1	L.D. 1271
2	Date: (Filing No. H-)
3	VETERANS AND LEGAL AFFAIRS
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	126TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10 11	COMMITTEE AMENDMENT " " to H.P. 910, L.D. 1271, Bill, "An Act To Increase Transparency in Reporting of Party Committees, Political Action Committees and Ballot Question Committees"
12	Amend the bill by striking out the title and substituting the following:
13 14	'An Act Regarding Penalties for Campaign Finance Reporting Violations and Late Filing by Political Action Committees and Ballot Question Committees'
15 16	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
17 18	'Sec. 1. 21-A MRSA §1004-A, as amended by PL 2009, c. 302, §§1 and 2, is further amended to read:
19	§1004-A. Penalties
20 21	The commission may assess the following penalties in addition to the other monetary sanctions authorized in this chapter.
22 23 24	1. Late campaign finance report. A person that files a late campaign finance report containing no contributions or expenditures may be assessed a penalty of no more than \$100, except as provided in section 1004-C.
25 26 27 28	2. Contribution in excess of limitations. A person that accepts or makes a contribution that exceeds the limitations set out in section 1015, subsections 1 and 2 may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation, except as provided in section 1004-C.
29 30 31 32	3. Contribution in name of another person. A person that makes a contribution in the name of another person, or that knowingly accepts a contribution made by one person in the name of another person, may be assessed a penalty not to exceed \$5,000, except as provided in section 1004-C.

- **4. Substantial misreporting.** A person that files a campaign finance report that substantially misreports contributions, expenditures or other campaign activity may be assessed a penalty not to exceed \$5,000, except as provided in section 1004-C.
- **5. Material false statements.** A person that makes a material false statement or that makes a statement that includes a material misrepresentation in a document that is required to be submitted to the commission, or that is submitted in response to a request by the commission, may be assessed a penalty not to exceed \$5,000, except as provided in section 1004-C.

When the commission has reason to believe that a violation has occurred, the commission shall provide written notice to the candidate, party committee, political action committee, committee treasurer or other respondent and shall afford them an opportunity to appear before the commission before assessing any penalty. In determining any penalty under subsections 3, 4 and 5, the commission shall consider, among other things, the level of intent to mislead, the penalty necessary to deter similar misconduct in the future and the harm suffered by the public from the incorrect disclosure. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure Rule 80C.

Penalties assessed pursuant to this section that have not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

Sec. 2. 21-A MRSA §1004-C is enacted to read:

§1004-C. Enhanced penalties for violations with aggravating circumstances

Notwithstanding any maximum penalty set forth in this chapter, when assessing a penalty or monetary sanction, the commission may double the authorized penalty or monetary sanction for a violation occurring less than 28 days prior to an election day and may triple the authorized penalty or monetary sanction for a violation occurring less than 14 days prior to an election day.

- **Sec. 3. 21-A MRSA §1062-A, sub-§3, ¶¶A, B and C,** as enacted by PL 1995, c. 483, §21, are amended to read:
 - A. For the first violation, 1% 2%;
 - B. For the 2nd violation, 3% 4%; and
- 32 C. For the 3rd and subsequent violations, 5% 6%.

33 SUMMARY

The amendment replaces the bill. The amendment provides that in the last 28 days prior to an election, penalties for violations of campaign finance reporting by a person, candidate, political committee or political action committee may exceed the maximum established in law. If the violation occurs between 28 and 14 days prior to an election, the maximum penalties may be doubled. If the violation occurs less than 14 days prior to an election, the maximum penalties may be tripled. The amendment also increases the

1 2	penalties applied to political action committees and ballot question committees when required reports are filed late.
3	FISCAL NOTE REQUIRED
4	(See attached)