

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

~~any law of the United States, another state or a foreign country relating to scheduled drugs, as defined in this chapter for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction.~~ For the purposes of this paragraph, a person has been convicted of an offense on the date the judgment of conviction was entered by the court;

- (3) Methamphetamine;
- (4) Oxycodone;
- (5) Hydrocodone; or
- (6) Hydromorphone.

Violation of this paragraph is a Class C crime;

**Sec. 44. 17-A MRSA §1111-A, sub-§3, ¶B,** as enacted by PL 1981, c. 266, is amended to read:

B. ~~Prior One or more prior~~ convictions, if any, of an owner, or of anyone in control of the object, ~~under any state or federal law relating to any scheduled drug for any offense under this chapter or for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction;~~

**Sec. 45. 17-A MRSA §1252, sub-§4-A,** as amended by PL 2005, c. 527, §18, is further amended to read:

**4-A.** If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 13 or 27; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C was committed, the defendant had ~~been convicted of 2 or more crimes violating prior convictions under~~ chapter 9, 11, 13 or 27; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C or ~~essentially for engaging in substantially similar crimes conduct in other jurisdictions another jurisdiction,~~ the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, for violations under chapter 11, the dates of prior convictions may have occurred at any time. This subsection does not apply to section 210-A if the prior convictions have already served to enhance the sentencing class under section 210-A, subsection 1, paragraph C or any other offense in which prior convictions have already served to enhance the sentencing class.

**Sec. 46. 17-A MRSA §1252, sub-§4-B,** as amended by PL 2005, c. 527, §19, is further amended to read:

**4-B.** If the State pleads and proves that the defendant is a repeat sexual assault offender, the court, notwithstanding subsection 2, may set a definite period of imprisonment for any term of years.

A. As used in this section, "repeat sexual assault offender" means a person who commits a new gross sexual assault after having been convicted previously and sentenced for any of the following:

- (1) Gross sexual assault, formerly denominated as gross sexual misconduct;
- (2) Rape;
- (3) Attempted murder accompanied by sexual assault;
- (4) Murder accompanied by sexual assault; or
- (5) Conduct substantially similar to a crime listed in subparagraph (1), (2), (3) or (4) that is a crime under the laws of ~~the United States or any other state~~ another jurisdiction.

The date of sentencing is the date of the oral pronouncement of the sentence by the trial court, even if an appeal is taken.

B. "Accompanied by sexual assault" as used with respect to attempted murder, murder and crimes involving substantially similar conduct in ~~other jurisdictions~~ another jurisdiction is satisfied if it was definitionally an element of the crime or was pleaded and proved beyond a reasonable doubt at trial by the State or ~~other~~ another jurisdiction.

See title page for effective date.

**CHAPTER 477**

**S.P. 482 - L.D. 1394**

**An Act Regarding Campaign Finance Disclosure by Political Action Committees**

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

**Sec. 1. 21-A MRSA §1051, first ¶,** as amended by PL 2007, c. 443, Pt. A, §26, 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 \$1,500 in any one calendar year~~ for the election of state, county or municipal officers, or for the support or defeat of any campaign, as defined in this subchapter.

**Sec. 2. 21-A MRSA §1052, sub-§5, ¶A**, as amended by PL 2005, c. 575, §5, is further amended to read:

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to influence the outcome of an election, including a candidate election or ballot 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 initiating, promoting, defeating or influencing a candidate election, campaign or ballot question and that 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 for that purpose, including for the collection of signatures for a direct initiative, or referendum in this State; and

(5) Any organization that does not have as its major purpose promoting, defeating or influencing candidate elections but that spends more than \$5,000 in a calendar year for the purpose of promoting, defeating or influencing in any way the nomination or election of any candidate to political office; and

**Sec. 3. 21-A MRSA §1053, first ¶**, as amended by PL 2005, c. 575, §6, is further amended to read:

Every political action committee, as defined under section 1052, subsection 5, paragraph A, subparagraph (1) or (4), 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 and every political action committee, as defined under section 1052, subsection 5, paragraph A, subparagraph (5), that makes expenditures in the aggregate in excess of \$5,000 must register with the commission, within 7 days of accepting those contributions, incurring those obligations or making those expenditures, exceeding the applicable amount 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. 4. 21-A MRSA §1056-B**, as enacted by PL 1999, c. 729, §8, is amended to read:

**§1056-B. Ballot question committees**

Any person not defined as a political action committee who solicits and receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of ~~\$1,500~~ \$5,000 for the purpose of initiating, promoting, defeating or influencing in any way a ballot question must file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the clerk of that municipality. Within 7 days of receiving contributions or making expenditures that exceed \$5,000, the person shall register with the commission as a ballot question committee. For the purposes of this section, expenditures include paid staff time spent for the purpose of influencing in any way a ballot question. The commission must prescribe forms for the registration, and the forms must include specification of a treasurer for the committee, any other principal officers and all individuals who are the primary fund-raisers and decision makers for the committee.

**1. Filing requirements.** A report required by this section must be filed with the commission according to a reporting schedule that the commission shall establish that takes into consideration existing campaign finance reporting schedule requirements in section 1059.

**2. Content.** A report must contain an itemized account of each expenditure made to and contribution received ~~and expenditure made from a single source aggregating in excess of \$100 in any election; the date of each contribution; the date and purpose of each expenditure; and the name and address of each contributor, payee or creditor. Total contributions or expenditures of less than \$500 in any election need not be itemized. The report must state whether the purpose for receiving contributions and making expenditures is in support of or in opposition to the ballot question. The filer is required to report only those contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and only those expenditures made for those pur-~~

poses. The definitions of "contribution" and "expenditure" in section 1052, subsections 3 and 4, respectively, apply to persons required to file ballot question reports.

**2-A. Contributions.** For the purposes of this section, "contribution" includes, but is not limited to:

A. Funds that the contributor specified were given in connection with a ballot question;

B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating or influencing in any way a ballot question;

C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating, promoting, defeating or influencing in any way a ballot question when viewed in the context of the contribution and the recipient's activities regarding a ballot question; and

D. Funds or transfers from the general treasury of an organization filing a ballot question report.

**3. Forms.** A report required by this section 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.

**4. Records.** A person filing a report required by this section shall keep records as required by this subsection for one year following the election to which the records pertain.

A. The filer shall keep a detailed account of all contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and all expenditures made for those purposes.

B. The filer shall retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of \$50.

**Sec. 5. 21-A MRSA §1058,** as amended by PL 2007, c. 443, Pt. A, §34, is further amended to read:

**§1058. Reports; qualifications for filing**

A political action committee that is ~~registered~~ required to register with the commission ~~or that accepts contributions or makes expenditures and incurs obligations in an aggregate amount in excess of \$1,500 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 ac-

tion 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.

**Sec. 6. 21-A MRSA §1060, sub-§6,** as amended by PL 2007, c. 443, Pt. A, §36, is further amended to read:

**6. Identification of contributions.** Names, occupations, places of business and mailing addresses of contributors who have given more than \$50 to the political action committee in the reporting period and the amount and date of each contribution, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those contributions made to the organization for the purpose of promoting, defeating or influencing a ballot question or the nomination or election of a candidate to political office and all transfers to or funds used to support the political action committee from the general treasury of the organization; and

**Sec. 7. 21-A MRSA §1060, sub-§7,** as enacted by PL 1991, c. 839, §31 and affected by §33, is amended 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, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those expenditures made for the purpose of promoting, defeating or influencing a ballot question or the nomination or election of a candidate to political office.

See title page for effective date.

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**CHAPTER 478**

**H.P. 1444 - L.D. 2060**

**An Act To Create Consistency  
in the Authority of the Public  
Utilities Commission To  
Provide Tariff Exemptions**

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