

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1197

S.P. 445

In Senate, March 25, 2009

An Act To Improve the Maine Clean Election Act

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 GOODALL of Sagadahoc.
Cosponsored by Representative CAREY of Lewiston and
Senators: PLOWMAN of Penobscot, SULLIVAN of York, Representatives: CORNELL du
HOUX of Brunswick, RUSSELL of Portland.

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

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

4 B. The Governor, a member of the Legislature or any constitutional officer or the
5 staff or agent of the Governor, a member of the Legislature or any constitutional
6 officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist
7 associate or employer during any period of time in which the Legislature is convened
8 before final adjournment, except for a qualifying contribution as defined under Title
9 21-A, section 1122, subsection 7. A lobbyist, lobbyist associate or employer may not
10 intentionally give, offer or promise a contribution, other than a qualifying
11 contribution, to the Governor, a member of the Legislature or any constitutional
12 officer or the staff or agent of the Governor, a member of the Legislature or any
13 constitutional officer during any time in which the Legislature is convened before
14 final adjournment. These prohibitions apply to ~~direct and indirect solicitation,~~
15 ~~acceptance, giving, offering and promising, whether through a political action~~
16 ~~committee, political committee, political party or otherwise~~ contributions directly and
17 indirectly solicited or accepted by, or given, offered and promised to a political action
18 committee, ballot question committee or party committee of which the Governor, a
19 member of the Legislature, a constitutional officer or the staff or agent of these
20 officials is a treasurer, officer or primary fund-raiser or decision maker.

21 **Sec. 2. 21-A MRSA §1012, sub-§2, ¶B,** as amended by PL 2007, c. 443, Pt. A,
22 §3, is further amended to read:

23 B. Does not include:

24 (1) The value of services provided without compensation by individuals who
25 volunteer a portion or all of their time on behalf of a candidate or political
26 committee;

27 (2) The use of real or personal property and the cost of invitations, food and
28 beverages, voluntarily provided by an individual to a candidate in rendering
29 voluntary personal services for candidate-related activities, if the cumulative
30 value of these activities by the individual on behalf of any candidate does not
31 exceed \$100 with respect to any election;

32 (3) The sale of any food or beverage by a vendor for use in a candidate's
33 campaign at a charge less than the normal comparable charge, if the charge to the
34 candidate is at least equal to the cost of the food or beverages to the vendor and if
35 the cumulative value of the food or beverages does not exceed \$100 with respect
36 to any election;

37 (4) Any unreimbursed travel expenses incurred and paid for by an individual
38 who volunteers personal services to a candidate, if the cumulative amount of
39 these expenses does not exceed \$100 with respect to any election;

40 (4-A) Any unreimbursed campaign-related travel expenses incurred and paid for
41 by the candidate or the candidate's spouse or domestic partner;

1 (5) The payment by a party's state, district, county or municipal committee of the
2 costs of preparation, display or mailing or other distribution of a party candidate
3 listing;

4 (6) Documents, in printed or electronic form, including party platforms, single
5 copies of issue papers, information pertaining to the requirements of this Title,
6 lists of registered voters and voter identification information, created, obtained or
7 maintained by a political party for the general purpose of party building and
8 provided to a candidate who is a member of that party;

9 (7) Compensation paid by a state party committee to its employees for the
10 following purposes:

11 (a) Providing no more than a total of 40 hours of assistance from its
12 employees an employee to a candidate in any election;

13 (b) Recruiting and overseeing volunteers for campaign activities involving 3
14 or more candidates; or

15 (c) Coordinating campaign events involving 3 or more candidates;

16 (8) Campaign training sessions provided to 3 or more candidates;

17 (8-A) Costs paid for by a party committee in connection with a campaign event
18 at which 3 or more candidates are present;

19 (8-B) Wood or other materials used for political signs that are found or
20 contributed if not originally obtained by the candidate or contributor for
21 campaign purposes;

22 (8-C) The use or distribution of any communication, as described in section
23 1014, obtained by the candidate for a previous election and fully paid for during
24 that election;

25 (9) The use of offices, telephones, computers and similar equipment when that
26 use does not result in additional cost to the provider; or

27 (10) Activity or communication designed to encourage individuals to register to
28 vote or to vote if that activity or communication does not mention a clearly
29 identified candidate.

30 **Sec. 3. 21-A MRSA §1059, sub-§2, ¶E,** as amended by PL 2007, c. 443, Pt. A,
31 §35, is further amended to read:

32 E. A committee shall report any expenditure of ~~\$500~~ \$1,000 or more made after the
33 14th day before the election and more than 24 hours before 5:00 p.m. on the day of
34 the election within 24 hours of that expenditure.

35 **Sec. 4. 21-A MRSA §1125, sub-§12-C** is enacted to read:

36 **12-C. Payments to political committees.** If a certified candidate makes a payment
37 of fund revenues to a political action committee or party committee, the candidate shall
38 include in reports required under this section a detailed explanation of the goods or
39 services purchased according to forms and procedures developed by the commission that

1 is sufficient to demonstrate that the payment was made solely to promote the candidate's
2 election.

3 **SUMMARY**

4 This bill makes several changes to the laws governing clean elections and
5 governmental ethics.

6 The bill amends the laws governing legislative ethics by expanding upon the
7 prohibitions on certain campaign contributions from and solicitations of lobbyists,
8 lobbyist associates or employers. It clarifies that the prohibitions apply to contributions
9 to a political action committee closely associated with a Legislator, Governor or
10 constitutional officer.

11 The bill amends the definition of "contribution" under the campaign reporting laws to
12 clarify that the 40-hour limitation applies to individual employees' contributions and not
13 to the state party committee as a whole.

14 The bill amends the reporting requirements for political action committees found in
15 the Maine Revised Statutes, Title 21-A, section 1059 to equalize the aggregate dollar
16 threshold of their reporting requirements for contributions made within the final 2 weeks
17 of an election with the aggregate threshold for candidates, found in Title 21-A, section
18 1017, subsection 3, paragraph C.

19 The bill requires a certified Maine Clean Election Act candidate to provide
20 explanations of payments made to political committees to the Commission on
21 Governmental Ethics and Election Practices to ensure that payments are made solely to
22 promote that candidate's election.