

GRANTED for lack of standing because none of the Daggett plaintiffs asserted an intention to make independent expenditures.¹ Mr. Harte, the only plaintiff who has reportedly made campaign contributions in the past, did not indicate any plans to make independent expenditures. See Am. Compl. ¶ 19.

The State concedes the unenforceability of the first sentence of 21-A M.R.S.A. § 1056(1), which places a \$5,000 limit on committee “expenditures in support of or [in] opposition to the candidacy of one person or to a political committee,” as challenged in Count XIII and, therefore, judgment should be entered for the plaintiffs on Count XIII.

NATIONAL RIGHT TO LIFE COMPLAINT

The defendants’ motion to dismiss Count I is **GRANTED** on the same basis as dismissal of Count II of the Daggett Complaint.

Judgment should be entered for the plaintiff on Count II, since it is the same claim as Daggett Count XIII, and the State has conceded the unenforceability of the first sentence of 21-A M.R.S.A. § 1056(1).

On Count III, the State stipulates that the statute does not apply to PAC-to-PAC transfers and that the second sentence of 21-A M.R.S.A. § 1056(1) is unenforceable to the

¹ The plaintiffs argue that they also have “listener standing” under a line of cases beginning with Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc., 425 U.S. 748 (1976). Their argument stretches listener standing beyond any previously reported case. They recognize that the reporting requirement for independent expenditures deals only with expenditures made “expressly advocating the election or defeat of a clearly identified candidate.” Pls.’ Mem. in Opp’n to Defs.’ Mot. to Dismiss at 19 n.8. Thus, “listeners” who might have standing to argue that they want to hear these messages are other voters, not the candidates themselves. Nevertheless, I will allow the plaintiffs fourteen (14) days within which to seek to amend their Complaint to show standing on this Count. Judgment on this Count will be deferred accordingly.

extent it restricts independent expenditures by committees. Judgment for the plaintiff shall be entered accordingly. The final charge in Count III, that the second sentence of 21-A M.R.S.A. § 1056(1) limits committee expenditures to individual candidates, is **DISMISSED** in light of my other ruling on ripeness.

The motion to dismiss Count IV is **GRANTED** on the same basis as my previous Order with respect to Daggett Counts X and XI.

SO ORDERED.

DATED THIS 22ND DAY OF OCTOBER, 1997.

D. BROCK HORNBY
UNITED STATES CHIEF DISTRICT JUDGE