

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY

S.P. 654 - L.D. 1902

An Act To Define the Term "Caucus Political Action Committee"

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

Sec. 1. 1 MRSA §1002, sub-§1-A, as amended by PL 2019, c. 323, §1, is further amended to read:

1-A. Membership. The Commission on Governmental Ethics and Election Practices, established by Title 5, section 12004-G, subsection 33 and referred to in this chapter as the "commission," consists of 5 members appointed as follows.

A. By December 1, 2001 and as needed after that date, the ~~appointed leader from each political party in the Senate~~ caucus leaders and the ~~appointed leader from each political party in the House of Representatives~~ House caucus leaders jointly shall establish and advertise a 30-day period to allow members of the public and groups and organizations to propose qualified individuals to be nominated for appointment to the commission.

B. By January 1, 2002 and as needed after that date, the ~~appointed leader from each political party in the Senate~~ caucus leaders and the ~~appointed leader from each political party in the House of Representatives~~ House caucus leaders each shall present a list of 3 qualified individuals to the Governor for appointment of 4 members to the commission. The ~~appointed leadership from each party in both bodies of the Legislature~~ Senate caucus leaders and House caucus leaders jointly shall present a list of 3 qualified individuals to the Governor for appointment of a 5th member to the commission.

C. By March 15, 2002, the Governor shall appoint the members of the commission selecting one member from each of the lists of nominees presented in accordance with paragraph A. These nominees are subject to review by the joint standing committee of the Legislature having jurisdiction over legal affairs and confirmation by the Legislature. No more than 2 commission members may be enrolled in the same party.

D. Two initial appointees are appointed for one-year terms, 2 are appointed for 2-year terms and one is appointed for a 3-year term, according to a random lot drawing

under the supervision of the Secretary of State. Subsequent appointees are appointed to serve 3-year terms. A person may not serve more than 2 consecutive terms, except that if a person is appointed to fill the unexpired portion of a term to fill a vacancy under paragraph F and that portion is less than 2 years, the person may serve 2 consecutive full terms thereafter.

E. The commission members shall elect one member to serve as chair for at least a 2-year term.

F. Upon a vacancy during an unexpired term, the term must be filled as provided in this paragraph for the unexpired portion of the term only. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the Senate caucus leader or House caucus leader of the party from the body of the Legislature that suggested the appointee who created the vacancy. If the vacancy during an unexpired term was created by the commission member who was appointed from the list of candidates presented to the Governor by the ~~leaders of each party of each body of the Legislature~~ Senate caucus leaders and House caucus leaders jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the ~~leaders of each party of each body of the Legislature~~ Senate caucus leaders and House caucus leaders. If the list of 3 qualified candidates required by this paragraph to be presented to the Governor ~~jointly by the leaders of each party from each body of the Legislature~~ Senate caucus leaders and House caucus leaders is not produced within 60 days after the vacancy is created, then ~~the leaders of each party from both bodies of the Legislature~~ each Senate caucus leader and House caucus leader shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.

G. Upon a vacancy created by an expired term, the vacancy must be filled as provided in this paragraph. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the Senate caucus leader or House caucus leader of the party from the body of the Legislature that suggested the appointee whose term expired. When a vacancy is created by an expired term of the commission member who was appointed from the list of candidates presented to the Governor by the ~~leaders of each party of each body of the Legislature~~ Senate caucus leaders and House caucus leaders jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the ~~leaders of each party of each body of the Legislature~~ Senate caucus leaders and House caucus leaders. If the list of 3 qualified candidates required by this paragraph to be presented to the Governor ~~jointly by the leaders of each party from each body of the Legislature~~ Senate caucus leaders and House caucus leaders is not produced within 60 days after the vacancy is created, then ~~the leaders of each party from both bodies of the Legislature~~ each Senate caucus leader and House caucus leader shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of

the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.

H. For the purposes of this subsection, "political party" has the same meaning as "party" as defined by Title 21-A, section 1, subsection 28 "Senate caucus leader" has the same meaning as in Title 21-A, section 1053-C, subsection 1, paragraph C and "House caucus leader" has the same meaning as in Title 21-A, section 1053-C, subsection 1, paragraph A.

Sec. 2. 21-A MRSA §1001, sub-§1-A is enacted to read:

1-A. Caucus political action committee. "Caucus political action committee" means a political action committee designated under section 1053-C to promote the election of nominees of a political party to the Senate or the House of Representatives.

Sec. 3. 21-A MRSA §1018-B, sub-§2, as amended by PL 2013, c. 334, §14, is further amended to read:

2. Limitations. After an election, candidates may receive donations for purposes of a recount. The donations must be within the limitations of section 1015, except that no limitation applies to donations from party committees and caucus ~~campaign~~ political action committees and from attorneys, consultants and their firms that are donating their services without reimbursement. Candidates may not spend revenues received under chapter 14 for recount expenditures.

Sec. 4. 21-A MRSA §1053-C is enacted to read:

§1053-C. Caucus political action committees

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "House caucus leader" means a member of a political party in the House of Representatives who has been elected the leader of that political party in the House of Representatives. For purposes of this paragraph, if the Speaker of the House of Representatives is a member of a political party, the Speaker of the House of Representatives is deemed the House caucus leader of that political party.

B. "Political party" has the same meaning as "party" as defined by section 1, subsection 28.

C. "Senate caucus leader" means a member of a political party in the Senate who has been elected the leader of that political party in the Senate. For purposes of this paragraph, if the President of the Senate is a member of a political party, the President of the Senate is deemed the Senate caucus leader of that political party.

2. Designation of caucus political action committee. Each Senate caucus leader and each House caucus leader may designate one caucus political action committee to promote the election of nominees of the caucus leader's political party to the body of the Legislature of which the caucus leader is a member. The designation must be made in a letter to the commission and remains effective until a new designation is made in a letter

to the commission from the caucus leader of the same political party and same body of the Legislature.

Sec. 5. 21-A MRSA §1122, sub-§1-A is enacted to read:

1-A. Caucus political action committee. "Caucus political action committee" has the same meaning as in section 1001, subsection 1-A.

Sec. 6. 21-A MRSA §1125, sub-§6-F, as enacted by PL 2015, c. 116, §1 and affected by §2, is amended to read:

6-F. Participation in political action committees. A participating candidate or a certified candidate may not establish a political action committee for which the candidate is a treasurer or principal officer or for which the candidate is primarily responsible for fund-raising or decision making. This prohibition applies between April 1st immediately preceding a general election through:

- A. The date on which the candidate withdraws from a race;
- B. The date of the primary election or general election for a candidate who loses either election; or
- C. January 1st immediately preceding the next general election for a candidate who wins the general election.

This prohibition also applies to a participating candidate or certified candidate in a special election, except that the prohibition begins on the date of the candidate's nomination. This subsection does not prohibit a participating candidate or certified candidate, including a certified candidate who wins a general or special election, from engaging in fund-raising or decision making for a party caucus political action committee, a ballot question committee or a political action committee formed for the purpose of promoting or opposing a ballot question. This prohibition applies to a participating candidate or certified candidate regardless of the date on which the political action committee was established.