

§1052. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 161, §6 (NEW).]

1. Campaign. "Campaign" means any course of activities to influence the nomination or election of a candidate or to initiate or influence any of the following ballot measures:

A. A people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17; [PL 2011, c. 389, §26 (AMD).]

B. A direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18; [PL 2011, c. 389, §26 (AMD).]

C. An amendment to the Constitution of Maine under Article X, Section 4; [PL 1985, c. 161, §6 (NEW).]

D. A referendum vote on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19; [PL 2011, c. 389, §26 (AMD).]

E. The ratification of the issue of bonds by the State or any agency thereof; and [PL 1989, c. 504, §§21, 31 (AMD).]

F. Any county or municipal referendum. [PL 1995, c. 483, §17 (AMD).]
[PL 2011, c. 389, §26 (AMD).]

2. Committee. "Committee" means any political action committee or ballot question committee and includes any agent of a political action committee or ballot question committee.

[PL 2021, c. 217, §3 (AMD).]

2-A. Ballot question committee. "Ballot question committee" means a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate. The term "ballot question committee" does not include a political action committee or an exempt donor.

[PL 2021, c. 217, §3 (NEW).]

3. Contribution. "Contribution" includes:

A. A gift, subscription, loan, advance or deposit of money or anything of value made to or received by a committee for the purpose of initiating or influencing a campaign, including but not limited to:

(1) Funds that the contributor specified were given, in whole or in part, in connection with a campaign;

(2) Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically, in whole or in part, for the purpose of initiating or influencing a campaign; and

(3) Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating or influencing a campaign when viewed in the context of the contribution and the recipient committee's activities regarding a campaign; [PL 2021, c. 217, §3 (AMD).]

A-1. Any funds deposited or transferred into the campaign account described in section 1054; [PL 2021, c. 217, §3 (NEW).]

B. A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make a contribution to a committee; [PL 2021, c. 217, §3 (AMD).]

C. Any funds received by a committee that are to be transferred to any candidate, committee, campaign or organization for the purpose of initiating or influencing a campaign; or [PL 2021, c. 217, §3 (AMD).]

D. The payment, by any person or organization, of compensation for the personal services of other persons provided to a committee that is used by the committee to initiate or influence a campaign. [PL 2021, c. 217, §3 (AMD).]

"Contribution" does not include a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business. [PL 2021, c. 217, §3 (AMD).]

3-A. Exempt donor. "Exempt donor" means a person that has not received contributions for the purpose of influencing a campaign in the prior 2 years and whose only payments of money to influence a campaign in the prior 2 years are:

A. Contributions of money to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality; or [PL 2021, c. 217, §3 (NEW).]

B. Payments for goods or services with an aggregate value of no more than \$100,000 contributed to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality. [PL 2021, c. 217, §3 (NEW).]

[PL 2021, c. 217, §3 (NEW).]

4. Expenditure. The term "expenditure":

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign;

(1-A) Any purchase, payment, distribution, loan, advance, deposit or gift of money made from the campaign account described in section 1054;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in this paragraph; and

(3) The transfer of funds by a political action committee to another candidate or political committee; and [PL 2021, c. 217, §3 (AMD).]

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical publication, unless these facilities are owned or controlled by any political party, political committee, candidate or the spouse or domestic partner of a candidate;

(2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed \$250 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by a political action committee that volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election;

(6) Any communication by a committee that is not made for the purpose of influencing the nomination or election of any person to state or county office; and

(7) Any payments to initiate a people's veto referendum or the direct initiative of legislation made prior to the submission of an application to the Department of the Secretary of State as provided in section 901. [PL 2021, c. 217, §3 (AMD).]

[PL 2021, c. 217, §3 (AMD).]

4-A. Influence. "Influence" means to promote, support, oppose or defeat.

[PL 2011, c. 389, §30 (NEW).]

4-B. Initiate. "Initiate" includes the collection of signatures and related activities to qualify a state or local initiative or referendum for the ballot.

[PL 2011, c. 389, §31 (NEW).]

4-C. Leadership political action committee.

[PL 2023, c. 244, §11 (RP).]

5. Political action committee. The term "political action committee":

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization that receives contributions or makes expenditures aggregating more than \$2,500 in a calendar year for the purpose of influencing the nomination or election of a candidate to political office; and

(5) Any person, including any corporation or association, other than an individual, that receives contributions or makes expenditures aggregating more than \$2,500 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office; and [PL 2021, c. 217, §3 (AMD).]

B. Does not include:

(1) A candidate or a candidate's treasurer under section 1013-A, subsection 1;

(2) A candidate's authorized political committee under section 1013-A, subsection 1, paragraph B;

(3) A party committee under section 1013-A, subsection 3; or

(4) An exempt donor. [PL 2021, c. 217, §3 (AMD).]

[PL 2021, c. 217, §3 (AMD).]

6. Separate segregated fund committee.

[PL 2023, c. 244, §12 (RP).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §23 (AMD). PL 1989, c. 504, §§21-23,31 (AMD). PL 1989, c. 833, §§13,21 (AMD). PL 1991, c. 839, §27 (AMD). PL 1991, c. 839, §33 (AFF). PL 1995, c. 483, §17 (AMD). PL 1997, c. 683, §A12 (AMD). PL 1999, c. 729, §6 (AMD). RR 2005, c. 2, §14 (COR). PL 2005, c. 301, §22 (AMD). PL 2005, c. 575, §§3-5 (AMD). PL 2007, c. 443, Pt. A, §§27, 28 (AMD). PL 2007, c. 477, §2 (AMD). PL 2009, c. 190, Pt. A, §16 (AMD). PL 2011, c. 389, §§26-32 (AMD). PL 2013, c. 334, §18 (AMD). PL 2015, c. 408, §1 (AMD). PL 2019, c. 563, §3 (AMD). PL 2021, c. 217, §3 (AMD). PL 2021, c. 274, §§9, 10 (AMD). PL 2021, c. 274, §13 (AFF). PL 2023, c. 244, §§11, 12 (AMD).

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