

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1351

H.P. 1014

House of Representatives, March 5, 2001

**An Act to Amend Provisions Governing Reports on Campaigns for
Office in the Laws Administered by the Commission on Governmental
Ethics and Election Practices.**

Reported by Representative TUTTLE for the Commission on Governmental Ethics and Election Practices pursuant to the Maine Revised Statutes, Title 1, section 1007.

Reference to the Joint Standing Committee on Legal and Veterans Affairs suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

2 **Sec. 1. 21-A MRSA §1002, first ¶**, as enacted by PL 1985, c.
4 161, §6, is amended to read:

6 The commission shall meet in Augusta for the purposes of
8 this chapter at least 4 times during any year in which primary
10 and general elections are held. The commission shall meet at
12 other times on the call of ~~the Secretary of State,~~ the Speaker of
14 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.

16 **Sec. 2. 21-A MRSA §1011, first ¶**, as enacted by PL 1985, c.
18 161, §6, is amended to read:

20 This subchapter applies to candidates for all state and
22 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.~~

24 **Sec. 3. 21-A MRSA §1012, sub-§5** is enacted to read:

26 5. Personal expenses. "Personal expenses" means expenses
28 that exist irrespective of the political campaign or the duties
of a public servant. "Personal expenses" includes, but is not
limited to:

30 A. Day-to-day household food items, supplies or the
32 ordinary expenses of maintaining a personal household;

34 B. Mortgage, rent or utility payments for the candidate's
36 residence or any other personal residence, even if part of
the residence is being used by the campaign;

38 C. Clothing items, including specialized attire for
40 political functions, but excluding items of a minimal value
imprinted with a candidate's logo or campaign slogan, such
as T-shirts or caps;

42 D. Tuition payments, other than training of campaign staff
44 to perform campaign tasks; and

46 E. Salary payments to members of the candidate's immediate
48 family, unless those payments are made as compensation for
the fair market value of bona fide services rendered to the
campaign.

50 **Sec. 4. 21-A MRSA §1015, sub-§3-A** is enacted to read:

2 **3-A. Aggregation and attribution of family contributions.**
3 Contributions made by:

4 A. A husband and wife are considered separate contributions
5 and are not aggregated. The joint contribution of a husband
6 and wife is attributed equally to each; and

7 B. Unemancipated children under 18 years of age are
8 considered contributions by their parents and are attributed
9 proportionately to each parent. Fifty percent of the
10 contributions are attributed to each parent or, in the case
11 of a single custodial parent, the total amount is attributed
12 to the parent.

13 **Sec. 5. 21-A MRSA §§1015-B and 1015-C are enacted to read:**

14 **§1015-B. Anonymous contributions**

15 A candidate or a committee may not accept an anonymous
16 contribution exceeding \$10. The recipient of an anonymous
17 contribution of more than \$10 may not keep the contribution but
18 must remit the contribution to the General Fund within 2 business
19 days and report the action to the commission.

20 **§1015-C. Use of campaign contributions for personal expenses**

21 1. Prohibition. A candidate, political committee,
22 political party or political action committee may not use
23 campaign funds to defray personal expenses that are unrelated to
24 the campaign or to the office if the candidate is an
25 officeholder, nor may these funds be converted to personal use.

26 2. Application. This section does not apply to the
27 incidental personal use of campaign materials or equipment, nor
28 to an expenditure used to defray any ordinary expenses incurred
29 in connection with an individual's duties as a holder of public
30 office.

31 3. Guidelines. The commission must establish guidelines
32 reflecting the applicability of this section to other expenses on
33 a case-by-case basis, including legal, meal, travel and vehicle
34 expenses.

35 **Sec. 6. 21-A MRSA §1017, sub-§1, as amended by PL 1989, c.**
36 **504, §§11 and 31, is repealed.**

37 **Sec. 7. 21-A MRSA §1017, sub-§5, as amended by PL 1991, c.**
38 **839, §17, is further amended to read:**

2 **5. Content.** A report required under this section must
4 contain the itemized accounts of contributions received during
6 that report filing period, including the date a contribution was
8 received, and the name, address, occupation, principal place of
10 business, employer, business address, if any, and the amount of
12 the contribution of each person who has made a contribution or
14 contributions aggregating in excess of \$50. The report must
16 contain the itemized expenditures made or authorized during the
18 report filing period, the date and purpose of each expenditure
20 and the name of each payee and creditor. Expenditures made on
22 behalf of a candidate, the candidate's committee or a party
24 committee by a person, agency, firm, organization or other entity
26 employed or retained for the purpose of organizing, directing,
28 managing or assisting the candidate, the candidate's committee or
a political party are considered expenditures by the candidate or
committee as if made or incurred directly by the candidate or
committee. Total contributions ~~with respect to~~ for an election
of less than \$500 and total expenditures of less than \$500 need
not be itemized. The report must contain a statement of any loan
to a candidate by a financial institution in connection with that
candidate's candidacy that is made during the period covered by
the report, whether or not the loan is defined as a contribution
under section 1012, subsection 2, paragraph A. ~~Until December
31, 1992, the candidate is responsible for the timely and
accurate filing of each required report. Beginning January 1,
1993, the~~ The candidate and the treasurer are jointly responsible
for the timely and accurate filing of each required report.

30 **Sec. 8. 21-A MRSA §1017, sub-§6,** as amended by PL 1999, c.
729, §4, is further amended to read:

32 **6. Forms.** Reports required by this section must be on
34 forms prescribed, prepared and sent by the commission to the
36 treasurer of each registered candidate at least 7 days before the
38 filing date for the report. Establishment of or amendments to
40 the campaign report filing forms required by this section must be
42 by rule. Persons filing reports may use additional pages if
necessary, but the pages must be the same size as the pages of
the form. Although the commission mails the forms for required
reports, failure to receive forms by mail does not excuse
treasurers, committees and other persons who must file reports
from otherwise obtaining the forms.

44 ~~Rules of the commission establishing campaign report filing forms
46 for candidates are major substantive rules as defined in Title 5,
chapter 375, subchapter II-A.~~

48 **Sec. 9. 21-A MRSA §1020-A, sub-§3-A** is enacted to read:

2 3-A. County, district and municipal party committee
3 reports. A state party committee that fails to comply with the
4 requirements of section 1017-A, subsection 6 for notifying all
5 county, district and municipal party committees of the same
6 political party of the party committee reporting requirements
7 must pay 1/2 of the total penalty assessed against a county,
8 district or municipal party committee that fails to file a
9 required report on time because of that failure by the state
10 party committee to provide the required notice. The balance of
11 the total assessed penalty must be paid by the county, district
12 or municipal party committee.

13 **Sec. 10. 21-A MRSA §1021 is enacted to read:**

14 **§1021. Civil offenses**

15 If no other penalty for a violation of this subchapter is
16 prescribed, the commission may assess a penalty equal to 3 times
17 the amount of an unlawful contribution or expenditure.

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22 **Sec. 11. Revisor's review; cross-references.** The Revisor of
23 Statutes shall review the Maine Revised Statutes and include in
24 the errors and inconsistencies bill submitted to the Second
25 Regular Session of the 120th Legislature pursuant to Title 1,
26 section 94, any sections necessary to correct and update any
27 cross-references in the statutes to provisions of law repealed in
28 the Act.

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30 **SUMMARY**

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34 This bill amends the provisions governing reports on
35 campaigns for office in the laws administered by the Commission
36 on Governmental Ethics and Election Practices. The bill defines
37 personal expenses. The bill clarifies that contributions made by
38 a husband and wife are separate contributions. The bill also
39 sets a limit of \$10 as an anonymous contribution that a candidate
40 may accept. The bill prohibits the use of campaign contributions
41 for personal expenses. The bill also provides that if the state
42 party committee does not notify all county, district and
municipal committees of reporting dates, it must pay 1/2 of the
penalty for not reporting.