

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 205

H.P. 170

House of Representatives, January 21, 2009

### An Act To Repeal the Maine Clean Election Act

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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 CEBRA of Naples.  
Cosponsored by Representative: ROBINSON of Raymond.

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

2 **Sec. 1. 1 MRSA §1008, sub-§2**, as amended by PL 2001, c. 430, §4, is further  
3 amended to read:

4 **2. Election practices.** To administer and investigate any violations of the  
5 requirements for campaign reports and campaign financing, ~~including the provisions of~~  
6 ~~the Maine Clean Election Act and the Maine Clean Election Fund;~~

7 **Sec. 2. 1 MRSA §1008, sub-§4**, as amended by IB 1995, c. 1, §5, is further  
8 amended to read:

9 **4. Lobbyist activities.** To administer the lobbyist disclosure laws, Title 3, chapter  
10 15; and

11 **Sec. 3. 1 MRSA §1008, sub-§5**, as enacted by IB 1995, c. 1, §6, is repealed.

12 **Sec. 4. 1 MRSA §1015, sub-§3, ¶A**, as amended by PL 2007, c. 279, §1, is  
13 further amended to read:

14 A. As used in this subsection, the terms "employer," "lobbyist" and "lobbyist  
15 associate" have the same meanings as in Title 3, section 312-A. As used in this  
16 subsection, "contribution" has the same meaning as in Title 21-A, section 1012 ~~and~~  
17 ~~includes seed money contributions as defined in Title 21-A, section 1122, subsection~~  
18 ~~9.~~

19 **Sec. 5. 1 MRSA §1015, sub-§3, ¶B**, as amended by PL 2005, c. 301, §3, is  
20 further amended to read:

21 B. The Governor, a member of the Legislature or any constitutional officer or the  
22 staff or agent of the Governor, a member of the Legislature or any constitutional  
23 officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist  
24 associate or employer during any period of time in which the Legislature is convened  
25 before final adjournment, ~~except for a qualifying contribution as defined under Title~~  
26 ~~21-A, section 1122, subsection 7.~~ A lobbyist, lobbyist associate or employer may not  
27 intentionally give, offer or promise a contribution, ~~other than a qualifying~~  
28 ~~contribution,~~ to the Governor, a member of the Legislature or any constitutional  
29 officer or the staff or agent of the Governor, a member of the Legislature or any  
30 constitutional officer during any time in which the Legislature is convened before  
31 final adjournment. These prohibitions apply to direct and indirect solicitation,  
32 acceptance, giving, offering and promising, whether through a political action  
33 committee, political committee, political party or otherwise.

34 **Sec. 6. 21-A MRSA §153-A, sub-§3**, as amended by PL 2005, c. 568, §6, is  
35 further amended to read:

36 **3. Signing petitions.** Once an alternative registration signature statement is on file  
37 with the registrar, the voter may authorize any other Maine-registered voter to sign  
38 candidate petitions ~~and any Maine Clean Election Act forms~~ requiring a voter's signature  
39 in the presence and at the direction of the voter, except that the individual assisting the

1 voter may not be a candidate, the circulator of the petition or form, the voter's employer  
2 or an agent of that employer or an officer or agent of the voter's union. In addition to  
3 using the voter's signature stamp or signing for the voter, the individual assisting the voter  
4 must print and sign the individual's own name and residence address on the petition or  
5 form and attest that the individual is signing on the voter's behalf. This method of signing  
6 satisfies the requirements in this Title that voters personally sign candidate petitions.

7 **Sec. 7. 21-A MRSA §1013-A, sub-§1, ¶A**, as amended by PL 2007, c. 642, §9  
8 and affected by §14, is further amended to read:

9 A. No later than 10 days after becoming a candidate and before accepting  
10 contributions, making expenditures or incurring obligations, a candidate for state or  
11 county office or a candidate for municipal office who has not filed a written notice in  
12 accordance with section 1011, subsection 2, paragraph A shall appoint a treasurer.  
13 The candidate may serve as treasurer, ~~except that a candidate certified in accordance~~  
14 ~~with section 1125 may not serve as treasurer.~~ The candidate may have only one  
15 treasurer, who is responsible for the filing of campaign finance reports under this  
16 chapter. A candidate shall register the candidate's name and address and the name  
17 and address of the treasurer appointed under this section no later than 10 days after  
18 the appointment of the treasurer. A candidate may accept contributions personally or  
19 make or authorize expenditures personally, as long as the candidate reports all  
20 contributions and expenditures to the treasurer. The treasurer shall make a  
21 consolidated report of all income and expenditures and provide this report to the  
22 commission.

23 (1) A candidate may appoint a deputy treasurer to act in the absence of the  
24 treasurer. The deputy treasurer, when acting in the absence of the treasurer, has  
25 the same powers and responsibilities as the treasurer. ~~A candidate certified in~~  
26 ~~accordance with section 1125 may not serve as deputy treasurer.~~ When a  
27 treasurer dies or resigns, the deputy treasurer may not assume the position of  
28 treasurer unless the candidate appoints the deputy treasurer to the position of  
29 treasurer. The candidate shall report the name and address of the deputy treasurer  
30 to the commission no later than 10 days after the deputy treasurer has been  
31 appointed.

32 **Sec. 8. 21-A MRSA §1013-A, sub-§1, ¶C**, as amended by PL 2007, c. 443, Pt.  
33 A, §7, is further amended to read:

34 C. No later than 10 days after becoming a candidate, as defined in section 1,  
35 subsection 5, a candidate for the office of State House of Representatives or Senate  
36 shall file in writing a statement declaring that the candidate agrees to accept voluntary  
37 limits on political expenditures or that the candidate does not agree to accept  
38 voluntary limits on political expenditures, as specified in section 1015, subsections 7  
39 to 9. ~~A candidate who has filed a declaration of intent to become certified as a~~  
40 ~~candidate under the Maine Clean Election Act is not required to file the written~~  
41 ~~statement required by this paragraph.~~

42 The statement filed by a candidate who voluntarily agrees to limit spending must  
43 state that the candidate knows the voluntary expenditure limitations as set out in  
44 section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the

1 candidate's political expenditures and those made on behalf of the candidate by the  
2 candidate's political committee or committees, the candidate's party and the  
3 candidate's immediate family to the amount set by law. The statement must further  
4 state that the candidate does not condone and will not solicit any independent  
5 expenditures made on behalf of the candidate.

6 The statement filed by a candidate who does not agree to voluntarily limit political  
7 expenditures must state that the candidate does not accept the voluntary expenditure  
8 limits as set out in section 1015, subsection 8.

9 **Sec. 9. 21-A MRSA §1017, sub-§3-B**, as amended by PL 2007, c. 443, Pt. A,  
10 §16, is repealed.

11 **Sec. 10. 21-A MRSA §1018-B, sub-§2**, as enacted by PL 2005, c. 301, §21, is  
12 amended to read:

13 **2. Limitations.** Candidates may receive donations without limitation for purposes of  
14 a recount from party committees and caucus campaign committees and from attorneys,  
15 consultants and their firms that are donating their services without reimbursement.  
16 ~~Candidates may not spend revenues received under chapter 14 for recount expenditures.~~

17 **Sec. 11. 21-A MRSA §1019-B, sub-§1, ¶A**, as enacted by PL 2003, c. 448, §3,  
18 is amended to read:

19 A. Is any expenditure made by a person, party committee, political committee or  
20 political action committee, other than by contribution to a candidate or a candidate's  
21 authorized political committee, for any communication that expressly advocates the  
22 election or defeat of a clearly identified candidate; ~~and.~~

23 **Sec. 12. 21-A MRSA §1019-B, sub-§1, ¶B**, as amended by PL 2007, c. 443, Pt.  
24 A, §20, is repealed.

25 **Sec. 13. 21-A MRSA §1019-B, sub-§3, ¶A**, as enacted by PL 2003, c. 448, §3,  
26 is amended to read:

27 A. A report required by this subsection must be filed with the commission  
28 according to a reporting schedule that the commission shall establish by rule that  
29 takes into consideration existing campaign finance reporting requirements ~~and~~  
30 ~~matching fund provisions under chapter 14.~~ Rules adopted pursuant to this paragraph  
31 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

32 **Sec. 14. 21-A MRSA §1020-A, sub-§4-A**, as amended by PL 2007, c. 443, Pt.  
33 A, §22, is further amended to read:

34 **4-A. Basis for penalties.** The penalty for late filing of a report required under this  
35 subchapter, ~~except for accelerated campaign finance reports required pursuant to section~~  
36 ~~1017, subsection 3-B~~, is a percentage of the total contributions or expenditures for the  
37 filing period, whichever is greater, multiplied by the number of calendar days late, as  
38 follows:

39 A. For the first violation, 1%;

1 B. For the 2nd violation, 3%; and

2 C. For the 3rd and subsequent violations, 5%.

3 Any penalty of less than \$10 is waived.

4 Violations accumulate on reports with filing deadlines in a 2-year period that begins on  
5 January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding  
6 of a violation.

7 A report required to be filed under this subchapter that is sent by certified or registered  
8 United States mail and postmarked at least 2 days before the deadline is not subject to  
9 penalty.

10 A registration or report may be provisionally filed by transmission of a facsimile copy of  
11 the duly executed report to the commission, as long as the facsimile copy is filed by the  
12 applicable deadline and an original of the same report is received by the commission  
13 within 5 calendar days thereafter.

14 ~~The penalty for late filing of an accelerated campaign finance report as required in section~~  
15 ~~1017, subsection 3-B may be up to but no more than 3 times the amount by which the~~  
16 ~~contributions received or expenditures obligated or made by the candidate exceed the~~  
17 ~~applicable Maine Clean Election Fund disbursement amount, per day of violation. The~~  
18 ~~commission shall make a finding of fact establishing when the report was due prior to~~  
19 ~~imposing a penalty under this subsection. A penalty for failure to file an accelerated~~  
20 ~~campaign finance report must be made payable to the Maine Clean Election Fund. In~~  
21 ~~assessing a penalty for failure to file an accelerated campaign finance report, the~~  
22 ~~commission shall consider the existence of mitigating circumstances. For the purposes of~~  
23 ~~this subsection, "mitigating circumstances" has the same meaning as in subsection 2.~~

24 **Sec. 15. 21-A MRSA §1020-A, sub-§5-A, ¶C**, as amended by PL 2003, c. 628,  
25 Pt. A, §4, is further amended to read:

26 C. One thousand dollars for reports required under section 1017, subsection 2,  
27 paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

28 **Sec. 16. 21-A MRSA §1020-A, sub-§5-A, ¶D**, as amended by PL 2003, c. 628,  
29 Pt. A, §4, is further amended to read:

30 D. Five hundred dollars for municipal, district and county committees for reports  
31 required under section 1017-A, subsection 4-B; ~~or.~~

32 **Sec. 17. 21-A MRSA §1020-A, sub-§5-A, ¶E**, as enacted by PL 2001, c. 714,  
33 Pt. PP, §1 and affected by §2, is repealed.

34 **Sec. 18. 21-A MRSA c. 14**, as amended, is repealed.

35 **Sec. 19. 36 MRSA §5286**, as enacted by IB 1995, c. 1, §18, is repealed.

36 **SUMMARY**

37 This bill repeals the Maine Clean Election Act.