



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

AGENDA

Meeting of August 14, 2002

10:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of Minutes of July 10, 2002 meeting.

OLD BUSINESS

2. Complaint Alleging Violation of Attribution Requirements; Timothy Richardson: By letter received May 13, 2002, Representative Patricia A. Blanchette, and by letter dated May 28, 2002, Ms. M. Lorraine Stanley, President, Committee to Elect Stephen S. Stanley, each alleged violations by Mr. Richardson of the requirements for the publication and distribution of political statements of 21A M.R.S.A. §1014. A communication made more than 10 days before the election that results in a violation may result in a civil forfeiture of no more than \$100 if the violation is not corrected within 10 days after the candidate receives notification of the violation. A communication made within 10 days before the election that results in a violation may result in a civil forfeiture of no more than \$200. The Commission tabled further consideration of this matter at its previous meeting pending Mr. Richardson's response to the question of when he had affixed the stamp he cited in his letter of June 8, 2002, onto his political campaign signs. Mr. Richardson responded to that inquiry by informing that he had corrected all of his signs by May 15, 2002, although the stamp had apparently washed off one of the personally made, wooden signs.

Recommendation: Find no violation, recognizing that each alleged violation had been reported more than 10 days before the primary election and each had been corrected within 10 days after Mr. Richardson received notification.

NEW BUSINESS

3. Late Candidate Campaign Finance Reports:
 - A. Mark A. Sanborn, Late 42-Day Post General CFR for 2000

Due: 12/19/00 Filed: 7/1/02 557 days late

First late report violation this biennium

Penalty: \$3,375.42

Recommendation: Assess \$3,375.42 penalty and refer penalty to the Attorney General for judicial collection if it is not paid or an acceptable payment schedule is not executed within 30 days of notification.



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Due: 6/5/02 Filed: 6/8/02 3 days late

First late report violation this biennium

Penalty: \$25.20

Recommendation: Assess \$25.20 penalty**C. Hon. Kenneth Lemont, Late 6-Day Pre-Primary Report**

Due: 6/5/02 Filed: 6/6/02 1 day late

First late report violation this biennium

Penalty: \$12.56

Recommendation: Assess \$12.56 penalty**4. Referrals to Attorney General for Collection: Duane J. Belanger**

Reports: 6-Day Pre-General and 42-Day Post-General (1998)

42-Day Post-Primary, 6-Day Pre-General, and 42-Day Post-General (2000)

Penalties: \$21,267.75 [\$5,000 each except \$1,267.75 for 42-Day Post-Primary (2000)]
\$78.75 (unpaid previously assessed from 1998 election)**Total: \$21,346.50****Recommendation:** Refer to Attorney General for judicial collection**5. Late Lobbyist Monthly Disclosure Report; Joseph P. Rowan Jr., Lobbyist for Johnson & Johnson**

April Report Due 5/15/02; Filed 5/28/02 – 13 days late

No previous late filings this biennium

Penalty: \$100.00

Recommendation: Assess \$50 penalty (see letter dated July 18, 2002)

6. Joyce M. Packard Request for Authority to Accept Gift: Maine Clean Election Act (MCEA) candidate Joyce Packard has requested permission to accept as a "gift" 1000, 3-inch stickers (\$80 value) that had been sent to her in error without her prior approval. Her letter dated July 23, 2001 explains the circumstances. Her status as a MCEA candidate prohibits her accepting any contribution, including an in-kind contribution. The stickers do not contain a disclosure statement as required by 21A M.R.S.A. §1014 (1), although the Commission has the authority to waive that requirement if the Commission determines that the item is too small and the disclosure unnecessary.

Recommendation: Authorize acceptance upon payment of nominal value to be determined.

7. Virginia Diesinger Request for MCEA Eligibility: Ms. Diesinger (then Virginia Sturies) was successfully nominated as a nonparticipating candidate in the June Primary Election, thereafter withdrew, and has been nominated as her party's replacement candidate in the November General Election under her now married name. She has requested authorization to become a Maine Clean Election Act candidate if she is able to otherwise qualify. At its July meeting, the Commission decided that candidates who are nominated to replace themselves would not

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thereafter be eligible for MCEA participation. Ms. Diesinger (Sturies) cites her unique situation as a basis for the Commission's exception to that previous decision.

8. John F. Piotti Request to Remove Expense: Mr. Piotti ordered campaign literature (palm cards) with personal quotations that he learned after receiving the cards were not acceptable to the source of one of the quotes. As a MCEA candidate, he has requested authorization to dispose of the cards and reimburse his MCEA account from his personal funds and reorder acceptable cards. His letter dated August 1, 2002 more fully explains the factual situation and his proposed resolution.

9. Maine Citizens for Clean Elections Request: Mr. Douglas R. Clopp of the Maine Citizens for Clean Elections has requested that representatives of the coalition be permitted to address their concerns to the Commission regarding future solvency of the Maine Clean Election Fund in light of legislative action by the 120th Legislature and a proposal to withdraw additional funds by June 2003.

10. Staff Request RePolitical Party Committee "Subaccounts": A "party committee" (i.e., the state, district and county committees of political parties) under 21A M.R.S.A. §1013-A(3) is excluded from the definition of "political action committee" by 21A M.R.S.A. 1052(5)(B)(3). In 1998 the Commission determined that an "affiliate" of a state party committee (with a separate bank account and controlled by the same party officials) is not a separate entity. In 2001 the Commission concluded that a subaccount (i.e., "affiliate") of a party committee is not required to register and file reports as a political action committee. Questions have been raised about the connection of a subaccount (affiliate) organization that has not registered in any way with the Commission with a party committee organization and how the public is to know about the affiliation of a subordinate organization with its principal party committee. **Question:** Is "Maine Victory 2002" a subaccount or affiliate of the Maine State Democratic Committee or a joint fundraising committee established by U.S. Senate candidate Chellie Pingree and the Maine Democratic Party, as suggested by a July 18, 2002 "Roll Call" magazine article? If it is a subaccount (affiliate), what should be the party committee's reporting requirements regarding contributions to and expenditures by the subaccount (affiliate) organization as distinguished from the party committee? If it is a joint fundraising committee, what (if any) registration and reporting requirements should apply to the subordinate (affiliate) organization?

11. Notice: Repeal of 21A M.R.S.A. §1020-A(4) and (5) (8/1/02): The Commission's penalty assessment authority contained in §1020-A(4)(Basis for penalties) and (5)(Maximum penalties) appears to have been repealed effective August 1, 2002, by enactment of Public Law 2001, Chapter 470 (L.D. 1809). Counsel Gardiner has advised that the Legal and Veterans' Affairs Committee's OPLA Staff Analyst is conferring with Speaker's and Senate President's offices to determine what (if any) course of action they may want to take to rectify that apparently unintended action.

ADJOURNMENT