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OF THE

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The testing must be of a type generally acknowledged as reliable by accreditation bodies designated by the federal Secretary of Health and Human Services, and it must be performed by a laboratory approved by an accreditation body designated by the federal Secretary of Health and Human Services.

The process for amending a birth certificate under this subsection may not be used to replace a parent listed on the birth certificate. A genetic parent who was not known or listed at the time of birth may be added to a birth certificate under this subsection even if more than 2 parents will be listed on the birth certificate as a result of the amendment.

2. Effect. If the request submitted pursuant to subsection 1 does not contain the written, notarized consent of the genetic parent to be named on the amended birth certificate, amendment of the birth certificate pursuant to this section does not affect the rights of inheritance and descent~~. A birth certificate amended without the written, notarized consent of the genetic parent to be named on~~ and the amended birth certificate must contain the following words in a conspicuous place: "This birth certificate has been amended to identify ~~or replace~~ a genetic parent not known or listed at the time of birth. This amendment does not affect the rights of inheritance or descent of the subject of the birth certificate."

3. Amendment of birth certificate based on voluntary acknowledgment of parentage. The State Registrar of Vital Statistics shall amend the birth certificate of a person 18 years of age or older born in this State for the purpose of identifying a parent who was not known or listed at the time of birth if the birth certificate lists only one parent or if a parent listed on the birth certificate will be replaced with a new parent when the state registrar has received the following:

A. A signed, notarized request to amend the birth certificate from the adult subject of the birth certificate;

B. A properly executed voluntary acknowledgment of parentage that complies with the requirements of Title 19-A, chapter 61, subchapter 3; and

C. If the acknowledged parent will replace a parent listed on the birth certificate, a properly executed denial of parentage from the parent to be replaced that meets the requirements of Title 19-A, chapter 61, subchapter 3.

4. Amendment of birth certificate based on adoption or parentage action. The State Registrar of Vital Statistics shall amend the birth certificate of a person 18 years of age or older born in this State in response to a request by the adult that the adult's birth certificate reflect the adult's parentage as set forth in:

A. A court order adjudicating parentage pursuant to Title 19-A, chapter 61; or

B. An adoption decree pursuant to Title 18-C, article 9.

See title page for effective date.

CHAPTER 324
S.P. 647 - L.D. 1630

An Act Regarding Campaign Finance and Lobbying Disclosure and Enforcement of Income Source Reporting Requirements

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

Sec. 1. 1 MRSA §1016-C, as amended by PL 2021, c. 132, §1, is further amended to read:

§1016-C. Reports by legislative candidates

A candidate, as defined in Title 21-A, section 1, subsection 5, for the Legislature who is not required to file a report under section 1016-G shall file a report containing the same information required of Legislators under section 1016-G no later than 5 p.m. on August 15th preceding the general election unless the candidate withdraws from the election in accordance with Title 21-A, section 374-A by that date. A candidate shall file statements electronically as is required of Legislators under section 1016-G, subsection 5. If the candidate fails to file the statement by the August 15th, the commission may assess penalties in accordance with section 1016-G, subsection 3.

Sec. 2. 1 MRSA §1016-G, sub-§3, as amended by PL 2019, c. 534, §5, is further amended to read:

3. Penalties. Penalties for violations of this section are as follows.

A. Failing to file a statement within 15 days of having been notified by the commission is subject to a civil ~~violation for which a fine of not more than $100 may be adjudged~~ penalty not to exceed $250 for a Legislator or $100 for a candidate payable to the commission. A statement is not considered filed unless it substantially conforms to the requirements of this subchapter and is properly signed. The commission shall determine whether a statement substantially conforms to the requirements of this subchapter.

B. The intentional filing of a false statement is a Class E crime. If the commission concludes that it appears that a Legislator has willfully filed a false statement, it shall refer its findings of fact to the Attorney General. If the commission determines that a Legislator has willfully failed to file a statement required by this subchapter or has willfully

filed a false statement, the Legislator is presumed to have a conflict of interest on every question.

Within 3 business days of a filing deadline, the commission shall mail a notice to a Legislator or candidate who has failed to file a statement required under this subchapter. If a Legislator or candidate does not file the statement within 15 days of the notice, the commission shall mail a notice of a preliminary penalty of $250 for a Legislator or $100 for a candidate pursuant to paragraph A. The Legislator or candidate may request a waiver of the penalty within 15 days of the penalty notice. If no request is made, the preliminary penalty of $250 for a Legislator or $100 for a candidate is final. If the Legislator or candidate requests a waiver, the commission shall consider the request at its next meeting for a determination of the final penalty, if any. The commission staff shall confirm a final penalty in a written determination to the Legislator or candidate who did not file the statement on time. The commission's determination 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. Penalties assessed pursuant to this subsection may be enforced in accordance with Title 21-A, section 1004-B.

Sec. 3. 3 MRSA §319, sub-§1, as repealed and replaced by PL 2011, c. 179, §7, is amended to read:

1. Failure to file registration or report. Any person who fails to file a registration or report as required by this chapter ~~may be assessed a fine~~ is subject to a civil penalty, payable to the commission, of $100 for every month the person fails to register or is delinquent in filing a report pursuant to section 317. If a registration or report is filed late, the commission shall send a notice of the finding of violation and preliminary penalty. The notice must provide the lobbyist with an opportunity to request a waiver of the preliminary penalty. If a lobbyist files a report required pursuant to section 317 within 24 hours after the deadline, the amount of the preliminary penalty is $50. The preliminary penalty is increased by $50 for each successive violation during a lobbying year. The commission may waive the ~~fine or~~ penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances or the ~~fine or~~ penalty is disproportionate to the level of experience of the lobbyist or the harm suffered by the public from the late registration or report. For purposes of this subsection, "mitigating circumstances" means:

A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the ~~fine or~~ penalty in whole or in part;

B. An error by the commission; or

C. Circumstances determined by the commission to warrant the waiver of the ~~fine or~~ penalty in whole or in part, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with this chapter, including, but not limited to, unexplained delays in Internet service.

Sec. 4. 21-A MRSA §1002, sub-§2, as amended by PL 2011, c. 389, §2, is repealed.

Sec. 5. 21-A MRSA §1002, sub-§4, as amended by PL 2011, c. 389, §2, is repealed.

Sec. 6. 21-A MRSA §1003, sub-§3-A, as amended by PL 2019, c. 323, §3, is further amended by amending the first blocked paragraph to read:

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 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. 7. 21-A MRSA §1004-B, as enacted by PL 2009, c. 302, §3, is amended to read:

§1004-B. Enforcement of penalties assessed by the commission

The commission staff shall collect the full amount of any penalty and the return of Maine Clean Election Act funds required by the commission to be returned for a violation of the statutes or rules administered by the commission and has all necessary powers to carry out these duties. Failure to pay the full amount of any penalty assessed by the commission or return of Maine Clean Election Act funds is a civil violation by the candidate, treasurer, party committee, political action committee or other person. Thirty days after issuing the notice of penalty or order for the return of funds, the commission shall report to the Attorney General the name of any person who has failed to pay the full amount of any penalty or to return Maine Clean Election Act funds unless the commission has provided an extended deadline for payment. ~~The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty or order for the return of Maine Clean Election Act funds.~~ The Attorney General shall enforce the violation in a civil action to collect up to 3 times the outstanding amount of the penalty or unreturned Maine Clean Election Act funds. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.

Sec. 8. 21-A MRSA §1014, sub-§5-A is enacted to read:

5-A. Text messages. Text messages sent with the assistance of mass distribution technology that is paid for by a person must clearly and conspicuously state the name of the person who made or financed the expenditure if:

A. The text message expressly advocates the election or defeat of a candidate; or

B. The text message contains a link to a website that expressly advocates the election or defeat of a candidate.

Sec. 9. 21-A MRSA §1015, sub-§3, as amended by PL 2007, c. 443, Pt. A, §12, is repealed.

Sec. 10. 21-A MRSA §1019-B, sub-§1, ¶B, as amended by PL 2021, c. 132, §7, is further amended to read:

B. Unless the person, party committee or political action committee making the expenditure demonstrates under subsection 2 that the expenditure ~~was not intended to influence~~ did not have a purpose or effect of influencing the nomination, election or defeat of the candidate, is made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 28 days, including election day, before a primary election; during the 35 days, including election day, before a special election; or from Labor Day to a general election day.

Sec. 11. 21-A MRSA §1019-B, sub-§2, as amended by PL 2021, c. 132, §8, is further amended to read:

2. Commission determination. A person, party committee or political action committee may request a determination that an expenditure that otherwise meets the definition of an independent expenditure under subsection 1, paragraph B is not an independent expenditure by filing a signed written statement with the commission within 7 days of disseminating the communication stating that the cost was not incurred with ~~the intent to influence~~ a purpose of influencing the nomination, election or defeat of a candidate, supported by any additional evidence the person, party committee or political action committee chooses to submit. The commission may gather any additional evidence it determines relevant and material ~~and~~. The commission shall determine by a preponderance of the evidence whether the cost was incurred with ~~intent to influence~~ a purpose of, or had the effect of, influencing the nomination, election or defeat of a candidate. In order to make this determination, the commission shall consider whether the language and other elements of the communication would lead a reasonable person to conclude that the communication had a purpose of, or had the effect of, influencing an election. The commission may consider other factors, including, but not limited to, the timing of the communication, the recipients of the communication or, if the communication is a digital communication, any links to publicly accessible websites related to the nomination, election or defeat of a candidate. The commission's executive director shall make an initial determination on the request, which must be posted on the commission's publicly accessible website. Any person may appeal the initial determination, which must be considered by the commission at the next public meeting that is feasible.

Sec. 12. 21-A MRSA §1019-B, sub-§4, ¶B, as amended by PL 2015, c. 350, §6, is further amended to read:

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~~ unsworn falsification, as provided in Title 17-A, section ~~451~~ 453, 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.

Sec. 13. 21-A MRSA §1019-B, sub-§4, ¶C, as amended by PL 2013, c. 334, §16, is further amended to read:

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 commission 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. 14. 21-A MRSA §1020-A, sub-§4-A, as amended by IB 2015, c. 1, §7, is further amended to read:

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 2%;

B. For the 2nd violation, 4%; and

C. For the 3rd and subsequent violations, 6%.

Any penalty of less than ~~$10~~ $25 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

~~A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.~~

Sec. 15. 21-A MRSA §1055-A, sub-§1, as amended by PL 2019, c. 323, §21, is further 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, prerecorded 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. A digital communication costing more than $500 that includes a link to a publicly accessible website expressly advocating for or against an initiative or referendum that is on the ballot must clearly and conspicuously state the name of the person who made or financed the expenditure, unless the digital communication is excluded under subsection 2. 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. 16. 21-A MRSA §1062-A, sub-§3, as amended by IB 2015, c. 1, §9, is further amended to read:

3. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 2%;

B. For the 2nd violation, 4%; and

C. For the 3rd and subsequent violations, 6%.

Any penalty of less than ~~$10~~ $25 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

~~A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.~~

Sec. 17. 21-A MRSA §1125, sub-§3, ¶J, as enacted by PL 2019, c. 323, §29, is amended to read:

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 or submit any fraudulent contributions to the commission, as defined by the rules of the commission.

Sec. 18. 21-A MRSA §1125, sub-§12-A, ¶C, as amended by PL 2013, c. 334, §34, is further amended to read:

C. A record proving that a vendor received payment for every expenditure in excess of $50 in the form of a cancelled check, cash receipt from the vendor or bank or credit card statement identifying the vendor as the payee; ~~and~~

Sec. 19. 21-A MRSA §1125, sub-§12-A, ¶E, as amended by PL 2013, c. 334, §34, is further amended to read:

E. A contemporaneous document such as an invoice, contract or timesheet that specifies in detail the services provided by a vendor who was paid in excess of $500 for the election cycle for providing campaign staff or consulting services to a candidate~~.~~; and

Sec. 20. 21-A MRSA §1125, sub-§12-A, ¶F is enacted to read:

F. If a candidate for the Legislature pays at least $3,000 to a member of the campaign staff, records for the number of hours and type of work performed by the member each day. The candidate or treasurer shall submit those records to the campaign at least once per month.

See title page for effective date.

CHAPTER 325

S.P. 660 - L.D. 1655

An Act to Amend the Laws Governing Consumer-owned Water Utilities

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

Sec. 1. 35-A MRSA §505, sub-§1, as amended by PL 2019, c. 586, §1, is further amended to read:

1. Consumer-owned water utilities. Except as provided in this subsection, the commission may not require under this section that a qualified small water utility cause to be conducted an annual audit of its accounts. For purposes of this subsection, "qualified small water utility" means a consumer-owned water utility with gross annual revenues ~~that do not exceed $250,000~~ of less than $500,000.

A. A qualified small water utility with gross annual revenues of ~~$50,000~~ $100,000 or less shall for any year used as a test year for rate-making purposes cause to be conducted, in accordance with generally accepted auditing standards, an audit of its accounts by an independent certified public accountant licensed to practice in the State. ~~The commission, for good cause shown by the qualified small water utility, may waive the requirements of this paragraph.~~

B. A qualified small water utility with gross annual revenues greater than ~~$50,000~~ $100,000:

(1) Shall cause to be conducted, in accordance with generally accepted auditing standards, an annual review of its accounts by an independent certified public accountant licensed to practice in the State; and

(2) Not less than once every 5 years and for any year used as a test year for rate-making purposes, shall cause to be conducted, in accordance with generally accepted auditing standards, an audit of its accounts by an independent certified public accountant licensed to practice in the State.

Nothing in this subsection limits or affects any other reporting, review, auditing or other requirement imposed by a creditor of the qualified small water utility or by any other applicable law or government authority. The commission, for good cause shown by the qualified small water utility, may waive the requirements of this subsection.

Sec. 2. 35-A MRSA §901, as enacted by PL 1987, c. 141, Pt. A, §6, is amended by adding at the end a new paragraph to read:

The requirements of this chapter do not apply to a consumer-owned water utility as defined in section 6101, subsection 1-A.

Sec. 3. 35-A MRSA §6104, sub-§3, as amended by PL 1995, c. 255, §9, is further amended to read:

3. Notice of proposed rate change and hearing. The consumer-owned water utility shall, at least 14 days prior to the hearing, ~~publish a notice of the proposed rate change and the hearing, including the date, time, place and purpose of the hearing, in a newspaper of general circulation in the area encompassed by the consumer-owned water utility and give one~~ provide notice of the proposed rate change and the date, time, place and purpose of the hearing to ~~each of~~ its customers in a manner prescribed by the commission. ~~The published and individual notices~~ Any such notice must include a statement describing the amount of the rate change and the percentage change for each customer class, the customer's right to request information relating to the present and proposed rates, the right to an open and fair hearing and the right to further hearings before the commission, and the availability of assistance from the Public Advocate. ~~The published and individual notices~~ Any such notice must inform customers that they can petition the commission to investigate the proposed rate change and must include a statement that signatures on petitions filed pursuant to subsection 7 are invalid unless accompanied by the printed names and addresses of the signers. ~~The published and individual notices~~ Any such notice must also inform customers that the utility will, upon request, provide customers with petition forms that include space for signatures and the printed names and addresses of the signers. Copies of ~~the notice~~ all notices must be sent to the commission and the Public Advocate at least 14 days prior to the hearings.

Sec. 4. 35-A MRSA §6104, sub-§10, as amended by PL 1987, c. 490, Pt. B, §12, is further amended to read:

10. Review of rates under section 310. Nothing in this section prohibits a consumer-owned water utility from petitioning the commission for review pursuant to section 310 ~~in the first instance~~.

Sec. 5. 35-A MRSA §6104-A, sub-§1, as enacted by PL 2009, c. 237, §2, is amended to read:

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