

# MAINE STATE LEGISLATURE

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# Minority

L.D. 1834

Date: 4/9/14

(Filing No. S-513 )

## VETERANS AND LEGAL AFFAIRS

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### STATE OF MAINE

### SENATE

### 126TH LEGISLATURE

### SECOND REGULAR SESSION

COMMITTEE AMENDMENT “**A**” to S.P. 737, L.D. 1834, Bill, “An Act To Require the Commission on Governmental Ethics and Election Practices To Make Public Declarations following a Determination of a Campaign Statement's Falsity”

Amend the bill in section 1 in §1111 in subsection 1 by striking out all of paragraphs E and F.

Amend the bill in section 1 in §1111 in subsection 1 in paragraph H in the first and 2nd lines (page 1, lines 33 and 34 in L.D.) by striking out the following: “the voting record of a candidate or public official” and inserting the following: ‘a public policy issue’

Amend the bill in section 1 in §1111 in subsection 1 by relettering the paragraphs to read consecutively.

Amend the bill in section 1 in §1111 by striking out all of subsection 2 (page 2, lines 1 to 4 in L.D.) and inserting the following:

**2. Commission to make public declaration.** If the commission finds by clear and convincing evidence that a candidate, candidate's campaign, political party or political action committee has committed an act described in subsection 1, the commission must make a timely public declaration stating the same. When making a public declaration, the commission shall categorize the statement subject to the complaint in one of the following categories:

A. False;

B. Somewhat false;

C. Somewhat truthful; or

D. True.’

### SUMMARY

This amendment is the minority report of the committee. The amendment removes from the list of statements that are subject to an investigation by the Commission on

# COMMITTEE AMENDMENT

R.G.

COMMITTEE AMENDMENT "A" to S.P. 737, L.D. 1834

1 Governmental Ethics and Election Practices false statements about a candidate's or public  
2 official's confinement for a mental disorder or a false statement about military discipline  
3 for criminal misconduct or about dishonorable discharge. It also requires the commission  
4 to categorize statements subject to an investigation in categories ranging from false to  
5 true.

FISCAL NOTE REQUIRED  
(See Attached)

**COMMITTEE AMENDMENT**



# 126th MAINE LEGISLATURE

LD 1834

LR 2787(02)

**An Act To Require the Commission on Governmental Ethics and Election Practices To Make Public Declarations following a Determination of a Campaign Statement's Falsity**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-513)**

**Committee: Veterans and Legal Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

Potential current biennium cost increase - General Fund

### Fiscal Detail and Notes

This legislation requires the Commission on Governmental Ethics and Election Practices to investigate, upon complaint by a candidate, certain campaign statements. It is unknown how many complaints may be brought forth. If the complaints are numerous and complex, the Commission will require an additional staff person.

The Commission on Governmental Ethics and Election Practices has indicated that it is likely this legislation could be challenged legally. If that happens, and if the court finds for the plaintiff, the Commission could be required to pay the plaintiff's attorneys fees and court costs.