

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

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.

J.S. McCarthy Company
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1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

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employee in suitable work and reinstatement may not conflict with any provision of a collective bargaining agreement between the employer and a labor organization that is the collective bargaining representative of the unit of which the employee is or would be a part.

(b) Notwithstanding division (a), if an employee who has successfully completed rehabilitation is medically disqualified, the employer is not required to reinstate the employee or find suitable work for the employee during the period of disqualification. The employer is not required to compensate the employee during the period of disqualification. Immediately after the employee's medical disqualification ceases, the employer's obligations under division (a) attach as if the employee had successfully completed rehabilitation on that date.

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

Effective April 17, 1990.

CHAPTER 833

H.P. 1570 - L.D. 2175

An Act Concerning Political Campaign Financing and Reporting

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

Whereas, the current law governing campaign finance reporting by candidates and political action committees contains a number of technical errors; and

Whereas, these errors may cause confusion and expense to those required to report campaign finances, especially in an election year; and

Whereas, political action committees are not currently required to report information necessary for a complete understanding of their role in funding and influencing state political campaigns; and

Whereas, the law regarding candidates' campaign financing obligations needs clarification to ensure that the Commission on Governmental Ethics and Election Practices receives the information it needs for an accurate picture of how campaigns are run; 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-A MRSA §1013-A, sub-§§1 to 3, as enacted by PL 1989, c. 504, §§4 and 31, are amended to read:

1. Candidates; candidates' treasurers. Candidates and candidates' treasurers are required to register with the commission ~~for each election as follows at least once in each legislative biennium as provided in this section.~~ For the purpose of this section, "legislative biennium" means the term of office for which a person is elected to serve in the Legislature.

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 in an aggregate amount in excess of \$1,000, or incurring obligations or making or authorizing expenditures in an aggregate amount 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~~ are 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~~ 7 days after qualifying as a candidate, by petition, write-in election or otherwise.

Any candidate whose treasurer is registered with the commission before the candidate files a petition or accepts contributions, incurs obligations or makes expenditures in the aggregate in excess of \$500 shall be considered in compliance with paragraphs A and C of this subsection.

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 at least once every legislative biennium as provided in this section.~~ 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~~ the 2nd Monday in April 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.

Sec. 2. 21-A MRSA §1017, sub-§2, ¶D, as amended by PL 1989, c. 504, §§12 and 31, is repealed and the following enacted in its place:

D. Contributions aggregating \$1,000 or more from any one contributor or any expenditures of \$1,000 or more, made after the 12th day before the election, and more than 48 hours before 5 p.m. on the day of the election, must be reported within 48 hours of those contributions or expenditures or by noon of the first business day after the contributions or expenditures, whichever is later.

Sec. 3. 21-A MRSA §1017, sub-§3-A, ¶¶A and B, as enacted by PL 1989, c. 504, §§14 and 31, are amended to read:

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~~ must 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 to and all expenditures made or authorized by the candidate, the candidate's treasurer or the candidate's authorized political committee as of the end of the preceding month, except those covered by a previous report.

B. Reports ~~shall~~ must 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~~ under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the completion date.

Sec. 4. 21-A MRSA §1017, sub-§5, as amended by PL 1989, c. 504, §§15 and 31, is further amended to read:

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, 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. 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 in connection with that candidate's candidacy that is 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. 5. 21-A MRSA §1017, sub-§5-A, ¶B, as enacted by PL 1987, c. 726, §2, is amended to read:

B. If the contribution is sold after the termination of the appropriate reporting period specified in subsections 1 to 4, the value of the contribution is deemed to be the difference between the value of the contribution as originally reported by the candidate and the amount of the purchase price paid at auction. Unless further reports are filed in relation to a later election in the same calendar year, the disposition of any net surplus or deficit in excess of \$50 resulting from the difference between the auction price and the original contribution value ~~shall~~ must be reported in the same manner as provided in subsection 2, paragraph F or subsection ~~3~~ 3-A, paragraph ~~D~~ E, as appropriate.

Sec. 6. 21-A MRSA §1017, sub-§8, as enacted by PL 1989, c. 504, §§17 and 31, is amended by amending the first paragraph to read:

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~~ solely by:

Sec. 7. 21-A MRSA §1017, sub-§8, ¶D-1 is enacted to read:

D-1. Carrying forward the surplus balance for use by the candidate for a subsequent election;

Sec. 8. 21-A MRSA §1018, sub-§2, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. Reports required by this subsection in relation to a candidate for Governor ~~shall~~ must be filed on the same dates on which reports for gubernatorial candidates are ~~to be~~ filed under section 1017, subsection 2. Reports required by this subsection in relation to a candidate for state or county office, other than Governor, ~~shall~~ must be filed on the same dates on which reports for these candidates are ~~to be~~ filed under section 1017, subsection ~~3~~ 3-A.

Sec. 9. 21-A MRSA §1019, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Filing dates. Reports required by this section in relation to a candidate for Governor ~~shall~~ must be filed on the same dates on which reports for gubernatorial candidates are ~~to be~~ filed under section 1017, subsection 2. Reports required by this section in relation to a candidate for state or county office, other than the office of Governor, ~~shall~~ must be filed on the same dates on which reports for those candidates are ~~to be~~ filed under section 1017, subsection ~~3~~ 3-A.

Sec. 10. 21-A MRSA §1019, sub-§2, as amended by PL 1989, c. 504, §§19 and 31, is further 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~~ that 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~~ 3, paragraph ~~E~~ A.

Sec. 11. 21-A MRSA §1020, sub-§1, as repealed and replaced by PL 1989, c. 504, §§20 and 31, is amended to read:

1. Registration. Any candidate or political committee that fails to register with the commission, within the time allowed by section 1013-A, subsection 1 or 2, ~~shall~~ must be assessed a penalty of \$50. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

Sec. 12. 21-A MRSA §1051, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

This subchapter applies to the activities of political action committees organized in this State ~~which expend that accept contributions, incur obligations or make expenditures in an aggregate amount~~ in excess of \$50 in any one calendar year for the election of state or county officers, or for the support or defeat of any campaign, as defined in this subchapter.

Sec. 13. 21-A MRSA §1052, sub-§5, ¶B, as amended by PL 1989, c. 504, §§23 and 31, is further amended to read:

B. Does not include:

- (1) A candidate or a candidate's treasurer under section ~~4013~~ 1013-A, subsection 1;
- (2) A candidate's authorized political committee under section ~~4013~~ 1013-A, subsection 2; or
- (3) A party committee under section ~~4013~~ 1013-A, subsection ~~4~~ 3.

Sec. 14. 21-A MRSA §1053, first ¶, as amended by PL 1989, c. 504, §§24 and 31, is further amended to read:

Every political action committee ~~which~~ that accepts contributions, incurs obligations or makes expenditures in the aggregate 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, within 7 days of accepting those contributions, incurring those obligations or making those expenditures, on forms prescribed by the commission. These forms must include the following information and any additional information reasonably required by the commission to monitor the activities of political action committees in this State under this subchapter:

Sec. 15. 21-A MRSA §1058, as enacted by PL 1985, c. 161, §6, is amended to read:

§1058. Reports, qualifications for filing

Any political action committee that expends is registered with the commission or that accepts contributions, incurs obligations or makes expenditures in an aggregate amount 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. Any political action committee required under this section to file a report shall file the report for each filing period under section 1059, whether or not the expenditures are in excess of \$50 in any one period.

Sec. 16. 21-A MRSA §1059, sub-§1, ¶B, as repealed and replaced by PL 1989, c. 504, §§28 and 31, is amended to read:

B. Aggregate expenditures, listed by candidate or political committee, for the periods between the filing dates specified reporting period for which the report is filed; and

Sec. 17. 21-A MRSA §1059, sub-§1, ¶B-1 is enacted to read:

B-1. Cumulative expenditures, listed by candidate or political committee, aggregating the expenditures made during preceding reporting periods in the same calendar year and during the reporting period for which the report is filed;

Sec. 18. 21-A MRSA §1059, sub-§1, ¶C, as repealed and replaced by PL 1989, c. 504, §§28 and 31, is repealed and the following enacted in its place:

C. The total cumulative balance from all preceding reporting periods; and

Sec. 19. 21-A MRSA §1059, sub-§1, ¶D is enacted to read:

D. In the report required to be filed under subsection 2, paragraph B, subparagraph 2, a summary of all expenditures made during the calendar year in which the election was held.

Sec. 20. 21-A MRSA §1059, sub-§2, ¶E, as repealed and replaced by PL 1989, c. 504, §§28 and 31, is repealed and the following enacted in its place:

E. A committee shall report any expenditure of \$500 or more, made after the 12th day before the election and more than 48 hours before 5 p.m. on the day of the election, within 48 hours of that expenditure or by noon of the first business day after the expenditure, whichever is later.

Sec. 21. Retroactivity. Sections 3, 5, 6, 8, 9, 10, 11 and 13 of this Act are effective retroactively to November 1, 1989.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective April 17, 1990, unless otherwise indicated.

CHAPTER 834

H.P. 1704 - L.D. 2353

An Act Concerning Child Support Guidelines

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

Whereas, federal law requires the State to adopt child support guidelines to avoid losing federal Aid to Families with Dependent Children funds; and

Whereas, the guidelines adopted by court rule may not survive constitutional challenges unless codified by the Legislature; and

Whereas, existing statutory provisions conflict with the child support guidelines; 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:

PART A

19 MRSA c. 7, sub-c. I-A is enacted to read:

SUBCHAPTER I-A**CHILD SUPPORT GUIDELINES****§311. Definitions**

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

1. Basic support entitlement. "Basic support entitlement" means the sum derived from the child support table appropriate to the age of the child or children and the parties' gross income.

2. Child care costs. "Child care costs" means the actual child care costs incurred by the parties for the children for whom support is being established that are related to that party's employment, education or training and are reasonable or customary in the area in which that party resides.