

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

by ranked-choice voting, only a candidate who received one of the top 3 rankings at the end of the penultimate round of ranked-choice counting may request a recount. The recount is held under the supervision of the Secretary of State, who shall allow the candidate's representatives or counsel to recount the ballots. The candidate may not act as a counter of ballots.

See title page for effective date.

CHAPTER 321

S.P. 562 - L.D. 1706

An Act To Ensure Public Notification of Air Quality Violations

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

Sec. 1. 38 MRSA §589-A is enacted to read:

§589-A. Notification of violation to affected municipality

When the department issues a notice of violation for a violation of this chapter pursuant to section 347-A or receives an air quality-related notice of violation from the United States Environmental Protection Agency, the department shall provide notice of that violation to each municipality in which the violation occurred. The department may provide the information required under this section electronically.

See title page for effective date.

CHAPTER 322

S.P. 569 - L.D. 1720

An Act To Amend the So-called Dig Safe Law

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

Sec. 1. 23 MRSA §3360-A, sub-§10-B is enacted to read:

10-B. Calling 9-1-1. If contact with or damage to an underground pipe or another underground facility results in the escape of any natural gas or other hazardous substance or material regulated by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration, the excavator shall immediately report the contact or damage by calling 9-1-1.

See title page for effective date.

CHAPTER 323

S.P. 570 - L.D. 1721

An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act

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

Sec. 1. 1 MRSA §1002, sub-§1-A, ¶D, as enacted by PL 2001, c. 470, §2, is amended to read:

D. Two initial appointees are appointed for one-year terms, 2 are appointed for 2-year terms and one is appointed for a 3-year term, according to a random lot drawing under the supervision of the Secretary of State. Subsequent appointees are appointed to serve 3-year terms. A person may not serve more than 2 consecutive terms, except that if a person is appointed to fill the unexpired portion of a term to fill a vacancy under paragraph F and that portion is less than 2 years, the person may serve 2 consecutive full terms thereafter.

Sec. 2. 21-A MRSA §1001, sub-§2, as amended by PL 2017, c. 475, Pt. A, §27, is further amended to read:

2. Election. "Election" means any primary, general or special election for state or county office or municipal office pursuant in a municipality subject to Title 30-A, section 2502, subsection 1 and any referendum, including a municipal referendum in a municipality subject to Title 30-A, section 2502, subsection 2.

Sec. 3. 21-A MRSA §1003, sub-§3-A, as amended by PL 2013, c. 470, §1, is further amended to read:

3-A. Confidential records. Investigative working papers of the commission are confidential, except that the commission may disclose them to the subject of the audit or investigation, other entities as necessary for the conduct of an audit or investigation and law enforcement and other agencies for purposes of reporting, investigating or prosecuting a criminal or civil violation. For purposes of this subsection, "investigative working papers" means documents, records and other printed or electronic information in the following limited categories that are acquired, prepared or maintained by the commission during the conduct of an audit, investigation or other enforcement matter:

- A. Financial information not normally available to the public;
- B. Information that, if disclosed, would reveal sensitive political or campaign information belonging to a party committee, political action committee, ballot question committee, candidate

or candidate's political committee, or other person who is the subject of an audit, investigation or other enforcement matter, even if the information is in the possession of a vendor or 3rd party;

C. Information or records subject to a privilege against discovery or use as evidence; and

D. Intra-agency or interagency communications related to an audit or investigation, including any record of an interview, meeting or examination.

The commission may disclose investigative working papers or discuss them at a public meeting, except for the information or records subject to a privilege against discovery or use as evidence, if the information or record is materially relevant to a ~~finding of fact, violation or other~~ memorandum or interim or final report by the commission staff or a decision by the commission concerning an audit, investigation or other enforcement matter. A memorandum or report on the audit or investigation prepared by staff for the commission may be disclosed at the time it is submitted to the commission, as long as the subject of the audit or investigation has an opportunity to review it first to identify material that the subject of the audit or investigation considers privileged or confidential under some other provision of law.

Sec. 4. 21-A MRSA §1013-A, sub-§3, as amended by PL 1995, c. 483, §5, is further amended to read:

3. Party committees. ~~The state, district and county and municipal committees of parties shall submit to the commission their state party committees the names and mailing addresses and e-mail addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 10 days after the appointment, election or hiring of these persons. Municipal committees must shall file copies of the same information with the commission and the municipal clerk. District, county and municipal committees that provide their state party committees with the information required by this subsection to be submitted to the commission have met that requirement. No later than the 2nd Monday in April June 15th of each year in which a general election is scheduled, the state party committee of a party shall submit to the commission a consolidated report, including the information required under this subsection, for of the names, mailing addresses and e-mail addresses of the chair and treasurer of the district, county and municipal committees of that party or of another officer if a chair or treasurer has not been appointed.~~

Sec. 5. 21-A MRSA §1014, sub-§2-A, as amended by PL 2013, c. 362, §3, is further amended to read:

2-A. Other communications. Whenever a person makes an expenditure to finance a communication

that names or depicts a clearly identified candidate and that is disseminated during the ~~21 days before a primary election or 35 days before a general election~~ 28 days, including election day, before a primary election, during the 35 days, including election day, before a special election or during the period of time from Labor Day to the election day for a general 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, except that a communication broadcast by radio is only required to state the city and state of the address of the person that financed the communication. The disclosure is not required if the communication was not made for the purpose of influencing the candidate's nomination for election or election.

Sec. 6. 21-A MRSA §1014, sub-§5, as amended by PL 2007, c. 443, Pt. A, §9, is further amended to read:

5. Telephone calls. Prerecorded automated telephone calls and scripted live telephone communications that name a clearly identified candidate during the ~~21 days before a primary election or the 35 days before a general election~~ 28 days, including election day, before a primary election, during the 35 days, including election day, before a special election or during the period of time from Labor Day to the general election day for a general election must clearly state the name of the person who made or financed the expenditure for the communication and whether the communication was authorized by a candidate, except for prerecorded automated telephone calls paid for by the candidate that use the candidate's voice in the telephone call and that are made in support of that candidate. Telephone calls made for the purposes of researching the views of voters surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include the disclosure.

Sec. 7. 21-A MRSA §1017, sub-§2, ¶D, as amended by PL 2013, c. 334, §10, is further amended to read:

D. ~~Any~~ If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 11:59 p.m. on the day of the election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received pay-

ments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

Sec. 8. 21-A MRSA §1017, sub-§3-A, ¶C, as amended by PL 2013, c. 334, §11, is further amended to read:

C. ~~Any~~ If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

Sec. 9. 21-A MRSA §1017, sub-§5, as amended by PL 2011, c. 522, §1, 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 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. 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 and address of each payee and creditor and any refund that a payee has made to the candidate or an agent of the candidate. If the payee is a member of the candidate's household or immediate family, the candidate ~~must~~ shall disclose the candidate's relationship to the payee in a manner prescribed by the commission. 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 candidate and the treasurer are jointly and severally responsible for the timely and accurate filing of each required report.

Sec. 10. 21-A MRSA §1017, sub-§8, as amended by PL 2007, c. 443, Pt. A, §16, is further amended to read:

8. Disposition of surplus. A candidate or treasurer of a candidate registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 ~~must~~ shall dispose of a surplus exceeding \$100 within 4 years of the election for which the contributions were received by:

A. 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;

B. A gift to a qualified political party within the State, including any county or municipal subdivision of such a party;

C. An unrestricted gift to the State. A candidate for municipal office may dispose of a surplus by making a restricted or unrestricted gift to the municipality;

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;

F. Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;

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; and

H. A gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

The choice must be made by the candidate for whose benefit the contributions were made.

Sec. 11. 21-A MRSA §1017-A, sub-§2, ¶A, as amended by PL 2007, c. 443, Pt. A, §17, is further amended to read:

A. The name of each candidate, ~~political committee,~~ political action committee, ballot question committee or party committee;

Sec. 12. 21-A MRSA §1017-A, sub-§4-A, as amended by PL 2013, c. 334, §12, is further amended to read:

4-A. Filing schedule. A state party committee shall file its reports according to the following schedule. All reports required under paragraphs A, B and C must be filed by 11:59 p.m. on the day of the filing deadline.

A. Quarterly reports must be filed by 11:59 p.m. A state party committee shall file quarterly reports:

- (1) On January 15th and, which must be complete up to December 31st;
- (2) On April 10th and, which must be complete up to March 31st;
- (3) On July 15th and, which must be complete up to June 30th; and
- (4) On October 5th and, which must be complete up to September 30th.

B. General and primary election reports must be filed by 11:59 p.m. During any year in which primary and general elections are held, a state party committee shall file primary and general election reports in addition to the reports required under paragraph A:

- (1) On the 11th day before the date on which the election is held and, which must be complete up to the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and, which must be complete up to the 35th day after that date.

C. Preelection and post election reports for special elections, referenda, initiatives, bond issues or constitutional amendments must be filed by 11:59 p.m. In an election year other than a year described in paragraph B, if a state party committee has received contributions or made expenditures for the purpose of influencing a ballot question election, a special election or a municipal candidate or referendum election subject to Title 30-A, section 2502, the committee shall file preelection and post-election reports:

- (1) On the 11th day before the date on which the election is held and, which must be complete up to the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and, which must be complete up to the 35th day after that date.

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

E. ~~A~~ If a state party committee is required to file a report 11 days before an election pursuant to

paragraph B or C, the committee shall report any single contribution of \$5,000 or more received or any single expenditure of \$1,000 or more made after the 14th 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 contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

Sec. 13. 21-A MRSA §1017-A, sub-§4-B, ¶C, as amended by PL 2013, c. 334, §13, is further amended to read:

C. A committee shall report any single contribution of \$5,000 or more received or any expenditure of \$1,000 or more made after the 14th day before ~~any a general or special~~ election and more than 24 hours before 11:59 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

Sec. 14. 21-A MRSA §1019-A, as enacted by PL 2001, c. 465, §2, is amended to read:

§1019-A. Reports of membership communications

Any membership organization or corporation that makes a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate shall report any expenses related to such communications aggregating in excess of ~~\$50~~ \$100 in any one candidate's election race, notwithstanding the fact that such communications are not expenditures under section 1012, subsection 3, paragraph A. Reports required by this section must be filed with the commission on forms prescribed and prepared by the commission and according to a reporting schedule that the commission shall establish by rule.

Sec. 15. 21-A MRSA §1019-B, sub-§1, ¶A, as enacted by PL 2003, c. 448, §3, is amended to read:

A. Is any expenditure made by a person, party committee, ~~political committee~~ or political action committee, other than by contribution to a candi-

date or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and

Sec. 16. 21-A MRSA §1019-B, sub-§2, as enacted by PL 2003, c. 448, §3, is amended to read:

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~~ disseminating the communication 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~~ shall determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

Sec. 17. 21-A MRSA §1019-B, sub-§4, as amended by IB 2015, c. 1, §6 and PL 2015, c. 350, §6, is further amended to read:

4. Report required; content; rules. A person, party committee, ~~political committee~~ or political action committee that makes any independent expenditure in excess of \$250 during any one candidate's election shall file a report with the commission. In the case of a municipal election, the report 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. 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 expenditure in excess of \$250 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the 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 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. The com-

mission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

Sec. 18. 21-A MRSA §1020-A, sub-§1, as enacted by PL 1995, c. 483, §15, is amended to read:

1. Registration. A candidate 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 may be assessed a forfeiture of ~~\$40~~ \$100. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

Sec. 19. 21-A MRSA §1020-A, sub-§5-A, as amended by IB 2015, c. 1, §8, is further amended to read:

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the dollar amount of the financial activity reported late that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount reported late of that financial activity;

A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the dollar amount of the financial activity reported late that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount reported late of that financial activity;

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the dollar amount of the financial activity reported late that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount reported late of that financial activity;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B.

Sec. 20. 21-A MRSA §1051, as amended by PL 2009, c. 190, Pt. A, §15, is further amended to read:

§1051. Application

This subchapter applies to the activities of political action committees and ballot question committees organized in and outside this State that accept contributions, incur obligations or make expenditures ~~for to~~ influence the nomination or election of a candidate to state, county or municipal officers, office or for the support or defeat of any to initiate or influence a campaign, as defined in this subchapter.

Sec. 21. 21-A MRSA §1055-A, sub-§1, as enacted by PL 2013, c. 334, §24, is amended to read:

1. Communications to influence ballot question elections. Whenever a person makes an expenditure exceeding \$500 expressly advocating through broadcasting stations, cable television systems, pre-recorded automated telephone calls or scripted live telephone calls, newspapers, magazines, campaign signs or other 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, for or against an initiative or referendum that is on the ballot, the communication must clearly and conspicuously state the name and address of the person who made or financed the expenditure for the communication, except that telephone calls must clearly state only the name of the person who made or financed the expenditure for the communication. Telephone surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include the disclosure.

Sec. 22. 21-A MRSA §1055-A, sub-§3 is enacted to read:

3. Enforcement. A violation of this section may result in a penalty of no more than \$5,000. In assessing a penalty, the commission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the communication conceals or misrepresents the identity of the person who financed it.

Sec. 23. 21-A MRSA §1056-B, first ¶, as amended by PL 2015, c. 408, §3, is further amended to read:

A person not defined as a political action committee that receives contributions or makes expenditures, ~~other than by contribution to a political action committee or a ballot question committee~~, aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign ~~as defined by section 1052, subsection 4~~ shall register as a ballot question committee and file reports with the commission in accordance with this section. For the purposes of this section, "campaign" does not include activities to influence the nomination or election of a candidate. A person whose only payments of money for the purpose of influencing a campaign in this State are contributions to political action committees or ballot question committees registered with the commission or a municipality and who has not raised and accepted any contributions for the purpose of influencing a campaign in this State is not required to register and file campaign finance reports under this section. For the purposes of this section, expenditures include paid staff time spent for the purpose of initiating or influencing a campaign.

Sec. 24. 21-A MRSA §1059, as amended by PL 2013, c. 334, §§27 and 28, is further amended to read:

§1059. Report; filing requirements

~~Committees~~ A committee required to register under section 1052-A, 1053-B or 1056-B shall file an initial campaign finance report ~~at the time~~ within 7 days of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline.

2. Reporting schedule. ~~Committees~~ A committee shall file reports according to the following schedule.

A. ~~All committees~~ A committee shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th.

B. ~~General and primary election reports must be filed~~ During any year in which primary and general elections are held, a committee shall file pri-

mary and general election reports in addition to the reports required under paragraph A:

- (1) On the 11th day before the date on which the election is held ~~and, which~~ must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held ~~and, which~~ must be complete as of the 35th day after that date.

A committee shall file primary and general election reports even if the committee did not engage in financial activity to influence the primary or general election.

~~C. Preelection and post-election reports for special elections or ballot measure campaigns must be filed~~ In any election year other than a year described in paragraph B, if a committee has received contributions or made expenditures for the purpose of influencing a ballot question election, a special election or a municipal candidate or referendum election subject to Title 30-A, section 2502, the committee shall file preelection and post-election reports:

- (1) On the 11th day before the date on which the election is held ~~and, which~~ must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held ~~and, which~~ must be complete as of the 35th day after that date.

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.

~~E. -A-~~ If a committee is required to file a report 11 days before an election pursuant to paragraph B or C, the committee shall report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made after the 14th 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 contribution or expenditure. The treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

5. Electronic filing. ~~Committees~~ A committee 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 within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

Sec. 25. 21-A MRSA §1062-A, sub-§4, as amended by IB 2015, c. 1, §10, is further amended to read:

4. Maximum penalties. The maximum penalty under this subchapter is \$10,000 for reports required under section 1056-B or section 1059, except that if the dollar amount of the financial activity reported late that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount reported late of that financial activity.

Sec. 26. 21-A MRSA §1122, sub-§7, ¶A, as amended by PL 2009, c. 286, §4, is further amended to read:

A. Of \$5 or more in the form of cash, a check or a money order payable to the fund and signed by the contributor in support of a candidate or a payment made over the Internet in support of a candidate according to the procedure established by the commission;

Sec. 27. 21-A MRSA §1125, sub-§1, as amended by PL 2011, c. 389, §51, is further amended to read:

1. Declaration of intent. A participating candidate ~~must~~ shall 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. Qualifying contributions collected more than 5 business days before the declaration of intent has been filed will not be counted toward the eligibility ~~requirement~~ requirements in subsection 3 ~~or 3-A~~.

Sec. 28. 21-A MRSA §1125, sub-§2-A, ¶A, as enacted by PL 2007, c. 443, Pt. B, §6, is amended to read:

A. All goods and services received prior to certification must be paid for with seed money contributions, except for goods and services that are excluded from the definition of contribution in section 1012, subsection 2, paragraph B. It is a violation of this chapter for a participating certified candidate to use fund revenues received after certification to pay for goods and services received prior to certification.

Sec. 29. 21-A MRSA §1125, sub-§3, as amended by IB 2015, c. 1, §18, is repealed and the following enacted in its place:

3. Qualifying contributions. The collection of qualifying contributions is governed by this subsection.

D. To be eligible to receive funding from the fund, participating candidates must obtain qualifying contributions during the qualifying period as follows:

(1) For a gubernatorial candidate, at least 3,200 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

(2) For a candidate for the State Senate, at least 175 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

(3) For a candidate for the State House of Representatives, at least 60 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate.

E. A contributor making a qualifying contribution by check or money order shall sign the check or money order. If the contributor has made a check or money order payable to a participating candidate in error, the candidate may remedy the error by endorsing the check or money order to the fund.

F. A contributor may make a qualifying contribution to a participating candidate in the form of cash, as long as the contributor signs a form prepared by the commission affirming that the contributor made the contribution with personal funds. A candidate receiving qualifying contributions in cash shall submit the contributions to the commission in the aggregate in the form of a cashier's check or money order payable to the fund. The candidate may not deposit qualifying contributions received in cash into the candidate's campaign account.

G. As an alternative to making a qualifying contribution under paragraph F, a contributor may make a qualifying contribution to a participating candidate in the form of cash, as long as the candidate submits a money order in the same amount to the commission. The money order must be signed by the contributor to be a valid qualifying contribution. The cash received from the contributor must be used to reimburse the person who provided the money order.

H. Any fees for a cashier's check or a money order paid with seed money must be reported as an

expenditure in campaign finance reports submitted to the commission. If a participating candidate uses personal funds to pay fees for the purchase of a cashier's check or money order, those fees are not a contribution to the candidate and are not required to be disclosed in campaign finance reports. The candidate shall report any cashier's check or money order fees paid by anyone other than the candidate as an in-kind contribution subject to seed money limitations.

I. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, a procedure for a qualifying contribution to be made by a credit or debit transaction and by electronic funds transfer over the Internet. Records containing information provided by individuals who have made qualifying contributions over the Internet are confidential, except for the name of the individual making the contribution, the date of the contribution, the individual's residential address and the name and office sought of the candidate in whose support the contribution was made.

J. A payment, gift or anything of value may not be given in exchange for a qualifying contribution. It is a violation of this chapter for a participating candidate or an agent of the participating candidate to misrepresent the purpose of soliciting qualifying contributions and obtaining the contributor's signed acknowledgment.

Sec. 30. 21-A MRSA §1125, sub-§3-A, as enacted by IB 2015, c. 1, §19, is amended to read:

3-A. Additional qualifying contributions. Participating or certified candidates may collect and submit to the commission additional qualifying contributions at the times specified in subsection 8-E. The commission shall credit a candidate with either one qualifying contribution or one additional qualifying contribution, but not both, from any one contributor during the same election cycle. If any candidate collects and submits to the commission qualifying contributions or additional qualifying contributions that cannot be credited pursuant to this subsection, those qualifying contributions or additional qualifying contributions may be refunded to the contributor or deposited into the Maine Clean Election Fund at the discretion of the candidate. The procedures and restrictions set out in subsection 3, paragraphs E to J apply to additional qualifying contributions.

Sec. 31. 21-A MRSA §1125, sub-§3-B is enacted to read:

3-B. Receipt and acknowledgment forms. The commission shall prepare forms for persons making qualifying contributions to acknowledge the contribution as provided in section 1122, subsection 7, paragraph D. A qualifying contribution is not valid if any-

one other than the contributor signed the contributor's name to the form, except that a qualifying contribution is valid if it is signed by the contributor's immediate family member or live-in caregiver when the contributor is unable to sign due to a physical impairment or disability.

Sec. 32. 21-A MRSA §1125, sub-§6-C, ¶¶A and B, as enacted by PL 2009, c. 302, §14, are amended to read:

A. The candidate may not use fund revenues to pay or compensate the candidate or the candidate's spouse or domestic partner, a sole proprietorship of the candidate or the candidate's spouse or domestic partner, a business entity in which the candidate or the candidate's spouse or domestic partner holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer for campaign-related goods or services.

B. A candidate may ~~not~~ make expenditures using fund revenues to pay a member of the candidate's immediate family or household; other than the candidate's spouse or domestic partner; a business entity in which ~~the candidate or~~ a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner holds a significant proprietary or financial interest; or a nonprofit entity in which ~~the candidate or~~ a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer, unless as long as the expenditure is made:

- (1) For a legitimate campaign-related purpose;
- (2) To an individual or business that provides the goods or services being purchased in the normal course of the individual's occupation or the business; and
- (3) In an amount that is reasonable taking into consideration current market value and other factors the commission may choose to consider.

For the purpose of this paragraph, "business entity" means a corporation, limited liability company, limited partnership, limited liability partnership and general partnership.

If a candidate uses fund revenues for an expenditure covered by this paragraph, the candidate shall submit evidence demonstrating that the expenditure complies with the requirements of this paragraph if requested by the commission.

Sec. 33. 21-A MRSA §1125, sub-§8-E, as enacted by IB 2015, c. 1, §25, is amended to read:

8-E. Collection and submission of additional qualifying contributions. Participating or certified candidates may collect and submit additional qualifying contributions in accordance with subsection 3-A to the commission as follows:

A. For gubernatorial candidates, no earlier than October 15th of the year before the year of the election and no later than 3 weeks before election day; and

B. For legislative candidates, no earlier than January 1st of the election year and no later than 3 weeks before election day.

Additional qualifying contributions may be submitted to the commission at any time in any amounts in accordance with the schedules in this subsection. The commission shall make supplemental distributions to candidates in the amounts and in accordance with the increments specified in subsections 8-B to 8-D. If a candidate submits additional qualifying contributions prior to a primary election in excess of the number of qualifying contributions for which a candidate may receive a distribution, the excess qualifying contributions must be counted as general election additional qualifying contributions if the candidate has a contested general election, but supplemental distributions based on these excess qualifying contributions may not be distributed until after the primary election.

Sec. 34. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 21-A, chapter 13, subchapter 4, in the subchapter headnote, the words "reports by political action committees" are amended to read "reports by political action committees and ballot question committees" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 324

H.P. 1238 - L.D. 1740

An Act To Clarify Inland Fisheries and Wildlife Laws Regarding Boating and Hunting Licensing

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

Sec. 1. 12 MRSA §11108-B, as amended by PL 2015, c. 136, §7 and affected by §12 and amended by c. 301, §12, is further amended to read: