

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 5

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVEN.

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AN ACT to prevent Corrupt Practices in Elections and to  
provide for Publicity of Election Expenses.

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*Be it enacted by the Senate and House of Representatives in  
Legislature assembled, as follows:*

Section 1. The term "political committee," under the pro-  
2 visions of this chapter, shall apply to every committee or  
3 combination of three or more persons who shall aid or  
4 promote the success or defeat of a political party or principle  
5 in a public election or shall aid or take part in the nomination,  
6 election or defeat of a candidate for public office.

Sect. 2. No person shall, in order to aid or promote his  
2 own nomination or election to a public office, directly or  
3 indirectly, himself or through another person, promise to  
4 appoint, or promise to secure or assist in securing the  
5 appointment, nomination or election of another person to a  
6 public position or employment or to a position of honor, trust  
7 or emolument, except that he may announce or define what  
8 is his choice or purpose in relation to an election in which  
9 he may be called to take part, if elected.

Sect. 3. No person shall, in order to aid or promote his  
2 own nomination or election to a public office, directly or  
3 indirectly, himself or through another person, give, pay,  
4 expend or contribute, or promise to give, pay, expend or  
5 contribute, any money or other valuable thing, except for  
6 personal expenses or to a political committee as hereinafter  
7 provided.

Sect. 4. Every candidate for nomination to a national,  
2 State or county office shall, within seven secular days after  
3 the last day for filing nominations for such office, and every  
4 candidate for nomination to a city office shall, within five  
5 secular days after the last day for filing nominations for such  
6 office, and every candidate for election to a national, State,  
7 county or city office shall, within ten secular days after the  
8 election held to fill such office, file a written statement setting  
9 forth each sum of money and thing of value contributed or  
10 promised by him, except for his own personal expenses, for  
11 the purpose of securing or in any way affecting his nomina-  
12 tion or election to such office, and the name of the political  
13 committee to which the contribution or promise was made,  
14 and the date thereof. The words "personal expenses," as  
15 used in this chapter, shall include only expenses directly  
16 incurred and paid by a person for traveling and for purposes  
17 properly incidental to traveling; for writing, printing and  
18 preparing for transmission any letter, circular, or other pub-  
19 lication not issued at regular intervals, whereby he states his  
20 position or views upon public or other questions; for  
21 stationery and postage, for telegraph, telephone and public  
22 messenger service; and for other similar purposes.

Sect. 5. A person who is nominated as a candidate or  
2 voted for with his assent for public office, may make a volun-  
3 tary payment of money or a voluntary and unconditional  
4 promise of payment of money to a political committee for the  
5 promotion of the principles of the party which he represents,  
6 and for its general purposes.

Sect. 6. Every political committee shall have a treasurer, 2 who is a voter of the State, and shall cause him to keep 3 detailed accounts of all money or its equivalent, received by 4 or promised to the committee, or by or to any person acting 5 under its authority or in its behalf, and of all expenditures, 6 disbursements and promises of payment or disbursement 7 made by the committee or by any person acting under its 8 authority or in its behalf. No person acting under its 9 authority or in its behalf shall receive any money or its 10 equivalent, or expend or disburse the same, until the com- 11 mittee has chosen a treasurer.

Sect. 7. Whoever, acting under the authority or in behalf 2 of a political committee, receives any money or its equivalent, 3 or promise of the same, or expends or incurs any liability to 4 pay the same, shall, on demand, and in any event within 5 fourteen days after such receipt, expenditure, promise or 6 liability, give to the treasurer a detailed account of the same, 7 with all vouchers required by this chapter, which shall be a 8 part of the accounts and files of such treasurer.

Sect. 8. The treasurer of every political committee which 2 receives, expends or disburses any money or its equivalent, 3 or incurs any liability to pay money in connection with any 4 nomination or election to an amount exceeding in the aggre- 5 gate twenty dollars, shall, within thirty days after such elec- 6 tion, file a statement setting forth all the receipts, expendi- 7 tures, disbursements and liabilities of the committee and of 8 every officer and other person acting under its authority or 9 in its behalf. It shall include the amount in each case 10 received, the name of the person or committee from whom 11 received, the date of its receipt, the amount of every expendi- 12 ture or disbursement, the name of the person or committee 13 to whom it was made, and the date thereof; and, unless such 14 expenditure or disbursement was made to another political 15 committee, shall clearly state the purpose of such expenditure 16 or disbursement; also the date and amount of every exist-

17 ing promise or liability, both to and from such committee,  
18 remaining unfulfilled and in force when the statement is  
19 made, the name of the person or committee to or from whom  
20 the unfulfilled promise or liability exists, and a clear state-  
21 ment of the purpose for which the promise or liability was  
22 made or incurred. If the aggregate receipts or disburse-  
23 ments and liabilities of a political committee in connection  
24 with any election shall not exceed twenty dollars, the treas-  
25 urer of the committee shall, within thirty days after the elec-  
26 tion, certify that fact under oath to the secretary of State.

Sect. 9. Whoever, acting otherwise than under the author-  
2 ity or in behalf of a political committee having a treasurer,  
3 receives money or its equivalent, or expends or disburses, or  
4 promises to expend or disburse money or its equivalent, to an  
5 amount exceeding twenty dollars, to aid or promote the  
6 success or defeat of a political party or principle in any  
7 election, or to aid or influence the nomination, election or  
8 defeat of a candidate for office, shall file in the city or town  
9 in which he is a voter, the statement required by the preced-  
10 ing section, and shall be subject to all the duties required by  
11 this chapter of a political committee or the treasurer thereof;  
12 but no person except a voter of the State shall receive,  
13 expend or disburse any money or its equivalent or promise  
14 to expend or disburse any money or its equivalent, for either  
15 of the purposes above named, except for personal expenses  
16 as is herein provided, or under the authority or in behalf of  
17 a political committee.

Sect. 10. No person shall, directly or indirectly, himself  
2 or through another person, make a payment or promise of  
3 payment to a political committee or to any person acting  
4 under its authority or in its behalf, in any name except his  
5 own; nor shall such committee or person knowingly receive  
6 a payment or promise of payment, or enter or cause the same  
7 to be entered in the accounts or records of such committee,

8 in any other name than that of the person by whom it is  
9 made.

Sect. 11. No political committee, and no person acting  
2 under its authority or in its behalf, shall demand, solicit, ask  
3 or invite, from a person who has been nominated as a candi-  
4 date for office in an election a payment of money, or promise  
5 of payment of money, to be used in such election; and no  
6 such candidate shall make any such payment to a political  
7 committee or to any person acting under its authority or in  
8 its behalf, if such committee or person has demanded, solici-  
9 ited, asked or invited from him any such payment or promise  
10 of payment.

Sect. 12. No political committee and no person who is  
2 required to file a statement under the preceding eleven sec-  
3 tions shall make any payment or promise of payment of  
4 money to or in behalf of any person for naturalization fees  
5 or for services as counsel or otherwise in assisting any one  
6 to obtain naturalization.

Sect. 13. The statement required to be filed by a candidate,  
2 treasurer or other person shall be filed with the clerk of the  
3 city, town or plantation in which such candidate, treasurer  
4 or other person is a voter. In case the nomination or election  
5 to which such statement relates is to a county, State or  
6 national office, a duplicate shall be filed with the secretary of  
7 State. Whoever makes a statement required by the provi-  
8 sions of this chapter shall make oath that it is in all respects  
9 correct and true to the best of his knowledge and belief.

Sect. 14. The secretary of State shall inspect all statements  
2 filed with him, and the clerks of cities shall inspect all state-  
3 ments relating to nominations and to city elections filed with  
4 them, within sixty days after the election to which they relate,  
5 and if upon examination of the official ballot it appears that  
6 any person has failed to file a statement as required by law,  
7 or if it appears to the secretary of State that any such state-  
8 ment, filed with him does not conform to law, or if it appears

9 to a city clerk that such statement relating to a city nomina-  
10 tion or election does not conform to law, or upon complaint  
11 in writing by five registered voters that a statement does not  
12 conform to law, or that any person has failed to file a state-  
13 ment required by law, the secretary or city clerk shall in  
14 writing notify the delinquent person. Such complaint shall  
15 state in detail the grounds of objection, shall be sworn to by  
16 one of the subscribers, and shall be filed with the secretary or  
17 with the proper city clerk within ninety days after the elec-  
18 tion in question, or within sixty days after the filing of a  
19 statement or amended statement.

Sect. 15. Upon the failure to file a statement within ten  
2 days after receiving notice under the preceding section, or if  
3 any statement filed as above discloses any violation of any  
4 provisions of this chapter relating to corrupt practices in  
5 elections, the secretary of State or the city clerk, as the case  
6 may be, shall notify the attorney general thereof and shall  
7 furnish him with copies of all papers relating thereto, and  
8 the attorney general, within two months thereafter, shall  
9 examine every such case, and if he is satisfied that there is  
10 cause, he shall in the name of the State institute appropriate  
11 civil proceedings or refer the case to the proper county attor-  
12 ney for such action as may be appropriate in the criminal  
13 courts.

Sect. 16. The supreme judicial court may compel any per-  
2 son who fails to file a statement as above required, or who  
3 files a statement which does not conform to the foregoing  
4 requirements in respect to its truth, sufficiency in detail, or  
5 otherwise, to file a sufficient statement, upon the application  
6 of the attorney general or county attorney or petition of any  
7 candidate voted for, or of any five persons qualified to vote  
8 at the election on account of which the expenditures, or any  
9 part thereof, were made or alleged to have been made.

Sect. 17. No person who is called to testify in any pro-  
2 ceedings under the preceding section shall be liable to crim-

3 inal prosecution under this chapter or otherwise for any  
4 matters or causes in respect of which he shall be examined  
5 or to which his testimony shall relate, except to prosecution  
6 for perjury committed in such testimony.

Sect. 18. All statements shall be preserved for twelve  
2 months after the election to which they relate, and shall,  
3 under reasonable regulations, be open to public inspection.

Sect. 19. Every payment required to be accounted for  
2 except payments less in the aggregate than five dollars to any  
3 one person, shall be vouched for by a receipted bill stating  
4 the particulars of expense, and every voucher, receipt or  
5 account hereby required shall be preserved for six months  
6 after the election to which it relates.

Sect. 20. The secretary of State shall provide the clerk of  
2 every city, town and plantation, at the expense of the State,  
3 with blank forms, approved by the secretary of State and the  
4 attorney general, suitable for the statements above required,  
5 and said officers shall furnish such blanks, on application  
6 therefor, to the treasurers of political committees and to any  
7 person required by law to file such statement.

Sect. 21. The provision of this chapter relative to corrupt  
2 practices shall apply to all public elections, except of town  
3 and plantation officers, to the nomination by caucuses and  
4 conventions and nomination papers of candidates to be voted  
5 for at such elections. Sections one, three, and ten shall not  
6 apply to the proprietors and publishers of publications issued  
7 at regular intervals, in respect to the ordinary conduct of their  
8 business.

Sect. 22. No corporation, carrying on the business of a  
2 bank, trust, surety, indemnity, safe deposit, insurance, rail-  
3 road, street railway, telegraph, telephone, gas, electric light,  
4 heat, power, canal, aqueduct, or water company, or any com-  
5 pany having the right to take or condemn land or to exercise  
6 franchises in public ways granted by the State or by any  
7 county, city, town or plantation, and no person, trustee, or



8 trustees owning or holding the majority of the stock of such  
9 a corporation, shall pay or contribute in order to aid, pro-  
10 mote, or prevent the nomination or election of any person,  
11 or in order to aid, promote, or antagonize the interests of any  
12 political party, or to influence or affect the vote on any ques-  
13 tion submitted to the voters. No person shall solicit or  
14 receive such payment or contribution from such corporation  
15 or such holders of stock.

Sect. 23. No person other than a public officer in the regu-  
2 lar performance of duties required by law shall pay for  
3 personal services to be performed on the day of a caucus,  
4 primary, convention, or election, for any purpose connected  
5 therewith tending in any way, directly or indirectly, to affect  
6 the result thereof, except for the hiring of persons whose  
7 duty is the marking of check lists at the polls, the carrying  
8 of messages, the driving of conveyances, or the distribution  
9 of ballots.

Sect. 24. Any public officer, candidate, member of a politi-  
2 cal committee or other person, upon whom a duty is imposed  
3 by the provisions of this chapter, who refuses or wilfully  
4 neglects or wilfully fails to perform such duty, or who wil-  
5 fully performs it contrary to law, or who otherwise violates  
6 any of the provisions of this chapter, shall for each offence,  
7 if no other penalty is by law specifically imposed therefor, be  
8 punished by a fine of not less than ten nor more than two  
9 thousand dollars, or by imprisonment for not more than one  
10 year, or by both such fine and imprisonment.

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## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, January 10, 1907.

Tabled pending reference to a committee by Mr. McKENNEY of  
Bridgton, and ordered printed.

E. M. THOMPSON, *Clerk.*