

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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issue immediately a certificate of transfer to the secretary of each school administrative district by registered mail to be filed with the directors of the districts involved and shall file a copy of the certificate of transfer in the office of the Secretary of State.

Sec. 5. 20-A MRSA §1407, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§1407. Closing an elementary school

1. Vote; costs of election. An elementary school in a member municipality of a school administrative district may not be closed unless the voters in the member town vote on the following article in accordance with the procedure set forth in sections 1351 to 1354.

"Article : Shall the board of directors of School Administrative District No. be authorized to close (name of school) ?

Yes No "

(The election shall be conducted only within that member municipality and the costs of the election shall be borne by the district.)

2. Expense of keeping the school open. If the voters vote to keep the school open, the member municipality shall be liable for any additional expense for operating costs, transportation costs, and minor capital costs as defined in section 15503, which exceed by 10% the expense of the district for the operating costs, transportation costs, and minor capital costs as compared on a per pupil basis in the base year. The determination of costs shall be subject to the approval of the commissioner. Any additional costs which must be borne by the member municipality shall be part of the article presented to the voters at the meeting to determine whether the school should remain open.

Effective September 23, 1983.

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**CHAPTER 365**

H.P. 306 - L.D. 365

AN ACT Regulating the Activities of Political Action Committees.

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

21 MRSA c. 38 is enacted to read:

CHAPTER 38

REPORTS BY POLITICAL ACTION COMMITTEES

§1551. Application

This chapter applies to the activities of political action committees organized in this State and which expend in excess of \$50 in any one calendar year for the election of Governor, state or county officers or for the support or defeat of any campaign as defined in this chapter.

§1552. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Campaign. "Campaign" means any course of activities for a specific purpose such as the initiation, promotion or defeat of a candidate or question, including:

A. The referendum procedure pursuant to the Constitution of Maine, Article IV, Part Third, Section 17;

B. The initiative procedure pursuant to the Constitution of Maine, Article IV, Part Third, Section 18;

C. An amendment to the Constitution of Maine pursuant to Article X, Section 4;

D. Legislation expressly conditioned upon ratification by a referendum vote pursuant to the Constitution of Maine, Article IV, Part Third, Section 19; and

E. The ratification of the issue of bonds by the State or any agency thereof.

2. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices, established pursuant to Title 1, section 1002.

3. Committee. "Committee" means any political action committee as defined in this chapter and includes any agent of a political action committee.

4. Contribution. "Contribution" includes:

A. A gift, subscription, loan, advance or deposit of money or anything of value, except a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business, made to a political action committee as defined in this chapter;

B. A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make a contribution to a political action committee;

C. Any and all funds received by a political action committee which are to be transferred to any candidate, committee, campaign or organization for the purpose of promoting, defeating or initiating a candidate, campaign referendum, political party or initiative in this State; or

D. The payment, by any person or organization, of compensation for the personal services of other persons rendered to a political action committee which is used by the political action committee for the purpose of promoting, defeating or initiating a candidate, campaign political party, referendum or initiated petition in this State.

5. Expenditure. "Expenditure" includes:

A. A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of influencing the nomination or election of any person to political office; or for the initiation, support or defeat of a campaign, referendum or initiative in this State;

B. A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in paragraph A; and

C. The transfer of funds by a political action committee to another candidate or political committee, but does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless these facilities are owned or controlled by any political party, political committee or candidate;

(2) Nonpartisan activity designed to

encourage individuals to register to vote or to vote;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed \$50 with respect to any election;

(5) Any unreimbursed payment for travel expenses made by a political action committee which, on its own behalf, volunteers personal services to a candidate, if the cumulative amount for those services to the candidate does not exceed \$50 with respect to any election; and

(6) Any communication by any political action committee member which is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office.

6. Person. "Person" means an individual, committee, firm, partnership, corporation, association or any other group or organization of persons.

7. Political action committee. "Political action committee" includes:

A. Any separate or segregated fund established by any corporation, membership organization, cooperative or labor organization whose purpose is to influence the outcome of an election including a candidate or question; and

B. Any person, as defined in subsection 6 which serves as a funding and transfer mechanism and by which moneys are expended to advance, promote, defeat, influence in any way, or initiate a candidate, campaign, political party, referendum or initiated petition in this State.

8. Secretary. "Secretary" means the Secretary of State.

§1553. Registration

Every political action committee which expends or intends to expend in excess of \$50 in any single calendar year to initiate, support, defeat or influence in any way a campaign, a referendum, initiated petition, candidate, political committee or another political action committee shall register with the commission on forms prescribed by the commission. These forms shall include the following information and any additional information reasonably required by the commission or the Secretary of State to monitor the activities of political action committees in Maine under this chapter:

1. Identification of committee. The names and mailing addresses of the committee, its treasurer and its principal officers;

2. Status. A statement whether the political action committee is a continuing one;

3. Depository of funds. The names and addresses of the depositories in which funds of the committee are kept and the account numbers of each depository account;

4. Form of organization. The form or structure of organization including cooperatives, corporations, voluntary associations, partnerships or any other structure by which the committee functions. The date of origin or incorporation shall also be specified;

5. Assets. The total assets of the committee at the time of registration in Maine to be itemized and to include deposits in financial institutions, real property, personal property, investments, cash and any other form of wealth available to the committee;

6. Statement of support or opposition. A statement indicating the position of the committee, support or opposition, with respect to a candidate, political committee, referendum, initiated petition or campaign, if known at the time of registration. If a committee has no position on a candidate, campaign or issue at the time of registration, the committee shall inform the commission as soon as the committee knows this information; and

7. Contributions to committee. The names and mailing addresses of contributors who donate in excess of \$50 each year to the committee with the amount or value of each contribution at the time of registration. Any person, as defined in section 1552, who makes contributions on an installment basis, the total of which exceeds \$50 in the calendar



year, shall be considered a contributor to be identified according to this subsection.

§1554. Appointment of treasurer

Any political action committee, required to register under section 1553, shall appoint a treasurer prior to making any expenditure as defined in this chapter. The treasurer shall retain, for a minimum of 4 years, all receipts including cancelled checks of expenditures made in support of or opposition to a campaign, political committee, political action committee, referendum or initiated petition in this State.

§1555. Reports, qualifications for filing

Any political action committee that expends in excess of \$50 on any one or more campaigns for the office of Governor, for state or county office or for the support or defeat of a referendum or initiated petition shall file a report with the commission on forms as prescribed by the commission, as provided in this section. Any political action committee required under this section to file a report shall file the report for each filing period as defined in sections 1556 and 1557, whether or not the expenditures are in excess of \$50 in any one period.

§1556. Quarterly and annual reports-filing dates

In any calendar year in which there is an election, primary or campaign, a committee, required to register under section 1553, shall file quarterly and annual reports with the commission in addition to the other reports required in this section. The reports required in subsections 1 to 3 shall contain itemized expenditures required by the commission to closely monitor the activities of political action committees, aggregate expenditures for the periods between the filing dates specified and cumulative aggregated expenditures to include all preceding reporting periods. The commission may accept computer print out sheets that contain the information required by this chapter. Following registration, a committee shall comply with the applicable filing periods.

1. General elections. Reports shall be filed no later than 5:00 p.m.:

A. On the 293rd day and shall be complete on the 300th day before the date on which a general election is to be held. The expenditures in this report shall include all previous expenditures, if any, made by the committee to influence, in any way, the outcome of a general election;

B. On the 205th day and shall be complete on the 210th day prior to the date on which a general election is to be held;

C. On the 120th day and shall be complete on the 125th day prior to the date on which a general election is to be held;

D. On the 30th day and shall be complete on the 35th day prior to the date on which a general election is to be held; and

E. On the 30th day following the date on which a general election was held, to be complete as of the 25th day following the date of a general election. This report shall be a combined quarterly report and an annual report. It shall aggregate all expenditures made to influence, in any way, the outcome of a general election.

2. Primary elections. Reports shall be filed no later than 5:00 p.m.:

A. On the 145th day and shall be complete on the 150th day before the date on which a primary election is to be held. The expenditures in this report shall include all previous expenditures, if any, made by the committee to influence, in any way, the outcome of a primary election;

B. On the 85th day and shall be complete on the 90th day before the date on which a primary election is to be held;

C. On the 25th day and shall be complete on the 30th day before the date on which a primary election is to be held; and

D. On the 30th day following the date on which a primary election was held, to be complete on the 25th day following a primary election. This report shall be a combined quarterly report and an annual report. It shall aggregate all expenditures made to influence, in any way, the outcome of a primary election.

3. Referenda, initiated petitions, bond questions. Reports shall be filed no later than 5:00 p.m.:

A. On January 10th and shall be complete on January 5th. The expenditures in this report shall include all previous expenditures, if any, made by the committee to influence, in any way, the outcome of a vote on any referendum, initiated petition or bond question;

B. On April 5th and shall be complete on April 1st;

C. On July 10th and shall be complete on July 1st;

D. On October 5th and shall be complete on October 1st; and

E. On December 30th and shall be complete on December 20th. This report shall be a combined quarterly report and an annual report. It shall aggregate all expenditures made to influence the outcome of a vote on a referendum, initiated petition or bond question.

§1557. Filing periods

The dates by which the reports required by this chapter are to be filed are as follows.

1. Reports to be filed by January 15th. In any calendar year, other than a year in which an election for Governor is held, in which a political action committee makes an expenditure in excess of \$50 for the purpose defined in section 1552, subsection 5, shall file reports not later than 5 p.m. on January 15th of the following calendar year, or if that date falls on a Saturday or Sunday not later than 5 p.m. on the following Monday, and shall be complete as of the close of the calendar year with respect to which the report is filed.

2. Reports to be filed by 42nd day before election. Reports shall be filed not later than 5 p.m. on the 42nd day before the date on which an election is held and shall be complete as of the 49th day before that date. If no report was filed under subsection 1, the report required under this subsection shall cover the 6 months immediately preceding the completion date.

3. Reports to be filed by 7th day before election. Reports shall be filed not later than 5 p.m. on the 7th day before the date on which an election is held and shall be complete as of the 11th day before that date.

4. Expenditure after the 11th day and more than 48 hours before any election. Any expenditure of \$100 or more, made after the 11th day and more than 48 hours before any election, shall be reported within 48 hours of that contribution or expenditure.

5. Reports to be filed by 42nd day after election. Reports shall be filed not later than 5 p.m.

on the 42nd day after the date on which an election is held and shall be complete for the entire election campaign as of the 35th day after that date.

§1558. Content of reports

The reports shall contain the following information and any additional information required by the commission to monitor the activities of political action committees:

1. Identification of candidates. The names and mailing addresses of any candidate whom the committee supports, intends to support or seeks to defeat. The report shall indicate the office that the candidate is seeking, the political party represented by the candidate, if any, the date of the contest and whether the contest is an election or a primary;

2. Identification of committees; parties. The names and mailing addresses of any political committee, political action committee or political party supported in any way by the registrant;

3. Identification of referendum or initiated petition. The referendum or initiated petition which the committee supports or opposes and the names and mailing addresses of the organizations to which expenditures were made;

4. Itemized expenditures. An itemization of expenditures and the date of each expenditure made to support or oppose any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition. The commission may specify the categories of expenditures which are to be reported to enable the commission to closely monitor the activities of political action committees;

5. Aggregate expenditures. An aggregation of expenditures and cumulative aggregation of expenditures to a candidate, campaign, political committee, political action committee, referendum or initiated petition; and

6. Identification of contributions. Names and mailing addresses of contributors to the political action committee, the amount contributed by each donor and the date of the following contribution following registration of the committee under section 1553. The information required in this subsection shall be kept separate from the information required in section 1553, subsection 7.

§1559. Expenditure limitations

Any committee required to register under this chapter shall comply with the following expenditure limitations.

1. Aggregate expenditures. No committee may make expenditures in support of or opposition to the candidacy of one person or to a political committee in an aggregate amount greater than \$5,000 in any election.

2. Prohibited expenditures. No committee may make any expenditure for liquor to be distributed to or consumed by voters while the polls are open on election day.

3. Registration requirement. No political action committee may make any expenditures, the total of which exceeds \$50 each calendar year, unless it is registered as required in section 1553.

§1560. Records

Any political action committee that makes an expenditure in the aggregate which exceeds \$50 to any one or more candidates, committees or campaigns in this State shall keep records as provided in this section.

1. Details of records. It shall be the duty of the treasurer of a political action committee to record a detailed account of:

A. All expenditures made to or in behalf of a candidate, campaign or committee;

B. The identity and address of each candidate, campaign or committee;

C. The office sought by a candidate and the district he seeks to represent for which a political action committee made an expenditure; and

D. The date of each expenditure.

2. Receipts. It shall be the duty of the treasurer of a political action committee to retain for a 4-year period all receipts of expenditures made for a candidate, committee or campaign in this State. Receipts may be in the form of cancelled checks.

3. Record of contributions. The treasurer of a political action committee shall keep a record of all contributions to the committee, by name and mailing address, of each donor and the amount and date of the

contribution. This provision does not apply to contributions which are less than \$51 each for a general election, primary election and campaign.

§1561. Dissolution of committees

Whenever any political action committee disbands or determines that obligations will no longer be incurred and no expenditures will be made to any candidate, political committee or political party, or to initiate, support, defeat or influence in any way the outcome of a referendum, initiated petition, election or primary, and the committee has no outstanding obligations, it shall file a termination report with the Secretary of State. If a termination report is not filed, the committee shall continue to file periodic reports as required in this chapter.

§1562. Publication or distribution of statements

Whenever any political action committee makes an expenditure for the purpose of financing communications expressly advocating the initiation, promotion or defeat of a question or candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails and other similar types of general public political advertising and through flyers, handbills, bumper stickers and other nonperiodical publications, these communications shall clearly and conspicuously state the name and address of the political action committee which made or financed the expenditure for the communication.

No person operating a broadcasting station within this State may broadcast any such communication without an oral or visual announcement of the name and address of the political action committee which made or financed the expenditure for the communication and a statement that shall read: "A copy of our report is available from and may be viewed at the office of the Secretary of State."

§1563. Failure to file report on time

There shall be a penalty of \$50 for each day that a report required to be filed under this chapter is late. The commission shall determine whether a report received after the date required by this chapter is late and, if determined to be late, the number of days of lateness.

The commission, upon determining that report is late, shall notify the Secretary of State of the lateness. The Secretary of State shall have initial responsibility for collecting the full amount of any penalty within 30 days after receiving from the com-

mission notice of a report's lateness. The Secretary of State shall have all necessary powers to carry out this responsibility.

Failure to pay the full amount of any penalty levied under this section is a civil violation. Thirty days after receiving notice of the lateness of any report, the Secretary of State shall report to the Attorney General the name of any political action committee which has failed to pay the full amount of any penalty. The Attorney General shall enforce this violation in a civil action to collect the full amount outstanding of the penalty. The action shall be brought in the Superior Court for the County of Kennebec or the District Court, 7th District, Division of Southern Kennebec.

§1564. Investigations

The commission may investigate to determine the facts concerning the registration of any political action committee, contributions to and any expenditures by any political action committee for the purposes as defined in this chapter. For this purpose, the commission may subpoena witnesses and records and take evidence under oath. Any political action committee which fails to obey the lawful subpoena of the commission or to testify before it under oath shall be punished by the Superior Court for contempt on application by the Attorney General on behalf of the commission.

1. Investigation requested. Any person may make written application to the commission requesting an investigation concerning the registration of, contributions to and expenditures by any political action committee. The commission shall review the application and shall make the investigation, if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

2. State Auditor; Secretary of State. The State Auditor and the Secretary of State shall assist the commission in making investigations and in other phases of the commission's duties under this chapter, as requested by the commission, and shall have all necessary powers to carry out these responsibilities.

3. Attorney General. The Attorney General shall be the counsel for the commission and may examine any witnesses before the commission. The commission shall refer any apparent violations of this chapter to the Attorney General for prosecution.

§1565. Violations

1. Contributions. No political action committee may knowingly make or accept any contribution or make any expenditure in violation of this chapter.

2. False statement in report. No political action committee may make a false statement in any report required by this chapter.

3. Registration. No political action committee may function in this State, unless it is registered in accordance with section 1553 or unless it is accepted by the provisions thereof.

§1566. Penalty

Any violation of any provision of this chapter for which a penalty is not otherwise provided shall be a Class E crime. The Attorney General shall prosecute any such violation.

Effective September 23, 1983.

## CHAPTER 366

S.P. 543 - L.D. 1586

AN ACT to Prohibit Harassment of  
Hunters, Trappers and Fishermen.

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

12 MRSA c. 710 is enacted to read:

CHAPTER 710

HARASSMENT OF HUNTERS, TRAPPERS

AND FISHERMEN

§7541. Harassment prohibited

1. Interference with taking. No person may willfully interfere with the lawful hunting, fishing or trapping of a wild animal, wild bird or fish.

2. Disturbing wild animals, wild birds or fish. No person may willfully disturb or attempt to disturb a wild animal, wild bird or fish with the intent to interfere with the hunting, fishing or trapping of them.