

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1523

S.P. 484

In Senate, April 28, 2011

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

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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 PATRICK of Oxford.

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

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

4 A. As used in this subsection, the terms "employer," "lobbyist" and "lobbyist  
5 associate" have the same meanings as in Title 3, section 312-A. As used in this  
6 subsection, "contribution" has the same meaning as in Title 21-A, section 1012 and  
7 includes ~~seed money~~ allowable contributions as defined in Title 21-A, section 1122,  
8 subsection ~~9~~ 1-A.

9 **Sec. 2. 21-A MRSA §1122, sub-§1-A** is enacted to read:

10 **1-A. Allowable contribution.** "Allowable contribution" means a contribution of no  
11 more than \$100 from an individual, including the candidate or the candidate's spouse or  
12 domestic partner or dependent child.

13 **Sec. 3. 21-A MRSA §1122, sub-§1-B** is enacted to read:

14 **1-B. Campaign funds.** "Campaign funds" means payments from the fund to a  
15 candidate, allowable contributions received by the candidate, interest earned on funds in  
16 the candidate's campaign account, rebates and refunds received by the candidate for  
17 campaign goods or services and proceeds from the sale of campaign property or  
18 equipment purchased after certification under section 1125.

19 **Sec. 4. 21-A MRSA §1122, sub-§4-B** is enacted to read:

20 **4-B. Matchable contribution.** "Matchable contribution" means a contribution of  
21 money of no more than \$100 made by a registered voter in the State to a participating  
22 candidate or certified candidate in a contested election that has been reported to the  
23 commission and documented in compliance with the commission's rules and procedures  
24 and has been contributed on or before the date of the applicable primary or general  
25 election that may be matched by public funds under the provisions of this chapter. Any  
26 contribution determined to be invalid for matching funds by the commission is not a  
27 matchable contribution for any purpose. The following contributions are not matchable:

28 A. An in-kind contribution of property, goods or services;

29 B. A loan to the candidate or candidate's authorized political committee under  
30 section 1013-A, subsection 1;

31 C. A contribution in the form of the purchase price paid for an item with significant  
32 intrinsic and enduring value;

33 D. A contribution in the form of the purchase price paid for or otherwise induced by  
34 a chance to participate in a raffle, lottery or similar drawing for valuable prizes;

35 E. A contribution from an individual under 18 years of age;

36 F. A contribution from a vendor to whom the candidate or candidate's authorized  
37 political committee under section 1013-A, subsection 1 makes an expenditure in

1 furtherance of the nomination for election or election covered by the candidate's  
2 certification, unless such expenditure is reimbursing an advance;

3 G. A contribution from an individual who has been registered with the commission  
4 as a lobbyist or lobbyist associate or an employer of a lobbyist or lobbyist associate  
5 under Title 3, section 313 during the 2 years prior to the contribution; or

6 H. A contribution from the candidate or the candidate's spouse or domestic partner or  
7 dependent child.

8 **Sec. 5. 21-A MRSA §1122, sub-§6-A** is enacted to read:

9 **6-A. Public funds.** "Public funds" means an initial distribution from the fund or  
10 matching fund payment from the fund to a candidate.

11 **Sec. 6. 21-A MRSA §1122, sub-§9,** as amended by PL 2007, c. 571, §10, is  
12 repealed.

13 **Sec. 7. 21-A MRSA §1124, sub-§2, ¶D,** as enacted by IB 1995, c. 1, §17, is  
14 repealed.

15 **Sec. 8. 21-A MRSA §1124, sub-§2, ¶E,** as enacted by IB 1995, c. 1, §17, is  
16 amended to read:

17 E. Fund revenues that were distributed to a Maine Clean Election Act candidate and  
18 Campaign funds that remain unspent after the a candidate has lost a primary election  
19 or after all general elections;

20 **Sec. 9. 21-A MRSA §1124, sub-§2, ¶F,** as enacted by IB 1995, c. 1, §17, is  
21 amended to read:

22 F. Other unspent fund revenues distributed to any Maine Clean Election Act  
23 campaign funds of a certified candidate who does not remain a candidate throughout  
24 a primary or general election cycle;

25 **Sec. 10. 21-A MRSA §1125, sub-§2,** as amended by PL 2009, c. 363, §2, is  
26 repealed.

27 **Sec. 11. 21-A MRSA §1125, sub-§2-A,** as amended by PL 2009, c. 302, §11 and  
28 affected by §24, is repealed.

29 **Sec. 12. 21-A MRSA §1125, sub-§2-B,** as amended by PL 2009, c. 524, §14, is  
30 repealed.

31 **Sec. 13. 21-A MRSA §1125, sub-§2-C** is enacted to read:

32 **2-C. Contribution limits for participating and certified candidates.** Subsequent  
33 to becoming a candidate, a participating candidate or certified candidate may not accept  
34 contributions, except allowable contributions. A participating candidate or certified  
35 candidate must limit the candidate's total allowable contributions to the following  
36 amounts:

- 1           A. For primary elections:  
2                 (1) For a gubernatorial candidate in a contested election, \$250,000, and, for a  
3                 gubernatorial candidate in an uncontested election, \$225,000;  
4                 (2) For a candidate for the State Senate, \$1,500 plus 1/2 of the initial distribution  
5                 from the fund for the primary election for a candidate for the State Senate; and  
6                 (3) For a candidate for the State House of Representatives, \$500 plus 1/2 of the  
7                 initial distribution from the fund for the primary election for a candidate for the  
8                 State House of Representatives; and

- 9           B. For general elections:  
10                (1) For a gubernatorial candidate, \$150,000; and  
11                (2) For a candidate for the State Senate or State House of Representatives, 1/2 of  
12                the initial distribution from the fund for the general election for such a candidate.

13           A participating candidate or certified candidate in a primary election may raise allowable  
14           contributions at any time after becoming a candidate to the day of the primary election. A  
15           participating candidate or certified candidate in a general election may raise allowable  
16           contributions from the day after the primary election to the day of the general election.

17           The commission may revise the amounts in paragraph A or B by rule to ensure the  
18           effective implementation of this chapter. The commission shall adopt rules to determine  
19           whether an allowable contribution is for a primary or general election campaign.

20           **Sec. 14. 21-A MRSA §1125, sub-§2-D** is enacted to read:

21           **2-D. Allowable contributions required for gubernatorial candidates;**  
22           **documentation.** For an allowable contribution that a candidate for Governor collects to  
23           satisfy the requirement in subsection 5, paragraph C-1, the candidate shall obtain the  
24           contributor's name, residence address, mailing address, telephone number if provided by  
25           the contributor and other information required for reporting under section 1017,  
26           subsection 5. For an allowable contribution under this section, the candidate shall submit  
27           to the commission during the qualifying period:

28           A. A contribution acknowledgment form, as determined by the commission, to be  
29           completed by each contributor that includes the name, residence address, mailing  
30           address, telephone number if provided by the contributor and signature of the  
31           contributor acknowledging that the contribution was made with the contributor's  
32           personal funds and will not be reimbursed by any source;

33           B. A list of all allowable contributions by the contributor in a format determined by  
34           the commission that includes the name and mailing address of the contributor;

35           C. For an allowable contribution received by check or money order, a photocopy of  
36           the check or money order; and

37           D. For an allowable contribution received by debit or credit card, a bank or merchant  
38           account statement that contains the cardholder's name and that otherwise meets the  
39           requirements specified by the commission in order to verify compliance with  
40           subsection 5, paragraph C-1.

1 The commission may permit the submission of an online or electronic acknowledgment  
2 form as required by paragraph A for allowable contributions made via the Internet.  
3 Contributor information required by this subsection is confidential, except that the  
4 commission may disclose this information in a final audit or investigation report or  
5 determination if the information is materially relevant to a finding of fact or violation.

6 **Sec. 15. 21-A MRSA §1125, sub-§3**, as amended by PL 2009, c. 286, §§6 and 7,  
7 is further amended to read:

8 **3. Qualifying contributions.** Participating candidates must obtain qualifying  
9 contributions during the qualifying period as follows:

10 A. For a gubernatorial candidate, at least 3,250 verified registered voters of this State  
11 must support the candidacy by providing a qualifying contribution to that candidate;

12 B. For a candidate for the State Senate, at least 175 verified registered voters from  
13 the candidate's electoral division must support the candidacy by providing a  
14 qualifying contribution to that candidate; or

15 C. For a candidate for the State House of Representatives, at least 60 verified  
16 registered voters from the candidate's electoral division must support the candidacy  
17 by providing a qualifying contribution to that candidate.

18 A payment, gift or anything of value may not be given in exchange for a qualifying  
19 contribution. A candidate may pay the fee for a money order that is a qualifying  
20 contribution in the amount of \$5 as long as the donor making the qualifying contribution  
21 pays the \$5 amount reflected on the money order. Any money order fees paid by a  
22 participating candidate must be paid for with ~~seed money~~ campaign funds prior to  
23 certification and reported in accordance with commission rules. A money order must be  
24 signed by the contributor to be a valid qualifying contribution. The commission may  
25 establish by routine technical rule, adopted in accordance with Title 5, chapter 375,  
26 subchapter 2-A, a procedure for a qualifying contribution to be made by a credit or debit  
27 transaction and by electronic funds transfer over the Internet. Records containing  
28 information provided by individuals who have made qualifying contributions over the  
29 Internet are confidential, except for the name of the individual making the contribution,  
30 the date of the contribution, the individual's residential address and the name and office  
31 sought of the candidate in whose support the contribution was made.

32 It is a violation of this chapter for a participating candidate or an agent of the participating  
33 candidate to misrepresent the purpose of soliciting qualifying contributions and obtaining  
34 the contributor's signed acknowledgement.

35 **Sec. 16. 21-A MRSA §1125, sub-§4**, as amended by PL 2009, c. 363, §4, is  
36 further amended to read:

37 **4. Filing with commission.** A participating candidate must submit qualifying  
38 contributions, receipt and acknowledgement forms, proof of verification of voter  
39 registration and a ~~seed money~~ report of allowable contributions and precertification  
40 expenditures to the commission during the qualifying period according to procedures  
41 developed by the commission, except as provided under subsection 11.

1           **Sec. 17. 21-A MRSA §1125, sub-§5, ¶C-1**, as enacted by PL 2009, c. 363, §5,  
2 is amended to read:

3           C-1. As a gubernatorial candidate, collected at least \$40,000 in ~~seed-money~~  
4 allowable contributions from registered voters in the State;

5           **Sec. 18. 21-A MRSA §1125, sub-§5, ¶D**, as amended by PL 2003, c. 270, §1, is  
6 further amended to read:

7           D. Not accepted contributions, except for ~~seed-money~~ allowable contributions, and  
8 otherwise complied with ~~seed-money restrictions~~ precertification requirements;

9           **Sec. 19. 21-A MRSA §1125, sub-§5-A**, as amended by PL 2009, c. 363, §6, is  
10 further amended to read:

11           **5-A. Revocation of certification.** The certification of a participating candidate may  
12 be revoked at any time if the commission determines that the candidate or an agent of the  
13 candidate:

14           A. Did not submit the required number of valid qualifying contributions;

15           B. Failed to qualify as a candidate by petition or other means;

16           C. Submitted any fraudulent qualifying contributions or qualifying contributions that  
17 were not made by the named contributor;

18           D. Misrepresented to a contributor the purpose of the qualifying contribution or  
19 obtaining the contributor's signature on the receipt and acknowledgement form;

20           E. Failed to fully comply with the ~~seed-money restrictions~~ precertification  
21 requirements;

22           F. Knowingly accepted any contributions, including any in-kind contributions, or  
23 used funds other than fund revenues distributed under this chapter to make campaign-  
24 related expenditures without the permission of the commission;

25           G. Knowingly made a false statement or material misrepresentation in any report or  
26 other document required to be filed under this chapter or chapter 13;

27           H. Otherwise substantially violated the provisions of this chapter or chapter 13; or

28           I. As a gubernatorial candidate, failed to properly report ~~seed-money~~ allowable  
29 contributions as required by this section.

30           The determination to revoke the certification of a candidate must be made by a vote of the  
31 members of the commission after an opportunity for a hearing. A candidate whose  
32 certification is revoked shall return all unspent public funds to the commission within 3  
33 days of the commission's decision and may be required to return all public funds  
34 distributed to the candidate. In addition to the requirement to return funds, the candidate  
35 may be subject to a civil penalty under section 1127. The candidate may appeal the  
36 commission's decision to revoke certification in the same manner provided in subsection  
37 14, paragraph C.

1           **Sec. 20. 21-A MRSA §1125, sub-§6**, as amended by PL 2009, c. 105, §1, is  
2 further amended to read:

3           **6. Restrictions on contributions and expenditures for certified candidates.** After  
4 certification, a candidate must limit the candidate's campaign expenditures and  
5 obligations, including outstanding obligations, to ~~the revenues distributed to the candidate~~  
6 ~~from the fund~~ candidate's campaign funds and may not accept any contributions unless  
7 specifically authorized by the commission. ~~Candidates may also accept and spend~~  
8 ~~interest earned on fund revenues in campaign bank accounts. All revenues distributed to~~  
9 ~~a certified candidate from the fund must be used for campaign related purposes.~~ The  
10 candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A,  
11 subsection 1 or any agent of the candidate and committee may not use ~~these revenues~~  
12 campaign funds for any but campaign-related purposes. A television advertisement  
13 purchased with ~~these revenues~~ campaign funds must be closed-captioned when closed-  
14 captioning is available from the broadcasting station who will broadcast the  
15 advertisement. The commission shall publish guidelines outlining permissible campaign-  
16 related expenditures.

17           **Sec. 21. 21-A MRSA §1125, sub-§6-A**, as amended by PL 2009, c. 302, §12 and  
18 affected by §24, is further amended to read:

19           **6-A. Assisting a person to become an opponent.** A candidate or a person who later  
20 becomes a candidate and who is seeking certification under subsection 5, or an agent of  
21 that candidate, may not assist another person in qualifying as a candidate for the same  
22 office if such a candidacy would result in ~~the distribution of revenues~~ initial distributions  
23 from the fund under subsections 7 and 8-A for certified candidates in a contested election.

24           **Sec. 22. 21-A MRSA §1125, sub-§6-C, ¶A**, as enacted by PL 2009, c. 302, §14,  
25 is amended to read:

26           A. The candidate may not use ~~fund revenues~~ campaign funds to compensate the  
27 candidate or a sole proprietorship of the candidate for campaign-related services.

28           **Sec. 23. 21-A MRSA §1125, sub-§6-C, ¶B**, as enacted by PL 2009, c. 302, §14,  
29 is amended to read:

30           B. A candidate may not make expenditures using ~~fund revenues~~ campaign funds to  
31 pay a member of the candidate's immediate family or household, a business entity in  
32 which the candidate or a member of the candidate's immediate family or household  
33 holds a significant proprietary or financial interest or a nonprofit entity in which the  
34 candidate or a member of the candidate's immediate family or household is a  
35 director, officer, executive director or chief financial officer, unless the expenditure is  
36 made:

- 37           (1) For a legitimate campaign-related purpose;
- 38           (2) To an individual or business that provides the goods or services being  
39 purchased in the normal course of the individual's occupation or the business; and
- 40           (3) In an amount that is reasonable taking into consideration current market  
41 value and other factors the commission may choose to consider.



1 For the purpose of this paragraph, "business entity" means a corporation, limited  
2 liability company, limited partnership, limited liability partnership and general  
3 partnership.

4 If a candidate uses ~~fund revenues~~ campaign funds for an expenditure covered by this  
5 paragraph, the candidate shall submit evidence demonstrating that the expenditure  
6 complies with the requirements of this paragraph if requested by the commission.

7 **Sec. 24. 21-A MRSA §1125, sub-§7**, as amended by PL 2009, c. 302, §15 and  
8 affected by §24 and amended by c. 363, §7, is repealed and the following enacted in its  
9 place:

10 **7. Timing of fund distribution.** The commission shall distribute to certified  
11 candidates initial distributions for the primary and general elections from the fund in  
12 amounts determined under subsection 8-A in the following manner.

13 A. Within 3 days after certification, for candidates certified prior to March 15th of  
14 the election year, initial distributions for the primary election from the fund must be  
15 distributed as if the candidates are in an uncontested primary election.

16 B. Within 3 days after certification, for all candidates certified between March 15th  
17 and the end of the qualifying period of the election year, initial distributions for the  
18 primary election from the fund must be distributed according to whether the  
19 candidate is in a contested or uncontested primary election.

20 B-1. For candidates in contested primary elections receiving a distribution under  
21 paragraph A, additional initial distributions for the primary election from the fund  
22 must be distributed within 3 days of March 15th of the election year.

23 C. No later than 3 days after the primary election results are certified, for general  
24 election certified candidates, initial distributions for the general election from the  
25 fund must be distributed according to whether the candidate is in a contested or  
26 uncontested general election.

27 Funds may be distributed to certified candidates under this section by any mechanism that  
28 is expeditious, ensures accountability and safeguards the integrity of the fund.

29 **Sec. 25. 21-A MRSA §1125, sub-§7-A**, as amended by PL 2007, c. 443, Pt. B,  
30 §6, is further amended to read:

31 **7-A. Deposit into account.** The candidate or committee authorized pursuant to  
32 section 1013-A, subsection 1 shall deposit all ~~revenues from the fund and all seed money~~  
33 allowable contributions and public funds in a campaign account with a bank or other  
34 financial institution. The campaign funds must be segregated from, and may not be  
35 commingled with, any other funds.

36 **Sec. 26. 21-A MRSA §1125, sub-§9**, as repealed and replaced by PL 2009, c.  
37 652, Pt. A, §25 and affected by §26, is amended to read:

38 **9. Matching funds.** ~~When any report required under this chapter or chapter 13~~  
39 ~~shows that the sum of a candidate's expenditures or obligations, contributions and loans,~~  
40 ~~or fund revenues received, whichever is greater, in conjunction with independent~~

1 ~~expenditures reported under section 1019-B, exceeds the sum of an opposing certified~~  
2 ~~candidate's fund revenues, in conjunction with independent expenditures, the commission~~  
3 ~~shall issue immediately to the opposing certified candidate an additional amount~~  
4 ~~equivalent to the difference. A candidate is eligible to receive additional public funds~~  
5 ~~within the 60 days before the election. The commission shall pay \$3 of matching funds~~  
6 ~~for every \$1 of matchable contributions documented by the candidate and reported to the~~  
7 ~~commission in accordance with the rules and procedures of the commission. The~~  
8 ~~commission shall establish procedures for candidates to apply for matching funds,~~  
9 ~~including deadlines for reporting matchable contributions and a schedule for matching~~  
10 ~~funds payments. Matching funds for certified candidates for the Legislature are limited to~~  
11 ~~2 1/2 times the amount originally distributed under subsection 8-A. Matching funds for~~  
12 ~~certified gubernatorial candidates in a primary election are limited to half the amount~~  
13 ~~originally distributed under subsection 8-A \$150,000 for contested candidates and~~  
14 ~~\$75,000 for uncontested candidates. Matching funds for certified gubernatorial~~  
15 ~~candidates in a general election are limited to the amount originally distributed under~~  
16 ~~subsection 8-A \$450,000.~~

17 **Sec. 27. 21-A MRSA §1125, sub-§10**, as repealed and replaced by PL 2009, c.  
18 652, Pt. A, §27 and affected by §28, is amended to read:

19 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature  
20 who submits the required number of qualifying contributions and other required  
21 documents under subsection 4 by 5:00 p.m. on April ~~15th~~ 20th preceding the primary  
22 election and who is certified is eligible for ~~revenues~~ initial payments from the fund in the  
23 same amounts and at the same time as an uncontested primary election candidate and a  
24 general election candidate as specified in subsections 7 and 8-A. Otherwise, an  
25 unenrolled candidate for the Legislature must submit the required number of qualifying  
26 contributions and the other required documents under subsection 4 by 5:00 p.m. on June  
27 2nd preceding the general election. If certified, the candidate is eligible for ~~revenues~~ an  
28 initial payment from the fund in the same amounts as a general election candidate, as  
29 specified in subsection 8-A. ~~Revenues~~ The initial payment for the general election must  
30 be distributed to the candidate no later than 3 days after certification. An unenrolled  
31 candidate for Governor who submits the required number of qualifying contributions and  
32 other required documents under ~~subsections 2-B and~~ subsection 4 by 5:00 p.m. on April  
33 1st preceding the primary election and who is certified is eligible for ~~revenues~~ initial  
34 payments from the fund in the same amounts and at the same time as an uncontested  
35 primary election gubernatorial candidate and a general election gubernatorial candidate as  
36 specified in subsections 7 and 8-A. ~~Revenues~~ The initial payment for the general election  
37 must be distributed to the candidate for Governor no later than 3 days after the primary  
38 election results are certified.

39 **Sec. 28. 21-A MRSA §1125, sub-§11**, as enacted by IB 1995, c. 1, §17, is  
40 amended to read:

41 **11. Other procedures.** The commission shall establish by rule procedures for  
42 qualification, certification, disbursement of ~~fund revenues~~ public funds and return of  
43 unspent ~~fund revenues~~ campaign funds for races involving special elections, recounts,  
44 vacancies, withdrawals or replacement candidates.

1           **Sec. 29. 21-A MRSA §1125, sub-§12**, as amended by PL 2009, c. 302, §20, is  
2 further amended to read:

3           **12. Reporting; unspent campaign funds.** Notwithstanding any other provision of  
4 law, participating and certified candidates shall report any money collected, all campaign  
5 expenditures, obligations and related activities to the commission according to procedures  
6 developed by the commission. If a certified candidate pays ~~fund revenues~~ campaign  
7 funds to a member of the candidate's immediate family or household or a business or  
8 nonprofit entity affiliated with a member of the candidate's immediate family or  
9 household, the candidate must disclose the candidate's relationship to the payee in a  
10 manner prescribed by the commission. Upon the filing of a final report for any primary  
11 election in which the candidate was defeated and for all general elections that candidate  
12 shall return all unspent ~~fund revenues~~ campaign funds to the commission. In developing  
13 these procedures, the commission shall utilize existing campaign reporting procedures  
14 whenever practicable. The commission shall ensure timely public access to campaign  
15 finance data and may utilize electronic means of reporting and storing information.

16           **Sec. 30. 21-A MRSA §1125, sub-§12-B**, as enacted by PL 2007, c. 443, Pt. B,  
17 §6, is amended to read:

18           **12-B. Audit requirements for candidates for Governor.** The commission shall  
19 audit the campaigns of candidates for Governor who receive public funds under this  
20 chapter to verify compliance with election and campaign laws and rules. Within one  
21 month of declaring an intention to qualify for public financing, a candidate for Governor,  
22 the campaign's treasurer and any other relevant campaign staff shall meet with the staff of  
23 the commission to discuss audit standards, expenditure guidelines and record-keeping  
24 requirements.

25           **Sec. 31. 21-A MRSA §1125, sub-§12-C**, as enacted by PL 2009, c. 286, §9, is  
26 amended to read:

27           **12-C. Payments to political committees.** If a certified candidate makes a payment  
28 of ~~fund revenues~~ campaign funds to a political action committee or party committee, the  
29 candidate shall include in reports required under this section a detailed explanation of the  
30 goods or services purchased according to forms and procedures developed by the  
31 commission that is sufficient to demonstrate that the payment was made solely to  
32 promote the candidate's election.

33           **Sec. 32. 21-A MRSA §1125, sub-§13-A**, as enacted by PL 2009, c. 524, §18, is  
34 amended to read:

35           **13-A. Distributions not to exceed amount in fund.** The commission may not  
36 distribute ~~revenues~~ public funds to certified candidates in excess of the total amount of  
37 money deposited in the fund as set forth in section 1124. Notwithstanding any other  
38 provisions of this chapter, if the commission determines that the revenues in the fund are  
39 insufficient to meet distributions under subsection 8-A or 9, the commission may permit  
40 certified candidates to accept and spend contributions, reduced by any ~~seed money~~  
41 allowable contributions, aggregating no more than ~~\$750 per donor per election for~~  
42 ~~gubernatorial candidates and \$350 per donor per election for State Senate and State~~

1 ~~House candidates~~ the applicable contribution limits established in section 1015, up to the  
2 applicable amounts set forth in subsections 8-A and 9 according to rules adopted by the  
3 commission. Notwithstanding any other provisions of this chapter, if the commission  
4 determines that the revenues in the fund are insufficient to pay the full amount of  
5 matching funds under subsection 9, the commission may adjust the proportion of  
6 matching funds paid to certified candidates according to rules adopted by the  
7 commission.

8 This subsection takes effect September 1, 2011.

9 **Sec. 33. 21-A MRSA §1126**, as amended by PL 2001, c. 465, §7, is further  
10 amended to read:

11 **§1126. Commission to adopt rules**

12 The commission shall adopt rules to ensure effective administration of this chapter.  
13 These rules must include but ~~must~~ may not be limited to procedures for obtaining  
14 qualifying contributions, certification as a Maine Clean Election Act candidate,  
15 circumstances involving special elections, vacancies, recounts, withdrawals or  
16 replacements, collection of revenues for the fund, distribution of fund revenue to certified  
17 candidates, return of unspent ~~fund disbursements~~ campaign funds, disposition of  
18 equipment purchased with ~~clean election~~ campaign funds after certification and  
19 compliance with the Maine Clean Election Act. Rules of the commission required by this  
20 section are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~  
21 2-A.

22 **Sec. 34. 21-A MRSA §1127, sub-§1**, as amended by PL 2009, c. 302, §23, is  
23 further amended to read:

24 **1. Civil fine.** In addition to any other penalties that may be applicable, a person who  
25 violates any provision of this chapter or rules of the commission adopted pursuant to  
26 section 1126 is subject to a fine not to exceed \$10,000 per violation payable to the fund.  
27 ~~The commission may assess a fine of up to \$10,000 for a violation of the reporting~~  
28 ~~requirements of sections 1017 and 1019-B if it determines that the failure to file a timely~~  
29 ~~and accurate report resulted in the late payment of matching funds.~~ In addition to any  
30 fine, for good cause shown, a candidate, treasurer, consultant or other agent of the  
31 candidate or the political committee authorized by the candidate pursuant to section  
32 1013-A, subsection 1 found in violation of this chapter or rules of the commission may be  
33 required to return to the fund all ~~amounts~~ public funds distributed to the candidate ~~from~~  
34 ~~the fund~~ or any campaign funds not used for campaign-related purposes. If the  
35 commission makes a determination that a violation of this chapter or rules of the  
36 commission has occurred, the commission shall assess a fine or transmit the finding to the  
37 Attorney General for prosecution. A final determination by the commission may be  
38 appealed to Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the  
39 Maine Rules of Civil Procedure, Rule 80C. Fines assessed or orders for return of funds  
40 issued by the commission pursuant to this subsection that are not paid in full within 30  
41 days after issuance of a notice of the final determination may be enforced in accordance  
42 with section 1004-B. Fines paid under this section must be deposited in the fund. In  
43 determining whether or not a candidate is in violation of the expenditure limits of this

1 chapter, the commission may consider as a mitigating factor any circumstances out of the  
2 candidate's control.

3

### **SUMMARY**

4 This bill amends the Maine Clean Election Act by replacing the seed money  
5 provisions with provisions for allowable contributions, which are contributions of no  
6 more than \$100 from an individual. The bill allows participating and certified candidates  
7 to raise allowable contributions, sets limits and other requirements on allowable  
8 contributions and provides for matching funds for allowable contributions in the amount  
9 of \$3 for every \$1 of allowable contributions.