

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Strengthen the Ballot Initiative Process

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

Sec. 1. 21-A MRSA §904, as repealed and replaced by PL 2007, c. 455, §53, is repealed.

Sec. 2. 21-A MRSA §904-C is enacted to read:

§ 904-C. Payment for signature gathering; registration

1. Registration of person receiving compensation. A person who will receive compensation for supervising, managing or otherwise organizing an effort to obtain signatures for an initiative or referendum petition shall register with the Secretary of State before any signatures are obtained for the petition.

2. Registration of person providing compensation. A person who will compensate a person for supervising, managing or otherwise organizing an effort to obtain signatures for an initiative or referendum petition shall register with the Secretary of State before any signatures are obtained for the petition.

3. Registration form. The Secretary of State shall determine the form and content of the registrations required under this section. The Secretary of State is authorized to adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Violation and penalty for failing to register. A person who violates subsection 1 or 2 commits a Class E crime for which the penalty must include a fine of \$1,000. If the violation is committed by an organization, the penalty must include a fine of \$10,000. A penalty under this subsection may not be suspended. All fines imposed for a violation of this section must be paid to the Maine Clean Election Fund established in section 1124.

Sec. 3. 21-A MRSA §904-D is enacted to read:

§ 904-D. Violations and penalties

1. Violation. A person commits a Class E crime if that person:

A. Circulates an initiative or referendum petition and swears that a signature is that of a person whose name it purports to be when the circulator knows that the signature is not that of the person;

B. Is authorized by law to administer oaths and willfully and falsely acknowledges the oath of a circulator of an initiative or referendum petition when that oath was not made in the presence of that person;

C. Knowingly signs an initiative or referendum petition with a name other than the person's own name;

D. Knowingly signs the person's name more than once on initiative or referendum petitions for the same measure;

E. Circulates an initiative or referendum petition and knowingly swears that a signature to the petition was made in the circulator's presence when it was not; or

F. Circulates an initiative or referendum petition and has a conviction for forgery pursuant to Title 17-A, chapter 29 or a conviction for fraud pursuant to Title 17-A, chapter 37 in the 5 years prior to the circulation.

2. Penalties. A person who violates this section commits a Class E crime for which the penalty must include a fine of \$1,000. A penalty under this subsection may not be suspended.

Sec. 4. 21-A MRSA §1124, sub-§2, ¶G, as enacted by IB 1995, c. 1, §17, is amended to read:

G. Voluntary donations made directly to the fund; and

Sec. 5. 21-A MRSA §1124, sub-§2, ¶H, as enacted by IB 1995, c. 1, §17, is amended to read:

H. Fines collected under section 1020-A, subsection ~~44-A~~ and section 1127.; and

Sec. 6. 21-A MRSA §1124, sub-§2, ¶I is enacted to read:

I. Fines collected under section 904-C.

SUMMARY

This bill repeals the Maine Revised Statutes, Title 21-A, section 904 and enacts a new section 904-C to conform with technical drafting standards. It requires that the penalties for violating this section include a mandatory \$1,000 fine that may not be suspended. It also prohibits a person who has been convicted of fraud or forgery in the last 5 years from circulating a petition. The bill requires that a person or entity receiving compensation for collecting signatures on a petition or a person or entity compensating another person for collecting signatures on a petition shall register with the Secretary of State. Failing to register is a Class E crime that includes a mandatory fine of \$1,000 for an individual and \$10,000 for a company. Funds generated by the fines for failing to register must be paid to the Maine Clean Election Fund.