

MAINE STATE LEGISLATURE

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L.D. 1902

Date: 2/20/2020

REPORT A

(Filing No. S-391)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE**SENATE****129TH LEGISLATURE****SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 654, L.D. 1902, Bill, "An Act To Define the Term "Caucus Political Action Committee""

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 1 MRSA §1002, sub-§1-A, as amended by PL 2019, c. 323, §1, is further amended to read:

1-A. Membership. The Commission on Governmental Ethics and Election Practices, established by Title 5, section 12004-G, subsection 33 and referred to in this chapter as the "commission," consists of 5 members appointed as follows.

A. By December 1, 2001 and as needed after that date, the ~~appointed leader from each political party in the Senate~~ caucus leaders and the ~~appointed leader from each political party in the House of Representatives~~ House caucus leaders jointly shall establish and advertise a 30-day period to allow members of the public and groups and organizations to propose qualified individuals to be nominated for appointment to the commission.

B. By January 1, 2002 and as needed after that date, the ~~appointed leader from each political party in the Senate~~ caucus leaders and the ~~appointed leader from each political party in the House of Representatives~~ House caucus leaders each shall present a list of 3 qualified individuals to the Governor for appointment of 4 members to the commission. The ~~appointed leadership from each party in both bodies of the Legislature~~ Senate caucus leaders and House caucus leaders jointly shall present a list of 3 qualified individuals to the Governor for appointment of a 5th member to the commission.

C. By March 15, 2002, the Governor shall appoint the members of the commission selecting one member from each of the lists of nominees presented in accordance with paragraph A. These nominees are subject to review by the joint standing committee of the Legislature having jurisdiction over legal affairs and confirmation

COMMITTEE AMENDMENT

1 by the Legislature. No more than 2 commission members may be enrolled in the
2 same party.

3 D. Two initial appointees are appointed for one-year terms, 2 are appointed for 2-
4 year terms and one is appointed for a 3-year term, according to a random lot drawing
5 under the supervision of the Secretary of State. Subsequent appointees are appointed
6 to serve 3-year terms. A person may not serve more than 2 consecutive terms, except
7 that if a person is appointed to fill the unexpired portion of a term to fill a vacancy
8 under paragraph F and that portion is less than 2 years, the person may serve 2
9 consecutive full terms thereafter.

10 E. The commission members shall elect one member to serve as chair for at least a 2-
11 year term.

12 F. Upon a vacancy during an unexpired term, the term must be filled as provided in
13 this paragraph for the unexpired portion of the term only. The nominee must be
14 appointed by the Governor from a list of 3 qualified candidates provided by the
15 Senate caucus leader or House caucus leader of the party from the body of the
16 Legislature that suggested the appointee who created the vacancy. If the vacancy
17 during an unexpired term was created by the commission member who was appointed
18 from the list of candidates presented to the Governor by the ~~leaders of each party of~~
19 ~~each body of the Legislature~~ Senate caucus leaders and House caucus leaders jointly,
20 the nominee must be appointed from a list of 3 qualified candidates provided jointly
21 by the ~~leaders of each party of each body of the Legislature~~ Senate caucus leaders and
22 House caucus leaders. If the list of 3 qualified candidates required by this paragraph
23 to be presented to the Governor jointly by the ~~leaders of each party from each body of~~
24 ~~the Legislature~~ Senate caucus leaders and House caucus leaders is not produced
25 within 60 days after the vacancy is created, then the ~~leaders of each party from both~~
26 ~~bodies of the Legislature~~ each Senate caucus leader and House caucus leader shall
27 present within the subsequent 15 days a separate list of 3 qualified candidates to the
28 Governor, who shall appoint a candidate from these lists within 30 days of receiving
29 the lists. Nominees appointed pursuant to this paragraph are subject to review by the
30 joint standing committee of the Legislature having jurisdiction over election practices
31 and legislative ethics and to confirmation by the Legislature.

32 G. Upon a vacancy created by an expired term, the vacancy must be filled as
33 provided in this paragraph. The nominee must be appointed by the Governor from a
34 list of 3 qualified candidates provided by the Senate caucus leader or House caucus
35 leader of the party from the body of the Legislature that suggested the appointee
36 whose term expired. When a vacancy is created by an expired term of the
37 commission member who was appointed from the list of candidates presented to the
38 Governor by the ~~leaders of each party of each body of the Legislature~~ Senate caucus
39 leaders and House caucus leaders jointly, the nominee must be appointed from a list
40 of 3 qualified candidates provided jointly by the ~~leaders of each party of each body of~~
41 ~~the Legislature~~ Senate caucus leaders and House caucus leaders. If the list of 3
42 qualified candidates required by this paragraph to be presented to the Governor
43 jointly by the ~~leaders of each party from each body of the Legislature~~ Senate caucus
44 leaders and House caucus leaders is not produced within 60 days after the vacancy is
45 created, then the ~~leaders of each party from both bodies of the Legislature~~ each
46 Senate caucus leader and House caucus leader shall present within the subsequent 15

1 days a separate list of 3 qualified candidates to the Governor, who shall appoint a
2 candidate from these lists within 30 days of receiving the lists. Nominees appointed
3 pursuant to this paragraph are subject to review by the joint standing committee of
4 the Legislature having jurisdiction over election practices and legislative ethics and to
5 confirmation by the Legislature.

6 H. For the purposes of this subsection, ~~"political party" has the same meaning as~~
7 ~~"party" as defined by Title 21-A, section 1, subsection 28~~ "Senate caucus leader" has
8 the same meaning as in Title 21-A, section 1053-C, subsection 1, paragraph C and
9 "House caucus leader" has the same meaning as in Title 21-A, section 1053-C,
10 subsection 1, paragraph A.'

11 Amend the bill by striking out all of section 3 and inserting the following:

12 **'Sec. 3. 21-A MRSA §1053-C is enacted to read:**

13 **§1053-C. Caucus political action committees**

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

16 A. "House caucus leader" means a member of a political party in the House of
17 Representatives who has been elected the leader of that political party in the House of
18 Representatives. For purposes of this paragraph, if the Speaker of the House of
19 Representatives is a member of a political party, the Speaker of the House of
20 Representatives is deemed the House caucus leader of that political party.

21 B. "Political party" has the same meaning as "party" as defined by section 1,
22 subsection 28.

23 C. "Senate caucus leader" means a member of a political party in the Senate who has
24 been elected the leader of that political party in the Senate. For purposes of this
25 paragraph, if the President of the Senate is a member of a political party, the
26 President of the Senate is deemed the Senate caucus leader of that political party.

27 **2. Designation of caucus political action committee.** Each Senate caucus leader
28 and each House caucus leader may designate one caucus political action committee to
29 promote the election of nominees of the caucus leader's political party to the body of the
30 Legislature of which the caucus leader is a member. The designation must be made in a
31 letter to the commission and remains effective until a new designation is made in a letter
32 to the commission from the caucus leader of the same political party and same body of
33 the Legislature.'

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
35 section number to read consecutively.

36 **SUMMARY**

37 This amendment, which is the majority report of the committee, clarifies the process
38 for the designation of caucus political action committees by specifying that each Senate
39 caucus leader and each House caucus leader may designate one caucus political action
40 committee to promote the election of nominees of the caucus leader's political party to the

1 body of the Legislature of which that caucus leader is a member. Under the amendment,
2 a caucus leader is a member of a political party in a body of the Legislature who has been
3 elected the leader of that political party in that body of the Legislature. If the President of
4 the Senate or the Speaker of the House is a member of a political party, the President of
5 the Senate or Speaker of the House is the caucus leader of that political party in the
6 respective body of the Legislature.

7 The amendment also makes technical changes to the law governing the appointment
8 of members of the Commission on Governmental Ethics and Election Practices.
9 Specifically, in the provisions outlining who has the authority to propose individuals for
10 appointment to the commission, the phrases "appointed leader from each political party in
11 the Senate" and "appointed leader from each political party in the House of
12 Representatives" are replaced with the newly defined terms "Senate caucus leader" and
13 "House caucus leader."