

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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Legislative Document

No. 1562

H.P. 1101

House of Representatives, April 12, 2005

### **An Act To Create Optional Public Financing of Legislative Leadership Elections**

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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 DUDLEY of Portland.  
Cosponsored by Senator BRENNAN of Cumberland and  
Representative: CUMMINGS of Portland.

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

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

6           **21-A. Leadership position.** "Leadership position" means the  
8           position of the President of the Senate, the Speaker of the House  
10           of Representatives, a leader of a party in the Senate, a leader  
12           of a party in the House of Representatives, an assistant leader  
14           of a party in the Senate or an assistant leader of a party in the  
16           House of Representatives.

18           **Sec. 2. 21-A MRSA §1019-B, sub-§1, ¶B,** as enacted by PL 2003,  
20           c. 448, §3, is amended to read:

22           B. Is presumed in races involving a candidate who is  
24           certified as a Maine Clean Election Act candidate under  
26           section 1125, subsection 5 or 15 to be any expenditure made  
28           to design, produce or disseminate a communication that names  
30           or depicts a clearly identified candidate and is  
32           disseminated during the 21 days, including election day,  
34           before a primary election; the 21 days, including election  
36           day, before a general election; or during a special election  
38           or election for a leadership position until and on election  
40           day.

42           **Sec. 3. 21-A MRSA §1122, sub-§9,** as amended by PL 2001, c.  
44           465, §3, is further amended to read:

46           **9. Seed money contribution.** "Seed money contribution"  
48           means a contribution of no more than \$100 per individual made to  
50           a candidate, including a contribution from the candidate or the  
candidate's family. To be eligible for certification, a  
candidate may collect and spend only seed money contributions  
subsequent to becoming a candidate as defined by section 1,  
subsection 5 or section 1125, subsection 15 and throughout the  
qualifying period. A candidate may not collect or spend seed  
money contributions after certification as a Maine Clean Election  
Act candidate. A seed money contribution must be reported  
according to procedures developed by the commission.

52           **Sec. 4. 21-A MRSA §1123,** as enacted by IB 1995, c. 1, §17, is  
54           amended to read:

56           **§1123. Alternative campaign financing option**

58           This chapter establishes an alternative campaign financing  
60           option available to candidates running for Governor, State  
Senator and, State Representative and leadership positions. This  
alternative campaign financing option is available to candidates  
for elections to be held beginning in the year 2000. The

2 commission shall administer this Act and the fund. Candidates  
participating in the Maine Clean Election Act must also comply  
4 with all other applicable election and campaign laws and  
regulations.

6 **Sec. 5. 21-A MRSA §1124, sub-§1**, as enacted by IB 1995, c. 1,  
§17, is amended to read:

8  
10 **1. Established.** The Maine Clean Election Fund is  
established to finance the election campaigns of certified Maine  
12 Clean Election Act candidates running for Governor, State Senator  
and State Representative and leadership positions and to pay  
14 administrative and enforcement costs of the commission related to  
this Act. The fund is a special, dedicated, nonlapsing fund and  
any interest generated by the fund is credited to the fund. The  
16 commission shall administer the fund.

18 **Sec. 6. 21-A MRSA §1125, sub-§9**, as repealed and replaced by  
PL 2003, c. 688, Pt. A, §22, is amended to read:

20  
22 **9. Matching funds.** When any campaign, finance or election  
report shows that the sum of a candidate's expenditures or  
24 obligations, or funds raised or borrowed, whichever is greater,  
alone or in conjunction with independent expenditures reported  
26 under section 1019-B, exceeds the distribution amount under  
subsection 8 or 15, the commission shall issue immediately to any  
opposing Maine Clean Election Act candidate an additional amount  
28 equivalent to the reported excess. Matching funds are limited to  
2 times the amount originally distributed under subsection 8,  
30 paragraph A, C, E or F, whichever is applicable.

32 **Sec. 7. 21-A MRSA §1125, sub-§15** is enacted to read:

34 **15. Leadership positions.** A certified candidate for State  
Senator or State Representative under subsection 5 may run for a  
36 leadership position as a Maine Clean Election Act candidate. The  
following provisions apply to a candidate for a leadership  
38 position who runs as a Maine Clean Election Act candidate:

40 A. A certified candidate who wishes to run for a leadership  
position in the Senate must collect 9 signatures in support  
42 of the candidate's leadership candidacy from members of the  
candidate's party who were nominated to seats in the Senate  
44 for the upcoming election;

46 B. A certified candidate who wishes to run for a leadership  
position in the House of Representatives must collect 38  
48 signatures in support of the candidate's leadership  
candidacy from members of the candidate's party who were

2 nominated to seats in the House of Representatives for the  
upcoming election;

4 C. A certified candidate who wishes to run for a leadership  
position must file a letter of intent with the commission  
6 after certification under subsection 5 and within 3 days of  
becoming a candidate for a leadership position. The  
8 commission shall certify the candidate as a candidate for a  
leadership position upon receipt of the letter of intent,  
10 the signatures required under this subsection and  
confirmation that the candidate is certified for the  
12 upcoming election under subsection 5;

14 D. Prior to certification under this subsection, a  
candidate certified under subsection 5 may collect and spend  
16 up to \$1,000 in seed money;

18 E. Within 3 days after a candidate's certification under  
this subsection, the commission shall distribute \$5,000 to  
20 the candidate for a leadership position to pay for operating  
expenses for the leadership campaign;

22 F. A candidate certified under this subsection may not  
24 contribute any funds to a candidate, campaign, political  
committee or political action committee during the campaign  
26 for the leadership position;

28 G. A candidate who receives funds under this subsection for  
a leadership campaign may not accept or expend any other  
30 funds in running for a leadership position for that  
campaign; and

32 H. A candidate who receives funds under this subsection may  
34 not serve as an officer of or have control over a political  
action committee that contributes to a campaign in the State.

36 The commission may adopt routine technical rules pursuant to  
38 Title 5, chapter 375, subchapter 2-A to carry out the purposes of  
this subsection.

## 42 SUMMARY

44 This bill allows Maine Clean Election Act financing for  
46 candidates in legislative leadership races. The candidate for a  
leadership position must already be a Maine Clean Election Act  
48 candidate. A candidate for a Senate leadership position must  
obtain 9 signatures from members of the candidate's party who  
50 were nominated to seats in the Senate, and a candidate for a  
leadership position in the House of Representatives must collect

2 38 signatures from members of the candidate's party who were  
3 nominated to seats in the House of Representatives. A Maine  
4 Clean Election Act candidate who wishes to run for a leadership  
5 position may collect up to \$1,000 in seed money. A Maine Clean  
6 Election Act leadership candidate receives \$5,000 to spend on the  
7 leadership campaign and is not allowed to contribute to a  
8 candidate, campaign, political committee or political action  
9 committee during the leadership campaign. A Maine Clean Election  
10 Act leadership candidate may not be an officer of or have control  
over a political action committee.