

MAINE STATE LEGISLATURE

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L.D. 1613

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Date: 2/25/14

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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

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126TH LEGISLATURE

8

SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1185, L.D. 1613, Bill, "An Act To Define "Agent" and "Candidate's Political Committee" in the Laws Regarding Limitations on Campaign Contributions and Expenditures"

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

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'An Act To Clarify Disclosure Requirements for Political Statements Broadcast by Radio'

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

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'Sec. 1. 21-A MRSA §1014, sub-§1, as amended by PL 2013, c. 362, §1, is further amended to read:

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1. Authorized by candidate. Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, cable television systems, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication, ~~except that if the communication is broadcast by radio, only the city and state of the address must be stated. The following forms of political communication do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund raisers, electronic media advertisements where compliance with this section would be impracticable due to size or character limitations~~

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1 ~~and similar items determined by the commission to be too small and unnecessary for the~~
2 ~~disclosures required by this section.~~ A communication financed by a candidate or the
3 candidate's committee is not required to state the address of the candidate or committee
4 that financed the communication. ~~A communication in the form of a sign that is financed~~
5 ~~by a candidate or the candidate's committee and that clearly identifies the name of the~~
6 ~~candidate and is lettered or printed individually by hand is not required to include the~~
7 ~~name and address of the person who made or financed the communication or to include a~~
8 ~~statement that the communication has been authorized by the candidate, the candidate's~~
9 ~~authorized committee or their agents.~~ If a communication that is financed by someone
10 other than the candidate or the candidate's authorized committee is broadcast by radio,
11 only the city and state of the address of the person who financed the communication must
12 be stated.

13 **Sec. 2. 21-A MRSA §1014, sub-§6, ¶¶B and C**, as enacted by PL 2011, c. 389,
14 §13, are amended to read:

15 B. Campaign signs produced and distributed at a cost not exceeding \$100, paid for
16 by one or more individuals who are not required to register or file campaign finance
17 reports with the commission and who are acting independently of and without
18 authorization by a candidate, candidate's authorized campaign committee, party
19 committee, political action committee or ballot question committee or an agent of a
20 candidate, candidate's authorized campaign committee, party committee, political
21 action committee or ballot question committee; and

22 C. Internet and e-mail activities costing less than \$100, as excluded by rule of the
23 commission, paid for by one or more individuals who are not required to register or
24 file campaign finance reports with the commission and who are acting independently
25 of and without authorization by a candidate, candidate's authorized campaign
26 committee, party committee, political action committee or ballot question committee
27 or an agent of a candidate, candidate's authorized campaign committee, party
28 committee, political action committee or ballot question committee;

29 **Sec. 3. 21-A MRSA §1014, sub-§6, ¶¶D and E** are enacted to read:

30 D. Communications in which the name or address of the person who made or
31 authorized the expenditure for the communication would be so small as to be illegible
32 or infeasible, including communications on items such as ashtrays, badges and badge
33 holders, balloons, campaign buttons, clothing, coasters, combs, emery boards,
34 envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files,
35 noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or
36 shorter rulers, swizzle sticks, tickets to fund-raisers and similar items determined by
37 the commission to be too small and unnecessary for the disclosures required by this
38 section and in electronic media advertisements where compliance with this section
39 would be impractical due to size or character limitations; and

40 E. Campaign signs that are financed by the candidate or candidate's authorized
41 committee and that clearly identify the name of the candidate and are lettered or
42 printed individually by hand.'

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SUMMARY

This amendment replaces the bill. The amendment clarifies existing law with regard to disclosures required to be included in political statements made by radio when the communication is financed by someone other than the candidate or the candidate's political committee. The disclosure requirement states that only the city and state of the person who financed the communication must be disclosed. This is the same requirement as in current law, but the amendment states the requirement in a separate sentence. The amendment also reorganizes the relevant section of statute so that all communications that under current law are exempt from the name and address disclosure requirements are listed under the same subsection, including those communications that are on items so small that the disclosure would be illegible, such as pens, swizzle sticks or matchbooks.