

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 454

H.P. 346

House of Representatives, February 4, 2003

An Act To Clarify Campaign Finance Penalty Provisions

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CANAVAN of Waterville.
Cosponsored by Senator GAGNON of Kennebec and
Representatives: CLARK of Millinocket, EDER of Portland, FLETCHER of Winslow,
GAGNE-FRIEL of Buckfield, HOTHAM of Dixfield, SMITH of Monmouth, THOMPSON of
China, TWOMEY of Biddeford.

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

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Sec. 1. 21-A MRSA §1127, sub-§1, as enacted by IB 1995, c. 1, §17, is amended to read:

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1. Civil penalty. In addition to any other penalties that may be applicable, a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a civil penalty not to exceed \$10,000 per violation payable to the fund. This penalty is recoverable in a civil action. In addition to any fine, for good cause shown, a candidate found in violation of this chapter or rules of the commission may be required to return to the fund all amounts distributed to the candidate from the fund. If the commission makes a determination that a violation of this chapter or rules of the commission has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

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SUMMARY

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This bill clarifies that civil penalties for violations of the Maine Clean Election Act apply to violations of rules adopted by the Commission on Governmental Ethics and Election Practices.