

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

Sec. 7. 22 MRSA §4008, sub-§2, ¶I, as repealed and replaced by PL 1989, c. 878, Pt. A, §63, is amended to read:

I. The representative designated to provide child welfare services by the tribe of an Indian child as defined by the federal Indian Child Welfare Act, 25 United States Code, Section 1903, or a representative designated to provide child welfare services by an Indian tribe of Canada; and

Sec. 8. 22 MRSA §4008, sub-§3, ¶A, as enacted by PL 1979, c. 733, §18, is amended to read:

A. The guardian ad litem of a child ~~named in a record who is reported to be abused or neglected,~~ appointed pursuant to section 4005, subsection 1;

Sec. 9. 22 MRSA §4008, sub-§3, ¶A-1 is enacted to read:

A-1. The court-appointed guardian ad litem, visitor or attorney of a child who is the subject of a court proceeding involving parental rights and responsibilities, grandparent visitation, custody, guardianship or involuntary commitment. The access of the guardian ad litem, visitor or attorney to the records or information under this paragraph is limited to reviewing the records in the offices of the department. Any other use of the information or records during the proceeding in which the guardian ad litem, visitor or attorney is appointed is governed by paragraph B;

See title page for effective date.

CHAPTER 301

S.P. 518 - L.D. 1500

An Act To Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act

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

Sec. 1. 1 MRSA §1008, sub-§6, as amended by PL 2003, c. 20, Pt. J, §1, is further amended to read:

6. Enhanced monitoring. To provide for enhanced monitoring and enforcement of election practices and the electronic submission of reports and computerized tracking of campaign, election and lobbying information under the commission's jurisdiction.

Sec. 2. 1 MRSA §1009 is enacted to read:

§1009. Recommendations to Legislature

Following a general election, the commission may solicit suggestions for improving campaign financing and reporting and the administration of the other areas within the commission's jurisdiction. The commission shall review the suggestions and may submit legislation within 90 days of the general election.

Sec. 3. 1 MRSA §1015, sub-§3, ¶B, as enacted by PL 1997, c. 529, §1, is amended to read:

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment, except for a qualifying contribution as defined under Title 21-A, section 1122, subsection 7. A lobbyist, lobbyist associate or employer may not intentionally give, offer or promise a contribution, other than a qualifying contribution, to the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer during any time in which the Legislature is convened before final adjournment. These prohibitions apply to direct and indirect solicitation, acceptance, giving, offering and promising, whether through a political action committee, political committee, political party or otherwise.

Sec. 4. 3 MRSA §317, sub-§2-A is enacted to read:

2-A. Electronic filing. Beginning January 1, 2006, a lobbyist shall file monthly session reports under subsection 1 and annual reports under subsection 2 through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a lobbyist submits a written request that states that the lobbyist lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted at least 10 days prior to the deadline for the first report that the lobbyist is required to file for the lobbying year. The commission shall grant all reasonable requests for exceptions.

Sec. 5. 21-A MRSA §1003, sub-§1, as amended by PL 1991, c. 839, §1 and affected by §34, is further amended to read:

1. Investigations. The commission may ~~investigate~~ undertake audits and investigations to determine the facts concerning the registration of a candidate,

treasurer, political committee or political action committee and contributions by or to and expenditures by 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. A person or political action committee that fails to obey the lawful subpoena of the commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the commission.

Sec. 6. 21-A MRSA §1004-A, sub-§5, as enacted by PL 2003, c. 628, Pt. A, §1, is amended to read:

5. Material false statements. A person that makes a material false statement or that makes a statement that includes a material misrepresentation in a document that is required to be submitted to the commission, or that is submitted in response to a request by the commission, may be assessed a penalty not to exceed \$5,000.

Sec. 7. 21-A MRSA §1012, sub-§2, ¶B, as amended by PL 1999, c. 432, §1, is further amended to read:

B. Does not include:

- (1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
- (2) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed ~~\$50~~ \$100 with respect to any election;
- (3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed ~~\$50~~ \$100 with respect to any election;
- (4) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed ~~\$50~~ \$100 with respect to any election;

(4-A) Any unreimbursed travel expenses incurred and paid for by the candidate or the candidate's spouse;

(5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution ~~incurred by the committee with respect to a printed slate card, sample ballot or other printed listing of 3 or more candidates for any political office of a party candidate listing;~~

(6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title ~~and~~, lists of registered voters and voter identification information, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(7) Compensation paid by a political party to an employee of that party for the following purposes:

- (a) Providing advice to any one candidate for a period of no more than 20 hours in any election;
- (b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
- (c) Coordinating campaign events involving 3 or more candidates;

(8) Campaign training sessions provided to 3 or more candidates;

(8-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;

(8-B) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;

(8-C) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election;

(9) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or

(10) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate.

Sec. 8. 21-A MRSA §1012, sub-§3, ¶B, as amended by PL 1999, c. 432, §2, is further amended to read:

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee or candidate;

(1-A) Any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and all candidates in the race have an equal opportunity to promote their candidacies through the station;

(2) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed ~~\$50~~ \$100 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed ~~\$50~~ \$100 with respect to any election;

(5-A) Any unreimbursed travel expenses incurred and paid for by the candidate or the candidate's spouse;

(6) Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office;

~~(7) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any political office for which an election is held of a party candidate listing;~~

(8) The use or distribution of any communication, as described in section 1014, ~~prepared~~ obtained by the candidate for a previous election and fully paid for during that election campaign ~~which was not used or distributed in that previous election;~~

(9) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title ~~and~~, lists of registered voters and voter identification information, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(10) Compensation paid by a political party to an employee of that party for the following purposes:

(a) Providing advice to any one candidate for a period of no more than 20 hours in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

(c) Coordinating campaign events involving 3 or more candidates;

(10-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;

(11) Campaign training sessions provided to 3 or more candidates; ~~or~~

(11-A) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes; or

(12) The use of offices, telephones, computers and similar equipment when that use

does not result in additional cost to the provider.

Sec. 9. 21-A MRSA §1012, sub-§5 is enacted to read:

5. Party candidate listing. "Party candidate listing" means any communication that meets the following criteria.

A. The communication lists the names of at least 3 candidates for election to public office.

B. The communication is distributed through public advertising such as broadcast stations, cable television, newspapers and similar media, and through direct mail, telephone, electronic mail, publicly accessible sites on the Internet or personal delivery.

C. The treatment of all candidates in the communication is substantially similar.

D. The content of the communication is limited to:

(1) The identification of each candidate, with which pictures may be used;

(2) The offices sought;

(3) The offices currently held by the candidates;

(4) The party affiliation of the candidates and a brief statement about the party or the candidates' positions, philosophy, goals, accomplishments or biographies;

(5) Encouragement to vote for the candidates identified; and

(6) Information about voting, such as voting hours and locations.

If the communication contains language outside the categories of this paragraph, it does not qualify as a party candidate listing.

Sec. 10. 21-A MRSA §1014, sub-§1, as amended by PL 1991, c. 839, §8, is further amended to read:

1. Authorized by candidate. Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising 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. 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. 11. 21-A MRSA §1014, sub-§2-A is enacted to read:

2-A. Communication. If a communication that names or depicts a clearly identified candidate is disseminated during the 21 days before an election through the media described in subsection 1, the communication must state the name and address of the person who made or financed the communication and a statement that the communication was or was not authorized by the candidate.

Sec. 12. 21-A MRSA §1014, sub-§5 is enacted to read:

5. Automated telephone calls. Automated telephone calls that name a clearly identified candidate must clearly state the name of the person who made or financed the expenditure for the communication, except for automated telephone calls paid for by the candidate that use the candidate's voice in the telephone call.

Sec. 13. 21-A MRSA §1017, sub-§2, ¶D, as amended by PL 2003, c. 628, Pt. B, §1, is further amended to read:

D. Contributions aggregating \$1,000 or more from any one contributor or single expenditures of \$1,000 or more, made after the 12th day before the election, and more than 24 hours before 5 p.m. on the day of the election, must be reported within 24 hours of those contributions or expenditures ~~or by noon of the first business day after the contributions or expenditures, which ever is later.~~

Sec. 14. 21-A MRSA §1017, sub-§3-A, ¶C, as amended by PL 2003, c. 628, Pt. B, §2, is further amended to read:

C. 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 24 hours before 5 p.m. on the day of any election must be reported within 24 hours of those contributions or expenditures, ~~or by noon of the first business day after the contributions or expenditures, whichever is later.~~

Sec. 15. 21-A MRSA §1017, sub-§6, as amended by PL 1999, c. 729, §4, is further amended to read:

6. Forms. Reports required by this section ~~not filed electronically~~ 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. Establishment of or amendments to the campaign report filing forms required by this section must be by rule. 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 and other persons who must file reports from otherwise obtaining the forms.

Rules of the commission establishing campaign report filing forms for candidates are ~~major substantive routine technical~~ rules as defined in Title 5, chapter 375, subchapter ~~H-A 2-A~~.

Sec. 16. 21-A MRSA §1017, sub-§8, ¶A, as enacted by PL 1989, c. 504, §§17 and 31, is amended to read:

A. ~~Pro rata distribution~~ Returning contributions to the candidate's or candidate's authorized political committee's contributors, as long as no contributor receives more than the amount contributed;

Sec. 17. 21-A MRSA §1017, sub-§10 is enacted to read:

10. Electronic filing. Beginning January 1, 2006, the treasurer of a candidate or committee that has receipts or expects to have receipts of more than \$1,500 shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a candidate or committee submits a written request that states that the candidate or committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted by April 15th of the election year. The commission shall grant all reasonable requests for exceptions.

Sec. 18. 21-A MRSA §1017-A, sub-§4-A, ¶E, as amended by PL 2003, c. 628, Pt. B, §4, is further amended to read:

E. A state party committee shall report any expenditure of \$500 or more, made after the 12th day before the election and more than 24 hours before 5:00 p.m. on the day of the election, within 24 hours of that expenditure ~~or by noon of the first business day after the expenditure, whichever is later.~~

Sec. 19. 21-A MRSA §1017-A, sub-§4-B, ¶C, as enacted by PL 2003, c. 628, Pt. A, §2, is amended to read:

C. Any contribution or expenditure of \$1,000 or more made after the 12th day before any election and more than 24 hours before that election must be reported within 24 hours of that contribution or expenditure ~~or by noon of the first business day after the contribution or expenditure, whichever is later.~~

Sec. 20. 21-A MRSA §1017-A, sub-§4-C is enacted to read:

4-C. Electronic filing. Beginning January 1, 2006, state party committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a party committee submits a written request that states that the party committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted by March 1st of the election year. The commission shall grant all reasonable requests for exceptions.

Sec. 21. 21-A MRSA §1018-B is enacted to read:

§1018-B. Recounts of elections

1. Reporting. Candidates who are involved in a recount of an election shall file a report 90 days after the election containing itemized accounts of cash, goods and services received for the recount and payments made by the candidate for the recount. The reports must be made on forms prepared and sent by the commission. Persons donating services to the candidate are required to provide the candidate with an estimate of the value of the services donated. Political action committees and party committees making expenditures for a candidate's recount shall identify on their regularly filed reports that the expenditures were made for the purposes of a recount.

2. Limitations. Candidates may receive donations without limitation for purposes of a recount from

party committees and caucus campaign committees and from attorneys, consultants and their firms that are donating their services without reimbursement. Candidates may not spend revenues received under chapter 14 for recount expenditures.

Sec. 22. 21-A MRSA §1052, sub-§4, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless these facilities are owned or controlled by any political party, political committee or candidate;

(2) ~~Nonpartisan activity~~ Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed ~~\$50~~ \$100 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by a political action committee ~~which that~~ volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed ~~\$50~~ \$100 with respect to any election; and

(6) Any communication by any political action committee member ~~which that~~ is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office.

Sec. 23. 21-A MRSA §1053, sub-§1, as amended by PL 1995, c. 167, §1, is further amended to read:

1. Identification of committee. The names and mailing addresses of the committee, its treasurer, its principal officers and the identity of any ~~candidate 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~~ candidates, Legislators or other individuals who are the primary fund-raisers and decision makers for the committee;

Sec. 24. 21-A MRSA §1053, as amended by PL 1999, c. 729, §7, is further amended by adding at the end a new paragraph to read:

Every change in information required by this section must be included in an amended registration form submitted to the commission within 10 days of the date of the change. The committee must file an updated registration form every 2 years between January 1st and March 1st of an election year.

Sec. 25. 21-A MRSA §1059, sub-§2, ¶E, as amended by PL 2003, c. 628, Pt. B, §5, is further amended to read:

E. A committee shall report any expenditure of \$500 or more, made after the 12th day before the election and more than 24 hours before 5 p.m. on the day of the election, within 24 hours of that expenditure ~~or by noon of the first business day after the expenditure, whichever is later.~~

Sec. 26. 21-A MRSA §1059, sub-§5 is enacted to read:

5. Electronic filing. Beginning January 1, 2006, committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted no later than March 1, 2006 or within 30 days of the registration of the committee, whichever is later. The commission shall grant all reasonable requests for exceptions.

Sec. 27. 21-A MRSA §1060, sub-§4, as amended by PL 2003, c. 615, §3, is further amended to read:

4. Itemized expenditures. An itemization ~~of expenditures and the date~~ of each expenditure made to support or oppose any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition, including the date, payee and purpose of the expenditure and the address of the payee. If expenditures were made to a person described in section 1012, subsection 3, paragraph A,

subparagraph (4), the report must contain the name of the person; the amount spent by that person on behalf of the candidate, campaign, political committee, political action committee, political party, referendum or initiated petition; the reason for the expenditure; and the date of the expenditure. The commission may specify the categories of expenditures that are to be reported to enable the commission to closely monitor the activities of political action committees;

Sec. 28. 21-A MRSA §1122, sub-§9, as amended by PL 2001, c. 465, §3, is further amended to read:

9. Seed money contribution. "Seed money contribution" means a contribution of no more than \$100 per individual made to a candidate, including a contribution from the candidate or the candidate's family. To be eligible for certification, a candidate may collect and spend only seed money contributions subsequent to becoming a candidate as defined by section 1, subsection 5 and throughout the qualifying period. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under this chapter may petition the commission to remain eligible for certification as a Maine Clean Election Act candidate in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions. Prior to certification, a candidate may obligate an amount greater than the seed money collected if the value of the goods and services received from a vendor does not exceed the amount paid to the vendor. A candidate may not collect or spend seed money contributions after certification as a Maine Clean Election Act candidate. A seed money contribution must be reported according to procedures developed by the commission.

Sec. 29. 21-A MRSA §1125, sub-§1, as enacted by IB 1995, c. 1, §17, is amended to read:

1. Declaration of intent. A participating candidate must file a declaration of intent to seek certification as a Maine Clean Election Act candidate and to comply with the requirements of this chapter. The declaration of intent must be filed with the commission prior to or during the qualifying period, except as provided in subsection 11, according to forms and procedures developed by the commission. A participating candidate must submit a declaration of intent prior to within 5 business days of collecting qualifying contributions under this chapter, or the qualifying contributions collected before the declaration of intent has been filed will not be counted toward the eligibility requirement in subsection 3.

Sec. 30. 21-A MRSA §1125, sub-§5, as amended by PL 2003, c. 270, §§1 and 2, is further amended to read:

5. Certification of Maine Clean Election Act candidates. Upon receipt of a final submittal of qualifying contributions by a participating candidate, the commission shall determine whether or not the candidate has:

- A. Signed and filed a declaration of intent to participate in this Act;
- B. Submitted the appropriate number of valid qualifying contributions;
- C. Qualified as a candidate by petition or other means;
- D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions;
- D-1. Not run for the same office as a nonparticipating candidate in a primary election in the same election year; and
- E. Otherwise met the requirements for participation in this Act.

The commission shall certify a candidate complying with the requirements of this section as a Maine Clean Election Act candidate as soon as possible and no later than 3 business days after final submittal of qualifying contributions.

Upon certification, a candidate must transfer to the fund any unspent seed money contributions. A certified candidate must comply with all requirements of this Act after certification and throughout the primary and general election periods. Failure to do so is a violation of this chapter.

Sec. 31. 21-A MRSA §1125, sub-§6, as enacted by IB 1995, c. 1, §17, is amended to read:

6. Restrictions on contributions and expenditures for certified candidates. After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. Candidates may also accept and spend interest earned on bank accounts. All revenues distributed to certified candidates from the fund must be used for campaign-related purposes. The commission shall publish guidelines outlining permissible campaign-related expenditures.

Sec. 32. 21-A MRSA §1125, sub-§14, as enacted by IB 1995, c. 1, §17, is amended to read:

14. Appeals. A candidate who has been denied certification as a Maine Clean Election Act candidate or the opponent of a candidate who has been granted certification as a Maine Clean Election Act candidate or other interested persons may challenge a certification decision by the commission as follows.

A. A challenger may appeal to the full commission within 37 days of the certification decision. The appeal must be in writing and must set forth the reasons for the appeal.

B. Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the commission shall hold a hearing. The appellant has the burden of providing evidence to demonstrate that the commission decision was improper. The commission must rule on the appeal within 3 days after the completion of the hearing.

C. A challenger may appeal the decision of the commission in paragraph B by commencing an action in Superior Court according to the procedure set forth in section 356, subsection 2, paragraphs D and E.

D. A candidate whose certification by the commission as a Maine Clean Election Act candidate is revoked on appeal must return to the commission any unspent revenues distributed from the fund. If the commission or court find that an appeal was made frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties, if any.

Sec. 33. 21-A MRSA §1127, sub-§1, as amended by PL 2003, c. 81, §1, is further amended to read:

1. Civil fine. In addition to any other penalties that may be applicable, a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a ~~civil penalty~~ fine not to exceed \$10,000 per violation payable to the fund. The commission may assess a fine of up to \$10,000 for a violation of the reporting requirements of sections 1017 and 1019-B if it determines that the failure to file a timely and accurate report resulted in the late payment of matching funds. This ~~penalty~~ fine is recoverable in a civil action. In addition to any fine, for good cause shown, a candidate found in violation of this chapter or rules of the commission may be required to return to the fund all amounts distributed to the candidate from the fund or any funds not used for campaign-related purposes. If the commission makes a determination that a violation of this chapter or rules of the commission has occurred, the commission shall assess a fine or

transmit the finding to the Attorney General for prosecution. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

Sec. 34. Appropriations and allocations.

The following appropriations and allocations are made.

**ETHICS AND ELECTION PRACTICES,
COMMISSION ON GOVERNMENTAL**

**Governmental Ethics and Election
Practices, Commission on 0414**

Initiative: Deallocates to reflect savings realized through on-line data entry.

OTHER SPECIAL REVENUE		
FUNDS	2005-06	2006-07
All Other	(\$7,500)	(\$7,500)
OTHER SPECIAL REVENUE		
FUNDS TOTAL	(\$7,500)	(\$7,500)

See title page for effective date.

CHAPTER 302

S.P. 424 - L.D. 1210

**An Act To Amend the Laws Relating
to Corporations, Limited
Partnerships, Limited Liability
Companies and Limited Liability
Partnerships**

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

**Sec. 1. 13-B MRSA §102, sub-§§4-A, 5-C
and 11-A** are enacted to read:

4-A. Deliver; delivery. "Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery and electronic transmission.

5-C. Electronic transmission. "Electronic transmission" means any process of communication that does not directly involve the physical transfer of paper and that is suitable for the retention, retrieval and reproduction of information by the recipient.

11-A. Sign; signature. "Sign" or "signature" includes any manual, facsimile, conformed or electronic signature.