

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1355

S.P. 418

In Senate, March 30, 2011

An Act To Encourage Transparency in Certain Organizations Involved in Political Campaigns

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.

Cosponsored by Senators: BRANNIGAN of Cumberland, HILL of York, PATRICK of Oxford.

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

2 **Sec. 1. 21-A MRSA §1006** is enacted to read:

3 **§1006. Public communications by certain organizations**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings:

6 A. "Nonpreemptible airtime" means a purchased television broadcast the time and
7 date of which is guaranteed to the purchaser; and

8 B. "Political action committee" has the same meaning as in section 1052, subsection
9 5.

10 **2. Person receiving government funding.** A person other than a candidate under
11 chapter 14 who receives funds in an amount of over \$50,000 from the State or a political
12 subdivision of the State may not make an expenditure or public communication that
13 initiates or influences a campaign until those funds are completely expended, or if the
14 funds are in the form of a loan, until the loan is repaid in full.

15 **3. Statement.** A public communication to initiate or influence a campaign paid for
16 by a political action committee must include a statement from its chief executive officer
17 or highest ranking official and a representative of the top contributor to the
18 communication that the officer or official and representative "approve this message." If
19 funds of a political action committee derived from one or more contributions given with
20 no restrictions on use are spent on a public communication to initiate or influence a
21 campaign, the top 5 contributors of those funds to the political action committee must be
22 listed in the communication.

23 **4. Lowest rate for television advertisements.** If a political action committee
24 spends \$15,000 or more on television airtime to run a public communication supporting
25 or opposing a candidate for office under this Title, then the broadcaster must provide
26 airtime to the candidate or the statewide political committee of the party of the candidate
27 at the lowest unit rate for that media market and reasonable access for nonpreemptible
28 airtime.

29 **5. Rules.** The commission may adopt rules to carry out the purposes of this section.
30 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
31 chapter 375, subchapter 2-A.

32 **Sec. 2. 21-A MRSA §1052, sub-§5, ¶A,** as amended by PL 2009, c. 190, Pt. A,
33 §16, is further amended to read:

34 A. Includes:

35 (1) Any separate or segregated fund established by any corporation, membership
36 organization, cooperative or labor or other organization whose purpose is to
37 ~~influence the outcome of an election, including a candidate election or ballot~~
38 ~~question~~ initiate a campaign;

1 (4) Any organization, including any corporation or association, that has as its
2 major purpose ~~initiating, promoting, defeating~~ or influencing a ~~candidate~~
3 ~~election, campaign or ballot question~~ and that receives contributions or makes
4 expenditures aggregating more than \$1,500 in a calendar year for that purpose;
5 ~~including for the collection of signatures for a direct initiative or referendum in~~
6 ~~this State~~; and

7 (5) Any organization that does not have as its major purpose ~~promoting,~~
8 ~~defeating~~ initiating or influencing ~~candidate elections~~ a campaign but that
9 receives contributions or makes expenditures aggregating more than \$5,000 in a
10 calendar year for the purpose of ~~promoting, defeating~~ initiating or influencing in
11 any way the nomination or election of any candidate to political office; and

12 SUMMARY

13 This bill requires certain disclosures and other requirements relating to campaign-
14 related contributions, expenditures and public communications, including:

15 1. Prohibits a person who receives funds from the State or a political subdivision of
16 the State from making an expenditure or public communication that initiates or influences
17 a campaign until the funds are completely expended or, if the funds are in the form of a
18 loan, until the loan is paid in full;

19 2. Requires certain disclaimers to be included in political action committee public
20 communications that initiate or influence a campaign;

21 3. Requires that a candidate receive the lowest rate for television airtime if a political
22 action committee spends \$15,000 to run a televised communication concerning the
23 candidate; and

24 4. Amends the definition of political action committee.