



Minutes of the March 27, 2024 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William Schneider, Esq., Chair; Dennis Marble; Sarah LeClaire, Esq. (by Zoom) and David Hastings, Esq. (by Zoom)

Staff: Jonathan Wayne, Executive Director; and Jonathan R. Bolton, Assistant Attorney General
Commissioner Schneider convened the meeting at 9:00 a.m.

1. Ratification of the Minutes of the February 28, 2024 Meeting

Mr. Marble moved to ratify the February 28, 2024 minutes with a minor correction. Mr. Hastings seconded the motion. The motion passed 4-0.

2. Lobbyist Registrations – Harassment Prevention Training

Legislators, legislative staff, and lobbyists are required to take an annual harassment prevention training, organized by the Legislature, at the beginning of each session. Lobbyists certify they have taken the training when they register with the Commission or ask for an extension or an exemption. Commission staff notified three lobbyists that their 2024 registrations would be considered non-compliant because they did not take the trainings.

Mr. Schneider asked if the training was available as a video on demand. Mr. Wayne stated the statute required the training be in person. Trainings have been conducted through live zoom meetings since the covid pandemic.

Mr. Nicholas Bennett is a lobbyist for the Natural Resources Council of Maine (NRCM) and registered on December 21, 2023. The preliminary penalty for Mr. Bennett is \$300, because his registration had been incomplete for three months. Mr. Bennett addressed the Commission and apologized for missing the 2024 trainings. When they were offered, his father had recently died and he was assisting his family in dealing with the loss. He was under additional stress due to a heavy workload and the resignation of NRCM's chief executive officer.

Chairman Schneider moved to reduce Mr. Bennett's fine to \$100. The motion failed for lack of a second.

Commissioner LeClaire moved to reduce Mr. Bennett's fine to \$25. The motion was seconded by Mr. Marble. The motion passed 4-0.

Ms. Jennifer DeChant, a lobbyist for Summit Natural Gas of Maine, registered on January 30, 2024. The preliminary penalty for Ms. DeChant is \$200. In support of her waiver request, she said she did not expect to register because lobbying is not normally part of her occupation. She registered only a few days before the final 2024 training was offered. She conducted minimal lobbying and only during the month of February. Ms. DeChant requested a waiver of the \$200 penalty.

Commissioner Marble moved to reduce Ms. DeChant's fine to \$25. The motion was seconded by Ms. LeClaire. The motion passed 4-0.

Mr. Myles Smith did not participate in the meeting in support of his request for a penalty waiver. The preliminary penalty is \$200. In his written request, he explained that he operates a small nonprofit organization, the Maine Broadband Coalition. He registered on January 31st, two days before the final training session. He stated he had not been in person at the State House for the last month and thinks it is unlikely he will be there again this session.

Commissioner LeClaire moved to reduce Mr. Smith's fine to \$25. The motion was seconded by Mr. Marble. The motion passed 4-0.

3. Rulemaking - Election Spending by Foreign Governments

The Commission started a rulemaking in January 2024 to implement a citizen-initiated statute preventing foreign governments from spending money or making contributions to influence elections in Maine. On February 29, 2024, the U.S. District Court for the District of Maine granted a motion for preliminary injunction. The order enjoins the Commission and the Attorney General from enforcing the statute until final judgment is entered in the litigation. The Commission received written comments from eight organizations through the deadline of March 11, 2024. After considering the comments, the Commission staff revised the proposed amendments in consultation with agency counsel.

Mr. Schneider moved to proceed with the rulemaking. Mr. Hastings stated it made sense to move ahead with the rulemaking on the condition that the amendments would not be enforced until the resolution of the litigation. Mr. Marble seconded the motion. The motion passed 4-0.

Mr. Schneider moved to consider changing the proposed amendments. Mr. Marble seconded the motion. The motion passed 4-0.

Mr. Wayne discussed the revisions recommended by staff. Mr. Marble expressed concern about the law encroaching on people's 1st Amendment rights to editorialize and comment on political topics. Mr. Bolton assured him that the statute was intended to address commercial advertising from foreign governments to influence elections and not to constrain editorial freedom. He discussed revisions to the proposed amendments reflecting the preliminary injunction against enforcement.

Mr. Schneider moved to proceed with the changes to the proposed rules that have been recommended by the staff. Mr. Marble seconded the motion. The motion passed 4-0.

Mr. Schneider moved to reopen the comment period for an additional month. Mr. Marble seconded the motion. The motion passed 4-0.

Other Business

Mr. Wayne presented the staff's written policy concerning how candidates seeking Maine Clean Election Act funding may fix errors in their qualifying contributions. He notified the Commission that Political Committee and Lobbyist Registrar Emma Burke had accepted a position at the Secretary of State's Office. The Commission expressed its appreciation to Ms. Burke for her commitment and contributions to the office.

Mr. Hastings made a motion to adjourn. Mr. Marble seconded. The motion passed 4-0. The meeting was adjourned at 10:05 a.m.

Respectfully submitted,
Jonathan Wayne, Executive Director