



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
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Policy Statement of the Maine Ethics Commission on Enforceability of Aggregate Contribution Limits

Maine Election Law contains two types of limitations on contributions to candidates

- Base limits, which are the maximum amounts that a donor may give to a single candidate per election.¹
- The aggregate limit, which states that in a calendar year an individual may contribute no more than a combined total of \$25,000 to Maine state candidates. (21-A M.R.S.A. § 1015(3))

In recent weeks, the Commission has received questions whether the aggregate limit continues to apply, in light of the decision by the U.S. Supreme Court in *McCutcheon v. Federal Election Commission*, 134 S.Ct. 1424 (2014). In the *McCutcheon* decision, the U.S. Supreme Court invalidated aggregate limits in federal law that imposed maximum amounts that a donor could give to federal candidates or noncandidate committees in a two-year election cycle. *Id.* at 1442.

The Commission has determined that it will not enforce the \$25,000 aggregate limit in 21-A M.R.S.A. § 1015(3) during 2014, unless and until it receives further guidance from the Maine Legislature or a court of competent jurisdiction. The Commission will continue to study the issues involved and may make a legislative proposal concerning 21-A M.R.S.A. § 1015(3) for the 127th Legislature.

The base limits continue to be in effect, and the Commission will enforce them. The Commission will also enforce the earmarking provision in 21-A M.R.S.A. § 1015(4), which is intended to prevent circumvention of the base limits. Under this statute, if a donor makes a contribution to an intermediary and directs the intermediary to give the money to a candidate, the contribution is considered to have been made by the original donor. Please call the Commission staff if you have any questions concerning this policy statement.

¹ These maximum amounts are set out in 21-A M.R.S.A. §§ 1015(1) & (2) and are posted at www.maine.gov/ethics.