

130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 664

H.P. 491

House of Representatives, March 3, 2021

An Act To Strengthen the Integrity of the Maine Clean Election Program

(EMERGENCY)

Received by the Clerk of the House on March 1, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative COLLINGS of Portland.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to provide its protections to the electoral process as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 21-A MRSA §1125, sub-§6-G is enacted to read:

6-G. Mandatory referral. If the executive director of the commission or a member of the commission staff suspects, based on evidence, that a candidate has submitted fraudulent qualifying contributions or has falsified or misrepresented any qualifying contributions, the executive director shall refer the matter to the commission for an investigation or to the Attorney General for prosecution. This matter must be referred even if a candidate withdraws as a participating candidate or as a Maine Clean Election Act candidate.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

20 SUMMARY

 This bill requires the Executive Director of the Commission on Governmental Ethics and Election Practices to refer a case of suspected fraudulent, falsified or misrepresented qualifying contributions under the Maine Clean Election Act to the commission for an investigation or to the Attorney General for prosecution. A case must be referred even if a candidate withdraws as a participating candidate or as a Maine Clean Election Act candidate.