

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

~~This subsection does not apply to municipalities with 2 or more voting precincts where absentee ballots are counted at a place other than the voting district.~~

Sec. 33. 21-A MRSA §756, sub-§6 is enacted to read:

6. Procedure when duplicate envelopes received from same voter. If more than one return envelope is received from the same voter who was authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count the ballot from the envelope marked "second ballot issued" or bearing the latest date and time and shall reject and keep sealed the first absentee envelope. If more than one return envelope is received from the same voter who was not authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count the ballot from the envelope bearing the earliest date and time. If only one return envelope is received from a voter who was authorized to receive a 2nd state absentee ballot pursuant to section 753-B, then the clerk or warden shall process and count that ballot for all offices or questions for which the voter was entitled to vote.

Sec. 34. 21-A MRSA §829, as amended by PL 1993, c. 473, §39 and affected by §46, is repealed and the following enacted in its place:

§829. Violation and penalty

1. Altering voting machine. A person may not alter, adjust, operate, move, unlock or unseal a voting machine or any part of a voting machine with the intent of changing the outcome of any election.

2. Attempting to alter voting machine. A person may not attempt to alter, adjust, operate, move, unlock or unseal a voting machine or any part of a voting machine with the intent of changing the outcome of an election.

3. Penalty. A person who violates this section commits a Class B crime.

Sec. 35. 21-A MRSA §860, as amended by PL 1995, c. 459, §112, is repealed and the following enacted in its place:

§860. Violation and penalty

1. Tampering with voting device. Before, during or after an election, a person may not intentionally or knowingly:

A. Tamper with or injure a voting device, ballot or other record or equipment used in the election or interfere with the correct operation of such a device or equipment or the secrecy of voting; or

B. Attempt to interfere with the correct operation of a voting device or equipment or the secrecy of voting.

2. Penalty. A person who violates subsection 1 commits a Class B crime.

Sec. 36. 21-A MRSA §1004, sub-§2, as amended by PL 1989, c. 504, §§2 and 31, is further amended to read:

2. False statements. No A person, candidate, treasurer or political action committee may not make a false statement in any a report required by this chapter.

Sec. 37. 21-A MRSA §1004, sub-§3, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

3. Contributions in another's name. A person may not knowingly:

A. Make a contribution in the name of another person;

B. Permit the person's name to be used to accomplish a contribution in violation of paragraph A; or

C. Accept a contribution made by one person in the name of another person.

Sec. 38. 21-A MRSA §1004, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Registration; political action committees. No A political action committee required to be registered under section 1053 may not operate in this State unless it is so registered.

See title page for effective date.

CHAPTER 448

S.P. 402 - L.D. 1196

An Act To Clarify the Definition of Independent Expenditures Under the Election Laws

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

Sec. 1. 21-A MRSA §1014-B, sub-§2, ¶D, as enacted by PL 2001, c. 416, §1, is amended to read:

D. If the call is an independent expenditure, as defined in section 4019 1019-B, that a candidate has not approved the call must be disclosed during each call.

Sec. 2. 21-A MRSA §1019, as amended by PL 2001, c. 465, §1, is repealed.

Sec. 3. 21-A MRSA §1019-B is enacted to read:

§1019-B. Reports of independent expenditures

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure":

A. Is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; the 21 days, including election day, before a general election; or during a special election until and on election day.

2. Rebutting presumption. A person presumed under this section to have made an independent expenditure may rebut the presumption by filing a signed written statement with the commission within 48 hours of making the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and must determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

3. Report required; content; rules. A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate's election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration

existing campaign finance reporting requirements and matching fund provisions under chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of each contribution or expenditure aggregating in excess of \$100 in any one candidate's election, the date and purpose of each contribution or expenditure and the name of each payee or creditor. 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 contribution or expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form.

Sec. 4. 21-A MRSA §1020-A, sub-§5-A, ¶A, as enacted by PL 2001, c. 714, Pt. PP, §1 and affected by §2, is amended to read:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraphs paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraphs paragraph B, C, D or F; section 1017, subsection 4; and section 1019 1019-B, subsection 3;

Sec. 5. 21-A MRSA §1125, sub-§9, as enacted by IB 1995, c. 1, §17, is amended to read:

9. Matching funds. When any campaign, finance or election report shows that the sum of a candidate's expenditures or obligations, or funds raised or borrowed, whichever is greater, alone or in conjunction with independent expenditures reported under section 1019 1019-B, exceeds the distribution amount under subsection 8, the commission shall issue immediately to any opposing Maine Clean Election Act candidate an additional amount equivalent to the reported excess. Matching funds are limited to 2 times the amount originally distributed under subsection 8, paragraph A or C, whichever is applicable.

See title page for effective date.