

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Date: 1-15-08

(Filing No. S-402)

LEGAL AND VETERANS AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

123RD LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 482, L.D. 1394, Bill, "An Act Regarding Campaign Finance Disclosure by Political Action Committees"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 21-A MRSA §1051, first ¶, as amended by PL 2007, c. 443, Pt. A, §26, is further amended to read:

This subchapter applies to the activities of political action committees organized in and outside this State that accept contributions, incur obligations or make expenditures in an aggregate amount in excess of \$1,500 in any one calendar year for the election of state, county or municipal officers, or for the support or defeat of any campaign, as defined in this subchapter.

Sec. 2. 21-A MRSA §1052, sub-§5, ¶A, as amended by PL 2005, c. 575, §5, is further amended to read:

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to influence the outcome of an election, including a candidate election or ballot question;

~~(2) Any person who serves as a funding and transfer mechanism and spends money to initiate, advance, promote, defeat or influence in any way a candidate, campaign, political party, referendum or initiated petition in this State;~~

~~(3) Any organization, including any corporation or association, that has as its major purpose advocating the passage or defeat of a ballot question and that makes expenditures other than by contribution to a political action committee, for the purpose of the initiation, promotion or defeat of any question; and~~

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 482, L.D. 1394

1 (4) Any organization, including any corporation or association, that has as its  
2 major purpose ~~advocating the passage or defeat of a ballot question and that~~  
3 ~~solicits funds from members or nonmembers~~ initiating, promoting, defeating or  
4 influencing a candidate election, campaign or ballot question and that spends  
5 more than \$1,500 in a calendar year to initiate, advance, promote, defeat or  
6 influence in any way a candidate, campaign, political party, referendum or  
7 initiated petition for that purpose, including for the collection of signatures for a  
8 direct initiative; or referendum in this State; and

9 (5) Any organization that does not have as its major purpose promoting,  
10 defeating or influencing candidate elections but that spends more than \$5,000 in a  
11 calendar year for the purpose of promoting, defeating or influencing in any way  
12 the nomination or election of any candidate to political office; and

13 **Sec. 3. 21-A MRSA §1053, first ¶**, as amended by PL 2005, c. 575, §6, is further  
14 amended to read:

15 Every political action committee, as defined under section 1052, subsection 5,  
16 paragraph A, subparagraph (1) or (4), that accepts contributions, incurs obligations or  
17 makes expenditures in the aggregate in excess of \$1,500 in any single calendar year to  
18 initiate, support, defeat or influence in any way a campaign, referendum, initiated  
19 petition, including the collection of signatures for a direct initiative, candidate, political  
20 committee or another political action committee and every political action committee, as  
21 defined under section 1052, subsection 5, paragraph A, subparagraph (5), that makes  
22 expenditures in the aggregate in excess of \$5,000 must register with the commission,  
23 within 7 days of accepting those contributions, incurring those obligations or making  
24 those expenditures, exceeding the applicable amount on forms prescribed by the  
25 commission. These forms must include the following information and any additional  
26 information reasonably required by the commission to monitor the activities of political  
27 action committees in this State under this subchapter:

28 **Sec. 4. 21-A MRSA §1056-B**, as enacted by PL 1999, c. 729, §8, is amended to  
29 read:

30 **§1056-B. Ballot question committees**

31 Any person not defined as a political action committee who solicits and receives  
32 contributions or makes expenditures, other than by contribution to a political action  
33 committee, aggregating in excess of ~~\$1,500~~ \$5,000 for the purpose of initiating,  
34 promoting, defeating or influencing in any way a ballot question must file a report with  
35 the commission. In the case of a municipal election, a copy of the same information must  
36 be filed with the clerk of that municipality. Within 7 days of receiving contributions or  
37 making expenditures that exceed \$5,000, the person shall register with the commission as  
38 a ballot question committee. For the purposes of this section, expenditures include paid  
39 staff time spent for the purpose of influencing in any way a ballot question. The  
40 commission must prescribe forms for the registration, and the forms must include  
41 specification of a treasurer for the committee, any other principal officers and all  
42 individuals who are the primary fund-raisers and decision makers for the committee.

1       **1. Filing requirements.** A report required by this section must be filed with the  
2 commission according to a reporting schedule that the commission shall establish that  
3 takes into consideration existing campaign finance reporting schedule requirements in  
4 section 1059.

5       **2. Content.** A report must contain an itemized account of each expenditure made to  
6 and contribution received and expenditure made from a single source aggregating in  
7 excess of \$100 in any election; the date of each contribution; the date and purpose of each  
8 expenditure; and the name and address of each contributor, payee or creditor. ~~Total~~  
9 ~~contributions or expenditures of less than \$500 in any election need not be itemized.~~ The  
10 report must state whether the purpose for receiving contributions and making  
11 expenditures is in support of or in opposition to the ballot question. The filer is required  
12 to report only those contributions made to the filer for the purpose of initiating,  
13 promoting, defeating or influencing in any way a ballot question and only those  
14 expenditures made for those purposes. The definitions of "contribution" and  
15 "expenditure" in section 1052, subsections 3 and 4, respectively, apply to persons  
16 required to file ballot question reports.

17       **2-A. Contributions.** For the purposes of this section, "contribution" includes, but is  
18 not limited to:

19       A. Funds that the contributor specified were given in connection with a ballot  
20 question;

21       B. Funds provided in response to a solicitation that would lead the contributor to  
22 believe that the funds would be used specifically for the purpose of initiating,  
23 promoting, defeating or influencing in any way a ballot question;

24       C. Funds that can reasonably be determined to have been provided by the contributor  
25 for the purpose of initiating, promoting, defeating or influencing in any way a ballot  
26 question when viewed in the context of the contribution and the recipient's activities  
27 regarding a ballot question; and

28       D. Funds or transfers from the general treasury of an organization filing a ballot  
29 question report.

30       **3. Forms.** A report required by this section must be on a form prescribed and  
31 prepared by the commission. A person filing this report may use additional pages if  
32 necessary, but the pages must be the same size as the pages of the form.

33       **4. Records.** A person filing a report required by this section shall keep records as  
34 required by this subsection for one year following the election to which the records  
35 pertain.

36       A. The filer shall keep a detailed account of all contributions made to the filer for the  
37 purpose of initiating, promoting, defeating or influencing in any way a ballot question  
38 and all expenditures made for those purposes.

39       B. The filer shall retain a vendor invoice or receipt stating the particular goods or  
40 services purchased for every expenditure in excess of \$50.

41       **Sec. 5. 21-A MRSA §1058**, as amended by PL 2007, c. 443, Pt. A, §34, is further  
42 amended to read:

1 **§1058. Reports; qualifications for filing**

2 A political action committee that is ~~registered~~ required to register with the  
3 commission ~~or that accepts contributions or makes expenditures and incurs obligations in~~  
4 ~~an aggregate amount in excess of \$1,500 on any one or more campaigns for the office of~~  
5 ~~Governor, for state or county office or for the support or defeat of a referendum or~~  
6 ~~initiated petition~~ shall file a report on its activities in that campaign with the commission  
7 on forms as prescribed by the commission. A political action committee organized in this  
8 State required under this section to file a report shall file the report for each filing period  
9 under section 1059. A political action committee organized outside this State shall file  
10 with the Commission on Governmental Ethics and Election Practices of this State a copy  
11 of the report that the political action committee is required to file in the state in which the  
12 political action committee is organized. The political action committee shall file the copy  
13 only if it has expended funds or received contributions or made expenditures in this State.  
14 The copy of the report must be filed in accordance with the schedule of filing in the state  
15 where it is organized. If contributions or expenditures are made relating to a municipal  
16 office or referendum, the report must be filed with the clerk in the subject municipality.

17 **Sec. 6. 21-A MRS §1060, sub-§6**, as amended by PL 2007, c. 443, Pt. A, §36,  
18 is further amended to read:

19 **6. Identification of contributions.** Names, occupations, places of business and  
20 mailing addresses of contributors who have given more than \$50 to the political action  
21 committee in the reporting period and the amount and date of each contribution, except  
22 that an organization qualifying as a political action committee under section 1052,  
23 subsection 5, paragraph A, subparagraph (5) is required to report only those contributions  
24 made to the organization for the purpose of promoting, defeating or influencing a ballot  
25 question or the nomination or election of a candidate to political office and all transfers to  
26 or funds used to support the political action committee from the general treasury of the  
27 organization; and

28 **Sec. 7. 21-A MRS §1060, sub-§7**, as enacted by PL 1991, c. 839, §31 and  
29 affected by §33, is amended to read:

30 **7. Other expenditures.** Operational expenses and other expenditures in cash or in  
31 kind that are not made on behalf of a candidate, committee or campaign, except that an  
32 organization qualifying as a political action committee under section 1052, subsection 5,  
33 paragraph A, subparagraph (5) is required to report only those expenditures made for the  
34 purpose of promoting, defeating or influencing a ballot question or the nomination or  
35 election of a candidate to political office.'

36 **SUMMARY**

37 This amendment replaces the bill. It amends the definition of "political action  
38 committee" by adding clarifying language and by including in the definition any  
39 organization whose major purpose is not influencing candidate elections but spends more  
40 than \$5,000 in a calendar year for the purpose of influencing the nomination or election  
41 of any candidate to political office. The amendment specifies that political action  
42 committees must file a report with the Commission on Governmental Ethics and Election  
43 Practices within 7 days of meeting the definition of "political action committee" and

COMMITTEE AMENDMENT "A" to S.P. 482, L.D. 1394

1 clarifies what must be included in the report. This amendment also changes the reporting  
2 threshold from \$1,500 to \$5,000 for persons who are not political action committees but  
3 make expenditures, including paid staff resources, for the purposes of influencing a ballot  
4 measure. Those required to file a report under this requirement are called ballot question  
5 committees. Ballot question committees, under this amendment, are required to report  
6 expenditures and contributions from a single source aggregating in excess of \$100 in any  
7 election that were made for the purpose of influencing a ballot measure. The amendment  
8 specifies what is considered a contribution for the purposes of filing a ballot measure  
9 committee report and details record-keeping requirements.