



TO: The Honorable Senator Nancy B. Sullivan, Senate Chair
The Honorable Representative Pamela Jabar Trinward, House Chair
The Joint Standing Committee on Legal and Veterans Affairs

DATE: April 6, 2009

RE: LD 1197, "An Act To Improve the Maine Clean Election Act," Senator Goodall, sponsor

Maine Citizens for Clean Elections (MCCE) opposes one provision contained in LD 1197 and endorses another.

This bill makes one change to the ethics laws, two changes to the campaign finance statutes, and one change to the Maine Clean Election Act.

First, we endorse the proposed change to the Maine Clean Election Act which underscores the fact that if an expenditure is made by a participating candidate to a political action committee or party, the expenditure must be for the purpose of promoting that candidate's campaign. Clean Election candidates are subject to strict expenditure limitations, and they may not make donations to other candidates, PACs, or their party. They may purchase campaign goods or services, and this provision requires that a detailed explanation be made when purchasing goods or services from a PAC or party committee. We believe this is an important provision that should be passed although we do not endorse this bill. We suggest including this provision in whatever vehicle emerges to make changes to strengthen the Clean Election Act.

MCCE objects to the provision that inflates the exemption for party staff to assist candidates, and it is the strength of our objection that leads us to oppose the bill. LD 1197 would extend the 40 hour exemption to EACH employee of the party rather than limiting it to all employees collectively. This is unacceptable as it would allow virtually unlimited party help for candidates. Since donations to the party are not limited, wealthy interests could simply funnel money to the party which would bring on more and more

Member Organizations

AARP Maine, Common Cause Maine, EqualityMaine, League of Women Voters of Maine, League of Young Voters, Maine AFL-CIO, Maine Council of Churches, Maine People's Alliance/Maine People's Resource Center, Maine Women's Lobby, NAACP-Portland, Natural Resources Council of Maine, Peace Action Maine

additional staff in the final weeks of the campaign. This can only be characterized as an enormous loophole, and it should be soundly rejected.

We also object to the characterization of this provision as a “clarification” of existing law. While there was confusion about the exemption in 2006, the 123rd Legislature took specific action to clarify its meaning, and today there can be no doubt that the exemption applies to the party as a whole and not to each individual member of party staff.

While making this clarification in 2007, the 123rd Legislature also DOUBLED the exemption from 20 hours of “advice” to 40 hours of “assistance,” which is a very significant expansion. At the time, MCCE vigorously and successfully opposed even bigger expansions that were under consideration – at one point a 120 hour exemption was on the table. MCCE opposes any expansion of this already generous exemption.

A third provision of LD1197 changes the section of the Ethics statutes that deals with the ban on lobbyist contributions during the legislative session. While we don’t believe it is the sponsor’s intent, the proposed language appears to exempt lobbyist donations to candidate campaigns. That would certainly undermine the intent of that statute.

On the final provision – the doubling of the PAC expenditure amount that would trigger an accelerated report – we simply note that this would provide less disclosure than is available to the public today. We believe there should be a strong rationale behind any weakening of reporting requirements.

Thank you.

Alison Smith, Co-Chair 879-7440