

Agenda

Item #1

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

Minutes of the April 28, 2008, Meeting of the
Commission on Governmental Ethics and Election Practices
Held in the Commission's Meeting Room,
PUC Building, 242 State Street, Augusta, Maine

Present: Michael Friedman, Esq., Chair; Hon. Francis C. Marsano; Hon. Edward M. Youngblood; Hon. Mavourneen Thompson. Staff: Executive Director Jonathan Wayne; Phyllis Gardiner, Counsel.

At 9:01 A.M., Chair Michael Friedman convened the meeting.

The Commission considered the following items:

Agenda Item #1. Ratification of Minutes of the March 31, 2008, Meeting

The Commission Chair called the meeting to order and noted that the staff had provided the Commission with proposed changes to the draft minutes. The Commission's director noted that the staff was proposing changes to pages 3, 4, and 10 of the draft minutes that were shaded in a handout being circulated. In addition, Mr. Wayne apologized that on page 15 of the draft minutes the staff had made a mistake regarding the vote taken on Ms. Thompson's motion that the Commission establish a public comment period at the beginning of each Commission meeting. Mr. Marsano had telephoned the Commission staff on April 25, 2008 to correct the mistake. The draft minutes incorrectly stated that Mr. Marsano and Ms. Thompson had voted in favor of the motion. In fact, Mr. Marsano had voted against the motion along with Mr. Friedman and Mr. Youngblood. Voting in favor of the motion were Mr. Shiah and Ms. Thompson. Mr. Youngblood moved to accept the minutes as amended. The motion was seconded by Mr. Marsano. The motion passed (4-0).

Agenda Item #2. Request for Waiver of Late-Filing Penalty, Cape Elizabeth Republican Committee

Mr. Wayne explained Agenda Items #2 and #3 had a similar theme: the turnover of the party committees' officers and treasurers sometimes presents a problem with regard to filing the reports. Mr. Wayne said when a county or town party committee raises or spends more than \$1,500 in a calendar year, it is required

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to file a campaign finance report. The Cape Elizabeth Republican Committee had reached that threshold in calendar 2007 and filed a report on time in July. It was also required to file a campaign finance report on January 15, 2008, disclosing its contributions and expenditures for the second half of 2007, but the report was filed 16 days late on January 31. The preliminary amount of the late-filing penalty is \$120. The current committee treasurer, William H. Gross III, and the former treasurer requested a waiver of the penalty because he did not understand that the report was due. The Commission's records indicate that a reminder memo was sent to the former treasurer. Mr. Wayne reviewed past practice of the Commission in these instances when there has been a turnover of the treasurer, which resulted in a late-filed report. Mr. Wayne said the staff recommends assessing a penalty of \$120.

Mr. Youngblood asked if the staff's practice of sending a letter ten days prior to the reporting deadline had been done and whether the former treasurer was still an active member of the committee.

Mr. Wayne confirmed a letter had been sent; however, it was sent to the previous treasurer and whether that was forwarded to the current treasurer was in question.

Mr. Marsano asked a procedural question regarding whether Item 2 and Item 3, although similar issues, were being discussed separately.

Mr. Wayne confirmed that Item 3 would be discussed separately.

Mr. William Gross addressed the Commission. He explained that he was responsible for sending in the report. He said that the committee had not been required to file reports before the one filed in July. He said when they went over the \$1,500 they did file, but did not raise funds in the second half of the year so thought they would not need to file. He said the previous treasurer, who is the current secretary, does not remember receiving a letter. He said she brought the matter to his attention when she received a phone call from the Commission staff after the deadline. He said they were unfamiliar with the rules due to the turnover of the officers of the committee during this time. He said their ignorance of the filing requirements was the reason for missing the report, not because they were hiding anything. Mr. Gross likened the filing of the report to a business transaction and said that he did not believe that there was an ethical violation. He said that he thought it would be better practice for the Commission to have multiple

steps in the notification process before assessing a fine, similar to the notices a business would get if it did not pay its invoices on time.

Ms. Thompson asked if the penalty assessed would be paid by the committee. Mr. Gross said he believed the fine would come out of the committee's account.

Mr. Marsano asked whether Mr. Gross would see this matter as similar to the situation in which a bank sent a credit card statement to his wife for which they were both responsible. If Mr. Gross did not pay it and an automatic late fee was charged, it would not be imposed as a matter of attempt to defraud the bank. Mr. Marsano said that he did not think that there was ethical question with regard to this matter. He said the Commission was fulfilling its statutory responsibility to administer the campaign finance laws for the public. He said that the committee received the statutory notices, as required, that a report was due and also received the follow-up mailing. He said that he sympathizes with Mr. Gross' predicament but he did not see a reason to waive the entire amount.

Mr. Friedman said that he also did not see the issue as an ethical violation but as an issue similar to the late fee analogy. The Commission is charged with overseeing the proper reporting of campaign finances by those involved in the political process. The statute gives the Commission deadlines to follow. Those who are involved in the political process are responsible for understanding what the campaign finance laws require of them. He stated that the parties should do better training of the different county, city and town committees. His view is that there is not enough training going on.

Mr. Gross said that the imposition of penalties in situations such as this would have a negative effect on the willingness of individuals to volunteer for party committees. He said that it would be better for the state of Maine if more people were encouraged to participate in the political process. Mr. Gross said that he thought the Commission should try to encourage participation rather than discourage it by imposing fines. He said the logic behind his example of business invoices and statements was strong as was the logic behind Mr. Marsano's analogy to a bank late fee, but the overall negative impact of the automatic penalty on political volunteerism should be taken into consideration in deciding whether to impose a penalty.

Mr. Youngblood said everyone is a procrastinator to some degree. He asked Mr. Gross what, other than a late fee, would be acceptable to encourage people to file on time. He said that if there was no late fee or

penalty, people would never file on time and reports would simply trickle into the Commission all year long.

Mr. Gross said three reminder notices would be helpful and accomplish the same end as the fine.

Mr. Marsano said he agreed with Mr. Gross; however, he believes Mr. Gross is before the wrong body to argue for changes to the law. Rather, he should make these arguments to the Legislature to change the law. Mr. Marsano said that the fee was part of the Commission's administrative cost in overseeing the system and that Mr. Gross' suggestion of sending out three notices would simply increase the delay in filing reports and the administrative costs to ensure that people comply with the law. Mr. Marsano said that while he found Mr. Gross' presentation eloquent and understood Mr. Gross' concerns, he did not think that the entire penalty should be waived.

Ms. Thompson said that the question of whether the disclosure of campaign finances should be mandatory or voluntary has been debated many times over the years at the federal and state level. The public, speaking through the Legislature, has decided that it should be required. The Commission has been assigned the job of overseeing the process of campaign finance disclosure.

Ms. Thompson moved that the Commission accept the staff recommendation and assess a penalty of \$120. Mr. Youngblood seconded the motion.

Mr. Marsano moved to amend the motion to have the fine set at \$100. Mr. Youngblood seconded the amendment to the motion.

Ms. Thompson said she would vote against the amendment. The Commission has heard similar arguments against the imposition of penalties for late-filed reports; arguments based on the miscommunication within the committee. She said the responsibility to inform the town committees lies with the state party committees.

The motion to amend the original motion failed by a vote of 1 to 3 (Mr. Marsano in favor and Ms. Thompson, Mr. Friedman, and Mr. Youngblood opposed).

The original motion to assess the staff recommendation of \$120 passed unanimously.

Agenda Item #3. Request for Waiver of Late-Filing, Cumberland County Republican Committee

Mr. Wayne explained that the committee got a new treasurer, Brian Bicknell, in March 2007. The committee did not go over the \$1,500 threshold in the first half of 2007 but did raise \$3,818 during a fundraiser in August 2007. Because of that, the committee was required to file a campaign finance report on January 15, 2008, disclosing the committee's contributions and expenditures for 2007. The previous leadership of the committee did not inform Mr. Bicknell of the reporting requirement. Mr. Bicknell did contact the staff in March, 2008, to find out what the reporting requirements were and realized that the committee should have filed a report in January but did not. The report was filed on April 8, 2008, after the committee treasurer realized the report was overdue. Mr. Wayne said the maximum late-filing penalty that may be assessed against a county party committee is \$500. He said a notice was sent to previous treasurer and chair of the committee back in February, 2007, which stated the filing schedule for committees that go over the \$1,500 threshold. Mr. Wayne said the committee had been filing their reports regularly since 2002 and clearly had an understanding of the reporting requirements over that period. He said someone should have informed Mr. Bicknell of the requirements. Mr. Bicknell has been very cooperative and has shown good faith in coming forward. Had he not, the Commission would not even know whether the committee was required to file a report. The staff recommended assessing a penalty of \$500.

Mr. Bicknell said that his case is similar to the last item; however he felt it was slightly different because he was not aware of the schedule since the committee's files were in his house when the house caught on fire. He was living in a motel for three months, and all his files were in storage. He was preoccupied with the destruction caused by the fire and this filing responsibility was not on the top of his list of priorities. He said he was not aware of the reporting requirement. When money was raised through the golf tournament, he would have contacted the Commission and filed a report if he had known it was required. He said he kept detailed reports for the committee but was not aware of the requirement to file a report with the Commission. He has not seen the previous treasurer and he checked with the committee's chair who did not know about any filing requirements with the Commission.

Mr. Friedman asked if the committee had filed routinely in previous years. Mr. Bicknell said there was very little money involved prior to his taking over as treasurer and no fundraising took place until last August, so filing was not an issue. He said he knew he had to file with someone when a profit was made

from fundraising, but was not sure who he should file the report with. Since past records were removed from his cellar because of the fire damage, he did not have access to the documentation to which to refer.

Mr. Friedman asked for clarification as to when the fire took place. Mr. Bicknell confirmed the fundraiser golf tournament was in August, and the fire happened in October. He was trying to get his home reconstructed during the fall months. He thought the filing requirement was an annual report.

Ms. Thompson asked for clarification of the timeline. She reviewed the sequence of events: in March, 2007, Mr. Bicknell became the treasurer; the fundraiser was in August, 2007; then the fire happened in October, 2007.

Mr. Bicknell, in closing, said he feels there was no attempt on his part not to follow the laws and rules of the State, it was simply a lack of knowledge of what was required. He said he understands the notification process but feels the fine is excessive because there was no attempt to do anything illegal on the part of his committee. He said unfortunately, he feels personally responsible because it is his responsibility to file reports on time. He said he would pay the fine out of his own pocket and then resign as treasurer because he cannot afford this kind of liability. He further stated that given the circumstances, he feels this penalty is excessive.

Ms. Thompson asked whether the law expected a higher level of compliance from county committees than from town committees and what the rationale was for a \$500 penalty as opposed to a lower penalty.

Mr. Wayne explained that the law did not make a distinction between town and county committees and that the penalty is based on the number of days past the deadline the report is filed and the amount of committee's contributions or expenditure for the reporting period, whichever is greater. He said the report was three months late. Based on the formula in the statute, the amount of the penalty would be much larger than \$500, but the law limits the amount of the penalty to \$500. He said the staff was aware that this is a large penalty and the Commission may feel that it is disproportionate to the level of the offense. He said the Commission could take mitigating circumstances, such as the experience level of the treasurer, into account if it feels that is warranted. He said there was a similar situation involving another committee in Cumberland County for the Democratic Party, which had an inexperienced treasurer. He said the staff at that time recommended a penalty of \$250 for each of the two late-filed reports rather than \$500 for each

report. The Commission at the time decided to assess the full two \$500 penalties in that case, reinforcing the need for committees to file their reports on time; however, this Commission does not have to follow that decision as precedent.

Ms. Thompson asked if there was a process in place for making penalty payments on an extended basis. Mr. Wayne said that the staff does accept partial payments and a payment plan and has done that in the past.

Mr. Youngblood said a lack of knowledge of the statute is not an adequate reason for changing the penalty; however, mitigating circumstances are a reason for penalty reduction. He asked if the other party committee that was fined had any mitigating circumstances or was it just the lack of knowledge passed on.

Mr. Wayne said it was more a lack of experience.

Mr. Marsano said that he thought that Mr. Bicknell's presentation up to his final comments was excellent and hoped that those comments do not reflect his reaction to the Commission. He thinks that the substantial fact in this case is the fire. He said that there should be a substantial mitigation of the penalty based solely on the fire and nothing else. He said that given all the evidence that he heard, there is a good probability that Mr. Bicknell would have properly filed the report but for the fire.

Mr. Marsano moved to assess a penalty of \$100. Mr. Youngblood seconded the motion.

Mr. Friedman said he had concerns about a reduction of that magnitude. He said a fire is a significant event; however, in this case, there were two months between the fundraising event in August and the fire in October. Mr. Bicknell stated that he knew, at the time of the fundraiser, there would be some type of filing required. The fire happened in October, two months away from making the filing on time. Mr. Friedman said he felt there would be return to normalcy after the fire and that 83 days late by a county committee seems too much. He is not opposed to a reduction, but \$400 is too large.

Mr. Marsano's motion to reduce the penalty to \$100 failed on a vote of two in favor (Mr. Marsano and Mr. Youngblood) and two opposed (Ms. Thompson and Mr. Friedman).

Ms. Thompson moved to assess a penalty of \$400. Mr. Friedman seconded the motion.

Mr. Youngblood said he would oppose this motion because the strong mitigating circumstances in this case warrant more than a \$100 reduction. He said that the period of time that the report was late is a long time; however, there must be some amount between \$100 and \$400 that would be fair.

Ms. Thompson's motion to assess a penalty of \$400 failed by a vote of two in favor (Ms. Thompson and Mr. Friedman) to two opposed (Mr. Marsano and Mr. Youngblood).

Mr. Friedman moved to reduce the penalty from \$500 to \$200. Ms. Thompson seconded the motion.

The motion passed unanimously (4-0).

Agenda Item #4. Request for Waiver of Late-Filing Penalty, Lobbyist Juliana L'Heureux

Mr. Wayne stated that Juliana L'Heureux was hired as the Executive Director of the Maine Association of Mental Health Providers on March 10, 2008, and registered as a lobbyist for the association on March 19. He explained since she has not worked previously as a lobbyist, she did not realize that she was required to file a report on April 15, 2008, covering her lobbying activity during the month of March. The report was filed three days late on April 18. The preliminary penalty amount is \$100. Ms. L'Heureux requests a waiver because as a new lobbyist she misunderstood the requirements. The staff recommends assessing a reduced penalty of \$50.

Ms. L'Heureux said she was new in this position and did not take over from a previous executive director. The organization had been without an administrator for a long time. She registered with the Commission because she wanted to be compliant but she did not realize that she was required to file a report when no lobbying activity had taken place in a month. She knew that her lobbying activity would start in April. When she received a penalty letter, she immediately took action and filed the March and April reports. She stated her appreciation for being allowed to be heard so quickly and for the recommendation to reduce the penalty amount.

Mr. Friedman asked if the Commission had sent her a package of information when she registered as a lobbyist. Ms. L'Heureux said nothing had been sent to her.

Mr. Wayne said that prior to Jeremy Brown's arrival, packages had not been sent out. He said that the previous lobbyist registrar had a standard presentation that she would give to new lobbyists in person or over the phone. The staff is looking at new procedures for the upcoming session in the fall.

Ms. Thompson asked whether the past practice of notification of the reporting requirements for lobbyists when they registered was inadequate.

Mr. Wayne said the lobbyist registrar position has been vacant for six months and other staff members have been trying to fill in while the hiring process took place; therefore, new registrations have not been followed up with on a regular basis.

Ms. L'Heureux stated that she did not receive any information and did not get the password information needed to file.

Mr. Wayne said the staff would support a full reduction in the penalty in this case. He said most lobbyists who register understand there is a monthly reporting requirement and they do come forward and ask the Commission for more information.

Ms. Thompson said she did not recall this type of situation arising before. She asked what the procedure is to inform lobbyists of their requirements under the statute.

Mr. Wayne said most lobbyists do lobbying for a living and therefore know what the requirements are. He said in this case, the lobbyist is brand new and has not lobbied before and should, therefore, receive a copy of the guidebook which explains reporting requirements. He said there is also the Commission's website the lobbyists can go to for information explaining reporting obligations and responsibilities. He said, also, the lobbyist can call the Commission. Mr. Wayne explained the steps a lobbyist has to take to register with the Commission and then the lobbyist has to file monthly reports until the end of the session.

Ms. Thompson asked if the registration form lists what other requirements are required after registration.

Mr. Wayne said that information could be added to the form. In the past, the staff has relied on face to face communication with the lobbyists.

Ms. Thompson asked Ms. L'Heureux if she knew about the requirements to file reports with the Commission.

Ms. L'Heureux said she understood there was a monthly filing requirement, but had not received any instructions about filing those reports. She heard by word of mouth about these requirements and she understood it was based on lobbying activity. She did not lobby in March and believed she did not need to file a report for that month. She also said she did not have a predecessor from whom to get accurate filing information. She firmly stated that she would not be late again now that she has a clearer picture of what the requirements are.

Mr. Friedman said when he first came on the Commission, he was sent copies of the pamphlets that the Commission staff had created and he also knew that the previous lobbyist registrar had done a good job in alerting new lobbyists about their responsibilities. He said due to the turnover of the registrar position, he believes a reduction in the penalty would be in order.

Mr. Marsano said he reviewed the lobbyist disclosure statute. He thought that there is a significant difference between Ms. L'Heureux and the prior speakers. He does not disagree with a minimal assessment; however, he feels that, given the information in the statute and leaving aside some minimal failures by the Commission, some sort of penalty is in order. He said that he would be opposed to a complete waiver of the penalty.

Ms. Thompson asked why the required amount of \$100 was reduced to \$50.

Mr. Wayne said the staff feels it is important to send a message to lobbyists that they are required to understand the statutes. However, since this case also coincides with the new registrar's first week, he said Ms. L'Heureux did not get the guidance she should have received when she registered as a new lobbyist so the staff felt that she should have a reduced penalty.

Ms. Thompson moved to assess the preliminary penalty amount of \$100. Mr. Marsano seconded the motion.

The motion failed (2-2).

Mr. Youngblood moved to assess the staff recommendation of \$50 penalty. Mr. Marsano seconded the motion. The motion passed unanimously (4-0).

Agenda Item #5. Referral of Civil Penalty to State Attorney General, Alvin Schulman

Mr. Wayne said Mr. Schulman was not present and would not be commenting on this matter. He explained that Alvin Schulman was a candidate for the Portland City Council in 2005. When Mr. Schulman did not file his post-election campaign finance report with the City Clerk of Portland, she referred the matter to the Ethics Commission. Mr. Schulman eventually filed the report about three months late. At its meeting on April 2006, the Commission assessed a \$100 civil penalty for the late filing of the report. After many unsuccessful attempts to get Mr. Schulman to pay the fine, in 2007, the Commission staff told Mr. Schulman that it would be referring this case to the Attorney General's office. Mr. Schulman, who said that he was on public assistance, has repeatedly promised payment after he finds employment, but he has not made any payments to-date. The Commission staff took him at his word and gave him some time to pay the penalty. After several attempts by the staff to get him to pay, he has made no attempt to make a payment. The staff recommends that the Commission refer this matter to the Attorney General for collection, which is the formal procedure followed in the past. Another option would be to waive the penalty in light of Mr. Schulman's circumstances.

Mr. Marsano asked whether the staff was satisfied with Mr. Schulman's statement about his impecunious circumstances. He said if Mr. Schulman was running as an impecunious candidate, taking no action may be more economically efficient than having the Attorney General's office go forward with this matter. He said it will cost more than \$100 to refer this case to the Attorney General, and in the interest of economy, another alternative may be appropriate.

Ms. Thompson asked if Portland city officials are allowed to mitigate this penalty rather than the Commission deciding this matter.

Mr. Wayne said it is solely within the Commission's jurisdiction.

Mr. Friedman said there will always be someone who has an excuse for not paying a penalty. He said the Commission must enforce the rules and, in this case, a fine is appropriate. If the Attorney General decides it is not worthy of pursuit, at least the Commission has done its job in enforcing the rules. The Commission should not let this matter rest at this level; he believes the Attorney General's office should use their resources to determine whether it is worthy of pursuit.

Ms. Gardiner said she does not recall a case where the failure to pay a penalty was based on the claim of being unemployed and not having any money. In most cases, there is some willful resistance to paying the penalty and that is what leads to the referral. Ms. Gardiner said that she did not know of a referral of a case where the penalty was as low as \$100. The Commission needs to decide whether to have the staff do further investigation, waive the penalty, or refer it to the Attorney General.

Mr. Marsano said that in the judicial system, there was the concept of actions which were de minimis and that this case seems to approach that level. The matter involves a municipal election. The candidate alleges that he has no money, no job, and no place to live. He said that he can understand that a candidate in those circumstances may want to run for office in order to deal with public housing issues and other matters. If they do not get elected, the idea that they could get punished for not following certain procedures, may be appropriate, but at some juncture it becomes de minimis. He would like to see the matter terminated in a respectful manner. He said he would be willing to make a motion on the basis that the matter is de minimis if that would be in order. He said he believes that if the matter is referred to the Attorney General, that office will most likely come to the same conclusion but at that point, it will have cost the state more money.

Ms. Thompson moved to refer the matter to the Attorney General for collection. Mr. Friedman seconded the motion.

The motion passed unanimously (4-0).

Agenda Item #6. Assessment of Civil Penalties, David Hughes

Mr. Wayne explained that David Hughes was a 2007 special election candidate for House District 72 (a part of Lewiston) after the incumbent resigned. He received \$4,287 in MCEA funds for his campaign. He was required to file a post-election campaign finance report and to return unspent campaign funds of \$509.17 by December 18, 2007. He did neither. Mr. Wayne explained that several attempts were made by staff to contact Mr. Hughes. After receiving no response from Mr. Hughes, Mr. Wayne put the matter on the Commission's agenda for its January, 2008, meeting. The day before the January meeting, Mr. Hughes filed the report and returned the money. Mr. Hughes appeared before the Commission at the January meeting. Nevertheless, due to the lateness of the report and the return of the funds, the staff was concerned that Mr. Hughes may have misused the funds. He said an audit was done of Mr. Hughes' campaign and all seemed to be in order, except for one reporting mistake. Mr. Wayne further explained that a reporting error in Mr. Hughes' pre-election report resulted in an overpayment of \$200 and the staff recommended a penalty of \$50. He said that staff also recommended a penalty of \$200 for violating the MCEA by not returning unspent funds on time and an additional \$200 for being a month late in filing the campaign finance report, for a total penalty of \$450. Mr. Wayne said that Mr. Hughes experienced a personal tragedy at the time the report was due and this was taken into consideration when establishing his penalty amount.

Mr. Hughes stated that candidates have an obligation to maintain the public trust in the clean elections system. He said he did not do that and agrees that he should be penalized for that. He said he should have filed the report and returned the funds on time but did not because of what was going on in his life. However, he said that he is not appearing before the Commission to excuse his behavior or to avoid the penalty. He said the reporting error was an honest error because he did not understand how to report the obligation. He said he is not before the Commission to excuse himself. Rather, he is here to give any information and answer any questions the Commission may have.

Mr. Friedman said it was comforting to hear from someone who supports the process. He said the process is complicated but it must be followed and thanked Mr. Hughes for his candor.

Mr. Marsano moved to adopt the recommendation of the staff and assess a penalty of \$450. The motion was seconded by Ms. Thompson.

The motion passed unanimously (4-0).

Agenda Item #7. Policy on Paying Campaign Funds to Family Members

Mr. Wayne explained the background of this issue. In the 2008 session, the Maine Legislature enacted two laws (Public Laws 2007, Chapters 567 and 571) relating to candidates who pay campaign funds to members of the candidate's family or household. The laws create the requirement that all candidates disclose on their campaign finance reports the payment they make to household members and, in the case of MCEA candidates, to family members. Chapter 571 imposes restrictions on when Maine Clean Election Act candidates can pay the candidate, the candidate's household members, or a business, non-profit, or corporation in which the candidate or a member of the candidate's household has a significant interest. The Commission is required to establish procedures for the candidate to submit evidence proving the expenditure is permissible. Mr. Wayne explained the staff's proposed policy and advice.

Mr. Marsano said the policy would need to be publicized quickly since the effective date of the statute is July 18. He said the timing is critical. He said the reasonable deadline would be May and the absolute deadline would be June.

Anne Luther, co-chair of Maine Citizens for Clean Elections, said that she had been following the bill through the Legislature. She said that there was widespread sentiment in the Legislature for an outright ban on the payment of public campaign funds to family members. She said that, in her group's view, this law represents a broad ban with a narrow exception. The exception is that if a family member provides the services in the normal course of their business – meaning that they have other customers to whom they are providing these services and who are being billed – and they are providing those services to the candidate at the same price they charge other customers, then the use of public campaign funds to pay that family member will be acceptable. She said this should be a very clear test. She also said provisional approval and the process for payments under \$250 in the proposed policy may cause problems for the candidates and administrative problems for the Commission. She said that her group is definitely opposed to allowing payments to family members who “recently” provided the services as a part of their employment or business but who are no longer doing so. She said that she understands that the meaning of “normal course of business” is that the person has to have customers on the books and to be able to show current billings to other customers. She also said that if the test was so clear regarding the requirements for a permissible payment to a household or family member, it might even be possible to allow candidates to submit the evidence with their regularly filed campaign finance reports rather than requiring candidates to seek

approval before they engage the services of the household or family member, which could be very burdensome on the candidates.

Mr. Marsano said he is opposed to the provision in the guidance regarding expenditures of \$250 or under because he did not see any basis for that in the statute. He asked Ms. Luther for her views on that part of the proposed guidance.

Ms. Luther said that she thought the function of that provision was not to indicate that amounts over \$250 were not acceptable and amounts below \$250 were acceptable. Rather, she thought it was intended to create a process for when candidates would have to get advance approval. She said that an amendment to the bill that would have allowed payments under \$250 to family members did not even make it out of the committee. She said a process that allowed for provisional approval is very problematical.

Discussion took place about statutory construction and how to interpret the three-pronged test in 21-A M.R.S.A. § 1125(6-B).

Ms. Thompson said that, in considering proposed guidance, the Commission should develop guidance and procedures that ensures the public trust in the Clean Election funds.

Ms. Gardiner asked Ms. Luther whether she thought that a family member who did not meet the criteria because they were no longer providing services as a part of their employment or business could still volunteer services without making an in-kind contribution. Ms. Luther said the current law would most certainly support a volunteer status no matter who it is.

Mr. Marsano proposed language for the guidance policy stating that any provisional approval shall be submitted to the Commission at its next regular meeting. A candidate may rely on staff provisional approval but at his or her own risk.

Ms. Luther expressed concern that if a payment is made based on the staff's provisional approval but the Commission disagrees with the staff, it creates a situation where it is unclear what the candidate has to do regarding the payment that has been made. How would the money be retrieved from the candidate if it was later determined not to meet the criteria?

Mr. Marsano suggested a further provision that any contract for services with a business must contain a condition regarding Commission approval and repayment if approval is not granted.

Mr. Friedman agreed that the \$250 minimum should not be included. He also is reluctant to endorse provisional approval since it leads to further confusion and possible litigation later on. He gave an example of provisional approvals by the Workers Compensation Board with regard to hiring independent contractors. He does not believe this process of provisional approval works. Mr. Friedman said that he thought it was important to hear from the public regarding this issue by the meeting in June.

Mr. Marsano said the directive from the Legislature needs to be addressed and Ms. Luther's input is very valuable in understanding and clarifying the statute.

Mr. Wayne asked if the opportunity to comment should come to the staff or directly to the Commission members.

Mr. Friedman said the comments should come to the staff directly in order to distill the information and provide an overall assessment.

Mr. Marsano said he would want to get the comments from the public quickly, not next month, in order to have the benefit of the comments while considering these issues prior to the meeting.

Mr. Friedman asked Mr. Wayne how the staff usually solicits comment. Mr. Wayne said he would send requests for comments to leadership and leadership staff, political parties, good government groups, and occasionally to all candidates or members of the Legislature.

Mr. Friedman would support that list, except for members of the Legislature who have already had their opportunity for comment.

Ms. Thompson said there is no written record of what the LVA Committee deliberations were; but there is a written record of the House and Senate sessions which would be helpful to have in the decision making process. However, it was not known if there was any floor debate.

Mr. Wayne asked if the provisional approval and the \$250 threshold should be taken out of the proposed guidance given the discussion among the Commission members.

Mr. Marsano said he would like to see the Commission vote on taking those elements out of the proposed guidance so that there is a public record that the Commission voted to amend the proposed policy to exclude those two items.

Mr. Marsano moved to have the Commission vote to exclude the minimum threshold amount and preliminary approval by the staff. Mr. Youngblood seconded the motion.

The motion passed unanimously (4-0).

Mr. Youngblood asked about penalty wording in the statute. Mr. Wayne said no penalty amounts were specified.

Ms. Gardiner said this is an amendment to the Clean Election Act, which has general penalty provisions in the amount of up to \$10,000 per violation.

Mr. Wayne asked if the Commission wished to include a potential penalty provision as part of the policy statement.

Mr. Youngblood said, at some point, thought will need to be given to a penalty figure.

Discussion took place regarding the applicability of the general penalty for violations of the Act and the remedy of returning funds for payments that were found to be improperly made because they did not meet the statutory criteria. Mr. Wayne said if the staff finds that the penalty is not clear, the policy can be revisited in the fall along with statutory changes.

Mr. Friedman said he would be reluctant to accept any form of pre-approval. He said any controversy arising out of this new law should be ripe when it comes before the Commission, and that is when the

approval should take place. He thought that it would put the staff in an untenable position to be providing pre-approval that would not be binding and final.

Mr. Wayne said that he would rewrite the proposed policy and send it out for comment and keep the Commission members apprised in a timely fashion.

Mr. Marsano asked whether Mr. Wayne would also send the rewritten policy to the Commission members. Mr. Marsano also raised the issue of whether the Commission members could send comments to Mr. Wayne and send copies of their comments to other Commission members.

Ms. Gardiner said that they could send comments to the staff and to other Commission members. The caveat that she gave was that the e-mail communications should not turn into a conversation among the members outside of public view.

Mr. Friedman said that he had reservations about getting the comments from other Commission members outside of a meeting.

Ms. Gardiner said that the members could comment individually to the staff and Mr. Wayne could compile the comments and distribute them at the same time to all Commissioners.

Ms. Thompson said that the Commission members needed to have discussions on issues, not only those filtered through the staff. She wondered whether there were any options, other than more meetings, to do that.

Ms. Gardiner did not think that it would be improper for the Commission members to merely send courtesy copies of the comments they send to Mr. Wayne to the other Commission members. It is when those e-mail exchanges develop into a back-and-forth discussion of an issue among Commission members that it becomes a meeting outside of the public's view.

Mr. Friedman said that the Commission could hold a workshop open to the public outside of its formal meeting.

Discussion also took place regarding the attendance and quorum requirements for a workshop.

Mr. Friedman stated that a workshop could take place after the comments come in, if necessary.

Executive Session

A motion was made by Mr. Marsano to go into executive session in accordance with Section 405, subsection 6(E) of Title 1 for the purpose of discussing pending litigation with the Commission's counsel. The motion was seconded by Mr. Youngblood. The motion passed (4-0).

Mr. Youngblood moved that the Commission come out of executive session. Mr. Marsano seconded the motion. The motion passed (4-0).

Other Business

Mr. Wayne explained that he was required to have a performance review by the Commission members on a yearly basis. He said he would send a standard evaluation form to the Chair, who would then share it with other members.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jonathan Wayne, Executive Director

Agenda

Item #2

RECEIVED

Jed Rathband
P.O. Box 17851
Portland, Maine, 04112

MAY 15 2008

May 15, 2008

MAINE ETHICS COMMISSION

To Whom It May Concern:

I am writing to appeal the fine I received for a late March filing. First, I apologize. I take very seriously the work the Ethics Department does on behalf of the State. The importance of transparency in government cannot be underestimated. My failure to file before the required deadline is by no means a reflection of the importance I place upon these requirements and my responsibility to abide by the rules.

However, I feel I have a valid reason for this oversight and am therefore requesting an appeal of the fine. I first learned I was late via email while in the midst of a ten-day stint in New Orleans where I had been volunteering with an agency involved with the hurricane relief effort. I immediately called the Ethics Department and notified them of my situation. I asked for, and was granted, an extension and I assured them that I would file my report immediately upon my return.

The legislation for which I was hired to work on was a carryover item (LD 564) from the first half of the last session. The bill was created in the Agriculture, Conservation and Forestry committee but was being held up in the senate while waiting to be referred back to the ACF committee. I was hired in late March and asked to lobby on behalf of the bill once it got back to committee and onto the floor. I registered immediately with the ethics department but didn't actually begin working on the bill until early April, and only then on a limited basis because the bill was never referred out of the senate before the legislature adjourned for the year. Admittedly, in the midst of readying for my trip and closing out the session I lost track of when the lobbying period began for this job.

In error, I left for New Orleans forgetting I had registered in late March. My departure from Maine to New Orleans kept me out of regular contact with email and I neglected to receive the notices from the Ethics Department until it was too late. Notices, which I realize, are not required by the department but are merely a voluntary convenience by the officers when time permits, and nothing I should come to expect.

I have been a registered lobbyist since 2005, and on only one other occasion did I neglect to file for which a fine was paid. By no means is this a regular occurrence. I take very seriously my responsibility to abide by your rules. Filing is not a monthly nuisance, but rather an exercise in individual responsibility toward a clean and open legislative process. While I'm honored to do my part in protecting this process, I hope you will grant me an appeal on this occasion.

Thank you for your time,

Jed Rathband

Mail, F...
Certified Mail, F...
ONLY be combined with First-Class Mail® or Priority Mail®
A record of delivery kept by the Postal Service for two years
A unique identifier for your mailpiece



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

April 16, 2008

Mr. Jed D. Rathband
Lobbyist
Maine Association of Agricultural Composters
P.O. Box 17851
Portland, ME 04112

Re: Monthly Lobbyist Disclosure Late Filing

Dear Mr. Rathband:

Our records show that your March monthly lobbyist disclosure report has not been filed to date. All lobbyists registered with the Commission are required to electronically file their monthly reports no later than 5:00 p.m. on the 15th of every month, or the next business day should the 15th fall on a weekend or holiday. Penalties are assessed for all reports not received by the deadline and every month thereafter that the report remains delinquent.

Pursuant to 3 M.R.S.A. § 319(1), the Commission has assessed a preliminary penalty of **\$100** for the late filing of this report. Please note that failure to pay this penalty or to file your delinquent report could result in suspension from further lobbying until the failure has been corrected.

If you believe you have a valid reason for filing late, you may request that the Commission make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receiving this notice, beginning the day you sign for receipt. Upon receipt of your request for a Commission determination, we will schedule you to appear before the Commission at the next regularly scheduled meeting. You may appear before the Commission personally, designate a representative to appear on your behalf, or submit a written statement in which you provide an explanation of the mitigating circumstances you wish the Commission to take into consideration. The Commission will notify you of the disposition of your case shortly after its determination.

Please direct any questions you may have about this matter to me at 287-6221.

Sincerely,

Jeremy J. Brown
PAC, Party & Lobbyist Registrar

Enclosure (1)

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775



Menu Home Help Logout Change Password Popup Help

Multiple Reports for Jed D Rathband

Please select a report first... Monthly Report - Long Form

Report Description	Report Status	Report Date		
March -- 2008	Filed	4-23-2008	Delete	Print

Search Add 7 Top Page Up Page On End Report Menu

Instructions to:

Create new monthly report - click the Add button

****See Help Menu for Instructions****

Agenda

Item #3

RECEIVED

April 18, 2008

APR 18 2008

Karen Brown-Mohr
57 Coyle Street
Portland, ME 04101

MAINE ETHICS COMMISSION

Commission on Governmental Ethics and Elections Practices
135 State House
Augusta, ME 04330

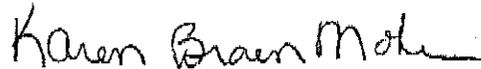
Dear Jeremy

I called you this morning to discuss the fact that I had not filed my March Lobbyist report for my client Manufactured Housing Association of Maine.

For the past few weeks my focus has been on a family matter and I failed to file my report on time. My father-in-law was diagnosed with pancreatic cancer and given a few weeks to live. He lives in Kingston, Ontario - 450 miles away. I have been traveling back and forth and dealing with related issues that consumed my time.

I apologize for the late filing

Please contact me if you have any questions.



Karen Brown-Mohr
207-233-2577



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

April 16, 2008

Ms. Karen Brown-Mohr
Manufactured Housing Association of Maine
57 Coyle Street
Portland, ME 04101

Re: Monthly Lobbyist Disclosure Late Filing

Dear Ms. Brown-Mohr:

Our records show that your March monthly lobbyist disclosure report has not been filed to date. All lobbyists registered with the Commission are required to electronically file their monthly reports no later than 5:00 p.m. on the 15th of every month, or the next business day should the 15th fall on a weekend or holiday. Penalties are assessed for all reports not received by the deadline and every month thereafter that the report remains delinquent.

Pursuant to 3 M.R.S.A. § 319(1), the Commission has assessed a preliminary penalty of **\$100** for the late filing of this report. Please note that failure to pay this penalty or to file your delinquent report could result in suspension from further lobbying until the failure has been corrected.

If you believe you have a valid reason for filing late, you may request that the Commission make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receiving this notice, beginning the day you sign for receipt. Upon receipt of your request for a Commission determination, we will schedule you to appear before the Commission at the next regularly scheduled meeting. You may appear before the Commission personally, designate a representative to appear on your behalf, or submit a written statement in which you provide an explanation of the mitigating circumstances you wish the Commission to take into consideration. The Commission will notify you of the disposition of your case shortly after its determination.

Please direct any questions you may have about this matter to me at 287-6221.

Sincerely,

COPY

Jeremy J. Brown
PAC, Party & Lobbyist Registrar

Enclosure (1)



- [Menu](#)
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- [Change Password](#)
- [✓ Popup Help](#)

Multiple Reports for Mrs. Karen Brown-Mohr

Please select a report first...

Monthly Report - Long Form

Report Description	Report Status	Report Date		
February -- 2008	Filed	3-4-2008	Delete	Print
March -- 2008	Filed	4-18-2008	Delete	Print

- [Search](#)
- [Add](#)
- [Top](#)
- [Page Up](#)
- [Page Dn](#)
- [End](#)
- [Report Menu](#)

Instructions to:

Create new monthly report - click the Add button

****See Help Menu for Instructions****

Agenda

Item #4



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

To: Commission Members
From: Jonathan Wayne, Executive Director
Date: May 22, 2008
Re: Unregistered Candidates

Candidates for the Maine Legislature or for county office who are enrolled in a political party are required to qualify for the ballot no later than March 15th of the election year by collecting a minimum number of signatures of registered voters on nominating petitions and submitting the petitions to the Secretary of State. The candidates are also required to appoint a campaign treasurer and to register with the Ethics Commission. In the registration form established by the Commission (attached), the candidates disclose their campaign treasurer, deputy treasurer (if any), contact information, and the name of any committee authorized by the candidate (including officers). To date, 486 legislative and county candidates have registered with the Commission for the 2008 elections by filing this form.

The specific registration requirement under 21-A M.R.S.A. § 1013-A(1)(A) is that a candidate for state or county office shall appoint a treasurer “[n]o later than 10 days after becoming a candidate” Within 10 days of appointing a treasurer, the candidate is required to register with the Ethics Commission.

In recent election years, the Commission staff has encountered dozens of candidates who have qualified for the ballot in March of the election year, but who have neglected to register with the Commission. The staff has tried various means to contact these candidates.

In 2008, the Commission staff has sent four mailings to unregistered candidates urging them to register:

- On March 28, the Commission staff mailed a large yellow postcard to all unregistered candidates.
- On May 1, the staff mailed a form memo to unregistered candidates.
- On May 13, the staff mailed personalized letters to all unregistered candidates. The letter alerted the candidates that they could be assessed a forfeiture (civil penalty) of \$10 if they did not register.
- Today, the Commission mailed a letter to the four remaining unregistered candidates notifying them that the Commission staff intended to recommend a \$10 forfeiture at the Commission’s May 30 meeting.

In spite of these communications, four candidates have not registered:

<i>Candidate</i>	<i>Town</i>	<i>Office</i>	<i>Date Qualified for Ballot</i>
George M. Jabar, II	Waterville	County Commissioner	3/13/08
Joan M. Boucher	Westbrook	Maine House of Representatives	3/14/08
Mitchell S. Snowman	Skowhegan	Maine House of Representatives	3/17/08
Frank L. Stanley	Tremont	Maine House of Representatives	3/17/08

The Commission staff also hoped to telephone all four candidates. I have personally spoken with Mitchell Snowman about the registration requirement. Candidate Registrar Sharon Timberlake spoke with a member of George Jabar's household, and asked that he return her call. We could not find telephone numbers for Frank Stanley and Joan Boucher.

The Commission is authorized by 21-A M.R.S.A. § 1020-A(1) to assess a forfeiture of \$10 for any candidate who does not register. Although the Commission staff does not favor the assessment of small penalties, we warned the unregistered candidates of the possible assessment of a \$10 civil forfeiture in order to get their attention and to persuade them to register. We remain hopeful that the candidates may register before the May 30 meeting. If not, the staff proposes that the Commission consider whether to assess a \$10 forfeiture against those candidates who remain unregistered at the May 30 meeting.

Thank you for your consideration of this issue.



2008 REGISTRATION: LEGISLATIVE AND COUNTY CANDIDATES

Notice: Changes to registration information must be filed within 10 days of the change on this form, in writing, or by e-mail to the Commission.

Is this an amendment? Yes No

1. CANDIDATE INFORMATION		
Are you running as a (check one): <input type="checkbox"/> Maine Clean Election Act candidate <input type="checkbox"/> privately financed candidate		
Title <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Mr. <input type="checkbox"/> Dr. <input type="checkbox"/> Honorable	Party affiliation	Office sought
Name		District or County
Mailing address		Phone (home)
City, zip code		Phone (work)
E-mail	Fax	Phone (mobile)

2. TREASURER INFORMATION		
Name		Phone (home)
Mailing address		Phone (work)
City, zip code	E-mail	Fax

DESIGNATION OF TREASURER: A candidate for state office must appoint a treasurer no later than 10 days after becoming a candidate, and before accepting contributions, making expenditures or incurring obligations. THE CANDIDATE MAY SERVE AS TREASURER. No later than 10 days after appointing the treasurer, the candidate must register with the Commission the name and address of the candidate and treasurer. The treasurer is responsible for maintaining campaign records and filing reports. (21-A MRSA §§ 1013-A and 1125(12-A))

3. DEPUTY TREASURER INFORMATION	
Name	Phone (home)
Mailing address	Phone (work)
City, zip code	E-mail

DESIGNATION OF DEPUTY TREASURER (optional): The candidate may appoint a deputy treasurer, who must be reported to the Commission no later than 10 days after the appointment. The deputy, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. (21-A MRSA § 1013-A (1)(A)(1))

4. POLITICAL COMMITTEE INFORMATION	
Name	Phone
Address of campaign headquarters	City, zip code

DESIGNATION OF POLITICAL COMMITTEE (optional): A candidate may authorize one political committee to promote the candidate's election. The candidate must appoint a committee treasurer no later than 10 days after appointing the committee, and before accepting contributions, making expenditures or incurring obligations. No later than 10 days after appointing a political committee, the candidate must register the name of the committee, the committee treasurer and officers. (21-A MRSA § 1013-A (1) (B))

Committee Officers (use additional pages, if necessary):

Name	Title	Phone
Mailing address	City, zip code	E-mail

Name	Title	Phone
Mailing address	City, zip code	E-mail

5. CERTIFICATION (Must be signed even if exemption below is claimed)	
I, _____, certify that the information in this registration is true, <small>(Print Candidate's Full Name)</small>	
accurate and complete.	
Signature of Candidate _____	Date _____

6. EXEMPTION FROM REPORTING REQUIREMENTS	
<p>A reporting exemption relieves the candidate of the obligation to appoint a treasurer and file campaign finance reports. To obtain an exemption, the candidate must notify the Commission in a sworn and notarized statement that he/she will not accept contributions (including in-kind), make expenditures or incur financial obligations associated with the candidate's candidacy. PLEASE NOTE: personal funds of the candidate used for campaign purposes are considered campaign contributions/expenditures under Maine law. Hence, a candidate who uses such funds to support his/her candidacy is not eligible for a reporting exemption.</p> <p>NOTICE OF ELIGIBILITY FOR A REPORTING EXEMPTION: I, the undersigned, swear or affirm that I will not accept contributions, make expenditures or incur obligations associated with my candidacy.</p>	
Signature of candidate _____	Date _____
Subscribed and sworn (affirmed) to before me this _____ day of _____, 20____.	
Signature _____	Notary Public/Attorney-at-law _____
Seal (optional)	My commission expires (date) _____
<p>REVOCATION NOTICE: The foregoing statement may be revoked. Prior to revocation, the candidate must appoint a treasurer. A revocation notice must be in the form of an amended registration which must be filed with the Commission no later than 10 days after the date the treasurer is appointed. The notice must be filed before contributions are accepted or expenditures made. A late revocation notice is subject to the same penalties applicable to late campaign finance reports.</p>	

Sworn Falsification is a Class D crime. (17-A MRSA § 453)

MAINE REVISED STATUTES
21-A §1013-A. Registration

21-A §1013-A. Registration

1. Candidates, their treasurers and political committees. A candidate shall register the candidate's name and the name of a treasurer with the commission at least once in each legislative biennium, as provided in this section. A candidate may have only one treasurer, who must be appointed pursuant to paragraph A or B. For purposes of this section, "legislative biennium" means the term of office a person is elected to serve in the Legislature.

A. No later than 10 days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office or a candidate for municipal office who has not filed a written notice in accordance with section 1011, subsection 2, paragraph A shall appoint a treasurer. The candidate may serve as treasurer. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. When a treasurer dies or resigns, the deputy treasurer may not assume the position of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than 10 days after the deputy treasurer has been appointed. [1995, c. 2, §35 (COR).]

B. A candidate may authorize one political committee to promote the candidate's election. No later than 10 days after appointing a political committee and before accepting contributions, making expenditures or incurring obligations, a candidate for state, county or municipal office shall appoint a treasurer of the political committee. The treasurer of the political committee is responsible for filing campaign finance reports under this chapter. No later than 10 days after appointing a political committee, the candidate shall register with the commission the following information regarding the political committee:

- (1) The name of the committee;
- (2) The name and address of the committee's treasurer;
- (3) The name of the candidate who authorized the committee; and
- (4) The names and addresses of the committee's officers. [1995, c. 483, §4 (AMD).]

C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate shall file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9. A candidate who has filed a declaration of intent to become certified as a candidate under the Maine Clean Election Act is not required to file the written statement required by this paragraph.

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015,

subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8. [2007, c. 443, Pt. A, §7 (AMD).]

[2007, c. 443, Pt. A, §7 (AMD) .]

2. Authorized political committees.

[1991, c. 839, §34 (AFF); 1991, c. 839, §5 (RP) .]

3. Party committees. The state, district and county committees of parties shall submit to the commission the names and addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 days after the appointment, election or hiring of these persons. Municipal committees must file copies of the same information with the commission and the municipal clerk. District, county and municipal committees that provide their state party committees with the information required by this subsection to be submitted to the commission have met that requirement. No later than the 2nd Monday in April of each year in which a general election is scheduled, the state committee of a party shall submit a consolidated report, including the information required under this subsection, for the district, county and municipal committees of that party.

[1995, c. 483, §5 (AMD) .]

4. Reporting by registered treasurers. Any contribution accepted and any expenditure made or authorized by or on behalf of a candidate registered under this section or qualified under sections 335 and 336 or sections 354 and 355 must be recorded and reported as provided in sections 1016 and 1017.

[1991, c. 839, §6 (AMD); 1991, c. 839, §34 (AFF) .]

5. Changes in registration information. Every change in information required by this section to be reported to the commission shall be reported within 10 days of the date of the change.

[1989, c. 504, §§4, 31 (NEW) .]

SECTION HISTORY

1989, c. 504, §§4,31 (NEW). 1989, c. 833, §1 (AMD). 1991, c. 839, §§4-6 (AMD). 1991, c. 839, §34 (AFF). 1995, c. 384, §1 (AMD). 1995, c. 483, §§4,5 (AMD). RR 1995, c. 2, §35 (COR). 1999, c. 729, §1 (AMD). 2007, c. 443, Pt. A, §7 (AMD).

MAINE REVISED STATUTES
21-A §1020-A. Failure to file on time

21-A §1020-A. Failure to file on time

* **1. Registration.** A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

[1995, c. 483, §15 (NEW) .]

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 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or 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 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, §5 (AMD).]

B. An error by the commission staff; [1999, c. 729, §5 (AMD).]

C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (AMD).]

D. 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. [1999, c. 729, §5 (NEW).]

[2007, c. 443, Pt. A, §21 (AMD) .]

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

[1995, c. 625, Pt. B, §5 (AMD) .]

4. Basis for penalties.



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

May 22, 2008

Mr. George Jabar, II
6 Park Place
Waterville, ME 04901

RE: Notice of Recommended Forfeiture

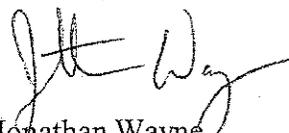
Dear Mr. Jabar:

The Maine Ethics Commission has written you three times (March 28, May 1, and May 13, 2008) about the legal requirement to register as a candidate for the Kennebec County Commissioner. (21-A M.R.S.A. § 1013-A) The Commission staff has not yet received your registration.

This is to inform you that at the May 30, 2008 meeting of the Ethics Commission, the staff of the Commission will recommend that the Commission assess a civil forfeiture against you in the amount of \$10 pursuant to 21-A M.R.S.A. § 1020-A(1). **To avoid this forfeiture, please file the registration no later than Wednesday, May 28.** You may fax the registration form to our office at 287-6775, provided that we receive the original form within five days thereafter.

If you have any questions, please telephone us at 287-4179. Thank you.

Sincerely


Jonathan Wayne
Executive Director

cp

~~Beverly Daggett~~ 622-9053

11:40
turned in
Reg. 5/14
Rec'd
May 14, 2008 - Spoke to Beverly Daggett
she has the form and fully
intends to file. She knows that
it is due by May 30th.
SET

George Jabar 873-5597

5/14/08
12:05

O

Called and spoke to a female
member of the household. I explained
the requirement to Register with
the Ethics Commission. She took
down my name and phone number
and stated that she would give the
message to Mr. Jabar.

~~Gerard P. Mault~~ 549-7127

~~Sent
yesterday~~
Rec'd

May 15, 2008 Called left message on
machine explaining need to file
registration form with M.E.C.

~~Richard Parent~~ 273-3737

5/15/08

CLM on machine - explained
requirement to register w/ MEC.

~~Frederick Bond~~ 549-5916

5/15/08

CLM - answering machine.

Fossil



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

May 13, 2008

Mr. George Jabar II
6 Park Place
Waterville, ME 04901

Re: Requirement to Register for County Office

Dear Mr. Jabar:

The Maine Ethics Commission has written you twice on March 28 and May 1, 2008 about the legal requirement to register as a candidate for County Commissioner or Register of Probate. (21-A M.R.S.A. § 1013-A) The Commission staff has not yet received your registration. Even if you expect to be replaced by another candidate, you are required to register and identify a treasurer or state that you are exempt.

Registration

Please fill out the registration form and return it in the enclosed envelope. **If the Commission staff does not receive a signed registration form by Wednesday, May 21, we will recommend that the members of the Commission assess a civil forfeiture of \$10 against you at the next public meeting of the Commission on May 30, 2008.** You will receive notice from the staff if your matter is placed on the meeting's agenda.

Financial Report due May 30, 2008

As a candidate for County Commissioner or Register of Probate, you are legally required to file five campaign finance reports during the election year. The first report must be filed by 11:59 p.m. on Friday, May 30, 2008. We have enclosed a reporting form. Please be aware that financial penalties accrue every day that this report is filed late.

Exemption from Reporting

If you will not raise or spend any money for your candidacy, please fill out Box 6 on the second page of the registration form and have it notarized. Then, you will not be required to file the campaign finance reports later this year.

If you have any questions, please telephone us at 287-4179. Thank you.

Sincerely

Sharon Timberlake
Candidate Registrar

2008 Primary Election

Office Listing of Candidates Filing

Office	Dist	County	Party	Name	Residence	Mailing Address	Date Filed
CC	1	Han	R	Joy, Steven E.	Ellsworth	125 Main Street, Ellsworth 04605	02/22/08
CC	3	Han	D	Lawson, Fay A.	Tremont	PO Box 309, Bass Harbor 04653	03/03/08
CC	1	Ken	D	Daggett, Beverly C.	Augusta	16 Pine Street, Augusta 04330	03/17/08
CC	1	Ken	R	Nault, F. Gerard	Windsor	88 Erskine Road, Windsor 04363	02/20/08
CC	3	Ken	D	Jabar, George M., II	Waterville	6 Park Place, Waterville 04901	03/13/08
CC	2	Kno	R	Parent, Richard L., Jr.	Warren	867 Camden Road, Warren 04864	03/13/08
CC	3	Kno	D	Moody, Roger A.	Camden	251 Washington Street, Camden 04843	02/20/08
CC	3	Kno	R	Nash, Lawrence F.	Union	PO Box 641, Camden 04843	03/06/08
CC	1	Lin	R	Orne, Lynn Gilley	Southport	16 Deer Ridge, Southport 04576	02/14/08
CC	1	Lin	D	Taylor, David A.	Boothbay Harbor	94 Atlantic Avenue, Boothbay Harbor 04538	03/14/08
CC	1	Lin	R	Warren, Jay D.	Boothbay Harbor	109 Middle Road, Boothbay Harbor 04538	03/12/08
CC	3	Lin	R	Bond, Sheridan T.	Jefferson	PO Box 24, Jefferson 04348	03/14/08

Qualified for Ballot →



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

May 22, 2008

Mr. Mitchell Snowman
494 Back Road
Skowhegan, ME 04976

RE: Notice of Recommended Forfeiture

Dear Mr. Snowman:

The Maine Ethics Commission has written you three times (March 28, May 1, and May 13, 2008) about the legal requirement to register as a candidate for the Maine House of Representatives. (21-A M.R.S.A. § 1013-A) The Commission staff has not yet received your registration.

This is to inform you that at the May 30, 2008 meeting of the Ethics Commission, the staff of the Commission will recommend that the Commission assess a civil forfeiture against you in the amount of \$10 pursuant to 21-A M.R.S.A. § 1020-A(1). **To avoid this forfeiture, please file the registration no later than Wednesday, May 28.** You may fax the registration form to our office at 287-6775, provided that we receive the original form within five days thereafter.

If you have any questions, please telephone us at 287-4179. Thank you.

Sincerely

A handwritten signature in black ink, appearing to read "Jonathan Wayne".

Jonathan Wayne
Executive Director

cp

Phillips, Cyndi

From: Wayne, Jonathan
Sent: Wednesday, May 14, 2008 6:19 PM
To: Phillips, Cyndi; Thompson, Sandy
Subject: Mitchell Snowman

I received Mr. Snowman's cell number from the Skowhegan clerk, and telephoned him today. The number is 399-8989.

Mr. Snowman said that he would send in the registration form.

I explained that as a candidate for the Legislature he would have to file 5 campaign finance reports with our office if he wins his primary (2 reports if he does not win the primary).

He stated that he would not raise or spend \$1,500 for his race. He requested that we send him two paper campaign finance reporting forms.

I told him to contact Sandy Thompson if he has any questions.

Cyndi: please send Mr. Snowman two paper forms for privately financed candidates on Thursday, and file this e-mail in his candidate file.

Thank you.

mailed 5/15/08



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

May 13, 2008

Mr. Mitchell Snowman
494 Back Road
Skowhegan, ME 04976

Re: Requirement to Register as Legislative Candidate

Dear Mr. Snowman:

The Maine Ethics Commission has written you twice on March 28 and May 1, 2008 about the legal requirement to register as a candidate for the Maine House of Representatives. (21-A M.R.S.A. § 1013-A) The Commission staff has not yet received your registration. Even if you expect to be replaced by another candidate, you are required to register and identify a treasurer or state that you are exempt.

Registration and Voluntary Expenditure Limits Forms

Please fill out the registration form and voluntary expenditure limits forms and return them in the enclosed envelope. **If the Commission staff does not receive a signed registration form by Wednesday, May 21, we will recommend that the members of the Commission assess a civil forfeiture of \$10 against you at the next public meeting of the Commission on May 30, 2008.** You will receive notice from the staff if your matter is placed on the meeting's agenda.

Financial Report due May 30, 2008

As a candidate for the Legislature, you are legally required to file five campaign finance reports during the election year. The first report must be filed by 11:59 p.m. on Friday, May 30, 2008. If you expect to raise at least \$1,500 for your race, you are required to file the report electronically on the Commission's website using a username and password issued by the Commission. Please be aware that financial penalties accrue every day that this report is filed late.

Exemption from Reporting

If you will not raise or spend any money for your candidacy, please fill out Box 6 on the second page of the registration form and have it notarized. Then, you will not be required to file the campaign finance reports later this year.

If you have any questions, please telephone us at 287-4179. Thank you.

Sincerely

Sandy Thompson
Candidate Registrar

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

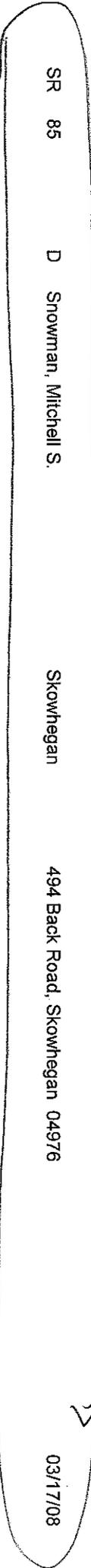
FAX: (207) 287-6775

2008 Primary Election

Office Listing of Candidates Filing

Office	Dist	County	Party	Name	Residence	Mailing Address	Date Filed
SR	85	D		McCabe, Jeffrey M.	Skowhegan	13 Olive Street, Skowhegan 04976	02/26/08
SR	85	D		Showman, Mitchell S.	Skowhegan	494 Back Road, Skowhegan 04976	03/17/08
SR	86	R		Curtis, Phillip A.	Madison	93 Blackwell Hill Road, Madison 04950	02/12/08
SR	86	D		Du Houx, Ramona D. C.	Solon	PO Box 311, Solon 04979	03/17/08
SR	87	R		Courchesney, Angela M.	Jay	PO Box 73, Livermore Falls 04254	03/14/08
SR	87	D		Gilbert, Paul E.	Jay	4 Elm Street, Jay 04239	03/06/08
SR	88	D		Cupples, Garrison E.	New Portland	313 Bog Road, New Portland 04961	02/27/08
SR	88	R		Pinkham, Wright H., Sr.	Lexington Twp.	1480 Long Falls, Lexington Twp. 04961	03/04/08
SR	89	R		Mahoney, Keith Edward	Farmington	111 South Street, Farmington 04938	03/17/08
SR	89	D		Mills, Janet T.	Farmington	PO Box 110, Farmington 04938	03/14/08
SR	90	D		Collins, Maxine B.	Wilton	207 Walker Hill Road, Wilton 04294	03/17/08
SR	91	D		Carter, Timothy A.	Bethel	744 Intervale Road, Bethel 04217	03/12/08

Qualified for ballot





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

May 22, 2008

Ms. Joan Boucher
125 Harrisburg Avenue
Westbrook, ME 04092

RE: Notice of Recommended Forfeiture

Dear Ms. Boucher:

The Maine Ethics Commission has written you three times (March 28, May 1, and May 13, 2008) about the legal requirement to register as a candidate for the Maine House of Representatives. (21-A M.R.S.A. § 1013-A) The Commission staff has not yet received your registration.

This is to inform you that at the May 30, 2008 meeting of the Ethics Commission, the staff of the Commission will recommend that the Commission assess a civil forfeiture against you in the amount of \$10 pursuant to 21-A M.R.S.A. § 1020-A(1). **To avoid this forfeiture, please file the registration no later than Wednesday, May 28.** You may fax the registration form to our office at 287-6775, provided that we receive the original form within five days thereafter.

If you have any questions, please telephone us at 287-4179. Thank you.

Sincerely

A handwritten signature in black ink, appearing to read "Jonathan Wayne".

Jonathan Wayne
Executive Director

cp

Phillips, Cyndi

From: Wayne, Jonathan
Sent: Wednesday, May 14, 2008 6:29 PM
To: Timberlake, Sharon E
Cc: Phillips, Cyndi
Subject: Joan Boucher

I tried to reach Joan Boucher at 856-8826 to follow up on our mailing about registering as a candidate. The phone number was not in service.

Cyndi: could you please file this in her candidate file? Thank you.



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

May 13, 2008

Ms. Joan Boucher
125 Harrisburg Avenue
Westbrook, ME 04092

Re: Requirement to Register as Legislative Candidate

Dear Ms. Boucher:

The Maine Ethics Commission has written you twice on March 28 and May 1, 2008 about the legal requirement to register as a candidate for the Maine House of Representatives. (21-A M.R.S.A. § 1013-A) The Commission staff has not yet received your registration. Even if you expect to be replaced by another candidate, you are required to register and identify a treasurer or state that you are exempt.

Registration and Voluntary Expenditure Limits Forms

Please fill out the registration form and voluntary expenditure limits forms and return them in the enclosed envelope. **If the Commission staff does not receive a signed registration form by Wednesday, May 21, we will recommend that the members of the Commission assess a civil forfeiture of \$10 against you at the next public meeting of the Commission on May 30, 2008.** You will receive notice from the staff if your matter is placed on the meeting's agenda.

Financial Report due May 30, 2008

As a candidate for the Legislature, you are legally required to file five campaign finance reports during the election year. The first report must be filed by 11:59 p.m. on Friday, May 30, 2008. If you expect to raise at least \$1,500 for your race, you are required to file the report electronically on the Commission's website using a username and password issued by the Commission. Please be aware that financial penalties accrue every day that this report is filed late.

Exemption from Reporting

If you will not raise or spend any money for your candidacy, please fill out Box 6 on the second page of the registration form and have it notarized. Then, you will not be required to file the campaign finance reports later this year.

If you have any questions, please telephone us at 287-4179. Thank you.

Sincerely

Sharon Timberlake
Candidate Registrar

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

2008 Primary Election
Office Listing of Candidates Filing

Office Dist	County	Party	Name	Residence	Mailing Address	Date Filed
SR	122	R	Clark, Melinda	South Portland	410 Broadway, Apt. 2, South Portland 04106	03/17/08
SR	122	D	Morrison, Terry K.	South Portland	18 B Street, South Portland 04106	03/12/08
SR	123	D	Eberle, Jane E.	South Portland	187 Pilgrim Road, South Portland 04106	02/19/08
SR	123	R	Reynolds, Peter A.	South Portland	7 Spurwink Avenue, South Portland 04106	03/17/08
SR	124	R	French, Eric W.	South Portland	42 Fellows Street, South Portland 04106	03/17/08
SR	124	D	Kaenrath, Bryan T.	South Portland	PO Box 2168, South Portland 04106	02/21/08
SR	125	D	Peoples, Ann E.	Westbrook	22 Garfield Street, Westbrook 04092	03/04/08
SR	125	R	Senechal, L. Edward	Westbrook	204 Pierce Street, Westbrook 04092	03/14/08
SR	126	R	Boucher, Joan M.	Westbrook	125 Harrisburg Avenue, Westbrook 04092	03/14/08
SR	126	D	Driscoll, Timothy E.	Westbrook	111 Monroe Avenue, Westbrook 04092	01/24/08
SR	127	D	Flaherty, Sean Peter	Scarborough	PO Box 6998, Scarborough 04070	03/17/08
SR	127	R	McDonough, John F.	Scarborough	6 Old Blue Point Road, Scarborough 04074	03/07/08

Qualified for ballot





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

May 22, 2008

Mr. Frank Stanley
54 Butlers Ledge
West Tremont, ME 04616

RE: Notice of Recommended Forfeiture

Dear Mr. Stanley:

The Maine Ethics Commission has written you three times (March 28, May 1, and May 13, 2008) about the legal requirement to register as a candidate for the Maine House of Representatives. (21-A M.R.S.A. § 1013-A) The Commission staff has not yet received your registration.

This is to inform you that at the May 30, 2008 meeting of the Ethics Commission, the staff of the Commission will recommend that the Commission assess a civil forfeiture against you in the amount of \$10 pursuant to 21-A M.R.S.A. § 1020-A(1). **To avoid this forfeiture, please file the registration no later than Wednesday, May 28.** You may fax the registration form to our office at 287-6775, provided that we receive the original form within five days thereafter.

If you have any questions, please telephone us at 287-4179. Thank you.

Sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Wayne'.

Jonathan Wayne
Executive Director

cp

Phillips, Cyndi

From: Wayne, Jonathan
Sent: Wednesday, May 14, 2008 6:21 PM
To: O'Brien, Gavin
Cc: Phillips, Cyndi
Subject: Frank Stanley

I tried to reach him at 224-0107 as a follow-up to our mailing Tuesday requesting that he register. I heard a message that the number could not be completed as dialed. I confirmed that I dialed correctly, and dialed twice (receiving the message both times).

Cyndi: please file this e-mail in Mr. Stanley's candidate file.



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

May 13, 2008

Mr. Frank Stanley
54 Butlers Ledge
West Tremont, ME 04616

Re: Requirement to Register as Legislative Candidate

Dear Mr. Stanley:

The Maine Ethics Commission has written you twice on March 28 and May 1, 2008 about the legal requirement to register as a candidate for the Maine House of Representatives. (21-A M.R.S.A. § 1013-A) The Commission staff has not yet received your registration. Even if you expect to be replaced by another candidate, you are required to register and identify a treasurer or state that you are exempt.

Registration and Voluntary Expenditure Limits Forms

Please fill out the registration form and voluntary expenditure limits forms and return them in the enclosed envelope. **If the Commission staff does not receive a signed registration form by Wednesday, May 21, we will recommend that the members of the Commission assess a civil forfeiture of \$10 against you at the next public meeting of the Commission on May 30, 2008.** You will receive notice from the staff if your matter is placed on the meeting's agenda.

Financial Report due May 30, 2008

As a candidate for the Legislature, you are legally required to file five campaign finance reports during the election year. The first report must be filed by 11:59 p.m. on Friday, May 30, 2008. If you expect to raise at least \$1,500 for your race, you are required to file the report electronically on the Commission's website using a username and password issued by the Commission. Please be aware that financial penalties accrue every day that this report is filed late.

Exemption from Reporting

If you will not raise or spend any money for your candidacy, please fill out Box 6 on the second page of the registration form and have it notarized. Then, you will not be required to file the campaign finance reports later this year.

If you have any questions, please telephone us at 287-4179. Thank you.

Sincerely

Gavin O'Brien
Candidate Registrar

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

2008 Primary Election

Office Listing of Candidates Filing

Office Dist	County	Party	Name	Residence	Mailing Address	Date Filed
SR	36	R	Stanley, Frank L.	Tremont	54 Butlers Ledge, West Tremont 04616	03/17/08
SR	37	D	Schatz, James M.	Blue Hill	PO Box 437, Blue Hill 04614	02/28/08
SR	37	R	Walden, Jonathan W.	Surry	1214 Toddy Pond Road, Surry 04684	03/13/08
SR	38	D	Jones, Carrie E.	Ellsworth	PO Box 1039, Ellsworth 04605	03/03/08
SR	38	R	Langley, Brian D.	Ellsworth	11 South Street, Ellsworth 04605	03/12/08
SR	39	R	Briggs, Ricky A.	Hampden	PO Box 694, Hampden 04444	03/17/08
SR	39	R	Cushing, Andre E., III	Hampden	PO Box 687, Hampden 04444	03/12/08
SR	39	R	Duprey, Carol S.	Hampden	PO Box 214, Hampden 04444	03/17/08
SR	39	D	Higgins, David Anderson	Hampden	304 Old County Road, Hampden 04444	03/11/08
SR	40	D	LeBlanc, Mark J.	Orrington	38 Fowler Road, Orrington 04474	03/17/08
SR	40	R	Rosen, Kimberley C.	Bucksport	PO Box 877, Bucksport 04416	03/11/08
SR	41	R	Coolidge, Maxwell G.	Orland	568 Front Ridge Road, Orland 04472	02/12/08

Ballot →

Qualifies for



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

To: Unregistered Candidates (see attached list)

From: Sandy Thompson, Candidate Registrar (287-7651)
Gavin O'Brien, Candidate Registrar (287-4709)
Sharon E. Timberlake, Candidate Registrar (287-6288)

Date: May 1, 2008

Re: Candidate Registration

As a candidate for county or legislative office, the Election Law **requires** you to register with the Maine Ethics Commission and to file four campaign finance reports this year listing your campaign contributions and expenditures.

Please fill out the Registration form in the enclosed packet and return it. If you are a candidate for the Legislature, you must also complete and return the Voluntary Spending Limits form. You may sign and submit the Code of Fair Campaign Practices, but you are not required to do so.

You may be exempt from the reporting requirements if you do not raise or spend any money (including the use of your personal funds) for your campaign. If you will not raise or spend any money for your candidacy, please fill out Box 6 on the second page of the Registration form and have it notarized. Then, you will not be required to file the campaign finance reports later this year. You still need to register with the Ethics Commission, even if you will not raise or spend any campaign funds.

Unless you request the exemption, your first campaign finance report will be due on **May 30, 2008**.

Please call the Candidate Registrar whose name and phone number are highlighted above, if you have any questions.

Thank you.

/cp
Enclosure

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

2008 CANDIDATE LIST

Unregistered

(Merrid)

21 County

Name	Year	Election Type	Office Sought	District	County	Party	Financing
✓ Peter K Baldacci	2008	Primary	County Commission	N/A	Penobscot	Democratic	UNREGISTERED
✓ Leonard E Bartel	2008	Primary	Register of Probate	N/A	Androscoggin	Democratic	UNREGISTERED
✓ Elmer F Berry	2008	Primary	County Commission	N/A	Androscoggin	Democratic	UNREGISTERED
✓ Sheridan T Bond	2008	Primary	County Commission	N/A	Lincoln	Republican	UNREGISTERED
✓ <u>Joan M Boucher</u>	2008	Primary	Representative	126	-None-	Republican	UNREGISTERED
✓ Jeanes F Cloutier	2008	Primary	County Commission	N/A	Cumberland	Democratic	UNREGISTERED
✓ Bonnie B Cousins	2008	Primary	Register of Probate	N/A	Hancock	Republican	UNREGISTERED
✓ Jonathan M Cimmmins	2008	Primary	Representative	66	-None-	Republican	UNREGISTERED
✓ Beverly C Daggett	2008	Primary	County Commission	N/A	Kennebec	Democratic	UNREGISTERED
✓ Daniel A Daggett	2008	Primary	County Commission	N/A	Sagadahoc	Republican	UNREGISTERED
✓ Lawrence M Dawson	2008	Primary	County Commission	N/A	Sagadahoc	Republican	UNREGISTERED
✓ Eric W French	2008	Primary	Representative	124	-None-	Republican	UNREGISTERED
✓ Randall A Greenwood	2008	Primary	County Commission	N/A	Androscoggin	Republican	UNREGISTERED
✓ Dana C Hanley	2008	Primary	Judge of Probate	N/A	Oxford	Republican	UNREGISTERED
✓ <u>George M Jabar</u>	2008	Primary	County Commission	N/A	Kennebec	Democratic	UNREGISTERED
✓ Bradford B Jerome	2008	Primary	Representative	137	-None-	Republican	UNREGISTERED
✓ Steven E Joy	2008	Primary	County Commission	N/A	Hancock	Republican	UNREGISTERED
✓ Nancy L Larsen	2008	Primary	County Commission	N/A	Cumberland	Republican	UNREGISTERED
✓ Fay A Lawson	2008	Primary	County Commission	N/A	Hancock	Democratic	UNREGISTERED

2008 CANDIDATE LIST

Total Receipts
Total Expenditures

Name	Year	Election Type	Office Sought	District	County	Party	Financing
✓ Lawrence F Nash	2008	Primary	County Commission	N/A	Knox	Republican	UNREGISTERED
✓ Gerard F Nault	2008	Primary	County Commission	N/A	Kennebec	Republican	UNREGISTERED
✓ Richard L Parent	2008	Primary	County Commission	N/A	Knox	Republican	UNREGISTERED
✓ Peter J Powers	2008	Primary	Representative	101	-None-	Democratic	UNREGISTERED
✓ Edward Senechal	2008	Primary	Representative	125	-None-	Republican	UNREGISTERED
✓ Kevin L Shorey	2008	Primary	County Commission	N/A	Washington	Republican	UNREGISTERED
✓ James H Siglow	2008	Primary	Representative	72	-None-	Republican	UNREGISTERED
✓ Mitchell S Snowman	2008	Primary	Representative	85	-None-	Democratic	UNREGISTERED
✓ Frank L Stanley	2008	Primary	Representative	36	-None-	Republican	UNREGISTERED
✓ George Rawling Thomson	2008	Primary	Representative	80	-None-	Republican	UNREGISTERED
✓ John W Voorhees	2008	Primary	Judge of Probate	N/A	Sagadahoc	Republican	UNREGISTERED
✓ Jane M Walsh	2008	Primary	Representative	134	-None-	Republican	UNREGISTERED
✓ Gerald A York	2008	Primary	County Commission	N/A	Somerset	Democratic	UNREGISTERED

March 28 Unreg. mailing
REGISTERING AS A CANDIDATE

You are listed with the Secretary of State's office as a candidate in the upcoming election. State statute requires that candidates also register and file campaign finance reports with the Ethics Commission.

To get the forms you need to register:

- Download them from our website: www.maine.gov/ethics or
- Call us and request a registration packet by mail.
- Please read and follow the instructions about how to register.
- Be sure to indicate the office you are running for - including district or county, and party affiliation.

Sent to ALL
unregistered
Candidates

If registering as a county or privately financed legislative candidate, remember to:

- Check "privately financed" in the financing status box.
- Fill in office sought and district or county.
- If you do not intend to raise or spend any money for your campaign, complete section 1 on the front of the registration form and section 6 (Exemption from Reporting Requirements) on the back, and have the form signed by a notary public. This exempts you from filing campaign finance reports.
- If you are a legislative candidate, sign and submit the Voluntary Expenditure Limits form.

If registering as a Maine Clean Election Act candidate, remember to:

- Check "MCEA" in the financing status box.
- Fill in office sought and district.
- Sign and submit the Declaration of Intent.
- Complete and submit the vendor form.

Mailing:
135 State House Station
Augusta, Maine 04333
Location:
242 State Street,
Augusta, Maine
Phone: 207-287-4179
Fax: 207-287-6775
Website: www.maine.gov/ethics

REGISTERING AS A CANDIDATE

You are listed with the Secretary of State's office as a candidate in the upcoming election. State statute requires that candidates also register and file campaign finance reports with the Ethics Commission.

To get the forms you need to register:

- Download them from our website: www.maine.gov/ethics or
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- Please read and follow the instructions about how to register.
- Be sure to indicate the office you are running for - including district or county, and party affiliation.

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- Fill in office sought and district or county.
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- If you are a legislative candidate, sign and submit the Voluntary Expenditure Limits form.

If registering as a Maine Clean Election Act candidate, remember to:

- Check "MCEA" in the financing status box.
- Fill in office sought and district.
- Sign and submit the Declaration of Intent.
- Complete and submit the vendor form.

Mailing:
135 State House Station
Augusta, Maine 04333
Location:
242 State Street,
Augusta, Maine
Phone: 207-287-4179
Fax: 207-287-6775
Website: www.maine.gov/ethics

Agenda

Item #5



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

To: Commission Members

From: Jonathan Wayne, Executive Director

Date: May 22, 2008

Re: Audit of 2007 Special Election Candidate Kate Smith

Katharine M. Smith was a candidate for the Maine House of Representatives in the 2007 special election who participated in the Maine Clean Election Act (MCEA). Following the election, she submitted a check for \$1,513.83 representing the amount of MCEA funds which she had elected not to spend. On January 17, 2008, the check was returned to the Commission for insufficient funds.

Because of the bounced check, the Commission requested that the staff conduct a full audit of her campaign at the January 25, 2008 meeting. The audit disclosed that the candidate did not misuse her MCEA funds, which were spent entirely for campaign-related purposes. The candidate's campaign finance reporting was adequate, although it contained some arithmetic errors consistent with mistakes made by other candidates.

The returned check was due to two circumstances. On November 8, 2007, the Commission staff mailed Ms. Smith a letter directing her to return the amount of unspent campaign funds as shown on line 8 of Schedule F of her final campaign finance report (attached). Following this advice, she wrote a check for this amount (\$1,513.83) and submitted it to the Commission. Unfortunately, because of the arithmetic errors in her campaign finance reporting, this amount was greater than the *actual* cash balance in her campaign bank account.

The final audit report included only one finding. Ms. Smith inadvertently omitted a \$45 seed money contribution from the campaign finance report she filed on October 12, 2007. The staff recommends that the Commission find her in violation of 21-A M.R.S.A. § 1125(2-A)(C) for under-reporting her seed money contributions by \$45 and assess no financial penalty. The staff has advised the candidate that it is not necessary for her to attend the Commission's meeting on May 30, 2008.

Katherine M Smith
CANDIDATE'S FULL NAME

12-17-07

DATE SUBMITTED

SCHEDULE F
SUMMARY SECTION
(MAINE CLEAN ELECTION ACT CANDIDATES)

This page is required for all candidates except those checking the no-activity box on the cover page of the report. The cash balance on line 6 must match the campaign's reconciled bank account balance as of the last day of this reporting period.

CASH ACTIVITY

1. CASH BALANCE FROM LAST REPORT (if any)	9113.00
2. MAINE CLEAN ELECTION ACT FUNDS RECEIVED THIS PERIOD (see payment letter)	+ 2011.09 ^{error} 105
3. SALE OF CAMPAIGN PROPERTY THIS PERIOD (Schedule E, Part II)	+ 0
4. OTHER CASH RECEIPTS THIS PERIOD (interest, etc.)	+ 0
5. MINUS TOTAL EXPENDITURES THIS PERIOD (total of all Schedule B pages)	- 1558.26
6. CASH BALANCE AT CLOSE OF PERIOD (lines 1 + 2 + 3 + 4 - 5)	= 8552.74
7. CASH NOT AUTHORIZED TO SPEND (see payment letter)	7041.91
8. CASH AUTHORIZED TO SPEND (line 6 - 7)	1513.83

OTHER ACTIVITY THIS REPORTING PERIOD

9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (total all Schedule D pages)



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

May 13, 2008

By E-Mail and Regular Mail

Ms. Katherine M. Smith
P.O. Box 36
Sebago, ME 04029

Dear Ms. Smith:

Thank you for reviewing the draft version of the audit report for your 2007 special election campaign. I have enclosed the final audit report for the campaign. The Commission staff conducted a standard audit of the campaign. The staff found no evidence of any misuse of Maine Clean Election Act funds.

As you are aware, the only finding in the report is the failure to report a \$45 seed money contribution in the campaign finance report you submitted to the Commission on October 12, 2007. At the next meeting of the Ethics Commission on May 30, 2008 at 9:00 a.m., the staff will recommend that the Commission find you in violation of 21-A M.R.S.A. § 1125(2-A)(C) for under-reporting your seed money contributions by \$45. The staff will recommend that the Commission not assess any monetary penalty for this violation.

If you wish, you may submit a written response to the proposed finding of violation. If I receive it by May 21, 2008, I will include the response in the packet of materials that I send to the Commission members one week before the meeting. You are also welcome to comment on the proposed finding of violation by attending the meeting in person.

If you have any questions, please telephone me at 287-4179. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Wayne".

Jonathan Wayne
Executive Director



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

May 12, 2008

Final Audit Report No. 2007-HR001

Candidate: Katherine M. Smith

House District 99

Background

Katherine M. Smith was a candidate for the Maine House of Representatives, District 99, in the November 2007 special elections. Ms. Smith was certified by the Commission as a Maine Clean Election Act (MCEA) candidate on October 15, 2007. MCEA candidates are required under the Act to submit reports of their receipts, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

Audit Scope

Examination of selected candidate contribution and expenditure transactions occurring during the following campaign reporting periods:

- Seed Money
- 11-Day Pre-Election
- 42 Day Post-Election

Transactions subject to review were those recorded in the candidate's accounting records and reported to the Commission. The audit's purpose was to determine if the identified receipts and payments (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable disbursement documentation; and (3) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

Audit Findings and Recommendations

Finding No. 1 – Unreported Seed Money Contribution. When Kate Smith filed her seed money campaign finance report on 10/12/2007, she reported receiving \$455 in seed money contributions and making \$455 in expenditures during the qualifying period. The audit disclosed that the campaign deposited \$500 in seed money in the campaign bank account on 10/09/2007. Ms. Smith did not include in her 10/12/2007 seed money report a \$45 seed money contribution. When asked about the missing \$45 contribution during the course of the audit, the candidate replied that she must have forgotten about it. The quick pace of the special election campaign and the assistance she received from others in collecting seed money contributions on her behalf may have been contributing factors in the omission of the contribution from her 10/12/2007 report. The failure to report the contribution appears to be an unintentional omission.

When making an initial MCEA payment to a candidate, the Commission subtracts the amount of unspent seed money from the payment amount. In this case, the Commission made to Ms. Smith the full payment amount of \$4,362 because the cash balance was originally reported to be zero. This caused the Commission to overpay the candidate by \$45. Nevertheless, the candidate did not benefit from the overpayment. After the election she repaid to the Commission \$1,012.83 in unspent MCEA funds, which far exceeded the \$45 overpayment.

In response to the draft version of this report, the candidate pointed out that she discussed the contribution with Candidate Registrar Sandy Thompson during the course of the audit. Nevertheless, the candidate did not disclose the contribution in her 10/12/2007 seed money report as required by the Maine Clean Election Act.

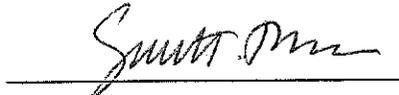
Criteria: 21-A M.R.S.A. § 1125(2-A)(C), "Upon requesting certification, a participating candidate shall file a report of all seed money contributions and expenditures. If the candidate is certified, any unspent seed money will be deducted from the amount distributed to the candidate as provided in subsection 8." Commission Rules, Chapter 3, Section 3(3), "...the Commission will deduct from the initial distribution from the Fund to a certified candidate an amount equal to the amount of unspent seed money reported by that candidate."

Recommendations: The Commission staff recommends that the Commission find the candidate and her treasurer in violation of 21-A M.R.S.A. § 1125(2-A)(C) for under-reporting her seed money contributions by \$45. The staff does not recommend a civil penalty because the reporting error seems unintentional and the candidate was not advantaged by the overpayment.

Respectfully submitted,

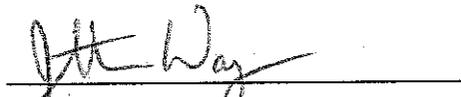


Paul Lavin

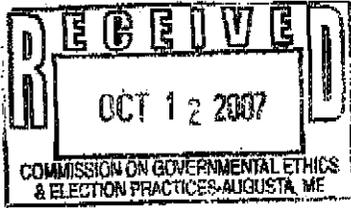


Sandy Thompson

Approved:


Jonathan Wayne - Executive Director

2008 Election Year



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333
Office: 242 State Street, Augusta, Maine

Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

2008 SEED MONEY CAMPAIGN FINANCE REPORT

(Please Complete ALL Entries)

Name of CANDIDATE Kate Smith
Mailing address PO Box 316
City, zip code Sebago ME 04029
Telephone number 207-415-7081 Fax _____
E-mail KateSmithforhouse@gmail.com
Office Sought State Rep District Number 99

CHECK IF CHANGED
SINCE PREVIOUS
REPORT

Name of TREASURER Greg Smith
Mailing address 50 Kimball Corner Rd
City, zip code Sebago ME 04029
Telephone number 207-787-4000 / 939-1790 Fax _____
E-mail gsmith2477@adelphia.net

CHECK IF CHANGED
SINCE PREVIOUS
REPORT

This is the first report for the candidate's 2008 campaign.

Reports were previously filed for the candidate's 2008 campaign on _____
(Please do not report transactions that were included in previous reports.)

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT AND COMPLETE.

Greg Smith
Treasurer's Signature

10/12/07
Date

Katherine Smith
Candidate's Signature

10-12-07
Date

Katherine Smith
CANDIDATE'S FULL NAME

Page 2 of 7
(Schedule A only)

**SCHEDULE A
CASH CONTRIBUTIONS**

- Only individuals may make seed money contributions. Contributions must be from their personal funds and not from other sources. Each contributor may give up to \$100 in seed money. Lobbyists, lobbyist associates, and their employers may not make seed money contributions during the legislative session. Members of the candidate's family may each give up to \$100 in seed money, provided the contributions are from their personal funds.
- Total seed money contributions may not exceed \$50,000 for gubernatorial candidates, \$1,500 for Senate candidates, and \$500 for House candidates.
- Itemize all cash contributions from contributors who have given you more than \$50 in seed money contributions. Both cash and in-kind contributions count toward the \$50 threshold.
- Enter the occupation and employer for every individual contributing more than \$50 in seed money. If you have requested employment information from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For cash contributions totaling \$50 or less, enter "total of contributions \$50 or less" and the total amount on this page. Once a contributor has given you more than \$50 in seed money, you must list that contributor separately.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION	TYPE (use key code)	AMOUNT
		EMPLOYER		
9/22	Glenn Cummings 24 Nevens St. Portland, ME 04103	MEMBER OF CONGRESS USM University of Maine		\$100.00
9/22	Sean Faircloth 299 Pine Street Bangor, ME 04401	MEMBER OF CONGRESS University of Maine - Orono		\$100.00
10/2	Nevia Douglass 466 W. Auburn Rd. Auburn, ME 04210	*		\$100.00
10/2	Janet Mills PO Box 110 Farmington, ME 04938	info. requested		\$30.00
10/2	Jeanne Mattson 92 Middle Street, Hallowell, ME 04801	info. requested		\$50.00
10/2	Kate Knox 57 Gledker Rd Portland, ME 04103	"		\$50.00
10/2	Maria Fuentes 21 Union Street Hallowell, ME 04844	"		\$20.00
10/2	Terry Hayes P.O. Box 367 Buckfield, ME 04220	"		\$5.00

Total cash contributions (this page only) => (combined totals from all Schedule A pages must be listed on Schedule F, line 2)

~~1000~~.00
455.00

Key Codes:

- 1 = Candidate and Candidate's Spouse or Domestic Partner
- 2 = Other Individuals
- 7 = Contributors giving \$50 or less