

§1004-A. Penalties

The commission may assess the following penalties in addition to the other monetary sanctions authorized in this chapter. [PL 2003, c. 628, Pt. A, §1 (NEW).]

1. Late campaign finance report. A person that files a late campaign finance report containing no contributions or expenditures may be assessed a penalty of no more than \$100. [PL 2003, c. 628, Pt. A, §1 (NEW).]

2. Contribution in excess of limitations. A person that accepts or makes a contribution that exceeds the limitations set out in section 1015, subsections 1 and 2-B may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation. [PL 2023, c. 244, §1 (AMD).]

3. Contribution in name of another person. A person that makes a contribution in the name of another person, or that knowingly accepts a contribution made by one person in the name of another person, may be assessed a penalty not to exceed \$5,000. [PL 2003, c. 628, Pt. A, §1 (NEW).]

4. Substantial misreporting. A person that files a campaign finance report that substantially misreports contributions, expenditures or other campaign activity may be assessed a penalty not to exceed \$5,000. [PL 2003, c. 628, Pt. A, §1 (NEW).]

5. Material false statements. A person that makes a material false statement or that makes a statement that includes a material misrepresentation in a document that is required to be submitted to the commission, or that is submitted in response to a request by the commission, may be assessed a penalty not to exceed \$5,000. [PL 2005, c. 301, §6 (AMD).]

When the commission has reason to believe that a violation has occurred, the commission shall provide written notice to the candidate, party committee, political action committee, committee treasurer or other respondent and shall afford them an opportunity to appear before the commission before assessing any penalty. In determining any penalty under subsections 3, 4 and 5, the commission shall consider, among other things, the level of intent to mislead, the penalty necessary to deter similar misconduct in the future and the harm suffered by the public from the incorrect disclosure. 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. [PL 2009, c. 302, §1 (AMD).]

Penalties assessed pursuant to this section that have not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B. [PL 2009, c. 302, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 628, §A1 (NEW). PL 2005, c. 301, §6 (AMD). PL 2007, c. 443, Pt. A, §2 (AMD). PL 2009, c. 302, §§1, 2 (AMD). PL 2021, c. 274, §1 (AMD). PL 2021, c. 274, §13 (AFF). PL 2023, c. 244, §1 (AMD).

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