



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

Agenda

Meeting of March 26, 2009

9:00 a.m., Public Utilities Commission Hearing Room,
242 State Street, Augusta, Maine

1. Ratification of Minutes of the January 29, 2009 Meetings

2. Legislation to Amend the Maine Clean Election Act Program

State Senator Peter Mills wishes to discuss with the Commission his 2009 legislation to amend the Maine Clean Election Act program.

**3. Waiver of Penalties for Late Registration and Campaign Finance Reports/
Scarborough Village Partnership PAC**

The Scarborough Village Partnership PAC was late in registering and in filing two campaign finance reports with the Scarborough Town Clerk in connection with the November 4, 2008 municipal referendum to allow slot machines at a harness racing track. The PAC requests waivers of the late filing penalties, because it attempted to comply with the disclosure requirements and received wrong information about the reporting deadlines. *Staff recommendation: the staff recommends the assessment of a \$250 penalty for the late registration and a substantial or full waiver of the penalties for the two late campaign finance reports.*

4. Request to Investigate Campaign Finance Reporting by Casinos NO! PAC

Kathryn Rolston of the Scarborough Village Partnership PAC has requested that the Commission consider whether the Casinos NO! PAC complied with requirements to specifically report expenditures made to oppose the Scarborough gambling referendum.

5. Adoption of Proposed Changes to Commission Rules

At its December 29, 2008 meeting, the Commission agreed to accept public comment on changes to Chapters 1 and 3 of the Commission's rules that were drafted by staff. On January 29, 2009, the Commission received public comment on the proposed changes. The staff recommends adoption of the rule changes. The changes to Chapter 3 are major substantive, and would be considered by the Legislature.

6. Re-Adoption of Proposed Change to Commission Rules

At the Commission's December 29, 2008 meeting, the Commission voted to provisionally adopt a rule change that would permit gubernatorial candidates seeking Maine Clean Election Act funding to raise up to \$150,000 in seed money. The Commission staff recommends that the Commission vote again to adopt the proposed rule amendment, in order to comply with technical requirements for the rule-making process.

7. Recommendations by Commission Staff on Two Policy Issues

In response to direction from the Commission at its November 24, 2008 meeting, the staff convened a group of interested persons on January 13, 2009 to discuss two policy issues of candidates appearing in issue advertising sponsored by third-parties and the effect of the Commission's 2006 express advocacy decisions on communications sent in the 2008 elections. Based on a consensus of members of the working group, the Commission staff recommends that the Commission adopt a policy change regarding the express advocacy standard and authorize the inclusion of some new advice in the 2010 Candidate Guidebook.

8. Update on Criminal Prosecutions of 2006 Candidate Debra Reagan and 2008 Candidate Bruce Ladd

The Commission's counsel will update the Commission on the criminal prosecutions of candidates Debra Reagan and Bruce Ladd. Ms. Reagan has pled guilty to a misdemeanor charge in connection with her 2006 misuse of Maine Clean Election Act funds, has agreed to serve a 30-day jail sentence, and has repaid all misused Maine Clean Election Act funds. 2008 House candidate Bruce Ladd submitted to the Commission qualifying paperwork that contained forged signatures. He did not receive public funds. Mr. Ladd has pled guilty and has agreed to a sentence that includes jail time. The sentencing is scheduled for April 2009.

9. Audits of 2008 Maine Clean Election Act Candidates

The Commission staff has completed an additional 31 audits of 2008 Maine Clean Election Act candidates. The Commission's executive director will answer any questions from the Commission members about the status of the audits.

Other Business

EXECUTIVE SESSION

If necessary.

ADJOURNMENT