

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1809

H.P. 1352

House of Representatives, May 16, 2001

**An Act Concerning the Penalties for Late Filing of Accelerated
Campaign Reporting Under the Maine Clean Election Act.**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule
205.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TUTTLE of Sanford.

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

2
3 **Sec. 1. 21-A MRSA §1020-A, sub-§4,** as amended by IB 1995, c.
4 1, §15, is further amended to read:

6 **4. Basis for penalties.** ~~The~~ With the exception of
7 accelerated campaign finance reports required pursuant to section
8 1017, subsection 3-B, the penalty for late filing of a report
9 required under this subchapter is a percentage of the total
10 contributions or expenditures for the filing period, whichever is
11 greater, multiplied by the number of calendar days late, as
12 follows:

14 A. For the first violation, 1%;

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

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

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

22 Violations accumulate on reports with filing deadlines in a
23 2-year period that begins on January 1st of each even-numbered
24 year. Waiver of a penalty does not nullify the finding of a
25 violation.

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

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

34 ~~Notwithstanding any other provisions of this section, a candidate~~
35 ~~who fails to file~~ The penalty for late filing of an accelerated
36 campaign finance report as required in section 1017, subsection
37 3-B must be assessed a penalty at least equivalent to but no
38 may not be more than 3 times the amount by which the contributions
39 received or expenditures obligated or made by the candidate,
40 whichever is greater, exceed the applicable Maine Clean Election
41 Fund disbursement amount, per day of violation. A penalty for
42 failure to file an accelerated campaign finance report must be
43 made payable to the Maine Clean Election Fund. In assessing a
44 penalty for failure to file an accelerated campaign finance
45 report, the commission shall consider the existence of mitigating
46 circumstances. For purposes of this subsection, "mitigating
47 circumstances" has the same meaning as in section 1062-A,
48 subsection 2.
50

2 **Sec. 2. 21-A MRSA §1020-A, sub-§5, ¶A**, as enacted by PL 1995,
c. 483, §15, is amended to read:

4 A. Five thousand dollars for reports required under section
1017, subsection 2, ~~paragraphs~~ paragraph B, C, D, E or H;
6 section 1017, subsection 3-A, ~~paragraphs~~ paragraph B, C, D
or F; section 1017, ~~subsection~~ subsections 3-B and 4; and
8 section 1019;

10 **Sec. 3. Retroactivity.** This Act applies retroactively to
January 1, 2000.

12

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SUMMARY

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This bill amends the laws governing penalties for failure to
file accelerated campaign finance reports. Current law requires
18 the imposition of a penalty that may result in an amount
disproportionate to the gravity of the lateness in filing. This
20 bill establishes a maximum penalty of \$5,000 for such a
violation, and amends the law to allow the Commission on
22 Governmental Ethics and Election Practices to consider in
assessing a penalty factors such as the existence of a valid
24 emergency, an error by commission staff and evidence of a bona
fide effort to file.