

MAINE STATE LEGISLATURE

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Date: 3/26/08

L.D. 2070
(Filing No. H- 824)

LEGAL AND VETERANS AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1454, L.D. 2070, Bill, "An Act To Improve the Campaign Finance Laws and Their Administration"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, legislation enacted during the First Regular Session of the 123rd Legislature created an error in statute regarding qualifying contributions under the Maine Clean Election Act; and

Whereas, proper oversight of the collection of qualifying contributions is necessary to ensure appropriate distribution of taxpayer funds under the Maine Clean Election Act; and

Whereas, the 2008 election cycle for candidates for the 124th Legislature is already underway; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of sections 2 and 3 (page 1, lines 14 to 39 and page 2, lines 1 and 2 in L.D.) and inserting the following:

'Sec. 2. 1 MRSA §1002, sub-§2-A is enacted to read:

2-A. Conflict of interest. This subsection governs conflicts of interest of members of the commission.

COMMITTEE AMENDMENT

1003

COMMITTEE AMENDMENT "A" to H.P. 1454, L.D. 2070

1 A. A member of the commission has a conflict of interest in a matter before the
2 commission if the member has a business or close political relationship with a party
3 to the matter. A close political relationship exists when a member has significant past
4 or ongoing involvement with a political committee or a candidate, as defined in Title
5 21-A, section 1, subsection 30 and subsection 5, respectively, or other organization
6 involved in the matter, that would lead a reasonable person to believe that the
7 member is unable to objectively consider the matter. A close political relationship is
8 not created by making a contribution to a political committee, organization or
9 candidate; party enrollment status; or mere membership in an organization involved
10 in the matter.

11 B. If members of the commission have a conflict of interest in a matter before the
12 commission, the members shall recuse themselves from the matter and may not vote
13 on or attempt to influence the outcome of the matter. Whether or not recusal is
14 required under this paragraph, members of the commission shall consider recusing
15 themselves from any matter that would give rise to an appearance of a conflict of
16 interest.

17 **Sec. 3. 1 MRSA §1002, sub-§2-B** is enacted to read:

18 **2-B. Annual disclosure statement.** Each member shall file a disclosure statement
19 with the executive director of the commission by February 15th of each year, which must
20 include:

21 A. The names of and the positions held in all candidate committees, political action
22 committees, ballot question committees and party committees of which the member
23 or the member's spouse or domestic partner was an officer, director or primary
24 decision maker or fund raiser during the previous calendar year;

25 B. The names of and positions held in all nonprofit or commercial organizations of
26 which the member or the member's spouse or domestic partner was an owner, officer,
27 director or primary decision maker or fund raiser that, during the previous calendar
28 year, made expenditures of more than \$1,500 to influence an election or employed a
29 lobbyist who was required to register with the commission; and

30 C. Any additional information that the commission determines appropriate.

31 A member shall notify the executive director if the member becomes an officer, director,
32 employee or primary decision maker or fund raiser of a party committee, political action
33 committee, ballot question committee or candidate committee within 21 days of the
34 event.'

35 Amend the bill by inserting after section 3 the following:

36 **Sec. 4. 1 MRSA §1002, sub-§7** is enacted to read:

37 **7. Removal of members.** A member of the commission may be removed by the
38 Governor for inefficiency, willful neglect of duty, malfeasance in office, engaging in
39 prohibited activities or failure to continually meet the qualifications set out by this section
40 or to comply with the disclosure requirements, but only with the review and concurrence
41 of the joint standing committee of the Legislature having jurisdiction over election
42 practices and legislative ethics upon hearing in executive session, or impeachment by the

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1454, L.D. 2070

1 Legislature. Before removing a board member, the Governor shall notify the President of
2 the Senate and the Speaker of the House of Representatives of the removal and the
3 reasons for the removal.'

4 Amend the bill by striking out all of section 5 and inserting the following:

5 'Sec. 5. 21-A MRSA §1003, sub-§3-A is enacted to read:

6 3-A. Confidential records. Investigative working papers of the commission are
7 confidential and may not be disclosed to any person except the members and staff of the
8 commission, the subject of the audit or investigation, other entities as necessary for the
9 conduct of an audit or investigation and law enforcement and other agencies for purposes
10 of reporting, investigating or prosecuting a criminal or civil violation. For purposes of
11 this subsection, "investigative working papers" means documents, records and other
12 printed or electronic information in the following limited categories that are acquired,
13 prepared or maintained by the commission during the conduct of an investigation or
14 audit:

15 A. Financial information not normally available to the public;

16 B. Information belonging to a party committee, political action committee, ballot
17 question committee, candidate or candidate's authorized committee that, if disclosed,
18 would reveal sensitive political or campaign information;

19 C. Information or records subject to a privilege against discovery or use as evidence;
20 and

21 D. Intra-agency or interagency communications related to an audit or investigation.

22 The commission may disclose investigative working papers, except for the information or
23 records subject to a privilege against discovery or use as evidence, in a final audit or
24 investigation report or determination if the information or record is materially relevant to
25 a finding of fact or violation.'

26 Amend the bill by inserting after section 8 the following:

27 'Sec. 9. 21-A MRSA §1122, sub-§9, as amended by PL 2007, c. 443, Pt. B, §3,
28 is further amended to read:

29 9. Seed money contribution. "Seed money contribution" means a contribution of
30 no more than \$100 per individual made to a participating candidate, including the
31 candidate or the candidate's spouse or domestic partner.'

32 Amend the bill in section 9 in subsection 3 in the next to last paragraph by striking
33 out the last sentence (page 4, lines 18 to 22 in L.D.) and inserting the following: 'Records
34 containing information provided by individuals who have made qualifying contributions
35 over the Internet are confidential, except for the name of the individual making the
36 contribution, the date of the contribution, the individual's residential address and the name
37 and office sought of the candidate in whose support the contribution was made.'

38 Amend the bill by adding before the summary the following:



123rd MAINE LEGISLATURE

LD 2070

LR 3164(02)

An Act To Improve the Campaign Finance Laws and Their Administration

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

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Commission on Governmental Ethics and Elections Practices can be absorbed within existing budgeted resources.