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No. 1077

H.P. 770

House of Representatives, March 19, 2013

An Act To Amend the Maine Clean Election Act and Campaign Finance Laws

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BROOKS of Winterport.
Cosponsored by Representatives: BEAR of the Houlton Band of Maliseet Indians,
FARNSWORTH of Portland, HOBBS of Saco, STANLEY of Medway, STUCKEY of
Portland, WELSH of Rockport.

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

2 **Sec. 1. 1 MRSA §1015, sub-§3, ¶B**, as amended by PL 2009, c. 286, §1, is
3 further amended to read:

4 B. The Governor, a member of the Legislature or any constitutional officer or the
5 staff or agent of the Governor, a member of the Legislature or any constitutional
6 officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist
7 associate or employer during any period of time in which the Legislature is convened
8 before final adjournment, ~~except for a qualifying contribution as defined under Title~~
9 ~~21-A, section 1122, subsection 7.~~ A lobbyist, lobbyist associate or employer may not
10 intentionally give, offer or promise a contribution, ~~other than a qualifying~~
11 ~~contribution,~~ to the Governor, a member of the Legislature or any constitutional
12 officer or the staff or agent of the Governor, a member of the Legislature or any
13 constitutional officer during any time in which the Legislature is convened before
14 final adjournment. These prohibitions apply to contributions directly and indirectly
15 solicited or accepted by, or given, offered and promised to a political action
16 committee, ballot question committee or party committee of which the Governor, a
17 member of the Legislature, a constitutional officer or the staff or agent of these
18 officials is a treasurer, officer or primary fund-raiser or decision maker.

19 **Sec. 2. 21-A MRSA §1004-A, sub-§2**, as enacted by PL 2003, c. 628, Pt. A, §1,
20 is amended to read:

21 **2. Contribution in excess of limitations.** A person that accepts or makes a
22 contribution that exceeds the limitations set out in section 1015, ~~subsections 1 and~~
23 ~~subsection 2~~ may be assessed a penalty of no more than the amount by which the
24 contribution exceeded the limitation.

25 **Sec. 3. 21-A MRSA §1015, sub-§1**, as amended by PL 2011, c. 382, §1, is
26 repealed.

27 **Sec. 4. 21-A MRSA §1122, sub-§7**, as amended by PL 2009, c. 286, §4, is
28 repealed.

29 **Sec. 5. 21-A MRSA §1122, sub-§8**, as amended by PL 2009, c. 286, §5 and c.
30 363, §1, is repealed.

31 **Sec. 6. 21-A MRSA §1124, sub-§2, ¶A**, as enacted by IB 1995, c. 1, §17, is
32 repealed.

33 **Sec. 7. 21-A MRSA §1125, sub-§1**, as amended by PL 2011, c. 389, §51, is
34 further amended to read:

35 **1. Declaration of intent.** A participating candidate must file a declaration of intent
36 to seek certification as a Maine Clean Election Act candidate and to comply with the
37 requirements of this chapter. The declaration of intent must be filed with the commission
38 ~~prior to or during the qualifying period, except as provided in subsection 11, according to~~
39 ~~forms and procedures developed by the commission~~ by April 1st of the election year.

1 ~~Qualifying contributions collected more than 5 business days before the declaration of~~
2 ~~intent has been filed will not be counted toward the eligibility requirement in subsection~~
3 ~~3.~~

4 **Sec. 8. 21-A MRSA §1125, sub-§2**, as amended by PL 2009, c. 363, §2, is
5 further amended to read:

6 **2. Contribution limits for participating candidates.** ~~Subsequent to becoming a~~
7 ~~candidate as defined by section 1, subsection 5 and prior to certification, a participating~~
8 ~~candidate may not accept contributions, except for seed money contributions.~~ A
9 participating candidate must limit the candidate's total seed money contributions to the
10 following amounts:

- 11 A. Two hundred thousand dollars for a gubernatorial candidate;
- 12 B. One thousand five hundred dollars for a candidate for the State Senate; or
- 13 C. Five hundred dollars for a candidate for the State House of Representatives.

14 The commission may, by rule, revise these amounts to ensure the effective
15 implementation of this chapter.

16 **Sec. 9. 21-A MRSA §1125, sub-§3**, as amended by PL 2009, c. 286, §§6 and 7,
17 is repealed.

18 **Sec. 10. 21-A MRSA §1125, sub-§4**, as amended by PL 2009, c. 363, §4, is
19 repealed.

20 **Sec. 11. 21-A MRSA §1125, sub-§5**, as amended by PL 2011, c. 389, §52, is
21 further amended to read:

22 **5. Certification of Maine Clean Election Act candidates.** Upon receipt of a ~~final~~
23 ~~submission of qualifying contributions by~~ declaration of intent to be a participating
24 candidate, the executive director of the commission shall determine whether the candidate
25 has:

- 26 A. Signed and filed a declaration of intent to participate in this Act;
- 27 ~~B. Submitted the appropriate number of valid qualifying contributions;~~
- 28 C. Qualified as a candidate by petition or other means no later than 5 business days
29 after the end of the qualifying period;
- 30 C-1. As a gubernatorial candidate, collected at least \$40,000 in seed money
31 contributions from registered voters in the State;
- 32 ~~D. Not accepted contributions, except for seed money contributions, and otherwise~~
33 ~~complied with seed money restrictions;~~
- 34 D-1. Not run for the same office as a nonparticipating candidate in a primary election
35 in the same election year;
- 36 D-2. Not been found to have made a material false statement in a report or other
37 document submitted to the commission;

1 D-3. Not otherwise substantially violated the provisions of this chapter or chapter 13;

2 D-4. Not failed to pay any civil penalty assessed by the commission under this Title,
3 except that a candidate has 3 business days from the date of the request for
4 certification to pay the outstanding penalty and remain eligible for certification; and

5 ~~D-5. Not submitted any fraudulent qualifying contributions or any falsified~~
6 ~~acknowledgement forms for qualifying contributions or seed money contributions;~~
7 ~~and~~

8 E. Otherwise met the requirements for participation in this Act.

9 The executive director shall certify a candidate complying with the requirements of this
10 section as a Maine Clean Election Act candidate ~~as soon as possible after final submittal~~
11 ~~of qualifying contributions and other supporting documents required under subsection 4~~
12 ~~but no later than~~ within 3 business days for legislative candidates and 5 business days for
13 gubernatorial candidates. The executive director may take additional time if further
14 investigation is necessary to verify compliance with this Act as long as the commission
15 notifies the candidate regarding the anticipated schedule for conclusion of the
16 investigation. A candidate or other interested person may appeal the decision of the
17 executive director to the members of the commission in accordance with subsection 14.

18 A certified candidate must comply with all requirements of this Act after certification and
19 throughout the primary and general election periods. Failure to do so is a violation of this
20 chapter.

21 **Sec. 12. 21-A MRSA §1125, sub-§5-A, ¶¶A, C, D and F**, as enacted by PL
22 2007, c. 443, Pt. B, §6, are repealed.

23 **Sec. 13. 21-A MRSA §1125, sub-§6**, as amended by PL 2011, c. 389, §54, is
24 further amended to read:

25 **6. Restrictions on expenditures for certified candidates.** ~~After certification, a~~
26 ~~candidate must limit the candidate's campaign expenditures and obligations, including~~
27 ~~outstanding obligations, to the revenues distributed to the candidate from the fund and~~
28 ~~may not accept any contributions unless specifically authorized by the commission.~~
29 ~~Candidates may also accept and spend interest earned on fund revenues in campaign bank~~
30 ~~accounts.~~ All revenues distributed to a certified candidate from the fund must be used for
31 campaign-related purposes. The candidate, the treasurer, the candidate's committee
32 authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and
33 committee may not use these revenues for any but campaign-related purposes. The
34 commission shall publish guidelines outlining permissible campaign-related expenditures.

35 **Sec. 14. 21-A MRSA §1125, sub-§10**, as amended by PL 2011, c. 389, §56 and
36 affected by §62, is repealed.

37 **Sec. 15. 21-A MRSA §1126**, as amended by PL 2001, c. 465, §7, is further
38 amended to read:

