

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1397

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H.P. 971

House of Representatives, April 11, 2017

### An Act To Amend the Maine Clean Election Act and Related Laws

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative STETKIS of Canaan.  
Cosponsored by Senator VOLK of Cumberland and  
Representatives: FOLEY of Wells, HANINGTON of Lincoln, HARRINGTON of Sanford,  
PICKETT of Dixfield, PIERCE of Dresden, POULIOT of Augusta, STROM of Pittsfield,  
WHITE of Washburn.

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

2 **Sec. 1. 1 MRSA §1008, sub-§2**, as amended by PL 2001, c. 430, §4, is further  
3 amended to read:

4 **2. Election practices.** To administer and investigate any violations of the  
5 requirements for campaign reports and campaign financing, including the provisions of  
6 ~~the Maine Clean Election Act and the Maine Clean Election Fund~~ Title 21-A, chapter 14;

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

9 **5. Maine Publicly Financed Election Act and election fund.** To administer and  
10 ensure the effective implementation of the Maine ~~Clean~~ Publicly Financed Election Act  
11 and the ~~Maine Clean Election Fund~~ election fund according to Title 21-A, chapter 14; and

12 **Sec. 3. 21-A MRSA §153-A, sub-§3**, as amended by PL 2005, c. 568, §6, is  
13 further amended to read:

14 **3. Signing petitions.** Once an alternative registration signature statement is on file  
15 with the registrar, the voter may authorize any other Maine-registered voter to sign  
16 candidate petitions and any Maine ~~Clean~~ Publicly Financed Election Act forms requiring  
17 a voter's signature in the presence and at the direction of the voter, except that the  
18 individual assisting the voter may not be a candidate, the circulator of the petition or  
19 form, the voter's employer or an agent of that employer or an officer or agent of the  
20 voter's union. In addition to using the voter's signature stamp or signing for the voter, the  
21 individual assisting the voter must print and sign the individual's own name and residence  
22 address on the petition or form and attest that the individual is signing on the voter's  
23 behalf. This method of signing satisfies the requirements in this Title that voters  
24 personally sign candidate petitions.

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

27 **§1004-B. Enforcement of penalties assessed by the commission**

28 The commission staff shall collect the full amount of any penalty and the return of  
29 Maine ~~Clean~~ Publicly Financed Election Act funds required by the commission to be  
30 returned for a violation of the statutes or rules administered by the commission and has  
31 all necessary powers to carry out these duties. Failure to pay the full amount of any  
32 penalty assessed by the commission or return of Maine ~~Clean~~ Publicly Financed Election  
33 Act funds is a civil violation by the candidate, treasurer, party committee, political action  
34 committee or other person. Thirty days after issuing the notice of penalty or order for the  
35 return of funds, the commission shall report to the Attorney General the name of any  
36 person who has failed to pay the full amount of any penalty or to return Maine ~~Clean~~  
37 Publicly Financed Election Act funds unless the commission has provided an extended  
38 deadline for payment. The Attorney General shall enforce the violation in a civil action to  
39 collect the full outstanding amount of the penalty or order for the return of Maine ~~Clean~~

1 Publicly Financed Election Act funds. This action must be brought in the Superior Court  
2 for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.

3 **Sec. 5. 21-A MRSA §1013-A, sub-§1, ¶C**, as amended by PL 2015, c. 350, §4,  
4 is further amended to read:

5 C. No later than 10 days after becoming a candidate, as defined in section 1,  
6 subsection 5, a candidate for the office of State House of Representatives or Senate  
7 may file in writing a statement declaring that the candidate agrees to accept voluntary  
8 limits on political expenditures or that the candidate does not agree to accept  
9 voluntary limits on political expenditures, as specified in section 1015, subsections 7  
10 to 9. A candidate who has filed a declaration of intent to become certified as a  
11 candidate under the Maine ~~Clean~~ Publicly Financed Election Act is not required to  
12 file the written statement described in this paragraph.

13 The statement filed by a candidate who voluntarily agrees to limit spending must  
14 state that the candidate knows the voluntary expenditure limitations as set out in  
15 section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the  
16 candidate's political expenditures and those made on behalf of the candidate by the  
17 candidate's political committee or committees, the candidate's party and the  
18 candidate's immediate family to the amount set by law. The statement must further  
19 state that the candidate does not condone and will not solicit any independent  
20 expenditures made on behalf of the candidate.

21 The statement filed by a candidate who does not agree to voluntarily limit political  
22 expenditures must state that the candidate does not accept the voluntary expenditure  
23 limits as set out in section 1015, subsection 8.

24 **Sec. 6. 21-A MRSA §1014, sub-§2-B**, as enacted by IB 2015, c. 1, §3, is  
25 repealed.

26 **Sec. 7. 21-A MRSA §1019-B, sub-§4**, as amended by IB 2015, c. 1, §6 and PL  
27 2015, c. 350, §6, is further amended to read:

28 **4. Report required; content; rules.** A ~~person~~, party committee, political committee  
29 or political action committee that makes any independent expenditure in excess of \$250  
30 during any one candidate's election shall file a report with the commission. In the case of  
31 a municipal election, the report must be filed with the municipal clerk.

32 A. A report required by this subsection must be filed with the commission according  
33 to a reporting schedule that the commission shall establish by rule that takes into  
34 consideration existing campaign finance reporting requirements. Rules adopted  
35 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter  
36 375, subchapter 2-A.

37 B. A report required by this subsection must contain an itemized account of each  
38 expenditure in excess of \$250 in any one candidate's election, the date and purpose of  
39 each expenditure and the name of each payee or creditor. The report must state  
40 whether the expenditure is in support of or in opposition to the candidate and must  
41 include, under penalty of perjury, as provided in Title 17-A, section 451, a statement  
42 under oath or affirmation whether the expenditure is made in cooperation,

1 consultation or concert with, or at the request or suggestion of, the candidate or an  
2 authorized committee or agent of the candidate.

3 C. A report required by this subsection must be on a form prescribed and prepared by  
4 the commission. A person filing this report may use additional pages if necessary,  
5 but the pages must be the same size as the pages of the form. The commission may  
6 adopt procedures requiring the electronic filing of an independent expenditure report,  
7 as long as the commission receives the statement made under oath or affirmation set  
8 out in paragraph B by the filing deadline and the commission adopts an exception for  
9 persons who lack access to the required technology or the technological ability to file  
10 reports electronically. The commission may adopt procedures allowing for the  
11 signed statement to be provisionally filed by facsimile or electronic mail, as long as  
12 the report is not considered complete without the filing of the original signed  
13 statement.

14 **Sec. 8. 21-A MRSA §1121**, as enacted by IB 1995, c. 1, §17, is amended to read:

15 **§1121. Short title**

16 This chapter may be known and cited as ~~the "Maine Clean~~ "the Maine Publicly  
17 Financed Election Act."

18 **Sec. 9. 21-A MRSA §1122, sub-§1**, as enacted by IB 1995, c. 1, §17, is amended  
19 to read:

20 **1. Certified candidate.** "Certified candidate" means a candidate running for  
21 Governor, State Senator or State Representative for the first time who chooses to  
22 participate in the Maine ~~Clean~~ Publicly Financed Election Act and who is certified as a  
23 ~~Maine Clean Election Act~~ candidate under section 1125, subsection 5.

24 **Sec. 10. 21-A MRSA §1122, sub-§§4, 5 and 6**, as enacted by IB 1995, c. 1,  
25 §17, are amended to read:

26 **4. Fund.** "Fund" means the ~~Maine Clean Election Fund~~ election fund established in  
27 section 1124.

28 **5. Nonparticipating candidate.** "Nonparticipating candidate" means a candidate  
29 running for Governor, State Senator or State Representative who does not choose to  
30 participate in the Maine ~~Clean~~ Publicly Financed Election Act and who is not seeking to  
31 be certified as a ~~Maine Clean Election Act~~ candidate under section 1125, subsection 5.

32 **6. Participating candidate.** "Participating candidate" means a candidate who is  
33 running for Governor, State Senator or State Representative for the first time who is  
34 seeking to be certified as a ~~Maine Clean Election Act~~ candidate under section 1125,  
35 subsection 5.

36 **Sec. 11. 21-A MRSA §1123**, as enacted by IB 1995, c. 1, §17, is amended to  
37 read:

1           **§1123. Alternative campaign financing option**

2           This chapter establishes an alternative campaign financing option available to  
3 candidates running for Governor, State Senator and State Representative. This alternative  
4 campaign financing option is available to candidates for elections to be held beginning in  
5 the year 2000. The commission shall administer this Act and the fund. Candidates  
6 participating in the Maine ~~Clean~~ Publicly Financed Election Act must also comply with  
7 all other applicable election and campaign laws and regulations.

8           **Sec. 12. 21-A MRSA §1124**, as amended by IB 2015, c. 1, §14, is further  
9 amended to read:

10           **§1124. The election fund established; sources of funding**

11           **1. Established.** The ~~Maine Clean Election Fund~~ election fund is established to  
12 finance the first-time election campaigns of certified ~~Maine Clean Election Act~~  
13 candidates running for Governor, State Senator and State Representative and to pay  
14 administrative and enforcement costs of the commission related to this Act. The fund is a  
15 special, dedicated, nonlapsing fund and any interest generated by the fund is credited to  
16 the fund. The commission shall administer the fund.

17           **2. Sources of funding.** The following must be deposited in the fund:

18           A. The qualifying contributions ~~and additional qualifying contributions~~ required  
19 under section 1125 when those contributions are submitted to the commission;

20           B. ~~Three~~ Two million dollars of the revenues from the taxes imposed under Title 36,  
21 Parts 3 and 8 and credited to the General Fund, transferred to the fund by the State  
22 Controller on or before January 1st of each year, beginning January 1, 1999. These  
23 revenues must be offset in an equitable manner by an equivalent reduction in tax  
24 expenditures as defined in Title 36, section 199-A, subsection 2. This section may  
25 not affect the funds distributed to the Local Government Fund under Title 30-A,  
26 section 5681.

27           C. Revenue from a tax checkoff program allowing a resident of the State who files a  
28 tax return with the State Tax Assessor to designate that \$3 be paid into the fund. In  
29 the case of a joint return, each spouse may designate that \$3 be paid. The State Tax  
30 Assessor shall report annually the amounts designated for the fund to the State  
31 Controller, who shall transfer that amount to the fund;

32           D. Seed money contributions remaining unspent after a candidate has been certified  
33 as a ~~Maine Clean Election Act~~ candidate under section 1125, subsection 5;

34           E. Fund revenues that were distributed to a ~~Maine Clean Election Act~~ certified  
35 candidate and that remain unspent after the candidate has lost a primary election or  
36 after all general elections;

37           F. Other unspent fund revenues distributed to any ~~Maine Clean Election Act~~ certified  
38 candidate who does not remain a candidate throughout a primary or general election  
39 cycle;

40           G. Voluntary donations made directly to the fund; and

1 H. Fines collected under section 1020-A, subsection 4-A and section 1127.

2 **4. Report on fund amount; operating margin.** By January 1st of each year the  
3 commission shall provide to the Legislature and the Governor a report of its projection of  
4 the revenues and expenditures of the ~~Maine Clean Election Fund~~ fund for the subsequent  
5 4-year period. The commission shall include in the report an operating margin of 20% to  
6 ensure sufficient funds in the event of higher-than-expected participation in the Maine  
7 ~~Clean~~ Publicly Financed Election Act. If any such report shows that the projected  
8 revenue for the subsequent 4-year period exceeds the projected expenses for that 4-year  
9 period plus the 20% operating margin, the commission shall notify the Legislature and  
10 the Governor and request that the amount of expected funding that exceeds the expected  
11 demand on the fund plus the operating margin be transferred to the General Fund. The  
12 Department of Administrative and Financial Services, Bureau of Revenue Services shall  
13 assist the commission with revenue projections required by this subsection. If at any time  
14 the commission determines that projected revenue is not sufficient to cover the projected  
15 demand for funds in the 4-year period plus the operating margin, the commission may  
16 submit legislation to request additional funding.

17 **Sec. 13. 21-A MRSA §1125, sub-§1,** as amended by PL 2011, c. 389, §51, is  
18 further amended to read:

19 **1. Declaration of intent.** A participating candidate must file a declaration of intent  
20 to seek certification as a ~~Maine Clean Election Act~~ candidate under subsection 5 and to  
21 comply with the requirements of this chapter. The declaration of intent must be filed with  
22 the commission prior to or during the qualifying period, except as provided in subsection  
23 11, according to forms and procedures developed by the commission. Qualifying  
24 contributions collected more than 5 business days before the declaration of intent has  
25 been filed will not be counted toward the eligibility requirement in subsection 3.

26 **Sec. 14. 21-A MRSA §1125, sub-§2, ¶¶B and C,** as amended by IB 2015, c. 1,  
27 §15, are further amended to read:

28 B. ~~Three~~ One thousand five hundred dollars for a candidate for the State Senate; or

29 C. ~~One thousand~~ Five hundred dollars for a candidate for the State House of  
30 Representatives.

31 **Sec. 15. 21-A MRSA §1125, sub-§2-A,** as amended by IB 2015, c. 1, §16, is  
32 further amended to read:

33 **2-A. Seed money restrictions.** To be eligible for certification, a participating  
34 candidate may collect and spend only seed money contributions subsequent to becoming  
35 a candidate and prior to certification. Except for seed money contributions for a  
36 participating candidate who is running for Governor, seed money contributions may be  
37 collected only from within the participating candidate's district. A participating candidate  
38 may not solicit, accept or collect seed money contributions after certification as a ~~Maine~~  
39 ~~Clean Election Act~~ candidate under subsection 5.

40 A. All goods and services received prior to certification must be paid for with seed  
41 money contributions, except for goods and services that are excluded from the

1 definition of contribution in section 1012, subsection 2, paragraph B. It is a violation  
2 of this chapter for a participating candidate to use fund revenues received after  
3 certification to pay for goods and services received prior to certification.

4 B. Prior to certification, a participating candidate may obligate an amount greater  
5 than the seed money collected, but may only receive that portion of goods and  
6 services that has been paid for or will be paid for with seed money. A participating  
7 candidate who has accepted contributions or made expenditures that do not comply  
8 with the seed money restrictions under this chapter may petition the commission to  
9 remain eligible for certification as a ~~Maine Clean Election Act~~ candidate under  
10 subsection 5 in accordance with rules of the commission, if the failure to comply was  
11 unintentional and does not constitute a significant infraction of these restrictions.

12 C. Upon requesting certification, a participating candidate shall file a report of all  
13 seed money contributions and expenditures. If the candidate is certified, any unspent  
14 seed money will be deducted from the amount distributed to the candidate as  
15 provided in subsection ~~8-F~~ 8-G.

16 **Sec. 16. 21-A MRSA §1125, sub-§3-A**, as enacted by IB 2015, c. 1, §19, is  
17 repealed.

18 **Sec. 17. 21-A MRSA §1125, sub-§5**, as amended by IB 2015, c. 1, §20, is  
19 further amended to read:

20 **5. Certification of candidates.** Upon receipt of a final submittal of qualifying  
21 contributions by a participating candidate, the executive director of the commission shall  
22 determine whether the candidate has:

- 23 A. Signed and filed a declaration of intent to participate in this Act;
- 24 B. Submitted the appropriate number of valid qualifying contributions;
- 25 C. Qualified as a candidate by petition or other means no later than 5 business days  
26 after the end of the qualifying period;
- 27 D. Not accepted contributions, except for seed money contributions, and otherwise  
28 complied with seed money restrictions;
- 29 D-1. Not run for the same office as a nonparticipating candidate in a primary election  
30 in the same election year;
- 31 D-2. Not been found to have made a material false statement in a report or other  
32 document submitted to the commission;
- 33 D-3. Not otherwise substantially violated the provisions of this chapter or chapter 13;
- 34 D-4. Not failed to pay any civil penalty assessed by the commission under this Title,  
35 except that a candidate has 3 business days from the date of the request for  
36 certification to pay the outstanding penalty and remain eligible for certification;
- 37 D-5. Not submitted any fraudulent qualifying contributions or any falsified  
38 acknowledgement forms for qualifying contributions or seed money contributions;  
39 and



1 E. Otherwise met the requirements for participation in this Act.

2 The executive director shall certify a candidate complying with the requirements of this  
3 section ~~as a Maine Clean Election Act candidate~~ as soon as possible after final submittal  
4 of qualifying contributions and other supporting documents required under subsection 4  
5 but no later than 3 business days for legislative candidates and 5 business days for  
6 gubernatorial candidates. The executive director may take additional time if further  
7 investigation is necessary to verify compliance with this Act as long as the commission  
8 notifies the candidate regarding the anticipated schedule for conclusion of the  
9 investigation. A candidate or other interested person may appeal the decision of the  
10 executive director to the members of the commission in accordance with subsection 14.

11 A certified candidate must comply with all requirements of this Act after certification and  
12 throughout the primary and general election periods. Failure to do so is a violation of this  
13 chapter.

14 **Sec. 18. 21-A MRSA §1125, sub-§6-A**, as amended by IB 2015, c. 1, §21, is  
15 further amended to read:

16 **6-A. Assisting a person to become an opponent.** A candidate or a person who later  
17 becomes a candidate and who is seeking certification under subsection 5, or an agent of  
18 that candidate, may not assist another person in qualifying as a candidate for the same  
19 office if such a candidacy would result in the distribution of revenues under subsections 7  
20 and ~~8-F~~ 8-G for certified candidates in a contested election.

21 **Sec. 19. 21-A MRSA §1125, sub-§7**, as amended by IB 2015, c. 1, §22, is  
22 further amended to read:

23 **7. Timing of initial fund distribution.** The commission shall distribute to certified  
24 candidates revenues from the fund in amounts determined under ~~subsections 8-B to 8-D~~  
25 subsection 8-G in the following manner.

26 A. Within 3 days after certification, for candidates certified prior to March 15th of  
27 the election year, revenues from the fund must be distributed as if the candidates are  
28 in an uncontested primary election.

29 B. Within 3 days after certification, for all candidates certified between March 15th  
30 and the end of the qualifying period of the election year, revenues from the fund must  
31 be distributed according to whether the candidate is in a contested or uncontested  
32 primary election.

33 B-1. For candidates in contested primary elections receiving a distribution under  
34 paragraph A, additional revenues from the fund must be distributed within 3 days of  
35 March 15th of the election year.

36 C. No later than 3 days after the primary election results are certified, for general  
37 election certified candidates, revenues from the fund must be distributed according to  
38 whether the candidate is in a contested or uncontested general election.

39 Funds may be distributed to certified candidates under this section by any mechanism that  
40 is expeditious, ensures accountability and safeguards the integrity of the fund.

1           **Sec. 20. 21-A MRSA §1125, sub-§7-B**, as enacted by IB 2015, c. 1, §23, is  
2 repealed.

3           **Sec. 21. 21-A MRSA §1125, sub-§§8-B to 8-F**, as enacted by IB 2015, c. 1,  
4 §25, are repealed.

5           **Sec. 22. 21-A MRSA §1125, sub-§8-G** is enacted to read:

6           **8-G. Amount of fund distribution.** By September 1, 2018, and at least every 2  
7 years after that date, the commission shall determine the amount of funds to be  
8 distributed to participating candidates in legislative elections based on the type of election  
9 and office. In making this determination, the commission may take into consideration any  
10 relevant information, including but not limited to:

11           A. The range of campaign spending by candidates for that office in the 2 preceding  
12 elections; and

13           B. The Consumer Price Index published monthly by the United States Department of  
14 Labor, Bureau of Labor Statistics and any other significant changes in the costs of  
15 campaigning such as postage or fuel.

16           Before making any determination, the commission shall provide notice of the  
17 determination and an opportunity to comment to the President of the Senate, the Speaker  
18 of the House of Representatives, all floor leaders, the members of the joint standing  
19 committee of the Legislature having jurisdiction over legal affairs and persons who have  
20 expressed interest in receiving notices of opportunities to comment on the commission's  
21 rules and policies. The commission shall present at a public meeting the basis for the  
22 commission's final determination.

23           For contested gubernatorial primary elections, the amount of revenues distributed is  
24 \$400,000 per candidate in a primary election. For uncontested gubernatorial primary  
25 elections, the amount of revenues distributed is \$200,000. For contested and uncontested  
26 gubernatorial general elections, the amount of revenues distributed is \$600,000 per  
27 candidate in the general election.

28           **Sec. 23. 21-A MRSA §1125, sub-§10**, as amended by IB 2015, c. 1, §26, is  
29 further amended to read:

30           **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature  
31 who submits the required number of qualifying contributions and other required  
32 documents under subsection 4 by 5:00 p.m. on April 20th preceding the primary election  
33 and who is certified is eligible for revenues from the fund in the same amounts and at the  
34 same time as an uncontested primary election candidate and a general election candidate  
35 as specified in subsections 7, ~~8-C~~ and ~~8-D~~ 8-G. Revenues for the general election must  
36 be distributed to the candidate as specified in subsection 7. An unenrolled candidate for  
37 Governor who submits the required number of qualifying contributions and other  
38 required documents under subsection 4 by 5:00 p.m. on April 1st preceding the primary  
39 election and who is certified is eligible for revenues from the fund in the same amounts  
40 and at the same time as an uncontested primary election gubernatorial candidate and a  
41 general election gubernatorial candidate as specified in subsections 7 and ~~8-B~~ 8-G.

1 Revenues for the general election must be distributed to the candidate for Governor as  
2 specified in subsection 7.

3 **Sec. 24. 21-A MRSA §1125, sub-§13-A**, as amended by IB 2015, c. 1, §27, is  
4 further amended to read:

5 **13-A. Distributions not to exceed amount in fund.** The commission may not  
6 distribute revenues to certified candidates in excess of the total amount of money  
7 deposited in the fund as set forth in section 1124. Notwithstanding any other provisions  
8 of this chapter, if the commission determines that the revenues in the fund are insufficient  
9 to meet distributions under subsection ~~8-F~~ 8-G, the commission may permit certified  
10 candidates to accept and spend contributions, reduced by any seed money contributions,  
11 aggregating no more than the applicable contribution limits established by the  
12 commission pursuant to section 1015, up to the applicable amounts set forth in subsection  
13 ~~8-F~~ 8-G according to rules adopted by the commission.

14 **Sec. 25. 21-A MRSA §1125, sub-§14**, as amended by PL 2011, c. 389, §59, is  
15 further amended to read:

16 **14. Appeals.** A candidate who has been denied certification as a ~~Maine Clean~~  
17 ~~Election Act~~ candidate under subsection 5 by the commission's executive director, the  
18 opponent of a candidate who has been granted certification as a ~~Maine Clean Election Act~~  
19 candidate under subsection 5 or other interested persons may challenge a certification  
20 decision by the executive director as follows.

21 A. A challenger may appeal to the commission within 7 days of the certification  
22 decision. The appeal must be in writing and must set forth the reasons for the appeal.

23 B. Within 5 days after an appeal is properly made and after notice is given to the  
24 challenger and any opponent, the commission shall hold a hearing, except that the  
25 commission may extend this period upon agreement of the challenger and the  
26 candidate whose certification is the subject of the appeal, or in response to the request  
27 of either party upon a showing of good cause. The appellant has the burden of  
28 proving that the certification decision was in error as a matter of law or was based on  
29 factual error. The commission must rule on the appeal within 5 business days after  
30 the completion of the hearing.

31 C. A challenger may appeal the decision of the commission in paragraph B by  
32 commencing an action in Superior Court within 5 days of the date of the  
33 commission's decision. The action must be conducted in accordance with Rule 80C  
34 of the Maine Rules of Civil Procedure, except that the court shall issue its written  
35 decision within 20 days of the date of the commission's decision. Any aggrieved  
36 party may appeal the decision of the Superior Court by filing a notice of appeal  
37 within 3 days of that decision. The record on appeal must be transmitted to the Law  
38 Court within 3 days after the notice of appeal is filed. After filing the notice of  
39 appeal, the parties have 4 days to file briefs and appendices with the clerk of the  
40 court. The court shall consider the case as soon as possible after the record and briefs  
41 have been filed and shall issue its decision within 14 days of the decision of the  
42 Superior Court.

1 D. A candidate whose certification as a ~~Maine Clean Election Act~~ candidate under  
2 subsection 5 is reversed on appeal must return to the commission any unspent  
3 revenues distributed from the fund. If the commission or court finds that an appeal  
4 was made frivolously or to cause delay or hardship, the commission or court may  
5 require the moving party to pay costs of the commission, court and opposing parties,  
6 if any.

7 **Sec. 26. 21-A MRSA §1126**, as amended by PL 2001, c. 465, §7, is further  
8 amended to read:

9 **§1126. Commission to adopt rules**

10 The commission shall adopt rules to ensure effective administration of this chapter.  
11 These rules must include but must not be limited to procedures for obtaining qualifying  
12 contributions, certification as a ~~Maine Clean Election Act~~ candidate under section 1125,  
13 subsection 5, circumstances involving special elections, vacancies, recounts, withdrawals  
14 or replacements, collection of revenues for the fund, distribution of fund revenue to  
15 certified candidates, return of unspent fund disbursements, disposition of equipment  
16 purchased with ~~clean~~ publicly financed election funds and compliance with the Maine  
17 ~~Clean Publicly Financed~~ Election Act. Rules of the commission required by this section  
18 are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

19 **Sec. 27. 21-A MRSA §1127, sub-§2**, as enacted by IB 1995, c. 1, §17, is  
20 amended to read:

21 **2. Class E crime.** A person who willfully or knowingly violates this chapter or rules  
22 of the commission or who willfully or knowingly makes a false statement in any report  
23 required by this chapter commits a Class E crime and, if certified as a ~~Maine Clean~~  
24 ~~Election Act~~ candidate under section 1125, subsection 5, must return to the fund all  
25 amounts distributed to the candidate.

26 **Sec. 28. 21-A MRSA §1128**, as amended by PL 2009, c. 190, Pt. B, §3, is further  
27 amended to read:

28 **§1128. Study report**

29 By March 15, 2011 and every 4 years after that date, the commission shall prepare for  
30 the joint standing committee of the Legislature having jurisdiction over legal affairs a  
31 report documenting, evaluating and making recommendations relating to the  
32 administration, implementation and enforcement of the Maine ~~Clean Publicly Financed~~  
33 Election Act and ~~Maine Clean Election Fund~~ the fund.

34 **Sec. 29. 36 MRSA §199-E**, as enacted by IB 2015, c. 1, §28, is repealed.

35 **Sec. 30. 36 MRSA §5286**, as enacted by IB 1995, c. 1, §18, is amended to read:



1 required to be filed only by party committees, political committees and political action  
2 committees.

3 6. It removes a provision requiring the joint standing committee of the Legislature  
4 having jurisdiction over taxation matters to report out legislation to eliminate corporate  
5 tax expenditures totaling \$6,000,000 per biennium.