



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

**Testimony of Jonathan Wayne, Executive Director of the
Commission on Governmental Ethics and Election Practices
before the Joint Standing Committee on Veterans and Legal Affairs
April 5, 2021**

Senator Luchini, Representative Caiazzo, and distinguished members of the committee: my name is Jonathan Wayne, and I am the Executive Director of the Maine Ethics Commission. Thank you for the opportunity to testify in support of L.D. 1125, which is a bill from our department that would define the term “leadership political action committee.”

The term “leadership PAC” is not defined in Maine law. In a February 13, 2020 letter, the Joint Standing Committee on Veterans and Legal Affairs requested that the Commission submit a proposed definition of leadership PAC in order to lend greater transparency and accountability to PACs that are organized or directed by a Legislator. L.D. 1125 is the Commission’s response to this committee’s request. Our proposal (*i.e.*, a PAC “that is directly or indirectly established, maintained or controlled” by a member of the Legislature) closely tracks a definition of leadership PAC in federal campaign finance law, [52 U.S.C. § 30104\(i\)\(8\)](#).

The Commission staff believes defining leadership PAC in the Election Law is a good idea. We designate certain PACs as leadership PACs on our public access website based on our own internal definition, but it would be preferable if there were a definition in law. In making that designation, we look to see if the PAC has disclosed a current Legislator as the treasurer or principal officer in PAC’s registration statement, or has identified a current Legislator as one of the individuals who are primarily responsible for making decisions for the PAC or raising funds for the PAC.

We believe in most cases Legislators who control a PAC do not hesitate to identify themselves in the PAC's registration statement. There could be outlying situations, however, in which a Legislator would like to maintain control over a PAC but does not want to be listed on the PAC's registration. In those rare situations, defining "leadership PAC" based on whether a Legislator has direct *or indirect* control of the PAC could have value. We have borrowed this concept from the federal definition.

Thank you for your consideration of this legislation.

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STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

February 13, 2020

Jonathan Wayne, Executive Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

Dear Director Wayne,

As you know, the Joint Standing Committee on Veterans and Legal Affairs recently considered LD 1902, An Act To Define the Term “Caucus Political Action Committee,” which, as the title suggests, defines a “caucus political action committee” as a PAC designated to promote the election of nominees of a political party to the Maine Senate or House of Representatives. A majority of the committee voted in favor of the bill with minor technical amendments. A majority of the committee also respectfully requests that the Commission on Governmental Ethics and Election Practices further examine an issue that arose during the committee’s consideration of this bill.


Several committee members are concerned that the term “leadership political action committee” is not defined in Maine law. On the one hand, Maine’s citizens have an understandable interest in identifying which of the registered political action committees in the State are organized or directed by Legislators—perhaps because a Legislator serves as the political action committee’s principal officer, treasurer, decisionmaker or fundraiser. On the other hand, several political action committees that meet these criteria do not fall within the traditional understanding of the term “leadership political action committee” because they are, for example, caucus political action committees as defined in LD 1902. Accordingly, in an effort to increase campaign finance transparency, we respectfully request that the Commission consider whether and how to define the phrase “leadership political action committee” in Maine’s campaign finance laws. In this vein, we are open to alternative names for these types of committees, should the Commission believe that a different name—*e.g.*, “legislative political action committee”—is preferable and more accurately captures the type of political action committee that should be identified for purposes of public transparency and accountability.

Thank you in advance for your time and your consideration of this matter.

Sincerely,



Senator Louis J. Luchini,
Senate Chair



Representative John C. Schneck,
House Chair

Cc: Members, Joint Standing Committee on Veterans and Legal Affairs