

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 225

S. P. 94

In Senate, January 26, 1955.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT to Revise Certain Election Laws.

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

Sec. 1. R. S., c. 4, § 35, amended. Section 35 of chapter 4 of the revised statutes is hereby amended to read as follows:

‘Sec. 35. Return of contributions and expenditures; false statements; limitations of miscellaneous expenditures. Every candidate in any primary election ~~who has incurred expenses to the amount of \$5 or more~~ shall send to the Secretary of State within ~~7~~ 15 days after said primary election the following return ~~by him subscribed and sworn to:~~

“RETURN OF CONTRIBUTIONS AND EXPENDITURES

To the Secretary of State:

“I, _____, of _____, candidate for the office of _____, at the primary election held on June _____, 19____, ~~on oath depose and say~~ that the following is a true and perfect return of all **contributions received by me or promised to me, and expenditures by me made by me,** or liabilities ~~by me~~ incurred **by me** for any purpose whatever in connection with my said campaign, before, at or since said primary election.

CONTRIBUTIONS RECEIVED OR PROMISED

Names of persons, firms, associations, committees, organizations and corporations from whom contributions have been received or promised.

Amounts—Money or Property

\$
\$

	Total	\$	
The total amount thereof was			\$
The aforesaid amount of expenditures is made up of the following :			
Printing		\$	
Clerk hire		\$	
Newspaper advertising		\$	
Radio advertising		\$	
Television		\$	
Hall rent		\$	
Soliciting agents		\$	
Postage		\$	
Telephones and Telegrams		\$	
Stationery		\$	
Express		\$	
Traveling expenses		\$	
Hotel bills		\$	
Transporting voters		\$	
Miscellaneous		\$	
	Total	\$	

Of the above, the following are itemized :

PRINTING

Name.	Date.	Amount.
(The subdivisions of clerk hire, newspaper advertising(radio advertising, television, hall rent, soliciting agents, telephones and telegrams stationery, express, traveling expenses, hotel bills and transporting voters shall follow the foregoing form.)		

MISCELLANEOUS

Name.	Date.	Amount.	Purpose.
I further depose and say that no person, firm, association, committee, organization or corporation has with my knowledge or consent paid any sum, or incurred any liability, other than such as are included in reports filed with the Secretary of State as required in Section 38 of Chapter 4 of the Revised Statutes, to procure, or to aid in procuring, my nomination.			
Dated	A.D. 19	
State of Maine			A. D. 19
County, ss			
Personally appeared			and made oath that the foregoing
return by him signed is true			

Before me,

Notary Public
Justice of the Peace"

If any statement in such return is wilfully false, it shall be deemed to be perjury and shall be punished accordingly. Whoever wilfully makes a false statement in such return shall be punished by imprisonment for not more than 10 years. No expenditures shall be so made, or liabilities be so incurred, except for the purposes named in such return. The subdivision "Miscellaneous" shall

not exceed 10% of the total amount expended and shall include no items not legitimate under the provisions of sections 1 to 9, inclusive, of Chapter 9; Subsections IV and V of Section 4 of Chapter 9, as applied to primary elections, are to be construed as if reading as follows: "IV. Of renting and furnishing rooms to be used by candidates or their political agents, and for the reasonable entertainment and refreshment exclusive of alcoholic beverages, of political agents;" "V. Of compensating clerks and other persons employed in candidates' rooms and at the polls." Political agents of candidates appointed under the provisions of said sections, **persons, firms, associations, committees, organizations and corporations on behalf of any candidate or for the purpose of aiding the candidacy of any person** shall, within ~~7~~ **15** days after the date of the primary election, make to the Secretary of State the return required by this section of candidates, and the form of the return shall be varied accordingly. ~~Candidates who are their own political agents need not make a separate return in the latter capacity.~~ Any political agent, **person, firm, association, committee, organization and corporation on behalf of any candidate or for the purpose of aiding the candidacy of any person** failing to make return within the time required shall be punished by a fine of \$25 for each day he is in default, unless he shall be excused by the court, but such failure shall not avoid nor affect the nomination of the candidate. The returns aforesaid shall be open to public inspection for 1 year and then be destroyed.'

Sec. 2. R. S., c. 4, § 38, amended. Section 38 of chapter 4 of the revised statutes is hereby amended to read as follows:

Sec. 38. Contributions and expenditures for another to be reported; publication of reports. It shall be unlawful for any candidate or for any person, firm, association, committee, organization or corporation, on behalf of a candidate or for the purpose of aiding the candidacy of any person, **to accept any contributions, received or promised, or to make any expenditure or incur any liability**, either for printing, publication, postage, clerk hire, newspaper advertising, renting of halls or other places, soliciting agents, transporting voters, radio advertising, television, telephones and telegrams, stationery, express, traveling expense, hotel bill, or any other act or thing calculated to induce or procure any person or persons to vote for any candidate for office in a primary election unless on the dates hereinafter set forth next ensuing after the **receiving of any such contribution or the** making of any such expenditure or the incurring of any such liability such candidate, person, firm, association, committee, organization or corporation shall report the same to the Secretary of State setting forth in detail the nature and amount of the **contributions, received or promised or** expenditure made or liability incurred with the name of the candidate, his address, the election district and the office in question. For such **contributions as are received or promised or** expenditures as are made and such liabilities as are incurred during the period prior to the 30 days next preceding any such election, such report shall be made by all candidates for office to be voted for in the state as a whole, or in any congressional district, on the 1st day of each month next after such **contribution is received or promised or such** expenditure is made or such liability is incurred, and thereafter such a report shall be made each week, such weekly reports to be made so as to reach the office of the Secretary of State not later than 10 o'clock in the forenoon of Wednesday in each

week. In the case of candidates for representatives to the legislature, or for any county office including state senators, such candidate shall make one report 30 days prior to the date of the election and a 2nd report which shall reach the office of the Secretary of State not later than 10 o'clock in the forenoon of the Wednesday next preceding such election.

The Secretary of State shall, 15 days before the date of any such election, publish in all the daily and weekly papers in the state a statement setting forth **the contributions received or promised and the total expenditures** made in accordance with the information filed with him under the terms of the foregoing paragraph by every candidate, person, firm, association, committee, organization or corporation reporting, giving for each office a list of the parties **receiving such contributions and** making such expenditures and the amounts thereof. The Secretary of State shall revise and republish such figures in the daily papers of the state on the ~~Friday~~ **Saturday** immediately preceding the day of any such primary election.

Such publications shall in the weekly papers be limited to those candidates whose names are to appear on the primary ballots used within the county where each such paper is published.

Any candidate, person, firm, association, committee, organization or corporation which shall expend any money or incur any liability ~~in excess of \$5~~ without reporting it as above provided, or who subsequent to the filing of such last report of primary election expenses shall expend for any purpose aforesaid more than the amount or amounts set forth in such final report, **or who willfully makes a false statement in such return, or willfully fails to file such return,** shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months.

Any candidate failing to make return within the time required shall be assessed a fine of not more than \$5 for each day he is in default by the Legislative Committee appointed under the provisions of section 44, unless he shall be excused by said Committee. If such assessment is not paid at the order of said Committee, the candidate shall be disqualified and his name shall not be printed upon an official ballot used at any special or general election held during the same calendar year. Any candidate aggrieved by the decision of the Committee not to print his name upon said official ballot may, within 5 days after notification of said decision, appeal to any Justice of the Superior Court, by presenting to him a petition therefor, in term time or vacation. Such Justice shall forthwith fix a time and place for immediate hearing which may be in vacation, and cause notice thereof to be given to the Committee; and after hearing, such Justice may, within 10 days after presentation of the petition for appeal, affirm, modify or reverse the decision of the Committee and the decision of such Justice shall be final.'

Sec. 3. R. S., c. 4, § 44, amended. The 1st paragraph of section 44 of chapter 4 of the revised statutes is hereby amended to read as follows:

'Before the adjournment of the legislature biennially, it shall be the duty of the President of the Senate to name 2 members on the part of the Senate, and of the Speaker of the House to name 3 members on the part of the House, to

serve as a special committee to investigate the **contributions received or promised**, expenditures made and liabilities incurred by and on behalf of candidates seeking nomination to elective office and such Committee shall meet in Augusta on the Thursday preceding the primary election, at which time they shall make a preliminary investigation of all returns of **contributions and** expenditures and within ~~to~~ 21 days after the primary election, the Committee shall again meet in Augusta, at which time they shall examine the final returns of **contributions and** expenditures made under the provisions of this chapter. The members of said Committee shall receive as compensation \$10 a day for as many days as are necessarily employed in the discharge of their official duty and reimbursement for all necessary expenses, including travel at the same rate as members of the legislature receive.'

Sec. 4. R. S., c. 9, § 2, amended. The last sentence of section 2 of chapter 9 of the revised statutes is hereby amended to read as follows:

'The treasurer or political agent of any organization or candidate may be the treasurer or political agent of any other organization or candidate ~~and any candidate for public office may designate himself as his own political agent.~~

Sec. 5. R. S., c. 9, § 3, repealed. Section 3 of chapter 9 of the revised statutes is hereby repealed, as follows:

~~'Sec. 3. Contribution of money for election or nomination purposes regulated. Any person nominated as a candidate for public office, or a candidate for such nomination, may make a voluntary payment of money to any treasurer or political agent for any of the purposes permitted by this chapter; provided, however, that no person other than such candidate shall, to aid or promote the success or defeat of any political party or principal, or of any candidate for public office, within 6 months prior to any such election, make a contribution of money or property to any person other than to a treasurer or political agent. Nothing contained herein shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the result of any such election.'~~