

MAINE STATE LEGISLATURE

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H. of S.

L.D. 1451

(Filing No. H-587)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1085, L.D. 1451, Bill, "An Act to Restrict Private Political Campaign Contributions in State Elections"

Amend the bill in section 3 by striking out all of subsection 1 and inserting in its place the following:

1. Membership. The Maine Elections and Ethics Commission, established by Title 5, section 12004-G, subsection 33, referred to in this subsection as the "commission," consists of 7 members appointed as follows.

A. The President of the Senate, the Speaker of the House of Representatives, the floor leaders of the 2 major parties in the Senate and the floor leaders of the 2 major parties in the House of Representatives shall each nominate one member. The President of the Senate and the Speaker of the House of Representatives shall send written notice of the names of the 6 nominees to the chairs of the joint standing committee of the Legislature having jurisdiction over legal affairs matters, referred to in this paragraph as the "committee."

For the purposes of reviewing nominations pursuant to this section, the committee has the power to administer oaths and to take testimony under oath.

The committee shall hold a public hearing on the nominations in Augusta at a time convenient to the public. Notice of the hearing must be published in the state paper at least 7 days before the hearing. The notice must contain the time and place of the hearing, the names of the nominees, the offices to which those persons have been nominated and a

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2 general description of the duties of those offices. At the
3 hearing, the committee shall take written or oral testimony,
4 which must be limited to relevant comments and questions
5 regarding the qualifications of each nominee to carry out
6 the duties of the office. The hearing must be held within
7 30 days of the written notice of the President of the Senate
8 and the Speaker of the House of Representatives of the
9 nominations to the committee.

10 The committee shall recommend confirmation or denial by
11 majority vote of committee members present and voting. The
12 vote of the committee is taken only upon an affirmative
13 motion to recommend confirmation of the nominee. A tie vote
14 of the committee is considered a recommendation of denial.
15 The vote must be taken no later than 30 days from the date
16 of the written notice of the President of the Senate and the
17 Speaker of the House of Representatives of the nominations
18 to the committee. The committee vote is by the yeas and
19 nays.

20 The chairs of the committee shall send written notice of the
21 committee's recommendation to the President of the Senate.
22 The committee's recommendation is reviewed by the Senate,
23 which shall vote by the yeas and nays on every
24 recommendation. Upon review and vote by the Senate, the
25 committee's recommendation becomes final action of
26 confirmation or denial unless the Senate by a vote of 2/3 of
27 those members present and voting overrides the committee's
28 recommendation. The vote of the Senate must be taken no
29 later than 45 days from the date of the written notice of
30 the President of the Senate and the Speaker of the House of
31 Representatives of the nominations to the committee.

32 The President of the Senate, the Speaker of the House of
33 Representatives, the floor leaders of the 2 major parties in
34 the Senate and the floor leaders of the 2 major parties in
35 the House of Representatives may withdraw a nomination at
36 any time prior to the Senate vote by sending a written
37 notice of withdrawal to the President of the Senate.

38 B. Each member is appointed in January of each
39 even-numbered year and serves a term of 2 years from the
40 date of appointment or until a successor is appointed and
41 confirmed.

42 C. The members shall elect by concurring vote of at least 5
43 members a 7th member to serve as chair. The chair serves a
44 term of 2 years or until a successor is appointed and
45 confirmed.'

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Further amend the bill in section 7 by striking out all of subsection 33 and inserting in its place the following:

'33. Maine Expenses 1 MRSA
State Elections Only \$1002'
Government and Ethics
Commission

Further amend the bill in section 9 by striking out all of subsection 5-A and inserting in its place the following:

'5-A. Filing requirements for the Maine Democracy Fund candidate. Candidates who intend to participate in the Maine Democracy Fund must meet the following requirements.

A. A candidate for Governor must obtain at least 7,500 and not more than 10,000 voter signatures on the candidate's nomination petition and the candidate must pay a \$2,000 filing fee payable to the State of Maine.

B. A candidate for State Senator must obtain at least 400 and not more than 600 voter signatures on the candidate's nomination petition and the candidate must pay a \$250 filing fee payable to the State of Maine.

C. A candidate for State Representative must obtain at least 200 and not more than 300 voter signatures on the candidate's nomination petition and the candidate must pay a \$125 filing fee payable to the State of Maine.

The Maine Elections and Ethics Commission shall adopt rules necessary to ensure smooth implementation of this subsection.'

Further amend the bill by striking out all of section 11.

Further amend the bill in section 13 by striking out all of subsection 5-A and inserting in its place the following:

'5-A. Filing requirements for the Maine Democracy Fund candidate. Candidates who intend to participate in the Maine Democracy Fund must meet the following requirements.

A. A candidate for Governor must obtain at least 15,000 and not more than 20,000 voter signatures on the candidate's nomination petition and the candidate must pay a \$2,000 filing fee payable to the State of Maine.

B. A candidate for State Senator must obtain at least 800 and not more than 1,200 voter signatures on the candidate's nomination petition and the candidate must pay a \$250 filing fee payable to the State of Maine.

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2 C. A candidate for State Representative must obtain at
3 least 400 and not more than 600 voter signatures on the
4 candidate's nomination petition and the candidate must pay a
5 \$125 filing fee payable to the State of Maine.

6
7 The Maine Elections and Ethics Commission shall adopt rules
8 necessary to ensure smooth implementation of this subsection.'

10 Further amend the bill by inserting after section 15 the
11 following:

12 'Sec. 16. 21-A MRSA §371, sub-§3 is enacted to read:

13 3. Participation in Maine Democracy Fund. Within 48 hours
14 of being named a candidate by petition or by a party committee, a
15 candidate who is interested in participating in the Maine
16 Democracy Fund shall file a declaration of intent to participate
17 as set forth in section 1073. The commission shall adopt rules
18 necessary to ensure smooth implementation of this subsection.'

19
20 Further amend the bill in section 18 in subsection 2 in
21 paragraph B by striking out all of the first sentence (page 7,
22 lines 25 to 27 in L.D.) and inserting in its place the
23 following: 'Additional reports must be filed no later than 5
24 p.m. 200 days before the election, 186 days before the election,
25 172 days before the election, 158 days before the election and
26 every 7 days following until 17 days before the election.'

27
28 Further amend the bill in section 20 in paragraph B-1 by
29 striking out all of the 4th to 6th lines (page 8, lines 39 to 41
30 in L.D.) and inserting in their place the following: 'additional
31 reports must be filed no later than 5 p.m. 200 days before the
32 election, 186 days before the election, 172 days before the
33 election, 158 days before the election and every 7 days following
34 until 17 days before the general election. These'

35
36 Further amend the bill in section 22 in paragraph C-1 in the
37 4th line (page 9, line 13 in L.D.) by striking out the
38 following: "final"

39 Further amend the bill by striking out all of section 24.

40
41 Further amend the bill in section 25 in that part designated
42 "§1072." by striking out all of subsection 1 and inserting in its
43 place the following:

44 '1. Maine Citizen Fee. A Maine Citizen Fee of \$4 is to be
45 added to the state income tax forms to be assessed on each
46 taxpayer filing annually. The State Tax Assessor shall transfer
47 the fee to the Maine Democracy Fund.'

2 Further amend the bill in section 25 in that part designated
3 "§1072." by striking out all of subsection 2.

4
5 Further amend the bill in section 25 in that part designated
6 "§1072." by renumbering the subsections to read consecutively.

7
8 Further amend the bill in section 25 in that part designated
9 "§1073." in subsection 1 in the first line (page 10, line 51 in
10 L.D.) by striking out the following: "interest" and inserting in
11 its place the following: 'intent'

12
13 Further amend the bill in section 25 in that part designated
14 "§1073." in subsection 1 in the 4th line (page 11, line 2 in
15 L.D.) by striking out the following: "interest" and inserting in
16 its place the following: 'intent'

17
18 Further amend the bill in section 25 in that part designated
19 "§1073." in subsection 1 by inserting after the first sentence
20 the following: 'A candidate who runs in a special election who
21 wishes to participate in the fund must file a declaration of
22 intent with the commission within 48 hours after the candidate is
23 nominated by petition or by a party committee.'

24
25 Further amend the bill in section 25 in that part designated
26 "§1073." by striking out all of subsections 2 to 4 and inserting
27 in their place the following:

28
29 '2. Spending limitation; prefilng period. During the time
30 periods specified in subsection 1, an individual who files a
31 declaration under subsection 1 may spend no more than \$150 of the
32 candidate's personal money if the candidate is running for State
33 Representative, no more than \$250 if the candidate is running for
34 the State Senate and no more than \$1,000 if the candidate is
35 running for Governor. This sum of money may be spent only to
36 prepare, print and distribute a basic information sheet or flyer
37 announcing and describing the candidacy.

38
39 '3. Maine Democracy Fund preprimary credits. As soon as a
40 candidate has filed and been certified pursuant to section 335,
41 354 or 371, whichever applies, the Secretary of State shall issue
42 a fund credit to the candidate or the treasurer of the
43 candidate's committee. The commission shall adopt rules
44 regulating the method and administration of distributing fund
45 money to certified candidates. The commission may consider, but
46 is not limited to, the debit card system. A candidate must be
47 credited with the following amounts from the fund:

48
49 A. A candidate for Governor with a primary opponent,
50 \$300,000;

2 B. A candidate for Governor without a primary opponent,
3 \$100,000;

4 C. A candidate for State Senator with a primary opponent,
5 \$10,000;

6 D. A candidate for State Senator without a primary
7 opponent, \$1,250;

8 E. A candidate for State Representative with a primary
9 opponent, \$4,000; and

10 F. A candidate for State Representative without a primary
11 opponent, \$500.

12 4. Postprimary procedures and credits. As soon as official
13 primary election results are released:

14 A. Defeated primary candidates shall conclude their
15 accounts according to rules and schedules adopted by the
16 commission;

17 B. The commission shall publish a list of all nominees and
18 qualified independents; and

19 C. The commission shall credit the accounts of official
20 candidates participating in the fund as follows:

21 (1) A candidate for Governor with a general election
22 opponent, \$400,000;

23 (2) A candidate for Governor without a general
24 election opponent, \$100,000;

25 (3) A candidate for State Senator with a general
26 election opponent, \$12,000;

27 (4) A candidate for State Senator without a general
28 election opponent, \$1,250;

29 (5) A candidate for State Representative with a
30 general election opponent, \$4,500; and

31 (6) A candidate for State Representative without a
32 general election opponent, \$500.'

33 Further amend the bill in section 25 in that part designated
34 "\$1073." by striking out all of subsection 6.

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Further amend the bill in section 25 in that part designated "§1073." in subsection 7 in paragraph B in the first line by striking out the following: "Adopt rules governing access to the expenditure" and inserting in its place the following: 'Ensure access to the campaign finance'

Further amend the bill in section 25 in that part designated "§1073." in subsection 8 in the first paragraph in the 2nd and 3rd lines (page 13, lines 5 and 6 in L.D.) by striking out the following: "based on the current range and types of expenditure"

Further amend the bill in section 25 in that part designated "§1073." in subsection 8 in the 2nd paragraph in the last line (page 13, line 21 in L.D.) by inserting at the end the following: 'The commission shall adopt rules as to the distribution of petty cash reserves.'

Further amend the bill in section 25 in that part designated "§1073." in subsection 10 in the last line (page 13, line 34 in L.D.) by striking out the following: "accounted for" and inserting in its place the following: 'reported'

Further amend the bill in section 25 in that part designated "§1073." in subsection 11 in the first and 2nd lines (page 13, lines 36 and 37 in L.D.) by striking out the following: "A committee or group of individuals" and inserting in its place the following: 'An individual, group of individuals or a committee'

Further amend the bill in section 25 in that part designated "§1073." by renumbering the subsections to read consecutively.

Further amend the bill by inserting after section 26 the following:

Sec. 27. Commission membership; transition. Each member of the Commission on Governmental Ethics and Election Practices serving on the effective date of this Act shall continue in office and carry out that member's functions until each new member of the Maine Elections and Ethics Commission is in place.

Sec. 28. Effective date. This Act takes effect December 31, 1994, with the first collection of the Maine Citizen Fee in tax year 1994.'

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1994-95

REVENUES

Other Funds \$2,960,000

This bill replaces the Commission on Governmental Ethics and Election Practices with the 7-member Maine Elections and Ethics Commission. The current commission remains intact and shall carry out its functions until each new member of the Maine Elections and Ethics Commission is in place.

To finance election campaigns for the offices of Governor, State Senators and State Representatives, the bill establishes the Maine Democracy Fund. This fund will derive dedicated revenue from a Maine taxpayer filing fee of \$4, increased lobbyist registration fees and candidate filing fees.

The Maine Election and Ethics Commission will realize increases of dedicated revenue from the collection of the above mentioned fees in the amount of approximately \$2,960,000 annually beginning in fiscal year 1994-95. This estimate is based on approximately 740,000 Maine residents paying the \$4 fee for the 1994 tax year. The costs to administer this new fee by the State Tax Assessor can not be determined at this time.

The commission will also require allocations beginning in fiscal year 1995-96 to administer the fund, provide enforcement, pay for administrative costs and monitor the campaign expenditures.

The commission may need to request a special session of the Legislature to discuss required reports regarding methods of audit and accountability. The additional General Fund appropriations required by the Legislature can not be determined at this time.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenues by a minor amount.

STATEMENT OF FACT

This amendment changes the selection process of the Commission on Governmental Ethics and Election Practices and

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renames the commission the Maine Elections and Ethics Commission. Six members will be nominated, one each by the President of the Senate, the Speaker of the House of Representatives, the floor leaders of the 2 major parties in the Senate and the floor leaders of the 2 major parties in the House of Representatives. The Joint Standing Committee on Legal Affairs shall review the nominations and make recommendations to the Senate for confirmation. A chair will be elected by a concurring vote of at least 5 members.

The amendment specifies that the members of the Maine Elections and Ethics Commission are not entitled to receive compensation but may be refunded for expenses only.

The amendment requires that a candidate for Governor obtain at least 7,500 and not more than 10,000 voter signatures and pay a \$2,000 filing fee to the State in order to participate in the Maine Democracy Fund. A candidate for State Senator must obtain at least 400 and not more than 600 voter signatures and pay a \$250 filing fee to the State in order to participate in the fund. A candidate for State Representative must obtain at least 200 and not more than 300 voter signatures and pay a filing fee of \$125 to the State in order to participate in the fund.

The amendment requires an unenrolled candidate for Governor to obtain at least 15,000 and not more than 20,000 voter signatures and pay a \$2,000 filing fee to the State in order to participate in the Maine Democracy Fund. An unenrolled candidate for State Senator must obtain at least 800 and not more than 1,200 voter signatures and pay a filing fee of \$250 to the State in order to participate in the fund. An unenrolled candidate for State Representative must obtain at least 400 and not more than 600 voter signatures and pay a filing fee of \$125 to the State in order to participate in the fund.

The amendment requires that a candidate in a special election who wishes to participate in the fund notify the commission of the candidate's intent within 48 hours of the candidate's selection by petition or by party committee. The commission shall adopt rules to ensure smooth implementation of this process.

The amendment clarifies the reporting schedule for those candidates who do not choose to participate in the fund.

The amendment requires the State Tax Assessor to transfer the \$4 fee paid by each taxpayer to the Maine Democracy Fund, therefore eliminating the need for each taxpayer to write a \$4 check.

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2 The amendment changes the amount of personal money a
candidate may spend to prepare, print and distribute a basic
4 information sheet or flyer announcing and describing the
candidacy before a candidate makes a declaration of intent to
participate in the fund.

6
8 The amendment sets limits on the amount of fund money
distributed to unopposed candidates in the postprimary period.

10 The amendment also makes technical changes to the bill and
adds a fiscal note.

12

Reported by the Minority of the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the
House
6/3/93

(Filing No. H-587)