

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
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PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
1989

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tation of this Title and all other laws ~~with~~ which the board is charged ~~with~~ in the duty of administering. At least 4 members shall be residents of the First Congressional District and at least 4 members shall be residents of the Second Congressional District. The boundaries of the congressional districts are defined in Title 21-A, chapter 15. The members shall be appointed for staggered 4-year terms, except that a vacancy shall be filled for the unexpired portion of the term. No member may serve more than 2 consecutive 4-year terms. The Governor shall appoint one member to serve as ~~chairman~~ chair. Any member who has not been renominated by the Governor within 90 days of the expiration of ~~his~~ that member's term shall not continue to serve on the board unless the Governor notifies the Legislature, in writing and within 90 days of the expiration of that member's term, of ~~his~~ the finding that extension of that member's term is required to ensure fair consideration of specific major applications pending before the board. That member's term shall terminate upon final board decisions on the specific applications identified in the Governor's communication.

**Sec. 176. 38 MRSA §532, first ¶,** as amended by PL 1985, c. 162, §8, is further amended to read:

There shall be 5 members, hereinafter in this subchapter called Commissioners of the New England Interstate Water Pollution Control Commission from the State of Maine, as authorized by Title 5, section ~~12004~~ 12004-K, subsection ~~42~~ 3. One commissioner shall be the Commissioner of Human Services and one the Commissioner of Environmental Protection or ~~his~~ a designee. The term of any such commissioner shall terminate at the time ~~he~~ that commissioner ceases to hold said state office and ~~his~~ a successor in that office shall be ~~his~~ the successor as commissioner on this commission. The Governor shall appoint 3 more commissioners who shall be citizens of the State, one to represent municipal interests, one to represent industrial interests and one to represent the public generally. The term of the last 3 said commissioners shall be for a period of 3 years and ~~he~~ shall hold office until ~~his~~ a successor shall be appointed and qualified. The terms of each of the initial 5 members shall begin at the date of the appointment, provided the said compact shall then have been executed by the Governor of this State as prescribed in section 531; otherwise they shall begin upon the effective date of the compact in accordance with section 537.

**Sec. 177. 38 MRSA §951, last ¶,** as amended by PL 1983, c. 812, §293, is further amended to read:

In view of the dangers of intensive and poorly planned development, it is the purpose of this chapter to preserve existing water quality, prevent the diminution of water supplies, to control erosion, to protect fish and wildlife populations, to prevent undue extremes of flood and drought, to limit the loss of life and damage to property from periodic floods; to preserve the scenic, rural and unspoiled character of the lands adjacent to these rivers; to prevent obstructions to navigation; to prevent overcrowding; to avoid the mixture of incompatible uses; to protect those areas of exceptional scenic, historic, archaeological, scientific and educational importance; and to protect the public health, safety and general welfare by ~~establishing~~ creating the Saco

River Corridor, ~~authorized by Title 5, section 12004, subsection 8; established in section 953,~~ and by regulating the use of land and water within this area.

**Sec. 178. 38 MRSA §954, first ¶,** as amended by PL 1983, c. 812, §294, is further amended to read:

To carry out the purpose stated in section 951, the Saco River Corridor Commission, as established by Title 5, section ~~12004~~ 12004-G, subsection 8 13, shall hereafter in this chapter be called the "commission." The commission is charged with implementing this chapter within the Saco River Corridor and shall have and exercise all the powers and authorities necessary to carry out the purposes of this chapter and the powers and authorities granted herein. The commission shall consist of one member and one alternate from each municipality whose jurisdiction includes lands or bodies of water encompassed by the Saco River Corridor. Members and alternates shall not be personally liable for the official acts of the commission.

**Sec. 179. 38 MRSA §1310-L, sub-§2,** as enacted by PL 1987, c. 517, §25, is amended to read:

**2. Compensation.** Members shall be compensated according to Title 5, section ~~12004~~ 12004-I, subsection 8 22.

**Sec. 180. 39 MRSA §104-A, sub-§2-B, ¶C,** as enacted by PL 1987, c. 559, Pt. B, §45, is amended to read:

C. The employer, if organized as a corporation, is subject to revocation or suspension of its authority to do business in this State as provided in Title 13-A, section 1302. The employer, if licensed, certified, registered or regulated by any board authorized by Title 5, section ~~12004~~ 12004-A, ~~subsection 1;~~ or whose license may be revoked or suspended by proceedings in the Administrative Court or by the Secretary of State, is subject to revocation or suspension of ~~his~~ license, certification or registration.

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

Effective June 30, 1989, unless otherwise indicated.

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## CHAPTER 504

S.P. 587 - L.D. 1649

### An Act to Amend Campaign Finance Reporting

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

**Sec. 1. 21-A MRSA §1003, sub-§§1 and 2,** as enacted by PL 1985, c. 161, §6, are amended to read:

**1. Investigations.** The commission may investigate to determine the facts concerning the registration of any candidate, political committee or political action committee

and contributions by or to and expenditures by any person, candidate, political committee or political action committee. For this purpose, the commission may subpoena witnesses and records and take evidence under oath. Any person or political action committee ~~who that~~ 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.

**2. Investigations requested.** Any person may apply in writing to the commission requesting an investigation concerning the registration of any candidate, political committee or political action committee and contributions by or to and expenditures by any person, candidate, political committee or 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.

**Sec. 2. 21-A MRSA §1004, sub-§§1 and 2,** as enacted by PL 1985, c. 161, §6, are amended to read:

**1. Contributions and expenditures.** No person, candidate, political committee or political action committee may knowingly make or accept any contribution or make any expenditure in violation of this chapter.

**2. False statements.** No person, candidate, treasurer or political action committee may make a false statement in any report required by this chapter.

**Sec. 3. 21-A MRSA §1013,** as amended by PL 1987, c. 160, §§2 and 3, is repealed.

**Sec. 4. 21-A MRSA §1013-A** is enacted to read:

**§1013-A. Registration**

**1. Candidates; candidates' treasurers.** Candidates and candidates' treasurers are required to register with the commission for each election as follows.

A. A candidate may accept contributions personally or make or authorize expenditures personally. A candidate for a state or county office other than the office of Governor shall register the candidate's name and address with the commission within 7 days of accepting contributions in an aggregate amount in excess of \$500 or incurring obligations or making expenditures in an aggregate amount in excess of \$500. A candidate for the office of Governor shall register the candidate's name and address with the commission within 7 days of accepting contributions or making or authorizing expenditures in excess of \$1,000.

B. A candidate may appoint a treasurer to accept contributions or to make or authorize expenditures. A candidate who appoints a treasurer must register with the commission the name and address of the treasurer, the name and address of the candidate making the appointment and the treasurer's term of

office, if any, within 7 days after the appointment. Contributions accepted by or expenditures authorized by a candidate's treasurer shall be deemed accepted or authorized by the candidate for the purposes of this subchapter.

C. Any candidate not required to register earlier shall do so within 5 days after qualifying as a candidate, by petition, write-in election or otherwise.

**2. Authorized political committees.** A candidate may authorize one political committee and one exploratory committee to promote that candidate's election. Each committee shall register with the commission for each election. Each political committee shall appoint a treasurer before accepting any contributions or making or authorizing any expenditures. Within 7 days after that appointment, each political committee shall register with the commission the following information:

A. The name and address of the committee's treasurer and the treasurer's term of office, if any;

B. The name or title of the committee making the appointment;

C. The name of the candidate or potential candidate who authorized the committee; and

D. The names and addresses of all of the committee's officers, whether or not the committee accepts any contributions or makes or authorizes any expenditures.

**3. Party committees.** The state, district, county and municipal committees of parties shall submit to the commission the names and addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 days after the appointment, election or hiring of these persons. District, county and municipal committees which provide their state party committees with the information required by this subsection to be submitted to the commission shall be deemed to have submitted that information to the commission. No later than January 1st of each year in which a general election is scheduled, the state committee of a party shall submit a consolidated report, including the information required under this subsection for the district, county and municipal committees of that party.

**4. Reporting by registered or qualified candidates and committees.** All contributions accepted and expenditures made or authorized by or on behalf of a candidate registered under this section or qualified under sections 335 and 336 or sections 354 and 355 must be recorded and reported as provided in sections 1016 and 1017.

**5. Changes in registration information.** Every change in information required by this section to be reported to the commission shall be reported within 10 days of the date of the change.

**Sec. 5. 21-A MRSA §1014, sub-§1**, as amended by PL 1987, c. 188, §17, is further amended to read:

**1. Authorized by candidate.** Whenever any person makes an expenditure to finance communications expressly advocating the election or defeat of a clearly identified 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, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication. By rule, the commission may exempt campaign articles from the disclosure requirement of this subsection where inclusion of the disclosure statement would necessarily be so small as to be illegible, or would otherwise be infeasible.

~~An expenditure which results in a violation of this subsection may result in a penalty of no more than \$100 if the violation is not corrected within 10 days after the candidate receives notification of the violation from the commission. Enforcement and collection procedures shall be in accordance with section 1020.~~

**Sec. 6. 21-A MRSA §1014, sub-§4** is enacted to read:

**4. Enforcement.** An expenditure, communication or broadcast which results in a violation of this section may result in a civil penalty of no more than \$100 if the violation is not corrected within 10 days after the candidate receives notification of the violation from the commission. Enforcement and collection procedures shall be in accordance with section 1020.

**Sec. 7. 21-A MRSA §1015, sub-§5**, as enacted by PL 1985, c. 161, §6, is amended to read:

**5. Other contributions and expenditures.** ~~Expenditures~~ Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents ~~are~~ is considered to be a contribution to that candidate.

The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents is considered to be a contribution to that candidate.

**Sec. 8. 21-A MRSA §1016, first ¶**, as enacted by PL 1985, c. 161, §6, is amended to read:

Each treasurer or each candidate shall keep detailed records of all contributions received and of each expenditure which the treasurer or candidate makes or authorizes, as provided in this section. When reporting contributions and

expenditures to the commission as required by section 1017, the candidate or treasurer shall certify the completeness and accuracy of the information reported by that candidate or treasurer.

**Sec. 9. 21-A MRSA §1016, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Segregated funds.** All funds of a political committee and campaign funds of a candidate must be segregated from, and may not be commingled with, any personal funds of the candidate, officers, members or associates of the committee. Personal funds of the candidate used to support the candidacy must be recorded and reported as contributions to the political committee, or the candidate if the candidate has not authorized a political committee.

**Sec. 10. 21-A MRSA §1016, sub-§3, ¶A**, as enacted by PL 1985, c. 161, §6, is amended to read:

A. All contributions made to or for the candidate or committee, including any contributions by the candidate;

**Sec. 11. 21-A MRSA §1017, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Federal candidates.** ~~Each candidate for federal office and the~~ The treasurer of the political campaign committee or committees of each candidate for federal office shall file with the commission a copy of the complete report required of them under federal law on the same date that those reports are required to be filed under federal law.

**Sec. 12. 21-A MRSA §1017, sub-§2**, as amended by PL 1985, c. 566, §1, is further amended to read:

**2. Gubernatorial candidates.** ~~Each~~ Except as provided by subsection 7, each candidate for the office of Governor or the candidate's treasurer and the treasurer of each political committee authorized by the candidate shall file reports with the commission as follows. Once the first required report has been filed, each subsequent report must cover the period from the completion date of the prior report filed.

A. In any calendar year, other than a gubernatorial election year, in which the candidate ~~and~~ or the candidate's political committee or committees received contributions in excess of \$1,000 or made expenditures in excess of \$1,000, reports shall be filed not later than 5 p.m. on July 15th of that year and January 15th of the following calendar year and must be complete as of the close of the calendar year for which the report is filed. These reports must include all contributions made to and all expenditures made by the candidate or political committee as of the end of the preceding month, except those covered by a previous report.

B. Reports shall be filed not later than 5 p.m. on the 42nd day before the date on which an election is held

and must be complete as of the 49th day before that date. If no report was filed under paragraph A, the report required under this paragraph must cover ~~the 6 months immediately preceding~~ all contributions and expenditures through the completion date.

C. Reports shall be filed not later than 5 p.m. on the ~~7th 6th~~ day before the date on which an election is held and must be complete as of the ~~11th~~ 12th day before that date.

D. Any contribution ~~or expenditure~~ of \$1,000 or more, made after the ~~11th~~ 12th day and more than 48 hours before any election, shall be reported within 48 hours of that contribution, ~~or expenditure by noon of the first business day after the contribution, whichever is later.~~

E. Reports shall be filed not later than 5 p.m. on the 42nd day after the date on which an election is held and must be complete for the ~~entire election campaign~~ filing period as of the 35th day after that date.

F. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$50 shown in the reports described in paragraph E shall be reported ~~quarterly to~~ as follows. A candidate or political committee with a surplus or deficit in excess of \$50 shall file reports semiannually with the commission within 15 days following the end of each quarter the 2nd and 4th quarters of the State's fiscal year, until the surplus is disposed of or the deficit is liquidated. The first report is not required until the 15th day of the ~~quarter period~~ beginning at least 90 days from the date of the election. The reports may either be filed in person with the commission on that date or postmarked ~~by that time~~ on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

G. Unless otherwise specified in this subsection, reports must be complete back to the completion date of the previous report. The report described in paragraph E, if filed with respect to a primary election, is considered a previous report in relation to reports concerning a general election.

H. Reports with respect to a candidate who seeks nomination by petition for the office of Governor shall be filed on the same dates that reports must be filed with respect to a candidate who seeks that nomination by primary election.

**Sec. 13. 21-A MRSA §1017, sub-§3,** as amended by PL 1987, c. 726, §1, is repealed.

**Sec. 14. 21-A MRSA §1017, sub-§3-A** is enacted to read:

**3-A. Other candidates.** Except as provided in subsection 7, each candidate for state or county office other than the office of Governor, or the candidate's treasurer and the treasurer of each political committee authorized by a candidate, shall file reports with the commission as follows. Once the first required report has been filed, each subsequent report must cover the period from the completion date of the prior report filed.

A. In any calendar year in which no election for the candidate's particular office is scheduled, when any candidate or candidate's political committee or committees have received contributions in excess of \$500 or made or authorized expenditures in excess of \$500, reports shall be filed no later than 5 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made and all expenditures made or authorized as of the end of the preceding month, except those covered by a previous report.

B. Reports shall be filed no later than 5 p.m. on the 6th day before the date on which an election is held and must be complete as of the 12th day before that date. If no report was filed on July 15th pursuant to paragraph A, the report required under this paragraph must cover all contributions and expenditures through the completion date.

C. Any contribution of \$1,000 or more made after the 12th day and more than 48 hours before any election shall be reported within 48 hours of that contribution, or by noon of the first business day after the contribution, whichever is later.

D. Reports shall be filed no later than 5 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

E. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$50 shown in the reports described in paragraph D shall be reported as provided by this paragraph. A candidate or political committee authorized by a candidate with a surplus or deficit in excess of \$50 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, until the surplus is disposed of or the deficit is liquidated. The first report is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports may either be filed in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

F. Reports with respect to a candidate who seeks nomination by petition shall be filed on the same dates that reports must be filed by a candidate for the

same office who seeks that nomination by primary election.

**Sec. 15. 21-A MRSA §1017, sub-§§4 and 5,** as enacted by PL 1985, c. 161, §6, are amended to read:

**4. New candidate or nominee.** A candidate for nomination or a nominee chosen to fill a vacancy under chapter 5, subchapter III, shall file a campaign report under this section within 15 days after his the candidate's appointment and thereafter on the appropriate schedule under this section. The commission shall send notification of this requirement and report forms to the candidate immediately upon his notice of the candidate's appointment.

**5. Content.** A report required under this section must contain the itemized accounts of contributions received during that report filing period, including the date a contribution was recorded, and the name, address, occupation and, principal place of business, if any, and the amount of the contribution of each person who has made a contribution or contributions aggregating in excess of \$50 for that report filing period. It must contain the itemized expenditures made or authorized, the date and purpose of each expenditure and the name of each payee and creditor. Total contributions with respect to an election of less than \$500 and total expenditures of less than \$500 need not be itemized. The report must contain a statement of any loan of money in an aggregate amount of \$500 or more to a candidate by a financial institution made during the period covered by the report, whether or not the loan is defined as a contribution under section 1012, subsection 2, paragraph A. The candidate is responsible for the timely and accurate filing of each required report.

**Sec. 16. 21-A MRSA §1017, sub-§6,** as amended by PL 1989, c. 166, §10, is further amended to read:

**6. Forms.** Reports required by this section must be on forms prescribed, prepared and sent by the commission to the each registered candidate at least 7 days before the filing date for the report. Persons filing reports may use additional pages if necessary, but the pages must be the same size as the pages of the form. Although the commission mails the forms for required reports, failure to receive forms by mail does not excuse committees, candidates and other persons who must file reports from otherwise obtaining the forms.

**Sec. 17. 21-A MRSA §1017, sub-§§7 and 8** are enacted to read:

**7. Reporting exemption.** Candidates are exempt from reporting as provided by this subsection.

A. A candidate may, at the time that candidate registers under section 1013-A, notify the commission that the candidate will not personally accept contributions, make expenditures or incur obligations associated with that person's candidacy. A candidate who provides this notice to the commission is not subject to the filing requirements of this section if the statement is true. A candidate who does not

provide this notice is subject to the filing requirements of this section.

B. The notice provided to the commission under paragraph A may be revoked. If the notice is revoked, the candidate, subject to the filing requirements of this section as of the date of revocation, may personally accept contributions, make expenditures or incur obligations associated with that person's candidacy. A candidate shall revoke the notice provided for by paragraph A before personally accepting contributions, making expenditures or incurring obligations associated with that person's candidacy. Any candidate who violates this paragraph shall be assessed a penalty of \$10 for each business day that the revocation of the candidate's notice is late, up to a maximum of \$500.

**8. Disposition of surplus.** Candidates registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 may dispose of a surplus exceeding \$50 only by:

A. Pro rata distribution to the candidate's or candidate's authorized political committee's contributors;

B. A gift to a qualified political party within this State, including any county or municipal subdivision of such a party;

C. An unrestricted gift to the State;

D. Carrying forward the surplus balance to a political committee established to promote the same candidate for a subsequent election;

E. Transferring the surplus balance to one or more other candidates registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to political committees established to promote the election of those candidates, provided that the amount transferred does not exceed the contribution limits established by section 1015; and

F. Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate.

The choice shall be made by the candidate for whose benefit the contributions were made, and distribution of the entire surplus by one or more of the methods prescribed in this paragraph must be completed within 4 years of the election for which the contributions were received.

**Sec. 18. 21-A MRSA §1018, sub-§2, ¶¶B and C,** as enacted by PL 1985, c. 161, §6, are amended to read:

B. This report must contain an itemized account of each such contribution or expenditure aggregating in excess of \$50 in any election, the date and purpose of each and the name of each payee or creditor. Total contributions or expenditures of less than \$500 in any election need not be itemized.



C. Reports required by this subsection must be on forms prescribed by the commission, prepared by the Secretary of State and sent by the commission to the candidate at least 7 days before the filing date for the report. Persons filing these reports may use additional pages if necessary, but the pages must be the same size as the pages of the form. Although the commission mails the forms for required reports, failure to receive forms by mail does not excuse committees, candidates and other persons who must file reports from otherwise obtaining the forms.

**Sec. 19. 21-A MRSA §1019, sub-§§2 and 3,** as enacted by PL 1985, c. 161, §6, are amended to read:

**2. Content.** This report must contain an itemized account of each contribution or expenditure aggregating in excess of \$50 in any election, the date and purpose of each and the name of each payee or creditor. Total contributions or expenditures of less than \$500 in any election need not be itemized. The report must state whether the contribution or expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of a candidate. Any membership organization or corporation which makes a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate must report any expenditures aggregating in excess of \$50 for such a communication in any election, whether or not the communication is defined as an expenditure under section 1012, subsection 5, paragraph C.

**3. Forms.** Reports required by this section must be on forms prescribed and prepared by the commission and prepared by the Secretary of State and, in the case of quarterly semiannual reports, sent by the commission to the person at least 7 days before the filing date for the report. Persons filing these reports may use additional pages if necessary, but the pages must be the same size as the pages of the form. Although the commission mails the forms for required reports, failure to receive forms by mail does not excuse committees, candidates and other persons who must file reports from otherwise obtaining the forms.

**Sec. 20. 21-A MRSA §1020,** as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

**§1020. Failure to file on time**

**1. Registration.** Any candidate or political committee that fails to register with the commission within the time allowed by section 1013-A, subsection 1, shall be assessed a penalty of \$50.

**2. Campaign finance reports.** A campaign finance report is not timely filed unless a properly signed copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission before 5 p.m. on the date it is due. The commission shall

determine whether a required report satisfies these requirements for timely filing and, if determined to be late, the number of days of lateness. If the reason for the late filing is that forms required to be sent by the commission were not postmarked at least 7 days before the filing date, the period for filing shall be increased by the deficiency without penalty.

A. Except as provided in paragraph B, there is a penalty of \$10 for each business day a report required to be filed under this subchapter is late.

B. There is a penalty of \$50 for each business day that reports required under section 1017, subsection 2, paragraph C or D, or section 1017, subsection 3-A, paragraph B or C, are late.

C. The maximum penalty under this subsection is \$500, except in the case of penalties assessed under paragraph B, in which case the maximum penalty is \$1,000.

D. A notice of lateness shall be sent to candidates and treasurers registered with the commission whose campaign finance reports are not received within 2 days of the filing deadline. That notice shall be sent on the 3rd day following the deadline.

E. A late report required under section 1017, subsection 2, paragraph A, B, E or F, or section 1017, subsection 3-A, paragraph A, D or E, that is filed within 10 days of the due date is not subject to penalty.

F. A report required to be filed 6 days before an election which is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty. Any required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter. Reports filed after the applicable grace period are subject to penalties from the original filing deadline.

G. The commission, upon determining that a report is late, shall notify the Secretary of State of the lateness. The Secretary of State has the initial responsibility for collecting the full amount of any penalty within 30 days after receiving notice of a late report from the commission. The Secretary of State shall have all necessary powers to carry out this responsibility.

H. The commission shall prepare a list of the names of candidates who are late in filing a report required under section 1017, subsection 2, paragraph C or D, or section 1017, subsection 3-A, paragraph B or C, within 30 days of the date of the election and shall make that list available for public inspection.

**3. Enforcement.** Failure to pay the full amount of any penalty levied under this section is a civil violation by the

candidate, political party or other person whose campaign finance activities are required by this subchapter to be reported. 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 person who has failed to pay the full amount of any penalty. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty. This action shall be brought in the Superior Court for the County of Kennebec or the District Court, 7th District, Division of Southern Kennebec.

**Sec. 21. 21-A MRSA §1052, sub-§1, ¶¶D and E,** as enacted by PL 1985, c. 161, §6, are amended to read:

D. Legislation expressly conditioned upon ratification by a referendum vote under 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 : ; and

**Sec. 22. 21-A MRSA §1052, sub-§1, ¶F** is enacted to read:

F. Any county referendum.

**Sec. 23. 21-A MRSA §1052, sub-§5, ¶A,** as amended by PL 1985, c. 614, §23, is further amended to read:

A. Includes:

(1) 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;

(2) Any person ~~which who~~ serves as a funding and transfer mechanism and ~~by which monies are expended~~ spends money to initiate, advance, promote, defeat ; or influence in any way ~~or initiate~~ a candidate, campaign, political party, referendum or initiated petition in this State; and

(3) Any person who makes expenditures other than by contribution to a political action committee, for the purpose of the initiation, promotion or defeat of any question; and

**Sec. 24. 21-A MRSA §1053, first ¶,** as enacted by PL 1985, c. 161, §6, is amended to read:

Every political action committee which makes expenditures 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 must register with the commission on forms prescribed by the commission. These forms must include the following information and any addi-

tional information reasonably required by the commission ~~or the Secretary of State~~ to monitor the activities of political action committees in this State under this subchapter : ;

**Sec. 25. 21-A MRSA §1053, sub-§1,** as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Identification of committee.** The names and mailing addresses of the committee, its treasurer ~~and~~ , its principal officers and the identity of any candidate for any constitutional office or who is registered under section 1013-A and who is involved in decision making for a political action committee organized to advance the election of that candidate;

**Sec. 26. 21-A MRSA §1055,** as enacted by PL 1985, c. 161, §6, is amended by inserting at the end a new paragraph to read:

An expenditure, communication or broadcast which results in a violation of this section may result in a civil penalty of no more than \$100. Enforcement and collection procedures shall be in accordance with section 1062.

**Sec. 27. 21-A MRSA §1057, sub-§3,** as enacted by PL 1985, c. 161, §6, is amended to read:

**3. Record of contributions.** The treasurer of a political action committee must 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 do not exceed \$50 each for a general election, primary election and referendum campaign. When any donor's contributions to a political action committee exceed \$50, the record must include the aggregate amount of all contributions from that donor.

**Sec. 28. 21-A MRSA §1059,** as amended by PL 1989, c. 7, Pt. O, §6, is repealed and the following enacted in its place:

**§1059. Report; filing requirements**

Committees required to register under section 1053 shall file reports in compliance with this section. All reports must be filed no later than 5 p.m. on the filing deadline.

**1. Contents; quarterly reports and election year reports.** The reports required under subsection 2, paragraphs A, B and C, must contain the following:

**A. Itemized expenditures required by the commission to closely monitor the activities of political action committees;**

**B. Aggregate expenditures, by candidate or political committee, for the periods between the filing dates specified; and**

**C. Cumulative aggregated expenditures which must include all preceding reporting periods.**

The commission may accept computer printout sheets that contain the information required by this chapter.

**2. Reporting schedule.** Committees shall file reports according to the following schedule.

A. Quarterly reports shall be filed:

(1) On January 15th and must be complete as of January 5th;

(2) On April 10th and must be complete as of March 31st;

(3) On July 15th and must be complete as of July 5th; and

(4) On October 10th and must be complete as of September 30th.

B. General and primary election reports shall be filed:

(1) On the 6th day before the date on which the election is held and must be complete as of the 12th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

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

(1) On the 6th day before the date on which the election is held and must be complete as of the 12th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

D. A committee which files an election report under paragraph B or C due within 6 days before or within 42 days after the date on which a quarterly report is due is not required to file that quarterly report.

E. A committee shall report any expenditure of \$100 or more, made after the 12th day and more than 48 hours before any election, within 48 hours of that expenditure or by noon of the first business day after the expenditure, whichever is later.

Sec. 29. **21-A MRSA §1062**, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

**§1062. Failure to file on time**

**1. Registration.** Any political action committee required to register under section 1053 that fails to do so within 5 business days after making expenditures in excess of

\$50, or which fails to provide the information required by the commission for registration, shall be assessed a penalty of \$250.

**2. Campaign finance reports.** A campaign finance report is not timely filed unless a properly signed copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission before 5 p.m. on the date it is due. The commission shall determine whether a required report satisfies these requirements for timely filing and, if determined to be late, the number of days of lateness.

A. Except as provided in paragraph B, there is a penalty of \$250, plus an additional penalty of \$50 for each business day beginning with the 2nd such day that a campaign finance report required to be filed under this subchapter is late, up to a maximum of \$1,000.

B. There is a penalty of \$250 for each business day that a report required to be filed under section 1059, subsection 2, paragraph B, subparagraph (1); section 1059, subsection 2, paragraph C, subparagraph (1); or section 1059, subsection 2, paragraph E is late, up to a maximum of \$2,000.

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

D. A late report required to be filed under section 1059, subsection 2, paragraph A; section 1059, subsection 2, paragraph B, subparagraph (2); or section 1059, subsection 2, paragraph C, subparagraph (2), filed within 10 days of any deadline is not subject to penalty. Reports filed after the applicable grace period are subject to penalties from the original filing deadline.

E. A report required to be filed within 6 days before an election which is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty. Any required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

F. The commission, upon determining that a report is late, shall notify the Secretary of State of the lateness. The Secretary of State has the initial responsibility for collecting the full amount of any penalty within 30 days after receiving notice of a late report from the commission. The Secretary of State shall have all necessary powers to carry out this responsibility.

G. The commission shall prepare a list of the names of committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1); section 1059, subsection 2, paragraph C, subparagraph (1); or section 1059, subsection 2, paragraph E, within 30 days of the date of the election and shall make that list available for public inspection.

**3. Enforcement.** Failure to pay the full amount of any penalty levied under this section is a civil violation by the political action committee and its treasurer. 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 and treasurer that failed to pay the full amount of any penalty. The Attorney General shall enforce this violation in a civil action to collect the full outstanding amount 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.

**Sec. 30. Legislative review.** Within 7 days after the effective date of this section, the commission shall furnish to the Joint Standing Committee on Legal Affairs the reporting and registration forms which the commission intends to provide to candidates, political action committees and other interested parties to assure effective implementation of this Act.

**Sec. 31. Effective date.** Sections 1 to 29 of this Act are effective November 1, 1989.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 505

S.P. 508 - L.D. 1396

### An Act to Protect Maine Workers from Needless Injury and Death by Creating the Offense of Work-related Manslaughter

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

**Sec. 1. 17-A MRSA §203, sub-§1,** as amended by PL 1983, c. 372, §2, is further amended to read:

**1.** A person is guilty of manslaughter if ~~he~~ that person:

A. Recklessly, or with criminal negligence, causes the death of another human being; ~~or~~

B. Intentionally or knowingly causes the death of another human being under circumstances which do not constitute murder because ~~he~~ the person causes the death while under the influence of extreme anger or extreme fear brought about by adequate provocation. Adequate provocation has the same meaning as

in section 201, subsection 4. The fact that ~~he~~ the person causes the death while under the influence of extreme anger or extreme fear brought about by adequate provocation constitutes a mitigating circumstance reducing murder to manslaughter and need not be proved in any prosecution initiated under this subsection - ; or

C. Has direct and personal management or control of any employment, place of employment or other employee, and intentionally or knowingly violates any occupational safety or health standard of this State or the Federal Government, and that violation in fact causes the death of an employee and that death is a reasonably foreseeable consequence of the violation.

**Sec. 2. 17-A MRSA §203, sub-§3,** as amended by PL 1983, c. 217, is repealed and the following enacted in its place:

**3.** Manslaughter is a Class A crime except that:

A. Manslaughter is a Class B crime if it occurs as a result of the reckless or criminally negligent operation of a motor vehicle; and

B. Violation of subsection 1, paragraph C is a Class C crime.

See title page for effective date.

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## CHAPTER 506

H.P. 866 - L.D. 1205

### An Act Regarding Minimum Lot Sizes and Other Municipal Regulations Concerning Mobile Home Parks

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

**Whereas,** mobile home parks provide one of the few truly affordable housing options for many Maine residents; and

**Whereas,** many municipalities are concerned that they will be unable to comply with current law regarding minimum lot sizes; and

**Whereas,** the bill gives municipalities a reasonable degree of control of mobile home park developments, while assuring that development of this affordable housing option remains economically feasible; and

**Whereas,** receipt of the benefits afforded municipalities and mobile home park developers alike is vital to facilitating growth of this affordable housing option; and

**Whereas,** it is necessary to clarify the relationship between municipal authority to regulate mobile home parks