

# MAINE STATE LEGISLATURE

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R.G.S.

L.D. 1868

DATE: 3-31-04

(Filing No. H-836)

MINORITY  
LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 1392, L.D. 1868, "Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices"

Amend the resolve by striking out all of section 1 and inserting in its place the following:

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 1: Procedures and portions of Chapter 3: Maine Clean Election Act and Related Provisions, provisionally adopted major substantive rules of the Commission on Governmental Ethics and Election Practices that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. In Chapter 1, section 5, with regard to the advance purchases of goods and services, the language must be changed to require that consulting services or the design, printing or distribution of campaign literature or advertising contracted or paid for prior to the primary election must be received prior to the primary election. The provision must also require that if a preponderance of the items purchased during the primary election cycle are used during the general election cycle, then the candidate or any other person required to file a report to the Commission on Governmental Ethics and Election Practices shall report these purchases as expenditures made during the general election cycle. This reporting requirement would also apply to certified Maine Clean Election Act candidates.

**COMMITTEE AMENDMENT**



R.O.S.

COMMITTEE AMENDMENT "B" to H.P. 1392, L.D. 1868

2           2. In Chapter 3, section 6, subsection 4, with regard to  
3 distribution of funds to certified Maine Clean Election Act  
4 candidates, subparagraphs (1) and (2) under paragraph A must be  
5 changed to state that if the preponderance of consulting services  
6 or the design, printing or distribution of campaign literature  
7 and advertising purchased prior to the primary election by an  
8 opponent of a certified Maine Clean Election Act candidate are  
9 used for the general election, then the certified Maine Clean  
10 Election Act candidate is entitled to a corresponding amount of  
11 matching funds. The language must also require that if a  
12 certified Maine Clean Election Act candidate uses a preponderance  
13 of the goods and services purchased prior to the primary election  
14 during the general election, then that candidate's initial  
15 General Fund distribution must be reduced by that amount.

16           3. The commission shall include in the rules that when  
17 reporting expenditures for fund-raising activities, a report must  
18 indicate the net proceeds of those activities. With regard to  
19 matching funds to a certified Maine Clean Election Act candidate,  
20 only the net proceeds of fund-raising activities may be used to  
21 calculate matching funds.

22           4. The effective date of rules adopted in accordance with  
23 this resolve may not be until after the 2004 general election.

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**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1868**

**Resolve, Regarding Legislative Review of Portions of Chapter 1:  
Procedures and Portions of Chapter 3: Maine Clean Election Act and  
Related Provisions, Major Substantive Rules of the Commission on  
Governmental Ethics and Election Practices**

**LR 2804(03)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Legal and Veterans Affairs**

**Fiscal Note Required: Yes**

**Minority Report**

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**Fiscal Note**

Potential current costs - Maine Clean Election Fund

Allowing certain increases in matching funds for certified Maine Clean Election Act candidates may increase expenditures from the Maine Clean Election Fund. These possible expenditure increases may be offset by new limitations regarding allowable net fundraising calculations used to determine matching funds. The amounts for either scenario can not be determined at this time