

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

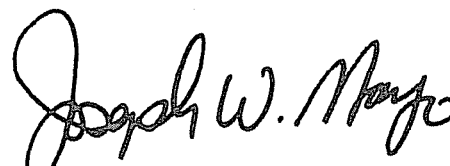
No. 1551

H.P. 1151

House of Representatives, June 3, 1993

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

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


JOSEPH W. MAYO, Clerk

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

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

4 5. Misuse of office. A state official or state employee
6 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
20 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.

22 Sec. 2. 21-A MRSA §1015, sub-§§1 to 3, as enacted by PL 1985,
c. 161, §6, are repealed and the following enacted in their place: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) Profit and nonprofit corporations and
34 partnerships, membership organizations, cooperatives
and labor organizations;

36 (3) Associations; and

38 (4) Political action committees and other committees,
40 except:

42 (a) Party committees; and

44 (b) Candidates' authorized committees.

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

48 (1) Aggregate contributions to a candidate for the
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

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

10 Party committee contributions are limited as set forth in
11 subsection 2.

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

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

20 A. Individuals;

22 B. Profit and nonprofit corporations and partnerships,
23 membership organizations, cooperatives and labor
24 organizations;

26 C. Associations; and

28 D. Political action committees and other committees, except:

30 (1) Party committees; and

32 (2) Candidates' authorized committees.

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

38 Sec. 3. 21-A MRSA §1015, sub-§§7 to 9 are enacted to read:

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

44 8. Candidate-to-candidate contributions. A candidate or a
45 candidate's political committee may accept contributions of no
46 more than \$100 from another candidate or another candidate's
47 political committee.

48 9. Contributions during legislative session. A candidate,
49 a candidate's political committee, a State Senator, a State
50 Senator or a State Representative may not accept contributions of

2 Representative, the Governor or the political committee of a
3 State Senator, a State Representative or the Governor may not
4 solicit or receive a contribution or promise of a contribution
5 during the legislative session from a lobbyist as defined by
6 Title 3, section 312-A.

7 **Sec. 4. 21-A MRSA §§1015-B and 1015-C are enacted to read:**

8
9 **§1015-B. Centralization of campaign expenditures**

10
11 Except for independent expenditures reported pursuant to
12 section 1019 and except as expressly authorized by the candidate,
13 an expenditure may not be made nor an obligation incurred by a
14 candidate or by any other individual or committee to advocate the
15 election or defeat of a clearly identified candidate by the
16 campaign treasurer of the candidate or other agent of the
17 candidate who is acting with the candidate's authority.

18 **§1015-C. Earmarked contributions**

19
20 **1. Earmarked contributions defined.** For the purpose of
21 this section, an "earmarked contribution" is a contribution
22 received by a candidate or political committee that is directed
23 to be used for the benefit of another candidate or political
24 committee.

25
26 **2. Reporting.** A candidate or political committee that
27 receives an earmarked contribution shall:

28
29 **A. Report the contribution as required by sections 1017 and**
30 **1058;**

31
32 **B. Complete a report entitled "Earmarked contributions" on**
33 **a form prescribed by the commission by rule that identifies**
34 **the name and address of the contributor, the candidate or**
35 **political committee for whose benefit the contribution is**
36 **earmarked, the amount of the contribution and the date on**
37 **which the contribution was received; and**

38
39 **C. Notify the commission and the candidate or political**
40 **committee for whose benefit the contribution is earmarked**
41 **regarding the receipt of the contribution by mailing or**
42 **delivering to the commission and to the candidate or**
43 **political committee a copy of the "Earmarked contributions"**
44 **report. Such notice must be given within 2 working days of**
45 **receipt of the contribution. A candidate or political**
46 **committee receiving notification of an earmarked**
47 **contribution shall report the contribution once the**
48 **candidate or political committee receives the contribution**

2 in the same manner as the receipt of any other contribution
3 as required by sections 1017 and 1058.

4 3. Treatment of earmarked contributions. For purposes of
5 section 1015, earmarked contributions are considered
6 contributions to the candidate or political committee for whom
7 the contributions are earmarked.

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

12 **Sec. 5. 21-A MRSA §1019, sub-§§4 to 6 are enacted to read:**

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

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

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

28 **Sec. 6. 21-A MRSA §1056, sub-§1, as enacted by PL 1985, c.**
29 **161, §6, is repealed.**

30 **Sec. 7. Appropriation.** The following funds are appropriated
31 from the General Fund to carry out the purposes of this Act.

	1993-94	1994-95
GOVERNMENTAL ETHICS AND ELECTION PRACTICES - COMMISSION ON		
Commission on Governmental Ethics and Election Practices		
Positions	(3.0)	(3.0)
Personal Services	\$52,318	\$80,793

2	All Other	6,800	6,900
	Capital Expenditures	67,500	
4	Provides funds for a Clerk		
6	Typist II position, a Data		
8	Entry Specialist position, a		
10	Research and Planning		
	Assistant I position, general		
	operating expenses and		
	capital equipment needs.		
12	COMMISSION ON GOVERNMENTAL ETHICS		
	AND ELECTION PRACTICES		
14	TOTAL	<u>\$126,618</u>	<u>\$87,693</u>

16 **FISCAL NOTE**

18 **1993-94** **1994-95**

20 **APPROPRIATIONS/ALLOCATIONS**

22 **General Fund** **\$126,618** **\$87,693**

24
 26 This bill reduces the current limits on certain campaign
 28 contributions for gubernatorial, senate and house candidates.
 30 The fiscal impact of this bill depends on the desired amount of
 32 monitoring and analysis required of these revised campaign
 34 finance activities. The Commission on Governmental Ethics and
 36 Election Practices has requested additional General Fund
 appropriations of \$126,618 and \$87,693 in fiscal years 1993-94
 and 1994-95, respectively, to provide funds for a Clerk Typist II
 position, a Data Entry Specialist position, a Research and
 Planning Assistant I position, general operating expenses and
 capital equipment needs to develop a computerized tracking system.

38 This bill also establishes new civil violations. The
 40 additional work load and administrative costs associated with the
 42 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.

44 **STATEMENT OF FACT**

46
 48 This bill prohibits a person who is a state official or
 50 state employee from using public funds, public facilities, public
 equipment or public personnel for campaign activity unless the
 use is otherwise authorized by law or is incidental to another

2 activity required or authorized by law. However, nothing
3 prevents a person who is a state official or state employee from
4 donating that person's own time, funds or services to a campaign
5 activity if the donation of time or services is not made during
6 that person's working hours or upon the property or premises of
7 the State or by using the facilities or services of the State.

8 The bill further limits campaign contributions by limiting
9 aggregate contributions from individuals, corporations,
10 associations and committees, except party committees and
11 candidates' authorized committees, to the following amounts per
12 election: five hundred dollars to a candidate for Governor; \$300
13 to a candidate for the State Senate; and \$200 to a candidate for
14 the State House of Representatives. Individuals, corporations,
15 associations and committees, except party committees and
16 candidates' authorized committees, may make contributions to
17 candidates aggregating no more than \$15,000 per calendar year.

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

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

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

30 The bill prohibits a candidate, a candidate's political
31 committee, a State Senator, a State Representative, the Governor
32 or a political committee of a State Senator, a State
33 Representative or the Governor from soliciting or receiving
34 contributions or promises of contributions from lobbyists during
35 the legislative session.

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

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

50

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

6
 This bill includes an appropriation section and a fiscal
8 note.

10 This bill is the minority report.