

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1865

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H.P. 1301

House of Representatives, March 15, 2018

### **An Act To Increase Transparency in the Direct Initiative Process**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 LUCHINI of Ellsworth.  
Cosponsored by Representative: FARRIN of Norridgewock.

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

2 **Sec. 1. 4 MRSA §954-A**, as amended by PL 1999, c. 425, §1, is further amended  
3 to read:

4 **§954-A. Conflict of interest**

5 A notary public may not perform any notarial act for any person if that person is the  
6 notary public's spouse, parent, sibling, child, spouse's parent, spouse's sibling, spouse's  
7 child or child's spouse, except that a notary public may solemnize the marriage of the  
8 notary public's parent, sibling, child, spouse's parent, spouse's sibling or spouse's child. It  
9 is a conflict of interest for a notary public to administer an oath or affirmation to a  
10 circulator of a petition for a direct initiative or people's veto referendum under Title 21-A,  
11 section 902 if the notary public also provides services that are not notarial acts to initiate  
12 or promote that direct initiative or people's veto referendum. This section does not affect  
13 or apply to notarial acts performed before August 4, 1988.

14 **Sec. 2. 21-A MRSA §901-A, sub-§2**, as amended by PL 2009, c. 611, §1, is  
15 further amended to read:

16 **2. Required statements; placement of information.** On each ~~page of a petition~~  
17 ~~that contains space~~ intended for voter signatures, the Secretary of State shall include a  
18 ~~space at the top right or left corner of each such page to be submitted to the voters, which~~  
19 ~~must be filled in with the name of the circulator collecting signatures on that petition and~~  
20 ~~a unique identifying number, and include~~ the fiscal impact of the initiative as described in  
21 Title 1, section 353 directly below the following statement at the top of the petition in a  
22 type size of no less than 16 points:

23 "Freedom of Citizen Information: Before a registered voter signs any initiative  
24 petition, signature gatherers must offer the voter the opportunity to read the proposed  
25 initiative summary and fiscal impact statement prepared by the Secretary of State."

26 **Sec. 3. 21-A MRSA §901-A, sub-§3** is enacted to read:

27 **3. Circulator information; placement on petition.** At the top right or left corner of  
28 each page of a petition that contains space intended for voter signatures, the Secretary of  
29 State shall include a space, which must be filled in with the name of the circulator  
30 collecting signatures on that petition and a unique identifying number for the circulator.  
31 For petitions that will be circulated by a circulator who is being compensated or paid to  
32 circulate the petition, the Secretary of State shall include the following statement, in a  
33 bold type in a type size of no less than 16 points, below the space that contains the  
34 circulator's name:

35 "This circulator is being paid to solicit signatures for this direct initiative."

36 A circulator who is compensated or paid to circulate petitions may not collect signatures  
37 on a petition that does not include the statement described in this subsection.

38 **Sec. 4. 21-A MRSA §903-A, first ¶**, as amended by PL 2015, c. 99, §1, is further  
39 amended to read:

1           Petitions issued under this chapter may be circulated by any Maine resident who is a  
2 registered voter acting as a circulator of a petition. A circulator of a petition solicits  
3 signatures for the petition by presenting the petition to the voter, asking the voter to sign  
4 the petition and personally witnessing the voter affixing the voter's signature to the  
5 petition. The circulator of the petition must comply with the provisions of section 901-A,  
6 subsection 3 and section 902.

7           **Sec. 5. 21-A MRSA §903-D**, as enacted by PL 2017, c. 277, §5, is repealed.

8           **Sec. 6. 21-A MRSA §903-E** is enacted to read:

9           **§903-E. Persons not authorized to administer an oath or affirmation to a petition**  
10           **circulator**

11           **1. Certain notaries public and others.** A notary public or other person authorized  
12 by law to administer oaths or affirmations generally is not authorized to administer an  
13 oath or affirmation to the circulator of a petition under section 902 if the notary public or  
14 other generally authorized person is:

15           A. Providing any other services, regardless of compensation, to initiate the direct  
16 initiative or people's veto referendum for which the petition is being circulated. For  
17 the purposes of this paragraph, "initiate" has the same meaning as section 1052,  
18 subsection 4-B; or

19           B. Providing services, regardless of compensation, to promote the direct initiative or  
20 people's veto referendum for which the petition is being circulated.

21           **Sec. 7. 21-A MRSA §1060-A** is enacted to read:

22           **§1060-A. Campaign for direct initiative or people's veto; reporting by major**  
23           **contributors**

24           This section governs the reporting of contributions aggregating in excess of \$100,000  
25 for the purpose of initiating or influencing a campaign for a people's veto referendum  
26 under the Constitution of Maine, Article IV, Part Third, Section 17 or a direct initiative of  
27 legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

28           **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
29 following terms have the following meanings.

30           A. "Contribution" has the same meaning as set out in section 1052, subsection 3 and  
31 also includes but is not limited to:

32           (1) Funds or anything of value that the contributor specified were given in  
33 connection with a campaign for a people's veto referendum or direct initiative  
34 campaign;

35           (2) Funds or anything of value provided in response to a solicitation that would  
36 lead the contributor to believe that the contribution would be used specifically for  
37 the purpose of initiating or influencing a people's veto referendum or direct  
38 initiative campaign; and

1                   (3) Funds or anything of value that can be reasonably determined to have been  
2                   provided by the contributor for the purpose of initiating or influencing a people's  
3                   veto referendum or direct initiative campaign when viewed in the context of the  
4                   contribution and the recipient committee's activities during the campaign.

5                   B. "Major contributor" means a person, other than an individual, that makes one or  
6                   more contributions aggregating in excess of \$100,000 within a calendar year to a  
7                   ballot question committee or political action committee for the purpose of initiating  
8                   or influencing a people's veto referendum or direct initiative campaign.

9                   **2. Notice to major contributor.** Within 5 days of receiving more than \$100,000 in  
10                  the aggregate within a calendar year from a major contributor, the recipient committee  
11                  shall provide written notice to the major contributor of the reporting requirement under  
12                  this section and shall submit a copy of the notice to the commission. If the \$100,000  
13                  aggregate amount is exceeded as a result of a contribution received during the last 13  
14                  days before an election, the recipient committee shall, within 24 hours of receiving the  
15                  contribution, provide written notice of the reporting requirement to the major contributor  
16                  and submit a copy of the notice to the commission. The commission shall prepare a  
17                  sample written notice for this purpose.

18                  **3. Required reports.** A major contributor shall file a report containing the  
19                  information required in subsection 4 on or before the filing deadline under section 1059,  
20                  subsection 2 for the recipient committee's October quarterly or 11-day preelection  
21                  campaign finance report, whichever occurs first after the major contributor receives  
22                  notice of the reporting requirement. If a major contributor has received a notice from a  
23                  recipient committee or the commission during the last 13 days before an election as  
24                  required under subsection 2, the major contributor shall file a report within 2 business  
25                  days of receiving notice from the recipient committee or commission. The commission  
26                  shall prescribe and prepare forms for these reports and may require major contributors to  
27                  file reports electronically.

28                  **4. Content.** In the reports required under subsection 3, a major contributor shall  
29                  provide:

30                  A. The name of and relevant contact information for the major contributor and the  
31                  name of a responsible officer of the major contributor;

32                  B. The form of organization and purpose of the major contributor;

33                  C. The amount and date of each contribution from the major contributor to the  
34                  recipient committee during the calendar year;

35                  D. A certification that the major contributor has not received contributions, in whole  
36                  or in part, for the purpose of initiating or influencing a people's veto referendum or  
37                  direct initiative campaign in this State or, if the major contributor has received such  
38                  contributions, the dates, sources and amounts of any such contributions;

39                  E. Information concerning the 5 largest sources of funds received by the major  
40                  contributor during the 12 months prior to the filing of the report, including but not  
41                  limited to identifying the sources and amounts of the funds and the dates the funds  
42                  were received; and



1 requires financial reports from major contributors to a direct initiative or people's veto  
2 referendum campaign. A major contributor is an entity, other than an individual, that  
3 makes contributions aggregating more than \$100,000 in a calendar year to a ballot  
4 committee or political action committee for the purpose of initiating or influencing a  
5 direct initiative or people's veto referendum. The report must disclose the name and  
6 purpose of the organization making the contribution, the amount and date of each  
7 contribution, the 5 largest sources of income in the year prior to filing the report, whether  
8 the organization has received contributions for the purposes of influencing a direct  
9 initiative or people's veto referendum, if the organization is a tax-exempt organization  
10 and if the organization has filed campaign finance reports in other jurisdictions in the past  
11 12 months.