

MAINE STATE LEGISLATURE

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R. d. S.

L.D. 443

DATE: June 23, 1995

(Filing No. S- 324)

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STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 322, L.D. 443, Bill, "An Act to Place a Spending Cap on State Senate and House Campaigns"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 21-A MRSA §1015, sub-§§7, 8 and 9 are enacted to read:

7. Voluntary limitations on political expenditures. A candidate may voluntarily agree to limit the candidate's campaign expenditures and those of the candidate's political committee or committees, the candidate's party and the candidate's immediate family on the candidate's behalf by filing an affidavit with the Secretary of State.

A. The affidavit must state that the candidate knows the voluntary expenditure limitations as set out in subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on the candidate's behalf by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The affidavit must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate. The affidavit must be sworn and subscribed to by the candidate and notarized.

8. Political expenditure limitation amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in subsection 7 are as follows:

A. For Governor and United States Senator:

(1) Five hundred thousand dollars in a state primary election; and

(2) One and 1/2 million dollars in a state general election;

B. For Representative to Congress:

(1) Three hundred thousand dollars in a state primary election; and

(2) Seven hundred fifty thousand dollars in a state general election;

C. For State Senator:

(1) Fifteen thousand dollars in a state primary election; and

(2) Thirty-five thousand dollars in a state general election;

D. For State Representative:

(1) Four thousand dollars in a state primary election; and

(2) Eight thousand dollars in a state general election; and

E. For representative to all county offices, based on the latest figures filed with the Secretary of State:

(1) Twelve and 1/2 cents per registered voter in the district or the county in a state primary election; and

(2) Twenty-five cents per registered voter in the district or the county in a state general election.

For the purposes of this subsection and subsection 7, "total expenditures" means the sum of all expenditures made to influence either a state primary election or a state general election made by a candidate and those made on the candidate's behalf by the candidate's political committee or committees, the candidate's party and the candidate's immediate family. Each campaign expenditure limitation amount applies solely and independently to either the state primary election or the state general election.

R. d S.

SENATE AMENDMENT "A" to H.P. 322, L.D. 443

2 9. Penalty. A candidate who voluntarily agrees to limit
4 campaign expenditures, as provided in subsections 7 and 8, and
6 who exceeds the total political expenditure limitation as
8 provided in subsections 7 and 8 in running for State Senator or
State Representative is subject to a fine schedule based on the
percentage by which the candidate exceeds permitted campaign
expenditures, so that the candidate pays a percentage of the
excess campaign expenditures as follows:

10 A. Candidates for United States Senate and Governor:

12 (1) Under \$1,000, 1%;

14 (2) From \$1,000 to under \$5,000, 10%;

16 (3) From \$5,000 to under \$10,000, 25%;

18 (4) From \$10,000 to under \$50,000, 50%; and

20 (5) Over \$50,000, 100%;

22 B. Candidates for Representative to Congress:

24 (1) Under \$1,000, 1%;

26 (2) From \$1,000 to under \$5,000, 10%;

28 (3) From \$5,000 to under \$10,000, 25%;

30 (4) From \$10,000 to under \$25,000, 50%; and

32 (5) Over \$25,000, 100%;

34 C. Candidates for State Senate:

36 (1) Under \$100, 1%;

38 (2) From \$100 to under \$500, 10%;

40 (3) From \$500 to under \$1,000, 25%;

42 (4) From \$1,000 to under \$5,000, 50%; and

44 (5) Over \$5,000, 100%; and

46 D. Candidates for State Representative:

48 (1) Under \$100, 1%;

50 (2) From \$100 to under \$250, 10%;

- 2 (3) From \$250 to under \$500, 25%;
 4 (4) From \$500 to under \$1,000, 50%; and
 6 (5) Over \$1,000, 100%.

8 Any fine assessed under the provisions of this subsection is paid
 10 to the candidate's opponent.

12 **Sec. 2. 21-A MRSA §1015-B** is enacted to read:

14 **§1015-B. Complaints**

16 A candidate or voter may make a complaint in writing to the
 18 commission of a violation of the provisions of section 1015,
 subsections 7 and 8.

20 1. Investigate. Upon receipt of a complaint, the
 commission shall review the complaint and if sufficient evidence
 of a violation is presented, conduct an investigation to
 22 determine whether a violation occurred.

24 2. Order. If the commission determines that the provisions
 of section 1015, subsections 7 and 8 have been violated, the
 26 commission may:

28 A. Issue an order requiring the violator to cease the
 violation. If the commission's order is not obeyed within 3
 30 days, the commission may petition the Superior Court in the
 county in which the violation occurred for an order of
 32 enforcement; and

34 B. Have the violator prosecuted to final judgment if
 sufficient cause for prosecution is found.

36 **Sec. 3. Appropriation.** The following funds are appropriated
 38 from the General Fund to carry out the purposes of this Act.

	1995-96	1996-97
40		
42	COMMISSION ON GOVERNMENTAL	
44	ETHICS AND ELECTION PRACTICES	
46	Commission on Governmental Ethics	
	and Election Practices	
48	Positions - Legislative Count	(1.0) (1.0)
	Personal Services	\$45,750 \$61,000

SENATE AMENDMENT "A" to H.P. 322, L.D. 443

All Other	1,725	2,000
Capital Expenditures	1,500	

Provides funds for a Planning and Research Associate, a seasonal statistician, a project position and general operating expenses required to monitor and enforce the proposed limits on campaign spending.

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES TOTAL

\$48,975	\$63,000'
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Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1995-96	1996-97
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APPROPRIATIONS/ALLOCATIONS

General Fund	\$48,975	\$63,000
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The Commission on Governmental Ethics and Election Practices will require additional General Fund appropriations of \$48,975 and \$63,000 in fiscal years 1995-96 and 1996-97, respectively, for a Planning and Research Associate, a seasonal statistician, a project position and general operating expenses required to monitor and enforce the proposed limits on campaign spending.'

STATEMENT OF FACT

This amendment replaces the bill. It establishes limits on campaign spending and allows candidates to limit voluntarily the amount of money they spend on a campaign. The amendment also sets up a penalty schedule for candidates who exceed the voluntary spending limits and a complaint process.

This amendment also adds an appropriation section and a fiscal note to the bill.

SPONSORED BY:

(Senator LAWRENCE)

COUNTY: York