

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 976

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H.P. 689

House of Representatives, March 9, 2017

### **An Act Regarding Primary Election Contribution Limits and Contribution Limits for Unenrolled Candidates**

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative LUCHINI of Ellsworth.

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

2 **Sec. 1. 21-A MRSA §1004-A, sub-§2**, as enacted by PL 2003, c. 628, Pt. A, §1,  
3 is amended to read:

4 **2. Contribution in excess of limitations.** A person that accepts or makes a  
5 contribution that exceeds the limitations set out in section 1015, ~~subsections~~ subsection 1  
6 ~~and 2~~ may be assessed a penalty of no more than the amount by which the contribution  
7 exceeded the limitation.

8 **Sec. 2. 21-A MRSA §1015, sub-§1**, as amended by PL 2011, c. 382, §1, is  
9 further amended to read:

10 **1. Individuals; committees; corporations; associations; organizations.** An  
11 individual, political committee, political action committee, other committee, firm,  
12 partnership, corporation, association or organization may not make contributions to a  
13 candidate in support of the candidacy of one person aggregating more than \$1,500 in any  
14 election for a gubernatorial candidate, more than \$350 for a legislative candidate, more  
15 than \$350 for a candidate for municipal office and beginning January 1, 2012 more than  
16 \$750 for a candidate for municipal office or more than \$750 in any election for any other  
17 candidate. This limitation does not apply to contributions in support of a candidate by  
18 that candidate or that candidate's spouse or domestic partner. Beginning December 1,  
19 2010, contribution limits in accordance with this subsection are adjusted every 2 years  
20 based on the Consumer Price Index as reported by the United States Department of  
21 Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25.  
22 The commission shall post the current contribution limit and the amount of the next  
23 adjustment and the date that it will become effective on its publicly accessible website  
24 and include this information with any publication to be used as a guide for candidates.

25 **Sec. 3. 21-A MRSA §1015, sub-§2**, as amended by PL 2011, c. 382, §2, is  
26 repealed.

27 **Sec. 4. 21-A MRSA §1015, sub-§2-A** is enacted to read:

28 **2-A. Contributions for a primary election; applicability to a general election.** A  
29 candidate seeking a party's nomination by primary election may accept contributions  
30 designated for both the primary election and the general election up to the date of the  
31 primary election. Contributions received after the primary election and before the general  
32 election are considered to be designated for the general election. Contributions received  
33 that are designated for the primary election must be segregated from those received or  
34 designated for the general election. The candidate shall indicate the election to which  
35 each contribution applies in campaign finance reports required to be filed with the  
36 commission. Contributions received and designated for the primary election may  
37 subsequently be designated for the general election in accordance with paragraphs A and  
38 B.

39 A. If a candidate is seeking a party's nomination by primary election and no other  
40 candidate for the same office has qualified for the primary election by the deadline  
41 for submitting petitions prescribed by section 335, all contributions designated for the

1           primary election that have not been spent as of the deadline are deemed to be  
2           contributions for the general election. The candidate shall indicate which of the  
3           candidate's primary election contributions apply to the general election in campaign  
4           finance reports required to be filed with the commission. Such contributions are to be  
5           counted toward a donor's contribution limit established in subsection 1 for the general  
6           election.

7           B. A candidate who wins an opposed primary election may carry forward any  
8           unspent contributions designated for the primary election to the general election or  
9           return the primary election contributions to the donors who contributed them, as long  
10          as no donor receives more than the amount that donor contributed. Unspent  
11          contributions designated for the primary election that have not been returned to the  
12          donors are deemed to be contributions for the general election. Such contributions are  
13          applied to the donor's contribution limit established in subsection 1 for the general  
14          election. A candidate is considered opposed in a primary election when at least one  
15          other candidate for the same office has qualified for the primary election by petition  
16          under section 335.

17          C. If a candidate carries forward to the general election a contribution designated for  
18          the primary election and that contribution, when added to a contribution from the  
19          same donor for the general election, exceeds the limit established in subsection 1, the  
20          candidate shall return to the donor an amount greater than or equal to the amount by  
21          which the contribution limit was exceeded.

22          D. A candidate may not spend funds received for the primary election for goods or  
23          services that primarily promote the candidate in the general election, such as advance  
24          purchases for research, advertising or staff.

25          **Sec. 5. 21-A MRSA §1015, sub-§3**, as amended by PL 2007, c. 443, Pt. A, §12,  
26          is repealed.

27          **Sec. 6. 21-A MRSA §1015-B**, as enacted by PL 2013, c. 334, §7, is amended to  
28          read:

29          **§1015-B. Donations to an individual considering whether to become a candidate**

30                 If an individual receives funds, goods or services for the purpose of deciding whether  
31                 to become a candidate, the funds, goods or services may not exceed the limitations in  
32                 section 1015, ~~subsections subsection 1 and 2~~. The individual shall keep an account of  
33                 such funds, goods or services received and all payments and obligations incurred in  
34                 deciding whether to become a candidate. If the individual becomes a candidate, the  
35                 funds, goods and services received are contributions and the payments and obligations are  
36                 expenditures. The candidate shall disclose the contributions and expenditures in the first  
37                 report filed by the candidate or the candidate's authorized campaign committee, in  
38                 accordance with the commission's procedures.

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## SUMMARY

2 This bill is presented in response to the United States District Court decision in  
3 Woodhouse, et al. v. Maine Commission on Governmental Ethics and Election Practices,  
4 et al., United States District Court, District of Maine, Docket No. 1:14-CV-266-DBH.

5 The bill provides that contributions received by a candidate for a primary election  
6 must be segregated from those received for the general election. The bill allows a  
7 candidate who is unopposed in a primary election to use in the general election primary  
8 election contributions received prior to the deadline by which primary candidates must  
9 submit petitions to take part in a primary election. Contributions carried forward from the  
10 primary election to the general election are subject to the dollar limits that apply to  
11 contributions made to a candidate by a single donor. The bill permits a candidate who  
12 defeats a primary opponent to carry forward to the general election unspent contributions  
13 received for the primary election. Regardless of whether the candidate was opposed in a  
14 primary election, if the sum of a primary election contribution and a general election  
15 contribution from the same donor exceeds contribution limits, the candidate must return  
16 at least the excess amount to the donor.

17 The bill specifies that contributions received for the purpose of supporting a  
18 candidate in a primary election may not be used primarily to support the candidate's  
19 general election campaign.

20 The bill repeals the limit of \$25,000 per calendar year on an individual's aggregate  
21 contributions to all political candidates.

22 Finally, the bill also makes technical, cross-reference changes.