

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1527

H.P. 1085

House of Representatives, May 16, 1995

**An Act to Strengthen Oversight of Maine Elections and Campaign
Finance Laws.**

(EMERGENCY)

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TREAT of Gardiner.
Cosponsored by Representatives: ADAMS of Portland, BERRY of Livermore, BUNKER of
Kossuth Township, CARLETON of Wells, CHASE of China, DAVIDSON of Brunswick,
GERRY of Auburn, GOULD of Greenville, GREEN of Monmouth, JOHNSON of South
Portland, LEMKE of Westbrook, LIBBY of Buxton, MORRISON of Bangor, PAUL of
Sanford, SAMSON of Jay, SHIAH of Bowdoinham, WATSON of Farmingdale, Senators:
McCORMICK of Kennebec, PARADIS of Aroostook.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** although the Commission on Governmental Ethics and
Election Practices is asked to review alleged campaign finance
violations and impose penalties, its oversight and enforcement
8 powers are ambiguous; and

10 **Whereas,** before a new election cycle begins, it is in the
potential candidates' and the public's best interest to establish
12 a new commission whose powers and duties are clearly delineated;
and

14
16 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

20
22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1. 1 MRSA §1002,** as amended by PL 1991, c. 880, §1, is
further amended by repealing and replacing the headnote to read:

26 **§1002. Maine Elections and Ethics Commission**

28 **Sec. 2. 1 MRSA §1002, sub-§1,** as amended by PL 1991, c. 880,
§1, is repealed and the following enacted in its place:

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

36 A. By December 15, 1995, and as necessary thereafter, the
38 Governor, the President of the Senate, the Senate Minority
Leader, the Speaker of the House of Representatives and the
40 House Minority Leader shall jointly establish and publish a
nomination period for members of the public, organizations
42 and other groups to nominate to the Governor qualified
individuals to serve on the commission. All nominations for
initial appointment must be made by January 15, 1996.

44 B. The Governor shall appoint the members of the commission
46 based on nominations made during the nomination period,
subject to review by the joint standing committee of the
48 Legislature having jurisdiction over legal and veterans
affairs and confirmation by the Legislature pursuant to
50 Title 3, chapter 6. The commission members must be
appointed by February 1, 1996.

2 C. Of the initial appointees, 3 are appointed for 2-year
4 terms and 2 are appointed for 4-year terms. Thereafter,
6 appointees are appointed to serve 4-year terms. A person
8 may not serve more than 2 full terms.

10 D. The appointed members are entitled to compensation in
12 accordance with Title 5, chapter 379.

14 E. The commission shall designate its chair and deputy
16 chair.

18 F. A vacancy during an unexpired term must be filled as
20 provided in this subsection, but only for the remainder of
22 the term.

24 G. A quorum is a majority of the members.

26 **Sec. 3. 1 MRSA §1002, sub-§2**, as amended by PL 1991, c. 86, is
28 repealed and the following enacted in its place:

30 2. Qualifications. The members of the commission must be
32 persons of recognized judgment, probity, integrity and
34 objectivity. A member of the commission may not be a member of
36 any municipal, county, state or national committee of a political
38 party; be an officer in any partisan political club, committee or
40 organization; have been a declared candidate for an elective
42 county, state or federal office within 4 years prior to
44 appointment; hold or be a declared candidate for any other
46 public office; or have held an elective public office or office
48 in a political party within the preceding 6 years. No more than
50 3 commission members may be enrolled in the same political party.

52 **Sec. 4. 1 MRSA §1002, sub-§3**, as enacted by PL 1975, c. 621,
54 §1, is amended to read:

56 3. Oath. Each Notwithstanding Title 3, chapter 6, each
58 member shall, within 10 15 days of his appointment the member's
60 confirmation, take an oath of office to faithfully discharge the
62 duties of a commissioner in the form prescribed by the
64 Constitution. Such The oath shall-be is subscribed to by the
66 commissioner taking it, certified by the officer before whom it
68 is taken and immediately filed in the Office of the Secretary of
70 State.

72 **Sec. 5. 1 MRSA §1002, sub-§4**, as amended by PL 1983, c. 812,
74 §1, is repealed.

76 **Sec. 6. 1 MRSA §1002, sub-§6** is enacted to read:

2 **6. Executive director.** The commission shall hire an
3 executive director, who is responsible for organizing and
4 administering the commission's work.

6 **Sec. 7. 1 MRSA §1003**, as amended by PL 1979, c. 541, Pt. A,
7 §4, is further amended to read:

8 **§1003. Procedures, rules and powers**

10 **1. Procedures, rules and powers.** The commission shall adopt
11 such procedures, and rules and regulations as may appear that are
12 necessary for the orderly, prompt, fair and efficient carrying
13 out of its duties, consistent with this chapter. To carry out
14 its duties, the commission may conduct investigations, hold
15 hearings, issue subpoenas for witnesses and other evidentiary
16 material, negotiate consent agreements, issue advisory opinions
17 and impose civil penalties.

18 **2. Records.** Except as provided in section 1013, subsection
19 2, paragraph J, all records of the commission, including business
20 records, reports made to or by the commission, findings of fact
21 and advisory opinions, shall must be made available to any
22 interested member of the public who may-wish requests to review
23 them. Any member of the public may request copies of any record
24 held by the commission which is available for public inspection.
25 Upon request of a citizen, the commission shall make available
26 for inspection or shall make copies of any commission records
27 that are available for public inspection. The commission shall
28 furnish these copies upon payment of a fee covering the cost of
29 reproducing them.

30 **Sec. 8. 1 MRSA §1004**, as amended by PL 1977, c. 252, §1, is
31 repealed.

32 **Sec. 9. 1 MRSA §1008**, as amended by PL 1993, c. 691, §§1 to
33 3, is further amended to read:

34 **§1008. General duties**

35 ~~The general duties~~ Duties of the commission shall ~~be include~~
36 the following:

37 **1. Legislative ethics.** ~~Te--investigate~~ Investigating,
38 holding hearings and make issuing advisory ~~recommmendations~~
39 opinions to the appropriate body of any apparent violations of
40 the ethical standards set by the Legislature;

2 **2. Election practices.** ~~To--administer--and--investigate~~
3 Investigating and holding hearings concerning any violations of
4 the requirements for campaign reports and campaign financing and
5 ~~to investigate and make findings of fact and opinion on the final~~
6 ~~determination--of--the--results,--within--the--limits--of--the~~
7 ~~Constitution of Maine and the Constitution of the United States,~~
8 ~~of any contested count, state or federal election within this~~
9 State;

10 **3. Ethics seminar.** ~~To--conduct~~ Conducting, in conjunction
11 with the Attorney General and the Chair of the Legislative
12 Council or their designees, an ethics seminar for Legislators
13 after the general election and before the convening of the
14 Legislature, in every even-numbered year. The Attorney General
15 shall provide each Legislator with a bound compilation of the
16 laws of this State pertaining to legislative ethics and conduct
17 and;

18 **4. Lobbyist activities.** ~~To--administer~~ Administering the
19 lobbyist disclosure laws, Title 3, chapter 15.;

20 **5. Consent agreements.** Negotiating consent agreements
21 among the commission and interested parties that may be used to
22 terminate complaint investigations pursuant to Title 21-A,
23 chapter 13;

24 **6. Determinations.** Determining whether candidates, party
25 committees, political committees, political action committees and
26 other persons satisfy registration, reporting and filing
27 requirements pursuant to Title 21-A, chapter 13; and

28 **7. Civil penalties.** In addition to any penalties provided
29 by Title 21-A, section 1004, upon finding violations of Title
30 21-A, chapter 13, imposing civil penalties not to exceed \$1,000
31 per violation. If the amount of a penalty is not specified in
32 Title 21-A, chapter 13, the commission may impose a penalty it
33 determines appropriate after considering the following factors:

34 A. The gravity of the act or omission;

35 B. Any previous history of similar acts or omissions;

36 C. The financial resources of the person, political
37 committee, party committee or political action committee; and

38 D. Whether the person, political committee, party committee
39 or political action committee has shown good faith in
40 attempting to comply with all requirements.

2 Failure to pay the full amount of any penalty levied under this
3 subsection is a civil violation. Thirty days after receiving
4 notice of the violation, the commission shall report to the
5 Attorney General the name of the person, political committee,
6 party committee or political action committee and its treasurer
7 that failed to pay the full amount of any penalty. The Attorney
8 General shall bring a civil action to collect the full
9 outstanding amount of the penalty. The action must be brought in
10 the Superior Court for the County of Kennebec or the District
11 Court, 7th District, Division of Southern Kennebec.

12 **Sec. 10. 1 MRSA §1012, sub-§2**, as repealed and replaced by PL
13 1989, c. 561, §4, is repealed and the following enacted in its
14 place:

15 **2. Commission.** "Commission" means the Maine Elections and
16 Ethics Commission.

17 **Sec. 11. 3 MRSA §312-A, sub-§2-A**, as enacted by PL 1993, c.
18 446, Pt. B, §1, is repealed and the following enacted in its
19 place:

20 **2-A. Commission.** "Commission" means the Maine Elections
21 and Ethics Commission as defined in Title 1, chapter 25.

22 **Sec. 12. 3 MRSA §402, sub-§4**, as amended by PL 1977, c. 78,
23 §2, is further amended to read:

24 **4. Investigating committee.** An "investigating committee" is
25 any committee of the Legislature which that has been granted by
26 the Legislature the power to administer oaths, issue subpoenas
27 and take depositions, as authorized by section 165, subsection 7.
28 "Investigating committee" ~~shall include~~ includes the Legislative
29 Council when it exercises the authority granted under section
30 162, subsection 4, but shall does not include the ~~Commission on~~
31 ~~Governmental Ethics and Election Practices~~ Maine Elections and
32 Ethics Commission when it exercises the authority granted under
33 Title 1, chapter 25.

34 **Sec. 13. 5 MRSA §12004-G, sub-§33**, as enacted by PL 1987, c.
35 786, §5, is repealed and the following enacted in its place:

36 **33. State Maine Legislative 1 MRSA**
37 Government Elections Per Diem §1002
38 and Ethics
39 Commission

40 **Sec. 14. 21-A MRSA §23, sub-§9**, as enacted by PL 1985, c. 161,
41 §6, is amended to read:

2 **9. Registration of treasurer.** The ~~Commission--en~~
3 ~~Governmental-Ethics-and-Election-Practices~~ Maine Elections and
4 Ethics Commission shall keep the registration of a treasurer
5 under section ~~1013~~ 1013-A in its office for ~~2~~ 4 years.

6
7 **Sec. 15. 21-A MRSA §1001, sub-§1,** as enacted by PL 1985, c.
8 161, §6, is amended to read:

9
10 **1. Commission.** "Commission" means the ~~Commission--en~~
11 ~~Governmental-Ethics-and-Election-Practices~~ Maine Elections and
12 Ethics Commission established under Title 1, section 1002.

13
14 **Sec. 16. 21-A MRSA §1002,** as enacted by PL 1985, c. 161, §6,
15 is amended to read:

16
17 **§1002. Meetings of commission**

18
19 The commission shall meet in Augusta for the purposes of
20 this chapter at least 4 times during any year in which primary
21 and general elections are held. The commission shall meet at
22 other times on the call of ~~the-Secretary-of-State,-the-Speaker-of~~
23 ~~the-House,-the-President-of-the-Senate,~~ the chairman chair, the
24 deputy chair, the executive director of the commission in
25 consultation with the chair or a majority of the members of the
26 commission, provided that all members are notified of the time,
27 place and purpose of the meeting at least 24 hours in advance.

28
29 **Sec. 17. 21-A MRSA §1003, §1,** as amended by PL 1991, c. 839,
30 §1 and affected by §34, is further amended to read:

31
32 **1. Investigations.** The commission may investigate to
33 determine the facts concerning the registration of a candidate,
34 treasurer, political committee, party committee or political
35 action committee and contributions by or to and expenditures by a
36 person, candidate, treasurer, political committee, party
37 committee or political action committee. For this purpose, the
38 commission may subpoena witnesses and records and take evidence
39 under oath. A person or political action committee that fails to
40 obey the lawful subpoena of the commission or to testify before
41 it under oath must, upon application by the Attorney General, be
42 punished treated as in contempt by the Superior Court ~~for~~
43 ~~eontempt-upon-application-by-the-Attorney-General-on-behalf-of~~
44 ~~the-commission.~~

45
46 **Sec. 18. 21-A MRSA §1003, sub-§3,** as enacted by PL 1985,
c.161, §6, is amended to read:

2 **3. Random audits.** The commission may conduct random audits
3 selected by lot under supervision of the Attorney General of
4 campaign finance reports and all related documents associated
5 with candidates' campaigns. At the request of the commission,
6 the State Auditor and the Secretary of State shall assist the
7 commission in making investigations and in other phases of the
8 commission's duties under this chapter,--as--requested--by--the
9 commission,--and--shall--have--all--necessary--powers--to--carry--out
10 these responsibilities.

12 **Sec. 19. 21-A MRSA §1004, sub-§2,** as amended by PL 1989, c.
13 504, §§2 and 31, is further amended to read:

14 **2. False statements.** No A person, candidate, treasurer or
15 political action committee may not make a false statement in any
16 report required by this chapter.

18 **Sec. 20. 21-A MRSA §1004, sub-§§3 and 4,** as enacted by PL 1985,
19 c. 161, §6, are amended to read:

22 **3. Contributions in another's name.** No A person may not
23 make a contribution in the name of another person or knowingly
24 permit his the other person's name to be used to accomplish such
25 a contribution, and no a person may not knowingly accept a
26 contribution made by one person in the name of another person.

28 **4. Registration; political action committees.** No A
29 political action committee required to be registered under
30 section 1053 may not operate in this State unless it is so
31 registered.

32 **Sec. 21. 21-A MRSA §1004-A** is enacted to read:

34 **§1004-A. Civil penalties**

36 In addition to the criminal penalties in section 1004, the
37 commission, upon finding a violation of this chapter, may impose
38 a civil penalty pursuant to its authority under Title 1, section
39 1008, subsection 7.

42 **Sec. 22. 21-A MRSA §1014, sub-§4,** as amended by PL 1991, c.
43 839, §10, is further amended to read:

44 **4. Enforcement.** An The commission may impose a civil
45 penalty of no more than \$200 for an expenditure, communication or
46 broadcast made within 10 days before the election to which it
47 relates that results in a violation of this section may--result--in
48 a--civil--forfeiture--of--no--more--than--\$200. An The commission may
49 impose a civil penalty of no more than \$100 for an expenditure,

2 communication or broadcast made more than 10 days before the
election that results in a violation of this section ~~may result~~
4 ~~in a civil forfeiture of no more than \$100,~~ if the violation is
not corrected within 10 days after the candidate or other person
6 who committed the violation receives notification of the
violation from the commission. Enforcement and collection
procedures must be in accordance with section 1020.

8
9
10 **Sec. 23. 21-A MRSA §1017-A, sub-§5,** as enacted by PL 1991, c.
839, §23 and affected by §33, is amended to read:

12 **5. Penalties.** A party committee is subject to the
penalties ~~in assessed by the commission pursuant to section 1020,~~
14 ~~subsection 2, --except that the commission may waive the penalties~~
~~until January 1994.~~

16
17 **Sec. 24. 21-A MRSA §1020,** as amended by PL 1991, c. 839, §§24
18 and 25, is further amended to read:

20 **§1020. Failure to file on time**

22 **1. Registration.** A candidate or political committee that
~~fails to register the name of a candidate, treasurer or political~~
24 ~~committee with the commission within the time allowed by~~ violates
registration requirements under section 1013-A, subsection 1 must
26 ~~be assessed a forfeiture of \$50~~ may be assessed a penalty
pursuant to section 1004-A. The commission shall determine
28 whether a registration satisfies the requirements for timely
filing under section 1013-A, subsection 1.

30
31 **2. Campaign finance reports.** A candidate, party committee
32 or political committee violates reporting requirements if a
candidate, party committee or political committee fails to timely
34 file with the commission a campaign finance report is not timely
filed unless that is a properly signed copy of the report,
36 substantially conforming to the disclosure requirements of this
subchapter, is. To be filed timely, a report must be received by
38 the commission before 5 p.m. on the date it is due. The
commission shall determine whether a required report satisfies
40 these requirements for timely filing and, if determined to be
late, the number of days of lateness. If the reason for the late
42 filing is that forms required to be sent by the commission were
not postmarked at least 7 days before the filing date, the period
44 for filing shall must be increased by the deficiency without
penalty. If the commission determines a report is not timely
46 filed, it shall assess a penalty.

48 ~~A. -- Except as provided in paragraph B, there is a penalty of~~
~~\$10 for each business day a report required to be filed~~
50 ~~under this subchapter is late.~~

2 B.-- A forfeiture of \$50 must be adjudged for each business
day that reports required under section 1017, subsection 2,
4 paragraph C or D, section 1017, subsection 3 A, paragraph B
or C; section 1018, subsection 2, paragraph A, or section
6 1019, subsection 1 are late.

8 C.-- The maximum penalty under this subsection is \$500,
except in the case of penalties assessed under paragraph B,
10 in which case the maximum penalty is \$1,000.

12 D.-- A notice of lateness shall be sent to candidates and
treasurers registered with the commission whose campaign
14 finance reports are not received within 2 days of the filing
deadline. That notice shall be sent on the 3rd day
16 following the deadline.

18 E.-- A late report required under section 1017, subsection 2,
paragraph A, B, E or F, or section 1017, subsection 3 A,
20 paragraph A, D or E, that is filed within 10 days of the due
date is not subject to penalty.

22 F.-- A report required to be filed 6 days before an election
which is sent by certified or registered United States mail
24 and postmarked at least 2 days before the deadline is not
subject to penalty. Any required report may be
26 provisionally filed by transmission of a facsimile copy of
the duly executed report to the commission, as long as an
28 original of the same report is received by the commission
within 5 calendar days thereafter. Reports filed after the
30 applicable grace period are subject to penalties from the
32 original filing deadline.

34 G.-- The commission, upon determining that a report is late,
shall notify the Secretary of State of the lateness. The
36 Secretary of State has the initial responsibility for
collecting the full amount of any penalty within 30 days
38 after receiving notice of a late report from the
commission. The Secretary of State shall have all necessary
40 powers to carry out this responsibility.

42 H.-- The commission shall prepare a list of the names of
candidates who are late in filing a report required under
44 section 1017, subsection 2, paragraph C or D, or section
1017, subsection 3 A, paragraph B or C, within 30 days of
46 the date of the election and shall make that list available
for public inspection.

48

2 **3. Enforcement.** Pursuant to Title 1, section 1008, the
3 commission may impose penalties in amounts specified or, if not
4 specified, not to exceed \$1,000 for failure to register or file a
5 report on time. Failure to pay the full amount of any penalty
6 levied under this section is a civil violation by the candidate,
7 political party or other person whose campaign finance activities
8 are required by this subchapter to be reported. Thirty days
9 after receiving notice of the lateness of any ~~report~~ penalty
10 payment, the ~~Secretary of State~~ commission shall report to the
11 Attorney General the name of any ~~person, candidate, other person,~~
12 political committee or political party who has failed to pay the
13 full amount of any penalty. The Attorney General shall ~~enforce~~
14 ~~the violation in~~ bring a civil action to collect the full
15 outstanding amount of the penalty. ~~This action shall be brought~~
16 in the Superior Court for the County of Kennebec or the District
Court, 7th District, Division of Southern Kennebec.

18 **Sec. 25. 21-A MRSA §1055, 2nd ¶**, as enacted by PL 1985, c.
19 161, §6, is amended to read:

20 No A person operating a broadcasting station within this
21 State may not broadcast any such a communication without an oral
22 or visual announcement of the name and address of the political
23 action committee ~~which~~ that made or financed the expenditure for
24 the communication and statement that reads: "A copy of our
25 report is available from and may be viewed at the office of the
26 ~~Secretary of State~~ Maine Elections and Ethics Commission."

28 **Sec. 26. 21-A MRSA §1058**, as amended by PL 1993, c. 715, §4,
29 is further amended to read:

32 **§1058. Reports; qualifications for filing**

34 A political action committee that is registered with the
35 commission or that accepts contributions or incurs obligations in
36 an aggregate amount in excess of \$50 on any one or more campaigns
37 for the office of Governor, for state or county office or for the
38 support or defeat of a referendum or initiated petition shall
39 file a report on its activities in that campaign with the
40 commission on forms as prescribed by the commission. A political
41 action committee organized in this State required under this
42 section to file a report shall file the report for each filing
43 period under section 1059. A political action committee
44 organized outside this State shall file with the Maine Elections
45 and Ethics Commission ~~on Governmental Ethics and Election~~
46 ~~Practices of this State~~ a copy of the report that the political
47 action committee is required to file in the state in which the
48 political action committee is organized. The political action

2 committee shall file the copy only if it has expended funds or
3 received contributions or made expenditures in this State. The
4 copy of the report must be filed in accordance with the schedule
5 of filing in the state where it is organized. Any person or
6 organization organized to oppose a question to be voted on by the
7 electorate at referendum shall report, within 10 days following
8 the drafting of the question by the Secretary of State and prior
9 to the distribution of any petitions for voter signatures
10 pursuant to chapter 11, to the commission as required in this
11 section and sections 1059 and 1060.

12 **Sec. 27. 21-A MRSA §1061**, as amended by PL 1993, c. 695, §36,
13 is further amended to read:

14

15 **§1061. Dissolution of committees**

16

17 Whenever any political action committee disbands or
18 determines that obligations will no longer be incurred and no
19 expenditures will be made to any candidate, political committee
20 or political party, or to initiate, support, defeat or influence
21 in any way the outcome of a referendum, initiated petition,
22 election or primary, and the committee has no outstanding
23 obligations, the committee shall file a termination report with
24 the Maine Elections and Ethics Commission ~~on-Governmental-Ethics~~
25 ~~and-Election-Practices~~. If a termination report is not filed,
26 the committee shall continue to file periodic reports as required
27 in this chapter.

28

29 **Sec. 28. 21-A MRSA §1062**, as amended by PL 1991, c. 839, §32,
30 is repealed and the following enacted in its place:

31

32 **§1062. Failure to file on time**

33

34 **1. Registration.** A political action committee required to
35 register under section 1053 violates registration requirements if
36 that political action committee fails to register in accordance
37 with that section or fails to provide the information required by
38 the commission for registration. A political action committee
39 that fails to register accurately and timely may be assessed a
40 civil penalty.

41

42 **2. Campaign finance reports.** A political action committee
43 violates reporting requirements if the political action committee
44 fails to timely file with the commission a campaign finance
45 report that is a properly signed copy of the report substantially
46 conforming to the disclosure requirements of this subchapter. To
47 be filed timely a report must be received by the commission
48 before 5 p.m. on the date it is due. The commission shall

2 determine whether a required report satisfies these requirements
4 for timely filing and, if determined to be late, the number of
6 days of lateness. If the reason for the late filing is that
8 forms required to be sent by the commission were not postmarked
at least 7 days before the filing date, the period for filing
must be increased by the deficiency without penalty. If the
commission determines a report is not timely filed, it shall
assess a penalty.

10 3. Enforcement. Pursuant to Title 1, section 1008, the
12 commission may impose penalties in amounts specified or, if not
14 specified, not to exceed \$1,000 for failure to register or file a
16 report on time. Failure to pay the full amount of any penalty
18 levied under this section is a civil violation by the political
20 action committee. Thirty days after receiving notice of the
22 lateness of any penalty payment, the commission shall report to
the Attorney General the name of any political action committee
that has failed to pay the full amount of any penalty. The
Attorney General shall bring a civil action to collect the full
outstanding amount of the penalty in the Superior Court for the
County of Kennebec or the District Court, 7th District, Division
of Southern Kennebec.

24 **Sec. 29. 21-A MRSA §1063** is enacted to read:

26 **§1063. Maine Elections and Ethics Commission Fund**

28 The Maine Elections and Ethics Commission Fund, referred to
30 in this section as the "fund," is established. The fund allows
32 the commission to effectively enforce and monitor compliance with
34 campaign finance and ethics laws and to institute electronic
submission of reports and computerized tracking of lobbying and
campaign and election-related information under the commission's
jurisdiction. The fund is supported as follows.

36 1. Assessment on political action committees. Any
38 registered political action committee organized in this State,
40 excluding political action committees established solely to
42 support or oppose a ballot measure, shall pay to the commission a
44 4% assessment on all contributions received by the political
action committee per year, excluding in-kind contributions. The
assessment must be remitted to the commission, at the time of
filing the final report before an election pursuant to section
1059, to be placed in the fund.

46 2. Lobbyist registration fees. All lobbyist registration
48 fees assessed under Title 3, section 313 and all penalties
assessed under Title 3, section 319 are remitted to the fund.

Sec. 30. Study by the Maine Elections and Ethics Commission; ethics standards for executive staff and legislative staff; enforcement.

The Maine Elections and Ethics Commission shall review current ethics standards for members of the Executive Department staff and members of the legislative staff and shall make recommendations concerning those standards. The Maine Elections and Ethics Commission shall also make recommendations to include in its jurisdiction oversight of executive employees in policy-influencing positions as defined in the Maine Revised Statutes, Title 5, chapter 71 and legislative employees in regard to compliance with ethics standards, including investigations of conflicts of interest. The commission shall make its recommendations, along with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs no later than January 1, 1997.

Sec. 31. Transition provisions.

1. The Maine Elections and Ethics Commission is the successor in every way to the powers and duties and functions of the Commission on Governmental Ethics and Election Practices. The members of the Commission on Governmental Ethics and Election Practices shall continue to serve until the appointment and confirmation of members to the Maine Elections and Ethics Commission.

2. All accrued expenditures, assets, liabilities, balances, appropriations, allocations, transfers, revenues or other available funds in an account relating to the function of the Commission on Governmental Ethics and Election Practices must be transferred to the Maine Elections and Ethics Commission.

3. All existing rules and procedures in effect, in operation or adopted by the Commission on Governmental Ethics and Election Practices remain in effect and continue in effect until rescinded, revised or amended by the Maine Elections and Ethics Commission.

4. All existing contracts, agreements and compacts currently in effect with respect to the functions of the Commission on Governmental Ethics and Election Practices remain in effect.

5. All records, property and equipment previously belonging to or allocated for the use of the Commission on Governmental Ethics and Election Practices become, on the effective date of this Act, the property of the Maine Elections and Ethics Commission.

2 6. New penalties apply only to violations that occur after
the effective date of this Act.

4 **Emergency clause.** In view of the emergency cited in the
6 preamble, this Act takes effect when approved.

8
STATEMENT OF FACT

10
12 This bill replaces the existing Commission on Governmental
Ethics and Election Practices with the Maine Elections and Ethics
14 Commission. Membership in the new commission consists of 5
members to be appointed as follows.

16 1. A nomination period is established during which time
18 individuals and organizations may nominate members to the
commission.

20 2. Taking into consideration the nominations, the Governor
22 appoints the members of the commission subject to review by the
Legislature.

24 The members serve staggered 4-year terms, except for 3 of
26 the initial appointees, who serve for 2-year terms. A person may
not serve more than 2 consecutive terms. The qualifications of
28 the commissioners are amended to prohibit appointment of persons
actively involved in partisan politics and persons who have
recently served in public office.

30 The duties, powers, structure and authority of the
32 commission are enhanced and specify that the commission:

34 1. May issue advisory opinions;

36 2. Has expanded authority to investigate violations; and

38 3. Has authority to negotiate consent agreements, impose
40 civil penalties for certain violations and exercise more
flexibility in enforcing penalties.

42 The commissioners are entitled to a per diem and are aided
44 in carrying out their duties by an executive director.

46 The bill further establishes the Maine Elections and Ethics
Commission Fund. Its purpose is to provide the commission with
48 funds to institute electronic submission of reports and
computerized tracking of campaign and finance-related information.

2 The Maine Elections and Ethics Commission is also charged
with reviewing current ethics standards for certain executive and
4 legislative employees, recommending further ethics standards and
assuming jurisdiction over and enforcement of those standards.
6 The commission shall report its recommendations and any
implementing legislation to the joint standing committee of the
Legislature having jurisdiction over legal and veterans affairs
8 by January 1, 1997.