

MAINE STATE LEGISLATURE

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L.D. 1621

Date: 6/7/21

(Filing No. S-196)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 514, L.D. 1621, "An Act To Reform Payments to Legislators by Political Action Committees"

Amend the bill by striking out the title and substituting the following:

'An Act To Reform Payments to Legislators by Political Action Committees and Ballot Question Committees'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 21-A MRSA §1054-B, as amended by PL 2019, c. 21, §1 and c. 563, §9, is repealed and the following enacted in its place:

§1054-B. Payments to Legislators by political action committees and ballot question committees

1. Payments to Legislators. If a Legislator is a principal officer or treasurer of a political action committee or a ballot question committee or is one of the individuals primarily responsible for raising contributions or making decisions for a political action committee or a ballot question committee, the committee is subject to the following restrictions regarding payments to that Legislator.

A. Except as provided in paragraphs B and C, the committee may not compensate the Legislator for services provided to the committee.

B. The committee may pay for or reimburse the Legislator for travel expenses incurred in the proper performance of the Legislator's legislative duties and in volunteering for the committee. If the Legislator uses the Legislator's vehicle when conducting the activities described in this paragraph, the committee may pay the Legislator mileage reimbursement at a rate established by the commission by rule but may not pay for or reimburse the Legislator for the direct costs of repairing or maintaining the Legislator's vehicle.

1 C. The committee may pay for or reimburse the Legislator for other expenses incurred
2 in the proper performance of the Legislator's legislative duties and for purchases made
3 by the Legislator on behalf of the committee.

4 D. Notwithstanding any other provision of this section, the committee may not pay for
5 or reimburse the Legislator for any expenses that have been or will be paid for or
6 reimbursed by the Legislature or any other source of payment or reimbursement.

7 E. The committee may not make any payments for or reimburse the Legislator for any
8 expenses that are determined by the commission to be for the purpose of personal
9 financial enrichment of the Legislator.

10 **2. Payments to immediate family members and businesses.** If a Legislator is a
11 principal officer or treasurer of a political action committee or a ballot question committee
12 or is one of the individuals primarily responsible for raising contributions or making
13 decisions for a political action committee or a ballot question committee, the committee is
14 subject to the following restrictions regarding payments to an immediate family member
15 of the Legislator or a business owned or operated by the Legislator or an immediate family
16 member of the Legislator.

17 A. The committee may not compensate an immediate family member of the Legislator
18 for services provided to the committee.

19 B. The committee may not make payments to or distribute, loan, advance, deposit or
20 give money or anything of value to or compensate a business owned or operated by the
21 Legislator or an immediate family member of the Legislator.

22 C. The committee may not make any payments for or reimburse the immediate family
23 member of a Legislator for any expenses that are determined by the commission to be
24 for the purpose of personal financial enrichment of the immediate family member of
25 the Legislator.

26 **3. Commingling of funds.** If a Legislator is a principal officer or treasurer of a
27 political action committee or a ballot question committee or is one of the individuals
28 primarily responsible for raising contributions or making decisions for a political action
29 committee or a ballot question committee, the committee's funds may not be commingled
30 with the personal funds of the Legislator or the funds of a business owned or operated by
31 the Legislator or any other person.

32 **4. Penalties.** A political action committee or ballot question committee that violates
33 subsection 1, 2 or 3 commits a civil violation for which a fine of not more than \$500 or the
34 amount of the impermissible payment or reimbursement, whichever is greater, may be
35 imposed by the commission according to the procedures set forth in section 1004-A. A
36 Legislator who accepts a payment or reimbursement from a committee that is prohibited
37 by subsection 1 or who violates subsection 3 commits a civil violation for which a fine of
38 not more than \$500 or the amount of the impermissible payment or reimbursement,
39 whichever is greater, may be imposed by the commission according to the procedures set
40 forth in section 1004-A.

41 **5. Rules.** The commission may adopt rules as necessary to implement this section,
42 including rules establishing mileage reimbursement rates, record-keeping requirements and
43 reporting requirements and rules related to reimbursable travel expenses. Rules adopted

1 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
2 subchapter 2-A.'

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

5 SUMMARY

6 This amendment strikes and replaces the bill. Under the amendment, if a Legislator is
7 a principal officer or treasurer of a political action committee or a ballot question committee
8 or is one of the individuals primarily responsible for raising contributions or making
9 decisions for a political action committee or a ballot question committee:

10 1. The committee may not compensate the Legislator or an immediate family member
11 of the Legislator for services provided to the committee;

12 2. The committee may not make payments to or distribute, loan, advance, deposit or
13 give money or anything of value to or compensate a business owned or operated by the
14 Legislator or an immediate family member of the Legislator;

15 3. The committee may not make any payments for or reimburse the Legislator or an
16 immediate family member of the Legislator for any expenses that are determined by the
17 Commission on Governmental Ethics and Election Practices to be for the purpose of
18 personal financial enrichment of the Legislator or the immediate family member of the
19 Legislator;

20 4. The committee may pay for or reimburse the Legislator for travel expenses incurred
21 in the proper performance of the Legislator's legislative duties and for travel expenses
22 associated with volunteering for the committee, including by providing mileage
23 reimbursement to a Legislator who uses the Legislator's own vehicle for these purposes.
24 The committee may not pay for or reimburse the Legislator for the direct costs of repairing
25 or maintaining the Legislator's vehicle;

26 5. The committee may not pay for or reimburse the Legislator for any expenses that
27 have been or will be paid for or reimbursed by the Legislature or any other source of
28 payment or reimbursement; and

29 6. The committee's funds may not be commingled with the personal funds of the
30 Legislator or the funds of a business owned or operated by the Legislator or any other
31 person.

32 A committee that violates these prohibitions and a Legislator who accepts an
33 impermissible payment or reimbursement or whose funds are impermissibly commingled
34 with the committee's funds commits a civil violation for which a fine of not more than \$500
35 or the amount of the impermissible payment or reimbursement, whichever is greater, may
36 be imposed by the commission.

FISCAL NOTE REQUIRED
(See attached)



Approved: 05/31/21 *MAC*

130th MAINE LEGISLATURE

LD 1621

LR 742(02)

An Act To Reform Payments to Legislators by Political Action Committees

Fiscal Note for Bill as Amended by Committee Amendment "H" (S-196)

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 the rules regarding payments made by political action committees and ballot question committees are anticipated to be minor and can be absorbed within existing budgeted resources.