

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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J.S. McCarthy Co., Inc.
Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

CHAPTER 725

H.P. 1651 - L.D. 2176

AN ACT to Amend the Political Action Committee Registration and Reporting Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the political action committee registration and reporting law governs the activities of the political action committees in state elections; and

Whereas, the election campaign activities of state candidates will be starting soon; and

Whereas, political action committees, as well as other contributors, ought to be governed by an established, uniform set of requirements right from the beginning of the campaign; and

Whereas, unless these amendments to the registration and reporting law are enacted immediately, political action committees, candidates, contributors and election law administrators will be faced with requirements which change midway through the campaign; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 21 MRSA §1552, sub-§7, as enacted by PL 1983, c. 365, is amended to read:

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.

Political action committee does not include a candidate or a candidate's treasurer as described in section 1393, subsection 1, a candidate's authorized political committee as described in section 1393, subsection 2 or a party committee as described in section 1393, subsection 4.

Sec. 2. 21 MRSA §1553, first ¶, as enacted by PL 1983, c. 365, is amended to read:

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:

Sec. 3. 21 MRSA §1553, sub-§5, as enacted by PL 1983, c. 365, is amended to read:

5. Assets. The total assets of the committee available to influence elections in Maine 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;

Sec. 4. 21 MRSA §1555, as enacted by PL 1983, c. 365, is amended to read:

§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 on its activities in that campaign 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 re-

port for each filing period as defined in sections 1556 and 1557 section 1556-A, whether or not the expenditures are in excess of \$50 in any one period.

Sec. 5. 21 MRSA §§1556 and 1557, as enacted by PL 1983, c. 365, are repealed.

Sec. 6. 21 MRSA §1556-A is enacted to read:

§1556-A. Reports; filing requirements

Political action committees required to file reports by section 1555 shall do so as required by this section. All reports shall be filed no later than 5 p.m. on the filing deadline. If the date specified for filing falls on a Saturday, a Sunday or a holiday, the report shall be due on the next regular work day.

1. Periodic reports. During the year in which an election is held, committees shall file reports as required by this subsection. The reports required in paragraphs A to C 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 printout sheets that contain the information required by this chapter.

A. Primary election reports shall be filed:

(1) On January 22nd and shall be complete as of January 15th. This report shall cover all previous expenditures made by the committee to influence, in any way, the outcome of a primary election;

(2) On April 8th and shall be complete as of April 1st;

(3) On the 7th day before the date on which a primary election is held and shall be complete as of the 11th day before that date; and

(4) On July 22nd and shall be complete as of July 15th. This report shall aggregate all expenditures made to influence, in any way, the outcome of a primary election.

B. General election reports shall be filed:

(1) On January 22nd and shall be complete as of January 15th. This report shall cover all previous expenditures made by the committee to influence, in any way, the outcome of a general election;

(2) On April 8th and shall be complete as of April 1st;

(3) On July 22nd and shall be complete as of July 15th;

(4) On October 8th and shall be complete as of October 1st;

(5) On the 7th day before the date on which a general election is held and shall be complete as of the 11th day before that date; and

(6) On December 22nd and shall be complete as of December 15th. This report shall aggregate all expenditures made to influence, in any way, the outcome of a general election.

C. Reports of spending to influence referenda, initiatives, bond issues or constitutional amendment elections shall be filed:

(1) On January 22nd and shall be complete as of January 15th. This report shall cover all previous expenditures made by the committee to influence, in any way, the outcome of a ballot issue campaign;

(2) On April 8th and shall be complete as of April 1st;

(3) On July 22nd and shall be complete as of July 15th;

(4) On October 8th and shall be complete as of October 1st;

(5) On the 7th day before the date on which a ballot question election is held and shall be complete as of the 11th day before that date; and

(6) On December 22nd and shall be complete as of December 15th. This report shall ag-

gregate all expenditures made to influence, in any way, the outcome of a ballot question campaign.

2. Annual reports. If a political action committee makes expenditures in excess of \$50 to influence, in any way, the outcome of an election in a year other than the year in which that election is held, the committee shall file an annual report on forms prescribed by the commission. That report shall be due on January 22nd of the next calendar year and shall be complete as of the close of the calendar year during which the expenditures were made.

3. Report of expenditures made after the 11th day and more than 48 hours before any election. Any expenditures 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 expenditure.

4. Special election reports. If a special election is held, a political action committee which makes expenditures in excess of \$50 to influence, in any way, the outcome of that special election shall file reports on forms prescribed by the commission. Special election reports shall be filed:

A. On the 42nd day before the date on which the special election is held and shall be complete as of the 49th day before that date. This report shall cover all previous expenditures made by the committee to influence, in any way, the outcome of the special election;

B. On the 7th day before the date on which the special election is held and shall be complete as of the 11th day before that date; and

C. On the 42nd day after the date on which the special election is held and shall be complete as of the 35th day after that date. This report shall aggregate all expenditures made to influence, in any way, the outcome of the special election.

Sec. 7. 21 MRSA §1558, sub-§6, as enacted by PL 1983, c. 365, is amended to read:

6. Identification of contributions. Names and mailing addresses of contributors who have given more than \$50 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.

Sec. 8. 21 MRSA §1560, first ¶, as enacted by PL 1983, c. 365, is amended to read:

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. Records required to be kept by subsections 1, 2 and 3 shall be retained by the political action committee until 10 days after the next election following the election to which the records pertain.

Sec. 9. 21 MRSA §1560, sub-§2, as enacted by PL 1983, c. 365, is amended to read:

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.

Sec. 10. 21 MRSA §1563, first ¶, as enacted by PL 1983, c. 365, is amended to read:

There shall be a penalty of \$50 for each business 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.

Sec. 11. 21 MRSA §1563, as enacted by PL 1983, c. 365, is amended by adding at the end 2 new paragraphs to read:

A notice of lateness shall be sent to political action committees and treasurers registered with the commission whose reports are not received by 2 days after the filing deadline. That notice shall be sent on the 3rd day following the deadline.

A late report filed within 10 days of any deadline, except a report required to be filed within 11 days before an election, shall not be subject to penalty. Reports filed after this grace period are subject to penalties from the original filing deadline.

Sec. 12. 21 MRSA §1565, sub-§3, as enacted by PL 1983, c. 365, is amended to read:

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 excepted by the provisions thereof.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 9, 1984.

CHAPTER 726

S.P. 813 - L.D. 2169

AN ACT to Provide Set-back Requirements for Disposal by a Property Owner on His Property of Septage from His Residence.

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

Sec. 1. 38 MRSA §1304-B, sub-§3, as enacted by PL 1983, c. 380, §1, is amended to read:

3. Ordinances. This chapter shall not be construed as limiting the authority of any municipality to enact ordinances for the regulation of solid waste or septage disposal, provided that these ordinances are not less stringent than or inconsistent with this chapter or the regulations adopted under this chapter.

Sec. 2. 38 MRSA §1305, sub-§7 is enacted to read:

7. On-site disposal of domestic septage; enforcement. Municipalities shall enforce the provisions of section 1306, subsection 2. Municipalities may recover all costs of enforcement, including attorneys' fees, from a septage pumper who violates the provisions of that subsection.

Sec. 3. 38 MRSA §1306, as repealed and replaced by PL 1981, c. 430, §12, is repealed and the following enacted in its place:

§1306. Prohibition

1. General Prohibition. It is unlawful for any