

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

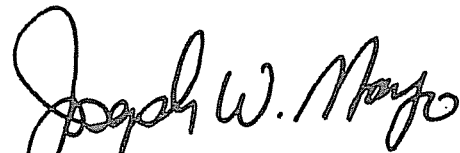
No. 1550

H.P. 1150

House of Representatives, June 3, 1993

An Act to Reduce the Influence of Money in Elective Politics.

Reported by the MAJORITY from the Joint Standing Committee on Legal Affairs pursuant to Joint Order H.P. 1135.


JOSEPH W. MAYO, Clerk

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

4 Sec. 1. 21-A MRSA §1004, sub-§5 is enacted to read:

6 5. Misuse of office. A state official or state employee
may not use public funds, public facilities, public equipment or
public personnel for campaign activity unless the use is:

8 A. Otherwise authorized by law; or

10 B. Properly incidental to another activity required or
12 authorized by law.

14 Notwithstanding this subsection, nothing prevents a person who is
16 a state official or state employee from donating that person's
18 own time, funds or services to a campaign activity, provided the
donation of time or services is not made during that person's
working hours or upon the property or premises of the State or by
using the facilities or services of the State.

20 Sec. 2. 21-A MRSA §1015, sub-§§1 and 2, as enacted by PL 1985,
22 c. 161, §6, are repealed and the following enacted in their place:

24 1. Individuals; corporations; associations; committees.
26 This subsection applies to limits on contributions.

28 A. The limits on contributions in paragraph B apply to
the following:

30 (1) Individuals;

32 (2) Corporations;

34 (3) Associations; and

36 (4) Committees, except:

38 (a) Party committees;

40 (b) Political action committees; and

42 (c) Candidates' authorized committees.

44 B. An entity listed in paragraph A may not make:

46 (1) Aggregate contributions to a candidate for the
48 office of Governor in excess of \$500 per candidate per
election;

2 (2) Aggregate contributions to a candidate for the
3 State Senate in excess of \$300 per candidate per
4 election; or

5 (3) Aggregate contributions to a candidate for the
6 State House of Representatives in excess of \$200 per
7 candidate per election.

8
9 Party committee contributions are limited as set forth in
10 subsection 2. Political action committee contributions are
11 limited as set forth in subsection 2-A.

12
13 2. Party committees. A party committee may not make
14 contributions to a candidate in support of the candidacy of one
15 person aggregating more than \$5,000 in any election.

16 Sec. 3. 21-A MRSA §1015, sub-§2-A is enacted to read:

17
18 2-A. Political action committees. A political action
19 committee may not make contributions to a candidate for Governor
20 aggregating more than \$2,000 per candidate per election, to a
21 candidate for the State Senate aggregating more than \$1,000 per
22 candidate per election or to a candidate for the State House of
23 Representatives aggregating more than \$500 per candidate per
24 election.

25 Sec. 4. 21-A MRSA §1015, sub-§3, as enacted by PL 1985, c.
26 161, §6, is repealed and the following enacted in their place:

27 3. Aggregate contributions. The following may not make
28 contributions to candidates aggregating more than \$15,000 in any
29 calendar year:

30 A. Individuals;

31 B. Corporations;

32 C. Associations; or

33 D. Committees, except:

34 (1) Party committees;

35 (2) Political action committees; and

36 (3) Candidates' authorized committees.

37 This limitation does not apply to contributions in support of a
38 candidate by that candidate or that candidate's spouse.

39

2 **Sec. 5. 21-A MRSA §1015, sub-§3-A** is enacted to read:

4 **3-A. Aggregate contributions for political action**
6 **committees.** A political action committee may not make
 contributions to candidates aggregating more than \$30,000 in any
 calendar year.

8 **Sec. 6. 21-A MRSA §1015, sub-§§7 to 9** are enacted to read:

10 **7. Anonymous contributions.** A candidate who receives an
12 anonymous contribution of more than \$20 shall immediately remit
 the entire contribution to the commission.

14 **8. Candidate-to-candidate contributions.** A candidate or a
16 candidate's political committee may accept contributions of no
 more than \$100 from another candidate or another candidate's
 political committee.

18 **9. Contributions during legislative session.** A candidate,
20 a candidate's political committee, a State Senator, a State
22 Representative, the Governor or the political committee of a
24 State Senator, a State Representative or the Governor may not
 solicit or receive a contribution or promise of a contribution
 during the legislative session from a lobbyist as defined by
 Title 3, section 312-A.

26 **Sec. 7. 21-A MRSA §§1015-B and 1015-C** are enacted to read:

28 **§1015-B. Centralization of campaign expenditures**

30 Except for independent expenditures reported pursuant to
32 section 1019 and except as expressly authorized by the candidate,
34 an expenditure may not be made nor an obligation incurred by a
36 candidate or by any other individual or committee to advocate the
 election or defeat of a clearly identified candidate by the
 campaign treasurer of the candidate or other agent of the
 candidate who is acting with the candidate's authority.

38 **§1015-C. Earmarked contributions**

40 **1. Earmarked contributions defined.** For the purpose of
42 this section, an "earmarked contribution" is a contribution
44 received by a candidate or political committee that is directed
 to be used for the benefit of another candidate or political
 committee.

46 **2. Reporting.** A candidate or political committee that
48 receives an earmarked contribution shall:

50 **A. Report the contribution as required by sections 1017 and**
 1058;

2 B. Complete a report entitled "Earmarked contributions" on
4 a form prescribed by the commission by rule that identifies
6 the name and address of the contributor, the candidate or
 political committee for whose benefit the contribution is
 earmarked, the amount of the contribution and the date on
 which the contribution was received;

8
10 C. Notify the commission and the candidate or political
12 committee for whose benefit the contribution is earmarked
14 regarding the receipt of the contribution by mailing or
16 delivering to the commission and to the candidate or
18 political committee a copy of the "Earmarked contributions"
20 report. Such notice must be given within 2 working days of
 receipt of the contribution. A candidate or political
 committee receiving notification of an earmarked
 contribution shall report the contribution once the
 candidate or political committee receives the contribution
 in the same manner as the receipt of any other contribution
 as required by sections 1017 and 1058.

22 3. Treatment of earmarked contributions. For purposes of
24 section 1015, earmarked contributions are considered
26 contributions to the candidate or political committee for whom
 the contributions are earmarked.

28 4. Penalties. A candidate or committee who violates the
30 provisions of this section is subject to a civil penalty not to
 exceed \$20,000, payable to the State. This penalty is
 recoverable in a civil action.

32 Sec. 8. 21-A MRSA §1019, sub-§§4 to 6 are enacted to read:

34 4. Report of expenditures made immediately prior to
36 election. An independent expenditure aggregating \$250 or more
38 made after the 20th day before any election must be reported to
 the commission within 24 hours after the independent expenditure
 is made.

40 5. Treatment of nonindependent expenditures. An
42 expenditure made by an individual or committee in cooperation,
44 consultation or concert with or at the request, authorization or
 suggestion of a candidate or an agent or authorized committee of
 a candidate is considered a contribution to the candidate for
 purposes of section 1015.

46
48 6. Penalties. A person or committee who fails to file a
50 report as required by this section is subject to a civil penalty
 not to exceed \$20,000, payable to the State. This penalty is
 recoverable in a civil action.

2 **Sec. 9. 21-A MRSA §1056, sub-§1,** as enacted by PL 1985, c.
161, §6, is repealed.

4 **Sec. 10. Appropriation.** The following funds are appropriated
6 from the General Fund to carry out the purposes of this Act.

	1993-94	1994-95
10 GOVERNMENTAL ETHICS AND ELECTION		
12 PRACTICES - COMMISSION ON		
14 Commission on Governmental Ethics		
 and Election Practices		
16 Positions	(3.0)	(3.0)
 Personal Services	\$52,318	\$80,793
18 All Other	6,800	6,900
 Capital Expenditures	67,500	
20 Provides funds for a Clerk		
22 Typist II position, a Data		
 Entry Specialist position, a		
24 Research and Planning		
 Assistant I position, a		
26 reclassification, general		
 operating expenses and		
28 capital equipment needs.		
30 COMMISSION ON GOVERNMENTAL ETHICS		
 AND ELECTION PRACTICES		
32 TOTAL	\$126,618	\$87,693

FISCAL NOTE

	1993-94	1994-95
38 APPROPRIATIONS/ALLOCATIONS		
40 General Fund	\$126,618	\$87,693

42 This bill reduces the current limits on certain campaign
44 contributions for gubernatorial, senate, and house candidates.
46 The fiscal impact of this bill depends on the desired amount of
monitoring and analysis required of these revised campaign
48 finance activities. The Commission on Governmental Ethics and
Election Practices has requested additional General Fund
appropriations of \$126,618 and \$87,693 in fiscal years 1993-94

2 and 1994-95 respectively, to provide funds for a Clerk Typist II
3 position, a Data Entry Specialist position, a Research and
4 Planning Assistant I position, a reclassification, general
5 operating expenses and capital equipment needs to develop a
6 computerized tracking system.

7 This bill also establishes new civil violations. The
8 additional workload and administrative costs associated with the
9 minimal number of new cases filed in the court system can be
10 absorbed within the budgeted resources of the Judicial
11 Department. The collection of additional fines may increase
12 General Fund revenues by a minor amount.

14 STATEMENT OF FACT

16 This bill prohibits a person who is a state official or
17 state employee from using public funds, public facilities, public
18 equipment or public personnel for campaign activity unless the
19 use is otherwise authorized by law or is incidental to another
20 activity required or authorized by law. However, nothing
21 prevents a person who is a state official or state employee from
22 donating that person's own time, funds or services to a campaign
23 activity if the donation of time or services is not made during
24 that person's working hours or upon the property or premises of
25 the State or by using the facilities or services of the State.

28 The bill further limits campaign contributions by limiting
29 aggregate contributions from individuals, corporations,
30 associations and committees, except party committees, political
31 action committees and candidates' authorized committees, to the
32 following amounts per election: five hundred dollars to a
33 candidate for Governor; \$300 to a candidate for the State Senate;
34 and \$200 to a candidate for the State House of Representatives.
35 Individuals, corporations, associations and committees, except
36 party committees, political action committees and candidates'
37 authorized committees, may make contributions to candidates
38 aggregating no more than \$15,000 per calendar year.

40 The bill limits aggregate contributions from party
41 committees to \$5,000 per candidate per election.

42 The bill limits aggregate contributions from political
43 action committees to the following amounts per election: Two
44 thousand dollars to a candidate for Governor; \$1,000 to a
45 candidate for the State Senate; and \$500 to a candidate for the
46 State House of Representatives. Political action committees may
47 make contributions to candidates aggregating no more than \$30,000
48 per calendar year.

50

2 The bill specifies that a candidate who receives an
4 anonymous contribution greater than \$20 must immediately remit
the contribution to the Commission on Governmental Ethics and
Election Practices.

6 The bill prohibits a candidate or a candidate's political
8 committee from accepting contributions of more than \$100 from
another candidate or another candidate's political committee.

10 The bill prohibits a candidate, a candidate's political
12 committee, a State Senator, a State Representative, the Governor
14 or a political committee of a State Senator, a State
Representative or the Governor from soliciting or receiving
contributions or promises of contributions from lobbyists during
the legislative session.

16 The bill specifies that except for independent expenditures
18 reported pursuant to the Maine Revised Statutes, Title 21-A,
20 section 1019, no expenditure may be made or obligation incurred
22 by a candidate or by any other individual or committee to
advocate the election or defeat of a candidate, except by the
campaign treasurer of the candidate or other agent of the
candidate who is acting with the candidate's authority.

24 The bill defines "earmarked contributions" and establishes
26 reporting requirements for earmarked contributions. A civil
28 penalty of no more than \$20,000 may be imposed for a person who
violates the requirements.

30 The bill specifies that an independent expenditure of \$250
32 or more made after the 20th day before any election must be
reported to the commission within 24 hours after the independent
34 expenditure is made. A civil penalty of no more than \$20,000 may
be imposed for a person who violates the reporting requirements.

36 The bill includes a fiscal note and is the majority report.