



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 1250** "An Act To Amend the Maine Clean Election Act Relating to Seed Money," Representative Harvell, sponsor

Maine Citizens for Clean Elections (MCCE) testifies against LD 1250.

LD 1250 raises both the seed money contribution limit and the seed money cap for legislative candidates.

MCCE believes it is unnecessary and inappropriate to raise the contribution limit for Seed Money. Seed Money has a very limited purpose, as it is the only private money in an otherwise full public funding scheme. The \$250 limit that is proposed is equal to the current limit for privately funded legislative candidates. Allowing participating candidates to raise significantly larger private contributions serves no public purpose, and this idea should be rejected.

We are not opposed to raising the Seed Money cap at some point if there is a consensus that the current cap is too low. In our many conversations with legislative candidates and those who participate in their campaigns this has not been identified as a problem, so we do not recommend an increase at this time.

These two proposed changes, taken together, would allow for private money to play a much bigger role in Clean Election campaigns. We don't think that is either wise or appropriate. The system works very well as it is, and the Legislature should take care to limit changes to those that strengthen the system.

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

The bill also states that rulemaking should decrease the Seed Money cap, and we feel certain that this must be a typo. It does bring up a point that is worth making, though.

Currently, all changes to the Maine Clean Election Act rules are considered major substantive rules. When the Act was first implemented, rulemaking put the meat on the bones of the law, and many of its provisions were quite substantial. Nowadays, most rulemaking is done simply to conform the rules with statutory changes made by the legislature, and most of those changes do not rise to the level of “major substantive.” A good example of this is LD 1250, and the sponsor has wisely specified that this rulemaking would be considered “routine technical.” Without that provision even the simple changes proposed in this bill – changing \$100 to \$250, for example – would then have to come back to the committee for a hearing, work session, etc. for final approval. We believe this often is an unnecessary waste of time and state resources that has no public benefit. We think the rules should be final well before candidates begin running for office, and our election cycle is just two years long. Waiting until March or April of the election year for final approval of rules is far from ideal. We have suggested in the past and today suggest again that the statute be amended so that the Legislature may use discretion as to which rulemaking would be considered “major substantive” and which would be “routine technical.”

We recommend an “Ought not to Pass” vote on LD 1250.

Alison Smith, Co-chair

207.879.7440