

MAINE STATE LEGISLATURE

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1013, L.D. 1350, Bill, "An Act to Amend the Provisions Governing Reports by Political Action Committees Administered by the Commission on Governmental Ethics and Election Practices"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Laws Governed by the Commission on Governmental Ethics and Election Practices'

Further amend the bill by striking everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 1 MRSA §1002, sub-§1, ¶¶A and C, as repealed and replaced by IB 1995, c. 1, §1, are amended to read:

A. ~~By March 31, 1997, and as needed after that date~~ As needed, the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House and the House Minority Leader shall jointly establish and publish a nomination period during which members of the public, groups and organizations may nominate qualified individuals to the Governor for appointment to the commission. ~~The initial nomination period must close by May 1, 1997.~~

C. ~~Two initial appointees are appointed for 1 year terms, two are appointed for 2 year terms and one is appointed for a 3 year term according to a random lot drawing under the supervision of the Secretary of State.~~ Subsequent appointees Appointees are appointed to serve 4-year terms. A person may not serve more than 2 terms.

COMMITTEE AMENDMENT

2 **Sec. 2. 1 MRSA §1004**, as amended by PL 1977, c. 252, §1, is
further amended to read:

4 **§1004. Meetings**

6 ~~The President of the Senate and the Speaker of the House~~
7 ~~shall jointly call an organizational meeting of the commission~~
8 ~~within 10 days after the members have taken their oaths of~~
9 ~~office. Thereafter, the~~ The ~~commission shall meet on the call of~~
10 ~~the Secretary of State or of the Speaker of the House or the~~
11 ~~President of the Senate to perform the duties required of it or~~
12 ~~as specifically provided in this chapter. The commission shall~~
13 ~~also meet at other times at the call of the chairman~~ chair ~~or at~~
14 ~~the call of a majority of the members, provided all members are~~
15 ~~notified of the time, place and purpose of the meeting at least~~
16 ~~24 hours in advance.~~

18 **Sec. 3. 1 MRSA §1005**, as amended by PL 1997, c. 562, Pt. D,
19 §1 and affected by §11, is further amended to read:

20 **§1005. Open meetings**

22 ~~Notwithstanding any other provision of law~~ chapter 13, all
23 ~~meetings, hearings or sessions of the commission shall be~~ are
24 ~~open to the general public unless, by an affirmative vote of at~~
25 ~~least 3 members, the commission requires the exclusion of the~~
26 ~~public.~~

28 **Sec. 4. 1 MRSA §1008, sub-§2**, as amended by IB 1995, c. 1, §3,
29 is further amended to read:

32 **2. Election practices.** To administer and investigate any
33 violations of the requirements for campaign reports and campaign
34 financing, including the provisions of the Maine Clean Election
35 Act and the Maine Clean Election Fund, ~~and to investigate and~~
36 ~~make findings of fact and opinion on the final determination of~~
37 ~~the results, within the limits of the Constitution of Maine and~~
38 ~~the Constitution of the United States, of any contested county,~~
39 ~~state or federal election within this State;~~

40 **Sec. 5. 1 MRSA §1012, sub-§7**, as enacted by PL 1989, c. 561,
41 §4, is amended to read:

44 **7. Income.** "Income" means economic gain to a person from
45 any source, including, but not limited to, compensation for
46 services, including fees, commissions and payments in kind;
47 income derived from business; gains derived from dealings in
48 property, rents and royalties; income from investments including
49 interest, capital gains and dividends; annuities; income from
50 life insurance and endowment contracts; pensions; income from

discharge of indebtedness; distributive share of partnership income; income from an interest in an estate or trust; prizes; and grants, but does not include gifts. Income received in kind includes, but is not limited to, the transfer of property and options to buy or lease, and stock certificates. ~~Income "Income"~~ does not include ~~alimony-and-separate-maintenance-payments;~~

A. Alimony and separate maintenance payments; or

B. Campaign contributions recorded and reported as required by Title 21-A, chapter 13.

Sec. 6. 3 MRSA §317, sub-§2, as corrected by RR 1993, c. 2, §1, is amended to read:

2. Annual report. Thirty days following the end of the year in which any person lobbied pursuant to section 313, the lobbyist and the lobbyist's employer shall file with the commission a joint report that must contain the information required in subsection 1, except that the report must summarize all lobbying activities for the year and report in detail only those legislative actions not previously reported, as required by subsection 1, paragraphs H and I.

The report must include a separate listing of legislative actions for the calendar year reported on pursuant to subsection 1, paragraphs H and I. The reports required by subsection 1 must be signed by the person designated by the lobbyist in section 316, subsection 1. The reports required by this subsection must be signed by both the designated person and the employer.

If the date any report required by this section is due falls on a day other than a regular business day, the report is due on the first regular business day next following the due date.

In addition to the amounts identified in subsection 1 as compensation received or expenditure made for the primary purpose of lobbying, this annual report must include the total amount of compensation received by the lobbyist or the lobbying firm, or expended by the employer, except compensation received or expended for purposes not related to lobbying.

Sec. 7. 21-A MRSA §1002, as enacted by PL 1985, c. 161, §6, is amended to read:

§1002. Meetings of commission

The commission shall meet in Augusta for the purposes of this chapter at least 4 times during any year in which primary and general elections are held. The commission shall meet at

other times on the call of the Secretary of State, the Speaker of the House, the President of the Senate, the chairman chair or a majority of the members of the commission, ~~provided that~~ as long as all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

Sec. 8. 21-A MRSA §1011, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election. ~~This subchapter also applies to candidates for federal offices for the purposes of section 1017, subsection 1.~~

Sec. 9. 21-A MRSA §1055, as amended by PL 1997, c. 436, §119, is further amended to read:

§1055. Publication or distribution of statements

When a political action committee makes an expenditure to finance a communication expressly advocating the ~~initiation, promotion~~ election or defeat of a ~~question or~~ candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails and other similar types of general public political advertising and through flyers, handbills, bumper stickers and other nonperiodical publications, the communication must clearly and conspicuously state the name and address of the political action committee that authorized, made or financed the expenditure for the communication and that the communication has been authorized by the political action committee.

A person operating a broadcasting station within this State may not broadcast any such communication without an oral or visual announcement of the name and address of the political action committee that made or financed the expenditure for the communication and statement that reads: "A copy of our report is available from ~~and may be viewed at the office of~~ the Commission on Governmental Ethics and Election Practices."

An expenditure, communication or broadcast which ~~that~~ results in a violation of this section may result in a civil penalty of no more than \$100 \$200. Enforcement and collection procedures ~~shall~~ must be in accordance with section 1062-A.

Sec. 10. 21-A MRSA §1056, sub-§1, as amended by IB 1995, c. 1, §16, is further amended to read:

1. Aggregate expenditures. ~~A committee may not make expenditures in support of or opposition to the candidacy of one~~

2 ~~person or to a political committee in an aggregate amount greater~~
3 ~~than \$5,000 in any election. Beginning January 1, 1999, a A~~
4 committee may not make contributions in support of the candidacy
5 of one person aggregating more than \$500 in any election for a
6 gubernatorial candidate, or \$250 in any election for any other
7 candidate.'

8 Further amend the bill by inserting at the end before the
9 summary the following:
10

12 **FISCAL NOTE**

14 Increasing the penalty from \$100 to \$200 for violation of
15 the attribution requirements for political action committees will
16 result in insignificant increases of dedicated revenue to the
17 Maine Clean Election Fund.'
18

20 **SUMMARY**

22 This amendment replaces the original bill and makes several
23 technical changes to the laws governed by the Commission on
24 Governmental Ethics and Election Practices, deleting obsolete
25 language and outdated references and correcting
26 cross-references. It removes as one of the duties of the
27 commission that it make findings of fact and opinion on the final
28 determination of the results of commission investigations of
29 violations of the campaign finance reporting laws. It specifies
30 that alimony payments and recorded campaign contributions are not
31 considered income for the purposes of reporting. It also
32 specifies that the annual report required of lobbyists must
33 include a separate listing of legislative actions for the past
34 calendar year. The amendment also adds a fiscal note to the bill.