

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2136

H.P. 1526

House of Representatives, March 5, 2020

**An Act To Prohibit Contributions, Expenditures and Participation
by Foreign Nationals To Influence Referenda**

(AFTER DEADLINE)

(EMERGENCY)

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 "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ACKLEY of Monmouth.
Cosponsored by President JACKSON of Aroostook and
Representatives: ANDREWS of Paris, DOLLOFF of Rumford, Speaker GIDEON of Freeport,
HICKMAN of Winthrop, McCREIGHT of Harpswell, SCHNECK of Bangor, Senators:
CYRWAY of Kennebec, LUCHINI of Hancock.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
4 period in order to apply in the current election cycle; and

5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
6 the meaning of the Constitution of Maine and require the following legislation as
7 immediately necessary for the preservation of the public peace, health and safety; now,
8 therefore,

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

10 **Sec. 1. 21-A MRSA §1064** is enacted to read:

11 **§1064. Contributions, expenditures and participation by foreign nationals**
12 **prohibited**

13 **1. Definition.** As used in this section, unless the context otherwise indicates,
14 "foreign national" means a foreign national as defined in 52 United States Code, Section
15 30121(b) (2020) and an entity with respect to which a foreign national holds, owns,
16 controls or otherwise has direct or indirect beneficial ownership of 50% or more of the
17 total equity, outstanding voting shares, membership units or other applicable ownership
18 interests.

19 **2. Contribution prohibited.** A foreign national may not make, directly or
20 indirectly, a contribution of money or anything of value to influence a referendum.

21 **3. Solicitation or acceptance of contribution prohibited.** A person may not
22 solicit, accept or receive a contribution described in subsection 2 from a foreign national.

23 **4. Expenditure prohibited.** A foreign national may not make, directly or indirectly,
24 an expenditure to influence a referendum.

25 **5. Participation prohibited.** A foreign national may not direct, dictate, control or
26 directly or indirectly participate in the decision-making process of any person with regard
27 to that person's activities to influence a referendum, such as decisions concerning the
28 making of contributions or expenditures to influence a referendum.

29 **6. Violation; penalty.** Notwithstanding section 1004, subsection 1, a person that
30 violates this section commits a civil violation for which a fine of not more than \$100,000
31 or twice the amount of the contribution or expenditure involved in the violation,
32 whichever is greater, may be adjudged.

33 **Emergency clause.** In view of the emergency cited in the preamble, this
34 legislation takes effect when approved.

1 **SUMMARY**

2 This bill provides that a foreign national may not:

3 1. Make, directly or indirectly, a contribution of money or anything of value to
4 influence a referendum;

5 2. Make, directly or indirectly, an expenditure to influence a referendum; or

6 3. Direct, dictate, control or directly or indirectly participate in the decision-making
7 process of any person with regard to that person's activities to influence a referendum,
8 such as decisions concerning the making of contributions or expenditures to influence a
9 referendum.

10 It also provides that a person may not solicit, accept or receive a contribution to
11 influence a referendum from a foreign national.