

MAINE STATE LEGISLATURE

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L.D. 1271

Date: 6/5/13

(Filing No. H- 340)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “**A**” to H.P. 910, L.D. 1271, Bill, “An Act To Increase Transparency in Reporting of Party Committees, Political Action Committees and Ballot Question Committees”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Penalties for Campaign Finance Reporting Violations and Late Filing by Political Action Committees and Ballot Question Committees'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 21-A MRSA §1004-A, as amended by PL 2009, c. 302, §§1 and 2, is further amended to read:

§1004-A. Penalties

The commission may assess the following penalties in addition to the other monetary sanctions authorized in this chapter.

1. Late campaign finance report. A person that files a late campaign finance report containing no contributions or expenditures may be assessed a penalty of no more than \$100, except as provided in section 1004-C.

2. Contribution in excess of limitations. A person that accepts or makes a contribution that exceeds the limitations set out in section 1015, subsections 1 and 2 may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation, except as provided in section 1004-C.

3. Contribution in name of another person. A person that makes a contribution in the name of another person, or that knowingly accepts a contribution made by one person in the name of another person, may be assessed a penalty not to exceed \$5,000, except as provided in section 1004-C.

COMMITTEE AMENDMENT

1 **4. Substantial misreporting.** A person that files a campaign finance report that
 2 substantially misreports contributions, expenditures or other campaign activity may be
 3 assessed a penalty not to exceed \$5,000, except as provided in section 1004-C.

4 **5. Material false statements.** A person that makes a material false statement or that
 5 makes a statement that includes a material misrepresentation in a document that is
 6 required to be submitted to the commission, or that is submitted in response to a request
 7 by the commission, may be assessed a penalty not to exceed \$5,000, except as provided
 8 in section 1004-C.

9 When the commission has reason to believe that a violation has occurred, the
 10 commission shall provide written notice to the candidate, party committee, political
 11 action committee, committee treasurer or other respondent and shall afford them an
 12 opportunity to appear before the commission before assessing any penalty. In determining
 13 any penalty under subsections 3, 4 and 5, the commission shall consider, among other
 14 things, the level of intent to mislead, the penalty necessary to deter similar misconduct in
 15 the future and the harm suffered by the public from the incorrect disclosure. A final
 16 determination by the commission may be appealed to the Superior Court in accordance
 17 with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure Rule 80C.

18 Penalties assessed pursuant to this section that have not been paid in full within 30
 19 days after issuance of a notice of the final determination may be enforced in accordance
 20 with section 1004-B.

21 **Sec. 2. 21-A MRSA §1004-C** is enacted to read:

22 **§1004-C. Enhanced penalties for violations with aggravating circumstances**

23 Notwithstanding any maximum penalty set forth in this chapter, when assessing a
 24 penalty or monetary sanction, the commission may double the authorized penalty or
 25 monetary sanction for a violation occurring less than 28 days prior to an election day and
 26 may triple the authorized penalty or monetary sanction for a violation occurring less than
 27 14 days prior to an election day.

28 **Sec. 3. 21-A MRSA §1062-A, sub-§3, ¶¶A, B and C,** as enacted by PL 1995,
 29 c. 483, §21, are amended to read:

30 A. For the first violation, ~~1%~~ 2%;

31 B. For the 2nd violation, ~~3%~~ 4%; and

32 C. For the 3rd and subsequent violations, ~~5%~~ 6%.'

33 **SUMMARY**

34 The amendment replaces the bill. The amendment provides that in the last 28 days
 35 prior to an election, penalties for violations of campaign finance reporting by a person,
 36 candidate, political committee or political action committee may exceed the maximum
 37 established in law. If the violation occurs between 28 and 14 days prior to an election,
 38 the maximum penalties may be doubled. If the violation occurs less than 14 days prior to
 39 an election, the maximum penalties may be tripled. The amendment also increases the

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COMMITTEE AMENDMENT "A" to H.P. 910, L.D. 1271

1 penalties applied to political action committees and ballot question committees when
2 required reports are filed late.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**



126th MAINE LEGISLATURE

LD 1271

LR 169(02)

An Act To Increase Transparency in Reporting of Party Committees, Political Action Committees and Ballot Question Committees

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-340)
Committee: Veterans and Legal Affairs
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Other Special Revenue Funds revenue to the Commission on Governmental Ethics and Election Practices may increase as a result of the increased penalties in this legislation. Since the Commission has the discretion to adjust the penalty amount if a waiver is requested by the organization to whom the penalty is assessed, an estimate of the increased revenue is not made at this time.