



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1618

S.P. 528

In Senate, December 20, 2011

An Act To Amend the Laws Governing the Maine Clean Election Act

Submitted by the Commission on Governmental Ethics and Election Practices pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 16, 2011. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator FARNHAM of Penobscot.

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

2 **Sec. 1. 21-A MRSA §1017, sub-§5,** as amended by PL 2009, c. 302, §4, is
3 further amended to read:

4 **5. Content.** A report required under this section must contain the itemized accounts
5 of contributions received during that report filing period, including the date a contribution
6 was received, and the name, address, occupation, principal place of business, if any, and
7 the amount of the contribution of each person who has made a contribution or
8 contributions aggregating in excess of \$50. The report must contain the itemized
9 expenditures made or authorized during the report filing period, the date and purpose of
10 each expenditure and the name of each payee and creditor and any refund that a payee has
11 made to the candidate or an agent of the candidate. If the payee is a member of the
12 candidate's household or immediate family, the candidate must disclose the candidate's
13 relationship to the payee in a manner prescribed by the commission. The report must
14 contain a statement of any loan to a candidate by a financial institution in connection with
15 that candidate's candidacy that is made during the period covered by the report, whether
16 or not the loan is defined as a contribution under section 1012, subsection 2, paragraph A.
17 The candidate and the treasurer are jointly and severally responsible for the timely and
18 accurate filing of each required report.

19 **Sec. 2. 21-A MRSA §1125, sub-§7-A,** as amended by PL 2007, c. 443, Pt. B, §6,
20 is repealed and the following enacted in its place:

21 **7-A. Deposit into account; release of bank records.** A candidate or a committee
22 authorized pursuant to section 1013-A, subsection 1 shall deposit all revenues from the
23 fund and all seed money contributions in an account, referred to in this subsection as a
24 "campaign account," with a bank or other financial institution. The campaign funds must
25 be segregated from, and may not be commingled with, any other funds.

26 A. A participating candidate shall provide to the commission a signed written
27 authorization allowing the bank or other financial institution administering a
28 campaign account to release to the commission all records held by that bank or
29 institution pertaining to the campaign account, including, but not limited to,
30 campaign account statements, records of payments or transfers from the campaign
31 account and deposits of funds to the campaign account.

32 B. The executive director of the commission or its auditor, during an audit or during
33 an investigation authorized by the commission or the chair of the commission of
34 potential noncompliance with the requirements of this chapter, chapter 13 or a rule of
35 the commission, may request that a candidate provide the records of a campaign
36 account. If the candidate fails to comply with the request within 30 days of receiving
37 it, the executive director or auditor may use the authorization obtained pursuant to
38 paragraph A to obtain the records directly from the bank or other financial institution.

39 **Sec. 3. 21-A MRSA §1125, sub-§12,** as amended by PL 2009, c. 302, §20, is
40 further amended to read:

1 investigation of potential noncompliance by the candidate, the commissioner's executive
2 director or auditor may obtain the records directly from the financial institution.

3 This bill also requires candidates to disclose in their campaign finance reports any
4 refund of campaign funds received from vendors and requires Maine Clean Election Act
5 candidates to return all refunds received after the filing of the candidate's final report to
6 the commission within 14 days of receiving the refund.

7 Finally, this bill requires a vendor that is paid more than \$500 in Maine Clean
8 Election Act funds, and that uses those funds to make purchases on behalf of the
9 candidate relating to campaign advertising, to provide the candidate with an accounting
10 of all purchases. The vendor is also required to keep and to provide to the candidate
11 records of the payments made on behalf of the candidate.