



Summary of 2009 Legislation

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
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AREA IMPACTED

Governmental Ethics
 Lobbyist Disclosure
 Campaign Finance including MCEA

LD 258	X		
LD 310		X	
LD 374	X		
LD 779	X		
LD 832		X	
LD 923	X		
LD 978			X
LD 982			X
LD 1016	X		
LD 1100	X		
LD 1111			X
LD 1197	X		X
LD 1210		X	
LD 1380	X		
LD 1451	X		

LEGISLATIVE CHANGES AND UPCOMING RULEMAKING

During the 2009 legislative session, 15 bills were enacted that amended Maine's campaign finance, lobbyist disclosure, and governmental ethics laws. This newsletter summarizes the changes that were made. It does not discuss every provision in the bills. For a complete text of the legislation, please check:

- the Commission's website (www.maine.gov/ethics)
- the Legislature's homepage (<http://janus.state.me.us/legis>) and search by LD number

One of the bills, LD 1380, was enacted as emergency legislation and became effective on June 11, 2009. The provisions in the other bills generally will become effective on September 12, 2009.

The Commission has initiated a rulemaking for 2009, which will implement some of the statutory changes. Information on the rulemaking will be posted soon at www.maine.gov/ethics. A public hearing on the proposed changes will be held at the Commission's meeting on July 30, 2009.

LDs WHICH AMEND CAMPAIGN FINANCE LAWS

LD 1380 (Chapter 363) - Maine Clean Election Act (MCEA) Program for Gubernatorial Candidates

The bill was enacted as emergency legislation and is currently effective. It changes the amounts of public funding available to MCEA candidates for the primary election. Please see chart at right.

LD 1380 also amends the qualifying process for MCEA candidates for Governor by:

- Changing the qualifying period for gubernatorial candidates seeking MCEA funding. All gubernatorial candidates (including independents) must collect the 3,250 qualifying contributions during the period of October 15th to April 1st of the election year.
- Requiring gubernatorial candidates to collect at least \$40,000 in seed money from registered Maine voters in order to qualify for MCEA funding. Prior to the enactment of LD 1380, collecting seed money was optional.
- Requiring candidates to keep certain documents for the mandated \$40,000 in seed money contributions. These documents include keeping acknowledgment cards signed by the contributors, photocopies of the seed money contributions received by check or money order, and account statements for seed money contributions received by credit card. The candidates must submit these documents to the Commission during the qualifying period. These documents are not required for seed money contributions that do not count toward the \$40,000 requirement (for example, seed money contributions from individuals who live outside of Maine).
- Increasing the maximum amount of seed money that gubernatorial candidates may collect from \$50,000 to \$200,000.

FUNDING AVAILABLE TO MCEA CANDIDATES FOR GOVERNOR

Primary Election	Amount
Maximum Seed Money	\$200,000
Initial Payment*	\$400,000
Maximum Matching Funds*	\$200,000
Maximum for Primary	\$800,000
General Election (no changes)	
Initial Payment	\$600,000
Maximum Matching Funds	\$600,000
Maximum for General	\$1,200,000

* Independent candidates and party candidates in an uncontested primary election would receive an initial payment of \$200,000 for the primary election and would be ineligible to receive matching funds for the primary election.



Questions?

Call: 207-287-4179

Website:
www.maine.gov/ethics

The Commission staff will publish an updated guidebook for MCEA candidates for Governor in the next month.

LDs WHICH AMEND CAMPAIGN FINANCE LAWS, CONTINUED

LD 1197 (Chapter 286) - Contribution Limits for Traditionally Financed Candidates, Collecting General Election Contributions Before the Primary Election, Qualifying as an MCEA Candidate for the Legislature, Paying MCEA funds to PACs and Party CommitteesChanges affecting traditionally financed candidates

- Increases the contribution limit for gubernatorial candidates from \$500 to \$750 per election. Increases the contribution limit from \$250 to \$350 per election for legislative and county candidates and for municipal candidates in towns and cities with a population of 15,000 or more. (The limits do not apply to the candidate and the candidate's spouse or domestic partner.)
- Requires the Commission to modify the limits according to the consumer price index every two years beginning on December 1, 2010.
- Directs the Commission to adopt rules permitting party candidates to receive primary and general election contributions from a contributor at the same time as long as the contributions received for the primary election are segregated from those received for the general election. Formerly, contributors were required to give two separate contributions at different times - one before the primary and the other after the primary.

Changes affecting MCEA candidates

- Amends the qualifying period for legislative candidates seeking MCEA funding. Beginning in the 2010 elections, the end of the qualifying period will be 5:00 p.m. on April 20th of the election year (or the next business day if the Commission's office is closed on April 20th). The new deadline applies to all legislative candidates, including independents.
- Increases the minimum number of qualifying contributions that legislative candidates must collect. State Senate candidates must collect at least 175 qualifying contributions (an increase of 25), and House candidates must collect at least 60 qualifying contributions (an increase of 10).
- Amends the definition of qualifying contribution to allow Maine voters to contribute \$5 or more to a candidate seeking MCEA funding.
- Reduces the amount of MCEA funding that an unopposed candidate in the general election will receive. Beginning in 2010, it will be 33% of the payment received by contested MCEA candidates (a reduction from 40% of the contested amount).
- Requires more detailed reporting of expenditures if a candidate pays MCEA funds to a PAC or a party committee. The campaign must specify in detail the goods or services purchased in the "Remarks" section of Schedule B of the campaign finance report.

Other change: LD 1197 clarifies the prohibition on contributions by lobbyists and their clients during the legislative session as it relates to PACs and party committees in which Legislators or other covered officials have key roles.

LD 1451 (Chapter 302) - Candidates' Paying Family and Household Members, MCEA Documentation Req'ts

- Extends the current restrictions on MCEA candidates paying public funds to household members to additionally cover members of the candidate's immediate family - regardless of where they reside. The bill also clarifies that if an MCEA or traditionally financed candidate pays campaign funds to a member of the candidate's household or immediate family, the candidate must disclose the candidate's relationship to the payee.
- Requires MCEA candidates to keep required records (bank statements, vendor invoices, and proof of payment) for three years after the candidate has filed his or her final campaign finance report for the election year. The former requirement was two years after the final report.
- Introduces a new documentation requirement if an MCEA candidate has paid \$500 or more in public funds to campaign staff, consultants, or other vendors for services. The candidate must keep an invoice, timesheet, or other document specifying in detail the services provided.

LD 923 (Resolve Chapter 128) – 2010 MCEA Payments, Insufficient Cash in MCE Fund

- Directs the Commission to pay 2010 legislative MCEA candidates the same amounts as in the 2008 elections.
- Requires the Commission to adopt rules permitting MCEA candidates to accept traditional campaign contributions in the event that there is insufficient cash in the Maine Clean Election Fund to make payments to candidates.

CHANGES TO LOBBYIST DISCLOSURE

LD 310 (Chapter 282) – Indirect (Grassroots) Lobbying

- Introduces a new term “indirect lobbying” which refers to communicating with members of the general public to solicit them to communicate with a covered official for the purpose of influencing legislative action. Indirect lobbying covers communications to the public made through broadcast, cable, or satellite transmission, print media, and literature sent by mail or comparable delivery service. Solicitations made by e-mail, websites, and telephone do not count as indirect lobbying.
- Requires lobbyists to include in their monthly reports any expenditures for indirect lobbying made by the lobbyist or the lobbyist’s client that exceed \$15,000 during the month covered by the report.
- The reporting requirement only covers expenditures by the lobbyist and the lobbyist’s client. It does not extend to expenditures made by other persons or organizations.

LD 832 (Chapter 137) - Name Tags for Lobbyists

Requires lobbyists and lobbyist associates to wear a name tag when engaging in lobbying. The name tag must include the lobbyist’s name. The tag must also include the client’s name, the lobbyist’s firm, or the term “lobbyist.” The Commission has no role in administering the new requirement.

LD 1210 (Chapter 234) - Exemption for Volunteer Lobbyists

Creates an exception from registration and reporting for individuals who lobby on behalf of an organization on a voluntary basis. The bill exempts individuals who receive no compensation from the organization other than reimbursement for out-of-pocket expenditures made in connection with lobbying for in-state travel, printing, postage, and food and lodging.



CHANGES TO GOVERNMENTAL ETHICS LAW

LD 982 (Chapter 208) - Domestic Partner Definition, Legislation by Ethics Commission

- Defines “domestic partner” in the Legislative Ethics Law, and inserts the new term within the definition of “immediate family.”
- Clarifies that legislation which the Commission may introduce within 90 days after a general election may include proposals that were generated by the members or staff of the Commission.

LD 1111 (Chapter 258) - Gifts to Legislators, Undue Influence

- Exempts from the definition of a “gift” to a Legislator something of value provided to the Legislator on the basis of personal friendship unless the donor is a lobbyist or the Legislator has reason to believe the item was provided because of the Legislator’s official position. The bill also exempts meals that are provided to Legislators at prayer breakfasts or as part of an informational program to a group of public servants sponsored by an industry or special interest organization. The new exemptions affect the annual personal income statements submitted by Legislators each February, but do not affect the monthly and annual reporting made by lobbyists.
- Expands the concept of undue influence by a Legislator on an administrative agency. It is undue influence for a Legislator to appear for or to represent another individual or an organization for compensation before an administrative agency, if the Legislator oversees the agency as a result of the Legislator’s committee responsibilities. The prohibition contains exceptions for a Legislator who is appearing for a constituent for no compensation, who is engaged in the conduct of the Legislator’s profession and is in good standing with a licensing board, if any, that oversees the Legislator’s profession, who is appearing for or representing someone before a court, or who is performing a routine task such as filing a record or report with the agency.

LD 978 (Resolve Chapter 88) - Ethical Standards for Executive Branch Officials

Directs the Ethics Commission to examine existing ethical standards that govern members of the executive branch of Maine state government and to develop advisory recommendations regarding the establishment of statutory ethical standards for the executive branch. LD 978 requires the Commission to seek input from members of the executive branch in developing these standards, and to submit a report (including suggested legislation) to the Joint Standing Committee on Legal and Veterans’ Affairs no later than December 3, 2009.



(LDs Which Amend Campaign Finance Laws, continued from page 2)

LD 1016 (Chapter 190) - Disclosure Statements on Candidate Communications, PAC Reporting

- Amends the disclosure statement (“Paid for and authorized by ...”) for campaign signs, literature, and other communications which have been authorized by a candidate. The communication no longer needs to include the address of the candidate or other person who purchased the communication. The communication must include the name of the candidate or other person who purchased the communication and a statement that the candidate authorized the communication.
- Removes a statutory restriction on candidates who include endorsements in campaign communications. The requirement was found to be unconstitutional. Under the new law, if a candidate claims to have received an endorsement from a person or an organization, the candidate is not required to obtain the permission of the endorsing party before using the endorsement in a communication to voters.
- Requires an organization to register as a political action committee (PAC) if it receives contributions of more than \$1,500 for purposes of influencing an election. The previous threshold applied only to the organization’s spending to influence elections.
- Requires out-of-state PACs that make expenditures in excess of \$1,500 to influence an election in Maine to file campaign finance reports established by the Commission in the same manner as PACs organized in Maine.
- Clarifies that PACs are required to keep records of their finances for four years following the election to which they pertain.
- Allows PACs to dissolve even if they have a loan or debt that the PAC will be unable to pay. If a PAC has unspent funds when it dissolves, it must report how it has disposed of those funds.

LD 374 (Chapter 138) - Exemption from Campaign Finance Reporting

Under current law, a candidate for state, county, or municipal office may become exempt from appointing a treasurer and filing campaign finance reports if the candidate submits to the Commission a notarized statement that the candidate will not accept any contributions or make any expenditures. This bill eliminates the exemption for candidates for Governor and the Legislature, but maintains the exemption for municipal and county candidates.

LD 1100 (Chapter 366) - Municipal Campaign Finance Reporting

Beginning with the November election in 2011, candidates in towns and cities with population of 15,000 or more will be required to register and to file campaign finance reports with the Ethics Commission – rather than with the municipal clerk. Organizations which qualify as a PAC because they are influencing ballot questions in these municipalities must also file reports with the Commission.

Towns and cities with a population of less than 15,000 may choose to be governed by the state’s campaign finance requirements, but those reports must be filed with the municipal clerks. The clerks must keep campaign finance reports for at least eight years.

LD 258 (Chapter 183) - Handmade Candidate Signs

When a campaign sign authorized by a candidate is lettered or printed by hand and the sign includes the name of the candidate, the sign is not required to include a disclosure statement of the name and address of the candidate or other person who financed the sign. The sign must include a statement that it has been authorized by the candidate.

LD 779 (Chapter 105) - Closed-Captioning for MCEA Candidates

If an MCEA candidate uses public funds to purchase a television advertisement, the ad must include closed-captioning if it is available from the broadcasting station.

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