

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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**Legislative Document**

**No. 1679**

S.P. 585

March 22, 2007

### **An Act To Change and Clarify the Maine Clean Election Laws**

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

A handwritten signature in black ink, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SCHNEIDER of Penobscot.  
Cosponsored by Representative SAMSON of Auburn and Representatives: BEAUDETTE of Biddeford, CLEARY of Houlton, MacDONALD of Boothbay.

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

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

4 B. Is presumed in races involving a candidate who is certified as a Maine Clean  
5 Election Act candidate under section 1125, subsection 5 to be any expenditure made  
6 to design, produce or disseminate a communication that names or depicts a clearly  
7 identified candidate and is disseminated during the ~~21~~ 60 days, including election  
8 day, before a primary election; the ~~21~~ 60 days, including election day, before a  
9 general election; or during a special election until and on election day.

10 **Sec. 2. 21-A MRSA §1122, sub-§8,** as amended by PL 2001, c. 465, §3, is  
11 further amended to read:

12 **8. Qualifying period.** "Qualifying period" means the following.

13 A. For a gubernatorial participating candidate, the qualifying period begins  
14 November 1st immediately preceding the election year and ends at 5:00 p.m. on April  
15 15th of the election year ~~unless the candidate is unenrolled, in which case the period~~  
16 ~~ends at 5:00 p.m. on June 2nd of the election year.~~

17 B. For State Senate or State House of Representatives participating candidates, the  
18 qualifying period begins January 1st of the election year and ends at 5:00 p.m. on  
19 April 15th of that election year ~~unless the candidate is unenrolled, in which case the~~  
20 ~~period ends at 5:00 p.m. on June 2nd of the election year.~~

21 **Sec. 3. 21-A MRSA §1125, sub-§12-B** is enacted to read:

22 **12-B. Enrollment status maintained.** A participating and certified candidate must  
23 maintain enrollment in the same political party that the candidate was enrolled in at the  
24 time of the preceding general election. If the candidate was unenrolled in a political party  
25 during the last general election, that unenrolled status must be maintained after the  
26 candidate is certified as a Maine Clean Election Act candidate.

27 **Sec. 4. Rules.** By October 1, 2007, the Commission on Governmental Ethics and  
28 Election Practices shall amend the rules adopted under the Maine Clean Election Act,  
29 which are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The  
30 amended rules must provide:

31 1. That campaign signs to be reused from a previous campaign for a Maine Clean  
32 Election Act candidate are not required to be changed to update required disclaimer  
33 information;

34 2. An equitable formula for allowing for Maine Clean Election Act funds spent on  
35 candidate travel expenses that is based on the square miles contained within a candidate's  
36 legislative district; and

37 3. For permitting primary funds distributed from the Maine Clean Election Fund to  
38 be spent during a general election if the certified candidate was unopposed in the primary.

1           **Sec. 5. Report.** By January 15, 2008 the Commission on Governmental Ethics and  
2 Election Practices shall issue to the Joint Standing Committee on Legal and Veterans  
3 Affairs a report suggesting statutory changes that will assist in narrowing to one the  
4 number of unenrolled gubernatorial candidates that may receive Maine Clean Election  
5 Act funds.

6

### SUMMARY

7           This bill extends the period that certain expenditures under the Maine Clean Election  
8 Act are deemed independent expenditures from 21 days to 60 days prior to an election.  
9 This bill also repeals the provision in the Maine Clean Election Act that gives a longer  
10 qualifying period to unenrolled candidates. It also adds a provision to the terms of  
11 participation of the Maine Clean Election Act requiring a candidate to maintain the same  
12 enrollment status the candidate held at the time of the preceding general election prior to  
13 seeking certification as a Maine Clean Election Act candidate. The bill directs the  
14 Commission on Governmental Ethics and Election Practices to adopt rules that will:  
15 permit a candidate to reuse campaign signs from a prior election without updating  
16 disclaimers; establish an equitable formula for the allowance of travel expenses based on  
17 the square miles in a candidate's legislative district; and permit primary funds to be spent  
18 during a general election if a candidate was unopposed in the primary. Finally, this bill  
19 directs the commission to issue a report that suggests a statutory mechanism for  
20 narrowing to one the number of unenrolled gubernatorial candidates that may receive  
21 Maine Clean Election Act funds.