

MAINE STATE LEGISLATURE

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Date: 4/24/17 Minority

L.D. 394
(Filing No. H-79)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 285, L.D. 394, Bill, "An Act Regarding Terminology in Campaign Finance Law"

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 1 MRSA §1008, sub-§5, as enacted by IB 1995, c. 1, §6, is amended to read:

5. Maine Taxpayer-funded Campaign Act and Maine Taxpayer-funded Campaign Fund. To administer and ensure the effective implementation of the Maine ~~Clean Election~~ Taxpayer-funded Campaign Act and the Maine ~~Clean Election~~ Taxpayer-funded Campaign Fund according to Title 21-A, chapter 14; and'

Amend the bill in section 3 in subsection 3 in the 3rd line (page 1, line 17 in L.D.) by striking out the following: "Campaign Public Financing" and inserting the following: 'Taxpayer-funded Campaign'

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 21-A MRSA §1004-B, as enacted by PL 2009, c. 302, §3, is amended to read:

§1004-B. Enforcement of penalties assessed by the commission

The commission staff shall collect the full amount of any penalty and the return of Maine ~~Clean Election~~ Taxpayer-funded Campaign Act funds under chapter 14 required by the commission to be returned for a violation of the statutes or rules administered by the commission and has all necessary powers to carry out these duties. Failure to pay the full amount of any penalty assessed by the commission or return of Maine ~~Clean Election~~ Taxpayer-funded Campaign Act funds is a civil violation by the candidate, treasurer, party committee, political action committee or other person. Thirty days after issuing the notice of penalty or order for the return of funds, the commission shall report to the Attorney General the name of any person who has failed to pay the full amount of any penalty or to return Maine ~~Clean Election~~ Taxpayer-funded Campaign Act funds unless the commission has provided an extended deadline for payment. The Attorney General

COMMITTEE AMENDMENT

1 shall enforce the violation in a civil action to collect the full outstanding amount of the
2 penalty or order for the return of Maine ~~Clean Election~~ Taxpayer-funded Campaign Act
3 funds. This action must be brought in the Superior Court for Kennebec County or the
4 District Court, 7th District, Division of Southern Kennebec.'

5 Amend the bill by striking out all of sections 6 and 7 and inserting the following:

6 'Sec. 6. 21-A MRSa §1121, as enacted by IB 1995, c. 1, §17, is amended to read:

7 **§1121. Short title**

8 This chapter may be known and cited as the "Maine ~~Clean Election~~ Taxpayer-funded
9 Campaign Act."

10 **Sec. 7. 21-A MRSa §1122, sub-§§1, 4, 5 and 6,** as enacted by IB 1995, c. 1,
11 §17, are amended to read:

12 **1. Certified candidate.** "Certified candidate" means a candidate running for
13 Governor, State Senator or State Representative who chooses to participate in the Maine
14 ~~Clean Election~~ Taxpayer-funded Campaign Act and who is certified as a Maine ~~Clean~~
15 ~~Election~~ Taxpayer-funded Campaign Act candidate under section 1125, subsection 5.

16 **4. Fund.** "Fund" means the Maine ~~Clean Election~~ Taxpayer-funded Campaign Fund
17 established in section 1124.

18 **5. Nonparticipating candidate.** "Nonparticipating candidate" means a candidate
19 running for Governor, State Senator or State Representative who does not choose to
20 participate in the Maine ~~Clean Election~~ Taxpayer-funded Campaign Act and who is not
21 seeking to be certified as a Maine ~~Clean Election~~ Taxpayer-funded Campaign Act
22 candidate under section 1125, subsection 5.

23 **6. Participating candidate.** "Participating candidate" means a candidate who is
24 running for Governor, State Senator or State Representative who is seeking to be certified
25 as a Maine ~~Clean Election~~ Taxpayer-funded Campaign Act candidate under section 1125,
26 subsection 5.'

27 Amend the bill in section 8 in §1123 in the first paragraph in the next to the last line
28 (page 3, line 13 in L.D.) by striking out the following: "Campaign Public Financing" and
29 inserting the following: 'Taxpayer-funded Campaign'

30 Amend the bill in section 9 in §1124 by striking out all of subsection 1 (page 3, lines
31 18 to 23 in L.D.) and inserting the following:

32 **'1. Established.** The Maine ~~Clean Election~~ Taxpayer-funded Campaign Fund is
33 established to finance the election campaigns of certified Maine ~~Clean Election~~
34 Taxpayer-funded Campaign Act candidates running for Governor, State Senator and State
35 Representative and to pay administrative and enforcement costs of the commission
36 related to this Act. The fund is a special, dedicated, nonlapsing fund and any interest
37 generated by the fund is credited to the fund. The commission shall administer the fund.'

38 Amend the bill in section 9 in §1124 in subsection 2 by striking out all of paragraphs
39 D, E and F (page 4, lines 1 to 8 in L.D.) and inserting the following:

1 'D. Seed money contributions remaining unspent after a candidate has been certified
2 as a Maine ~~Clean Election~~ Taxpayer-funded Campaign Act candidate;

3 E. Fund revenues that were distributed to a Maine ~~Clean Election~~ Taxpayer-funded
4 Campaign Act candidate and that remain unspent after the candidate has lost a
5 primary election or after all general elections;

6 F. Other unspent fund revenues distributed to any Maine ~~Clean Election~~ Taxpayer-
7 funded Campaign Act candidate who does not remain a candidate throughout a
8 primary or general election cycle;'

9 Amend the bill in section 9 by striking out all of subsection 4 (page 4, lines 11 to 26
10 in L.D.) and inserting the following:

11 '**4. Report on fund amount; operating margin.** By January 1st of each year the
12 commission shall provide to the Legislature and the Governor a report of its projection of
13 the revenues and expenditures of the Maine ~~Clean Election~~ Taxpayer-funded Campaign
14 Fund for the subsequent 4-year period. The commission shall include in the report an
15 operating margin of 20% to ensure sufficient funds in the event of higher-than-expected
16 participation in the Maine ~~Clean Election~~ Taxpayer-funded Campaign Act. If any such
17 report shows that the projected revenue for the subsequent 4-year period exceeds the
18 projected expenses for that 4-year period plus the 20% operating margin, the commission
19 shall notify the Legislature and the Governor and request that the amount of expected
20 funding that exceeds the expected demand on the fund plus the operating margin be
21 transferred to the General Fund. The Department of Administrative and Financial
22 Services, Bureau of Revenue Services shall assist the commission with revenue
23 projections required by this subsection. If at any time the commission determines that
24 projected revenue is not sufficient to cover the projected demand for funds in the 4-year
25 period plus the operating margin, the commission may submit legislation to request
26 additional funding.'

27 Amend the bill in section 10 in subsection 1 in the 2nd line (page 4, line 30 in L.D.)
28 by striking out the following: "Campaign Public Financing" and inserting the following:
29 'Taxpayer-funded Campaign'

30 Amend the bill in section 11 in subsection 2-A in the 4th and 5th lines (page 5, lines 1
31 and 2 in L.D.) by striking out the following: "Campaign Public Financing" and inserting
32 the following: 'Taxpayer-funded Campaign'

33 Amend the bill in section 11 in subsection 2-A in paragraph B in the 6th and 7th lines
34 (page 5, lines 13 and 14 in L.D.) by striking out the following: "Campaign Public
35 Financing" and inserting the following: 'Taxpayer-funded Campaign'

36 Amend the bill in section 12 in subsection 3-A in the last line (page 5, line 31 in
37 L.D.) by striking out the following: "Campaign Public Financing" and inserting the
38 following: 'Taxpayer-funded Campaign'

39 Amend the bill in section 13 in subsection 5 in the first line (page 5, line 34 in L.D.)
40 by striking out the following: "Campaign Public Financing" and inserting the
41 following: 'Taxpayer-funded Campaign'

1 Amend the bill in section 13 in subsection 5 in the blocked paragraph in the 2nd line
2 (page 6, line 16 in L.D.) by striking out the following: "Campaign Public Financing" and
3 inserting the following: 'Taxpayer-funded Campaign'

4 Amend the bill in section 14 in subsection 14 by striking out all of the first 5 lines
5 (page 6, lines 30 to 34 in L.D.) and inserting the following:

6 '**14. Appeals.** A candidate who has been denied certification as a Maine ~~Clean~~
7 ~~Election~~ Taxpayer-funded Campaign Act candidate by the commission's executive
8 director, the opponent of a candidate who has been granted certification as a Maine ~~Clean~~
9 ~~Election~~ Taxpayer-funded Campaign Act candidate or other interested persons may
10 challenge a certification decision by the executive director as follows.'

11 Amend the bill in section 14 in subsection 14 in paragraph D in the first 2 lines (page
12 7, lines 16 and 17 in L.D.) by striking out the following: "Campaign Public Financing"
13 and inserting the following: 'Taxpayer-funded Campaign'

14 Amend the bill by striking out all of section 15 and inserting the following:

15 '**Sec. 15. 21-A MRSA §1126**, as amended by PL 2001, c. 465, §7, is further
16 amended to read:

17 **§1126. Commission to adopt rules**

18 The commission shall adopt rules to ensure effective administration of this chapter.
19 These rules must include but must not be limited to procedures for obtaining qualifying
20 contributions, certification as a Maine ~~Clean-Election~~ Taxpayer-funded Campaign Act
21 candidate, circumstances involving special elections, vacancies, recounts, withdrawals or
22 replacements, collection of revenues for the fund, distribution of fund revenue to certified
23 candidates, return of unspent fund disbursements, disposition of equipment purchased
24 with ~~clean-election~~ Maine Taxpayer-funded Campaign Act funds and compliance with
25 the ~~Maine Clean-Election Act~~ this chapter. Rules of the commission required by this
26 section are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~
27 2-A.'

28 Amend the bill in section 16 in subsection 2 in the 4th line (page 7, line 39 in L.D.)
29 by striking out the following: "Campaign Public Financing" and inserting the following:
30 'Taxpayer-funded Campaign'

31 Amend the bill in section 17 in §1128 in the first paragraph in the last line (page 8,
32 line 6 in L.D.) by striking out the following: "Campaign Public Financing" and inserting
33 the following: 'Taxpayer-funded Campaign'

34 Amend the bill by striking out all of section 18 and inserting the following:

35 '**Sec. 18. 36 MRSA §5286**, as enacted by IB 1995, c. 1, §18, is amended to read:

36 **§5286. Contribution to Maine Taxpayer-funded Campaign Fund; voluntary**
37 **checkoff**

38 **1. Designation.** Resident taxpayers may designate that \$3 of their taxes be deposited
39 in the Maine ~~Clean-Election~~ Taxpayer-funded Campaign Fund in accordance with Title
40 21-A, section 1124.

