



SUMMARY OF ENACTED LEGISLATION

First Regular Session of the 129th Legislature – 2019



Questions?

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STATUTORY CHANGES TO COMMISSION'S LAWS

During the 2019 legislative session, bills were enacted that amended Maine campaign finance laws and laws affecting lobbyists and Legislators. This newsletter highlights and summarizes those changes. Other minor changes to the Commission's laws are not covered in this newsletter. The effective date of the amendments were **September 19, 2019**. For complete text of the new laws, please check the Commission's website (www.maine.gov/ethics). Except where indicated, all the changes referenced below are contained in P.L. 2019, c. 323.

CANDIDATES

- ⇒ **21-A MRS § 1017. Candidate 24-Hour Reports.** A candidate who does not have an opponent, on the ballot or as a declared write-in candidate, in an election is no longer required to file 24-hour reports in the last 13 days before an election for contributions or expenditures of \$1,000 or more.
- ⇒ **21-A MRS § 1020. Failure to Register as a Candidate.** The penalty for a candidate's failure to register timely with the Commission under Sec. 1013-A is now \$100 instead of \$10.
- ⇒ **21-A MRS § 1125. Maine Clean Election Act Candidates.**
 - ◆ If a contributor makes a check or money order out to the candidate instead of the Maine Clean Election Fund, the candidate may remedy the error by endorsing the check or money order to the Maine Clean Election Fund.
 - ◆ A contributor may make a contribution in cash, but must sign a form prepared by the Commission. The candidate must not deposit the funds into the campaign account. The candidate must submit all cash contributions in aggregate by money order or cashier's check payable to the Clean Election Fund.
 - ◆ If a candidate uses personal funds to pay any fees associated with purchasing money orders, the fees do not have to be reimbursed with campaign funds, or disclosed on the campaign finance report as an in-kind contribution. If the fees are paid by another individual, the candidate must report the fees as an in-kind contribution, or reimburse the individual with campaign funds. If the candidate uses seed money or MCEA funds to pay for the fees, the fees must be reported as an expenditure.
 - ◆ A candidate may not pay their spouse or domestic partner or any business in which they hold significant proprietary or financial interest.
- ⇒ **21-A MRS § 1015. Contribution Limits for Municipal Candidates** (P.L. 2019, c. 51). Effective January 1, 2020, the contribution limit for candidates in a municipality subject to Maine's campaign finance laws is \$500. The previous limit was \$850.

POLITICAL ACTION & BALLOT QUESTION COMMITTEES

- ⇒ **21-A MRS § 1054-B. PAC Payments to Legislators (P.L. 2019, c. 21).** Legislator-led PACs are prohibited from making payments, loans, or gifts to a business owned or operated by a Legislator. PAC funds may not be commingled with the Legislator's personal funds or funds of the Legislator's business.
- ⇒ **21-A MRS § 1059. Committee Registration.** A PAC or BQC must file an initial campaign finance report with the Commission within 7 days of registering with the Commission, instead of at the time of registration.

DISCLOSURE STATEMENTS & INDEPENDENT EXPENDITURES

- ⇒ **21-A MRS § 1014. Other Communications.** When a person disseminates a communication that depicts a clearly identified candidate 28 days prior to a primary election, 35 days prior to a special election, or from Labor Day to a general election, the communication must include the name and address of the person who financed the communication and state whether or not it was authorized by any candidate or candidate's committee.
- ⇒ **21-A MRS § 1019-A. Membership Communications.** Before the statutory change, a membership organization had to file a report with the Commission if a communication to its members (1) advocated for the election or defeat of a clearly identified candidate and (2) cost more than \$50 per candidate. That per candidate threshold has been increased to \$100 per candidate.
- ⇒ **21-A MRS § 1019-B(2). Rebutting the Independent Expenditure Presumption.** If a person wants to rebut the presumption that a communication is an independent expenditure, the new deadline for submitting the rebuttal statement to the Commission is within 48 hours of disseminating the communication – rather than 48 hours of incurring an obligation or expenditure for the communication
- ⇒ **21-A MRS § 1055-A(1). Communications to Influence a ballot question.** If a person makes an expenditure exceeding \$500 on a communication that expressly advocates for or against a ballot question, the communication must clearly state the name of the person who financed the expenditure and their address. The requirement to disclose the name of the person who financed the communication has been extended to apply to recorded or live telephone calls. If a telephone call meets generally accepted standards for obtaining polling information, and the call is not conducted to influence a ballot question election, the disclosure is not required.
- ⇒ **21-A MRS § 1055-A(3). Penalty for Omission of a Disclosure Statement.** A violation of the disclosure statement requirement for communications advocating for or against a ballot question may be subject to a penalty of up to \$5,000. The Commission may take into consideration: how widely the communication was disseminated, whether the violation was intentional or an error, whether the communication conceals or misrepresents the identity of the person who financed it, and any other factors that the Commission considers relevant.

LEGISLATORS & LOBBYISTS

- ⇒ **1 MRS § 1024. Former Legislators Engaged in Lobbying (P.L. 2019, c. 57).** Beginning with the members of the 130th Legislature (starting in December 2020), a Legislator may not engage in compensated lobbying until one year after the Legislator's term ends. Before the statutory change, a Legislator could engage in compensated lobbying immediately after their term ended as long as they lobbied no more than 8 hours in a calendar month. The prohibition does not apply to a former Legislator who is an employee of the State and who lobbies on behalf of a State agency.
- ⇒ **3 MRS § 170-B. Harassment Training for Legislators and Lobbyists (P.L. 2019, c. 41).** The annual harassment training Legislators, legislative staff, and lobbyists are required to attend and complete now includes training on racial harassment as well as sexual harassment.

MISCELLANEOUS PROVISIONS

- ⇒ **1 MRS § 1002. Commission Appointments.** A Commission member may not serve more than two consecutive terms unless that person is appointed to fill a vacancy and the unexpired term is less than two years. The Commission member may serve 2 consecutive terms after such an appointment.
- ⇒ **21-A MRS § 1003. Confidentiality of Investigation Records.** A memorandum or report on an audit or investigation prepared by staff for the Commission may be disclosed at the time it is submitted to the Commission, as long as the subject of the audit or investigation has an opportunity to first review it to identify material that the subject of the audit or investigation considers privileged or confidential under some other provision of law.

WHO TO CONTACT WITH QUESTIONS?

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<u>Topic</u>	<u>Contact Person</u>
Ballot Question Committee Registration and Reporting	Michael Dunn
Candidate Campaign Finance Reporting	Emma Burke or Erin Gordon
Electronic Filing by Candidates	Emma Burke or Erin Gordon
Getting Started as a Candidate	Emma Burke or Erin Gordon
Legal Questions	Jonathan Wayne or Paul Lavin
Legislative Ethics	Jonathan Wayne or Paul Lavin
Lobbyist Registration and Disclosure	Michael Dunn
Maine Clean Election Act Issues	Emma Burke or Erin Gordon
Maine Clean Election Act Payments	Emma Burke or Erin Gordon
"Paid For" Disclosure on Literature and Advertising	Michael Dunn or Emma Burke or Erin Gordon
Party Committee Reporting	Michael Dunn
Political Action Committee Registration and Reporting	Michael Dunn
Public Records Requests	Paul Lavin

Disclaimer: the Commission has taken care to make this Summary concise and accurate. However, the Summary is not a substitute for the applicable statutory provisions of the Election Law and Commission's rules. The statutes and rules are controlling in the event of any omission or misstatement in this publication.