

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—
H.P. 326 - L.D. 459

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a provisionally adopted major substantive rule of the Commission on Governmental Ethics and Election Practices that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in Section 2, subsection 2, paragraph I to remove the requirement that a candidate seeking certification as a Maine Clean Election Act candidate acknowledge, in a declaration of intent, that the candidate is responsible for training individuals that the candidate authorizes to collect qualifying contributions; and

2. The rule must be amended in Section 2, subsection 4 by removing the requirements, set out in paragraph J, relating to when a participating candidate has authorized individuals to collect qualifying contributions for the candidate, including those requiring that candidates exercise due diligence to ensure qualifying contributions collected by others are compliant and providing that unless the candidate had no knowledge of fraudulent contributions, the candidate is ineligible for Maine Clean Election Act funds.

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