

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION
December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

B. Long-term needs for properties behind shorefront lots to accommodate subsurface wastewater disposal systems; and

C. Opportunities for access to appropriate land for subsurface wastewater disposal systems to serve lakefront lots.

Sec. 28. Great Pond Task Force reporting.

The Great Pond Task Force shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters on or before February 15, 1994 on its findings and recommendations under the Maine Revised Statutes, Title 38, chapter 20. The task force shall include any recommendations for legislation to further its goals.

Sec. 29. Training programs. The Department of Environmental Protection shall undertake the following training activities:

1. Emphasize best management practices as a top priority in its existing programs for training people who conduct land use activities and in developing training aids and educational materials. A person who participates in and successfully completes a training program must receive a certificate from the department. The department shall keep a master list of certified people and make it available upon request;

2. Work with the Attorney General's office and the Environmental Law Committee of the Maine State Bar Association to provide periodic training for judges on the purpose and importance of the State's environmental laws; and

3. Work with state, local and county public safety, conservation and environmental protection agencies and organizations to intensify cross-training programs for enforcement and regulatory personnel.

Sec. 30. Enforcement. The Department of Inland Fisheries and Wildlife shall report to the Joint Standing Committee on Energy and Natural Resources before July 7, 1992 on the interest by municipalities in and the cost of implementing a program for municipal enforcement of recreational boating laws funded by an increase in boater registration fees. The Great Pond Task Force shall report its recommendations for streamlining enforcement of great pond protection laws to the Second Regular Session of the 116th Legislature.

Sec. 31. Standish boat ramp. The Town of Standish may not close the existing boat ramp on Sebago Lake nor may the Portland Water District deny access to the boat ramp by the public until another boat ramp for Sebago Lake in the Town of Standish is available to the public. This section does not apply if the Department of Human Services determines that the use of the public boat ramp is unreasonably threatening the use of Sebago Lake as a public water supply.

Sec. 32. Repeal. Section 31 of this Act is repealed January 1, 2002.

See title page for effective date.

CHAPTER 839

H.P. 1679 - L.D. 2356

An Act to Strengthen the Campaign Finance Reporting Laws

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

Whereas, the changes included in this legislation must take effect immediately in order to apply fully to campaign activities in the 1992 election year; 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 §1003, sub-§§1 and 2, as amended by PL 1989, c. 504, §§1 and 31, are further amended to read:

1. Investigations. The commission may investigate to determine the facts concerning the registration of ~~any~~ a candidate, ~~treasurer~~, political committee or political action committee and contributions by or to and expenditures by ~~any~~ a person, candidate, ~~treasurer~~, political committee or political action committee. For this purpose, the commission may subpoena witnesses and records and take evidence under oath. ~~Any~~ A person or political action committee that fails to obey the lawful subpoena of the commission or to testify before it under oath ~~shall~~ must be punished by the Superior Court for contempt ~~on~~ upon application by the Attorney General on behalf of the commission.

2. Investigations requested. ~~Any~~ A person may apply in writing to the commission requesting an investigation concerning the registration of ~~any~~ a candidate, ~~treasurer~~, political committee or political action committee and contributions by or to and expenditures by ~~any~~ a person, candidate, ~~treasurer~~, 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, as amended by PL 1989, c. 504, §§2 and 31, is further amended to read:

1. Contributions and expenditures. ~~No~~ A person, candidate, treasurer, political committee or political action committee may not knowingly make or accept any contribution or make any expenditure in violation of this chapter.

Sec. 3. 21-A MRSA §1012, sub-§4, as enacted by PL 1987, c. 160, §1, is repealed.

Sec. 4. 21-A MRSA §1013-A, sub-§1, as amended by PL 1989, c. 833, §1, is repealed and the following enacted in its place:

1. Candidates, their treasurers and political committees. A candidate shall register the candidate's name and the name of a treasurer with the commission at least once in each legislative biennium, as provided in this section. A candidate may have only one treasurer, who must be appointed pursuant to paragraph A or B. For purposes of this section, "legislative biennium" means the term of office a person is elected to serve in the Legislature.

A. No later than 10 days after becoming a candidate, and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office shall appoint a treasurer. The candidate may serve as treasurer. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. When a treasurer dies or resigns, the deputy treasurer may not assume the position of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than 10 days after the deputy treasurer has been appointed.

B. A candidate may authorize one political committee to promote the candidate's election. No later than 10 days after appointing a political committee, and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office shall appoint a treasurer of the political committee. The treasurer of the political committee is responsible for filing campaign finance reports under this chapter. No later than 10 days after appointing a political committee, the candidate shall register with the commission the following information regarding the political committee:

(1) The name of the committee;

(2) The name and address of the committee's treasurer;

(3) The name of the candidate who authorized the committee; and

(4) The names and addresses of the committee's officers.

Sec. 5. 21-A MRSA §1013-A, sub-§2, as amended by PL 1989, c. 833, §1, is repealed.

Sec. 6. 21-A MRSA §1013-A, sub-§4, as enacted by PL 1989, c. 504, §§4 and 31, is amended to read:

4. Reporting by registered treasurers. All contributions Any contribution accepted and expenditures any expenditure 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.

Sec. 7. 21-A MRSA §1013-B is enacted to read:

§1013-B. Removal of treasurer; filling vacancy of treasurer; substantiation of records of treasurer; notification to commission

A candidate may remove any treasurer that the candidate has appointed. In case of a vacancy in the position of treasurer of a candidate or treasurer of a political committee before the obligations of the treasurer have been performed, the candidate shall serve as treasurer from the date of the vacancy until the candidate appoints a successor and reports the name and address of the successor to the commission. The candidate shall file a written statement of resignation of a treasurer of a candidate or a treasurer of a political committee and until that statement has been filed, the resignation is not effective. An individual who vacates the position of treasurer by reason of removal or resignation shall certify the accuracy of the treasurer's records to the succeeding treasurer. A succeeding treasurer may not be held responsible for the accuracy of the predecessor's records.

Sec. 8. 21-A MRSA §1014, sub-§1, as amended by PL 1989, c. 504, §§5 and 31, is further amended to read:

1. Authorized by candidate. Whenever ~~any~~ a person makes an expenditure to finance ~~communications~~ a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails ~~and~~ or other similar types of general public political advertising ~~and~~ or 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. The following forms of political communication do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section.~~

Sec. 9. 21-A MRSA §1014, sub-§3-A is enacted to read:

3-A. In-kind contributions of printed materials. A candidate, political committee or political action committee shall report on the campaign finance report as a contribution to the candidate, political committee or political action committee any contributions of in-kind printed materials to be used in the support of a candidate or in the support or defeat of a cause to be voted upon at referendum. Any in-kind contributions of printed materials used or distributed by a candidate, political committee or political action committee must include the name or title of that candidate, political committee or political action committee as the authorizing agent for the printing and distribution of the in-kind contribution.

The use or distribution of in-kind printed materials contributed to a candidate, political committee or political action committee must be reported as an expenditure on the campaign finance report of that candidate, political committee or political action committee.

Sec. 10. 21-A MRSA §1014, sub-§4, as amended by PL 1991, c. 466, §37, is further amended to read:

4. Enforcement. An expenditure, communication or broadcast made within 10 days before the election to which it relates that results in a violation of this section may result in a civil ~~penalty~~ forfeiture of no more than \$200. An expenditure, communication or broadcast made more than 10 days before the election that results in a violation of this section may result in a civil ~~penalty~~ forfeiture of no more than \$100 if the violation is not corrected within 10 days after the candidate or other person who committed the violation receives notification of the violation from the commission. Enforcement and collection procedures must be in accordance with section 1020.

Sec. 11. 21-A MRSA §1015, sub-§6, as enacted by PL 1985, c. 161, §6, is amended to read:

6. Prohibited expenditures. A candidate, a treasurer, a political committee, a party or party committee, a person required to file a report under this subchapter or their authorized agents may not make any expenditures for liquor to be distributed to or consumed by voters while the polls are open on election day.

Sec. 12. 21-A MRSA §1015-A is enacted to read:

§1015-A. Corporate contributions

Contributions made by a for-profit or a nonprofit corporation including a parent, subsidiary, branch, division, department or local unit of a corporation, and contributions made by a political committee or political action committee whose contribution or expenditure activities are financed, maintained or controlled by a corporation are considered to be made by that corporation, political committee or political action committee.

1. Single entities. Two or more entities are treated as a single entity if the entities:

- A. Share the majority of members of their boards of directors;
- B. Share 2 or more officers;
- C. Are owned or controlled by the same majority shareholder or shareholders; or
- D. Are in a parent-subsidiary relationship.

Sec. 13. 21-A MRSA §1016, as amended by PL 1989, c. 878, Pt. A, §47 and affected by §48, is further amended to read:

§1016. Records

Each treasurer ~~or each candidate~~ shall keep detailed records of all contributions received and of each expenditure ~~which that 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.

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, ~~treasurer or other~~ officers, members or associates of the committee. Personal funds of the candidate used to support the candidacy must be recorded and reported ~~to the treasurer~~ as contributions to the political committee, or the candidate if the candidate has not authorized a political committee.

2. Report of contributions and expenditures. A person who receives a contribution or makes an expenditure for a candidate or political committee shall report the contribution or expenditure to the treasurer within 5 days of the receipt of the contribution or the making of the expenditure. ~~Every~~ A person who receives a contribution in excess of \$10 for a candidate or a political committee shall give report to the treasurer or candidate a detailed account of the contribution on demand of the treasurer or candidate and in any event within 5 days after receiving the contribution. ~~This account must include the amount of the contribution, the name and address of the person making the contribution and the date on which the contribution was received.~~

3. Record keeping. A treasurer ~~or a candidate~~ shall keep a detailed and exact account of:

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

B. The name and address of every person making a contribution in excess of \$10, the date and amount of that contribution and, if a person's contributions in any report filing period aggregate more than \$50, the account must include the contributor's occupation and principal place of business, if any. If the contributor is the candidate or a member of the candidate's immediate family, the account must also state the relationship. For purposes of this paragraph, "filing period" is as provided in section 1017, ~~subsection~~ subsections 2 and 3-A;

C. All expenditures made by or on behalf of the committee or candidate; and

D. The name and address of every person to whom any expenditure is made and the date and amount of the expenditure.

4. Receipts preservation. A treasurer ~~or a candidate~~ shall obtain and keep a receipted bill, stating the particulars, for every expenditure in excess of \$50 made by or on behalf of a political committee or a candidate and for any such expenditure in a lesser amount if the aggregate amount of those expenditures to the same person in any election exceeds \$50. The treasurer ~~or candidate~~ shall preserve all receipted bills and accounts required to be kept by this section for 2 years following the final report required to be filed for the election to which they pertain, unless otherwise ordered by the commission or a court.

Sec. 14. 21-A MRSA §1017, sub-§2, as amended by PL 1989, c. 833, §2, is further amended to read:

2. Gubernatorial candidates. ~~Except as provided by subsection 7, each~~ A treasurer of a 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 or the candidate's political committee ~~or committees~~ has received contributions in excess of \$1,000 or made or authorized expenditures in excess of \$1,000, reports ~~shall must~~ must be filed ~~not 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 or on behalf of the candidate or ~~political committee~~ the candidate's treasurer as of the end of the preceding month, except those covered by a previous report.

B. Reports ~~shall must~~ must be filed ~~not no~~ 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 a~~ If no a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the completion date.

C. Reports ~~shall must~~ must be filed ~~not 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.

D. Contributions aggregating \$1,000 or more from any one contributor or ~~any single~~ 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.

E. Reports ~~shall must~~ be filed ~~not 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.

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 must~~ be reported as ~~follows~~ provided in this paragraph. ~~A~~ The treasurer of 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 the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph 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.

G. Unless otherwise specified in this subsection, reports must be complete back to the completion date of the previous report. The ~~report reports~~ described in paragraph E, if filed with respect to a primary election, ~~is are~~ considered ~~a~~ previous ~~report reports~~ 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 must~~ be filed on the same dates that reports must be filed with respect to a candidate who seeks that nomination by primary election.

Sec. 15. 21-A MRSA §1017, sub-§3-A, as amended by PL 1989, c. 833, §3 and affected by §21, is further amended to read:

3-A. Other candidates. ~~Except as provided in subsection 7, each~~ A treasurer of a 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 an~~ election for the candidate's particular office is ~~not~~ scheduled, when any candidate or candidate's political committee ~~or committees have~~ has received contributions in excess of \$500 or made or authorized

expenditures in excess of \$500, reports 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 or on behalf of the candidate, the candidate's or the treasurer or the candidate's authorized political committee of the candidate as of the end of the preceding month, except those covered by a previous report.

B. Reports 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 a~~ report was ~~not~~ filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the completion date.

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

D. Reports ~~shall must~~ 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 must~~ be reported as provided by this paragraph. ~~A candidate or political committee authorized by~~ The treasurer of 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, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph 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 must~~ 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. 16. 21-A MRSA §1017, sub-§4, as amended by PL 1989, c. 504, §§15 and 31, is further 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; is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate's appointment or at least 6 days before the election, whichever is earlier. The person required to file a report under section 1013-A, subsection 1 shall file a campaign report under this section within 15 days after the candidate's appointment and thereafter on the appropriate schedule under this section 15 days after the candidate's appointment or 6 days before the election, whichever is earlier. The report must include all contributions received and expenditures made through the completion date. The report must be complete as of 4 days before the report is due. Subsequent reports must be filed on the schedule set forth in this section. The commission shall send notification of this requirement and registration and report forms to the candidate and the candidate's treasurer immediately upon notice of the candidate's appointment and treasurer's appointments.

Sec. 17. 21-A MRSA §1017, sub-§5, as amended by PL 1989, c. 833, §4, 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~~ received, 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~~ The report must contain the itemized expenditures made or authorized during the report filing period, 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 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 ~~Until December 31, 1992, the candidate is responsible for the timely and accurate filing of each required report. Beginning January 1, 1993, the candidate and the treasurer are jointly responsible for the timely and accurate filing of each required report.~~

Sec. 18. 21-A MRSA §1017, sub-§5-A, ¶B, as amended by PL 1989, c. 833, §5 and affected by §21 and amended by c. 878, Pt. A, §49 and affected by §50, is repealed and the following enacted in its place:

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 the difference between the value of the contribution as originally reported by the treasurer 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 must be reported in the same manner as provided in subsection 2, paragraph F or subsection 3-A, paragraph E, as appropriate.

Sec. 19. 21-A MRSA §1017, sub-§6, as amended by PL 1989, c. 504, §§16 and 31, 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 treasurer of 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 treasurers, committees, candidates and other persons who must file reports from otherwise obtaining the forms.

Sec. 20. 21-A MRSA §1017, sub-§7, as enacted by PL 1989, c. 504, §§17 and 31, is repealed.

Sec. 21. 21-A MRSA §1017, sub-§8, as amended by PL 1989, c. 833, §§6 and 7 and affected by §21, is further amended to read:

8. Disposition of surplus. ~~Candidates~~ A treasurer of a candidate registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 may dispose of a surplus exceeding \$50 ~~solely~~ 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~~ the 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;

D-1. Carrying forward the surplus balance for use by the 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; and

G. Paying for any expense incurred in the proper performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports.

The choice ~~shall~~ must 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~~ subsection must be completed within 4 years of the election for which the contributions were received.

Sec. 22. 21-A MRSA §1017, sub-§9 is enacted to read:

9. Campaign termination report forms. The commission shall provide each candidate required to report campaign contributions and expenditures with a campaign termination report form. A candidate shall file the campaign termination report with the commission as required in this subsection. The campaign termination report must be complete as of June 30th of the year following the campaign of the previous year. This form must show any deficits or surpluses to be carried over to the next campaign. Funds not carried forward to the next campaign must be disposed of as provided in section 1017, subsection 8. Campaign reporting is as follows.

A. Candidates with surplus campaign funds following an election shall file termination reports no later than July 15th of the year following the campaign of the previous year.

B. Candidates with a campaign deficit following an election shall file termination reports no later than July 15th of the year following the campaign of the previous year.

C. Candidates with a deficit who will not participate in the next election for the same office shall file semiannual reports until the deficit is liquidated.

D. Candidates who collect funds subsequent to an election for purposes other than retiring campaign

debt shall register with the commission pursuant to section 1013-A.

Sec. 23. 21-A MRSA §1017-A is enacted to read:

§1017-A. Reports of contributions and expenditures by party committees

1. Contributions. A party committee shall report all contributions in cash or in kind from an individual contributor that in the aggregate in a campaign total \$250 or more. The party committee shall report the name, mailing address, occupation and place of business of each contributor. Contributions of less than \$250 must be reported, and these contributions may be reported as a lump sum.

2. Expenditures on behalf of candidates, others. A party committee shall report all expenditures in cash or in kind of the committee made on behalf of a candidate, political committee, political action committee or party committee registered under this chapter. The party committee shall report:

A. The name and address of each candidate and the identity and address of a campaign or committee;

B. The office sought by a candidate and the district that the candidate seeks to represent; and

C. The date of each expenditure.

3. Other expenditures. Operational expenses and other expenditures in cash or in kind of the party committee that are not made on behalf of a candidate, committee or campaign must be reported as a separate item and may be reported as a lump sum.

4. Filing schedule. A party committee shall file its reports according to the following schedule.

A. Reports filed during an election year must be filed with the commission on: July 15th and be complete as of June 30th; October 27th and be complete as of October 22nd; and January 15th and be complete as of December 31st.

B. Reports filed during a nonelection year must be filed on July 15th and be complete as of June 30th and on January 15th and be complete as of December 31st.

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

5. Penalties. A party committee is subject to the penalties in section 1020, subsection 2, except that the commission may waive the penalties until January 1994.

6. Notice; forms. A state party committee shall notify all county, district and municipal party committees of the same political party of the party committee reporting requirements. The party committees shall obtain the necessary forms from the commission to complete the filing requirements.

7. Exemption. Any party committee receiving and expending less than \$1,500 in one calendar year is exempt from the reporting requirements of this section for that year.

Sec. 24. 21-A MRSA §1020, sub-§1, as amended by PL 1989, c. 833, §11 and affected by §21, is further amended to read:

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

Sec. 25. 21-A MRSA §1020, sub-§2, ¶B, as repealed and replaced by PL 1989, c. 504, §§20 and 31, is amended to read:

B. There is a penalty A forfeiture of \$50 must be adjudged 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; section 1018, subsection 2, paragraph A; or section 1019, subsection 1 are late.

Sec. 26. 21-A MRSA §1051, first ¶, as amended by PL 1989, c. 833, §12, is further amended to read:

This subchapter applies to the activities of political action committees organized in and outside this State 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. 27. 21-A MRSA §1052, sub-§5, ¶A, as amended by PL 1989, c. 504, §§23 and 31, 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 who serves as a funding and transfer mechanism and spends money to initiate, advance, promote, defeat or influence in any way 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

(4) Any person, including any corporation or association, who solicits funds from members or nonmembers and spends more than \$1,500 in a calendar year to initiate, advance, promote, defeat or influence in any way a candidate, campaign, political party, referendum or initiated petition in this State; and

Sec. 28. 21-A MRSA §1058, as amended by PL 1989, c. 833, §15, is further amended to read:

§1058. Reports; qualifications for filing

Any A political action committee that 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 A political action committee organized in this State 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. A political action committee organized outside this State shall file with the Commission on Governmental Ethics and Election Practices of this State a copy of the report that the political action committee is required to file in the state in which the political action committee is organized. The political action committee shall file the copy only if it has expended funds, received contributions or made expenditures in this State. The copy of the report must be filed in accordance with the schedule of filing in the state where it is organized. Any person or organization organized to oppose a question to be voted on by the electorate at referendum shall report, within 10 days following the drafting of the question by the Secretary of State and prior to the distribution of any petitions for voter signatures pursuant to chapter 11, to the commission as required in this section and sections 1059 and 1060.

Sec. 29. 21-A MRSA §1059, sub-§2, ¶D, as enacted by PL 1989, c. 504, §§28 and 31, is repealed and the following enacted in its place:

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C.

Sec. 30. 21-A MRSA §1060, sub-§§5 and 6, as enacted by PL 1985, c. 161, §6, are amended to read:

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 who have given more than \$50 to the political committee after the committee has registered under section 1053, the amount contributed by each donor and the date of the contribution. The information already reported as required by section 1053, subsection 7; should not be duplicated; ~~; and~~

Sec. 31. 21-A MRSA §1060, sub-§7 is enacted to read:

7. Other expenditures. Operational expenses and other expenditures in cash or in kind that are not made on behalf of a candidate, committee or campaign.

Sec. 32. 21-A MRSA §1062, sub-§1, as repealed and replaced by PL 1989, c. 504, §§29 and 31, is further amended to read:

1. Registration. ~~Any A 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; in accordance with section 1053 or which that fails to provide the information required by the commission for registration; shall must be assessed a penalty forfeiture of \$250.~~

Sec. 33. Application; retroactivity. Those sections of this Act that enact the Maine Revised Statutes, Title 21-A, section 1017-A; section 1052, subsection 5, paragraph A, subparagraph (4); and section 1060, subsection 7 and amend Title 21-A, section 1051 apply retroactively to activities during the entire reporting period for which a report is first due under the laws as enacted or amended by this Act.

Sec. 34. Effective date. The following sections of this Act are effective January 1, 1993: sections 1 to 7; section 11; section 13, except that part of section 13 that amends the Maine Revised Statutes, Title 21-A, section 1016, subsection 3; sections 14 and 15, except that part of section 15 that amends Title 21-A, section 1017, subsection 3-A, paragraph C; and sections 18 to 21, except that

part of section 21 that enacts Title 21-A, section 1017, subsection 8, paragraph G.

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

Effective April 9, 1992,
unless otherwise indicated.

CHAPTER 840

S.P. 893 - L.D. 2293

An Act to Provide for Periodic Review and Modification of Child Support Orders

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

Sec. 1. 19 MRSA §311, sub-§3-A is enacted to read:

3-A. Department. "Department" means the Department of Human Services and its agents and authorized representatives.

Sec. 2. 19 MRSA §314, sub-§1, ¶E is enacted to read:

E. The court may admit Department of Labor statistics into evidence for purposes of computing a parental support obligation.

Sec. 3. 19 MRSA §316, sub-§8 is enacted to read:

8. Notice of right to review. Each judicial order or administrative order issued or modified in this State that includes an order for child support must include a statement that advises parents of the right to request the department to review the amount of the support order pursuant to section 320 if there is a substantial change of circumstances.

Sec. 4. 19 MRSA §319, as enacted by PL 1989, c. 834, Pt. A, is repealed and the following enacted in its place:

§319. Modification of existing support orders

1. Motion to modify support. A party, including the department, may file a motion to modify support. Unless a party also files a motion to amend the divorce judgment, a motion to amend under section 214 or a motion for judicial review under Title 22, section 4038, the child support obligation is the sole issue to be determined by the court on a motion to modify support. The court, in its discretion, may bifurcate the support issue from other issues presented by the party's pleadings.