

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1507

S.P. 530

March 20, 2007

### An Act Regarding Political Activities of Corporations

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator STRIMLING of Cumberland.  
Cosponsored by Representative BRAUTIGAM of Falmouth and  
Senators: President EDMONDS of Cumberland, NUTTING of Androscoggin, Representatives:  
BRYANT of Windham, DUNN of Bangor, FAIRCLOTH of Bangor, HINCK of Portland,  
HOLMAN of Fayette, SIMPSON of Auburn.

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

2 **Sec. 1. 13-C MRSA §302, first ¶**, as enacted by PL 2001, c. 640, Pt. A, §2 and  
3 affected by Pt. B, §7, is amended to read:

4 Unless its articles of incorporation provide otherwise, a corporation has perpetual  
5 duration and succession in its corporate name and has the same powers as an individual to  
6 do all things necessary or convenient to carry out its business and affairs, ~~including,~~  
7 ~~without limitation, power to~~ except that a corporation may not take part in political debate  
8 or campaigns or support political parties or candidates except as specifically authorized  
9 by law or participate in a public initiative or referendum on any matter that does not  
10 materially affect the property, business or assets of the corporation:

11 **SUMMARY**

12 This bill will clarify Maine corporation law to make it clear that corporate entities  
13 organized under that law are not entitled to exercise the political rights of natural persons  
14 or citizens. It is prompted by the United States Supreme Court decision in First National  
15 Bank of Boston v. Bellotti, 435 U.S. 765 (1978). That decision suggested that  
16 corporations, to the extent they are "legal persons" might enjoy certain political rights  
17 such as the right to participate in a public referendum on an issue not directly affecting  
18 the corporation's business. This bill makes it clear that while corporations may in the  
19 conduct of their business activities exercise powers similar to those exercised by natural  
20 persons, they do not thereby obtain the political rights of natural persons or citizens, such  
21 as voting, supporting candidates or participating in referenda on issues not directly  
22 affecting their business activities.