

Agenda

Item #7



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commissioners

From: Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: December 13, 2014

Re: Request for Waiver of Late-Filing Penalties by Maine Economic Growth Coalition PAC

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In the thirteen days before an election, all political action committees, ballot question committees and political parties must file a report within 24 hours of receiving any single contribution of \$5,000 or more or making any expenditure of \$1,000 or more.<sup>1</sup> The Maine Economic Growth Coalition PAC (the PAC) made four expenditures between October 28, 2014 and November 4, 2014 which required 24-hour reports, but were late in reporting these transactions.

### LEGAL REQUIREMENTS

PACs are required to report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made during the 13 days before an election within 24 hours of that transaction. (21-A M.R.S.A. § 1059(2)(E)) An expenditure is made at the earlier of (1) the placement of an order for a good or service; (2) the signing of a contract for a good or service; (3) the delivery of a good or the performance of a service by a vendor; (4) a promise or an agreement (including an implied one) that a payment will be

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<sup>1</sup> Candidates have a similar 24-hour reporting requirement, except with a lower reporting threshold (\$1,000) for contributions.

made; or (5) the making of a payment for a good or service. (Comm. Rules Ch. 1, Section 7(3)) If the PAC is late in filing the 24-hour report, the amount of the penalty is set by a formula which takes into consideration the amount of the transaction, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1062-A(3))

## **DISCUSSION**

As illustrated in the chart below, between October 28, 2014 and November 4, 2014 the PAC reported making four expenditures to newspapers and digital media providers for advertisements in support of Question 2 on the 2014 ballot.<sup>2</sup> The PAC writes that it contracted with a media consultant to which it gave a strategy and budget. This consultant, on behalf of the PAC, contracted with the advertisers for the advertising services on the dates listed based on estimates, but the PAC did not receive final bills until the dates it reported the expenditures.

Based on the statutory formula for calculating late-filed report penalties, the total preliminary penalty amount is \$1,819.84<sup>3</sup>, calculated as follows:

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<sup>2</sup> Question 2 was the successful bond referendum to fund the creation of a plant and animal disease and insect control laboratory administered by the University of Maine Cooperative Extension.

<sup>3</sup> Commission staff originally sent preliminary penalty notices totaling \$2,611.86. However, now that the PAC has filed all needed 24-hour reports, a further review shows that this amount is incorrect. The Penalty Rate increases with each violation. The PAC filed the 24-hour report for the October 30, 2014 transaction first on November 3, 2014, but the violation chronologically occurred third. The PAC then filed the remaining 24-hour reports on November 14, 2014.

<b>Transaction</b>	<b>Transaction Date</b>	<b>Financial Activity</b>	<b>Penalty Rate</b>	<b>Days Late</b>	<b>Preliminary Penalty</b>
Expenditure to Boothbay Register	10/27/2014	\$1,276.00	1%	17	\$216.92
Expenditure to Franklin Journal	10/28/2014	\$1,421.18	3%	16	\$682.24
Expenditure to Facebook	10/31/2014	\$1,206.76	5%	2	\$120.68
Expenditure to Altos	11/3/2014	\$2,000.00	5%	8	\$800.00

The PAC asks that the Commission waive the penalty because the failure to timely file was due to the PAC's inexperience using a media firm to purchase advertising and changeover in the staff responsible for reporting at the PAC. The PAC now understands that if it, or another party working on its behalf, contracts with a media source to place ads based on an estimate, it should report the estimated amount on the day the obligation is made and correct the report to the final amount when that figure is made available to the PAC.

#### **STAFF RECOMMENDATION**

Violations of the 24-hour reporting requirements can be serious matters. 24-hour reports play an important role in informing the electorate about how money is changing hands in the critical days just before an election. In this situation over \$5,900 of advertising was purchased to influence the Question 2 vote without being disclosed in a timely manner. However, given that the preliminary penalty is nearly a third of the total amount spent, it seems that some reduction in the preliminary penalty is appropriate. The PAC quickly acknowledged their mistakes once the reporting error was discovered, accepted responsibility for them, and made the corrections necessary to provide the proper

disclosure. The staff recommends that the Commission find that the PAC failed to timely file the four 24-hour reports but impose a \$250 penalty.

Thank you for your consideration of this memo.

# MAINE ECONOMIC GROWTH COALITION

P.O. BOX 550  
ORONO, MAINE 04473

December 4, 2014

Benjamin P. Dyer  
State of Maine  
Commission on Governmental Ethics  
and Legislative Practices  
135 State House Station  
Augusta, Maine 04333-0135

Dear Benjamin,

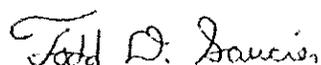
Please accept this correspondence as my request of the Commission to reconsider the penalties assessed against the Maine Economic Growth Coalition (MEGC). As per our phone conversation upon receipt of our first assessment dated November 5, 2014, our staff was inexperienced in working with electronic media and did not realize the significant delay in notification of those expenses. While the Coalition certainly appreciates the required deadlines imposed by the statute and enforced by the Commission, we believe that we did the best we could with our experience and understanding of our responsibility.

This was the first time that the Maine Economic Growth Coalition contracted an electronic media firm to assist in promotion of our advocacy efforts. As such, the firm was provided a strategy and a budget. My conversation with Benjamin on following the November 5<sup>th</sup> Commission letter educated me and my staff that we should report a projection of expenses per our agreement with the firm, then simply correct those figures with actual expenses as they are known. The bookkeeper for our PAC changed over the summer and we simply did not have the experience to understand that was the expected practice.

Unfortunately, the surprises continued as we learned about a number of charges that MEGC incurred during the final week of the campaign which were not shared by our contractor. In fact, we learned about them once we received the November bank statement. Needless to say, our procedures and protocols have been reviewed and we will not find ourselves in this situation in the future.

Please consider that the Maine Economic Growth Coalition has been advocating for higher education and research and development since 1997. I am not aware of any past issues that have resulted in penalties. We submitted our 24-hour filings consistently upon knowledge of expenses and have now learned the best practice when working with projected expenses. We apologize for the deadline infractions and appreciate the Commission's leniency as we have crested this learning curve.

My best and gratitude,



Todd D. Saucier  
Treasurer



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

November 5, 2014

Todd Saucier, Treasurer  
Maine Economic Growth Coalition PAC  
PO Box 550  
Orono, ME 04473-0550

Re: Late Filing of 24-Hour Report

Dear Mr. Saucier,

The Commission staff has made a preliminary determination that the Maine Economic Growth Coalition PAC (the PAC) was late in filing the 24-Hour Report required for the \$1,206.76 expenditure the PAC reported making to Facebook October 31, 2014. The report was due by 11:59 p.m. on November 1, 2014, but was not filed until November 3, 2014. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3)). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the PAC's history of violations, the commission staff has determined that a penalty of \$24.14 is owed. (Please see attached penalty matrix for the calculation).

The PAC may make a written request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Please call me at (207) 287-6221 or send me an email at [benjamin.p.dyer@maine.gov](mailto:benjamin.p.dyer@maine.gov) if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin P. Dyer".

Benjamin P. Dyer  
Political Committee and Lobbyist Registrar

Enclosure: payment receipt & penalty matrix

Payment Receipt

Mail payment to:

The Maine Ethics Commission  
135 State House Station  
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Todd Saucier, Treasurer  
Maine Economic Growth Coalition PAC  
PO Box 550  
Orono, ME 04473-0550

<b>Violation:</b>	Late 24-hour Report
<b>Amount Due:</b>	\$24.14

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**Committee Name:** Maine Economic Growth Coalition PAC  
**Report Title:** 24-Hour Report  
**Due Date:** November 1, 2014  
**Previous Violation(s):** N/A  
**Filed Date:** November 3, 2014

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%  
 For the second violation, 3%  
 For the third and each subsequent violation, 5%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

Penalty Example:		Your Penalty is calculated as follows:	
The treasurer files the PAC's report two (2) days late. The PAC has not had any previous late violations this biennium. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is		Contributions / Expenditures:	\$1,206.76
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	X	
X .01	Percent prescribed for first violation	Percent Prescribed:	1%
\$25.00	One percent of total contributions		\$12.07
X 2	Number of calendar days late	Number of days late:	2
\$50.00	Total Penalty	Total penalty accrued:	\$24.14

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

#### MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A(3)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is one-fifth of the amount reported late.



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

November 20, 2014

Todd Saucier, Treasurer  
Maine Economic Growth Coalition  
PO Box 550  
Orono, ME 04473-0550

Re: Late Filing of Multiple 24-Hour Reports

Dear Mr. Saucier,

The Commission staff has made a preliminary determination that the Maine Economic Growth Coalition PAC (the PAC) was late in filing several 24-Hour Reports required for multiple expenditures made between October 27, 2014 and November 3, 2014. The reports were filed electronically on November 12 and 14, 2014. (Please see attached penalty matrix for the calculation) Under the Commission's statutes, the late filing of reports triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3); 21-A M.R.S.A. §1020-A(4-A)) Based on the amount of financial activity in the reports, the number of calendar days the reports were late, and the PAC's history of violations, the commission staff has determined that a total penalty of \$2,587.72 is owed.

The PAC may make a written request that the Commission waive the violations or penalties in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalties if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Please call me at (207) 287-6221 or send me an email at [benjamin.p.dyer@maine.gov](mailto:benjamin.p.dyer@maine.gov) if you have questions.

Sincerely,

Benjamin P. Dyer  
Political Committee and Lobbyist Registrar

Enclosure: payment receipt & penalty matrix

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE

WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)

PHONE: (207) 287-4179

FAX: (207) 287-6775

Payment Receipt

Mail payment to:

The Maine Ethics Commission  
135 State House Station  
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Todd Saucier, Treasurer  
Maine Economic Growth Coalition  
PO Box 550  
Orono, ME 04473-0550

Violation: Late 24-hour Reports  
Amount Due: \$2,587.72

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Committee Name: Maine Economic Growth Coalition PAC

Prior Violations: Late 24-Hour Report 11/2/2014

Report Name	Activity Amount	Due Date	Days Late	Penalty Prescribed	Penalty
24-Hour Report	\$1,276.00	10/28/2014	17	3%	\$650.76
24-Hour Report	\$1,421.18	10/29/2014	16	5%	\$1,136.96
24-Hour Report	\$2,000.00	11/04/2014	8	5%	\$800.00

Total: \$2,587.72

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

**MAXIMUM PENALTIES**

21-A M.R.S.A. Section 1062-A(3)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is one-fifth of the amount reported late



Commission on Governmental Ethics and Election Practices  
Mail: 135 State House Station, Augusta, Maine 04333  
Office: 45 Memorial Circle, Augusta, Maine  
Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2014 CAMPAIGN YEAR

COMMITTEE		TREASURER	
MAINE ECONOMIC GROWTH COALITION PO BOX 550 ORONO, ME 04473-0550 PHONE: (207) 581-1131 EMAIL: TODD.SAUCIER@UMIT.MAINE.EDU		Todd D Saucier PO Box 550 Orono, ME 04473-0550 PHONE: (207) 581-1131 EMAIL: todd.saucier@umit.maine.edu	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Major Contributions and Expenditures	10/28/2014	10/27/2014 - 10/27/2014	

### FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$1,276.00
3. TOTAL DEBTS	\$0.00

I, TODD D SAUCIER, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: TODD D SAUCIER  
REPORT FILED ON: 11/14/2014  
LAST MODIFIED: 11/14/2014  
PRINTED: 12/09/2014  
COMMITTEE ID: 1079

**24-HOUR EXPENDITURE AND PAYEE INFORMATION**

EXPENDITURE TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs	
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)	
OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/27/2014	BOOTHBAY REGISTER 97 TOWNSEND AVE BOOTHBAY HARBOR, ME 04538	YES ON 2	PRT	\$1,276.00
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				<b>\$1,276.00</b>



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Phone: 207-287-4179  
Fax: 207-287-6775

## 24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2014 CAMPAIGN YEAR

COMMITTEE		TREASURER	
MAINE ECONOMIC GROWTH COALITION PO BOX 550 ORONO, ME 04473-0550 PHONE: (207) 581-1131 EMAIL: TODD.SAUCIER@UMIT.MAINE.EDU		Todd D Saucier PO Box 550 Orono, ME 04473-0550 PHONE: (207) 581-1131 EMAIL: todd.saucier@umit.maine.edu	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Major Contributions and Expenditures	10/29/2014	10/28/2014 - 10/28/2014	

### FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$1,421.18
3. TOTAL DEBTS	\$0.00

I, TODD D SAUCIER, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: TODD D SAUCIER  
REPORT FILED ON: 11/14/2014  
LAST MODIFIED: 11/14/2014  
PRINTED: 12/09/2014  
COMMITTEE ID: 1079

**24-HOUR EXPENDITURE AND PAYEE INFORMATION**

EXPENDITURE TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs	
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)	
OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/28/2014	FRANKLIN JOURNAL 187 WILTON ROAD FARMINGTON, ME 04938	YES ON 2 PAYMENT OF \$1,421.18 TO SUPPORT: DO YOU FAVOR AN \$8,000,000 BOND ISSUE TO SUPPORT MAINE AGRICULTURE, FACILITATE ECONOMIC GROWTH IN NATURAL RESOURCES-BASED INDUSTRIES AND MONITOR HUMAN HEALTH THREATS RELATED TO TICKS, MOSQUITOES AND BEDBUGS THROUGH THE CREATION OF AN ANIMAL AND PLANT DISE	PRT	\$1,421.18
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				<b>\$1,421.18</b>



Commission on Governmental Ethics and Election Practices  
Mail: 135 State House Station, Augusta, Maine 04333  
Office: 45 Memorial Circle, Augusta, Maine  
Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2014 CAMPAIGN YEAR

COMMITTEE		TREASURER	
MAINE ECONOMIC GROWTH COALITION PO BOX 550 ORONO, ME 04473-0550 PHONE: (207) 581-1131 EMAIL: TODD.SAUCIER@UMIT.MAINE.EDU		Todd D Saucier PO Box 550 Orono, ME 04473-0550 PHONE: (207) 581-1131 EMAIL: todd.saucier@umit.maine.edu	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Major Contributions and Expenditures	11/01/2014	10/31/2014 - 10/31/2014	

### FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$1,206.76
3. TOTAL DEBTS	\$0.00

I, TODD D SAUCIER, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: TODD D SAUCIER  
REPORT FILED ON: 11/03/2014  
LAST MODIFIED: 11/03/2014  
PRINTED: 12/09/2014  
COMMITTEE ID: 1079

**24-HOUR EXPENDITURE AND PAYEE INFORMATION**

EXPENDITURE TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
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OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/31/2014	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	YES ON 2 PAYMENT OF \$1,206.76 TO SUPPORT: DO YOU FAVOR AN \$8,000,000 BOND ISSUE TO SUPPORT MAINE AGRICULTURE, FACILITATE ECONOMIC GROWTH IN NATURAL RESOURCES-BASED INDUSTRIES AND MONITOR HUMAN HEALTH THREATS RELATED TO TICKS, MOSQUITOES AND BEDBUGS THROUGH THE CREATION OF AN ANIMAL AND PLANT DISE	OTH	\$1,206.76
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				\$1,206.76



Commission on Governmental Ethics and Election Practices  
Mail: 135 State House Station, Augusta, Maine 04333  
Office: 45 Memorial Circle, Augusta, Maine  
Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2014 CAMPAIGN YEAR

COMMITTEE		TREASURER	
MAINE ECONOMIC GROWTH COALITION PO BOX 550 ORONO, ME 04473-0550 PHONE: (207) 581-1131 EMAIL: TODD.SAUCIER@UMIT.MAINE.EDU		Todd D Saucier PO Box 550 Orono, ME 04473-0550 PHONE: (207) 581-1131 EMAIL: todd.saucier@umit.maine.edu	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Major Contributions and Expenditures	11/04/2014	11/03/2014 - 11/03/2014	

### FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$2,000.00
3. TOTAL DEBTS	\$0.00

I, TODD D SAUCIER, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: TODD D SAUCIER  
REPORT FILED ON: 11/12/2014  
LAST MODIFIED: 11/19/2014  
PRINTED: 12/09/2014  
COMMITTEE ID: 1079

**24-HOUR EXPENDITURE AND PAYEE INFORMATION**

EXPENDITURE TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
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OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
11/3/2014	ALTOS 4 BEDFORD FARMS DR SUITE 107 BEDFORD, NH 03110	YES ON 2 PAYMENT OF \$2,834.12 TO SUPPORT: DO YOU FAVOR AN \$8,000,000 BOND ISSUE TO SUPPORT MAINE AGRICULTURE, FACILITATE ECONOMIC GROWTH IN NATURAL RESOURCES-BASED INDUSTRIES AND MONITOR HUMAN HEALTH THREATS RELATED TO TICKS, MOSQUITOES AND BEDBUGS THROUGH THE CREATION OF AN ANIMAL AND PLANT DISE	WEB	\$2,834.12
11/3/2014	ALTOS 4 BEDFORD FARMS DR SUITE 107 BEDFORD, NH 03110	Offset due to update of filed item PAYMENT OF (\$2,834.12) TO SUPPORT: DO YOU FAVOR AN \$8,000,000 BOND ISSUE TO SUPPORT MAINE AGRICULTURE, FACILITATE ECONOMIC GROWTH IN NATURAL RESOURCES-BASED INDUSTRIES AND MONITOR HUMAN HEALTH THREATS RELATED TO TICKS, MOSQUITOES AND BEDBUGS THROUGH THE CREATION OF AN ANIMAL AND PLANT DISE	WEB	(\$2,834.12)
11/3/2014	ALTOS 4 BEDFORD FARMS DR SUITE 107 BEDFORD, NH 03110	YES ON 2 PAYMENT OF \$2,000.00 TO SUPPORT: DO YOU FAVOR AN \$8,000,000 BOND ISSUE TO SUPPORT MAINE AGRICULTURE, FACILITATE ECONOMIC GROWTH IN NATURAL RESOURCES-BASED INDUSTRIES AND MONITOR HUMAN HEALTH THREATS RELATED TO TICKS, MOSQUITOES AND BEDBUGS THROUGH THE CREATION OF AN ANIMAL AND PLANT DISE	WEB	\$2,000.00
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				<b>\$2,000.00</b>

## 21-A M.R.S.A. § 1059. REPORT; FILING REQUIREMENTS

Committees required to register under section 1052-A, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline. [2013, c. 334, §27 (AMD) .]

### 1. Contents; quarterly reports and election year reports.

[ 2007, c. 443, Pt. A, §35 (RP) .]

### 2. Reporting schedule. Committees shall file reports according to the following schedule.

#### A. All committees shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th. [2011, c. 691, Pt. A, §19 (RPR) .]

#### B. General and primary election reports must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date. [2007, c. 443, Pt. A, §35 (AMD) .]

#### C. Preelection and post-election reports for special elections or ballot measure campaigns must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date. [2011, c. 389, §45 (AMD) .]

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [1991, c. 839, §29 (RPR) .]

E. A committee shall report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses. [2013, c. 334, §28 (AMD) .]

[ 2013, c. 334, §28 (AMD) .]

### 3. Report of expenditures made after the 11th day and more than 48 hours before any election.

[ 1989, c. 504, §§28, 31 (RP) .]

**4. Special election reports.**

[ 1989, c. 504, §§28, 31 (RP) .]

**5. Electronic filing.** Committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

[ 2007, c. 443, Pt. A, §35 (AMD) .]

**SECTION HISTORY**

1985, c. 161, §6 (NEW). 1989, c. 7, §06 (AMD). 1989, c. 504, §§28,31 (RPR). 1989, c. 833, §§16-20 (AMD). 1991, c. 839, §29 (AMD). 2003, c. 628, §B5 (AMD). 2005, c. 301, §§25,26 (AMD). 2007, c. 443, Pt. A, §35 (AMD). 2007, c. 571, §9 (AMD). 2009, c. 190, Pt. A, §§23, 24 (AMD). 2009, c. 366, §9 (AMD). 2009, c. 366, §12 (AFF). 2009, c. 652, Pt. A, §22 (AMD). 2011, c. 367, §2 (AMD). 2011, c. 389, §§43-45 (AMD). 2011, c. 389, §62 (AFF). 2011, c. 691, Pt. A, §19 (AMD). 2013, c. 334, §§27, 28 (AMD).

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is used by the political action committee to initiate or influence a campaign.  
[2011, c. 389, §28 (AMD).]

[ 2011, c. 389, §§27, 28 (AMD) .]

**4. Expenditure.** The term "expenditure:"

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in this paragraph; and

(3) The transfer of funds by a political action committee to another candidate or political committee; and [2011, c. 389, §29 (AMD).]

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical publication, unless these facilities are owned or controlled by any political party, political committee, candidate or the spouse or domestic partner of a candidate;

(2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed \$250 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by a political action committee that volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election; and

(6) Any communication by any political action committee member that is not made for the purpose of influencing the nomination or election of any person to state or county office. [2013, c. 334, §18 (AMD).]

[ 2013, c. 334, §18 (AMD) .]

**SECTION 7. EXPENDITURES**

1. **Expenditures by Consultants, Employees, and Other Agents of a Political Campaign.** Each expenditure made on behalf of a candidate, political committee, or political action committee by any person, agency, firm, organization, etc., employed or retained for the purpose of organizing, directing, managing or assisting the candidate, the candidate's committee, or the political action committee must be reported separately by the candidate or committee as if made or incurred by the candidate or committee directly. The report must include the name of the third party vendor or payee to whom the expenditure was made, the date of the expenditure, and the purpose and amount of the expenditure. It is not sufficient to report only the total retainer or fee paid to the person, agency, firm, organization, etc., if that retainer or fee was used to pay third party vendors or payees for campaign-related goods and services.
2. **Expenditures by Political Action Committees.** In addition to the requirements set forth in 21-A M.R.S.A. §1060(4), the reports must contain the purpose of each expenditure and the name of each payee and creditor.
3. **Timing of Reporting Expenditures**
  - A. Placing an order with a vendor for a good or service; signing a contract for a good or service; the delivery of a good or the performance of a service by a vendor; or a promise or an agreement (including an implied one) that a payment will be made constitutes an expenditure, regardless whether any payment has been made for the good or service.
  - B. Expenditures must be reported at the earliest of the following events:
    - (1) The placement of an order for a good or service;
    - (2) The signing of a contract for a good or service;
    - (3) The delivery of a good or the performance of a service by a vendor;
    - (4) A promise or an agreement (including an implied one) that a payment will be made; or
    - (5) The making of a payment for a good or service.
  - C. At the time the duty to report an expenditure arises, the person submitting the report is required to determine the value of goods and services to be rendered (preferably through a written statement from the vendor) and to report that value as the amount of the expenditure. If the expenditure involves more than one candidate election, the report must include an allocation of the value to each of those candidate elections.
4. **Advance Purchases of Goods and Services for the General Election** *[Repealed]*
5. All campaign-related payments made with the personal funds or credit card of the candidate or an individual authorized by the candidate must be reported as expenditures in the reporting period during which the payment to the vendor or payee is made. The candidate must report the name of the vendor or payee to whom the payment was made,

## 21-A M.R.S.A. § 1062-A. FAILURE TO FILE ON TIME

**1. Registration.** A political action committee required to register under section 1052-A or 1053-B or a ballot question committee required to register under section 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

[ 2013, c. 334, §30 (AMD) .]

**2. Campaign finance reports.** A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency of the committee treasurer determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §9 (AMD).]
- B. An error by the commission staff; or [1999, c. 729, §9 (AMD).]
- C. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service. [2007, c. 443, Pt. A, §38 (AMD).]

[ 2009, c. 190, Pt. A, §29 (AMD) .]

**3. Basis for penalties.** The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 1%; [1995, c. 483, §21 (NEW).]
- B. For the 2nd violation, 3%; and [1995, c. 483, §21 (NEW).]
- C. For the 3rd and subsequent violations, 5%. [1995, c. 483, §21 (NEW).]

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

[ 2007, c. 443, Pt. A, §39 (AMD) .]

**4. Maximum penalties.** The maximum penalty under this subchapter is \$10,000 for reports required under section 1056-B or section 1059, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late.

[ 2011, c. 389, §49 (AMD) .]

**5. Request for a commission determination.** If the commission staff finds that a political action committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the political action committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a political action committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the political action committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. 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.

[ 2013, c. 334, §31 (AMD) .]

**6. Final notice of penalty.** After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the political action committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the principal officer and to the treasurer of the political action committee. A detailed summary of all notices must be provided to the commission.