



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 981

H.P. 727

House of Representatives, March 9, 2021

**An Act To Strengthen the Integrity of the Maine Clean Election Act
by Limiting the Amount of Money Paid to Political Operatives**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MORRIS of Turner.
Cosponsored by Senator TIMBERLAKE of Androscoggin and
Representatives: DUCHARME of Madison, GIFFORD of Lincoln, HARRINGTON of
Sanford, KINNEY of Knox, MASON of Lisbon, O'CONNOR of Berwick.

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

2 **Sec. 1. 21-A MRSA §1122, sub-§1-B** is enacted to read:

3 **1-B. Candidate's authorized political committee.** "Candidate's authorized political
4 committee" means the political committee authorized by the candidate under section
5 1013-A, subsection 1, paragraph B to promote the candidate's election.

6 **Sec. 2. 21-A MRSA §1125, sub-§6-G** is enacted to read:

7 **6-G. Expenditures for salaries and professional services.** After certification, a
8 candidate and a candidate's authorized political committee may not use fund revenues to
9 pay or compensate employees, consultants or other individuals for services provided to the
10 campaign except as authorized by this subsection.

11 A. Except as provided in paragraph C, if a certified candidate or the candidate's
12 authorized political committee uses fund revenues to compensate an individual for
13 services provided to the campaign, the individual must be paid on an hourly basis. The
14 treasurer shall keep an hourly log of the time worked and services provided by each
15 individual who is compensated under this paragraph.

16 B. Except as provided in paragraph C, a certified candidate for the State Senate and
17 the candidate's authorized political committee may not use fund revenues to pay an
18 individual more than \$7,500 for services provided to the campaign during a single
19 election cycle and a certified candidate for the State House of Representatives and the
20 candidate's authorized political committee may not use fund revenues to pay an
21 individual more than \$2,500 for services provided to the campaign during a single
22 election cycle.

23 C. A certified candidate and the candidate's authorized political committee may use
24 fund revenues to pay an individual on a salary or consulting fee basis for professional
25 marketing services. Salaries and consulting fees paid pursuant to this paragraph are
26 not subject to the restrictions in paragraph B. For purposes of this paragraph,
27 "professional marketing services" include, but are not limited to, audio, video and
28 graphic advertising production services.

29 **Sec. 3. 21-A MRSA §1125, sub-§12**, as amended by PL 2013, c. 334, §33, is
30 further amended to read:

31 **12. Reporting; unspent revenue.** Notwithstanding any other provision of law, the
32 treasurer or deputy treasurer of participating and certified candidates shall report any
33 money collected, all campaign expenditures, obligations, refunds received by a candidate
34 or agent of that candidate, hourly logs of time worked by each individual paid for services
35 provided to the campaign as described in subsection 6-G, paragraph A and related activities
36 to the commission according to procedures developed by the commission. If a certified
37 candidate pays fund revenues to a member of the candidate's immediate family or
38 household or a business or nonprofit entity affiliated with a member of the candidate's
39 immediate family or household, the treasurer or deputy treasurer must disclose the
40 candidate's relationship to the payee in a manner prescribed by the commission. In
41 developing these procedures, the commission shall utilize existing campaign reporting
42 procedures whenever practicable. The commission shall ensure timely public access to
43 campaign finance data and may utilize electronic means of reporting and storing

1 information. Upon the filing of a final report for any primary election in which the
2 candidate was defeated and for all general elections, that candidate shall return all unspent
3 fund revenues to the commission. If the candidate or agent of the candidate receives a
4 refund of an expenditure made for the campaign after filing the final report, the candidate
5 shall return those funds to the fund within 14 days of receiving the refund.

6 **Sec. 4. 21-A MRSA §1125, sub-§12-A, ¶E**, as amended by PL 2013, c. 334, §34,
7 is further amended to read:

8 E. ~~A contemporaneous document such as an invoice, contract or timesheet~~ hourly time
9 log that specifies in detail the services provided by a vendor each individual who was
10 paid in excess of \$500 for the election cycle pursuant to subsection 6-G, paragraph A
11 for providing campaign staff or consulting services to a candidate the campaign, a
12 contemporaneous document such as an invoice or contract that specifies in detail the
13 compensation paid to and provided by an individual pursuant to subsection 6-G,
14 paragraph C for providing professional marketing services to the campaign and a
15 contemporaneous document such as an invoice or contract that specifies in detail the
16 services provided by each person who is not an individual and who was paid in excess
17 of \$500 for the election cycle for providing services to the campaign.

18 SUMMARY

19 This bill provides that an individual who provides services to the campaign of a
20 certified candidate under the Maine Clean Election Act must be paid on an hourly basis.
21 The treasurer of the campaign must maintain a record of the time worked and campaign
22 services provided by each individual, to be submitted to the Commission on Governmental
23 Ethics and Election Practices as part of the certified candidate's campaign finance reports.
24 A certified candidate for the State Senate may not pay an individual more than \$7,500 for
25 services provided to the campaign and a certified candidate for the State House of
26 Representatives may not pay an individual more than \$2,500 for services provided to the
27 campaign. Individuals who provide professional marketing services, including audio,
28 video and graphic advertising production services, need not be paid on an hourly basis and
29 are not subject to the salary cap established in the bill.