibition**

10 A candidate may not accept the nomination or take office
11 following the election until the statements required have been
12 filed pursuant to section 1017.

13 **Sec. 12. 21-A MRSA §1052, sub-§4-A** is enacted to read:

14 **4-A. Independent expenditure.** "Independent expenditure"
15 means an expenditure by a person, political committee or other
16 entity for the purpose of influencing the election or defeat of a
17 clearly identified candidate that is made without the cooperation
18 of or consultation with that candidate or the authorized agent of
19 that candidate.

20 **Sec. 13. 21-A MRSA §1053, first ¶,** as amended by PL 1989, c.
21 833, §14, is further amended to read:

22 Every political action committee that accepts contributions,
23 incurs obligations or makes expenditures in the aggregate in
24 excess of \$50 in any single calendar year to initiate, support,
25 defeat or influence in any way a campaign, referendum, initiated
26 petition, candidate, political committee or another political
27 action committee must register with the commission, within 7 days
28 of accepting those contributions, incurring those obligations or
29 making those expenditures, on forms prescribed by the
30 commission. The registration must be accompanied by a fee of \$50
31 to be deposited into the General Fund. These forms must include
32 the following information and any additional information
33 reasonably required by the commission to monitor the activities
34 of political action committees in this State under this
35 subchapter:

36 **Sec. 14. 21-A MRSA §1053, sub-§6,** as enacted by PL 1985, c.
37 161, §6, is amended to read:

38 **6. Statement of support or opposition.** A statement
39 indicating the positions of the committee, support or opposition,
40 with respect to a candidate, political committee, referendum,
41 initiated petition or campaign, if known at the time of
42 registration, including a statement of whether the committee's
43 support or opposition will include the making of any independent
44 support or opposition.

2 expenditures. If a committee has no position on a candidate,
3 campaign or issue at the time of registration, the committee must
4 inform the commission as soon as the committee knows this
5 information; and

6 **Sec. 15. 21-A MRSA §1056, sub-§1,** as enacted by PL 1985, c.
7 161, §6, is amended to read:

8
9 1. **Aggregate expenditures.** No committee may make
10 expenditures in support of or opposition to the candidacy of one
11 person or to a political committee in an aggregate amount greater
12 than \$5,000 in any election, or \$1,000 in any election for the
13 Senate or House of Representatives if the candidate has not
14 voluntarily agreed to limit expenditures in accordance with
15 sections 1015-B and 1015-C.

18 STATEMENT OF FACT

20 This bill, modeled after New Hampshire legislation, makes a
21 variety of changes in the State's campaign finance laws as
22 follows:

24 1. Adds to the duties of the Commission on Governmental
25 Ethics and Election Practices the duty to monitor federal and
26 campaign finance laws of the State and market trends that may
27 require changes and to include these issues in its annual report;

28
29 2. Provides a definition of "independent expenditure";

30
31 3. Gives candidates for the Senate and House of
32 Representatives the option of limiting personal and total
33 expenditures on their campaigns to statutory limits in return for
34 a simpler reporting system of expenditures and higher limits on
35 contributions by individuals and political action committees; and

36
37 4. Sets a fine on candidates who agree to cap spending of
38 100% of the amount their expenditures exceed the statutory limits.