

MAINE STATE LEGISLATURE

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Date: 5/17/21

(Filing No. H- 157)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1011, L.D. 1377, "An Act Regarding Campaign Finance Disclosure and the Filing of Statements of Sources of Income"

Amend the bill by striking out all of section 7 and inserting the following:

Sec. 7. 21-A MRSA §1019-B, sub-§1, as amended by PL 2019, c. 323, §15, is further amended to read:

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure" means any expenditure made by a person, party committee or political action committee that is not made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized political committee or an agent of either and that:

A. Is any expenditure made by a person, party committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for to design, produce or disseminate any communication that expressly advocates the election or defeat of a clearly identified candidate; and or

B. Is presumed to be any expenditure Unless the person, party committee or political action committee making the expenditure demonstrates under subsection 2 that the expenditure was not intended to influence the nomination, election or defeat of the candidate, is made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 28 days, including election day, before a primary election; during the 35 days, including election day, before a special election; or from Labor Day to a general election day.

Sec. 8. 21-A MRSA §1019-B, sub-§2, as amended by PL 2019, c. 323, §16, is further amended to read:

2. Rebutting presumption Commission determination. A person presumed under this section to have made an independent expenditure, party committee or political action committee may rebut the presumption request a determination that an expenditure that otherwise meets the definition of an independent expenditure under subsection 1, paragraph

COMMITTEE AMENDMENT

1 B is not an independent expenditure by filing a signed written statement with the
2 commission within ~~48 hours~~ 7 days of disseminating the communication stating that the
3 cost was not incurred with the intent to influence the nomination, election or defeat of a
4 candidate, supported by any additional evidence the person, party committee or political
5 action committee chooses to submit. The commission may gather any additional evidence
6 it ~~deems~~ determines relevant and material and shall determine by a preponderance of the
7 evidence whether the cost was incurred with intent to influence the nomination, election or
8 defeat of a candidate.

9 **Sec. 9. 21-A MRSA §1019-B, sub-§5, ¶A**, as enacted by PL 2011, c. 389, §21, is
10 repealed.'

11 Amend the bill in section 8 in subsection 2-C in the last line (page 2, line 16 in L.D.)
12 by striking out the following: "year" and inserting the following: 'cycle'

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

15 SUMMARY

16 This amendment adds clarity to the campaign finance laws by including within the
17 definition of "independent expenditure," rather than in an exception to that definition, that
18 an independent expenditure is an expenditure that is not made in cooperation, consultation
19 or concert with, or at the request or suggestion of, a candidate, a candidate's authorized
20 political committee or an agent of either.

21 The amendment also clarifies that a legislative or gubernatorial candidate who has
22 accepted contributions that do not comply with the seed money restrictions of the Maine
23 Clean Election Act may not be certified as a Maine Clean Election Act candidate during
24 the same election cycle.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 1377

LR 1981(02)

An Act Regarding Campaign Finance Disclosure and the Filing of Statements of Sources of Income

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-157)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Commission on Governmental Ethics and Election Practices as a result of changes to definitions in the campaign finance rules are anticipated to be minor and can be absorbed within existing budgeted resources.