

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
S.P. 284 - L.D. 726

An Act to Amend the Laws Governing Political Action Committees Relating to Union, Business and Nonprofit Organizations

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

Whereas, political action committees and party committees usually engage in fund-raising in the summer and autumn months for the purpose of influencing upcoming elections; and

Whereas, it is necessary to repeal the current law as soon as possible to avoid confusion resulting from a delay in the repeal; and

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

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

Sec. 1. 21-A MRSA §1004-A, sub-§2, as amended by PL 2021, c. 274, §1 and affected by §13, is further amended to read:

2. Contribution in excess of limitations. A person that accepts or makes a contribution that exceeds the limitations set out in ~~this chapter~~ section 1015, subsections 1 and 2-B may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation.

Sec. 2. 21-A MRSA §1012, sub-§4-B, as enacted by PL 2021, c. 274, §2 and affected by §13, is repealed.

Sec. 3. 21-A MRSA §1012, sub-§6, as enacted by PL 2021, c. 274, §3 and affected by §13, is repealed.

Sec. 4. 21-A MRSA §1015, sub-§1, as amended by PL 2021, c. 274, §4 and affected by §13, is further amended to read:

1. Contributions by individuals. An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than ~~\$1,500~~ \$1,950 in any election for a gubernatorial candidate, more than ~~\$350~~ \$475 for a legislative candidate, more than ~~\$500~~ \$575 for a candidate for municipal office and ~~beginning January 1, 2012~~ more than ~~\$750~~ \$975 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner. Beginning December 1, ~~2010~~ 2024, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

Sec. 5. 21-A MRSA §1015, sub-§2, as amended by PL 2021, c. 607, §1 and affected by §5, is repealed.

Sec. 6. 21-A MRSA §1015, sub-§2-A, as enacted by PL 2021, c. 274, §6 and affected by §13, is repealed.

Sec. 7. 21-A MRSA §1015, sub-§2-B is enacted to read:

2-B. Committees; corporations; associations. A political committee, political action committee, ballot question committee or other committee, firm, partnership, corporation, association or organization may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,950 in any election for a gubernatorial candidate, more than \$475 for a legislative candidate, more than \$575 for a candidate for municipal office and more than \$975 in any election for any other candidate. Beginning December 1, 2024, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

Sec. 8. 21-A MRSA §1015, sub-§10, as enacted by PL 2021, c. 274, §7 and affected by §13, is repealed.

Sec. 9. 21-A MRSA §1015-A, as repealed by PL 2021, c. 274, §8 and affected by §13, is reenacted to read:

§1015-A. Corporate contributions

Contributions made by a for-profit or a nonprofit corporation including a parent, subsidiary, branch, division, department or local unit of a corporation, and contributions made by a political committee or political action committee whose contribution or expenditure activities are financed, maintained or controlled by a corporation are considered to be made by that corporation, political committee or political action committee.

1. Single entities. Two or more entities are treated as a single entity if the entities:

A. Share the majority of members of their boards of directors;

B. Share 2 or more officers;

C. Are owned or controlled by the same majority shareholder or shareholders;

C-1. Are limited liability companies that are owned or controlled by the same majority member or members; or

D. Are in a parent-subsidiary relationship.

2. Sole proprietorships. A sole proprietorship and its owner are treated as a single entity.

Sec. 10. 21-A MRSA §1015-B, as enacted by PL 2013, c. 334, §7, is amended to read:

§1015-B. Donations to an individual considering whether to become a candidate

If an individual receives funds, goods or services for the purpose of deciding whether to become a candidate, the funds, goods or services may not exceed the limitations in section 1015, subsections 1 and ~~2~~ 2-B. The individual shall keep an account of such funds, goods or services received and all payments and obligations incurred in deciding whether to become a candidate. If the individual becomes a candidate, the funds, goods and services received are contributions and the payments and obligations are expenditures. The candidate shall disclose the contributions and expenditures in the first report filed by the candidate or the candidate's authorized campaign committee, in accordance with the commission's procedures.

Sec. 11. 21-A MRSA §1052, sub-§4-C, as enacted by PL 2021, c. 217, §3 and c. 274, §9 and affected by §13, is repealed.

Sec. 12. 21-A MRSA §1052, sub-§6, as enacted by PL 2021, c. 274, §10 and affected by §13, is repealed.

Sec. 13. 21-A MRSA §1052-A, sub-§3, ¶E, as amended by PL 2021, c. 217, §4, is further amended to read:

E. The name of the account that the committee will use to deposit contributions and make expenditures pursuant to section 1054, and the name and address of the financial institution at which the account is established; and

Sec. 14. 21-A MRSA §1052-A, sub-§3, ¶E-1, as enacted by PL 2021, c. 217, §4, is repealed.

Sec. 15. 21-A MRSA §1056-C, as amended by PL 2021, c. 607, §2 and affected by §5, is repealed.

Sec. 16. 21-A MRSA §1056-D, as amended by PL 2021, c. 607, §§3 and 4 and affected by §5, is repealed.

Sec. 17. Commission on Governmental Ethics and Election Practices report. The Commission on Governmental Ethics and Election Practices, in consultation with the Attorney General, shall determine the amendments to the Maine Revised Statutes, Title 21-A necessary in order to:

1. Prohibit a business entity from making contributions to candidates for election but allow a business entity to make contributions to caucus political action committees and party committees;

2. Prohibit a business entity from making any contributions to leadership political action committees; and

3. Prohibit a leadership political action committee from accepting contributions from other entities that exceed contribution limits to candidates in an election cycle.

The Commission on Governmental Ethics and Election Practices shall submit a report of its findings, including suggested legislation, to the Joint Standing Committee on Veterans and Legal Affairs by February 1, 2024. The joint standing committee may report out legislation related to the report to the Second Regular Session of the 131st Legislature.

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