

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1339

H.P. 984

House of Representatives, March 12, 2003

An Act To Amend the Laws Governing Campaign Finance

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: ADAMS of Portland, DUDLEY of Portland, DUPLESSIE of Westbrook,
LERMAN of Augusta, SUSLOVIC of Portland.

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

2
4 **Sec. 1. 21-A MRSA §1012, sub-§3, ¶A**, as enacted by PL 1985, c. 161, §6, is amended to read:

6 A. Includes:

8 (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to political office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

16 (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure; or

20 (3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

24 (4) Payment or promise of payment to a person contracted with for the purpose of supporting or opposing any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition; and

30 **Sec. 2. 21-A MRSA §1014, sub-§1**, as amended by PL 1991, c. 839, §8, is further amended to read:

34 **1. Authorized by candidate, candidate's political party or party committee.** Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee, a candidate's party committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication. The following forms of political communication do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible:

2 ashtrays, badges and badge holders, balloons, campaign buttons,
clothing, coasters, combs, emery boards, envelopes, erasers,
4 glasses, key rings, letter openers, matchbooks, nail files,
noisemakers, paper and plastic cups, pencils, pens, plastic
6 tableware, 12-inch or shorter rulers, swizzle sticks, tickets to
fund-raisers and similar items determined by the commission to be
too small and unnecessary for the disclosures required by this
8 section.

10 **Sec. 3. 21-A MRSA §1014, sub-§1-A** is enacted to read:

12 **1-A. Additional broadcast disclosure requirements;**
candidate, authorized political party and party committee. In
14 addition to the requirements of subsection 1, the following
requirements apply to television and radio broadcasts authorized
16 by a candidate, a candidate's authorized political party, a
candidate's party committee or their agents in which the opponent
18 of the candidate, candidate's authorized political committee or
candidate's party committee is identified, either by name, voice,
20 picture or other reference.

22 A. If the communication described in subsection 1 is
broadcast on television, the advertisement must contain an
24 unobscured, full-screen picture, either still or moving, of
the candidate or the treasurer of the candidate's authorized
26 political party or party committee accompanied by the
following words, or words substantially similar, spoken by
28 the candidate or treasurer: "I am (name of candidate or
treasurer of candidate's authorized political party or party
30 committee) and this ad was paid for by (name of candidate or
candidate's authorized committee or party committee)."

32 B. If the communication described in subsection 1 is
34 broadcast on radio, the advertisement must contain the
following words, or words substantially similar, spoken by
36 the candidate or treasurer of the candidate's authorized
political party or party committee: "I am (name of candidate
38 or treasurer of candidate's authorized political party or
party committee) and this ad was paid for by (name of
40 candidate or candidate's authorized committee or party
committee)."

42 **Sec. 4. 21-A MRSA §1014, sub-§2**, as enacted by PL 1985, c.
44 161, §6, is amended to read:

46 **2. Not authorized by candidate.** If the communication
described in subsection 1 is not authorized by a candidate, a
48 candidate's authorized political committee, a candidate's party
committee or their agents, the communication must clearly and
50 conspicuously state that the communication is not authorized by

any candidate and state the name and address of the person who made or financed the expenditure for the communication.

Sec. 5. 21-A MRSA §1014, sub-§2-A is enacted to read:

2-A. Additional broadcast disclosure requirements; not authorized by candidate. In addition to the requirements of subsection 2, the following requirements apply to communications broadcast on television or radio not authorized by a candidate, a candidate's authorized political party, a candidate's party committee or their agents in which a candidate is identified, either by name, voice, picture or other reference.

A. If the communication described in subsection 1 is broadcast on television, the advertisement must contain an unobscured, full-screen picture, either still or moving, of the person who made or financed the communication accompanied by the following words, or words substantially similar, spoken by that person: "I am (name of person) and I sponsored this ad (opposing or supporting) (name of candidate) for (name of office)."

B. If the communication described in subsection 1 is broadcast on radio, the advertisement must contain the following words, or words substantially similar, spoken by the person: "I am (name of person) and I sponsored and paid for this ad (opposing or supporting) (name of candidate) for (name of office)."

Sec. 6. 21-A MRSA §1014, sub-§3, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

3. Broadcasting prohibited without disclosure. A person operating a broadcasting station within this State may not broadcast any communication, as described in subsections 1, 1-A, 2 and 2-A without the oral or written visual announcements required by those subsections.

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

5. Content. A report required under this section must contain the itemized accounts of contributions received during that report filing period, including the date a contribution was received, and the name, address, occupation, principal place of business, if any, and the amount of the contribution of each person who has made a contribution or contributions aggregating in excess of \$50. The report must contain the itemized expenditures made or authorized during the report filing period, the date and purpose of each expenditure and the name of each

2 payee and creditor. If expenditures were made to a person
3 described in section 1012, subsection 3, paragraph A,
4 subparagraph (4), the report must contain the name of the person,
5 the amount spent by that person on behalf of the candidate, the
6 reason for the expenditure and the date of the expenditure.
7 Total contributions with respect to an election of less than \$500
8 and total expenditures of less than \$500 need not be itemized.
9 The report must contain a statement of any loan to a candidate by
10 a financial institution in connection with that candidate's
11 candidacy that is made during the period covered by the report,
12 whether or not the loan is defined as a contribution under
13 section 1012, subsection 2, paragraph A. Until December 31,
14 1992, the candidate is responsible for the timely and accurate
15 filing of each required report. Beginning January 1, 1993, the
16 candidate and the treasurer are jointly responsible for the
timely and accurate filing of each required report.

18 **Sec. 8. 21-A MRSA §1019, sub-§2,** as amended by PL 2001, c.
19 465, §1, is further amended to read:

20
21 **2. Content.** This report must contain an itemized account
22 of each contribution or expenditure aggregating in excess of \$50
23 in any election, the date and purpose of each and the name,
24 occupation, place of business and mailing address of each payee
25 or creditor. Total contributions or expenditures of less than
26 \$500 in any election need not be itemized. The report must state
27 whether the contribution or expenditure is in support of or in
28 opposition to the candidate and must include, under penalty of
29 perjury, as provided in Title 17-A, section 451, a statement
30 under oath or affirmation whether the expenditure is made in
31 cooperation, consultation or concert with, or at the request or
32 suggestion of, any candidate or any authorized committee or agent
33 of a candidate.

34
35 **Sec. 9. 21-A MRSA §1053, sub-§1,** as amended by PL 1995, c.
36 167, §1, is further amended to read:

37
38 **1. Identification of committee.** The names and mailing
39 addresses of the committee, its chief decision maker, its
40 treasurer, its principal officers and the identity of any
41 candidate who is registered under section 1013-A and who is
42 involved in decision making for a political action committee
43 organized to advance the election of that candidate;

44
45 **Sec. 10. 21-A MRSA §1055,** as amended by PL 2001, c. 430, §9,
46 is further amended to read:

47 **§1055. Publication or distribution of statements**

2 When a political action committee makes an expenditure to
3 finance a communication expressly advocating the election or
4 defeat of a candidate through broadcasting stations, newspapers,
5 magazines, outdoor advertising facilities, direct mails and other
6 similar types of general public political advertising and through
7 flyers, handbills, bumper stickers and other nonperiodical
8 publications, the communication must clearly and conspicuously
9 state the name and address of the political action committee that
10 authorized, made or financed the expenditure for the
11 communication and that the communication has been authorized by
12 the political action committee.

13 If the communication described in this section is a
14 television advertisement, an unobscured, full-screen picture,
15 either still or moving, of the chief decision maker or treasurer
16 of the political action committee that sponsored the
17 communication must appear at the end of the communication
18 accompanied by the following words, or words substantially
19 similar, spoken by the chief decision maker or treasurer of the
20 political action committee: "The (name of political action
21 committee) sponsored this ad (supporting or opposing) (name of
22 candidate) for (name of office)." If the communication is a
23 radio broadcast, the communication must contain the following
24 statement, or words substantially similar, spoken by the chief
25 decision maker or treasurer of the political action committee
26 that sponsored the communication: "I am (name of person) (chief
27 decision maker or treasurer) of (name of political action
28 committee) and this ad (opposing or supporting) (name of
29 candidate) for (name of office) was paid for by (name of
30 political action committee), a political action committee."

31 A person operating a broadcasting station within this State
32 may not broadcast any such communication without an the oral or
33 visual announcement of--the--name--and--address--of--the--political
34 action--committee--that--made--or--financed--the--expenditure--for--the
35 communication required by this section and a statement that
36 reads: "A copy of our report is available from the Commission on
37 Governmental Ethics and Election Practices."
38

39 An expenditure, communication or broadcast that results in a
40 violation of this section may result in a civil penalty of no
41 more than \$200. Enforcement and collection procedures must be in
42 accordance with section 1062-A.
43

44 **Sec. 11. 21-A MRSA §1060, sub-§4,** as enacted by PL 1985, c.
45 161, §6, is amended to read:

46
47 **4. Itemized expenditures.** An itemization of expenditures
48 and the date of each expenditure made to support or oppose any
49 candidate, campaign, political committee, political action
50 committee, political party, referendum or initiated petition. If

2 expenditures were made to a person described in section 1012,
3 subsection 3, paragraph A, subparagraph (4), the report must
4 contain the name of the person, the amount spent by that person
5 on behalf of the candidate, campaign, political committee,
6 political action committee, political party, referendum or
7 initiated petition, the reason for the expenditure and the date
8 of the expenditure. The commission may specify the categories of
9 expenditures which that are to be reported to enable the
10 commission to closely monitor the activities of political action
11 committees;

12 **Sec. 12. 21-A MRSA §1060, sub-§6,** as amended by PL 1991, c.
13 839, §30, is further amended to read:

14 **6. Identification of contributions.** Names, occupations,
15 places of business and mailing addresses of contributors who have
16 given more than \$50 to the political committee after the
17 committee has registered under section 1053, the amount
18 contributed by each donor and the date of the contribution. The
19 information already reported as required by section 1053,
20 subsection 7 should not be duplicated; and

24 SUMMARY

26 This bill amends the campaign finance laws by:

27 1. Requiring a political advertisement broadcast on
28 television or radio to contain an image, if on television, and
29 statement regarding the sponsorship of the ad spoken by the
30 candidate, treasurer of the candidate's authorized political
31 committee, candidate's party committee or their agents or, if
32 sponsored by a political action committee, the chief decision
33 maker or treasurer of that political action committee or, if
34 sponsored by an individual without any connection to the
35 candidate or political action committee, that individual;

36 2. Defining a payment made to a 3rd party, not an employee
37 of the candidate, candidate's political committee or party
38 committee or political action committee, as an expenditure for
39 the purposes of reporting and requiring expenditures made to that
40 person to be itemized by the amount, reason and date of the
41 expenditure; and

42 3. Requiring reports made by candidates, political action
43 committees and independent expenditures regarding contributions
44 to contain, in addition to the name of the contributor, the
45 occupation and place of business of the contributor. This
46 requirement already exists for party committees.