An Act To Prohibit Contributions, Expenditures and Participation by Foreign Nationals To Influence Referenda

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.
Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Presented by Representative ACKLEY of Monmouth. Cosponsored by President JACKSON of Aroostook and Representatives: ANDREWS of Paris, DOLLOFF of Rumford, Speaker GIDEON of Freeport, HICKMAN of Winthrop, McCREIGHT of Harpswell, SCHNECK of Bangor, Senators: CYRWAY of Kennebec, LUCHINI of Hancock.
Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to apply in the current election cycle; 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 §1064 is enacted to read:

§1064. Contributions, expenditures and participation by foreign nationals prohibited

1. Definition. As used in this section, unless the context otherwise indicates, "foreign national" means a foreign national as defined in 52 United States Code, Section 30121(b) (2020) and an entity with respect to which a foreign national holds, owns, controls or otherwise has direct or indirect beneficial ownership of 50% or more of the total equity, outstanding voting shares, membership units or other applicable ownership interests.

2. Contribution prohibited. A foreign national may not make, directly or indirectly, a contribution of money or anything of value to influence a referendum.

3. Solicitation or acceptance of contribution prohibited. A person may not solicit, accept or receive a contribution described in subsection 2 from a foreign national.

4. Expenditure prohibited. A foreign national may not make, directly or indirectly, an expenditure to influence a referendum.

5. Participation prohibited. A foreign national may not direct, dictate, control or directly or indirectly participate in the decision-making process of any person with regard to that person's activities to influence a referendum, such as decisions concerning the making of contributions or expenditures to influence a referendum.

6. Violation; penalty. Notwithstanding section 1004, subsection 1, a person that violates this section commits a civil violation for which a fine of not more than $100,000 or twice the amount of the contribution or expenditure involved in the violation, whichever is greater, may be adjudged.

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

This bill provides that a foreign national may not:

1. Make, directly or indirectly, a contribution of money or anything of value to influence a referendum;

2. Make, directly or indirectly, an expenditure to influence a referendum; or

3. Direct, dictate, control or directly or indirectly participate in the decision-making process of any person with regard to that person's activities to influence a referendum, such as decisions concerning the making of contributions or expenditures to influence a referendum.

It also provides that a person may not solicit, accept or receive a contribution to influence a referendum from a foreign national.