

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

H.P. 1301 - L.D. 1865

**An Act To Increase Transparency in the Direct Initiative Process**

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

**Sec. 1. 4 MRSA §954-A**, as amended by PL 1999, c. 425, §1, is further amended to read:

**§954-A. Conflict of interest**

A notary public may not perform any notarial act for any person if that person is the notary public's spouse, parent, sibling, child, spouse's parent, spouse's sibling, spouse's child or child's spouse, except that a notary public may solemnize the marriage of the notary public's parent, sibling, child, spouse's parent, spouse's sibling or spouse's child. It is a conflict of interest for a notary public to administer an oath or affirmation to a circulator of a petition for a direct initiative or people's veto referendum under Title 21-A, section 902 if the notary public also provides services that are not notarial acts to initiate or promote that direct initiative or people's veto referendum. This section does not affect or apply to notarial acts performed before August 4, 1988.

**Sec. 2. 21-A MRSA §903-D**, as enacted by PL 2017, c. 277, §5, is repealed.

**Sec. 3. 21-A MRSA §903-E** is enacted to read:

**§903-E. Persons not authorized to administer an oath or affirmation to a petition circulator**

**1. Certain notaries public and others.** A notary public or other person authorized by law to administer oaths or affirmations generally is not authorized to administer an oath or affirmation to the circulator of a petition under section 902 if the notary public or other generally authorized person is:

A. Providing any other services, regardless of compensation, to initiate the direct initiative or people's veto referendum for which the petition is being circulated. For the purposes of this paragraph, "initiate" has the same meaning as section 1052, subsection 4-B; or

B. Providing services other than notarial acts, regardless of compensation, to promote the direct initiative or people's veto referendum for which the petition is being circulated.

**Sec. 4. 21-A MRSA §1060-A** is enacted to read:

**§1060-A. Campaign for direct initiative or people's veto; reporting by major contributors**

This section governs the reporting of contributions aggregating in excess of \$100,000 for the purpose of initiating or influencing a campaign for a people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17 or a direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Contribution" has the same meaning as set out in section 1052, subsection 3 and also includes but is not limited to:

(1) Funds or anything of value that the contributor specified were given in connection with a campaign for a people's veto referendum or direct initiative campaign;

(2) Funds or anything of value provided in response to a solicitation that would lead the contributor to believe that the contribution would be used specifically for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign; and

(3) Funds or anything of value that can be reasonably determined to have been provided by the contributor for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign when viewed in the context of the contribution and the recipient committee's activities during the campaign.

B. "Major contributor" means a person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people's veto referendum campaign or any one direct initiative campaign.

**2. Notice to major contributor.** Within 5 days of receiving more than \$100,000 in the aggregate from a major contributor, the recipient committee shall provide written notice to the major contributor of the reporting requirement under this section and shall submit a copy of the notice to the commission. If the \$100,000 aggregate amount is exceeded as a result of a contribution received during the last 13 days before an election, the recipient committee shall, within 24 hours of receiving the contribution, provide written notice of the reporting requirement to the major contributor and submit a copy of the notice to the commission. The commission shall prepare a sample written notice for this purpose.

**3. Required reports.** A major contributor shall file a report containing the information required in subsection 4 on or before the next regularly scheduled filing

deadline under section 1059, subsection 2 occurring after the major contributor receives notice of the reporting requirement. If a major contributor has received a notice from a recipient committee or the commission during the last 13 days before an election as required under subsection 2, the major contributor shall file a report within 2 business days of receiving notice from the recipient committee or commission. The commission shall prescribe and prepare forms for these reports and may require major contributors to file reports electronically.

**4. Content.** In the reports required under subsection 3, a major contributor shall provide:

A. The name of and relevant contact information for the major contributor and the name of a responsible officer of the major contributor;

B. The form of organization and purpose of the major contributor;

C. The amount and date of each contribution from the major contributor to the recipient committee;

D. A certification that the major contributor has not received contributions, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in this State or, if the major contributor has received such contributions, the dates, sources and amounts of any such contributions;

E. The names of the 5 largest sources of funds received by the major contributor during the period beginning 6 months prior to the first contribution made to the recipient committee and ending on the date of the filing of the report. This paragraph does not apply to funds received by the major contributor that are restricted to purposes that are unrelated to a people's veto referendum or direct initiative campaign in the State; and

F. A statement indicating whether the major contributor is exempt from taxation under the United States Internal Revenue Code of 1986 and a list of any governmental jurisdictions within the United States in which the major contributor has filed campaign finance reports during the previous 12 months.

The commission may require by rule additional information to be reported consistent with this subsection to facilitate disclosure to citizens of this State of financial activity conducted for the purpose of influencing elections in this State.

**5. Noncompliance.** The commission may assess a civil penalty against a major contributor that does not file a timely report required under this section. The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Within 14 calendar days of receiving notice of the preliminary penalty from the commission, the major contributor may request that the penalty be waived in full or in part. In considering a request for a waiver, the commission shall consider, among other things, any lack of notice to the major contributor of the reporting requirement, the number of days that the report was filed late and the amount of the contributions required to be reported. A major contributor requesting a determination may either appear in person or designate a representative to appear on the major contributor's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. After a commission meeting, notice of the final determination of the

commission and the penalty, if any, imposed pursuant to this subsection must be sent to the major contributor. If a determination is not requested, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the major contributor. 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. The commission may assess a civil penalty in the same amount against a recipient committee that has not provided written notice of the reporting requirements to the major contributor as required by subsection 2, using the same procedures as set out in this subsection for penalties against the major contributor.