

Strike and replace the bill with the following:

Sec. 1. 21-A MRSA §1054-B, as amended by PL 2019, c. 21, §1 and c. 563, §9, is repealed and the following enacted in its place:

§1054-B. Payments to Legislators by political action committees and ballot question committees

1. Payments to Legislators. Payments may to or on behalf of a Legislator who is a principal officer or treasurer of a political action committee or ballot question committee or who is one of the individuals primarily responsible for raising contributions or making decisions for a political action committee or ballot question committee are governed by this subsection.

A. Except as provided in paragraphs B and C, the committee may not compensate the Legislator for services provided to the committee.

B. The committee may pay for or reimburse the Legislator for travel expenses incurred in the proper performance of the Legislator's legislative duties and in volunteering for the committee. If Legislator uses the Legislator's vehicle when conducting the activities described in this paragraph, the committee may pay the Legislator mileage reimbursement at a rate established by the commission by rule but may not pay for or reimburse the Legislator for the direct costs of repairing or maintaining the Legislator's vehicle.

C. The committee may pay for or reimburse the Legislator for other expenses incurred in the proper performance of the Legislator's legislative duties and for purchases made by the Legislator on behalf of the committee.

D. The committee may not pay for or reimburse the Legislator for any expenses that have been or will be paid for or reimbursed by the Legislature or any other source of payment or reimbursement.

E. The committee may not make any payments for or reimburse the Legislator for any expenses that are determined by the commission to be for the purpose of personal financial enrichment of the Legislator.

2. Payments to immediate family members and businesses. If a Legislator is a principal officer or treasurer of a political action committee or ballot question committee or is one of the individuals primarily responsible for raising contributions or making decisions for a political action committee or ballot question committee, the committee is subject to the following restrictions.

A. The committee may not compensate an immediate family member of the Legislator for services provided to the committee.

B. The committee may not make payments to or distribute, loan, advance, deposit or give money or anything of value to or compensate a business owned or operated by the Legislator or an immediate family member of the Legislator.

C. The committee may not make any payments for or reimburse the immediate family member of a Legislator for any expenses that are determined by the commission to be for the purpose of personal financial enrichment of the immediate family member of the Legislator.

3. Commingling of funds. If a Legislator is a principal officer or treasurer of a political action committee or ballot question committee or is one of the individuals primarily responsible for raising contributions or making decisions for a political action committee or ballot question committee, the committee's funds may not be commingled with the personal funds of the Legislator or the funds of a business owned or operated by the Legislator or any other person.

4. Penalties. A committee that violates subsections 1, 2 or 3 commits a civil violation for which a fine of not more than \$500 or the amount of the impermissible payment or reimbursement, whichever is greater, may be imposed by the commission according to the procedures set forth in section 1004-A. A Legislator who accepts a payment or reimbursement from a committee that is prohibited by subsection 1 or who violates subsection 3 commits a civil violation for which a fine of not more than \$500 or the amount of the impermissible payment or reimbursement, whichever is greater, may be imposed by the commission according to the procedures set forth in section 1004-A.

3. Rules. The commission may adopt rules as necessary to implement this section, including rules establishing mileage reimbursement rates, record-keeping requirements and reporting requirements and rules related to reimbursable travel expenses. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This amendment strikes and replaces the bill. Under the amendment, if a Legislator is a principal officer or treasurer of a political action committee or ballot question committee or is one of the individuals primarily responsible for raising contributions or making decisions for a political action committee or ballot question committee:

1. The committee may not compensate the Legislator or an immediate family member of the Legislator for services provided to the committee;
2. The committee may not make payments to or distribute, loan, advance, deposit or give money or anything of value to or compensate a business owned or operated by the Legislator or an immediate family member of the Legislator;
3. The committee may not make any payments for or reimburse the Legislator or an immediate family member of the Legislator for any expenses that are determined by the Commission on Governmental Ethics and Election Practices to be for the purpose of personal financial enrichment of the Legislator or the immediate family member of the Legislator;
4. The committee may pay for or reimburse the Legislator for travel expenses incurred in the proper performance of the Legislator's legislative duties and for travel expenses associated with volunteering for the committee, including by providing mileage reimbursement to a Legislator who uses the Legislator's own vehicle for these purposes. The committee may not pay for or reimburse the Legislator for the direct costs of repairing or maintaining the Legislator's vehicle or the costs of purchasing accessories for the Legislator's vehicle;
5. The committee may not pay for or reimburse the Legislator for any expenses that have been or will be paid for or reimbursed by the Legislature or any other source of payment or reimbursement; and
6. The committee's funds may not be commingled with the personal funds of the Legislator or the funds of a business owned or operated by the Legislator or any other person.

A committee that violates these prohibitions and a Legislator who accepts an impermissible payment or reimbursement or whose funds are impermissibly commingled with the committee's funds commits a civil violation for which a fine of not more than \$500 or the amount of the impermissible payment or reimbursement, whichever is greater, may be imposed by commission.