

# MAINE STATE LEGISLATURE

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H. of S.

L.D. 1500

DATE: 5.25.05

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT 'A' to S.P. 518, L.D. 1500, Bill, "An Act To Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act"

Amend the bill in section 2 by striking out all of that part designated "\$1009." (page 1, lines 14 to 20 in L.D.) and inserting in its place the following:

'\$1009. Recommendations to Legislature

Following a general election, the commission may solicit suggestions for improving campaign financing and reporting and the administration of the other areas within the commission's jurisdiction. The commission shall review the suggestions and may submit legislation within 90 days of the general election.'

Further amend the bill in section 9 in subsection 5 in paragraph A in the 2nd to 6th lines (page 6, lines 36 to 40 in L.D.) by striking out the following: "and is distributed in a geographical area where some voters are eligible to vote for at least 3 candidates listed. The communication may include any combination of 3 or more candidates, including candidates for federal, state or local office"

Further amend the bill in section 10 by striking out all of subsection 1 (page 7, lines 28 to 49 and page 8, lines 1 and 2 in L.D.) and inserting in its place the following:

'1. Authorized by candidate. Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through

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2 broadcasting stations, newspapers, magazines, outdoor advertising  
3 facilities, publicly accessible sites on the Internet, direct  
4 mails or other similar types of general public political  
5 advertising or through flyers, handbills, bumper stickers and  
6 other nonperiodical publications, the communication, if  
7 authorized by a candidate, a candidate's authorized political  
8 committee or their agents, must clearly and conspicuously state  
9 that the communication has been so authorized and must clearly  
10 state the name and address of the person who made or financed the  
11 expenditure for the communication. The following forms of  
12 political communication do not require the name and address of  
13 the person who made or authorized the expenditure for the  
14 communication because the name or address would be so small as to  
15 be illegible or infeasible: ashtrays, badges and badge holders,  
16 balloons, campaign buttons, clothing, coasters, combs, emery  
17 boards, envelopes, erasers, glasses, key rings, letter openers,  
18 matchbooks, nail files, noisemakers, paper and plastic cups,  
19 pencils, pens, plastic tableware, 12-inch or shorter rulers,  
20 swizzle sticks, tickets to fund-raisers and similar items  
21 determined by the commission to be too small and unnecessary for  
22 the disclosures required by this section.'

23 Further amend the bill by striking out all of section 11 and  
24 inserting in its place the following:

25 'Sec. 11. 21-A MRSA §1014, sub-§2-A is enacted to read:

26 2-A. Communication. If a communication that names or  
27 depicts a clearly identified candidate is disseminated during the  
28 21 days before an election through the media described in  
29 subsection 1, the communication must state the name and address  
30 of the person who made or financed the communication and a  
31 statement that the communication was or was not authorized by the  
32 candidate.

33 Sec. 12. 21-A MRSA §1014, sub-§5 is enacted to read:

34 5. Automated telephone calls. Automated telephone calls  
35 that name a clearly identified candidate must clearly state the  
36 name of the person who made or financed the expenditure for the  
37 communication, except for automated telephone calls paid for by  
38 the candidate that use the candidate's voice in the telephone  
39 call.'

40 Further amend the bill by striking out all of section 20 and  
41 inserting in its place the following:

42 'Sec. 20. 21-A MRSA §1018-B is enacted to read:

43 §1018-B. Recounts of elections

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2 1. Reporting. Candidates who are involved in a recount of  
4 an election shall file a report 90 days after the election  
6 containing itemized accounts of cash, goods and services received  
8 for the recount and payments made by the candidate for the  
10 recount. The reports must be made on forms prepared and sent by  
12 the commission. Persons donating services to the candidate are  
required to provide the candidate with an estimate of the value  
of the services donated. Political action committees and party  
committees making expenditures for a candidate's recount shall  
identify on their regularly filed reports that the expenditures  
were made for the purposes of a recount.

14 2. Limitations. Candidates may receive donations without  
16 limitation for purposes of a recount from party committees and  
18 caucus campaign committees and from attorneys, consultants and  
20 their firms that are donating their services without  
reimbursement. Candidates may not spend revenues received under  
chapter 14 for recount expenditures.'

22 Further amend the bill by inserting at the end before the  
summary the following:

24 'Sec. 33. Appropriations and allocations. The following  
26 appropriations and allocations are made.

28 **ETHICS AND ELECTION PRACTICES,  
COMMISSION ON GOVERNMENTAL**

30 **Governmental Ethics and Election**  
32 **Practices, Commission on 0414**

34 Initiative: Deallocates to reflect savings realized through  
on-line data entry.

36	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
38	All Other	(\$7,500)	(\$7,500)
40	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$7,500)</b>	<b>(\$7,500)'</b>

42 Further amend the bill by relettering or renumbering any  
44 nonconsecutive Part letter or section number to read  
consecutively.

46 **SUMMARY**

48 This amendment strikes from the definition of "party  
50 candidate listing" that the listing is distributed in the  
geographical area where voters would vote for the candidates

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2 listed. It adds publicly accessible sites on the Internet to the  
3 list of media through which communications are distributed. It  
4 requires disclosure of the name and address of a person who made  
5 or paid for a communication that names or clearly depicts a  
6 candidate in the 21 days preceding an election. The amendment  
7 clarifies that automated telephone calls paid for by a candidate  
8 that use the candidate's voice do not require a statement  
9 indicating who paid for the telephone call. The amendment  
10 strikes the extension from 21 days to 30 days in the provision in  
11 current law that states that any communication that clearly names  
12 or depicts a candidate in a race involving a Maine Clean Election  
13 Act candidate disseminated 21 days prior to an election is  
14 considered a contribution and triggers matching funds. The  
15 amendment also permits the acceptance of contributions to pay for  
16 a candidate's election recount and provides for reporting of  
17 contributions and expenditures with regard to recounts.

18

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

20



# 122nd MAINE LEGISLATURE

LD 1500

LR 0589(02)

## An Act To Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act

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

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

### Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	(\$7,500)	(\$7,500)	(\$7,500)	(\$7,500)

### Fiscal Detail and Notes

Beginning in fiscal year 2005-06, the Commission on Governmental Ethics and Election Practices will realize an estimated \$7,500 in annual Other Special Revenue Funds savings from the on-line entry of required candidate information formerly accomplished by temporary help employed by the commission.