

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 506

H.P. 381

House of Representatives, February 1, 2005

An Act To Abolish the Maine Clean Election Act

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DAVIS of Falmouth.
Cosponsored by Representative CRESSEY of Cornish, Senator DAVIS of Piscataquis and
Representatives: CARR of Lincoln, DAVIS of Augusta, JOY of Crystal, LEWIN of Eliot,
MILLETT of Waterford, SHERMAN of Hodgdon, STEDMAN of Hartland, TRAHAN of
Waldoboro.

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

2
4 **Sec. 1. 1 MRSA §1008, sub-§2**, as amended by PL 2001, c. 430, §4, is further amended to read:

6 **2. Election practices.** To administer and investigate any violations of the requirements for campaign reports and campaign financing, ~~including the provisions of the Maine Clean Election Act and the Maine Clean Election Fund;~~

10 **Sec. 2. 1 MRSA §1008, sub-§4**, as amended by IB 1995, c. 1, §5, is further amended to read:

14 **4. Lobbyist activities.** To administer the lobbyist disclosure laws, Title 3, chapter 15; and

16 **Sec. 3. 1 MRSA §1008, sub-§5**, as enacted by IB 1995, c. 1, §6, is repealed.

18 **Sec. 4. 21-A MRSA §1013-A, sub-§1, ¶C**, as amended by PL 1999, c. 729, §1, is further amended to read:

20 C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate shall file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9, ~~or that the candidate has filed a declaration of intent to become certified as a candidate under the Maine Clean Election Act.~~

22 The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

24 The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8.

2 ~~The statement filed by a candidate who has filed a~~
3 ~~declaration of intent under the Maine Clean Election Act~~
4 ~~must state that the candidate will be bound by the~~
5 ~~expenditure limitations imposed by that Act.~~

6 **Sec. 5. 21-A MRSA §1015, sub-§8, ¶¶A and B,** as amended by PL
7 1999, c. 729, §3, are further amended to read:

- 8 A. For State Senator, \$25,000; and
- 9 B. For State Representative, \$5,000+~~and.~~

10 **Sec. 6. 21-A MRSA §1015, sub-§8, ¶C,** as enacted by PL 1999, c.
11 729, §3, is repealed.

12 **Sec. 7. 21-A MRSA §1017, sub-§3-B,** as amended by PL 2003, c.
13 628, Pt. B, §3, is repealed.

14 **Sec. 8. 21-A MRSA §1019-B, sub-§1, ¶B,** as enacted by PL 2003,
15 c. 448, §3, is amended to read:

16 B. Is presumed ~~in races involving a candidate who is~~
17 ~~certified as a Maine Clean Election Act candidate under~~
18 ~~section 1125, subsection 5~~ to be any expenditure made to
19 design, produce or disseminate a communication that names or
20 depicts a clearly identified candidate and is disseminated
21 during the 21 days, including election day, before a primary
22 election; the 21 days, including election day, before a
23 general election; or during a special election until and on
24 election day.

25 **Sec. 9. 21-A MRSA §1019-B, sub-§3, ¶A,** as enacted by PL 2003,
26 c. 448, §3, is amended to read:

27 A. A report required by this subsection must be filed with
28 the commission according to a reporting schedule that the
29 commission shall establish by rule that takes into
30 consideration existing campaign finance reporting
31 requirements ~~and matching fund provisions under chapter 14.~~
32 Rules adopted pursuant to this paragraph are routine
33 technical rules as defined in Title 5, chapter 375,
34 subchapter 2-A.

35 **Sec. 10. 21-A MRSA §1020-A, sub-§4-A,** as enacted by PL 2001,
36 c. 714, Pt. PP, §1 and affected by §2, is amended to read:

37 **4-A. Basis for penalties.** The penalty for late filing of a
38 report required under this subchapter, ~~except for accelerated~~
39 ~~campaign finance reports required pursuant to section 1017,~~
40 ~~subsection 3-B,~~ is a percentage of the total contributions or
41

2 expenditures for the filing period, whichever is greater,
multiplied by the number of calendar days late, as follows:

4 A. For the first violation, 1%;

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

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

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

12 Violations accumulate on reports with filing deadlines in a
14 2-year period that begins on January 1st of each even-numbered
violation.

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

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

26 ~~The penalty for late filing of an accelerated campaign finance~~
28 ~~report as required in section 1017, subsection 3-B may be up to~~
~~but no more than 3 times the amount by which the contributions~~
30 ~~received or expenditures obligated or made by the candidate~~
~~exceed the applicable Maine Clean Election Fund disbursement~~
32 ~~amount, per day of violation. The commission shall make a~~
~~finding of fact establishing when the report was due prior to~~
34 ~~imposing a penalty under this subsection. A penalty for failure~~
~~to file an accelerated campaign finance report must be made~~
36 ~~payable to the Maine Clean Election Fund. In assessing a penalty~~
~~for failure to file an accelerated campaign finance report, the~~
38 ~~commission shall consider the existence of mitigating~~
~~circumstances. For the purposes of this subsection, "mitigating~~
40 ~~circumstances" has the same meaning as in subsection 2.~~

42 **Sec. 11. 21-A MRSA §1020-A, sub-§5-A, ¶¶C and D,** as amended by
PL 2003, c. 628, Pt. A, §4, are further amended to read:

44 C. One thousand dollars for reports required under section
1017, subsection 2, paragraphs A and F and section 1017,
46 subsection 3-A, paragraphs A and E; or

48 D. Five hundred dollars for municipal, district and county
committees for reports required under section 1017-A,
50 subsection 4-B, ~~or~~.

