



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

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

STATE HOUSE STATION 101
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333

November 30th, 1990

Minutes of the November 30th, 1990 meeting of the Commission on Governmental Ethics and Election Practices

Present: Chairman Paul K. McCann; Members Henry G. Beyer, Gregory G. Cyr, Joseph B. Ezhaya, Richard H. Pierce, Richard L. Trafton; Commission Counsel William Stokes

Absent: Member Paul E. Violette

The Chairman called the meeting to order at 10:10 a.m.

NEW BUSINESS

The first matter considered was the lateness of Mr. Gerald Robertson's revocation notice. Mr. Robertson was present and represented himself. He apologized for not submitting the required notice and added that he declared himself eligible for a reporting exemption without having read all of the information on the registration form. Mr. Pierce moved to accept a staff recommendation reducing Mr. Robertson's penalty from \$630.00 to \$20.00. The motion was seconded and carried unanimously.

OLD BUSINESS

At 10:15 a.m. Mr. Trafton moved that the Commission meet in executive session to review findings of the investigator assigned to the Robin Lambert case.

The regular meeting was reconvened at 10:40 a.m. Ms. Karen Evans was present and upon being recognized, asserted that neither she nor any member of her campaign staff was involved in distribution of the Lambert flier. She urged the Commission to step up efforts to learn the identity of the person responsible for circulating the flier so that attacks against her might end.

Next, Mr. William Quinn III addressed members of the Commission. He claimed that Ms. Carolyn Cosby had remarked to him in a telephone conversation that "a flier was coming out that proves he's [Robin Lambert] a homosexual."

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



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

Additionally, Mr. Quinn claimed that he had no further conversations with Ms. Cosby concerning the flier; that he had never seen the flier before it was distributed and that he had no knowledge of the source named on the flier. He noted that he later told media reporters, Mr. Lambert, and the investigator about Ms. Cosby's remarks.

At 11:15 a.m., Mr. Beyer moved that members meet again in executive session. The motion was seconded and carried unanimously.

The Commission reconvened in regular session at 11:45 a.m. Thereupon, Mr. Cyr made the following motion:

That the Commission on Governmental Ethics, as part of the continuing investigation in the Lambert case, subpoenas Carolyn Cosby and Paul Volle because they may have knowledge as to the principals involved in the organization of the group called Concerned Republicans of Greater Portland Senate District #30. Mr. Ezhaya seconded and the motion carried unanimously.

Following a short lunch break, Mr. Trafton reported on proposed legislation to amend the campaign finance laws. He said that the bill, in a simple consolidated section, addresses both the appointment and registration requirements for candidates and treasurers. According to staff, Representative Mayo agreed to sign on as sponsor and a co-sponsor is being sought. The bill will be submitted to the Revisor's Office before cloture.

NEW BUSINESS

Next, Mr. Cyr moved to accept staff and counsel recommendations concerning the following violations of the campaign finance laws:

LATE CAMPAIGN FINANCE REPORTS:

Candidate name	Penalty/Action
Herbert Adams	Reduced from \$250.00 to \$50.00
Kristofer Anderson	Penalty forgiven
Harry Bailey	Reduced from \$100.00 to \$50.00
Thomas Dunn	Reduced from \$200.00 to \$100.00
Richard Hewes	Penalty forgiven
B. Carolyn Mahany	Reduced from \$50.00 to \$25.00
Francis Martin	Penalty forgiven
David Ott	Penalty forgiven
Eugene Paradis	Reduced from \$50.00 to \$25.00
Michael Pearson	Reduced from \$50.00 to \$25.00
David Perkins	Penalty forgiven
John Richards	Reduced from \$50.00 to \$25.00
Albert Stevens	Reduced from \$50.00 to \$25.00
Carol Stirling	Reduced from \$50.00 to \$25.00
Scott Thomas	\$50.00

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



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

Wanda Lea Towns
Robert Van Waes

Reduced from \$50.00 to \$25.00
Reduced from \$50.00 to \$10.00

Political Action Committee

HIPAC Reduced from \$500.00 to \$250.00

FAILURE TO FILE TIMELY REVOCAION NOTICE

Irene Burke Reduced from \$60.00 to \$20.00
Gerald Robertson Reduced from \$630.00 to \$20.00 (previously noted)

Violations of the Campaign Finance Laws (cont'd.)

FAILURE TO DISPLAY DISCLAIMER

Edwin Randall No penalty

COMPLAINTS FILED REGARDING DISCLAIMER VIOLATIONS

The Commission voted to accept the following staff recommendations:

That no further investigation be made regarding a complaint filed by Senator Pamela Cahill, because facts set forth in the complaint were insufficient to warrant further pursuit of the matter. Senator Cahill alleged that a flier posted on a town hall door in Senate District #7 failed to carry the required disclaimer. Findings showed that an identical flier, distributed to 15,450 voters by candidate Harry Vose carried an appropriate disclaimer.

The Commission also agreed to conduct no further investigation of a complaint filed by Senator Pamela Cahill concerning a letter distributed by Mr. Patrick Hunt in Senate District #3, because findings showed no apparent violation had occurred. As recommended, the subject of public political advertising vs. private communications will be discussed at a future workshop.

A complaint filed by Representative-elect George Kerr was tabled until the next regular Commission meeting.

ALLEGED VIOLATIONS OF THE FAIR CAMPAIGN PRACTICES CODE

Complaints submitted by both Mr. Merle Lloyd and Representative Carl Smith alleged violations of the Fair Campaign Practices Code. Mr. Lloyd's letter, a related news clipping and a flier submitted by Mr. Smith, were referred to the Fair Campaign Practices Subcommittee for informational purposes.

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



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

COMPLAINTS FILED REGARDING ELECTION IRREGULARITIES

Ms. Joy J. O'Brien requested that the Commission investigate alleged irregularities in absentee balloting in Portland. The Commission ruled that it had no authority to hear the complaint. Commission Counsel reported that the matter is under investigation by the Attorney General's office.

Ms. Karen Evans filed a complaint containing numerous allegations. The Commission ruled that the facts alleged by Ms. Evans did not fit within the scope of the jurisdiction of the Commission.

ROUTINE BUSINESS

There followed a discussion of scheduling for future meetings. Members agreed to meet on January 9th and January 25th, 1991. Investigation of the Lambert case will be continued at the January 9th meeting and late filings for the 42-day post-election report will be considered at the January 25th meeting.

The minutes of the November 1st, 1990 meeting were unanimously approved on motion of Mr. Beyer.

NEW BUSINESS

Ms. Canavan then distributed minutes of a meeting held to discuss a Legislative Ethics Seminar slated for December 4th. Mr. McCann invited members to attend the seminar in the House Chamber; both Mr. Ezhaya and Mr. Trafton expressed interest in doing so.

Next, staff provided an update on completed recounts and a listing of scheduled recounts.

Ms. Canavan then directed the Commission's attention to a COGEL listing of per them allowances for other Commissions. There was a consensus that it would be inappropriate to initiate legislation providing compensation for members, given the State's current financial situation.

A question was then raised as to how complaints concerning negative campaigning would be handled. Mr. McCann said that the Fair Campaign Practices subcommittee would determine, on a case by case basis, which matters merited inclusion in the study report required to be completed in January 1992.

In response to a Commission directive, Ms. Canavan reported the results of her research regarding the copy fee schedule. She pointed out that fees charged by the Commission are consistent with those charged in libraries throughout the state and that in both 1989 and 1990, the Commission's copy account showed a surplus. She therefore recommended retention of the present fee schedule.

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



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

Next, the Commission discussed staff procedures for making documents available to the public, and members agreed that only copies should be reviewed and the original kept in a file not accessible to patrons. Thereupon, Mr. Trafton moved, and Mr. Cyr seconded, that staff include on the reporting form a request that candidates submit both the form and a copy thereof. The motion carried, Mr. McCann alone opposing.

The Director then stated that the Ethics bill and a bill requiring out of state political action committees to register and report to the Commission will be submitted to the Revisor's office before cloture.

The meeting was adjourned at 1:15 on motion of Mr. Cyr.

Respectfully submitted,

Marilyn Canavan,