



130th MAINE LEGISLATURE

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Legislative Document

No. 194

S.P. 82

In Senate, January 27, 2021

**An Act To Prohibit Contributions, Expenditures and Participation
by Foreign Government-owned Entities To Influence Referenda**

(EMERGENCY)

Received by the Secretary of the Senate on January 25, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.
Cosponsored by Representative GROHOSKI of Ellsworth and
Senators: DAVIS of Piscataquis, LUCHINI of Hancock, Representatives: ANDREWS of Paris,
DOLLOFF of Milton Township, O'NEIL of Saco.

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

3 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
4 period in order to apply in the current election cycle; and

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

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

10 **Sec. 1. 21-A MRSA §1006** is enacted to read:

11 **§1006. Referendum contributions, expenditures and participation by foreign**
12 **government-owned entities prohibited**

13 **1. Definition.** As used in this section, unless the context otherwise indicates, "foreign
14 government-owned entity" means an entity with respect to which a foreign government
15 holds, owns, controls or otherwise has direct or indirect beneficial ownership of 10% or
16 more of the total equity, outstanding voting shares, membership units or other applicable
17 ownership interests.

18 **2. Contribution prohibited.** A foreign government-owned entity may not make,
19 directly or indirectly, a contribution of money or anything of value to influence a
20 referendum.

21 **3. Solicitation or acceptance of contribution prohibited.** A person may not solicit,
22 accept or receive a contribution described in subsection 2 from a foreign government-
23 owned entity.

24 **4. Expenditure prohibited.** A foreign government-owned entity may not make,
25 directly or indirectly, an expenditure to influence a referendum.

26 **5. Participation prohibited.** A foreign government-owned entity may not direct,
27 dictate, control or directly or indirectly participate in the decision-making process of any
28 person with regard to that person's activities to influence a referendum, such as decisions
29 concerning the making of contributions or expenditures to influence a referendum.

30 **6. Violation; penalty.** Notwithstanding section 1004, subsection 1, a person that
31 violates this section commits a civil violation for which a fine of not more than \$100,000
32 or twice the amount of the contribution or expenditure involved in the violation, whichever
33 is greater, may be adjudged. In assessing a penalty, the commission shall consider, among
34 other things, whether the violation was intentional and whether the person who committed
35 the violation attempted to conceal or misrepresent the identity of the foreign government-
36 owned entity that made a direct or indirect contribution prohibited in subsection 2 or 3, that
37 made a direct or indirect expenditure prohibited in subsection 4 or that directly or indirectly
38 participated in the decision-making process of any person as prohibited in subsection 5.

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

1 **SUMMARY**

2 This bill provides that a foreign government-owned entity may not:

3 1. Make, directly or indirectly, a contribution of money or anything of value to
4 influence a referendum;

5 2. Make, directly or indirectly, an expenditure to influence a referendum; or

6 3. Direct, dictate, control or directly or indirectly participate in the decision-making
7 process of any person with regard to that person's activities to influence a referendum, such
8 as decisions concerning the making of contributions or expenditures to influence a
9 referendum.

10 It also provides that a person may not solicit, accept or receive a contribution to
11 influence a referendum from a foreign government-owned entity.

12 It defines "foreign government-owned entity" as an entity with respect to which a
13 foreign government holds, owns, controls or otherwise has direct or indirect beneficial
14 ownership of 10% or more of the total equity, outstanding voting shares, membership units
15 or other applicable ownership interests.