



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

January 10, 2020

Honorable Troy Jackson
Senate President
3 State House Station
Augusta, Maine 04333

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

I support campaign finance regulation, and I share the concerns of the sponsors of L.D. 54 about the undue influence of money in politics and of paid lobbyists on political campaigns. However, I would also call attention to two serious concerns with this bill.

First, courts have ruled that the First Amendment requires strict scrutiny of legislation impacting campaign contributions, with any contribution limitations clearly explained and the rationale and need specifically identified. For example, laws that target quid pro quo corruption or its appearance must describe a history of such corruption, and laws that seek to equalize electoral opportunities or the financial resources of candidates, however admirable those goals may be, are more likely to be struck down by the courts unless there is a record of a history of such abuses.

Court challenges to laws like L.D. 54 in other states have turned on the specific experiences of those states and how that history is reflected in the legislative record. For example, a law that limited contractor contributions was upheld because of a specific history of contractor contribution corruption in that state; but a similar limit on lobbyist contributions was struck down because there was no evidence of lobbyist corruption in that state.

The record of the current bill does not appear to include specific evidence of a history of abuse here in Maine. So, while I share the goals of the legislation, and am allowing it to become law, I ask that the Legislature more carefully document the record of specific harms should it consider any other legislation of this sort.

My second concern is that the state of the law may have become difficult to understand for everyday people who might wish to run for office or to participate in public policy as campaign



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workers or through a political action committee. I do not believe one should have to be a lawyer, or need a lawyer peering over their shoulder, in order to seek public office. I would prefer that the language of the law be clear, straightforward, and able to be understood by everyday citizens, so as to encourage, not discourage, participation in our government. For instance, under this bill it may not be easy to determine who is a lobbyist from one month to the next, or whether the law applies to a lobbyist in another state, or whether someone is a staff person or "agent" of a candidate or simply one of dozens of volunteers. Compliance should be easier and the law clearer.

Having expressed these concerns and hoping that they may be reflected in any further legislation on this subject, I am permitting L.D. 54, An Act to Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions, to become law without my signature, by the authority conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine.

Thank you.

Sincerely,



Janet T. Mills
Governor

Cc: Senator Chenette, Sponsor of LD 54
Senator Luchini, Chair of the Committee on Veterans and Legal Affairs
Representative Schneck, Chair of the Committee on Veterans and Legal Affairs



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