

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 16, 2020**

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

**Augusta, Maine
2020**

1053-B or a ballot question committee required to register under section ~~1053-A~~ or 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

Sec. 19. 21-A MRSA §1062-A, sub-§4, as amended by PL 2019, c. 323, §25, is further amended to read:

4. Maximum penalties. The maximum penalty under this subchapter is \$10,000 for reports required under section ~~1053-A~~, 1056-B or ~~section~~ 1059, except that if the dollar amount of the financial activity 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 of that financial activity.

Sec. 20. 21-A MRSA §1062-A, sub-§5, as amended by PL 2013, c. 334, §31, is further amended to read:

5. Request for a commission determination. If the commission staff finds that a ~~political action~~ committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the ~~political action~~ committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a ~~political action~~ committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the ~~political action~~ committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

Sec. 21. 21-A MRSA §1062-A, sub-§6, as amended by PL 2009, c. 302, §9, is further amended to read:

6. Final notice of penalty. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the ~~political action~~ committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the principal officer and to the treasurer of the ~~political action~~ committee. A detailed summary of all notices must be provided to the commission.

Sec. 22. 21-A MRSA §1062-A, sub-§7, as amended by PL 2007, c. 443, Pt. A, §41, is further amended to read:

7. List of late-filing committees. The commission shall prepare a list of the names of ~~political action~~ committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

See title page for effective date.

CHAPTER 564

S.P. 643 - L.D. 1871

An Act To Modify the Financial Disclosure Requirements for a Governor-elect

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

Sec. 1. 1 MRSA §1051, as enacted by IB 2015, c. 1, §1, is amended to read:

§1051. Gubernatorial transition committee

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commission" means the Commission on Governmental Ethics and Election Practices.

B. "Election cycle" means the period beginning on the day after the general election for any state, county or municipal office and ending on the day of the next general election for that office.

C. "Governor-elect" means the candidate for the office of Governor elected at the most recent general election.

2. Transition and inaugural activities; funding. A person may solicit and accept donations for the purpose of financing costs related to the transition to office and inauguration of a ~~new Governor~~ Governor-elect. A person who accepts donations for these purposes must

establish a committee and appoint a treasurer who is responsible for keeping records of donations and for filing a financial disclosure statement required by this section. All donations received must be deposited in a separate and segregated account and may not be commingled with any contributions received by any candidate or political committee or any personal or business funds of any person. ~~An individual who has served as a treasurer of any candidate committee or political action committee in the same election cycle may not serve as treasurer of a gubernatorial transition committee.~~ All donations received by the committee must be used for expenses related to the transition to office or inauguration; any surplus funds must be disposed of pursuant to subsection 7.

3. Registration with the commission and financial disclosure statement statements. A committee established pursuant to this section shall register and file a financial disclosure ~~statement statements~~ with the commission as required by this subsection.

A. The committee shall register with the commission within 10 days after appointment of a treasurer. The registration must include the name and mailing addresses of the members of the committee, its treasurer and all individuals ~~who are raising~~ designated by the committee to raise funds for the committee.

B. ~~The financial~~ Financial disclosure ~~statement statements~~ must contain the names, addresses, occupations and employers of all donors who have given money or anything of value in a total amount exceeding \$50 to the committee, including in-kind donations of goods or services, along with the amounts and dates of the donations. ~~Donors who have given donations~~ Donations with a total value of \$50 or less may be disclosed in the aggregate without itemization or other identification.

C. ~~Any outstanding loan, debt or other obligation of the committee must be disclosed as a donation. If the committee owes a debt or loan at the end of a time period for a financial disclosure statement, the committee shall report the debt or loan. If a creditor or lender forgives a debt or loan, the committee shall disclose the forgiven debt or loan as a donation.~~

D. ~~The financial~~ Financial disclosure ~~statement statements~~ must ~~identify~~ include the amounts, dates, payees and purposes of all payments made by the committee during the statement period.

E. ~~An interim financial~~ Financial disclosure ~~statement statements~~ must be filed by 5:00 p.m. on January ~~1st~~ 2nd and February 15th following the gubernatorial election and must be complete as of 10 days prior to ~~that date.~~ The final financial disclosure statement must be filed by 5:00 p.m. on February 15th following the gubernatorial election and

must be complete as of that date those filing deadlines. If the committee has surplus funds or an unpaid debt or loan after the end of the statement period for the February 15th statement, the committee shall file bimonthly financial disclosure statements beginning on April 15th until it disposes of all surplus funds and satisfies all debts and loans.

F. The treasurer shall keep a detailed and exact account of all contributions made to the committee and all expenditures made by the committee for one year following the final financial disclosure statement filed by the committee.

4. Limitation on fund-raising activity. A committee established pursuant to this section may accept donations until ~~January~~ March 31st of the year following the gubernatorial election. The commission may authorize the acceptance of donations after March 31st of the year following the gubernatorial election if the committee requests such authorization in order to pay a debt or loan related to the transition to office or inauguration.

5. Prohibited donations during a legislative session. A committee established pursuant to this section may not directly or indirectly solicit or accept a donation from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment. A lobbyist, lobbyist associate or employer may not directly or indirectly give, offer or promise a donation to a committee established pursuant to this section during any period of time in which the Legislature is convened before final adjournment. For purposes of this subsection, "lobbyist" has the same meaning as in Title 3, section 312-A, subsection 10; "lobbyist associate" has the same meaning as in Title 3, section 312-A, subsection 10-A; and "employer" has the same meaning as in Title 3, section 312-A, subsection 5.

6. Anonymous donations. A committee established pursuant to this section may not accept an anonymous donation in excess of \$50.

7. Disposing of surplus funds. ~~Prior to the filing of the final financial disclosure statement under subsection 3, paragraph E, any~~ Any surplus funds remaining in the committee's account must be refunded to one or more donors, donated to a charitable organization that qualifies as a tax-exempt organization under 26 United States Code, Section 501(c)(3) or remitted to the State Treasurer.

8. Rulemaking. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, forms and procedures for ensuring compliance with this section.

9. Enforcement and penalty. The commission shall administer and enforce this subchapter. A person who violates this subchapter is subject to a civil penalty not to exceed \$10,000, payable to the State and recov-

erable in a civil action. In assessing a civil penalty under this subsection, the commissioner shall consider, among other things, whether the person made a bona fide effort to comply with the requirements of this section, whether the violation occurred as the result of an error by a vendor, consultant or other party outside the control of the person and whether evidence is present that the person intended to conceal or misrepresent its financial activities.

See title page for effective date.

CHAPTER 565

H.P. 1341 - L.D. 1875

An Act Regarding the Naming of Bridges and Designating Bridge 5818 as the Specialist Wade A. Slack Memorial Bridge

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

Sec. 1. 23 MRSA §356 is enacted to read:

§356. Parallel bridge naming

When designating a bridge in this State with a specific name, the Department of Transportation shall deem separate bridges that run parallel to one another on the same highway as one bridge for the purposes of that designation.

Sec. 2. Interstate 95 bridge in Waterville named. The Department of Transportation shall designate Bridge 5818 on Interstate 95, which crosses Main Street in the City of Waterville, the Specialist Wade A. Slack Memorial Bridge and shall erect an appropriate sign or signs to proclaim this designation.

See title page for effective date.

CHAPTER 566

H.P. 1349 - L.D. 1883

An Act Regarding the Recommendations of the Federal Traumatic Brain Injury State Partnership Program Concerning the Membership of the Acquired Brain Injury Advisory Council

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

Sec. 1. 34-B MRSA §19001, sub-§4, as enacted by PL 2007, c. 239, §2, is amended to read:

4. Membership. The commissioner shall appoint ~~16~~ 25 persons to serve as members of the council and shall annually appoint one person to serve as chair. Members serve 2-year terms. Members must represent the following persons and interests:

- A. ~~Two~~ Five members with acquired brain injuries must represent persons with acquired brain injuries;
- B. ~~Two~~ Five members must represent families of persons with acquired brain injuries;
- C. Two members must represent advocates for persons with acquired brain injuries;
- D. Five members must represent providers of services to persons with acquired brain injuries; ~~and~~
- E. Five members must represent state agencies with expertise in the areas of education, employment, prevention of brain injuries, homelessness, corrections and services to veterans. Members of the council who represent state agencies serve ex officio, without the right to vote, and shall provide data, information and expertise to the council; ~~;~~
- F. One member must represent an aging and disability resource center;
- G. One member must represent a center for independent living; and
- H. One member must be the long-term care ombudsman under Title 22, section 5107-A or a representative of the long-term care ombudsman.

See title page for effective date.

CHAPTER 567

S.P. 688 - L.D. 1986

An Act To Clarify the Law Protecting Job Applicants from Identity Theft

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

Sec. 1. 26 MRSA §598-A, as enacted by PL 2019, c. 47, §1, is amended to read:

§598-A. Prospective employee's social security number

~~Beginning~~ Except as required by federal law, beginning January 1, 2020, an employer may not request a social security number from a prospective employee on an employment application or during the application process for employment except for the purposes of substance ~~abuse~~ use testing under subchapter 3-A or a preemployment background check. This section does not apply to an employer's request for a social security number after the employee has been hired.