

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1995

Legislative Document

No. 1621

H.P. 1182

House of Representatives, December 11, 1995

An Act to Amend the Campaign Finance Laws.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Received by the Clerk of the House on December 7, 1995. Referred to the Committee on
Legal and Veterans Affairs and ordered printed pursuant to Joint Rule 14.

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

JOSEPH W. MAYO, Clerk

Presented by Speaker GWADOSKY of Fairfield.

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

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4 **Sec. 1. 21-A MRSA §1020-A, sub-§4**, as enacted by PL 1995, c.
483, §15, is amended to read:

6 **4. Basis for penalties.** The penalty for late filing of a
8 report required under this subchapter is a percentage of the
total contributions or expenditures for the filing period,
10 whichever is greater, multiplied by the number of calendar days
late, as follows:

- 12 A. For the first violation, 1%;
- 14 B. For the 2nd violation, 3%; and
- 16 C. For the 3rd and subsequent violations, 5%.

18 Any penalty of less than \$5 is waived.

20 If the commission finds that a report does not substantially
22 conform to the requirements of this subchapter, the penalty is a
24 percentage of the amount not timely disclosed multiplied by the
number of calendar days the disclosure was late. The commission
shall determine by rule the penalty for nonmonetary reporting
deficiencies.

26 Violations accumulate on reports with filing deadlines in a
28 2-year period that begins on January 1st of each even-numbered
year. Waiver of a penalty does not nullify the finding of a
30 violation.

32 A report required to be filed under this subchapter that is sent
by certified or registered United States mail and postmarked at
34 least 2 days before the deadline is not subject to penalty.

36 A registration or report may be provisionally filed by
transmission of a facsimile copy of the duly executed report to
38 the commission, as long as an original of the same report is
received by the commission within 5 calendar days thereafter.

40 **Sec. 2. 21-A MRSA §1062-A, sub-§3**, as enacted by PL 1995, c.
42 483, §21, is amended to read:

44 **3. Basis for penalties.** The penalty for late filing of a
46 report required under this subchapter is a percentage of the
total contributions or expenditures for the filing period,
48 whichever is greater, multiplied by the number of calendar days
late, as follows:

- 50 A. For the first violation, 1%;

2 B. For the 2nd violation, 3%; and

4 C. For the 3rd and subsequent violations, 5%.

6 Any penalty of less than \$5 is waived.

8 If the commission finds that a report does not substantially
10 conform to the requirements of this subchapter, the penalty is a
12 percentage of the amount not timely disclosed multiplied by the
14 number of calendar days the disclosure was late. The commission
shall determine by rule the penalty for nonmonetary reporting
deficiencies.

16 Violations accumulate on reports with filing deadlines in a
18 2-year period that begins on January 1st of each even-numbered
calendar year. Waiver of a penalty does not nullify the finding
of a violation.

20 A report required to be filed under this subchapter that is sent
22 by certified or registered United States mail and postmarked at
least 2 days before the deadline is not subject to penalty.

24 A required report may be provisionally filed by transmission of a
26 facsimile copy of the duly executed report to the commission, as
long as an original of the same report is received by the
commission within 5 calendar days thereafter.

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STATEMENT OF FACT

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34 This bill permits the Commission on Governmental Ethics and
Election Practices, in the event a campaign finance report does
not substantially conform to the requirements of campaign finance
36 laws, to assess a penalty equal to a percentage of the amount not
timely disclosed multiplied by the number of days the disclosure
was late. The commission may determine the amount to be levied
38 for nonmonetary reporting deficiencies.