

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

A working waterfront covenant is valid and enforceable notwithstanding any of the following conditions.

1. Not appurtenant to interest in real property. The working waterfront covenant is not appurtenant and does not run with an interest in real property.

2. Assignable to another holder. The working waterfront covenant can be or has been assigned to another qualified holder.

3. Not recognized at common law. The working waterfront covenant is not of a character traditionally recognized at common law.

4. Imposes negative burden. The working waterfront covenant imposes a negative burden.

5. Imposes affirmative obligations. The working waterfront covenant imposes affirmative obligations upon the owner of an interest in the burdened property or upon the qualified holder.

6. Benefit does not touch or concern real property. The benefit of the working waterfront covenant is held by a qualified holder who has not retained property that would benefit from enforcement of the working waterfront covenant, or the benefit does not touch or concern real property in any other way.

7. No privity of estate or contract. There is no privity of estate or privity of contract.

8. Does not run to successors or assigns. The working waterfront covenant does not run to the successors or assigns of the qualified holder.

9. Unreasonable restraint on alienability. The working waterfront covenant may be considered to be an unreasonable restraint on alienability.

10. In violation of rule against perpetuities. The working waterfront covenant may violate the rule against perpetuities.

§136. Application

1. Interest created after effective date. This chapter applies to any interest that complies with this chapter created after the effective date of this chapter, whether designated as a working waterfront covenant or an equitable servitude, restriction, easement or other interest in real estate.

2. Working waterfront covenant created before effective date. This chapter applies to any working waterfront covenant created before the effective date of this chapter if the working waterfront covenant would have been enforceable had it been

created after the effective date of this chapter, unless retroactive application contravenes the Constitution of Maine or the United States Constitution.

3. Chapter does not invalidate interest. This chapter does not invalidate any interest, whether designated as a working waterfront covenant or an equitable servitude, restriction, easement or other interest in real estate, that is otherwise enforceable under other laws of this State.

See title page for effective date.

CHAPTER 575

S.P. 780 - L.D. 2029

An Act To Implement the Recommendations of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access

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

Sec. 1. 21-A MRSA §903-A, sub-§3 is enacted to read:

3. Information to circulators. An applicant for a direct initiative or a people's veto referendum pursuant to section 901 shall provide to each person who will be circulating petitions a copy of the laws and rules governing the circulation of petitions for a direct initiative or people's veto as provided by the Secretary of State. The Secretary of State shall provide a copy of the laws and rules governing the circulation of petitions for a direct initiative or people's veto when an approved petition form is provided to an applicant for a direct initiative or people's veto referendum. The copy of the laws and rules provided by the Secretary of State may also include comments that may aid in the comprehension of those laws and rules.

Sec. 2. 21-A MRSA §1012, sub-§3, ¶A, as amended by PL 2003, c. 615, §1, is further amended to read:

A. Includes:

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to political office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regula-

tions and in the ordinary course of business is not included;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;

(3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

(4) A payment or promise of payment to a person contracted with for the purpose of supporting or opposing any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition or circulating an initiated petition; and

Sec. 3. 21-A MRSA §1052, sub-§3, ¶C, as enacted by PL 1985, c. 161, §6, is amended to read:

C. Any funds received by a political action committee ~~which~~ that are to be transferred to any candidate, committee, campaign or organization for the purpose of promoting, defeating or initiating a candidate, referendum, political party or initiative, including the collection of signatures for a direct initiative, in this State; or

Sec. 4. 21-A MRSA §1052, sub-§4, ¶A, as amended by PL 1997, c. 683, Pt. A, §12, is further amended to read:

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of influencing the nomination or election of any person to political office; or for the initiation, support or defeat of a campaign, referendum or initiative, including the collection of signatures for a direct initiative, in this State;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in this paragraph; and

(3) The transfer of funds by a political action committee to another candidate or political committee; and

Sec. 5. 21-A MRSA §1052, sub-§5, ¶A, as amended by PL 1999, c. 729, §6, 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;

(3) Any organization, including any corporation or association, that has as its major purpose advocating the passage or defeat of a ballot question and that 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 organization, including any corporation or association, that has as its major purpose advocating the passage or defeat of a ballot question and that 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, including the collection of signatures for a direct initiative, in this State; and

Sec. 6. 21-A MRSA §1053, first ¶, as amended by PL 1999, c. 729, §7, is further amended to read:

Every political action committee that accepts contributions, incurs obligations or makes expenditures in the aggregate in excess of \$1,500 in any single calendar year to initiate, support, defeat or influence in any way a campaign, referendum, initiated petition, including the collection of signatures for a direct initiative, 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. 7. 21-A MRSA §1058, as amended by PL 1997, c. 567, §1, is further amended to read:

§1058. Reports; qualifications for filing

A political action committee that is registered with the commission or that accepts contributions or incurs obligations 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. 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. 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 or 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. If contributions or expenditures are made relating to a municipal office or referendum, the report must be filed with the clerk in the subject municipality. ~~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. 8. 21-A MRSA §1060, sub-§4, as amended by PL 2005, c. 301, §27, is further amended to read:

4. Itemized expenditures. An itemization 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, including, but not limited to, expenditures made during the signature gathering phase; 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. 9. Secretary of State to report on information provided to voters regarding statewide referendum questions on ballot. By September 1, 2006, the Secretary of State using

existing budgeted resources shall issue a report to the Joint Standing Committee on Legal and Veterans Affairs that examines voter awareness in other states that mail voter information pamphlets on statewide referendum questions directly to voters. The report must include suggestions for improving the way information is provided to voters regarding statewide referendum questions in this State.

Sec. 10. Commission on Governmental Ethics and Election Practices to report regarding campaign finance reports for direct initiative campaigns and public access to those reports. By September 1, 2006, the Commission on Governmental Ethics and Election Practices shall issue a report to the Joint Standing Committee on Legal and Veterans Affairs regarding campaign finance reports for direct initiative campaigns. The report must include the commission's examination of the feasibility of requiring political action committees to identify the direct initiative campaigns that the political action committees are receiving or expending money in support of or opposition to, whether voter information pamphlets or posters published by the State and publications by political action committees in support of or opposition to ballot measures should be required to include information indicating where campaign finance reports about the measure may be obtained, reducing the spending threshold that triggers reporting as a political action committee and, in the months prior to an election, increasing the frequency of reports by political action committees that have raised or spent in excess of \$40,000 on a ballot measure.

Sec. 11. Secretary of State and Commission on Governmental Ethics and Election Practices to work collaboratively on providing information about direct initiatives. By September 1, 2006, the Secretary of State and the Commission on Governmental Ethics and Election Practices shall jointly develop a plan to provide information on their respective public accessible websites directing the public to information currently published and available about direct initiative petitions and campaign finance reports filed relative to those direct initiative petitions and submit that plan to the Joint Standing Committee on Legal and Veterans Affairs.

See title page for effective date.

CHAPTER 576

S.P. 786 - L.D. 2042

**An Act To Amend the Harness
Racing Laws Regarding
Distributions from the Fund to
Supplement Harness Racing Purses**