



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1210

H.P. 854

House of Representatives, March 26, 2013

An Act To Ensure Compliance with the Laws Governing Elections

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LUCHINI of Ellsworth.
Cosponsored by Senator TUTTLE of York and
Representative: BEAULIEU of Auburn, Senators: MASON of Androscoggin, PATRICK of
Oxford.

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

2 **Sec. 1. 21-A MRSA §1003, sub-§1**, as amended by PL 2011, c. 389, §3, is
3 further amended to read:

4 **1. Investigations.** The commission may undertake audits and investigations to
5 determine ~~the facts concerning the registration of a candidate, treasurer, party committee,~~
6 ~~political action committee, ballot question committee or other political committee and~~
7 ~~contributions by or to and expenditures by a person, candidate, treasurer, party~~
8 ~~committee, political action committee, ballot question committee or other political~~
9 ~~committee~~ whether a person has violated this chapter, chapter 14 or the rules of the
10 commission. For this purpose, the commission may subpoena witnesses and records
11 whether located within or without the State and take evidence under oath. A person or
12 entity that fails to obey the lawful subpoena of the commission or to testify before it
13 under oath must be punished by the Superior Court for contempt upon application by the
14 Attorney General on behalf of the commission. The Attorney General may apply on
15 behalf of the commission to the Superior Court or to a court of another state to enforce
16 compliance with a subpoena issued to a nonresident person. Service of any subpoena
17 issued by the commission may be accomplished by:

18 A. Delivering a duly executed copy of the notice to the person to be served or to a
19 partner or to any officer or agent authorized by appointment or by law to receive
20 service of process on behalf of that person;

21 B. Delivering a duly executed copy of the notice to the principal place of business in
22 this State of the person to be served; or

23 C. Mailing by registered or certified mail a duly executed copy of the notice,
24 addressed to the person to be served, to the person's principal place of business.

25 **SUMMARY**

26 This bill authorizes the Commission on Governmental Ethics and Election Practices
27 to undertake audits and investigations to determine whether a person has violated the
28 laws governing campaign reporting and finances, the Maine Clean Election Act or
29 commission rules. The bill also authorizes the Attorney General to apply on behalf of the
30 commission to enforce compliance with a subpoena issued to a nonresident person.