



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

AGENDA

Meeting of January 10, 2001
 10:00 A.M., First Floor Hearing Room
 242 State Street, Augusta, Maine

Recognition of Ms. Annette B. Jones upon the occasion of her retirement from nearly eleven years of public service to the Commission on Governmental Ethics and Election Practices.

ROUTINE BUSINESS

1. Ratification of Minutes of the November 29, 2000 meeting.

OLD BUSINESS

2. A. Applicable Law: Exceeding contribution limits.
Facts: Mr. Willard M. Kelley, Jr., by letter dated October 23, 2000, reported having erroneously accepted and returned an excess contribution in the amount of \$250 from the same source in the same election. The excess amount had been deposited in his campaign account, but repaid within approximately one (1) week thereafter upon discovery of the excess.
Recommendation: No further action, since excess contributions were returned immediately upon discovery and based on previous Commission actions. Admonish against future violations.

- B. Applicable Law: Violation of contribution limits and attribution provisions
Facts: Maine Republican State Committee Complaint Against Maine Democratic Party and Mr. Donald H. Gean: By undated letter received October 31, 2000, Dwayne Bickford, Executive Director, on behalf of the Maine Republican State Committee, filed a complaint requesting a determination regarding the legality of the expenditures listed on the Independent Expenditures Report dated October 27, 2000, and filed by the Maine Democratic State Committee on October 30, 2000 in support of Senate candidate Donald H. Gean. The complaint alleges both a violation of the contribution limitations provisions of Section 1015 and a violation of the attribution provisions of Section 1014.
Recommendation: No further action.

- C. Applicable Law: Failure to report independent expenditures
Facts: Ms. Beth Edmonds Complaint Against Maine Unlimited PAC: By telefax of November 4, 2000 and letter dated November 6, 2000, Ms. Beth Edmonds, successful State Senate candidate for District 23, filed a complaint questioning whether two (2) communications mailed within her district that were paid for and authorized by Maine Unlimited PAC should have been reported as independent expenditures in support of her opponent, Mr. David Snow, that may have triggered matching funds for Ms. Edmonds' campaign.
Recommendation: No further action.



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- D. **Applicable Law:** In-kind contribution or failure to report independent expenditure
Facts: Ms. Sandra S. Choate Complaint Against House Democratic Campaign Committee: By letter dated November 1, 2000, Ms. Choate filed a complaint against the House Democratic Campaign Committee questioning the nature of the expenditure by the Committee in support of Representative Elizabeth Watson and whether that expenditure constituted an in-kind contribution to Representative Watson's campaign or should have been reported as an independent expenditure that may have triggered matching funds for her opponent.
Recommendation: Complaint dated 11/1/00 received 11/2/00. Independent Expenditure report received 11/2/00, based upon expenditure reported made on 11/2/00. Actual date of "expenditure" to be determined. Assess penalty if report filed more than 48 hours after expenditure made.
- E. Letter from Ms. Patricia A. Callahan to Ms. Cornelia Brown, Superintendent of Schools, Augusta School Department dated October 25, 2000 regarding inclusion of political advertisement paid for by a political action committee with paycheck. No Commission jurisdiction or apparent violation of State law.
- F. Commission Counsel Phyllis Gardiner, Assistant Attorney General, memorandum dated November 7, 2000, regarding "Quorum requirements."

NEW BUSINESS

3. **Late Candidate Campaign Finance Report Penalty Determinations:**
- A. Sumner Lymburner
 6-Day Pre-General Campaign Finance Report
 Due 11/1/00; Filed 11/3/00 - 2 days late (mailed 10/30/00 by priority mail)
 No previous late filings this biennium
 Penalty: \$49.12
Recommendation: Waive penalty based upon *bona fide* effort to file
- B. Representative Christina L. Baker
 6-Day Pre-General Campaign Finance Report
 Due 11/1/00; Filed 11/2/00 - 1 day late
 No previous late filings this biennium
 Penalty: \$61.79
Recommendation: Assess penalty of \$30.90 (or waive based upon *bona fide* attempt to deliver)
- C. Representative Brian Bolduc
 6-Day Pre-General Campaign Finance Report
 Due 11/1/00; Filed 11/6/00 - 5 days late

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Two (2) previous late filings this biennium (6-day pre-primary [7 days late] and 42-day post-primary [2 days late], both \$0 activity [no penalties])

Penalty: \$500.00

Recommendation: Assess penalty of \$500.00

D. Senator W. Tom Sawyer, Jr.

48-Hour Report of Late Contributions and Expenditures

Due 11/3/00; Filed 11/4/00 - 1 day late

One (1) previous late filing this biennium (42-day post-primary, 1 day late, \$24.63 preliminary penalty paid without request for Commission determination)

Penalty: \$1,363.08

Recommendation: Assess penalty of \$1,363.08 (or mitigate to \$681.54 based upon receipt only 2 ½ hours late)

4. Late Political Action Committee Penalty Determinations:

A. Robert Madore, Treasurer, Maine United Auto Workers PAC Council

6-Day Pre-General Campaign Finance Report

Due 11/1/00; Filed 11/9/00 - 8 days late

One previous late filing this biennium (April quarterly 1 day late; no penalty since penalty under \$5.00)

Penalty: \$96.00

Recommendation: Assess penalty of \$96.00

5. Complaints:

A. Maine Democratic Party Complaint Against Maine Republican Party and Maine GOP Victory 2000/MRP:

Allegations: Numerous violations of the reporting requirements for independent expenditures contained in 21-A M.R.S.A. § 1019; a violation of the registration requirements for political action committees contained in 21-A M.R.S.A. § 1053; a violation of the disclosure requirements of 21-A M.R.S.A. § 1014(2); and, because independent expenditures were made but not reported in 15 contests in which Maine Clean Election Act candidates were running, violation of the Maine Clean Election Act on those 15 occasions by Maine GOP Victory 2000/MRP.

Recommendation: Pends Commission evaluation of facts to determine whether political communication at issue is "express" or "issue" advocacy communication.

B. Kurt W. Adams, Esq. Request Regarding Return of Surplus Equipment

Facts: Requirement for Maine Clean Election Act candidates to liquidate at fair market value surplus campaign property purchased with public funds as means of returning unspent revenues to the Maine Clean Election Fund is challenged on the basis that such requirement violates the Maine Administrative Procedures Act because the requirement was imposed without the benefit of public rulemaking.

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Recommendation: Require liquidation of surplus campaign property at fair market value and return of revenues generated thereby to Maine Clean Election Fund.

C. Maine Democratic Party Request for Investigation and Complaint Against Maine Unlimited PAC and Senator Richard A. Bennett

Allegations: Numerous reporting violations and violations of the Maine Clean Election Act

Recommendation: Pends Commission evaluation of facts to determine whether political communication at issue is "express" or "issue" advocacy communication.

6. Executive Session. Discussion of pending referrals to Attorney General for investigation.

ADJOURNMENT