

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON VETERANS AND LEGAL  
AFFAIRS**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

|  |  |
|--|--|
| <i>CARRIED OVER</i> .....                                  | <i>carried over to a subsequent session of the Legislature</i>                           |
| <i>CON RES XXX</i> .....                                   | <i>chapter # of constitutional resolution passed by both houses</i>                      |
| <i>CONF CMTE UNABLE TO AGREE</i> .....                     | <i>Committee of Conference unable to agree; legislation died</i>                         |
| <i>DIED BETWEEN HOUSES</i> .....                           | <i>House &amp; Senate disagreed; legislation died</i>                                    |
| <i>DIED IN CONCURRENCE</i> .....                           | <i>defeated in each house, but on different motions; legislation died</i>                |
| <i>DIED ON ADJOURNMENT</i> .....                           | <i>action incomplete when session ended; legislation died</i>                            |
| <i>EMERGENCY</i> .....                                     | <i>enacted law takes effect sooner than 90 days after session adjournment</i>            |
| <i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....  | <i>emergency failed to receive required 2/3 vote</i>                                     |
| <i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....            | <i>failed to receive final majority vote</i>   |
| <i>FAILED, MANDATE ENACTMENT</i> .....                     | <i>legislation proposing local mandate failed required 2/3 vote</i>                      |
| <i>HELD BY GOVERNOR</i> .....                              | <i>Governor has not signed; final disposition to be determined at subsequent session</i> |
| <i>LEAVE TO WITHDRAW</i> .....                             | <i>sponsor's request to withdraw legislation granted</i>                                 |
| <i>NOT PROPERLY BEFORE THE BODY</i> .....                  | <i>ruled out of order by the presiding officer; legislation died</i>                     |
| <i>INDEF PP</i> .....                                      | <i>indefinitely postponed; legislation died</i>  |
| <i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> .... | <i>ought-not-to-pass report accepted; legislation died</i>                               |
| <i>P&amp;S XXX</i> .....                                   | <i>chapter # of enacted private &amp; special law</i>                                    |
| <i>PUBLIC XXX</i> .....                                    | <i>chapter # of enacted public law</i>   |
| <i>RESOLVE XXX</i> .....                                   | <i>chapter # of finally passed resolve</i>   |
| <i>VETO SUSTAINED</i> .....                                | <i>Legislature failed to override Governor's veto</i>                                    |

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 1123**

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

**Veto Sustained**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-192

This bill amends the laws governing campaign finance and the Commission on Governmental Ethics and Election Practices by:

1. Providing the commission discretion to decline to conduct an investigation requested by an outside party, if the violation is alleged to have occurred more than three years before the investigation is requested. This proposed change would not restrict the commission's discretion to initiate an investigation of its own accord;
2. Allowing the commission to refer to the Attorney General potential violations of criminal law rather than requiring the commission to refer all violations of the laws governing campaign reports and finances;
3. Amending the requirements for state party committees to provide mailing addresses for local committee chairs to the commission for purposes of receiving correspondence from the commission;
4. Requiring that prerecorded automated telephone calls and scripted live telephone communications made shortly before an election that name a clearly identified candidate clearly state the address of the person that paid for the calls or communications and a statement indicating whether the calls or communications were authorized by a candidate;
5. Requiring candidates to disclose the addresses of payees in their campaign finance reports, consistent with requirements for political action committees and party committees;
6. Providing an exemption from filing primary election campaign finance reports for legislative candidates who file a sworn statement with the commission that they will not conduct financial activity for the primary election. This exemption would be available only to those candidates with no opponent in the primary election and would not exempt candidates from filing campaign finance reports for the general election;
7. Permitting candidates to donate unspent campaign contributions to a political action committee or ballot question committee;
8. Repealing the requirement for a candidate with a campaign surplus or deficit to file a termination report by July 15th following the general election but retaining the requirement that a candidate disclose surpluses or deficits to be carried forward to the next campaign;
9. Amending the threshold for filing an independent expenditure report from \$100 to \$250;
10. Permitting the commission to require additional information in an independent expenditure report to facilitate the public's identification of the mailing, advertisement or other paid communication that is the subject of the report;
11. Increasing the potential penalty for an individual's failure to register as a candidate with the commission from \$10 to \$100;
12. Amending the formula used to determine the penalty when a campaign finance report is filed late to provide that the penalty is based on the amount of financial activity reported late rather than on the total financial activity for the period;

## *Joint Standing Committee on Veterans and Legal Affairs*

13. Allowing candidates and political committees to request a determination by the commission regarding a preliminary penalty through an unsworn communication such as a letter or memo rather than through a sworn statement;
14. Defining the term "ballot question" for the purposes of the laws governing reports by political action committees to refer to a people's veto referendum, direct initiative and other referendums;
15. Requiring political action committees to register with the commission within seven days of receiving contributions or making expenditures above the applicable threshold for the purpose of influencing Maine elections. Under current law, the registration requirement is triggered only by expenditures made to influence Maine elections;
16. Prohibiting a political action committee from compensating a Legislator or member of the Legislator's immediate family or household for services provided to the committee if the Legislator is a principal officer or treasurer of the committee or is one of the individuals primarily responsible for raising contributions or making decisions for the committee;
17. Permitting the commission to assess a fine of up to \$5,000 if a person spends more than \$500 on a paid communication to voters expressly advocating for or against a ballot question if the communication does not contain the name and address of the person who paid for the communication;
18. Requiring a person that spends more than \$500 on a prerecorded automated telephone call or scripted live telephone communication expressly advocating for or against a ballot question to clearly state the person's name and address in the call or communication; and
19. Requiring campaign staff and consultants who are compensated for their labor by candidates with \$2,000 or more in Maine Clean Election Act funds to create an invoice or timesheet showing the dates of service and number of hours worked, to be kept by the candidate for three years after the election. Goods purchased by a staff member or consultant on behalf of the candidate would not count toward the \$2,000 compensation threshold.

### **Committee Amendment "A" (S-192)**

This amendment makes clarifying changes to the bill. It clarifies that prerecorded automated telephone calls and scripted live telephone calls that are political communications that are not paid for by a candidate must state whether the communication was authorized by the candidate. It provides that the reporting exemption in the bill that allows for an uncontested primary candidate to be exempt from certain reporting requirements when that candidate files a sworn and notarized notification with the Commission on Governmental Ethics and Election Practices stating that the candidate will not accept contributions or make expenditures for the primary race does not apply to a Maine Clean Election Act candidate. The amendment strikes a provision in the bill that conflicts with other provisions of campaign laws regarding the termination of campaign requirements. Finally, the amendment adds a new section to the bill that provides that when a political action committee seeks a waiver of a penalty for mitigating circumstances surrounding the failure to file a report or filing a report late, the statement the committee provides does not have to be in the form of a sworn statement. This addition mirrors a section in the bill that makes the same provision for party committees and candidates when they seek a penalty waiver.

### **LD 1127     An Act Regarding the Authority of the Secretary of State and the Attorney General To Conduct Investigations of Vote Recounts**

**ONTP**

Sponsor(s)

COOPER  
BREEN

Committee Report

ONTP

Amendments Adopted