

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1239

H.P. 857

House of Representatives, March 10, 2005

### An Act To Promote Clean Elections in Maine

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GLYNN of South Portland.

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

**Sec. 1. 21-A MRSA §1, sub-§5,** as enacted by PL 1985, c. 161, §6, is amended to read:

**5. Candidate.** "Candidate" means any person who has filed a petition under either sections 335 and 336 or sections 354 and 355 and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given his consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate. "Candidate" also means a Legislator who has publicly declared an intent to run for a leadership position.

**Sec. 2. 21-A MRSA §1, sub-§21-A** is enacted to read:

**21-A. Leadership position.** "Leadership position" means the position of the President of the Senate, the Speaker of the House of Representatives, a leader of a party in the Senate, a leader of a party in the House of Representatives, an assistant leader of a party in the Senate or an assistant leader of a party in the House of Representatives.

**Sec. 3. 21-A MRSA §1011, first ¶,** as amended by PL 2001, c. 430, §8, is further amended to read:

This subchapter applies to candidates for all state and county offices and leadership positions and to campaigns for their nomination and election.

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

**1. Candidates, their treasurers and political committees.** A candidate, except for a candidate for a leadership position, shall register the candidate's name and the name of a treasurer with the commission at least once in each legislative biennium, as provided in this section. A candidate for a leadership position shall register the candidate's name and the name of a treasurer with the commission within 3 days of becoming a candidate for a leadership position. A candidate may have only one treasurer, who must be appointed pursuant to paragraph A or B. For purposes of this section, "legislative biennium" means the term of office a person is elected to serve in the Legislature.

A. No later than 10 days after becoming a candidate, except for a candidate for a leadership position, in which case no more than 3 days after becoming a candidate, and before accepting contributions, making expenditures or incurring

2 obligations, a candidate for state or county office or a  
3 leadership position or a candidate for municipal office who  
4 has not filed a written notice in accordance with section  
5 1011, subsection 2, paragraph A shall appoint a treasurer.  
6 The candidate may serve as treasurer. The candidate may  
7 have only one treasurer, who is responsible for the filing  
8 of campaign finance reports under this chapter. A candidate  
9 shall register the candidate's name and address and the name  
10 and address of the treasurer appointed under this section no  
11 later than 10 days after the appointment of the treasurer.  
12 A candidate may accept contributions personally or make or  
13 authorize expenditures personally, as long as the candidate  
14 reports all contributions and expenditures to the  
15 treasurer. The treasurer shall make a consolidated report  
16 of all income and expenditures and provide this report to  
the commission.

18 (1) A candidate may appoint a deputy treasurer to act  
19 in the absence of the treasurer. The deputy treasurer,  
20 when acting in the absence of the treasurer, has the  
21 same powers and responsibilities as the treasurer.  
22 When a treasurer dies or resigns, the deputy treasurer  
23 may not assume the position of treasurer unless the  
24 candidate appoints the deputy treasurer to the position  
25 of treasurer. The candidate shall report the name and  
26 address of the deputy treasurer to the commission no  
27 later than 10 days after the deputy treasurer has been  
28 appointed.

30 B. A candidate may authorize one political committee to  
31 promote the candidate's election. No later than 10 days  
32 after appointing a political committee and before accepting  
33 contributions, making expenditures or incurring obligations,  
34 a candidate for state, county or municipal office shall  
35 appoint a treasurer of the political committee. The  
36 treasurer of the political committee is responsible for  
37 filing campaign finance reports under this chapter. No  
38 later than 10 days after appointing a political committee,  
39 the candidate shall register with the commission the  
40 following information regarding the political committee:

42 (1) The name of the committee;

44 (2) The name and address of the committee's treasurer;

46 (3) The name of the candidate who authorized the  
47 committee; and

48 (4) The names and addresses of the committee's  
50 officers.

2 C. No later than 10 days after becoming a candidate, as  
4 defined in section 1, subsection 5, a candidate for the  
6 office of State House of Representatives or Senate shall  
8 file in writing a statement declaring that the candidate  
10 agrees to accept voluntary limits on political expenditures  
12 or that the candidate does not agree to accept voluntary  
14 limits on political expenditures, as specified in section  
16 1015, subsections 7 to 9, or that the candidate has filed a  
18 declaration of intent to become certified as a candidate  
20 under the Maine Clean Election Act.

22 The statement filed by a candidate who voluntarily agrees to  
24 limit spending must state that the candidate knows the  
26 voluntary expenditure limitations as set out in section  
28 1015, subsection 8 and that the candidate is voluntarily  
30 agreeing to limit the candidate's political expenditures and  
32 those made on behalf of the candidate by the candidate's  
34 political committee or committees, the candidate's party and  
36 the candidate's immediate family to the amount set by law.  
38 The statement must further state that the candidate does not  
40 condone and will not solicit any independent expenditures  
42 made on behalf of the candidate.

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

30 The statement filed by a candidate who has filed a  
32 declaration of intent under the Maine Clean Election Act  
34 must state that the candidate will be bound by the  
36 expenditure limitations imposed by that Act.

36 **Sec. 5. 21-A MRSA §1017, sub-§3-A, ¶G** is enacted to read:

38 G. Notwithstanding any other provision of this section, a  
40 candidate for a leadership position shall submit reports as  
42 required by the commission.

42 **Sec. 6. 21-A MRSA §1019-B, sub-§1, ¶B**, as enacted by PL 2003,  
44 c. 448, §3, is amended to read:

44 B. Is presumed in races involving a candidate who is  
46 certified as a Maine Clean Election Act candidate under  
48 section 1125, subsection 5 or 15 to be any expenditure made  
50 to design, produce or disseminate a communication that names  
or depicts a clearly identified candidate and is  
disseminated during the 21 days, including election day,  
before a primary election; the 21 days, including election

2 day, before a general election; or during a special election  
3 or election for a leadership position until and on election  
4 day.

6 **Sec. 7. 21-A MRSA §1123**, as enacted by IB 1995, c. 1, §17, is  
7 amended to read:

8 **§1123. Alternative campaign financing option**

10 This chapter establishes an alternative campaign financing  
11 option available to candidates running for Governor, State  
12 Senator and, State Representative and leadership positions. This  
13 alternative campaign financing option is available to candidates  
14 for elections to be held beginning in the year 2000. The  
15 commission shall administer this Act and the fund. Candidates  
16 participating in the Maine Clean Election Act must also comply  
17 with all other applicable election and campaign laws and  
18 regulations.

20 **Sec. 8. 21-A MRSA §1124, sub-§1**, as enacted by IB 1995, c. 1,  
21 §17, is amended to read:

22 **1. Established.** The Maine Clean Election Fund is  
23 established to finance the election campaigns of certified Maine  
24 Clean Election Act candidates running for Governor, State Senator  
25 and, State Representative and leadership positions and to pay  
26 administrative and enforcement costs of the commission related to  
27 this Act. The fund is a special, dedicated, nonlapsing fund and  
28 any interest generated by the fund is credited to the fund. The  
29 commission shall administer the fund.

32 **Sec. 9. 21-A MRSA §1125, sub-§9**, as repealed and replaced by  
33 PL 2003, c. 688, Pt. A, §22, is amended to read:

34 **9. Matching funds.** When any campaign, finance or election  
35 report shows that the sum of a candidate's expenditures or  
36 obligations, or funds raised or borrowed, whichever is greater,  
37 alone or in conjunction with independent expenditures reported  
38 under section 1019-B, exceeds the distribution amount under  
39 subsection 8 or 15, the commission shall issue immediately to any  
40 opposing Maine Clean Election Act candidate an additional amount  
41 equivalent to the reported excess. Matching funds are limited to  
42 2 times the amount originally distributed under subsection 8,  
43 paragraph A, C, E or F, whichever is applicable.

46 **Sec. 10. 21-A MRSA §1125, sub-§§15 and 16** are enacted to read:

48 **15. Leadership positions.** A certified candidate for State  
49 Senator or State Representative under subsection 5 may run for a

2 leadership position as a Maine Clean Election Act candidate. A  
3 certified candidate who wishes to run for a leadership position  
4 under this subsection must file a letter of intent with the  
5 commission after certification under subsection 5 and within 3  
6 days of becoming a candidate for a leadership position. The  
7 commission shall certify the candidate as a candidate for a  
8 leadership position upon receipt of the letter of intent required  
9 under this subsection and confirmation that the candidate has  
10 been certified under subsection 5. Within 3 days of  
11 certification under this subsection, the commission shall  
12 distribute from the fund \$1,000 to a candidate for State Senator  
13 and \$3,000 to a candidate for State Representative. A Maine  
14 Clean Election Act candidate who receives funds under this  
15 subsection may not accept or expend any other funds in running  
16 for a leadership position for that election.

17 16. Prohibitions. A certified candidate for State Senator  
18 or State Representative may not serve as an officer or have  
19 control over a political action committee as defined in section  
20 1052, subsection 5 that contributes to a campaign in the State.

21 **Sec. 11. Commission on Governmental Ethics and Election Practices**  
22 **to adopt rules.** The Commission on Governmental Ethics and Election  
23 Practices established by the Maine Revised Statutes, Title 5,  
24 section 12004-G, subsection 33 shall adopt major substantive  
25 rules relating to the reporting requirements of a candidate for a  
26 leadership position under Title 21-A, section 1017, subsection  
27 3-A, paragraph G pursuant to Title 5, chapter 375, subchapter  
28 2-A. The rules must include reporting times, forms to be used,  
29 accelerated reporting procedures, termination reports and any  
30 other relevant reporting matters. The Commission on Governmental  
31 Ethics and Election Practices shall submit a report on the rules  
32 developed pursuant to this section along with any recommended  
33 legislation to the Joint Standing Committee on Legal and Veterans  
34 Affairs no later than December 7, 2005. After receipt and review  
35 of the report, the Joint Standing Committee on Legal and Veterans  
36 Affairs may report out a bill to the Second Regular Session of  
37 the 122nd Legislature.  
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## 40 SUMMARY

41 This bill allows State Senators and State Representatives to  
42 run for leadership positions in the Legislature as Maine Clean  
43 Election Act candidates. The candidate must already be certified  
44 as a Maine Clean Election Act candidate for the general election  
45 and file a letter of intent with the Commission on Governmental  
46 Ethics and Election Practices after certification for the general  
47 election to become certified as a candidate for a leadership  
48 position. A certified candidate for a leadership position in the  
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2       Legislature receives \$1,000 for a candidate for State Senator and  
3       \$3,000 for a candidate for State Representative. A Maine Clean  
4       Election Act candidate who receives funds to campaign for a  
5       leadership position may not accept or expend any other funds for  
6       that election. This bill prohibits a Maine Clean Election Act  
7       candidate for State Senator or State Representative from serving  
8       as an officer or having control over a political action committee  
9       that contributes to a campaign in the State. This bill also  
10       requires candidates for leadership positions to register with the  
11       Commission on Governmental Ethics and Election Practices within 3  
12       days of becoming a candidate for the leadership position and to  
      submit reports to the commission as required by rules adopted by  
      the commission.