



126th MAINE LEGISLATURE

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Legislative Document

No. 1613

H.P. 1185

House of Representatives, December 30, 2013

**An Act To Define "Agent" and "Candidate's Political Committee"
in the Laws Regarding Limitations on Campaign Contributions and
Expenditures**

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

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LUCHINI of Ellsworth.

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

2 **Sec. 1. 21-A MRSA §1001, sub-§§1-A and 1-B** are enacted to read:

3 **1-A. Agent.** "Agent" means a person to whom a candidate or candidate's political
4 committee gives express or implied authority to act on behalf of the candidate or the
5 candidate's political committee.

6 **1-B. Candidate's political committee.** "Candidate's political committee" means the
7 association of a candidate and one or more individuals who conduct activities to promote
8 the nomination or election of the candidate with the knowledge and consent of the
9 candidate, whether or not the candidate registered the political committee or its officers
10 with the commission pursuant to section 1013-A, subsection 1, paragraph B.

11 **Sec. 2. 21-A MRSA §1015, sub-§5,** as amended by PL 1989, c. 504, §§7 and 31,
12 is further amended to read:

13 **5. Other contributions and expenditures; individuals deemed part of**
14 **candidate's political committee.** Any expenditure made by any person in cooperation,
15 consultation or concert with, or at the request or suggestion of, a candidate, a candidate's
16 political committee or their agents is considered to be a contribution to that candidate.

17 The financing by any person of the dissemination, distribution or republication, in whole
18 or in part, of any broadcast or any written or other campaign materials prepared by the
19 candidate, the candidate's political committee or committees or their ~~authorized~~ agents is
20 considered to be a contribution to that candidate.

21 For purposes of this subsection, an individual is deemed part of a candidate's political
22 committee if, at the time of an expenditure or during the 6 months before an expenditure,
23 the individual is:

24 A. An individual who is designated by the candidate as an officer of the candidate's
25 political committee and whose name must be reported under section 1013-A,
26 subsection 1, paragraph B;

27 B. The candidate's treasurer or deputy treasurer;

28 C. An individual who is performing the statutory responsibilities of the candidate's
29 treasurer; or

30 D. An individual who, with the candidate's knowledge and consent, manages the
31 candidate's campaign or is primarily responsible for certain activities of the
32 candidate's campaign, including but not limited to campaign communications,
33 advertising, public relations, media or fund-raising.

34 A business entity engaged by the candidate to provide goods or services to promote the
35 candidate's election is not deemed part of the candidate's political committee. For
36 purposes of this subsection, "business entity" means a corporation, association,
37 partnership, limited liability company, limited liability partnership or other legal entity.

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SUMMARY

2 This bill defines who is an agent of a candidate or the candidate's political committee
3 for purposes of the laws regarding limitations on campaign contributions and
4 expenditures. The bill also defines "candidate's political committee" based on the
5 existing definition of "political committee" in the Maine Revised Statutes, Title 21-A,
6 section 1, subsection 30. Certain individuals in positions of responsibility within a
7 candidate's political campaign, including the treasurer and deputy treasurer, are deemed
8 part of the candidate's political committee. An expenditure made by, or in consultation
9 with, these individuals may not be considered independent of the candidate or the
10 candidate's political committee.