



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

To: Commissioners
From: Martha Currier, Assistant Director
Date: May 15, 2024
Re: Planned Parenthood Maine Action Fund PAC Request for Waiver of Late-Filing Penalty
for Late 2-Day Pre-Primary Independent Expenditure Report

The Planned Parenthood Maine Action Fund PAC (PPMAF) was required to file a 2-Day Pre-Primary Independent Expenditure (IE) Report no later than April 27, 2024, but filed it on May 11th, 14 days late. The preliminary penalty is \$733.60. PPMAF is requesting a waiver of the penalty.

LEGAL REQUIREMENTS

Any person, party committee, political committee or political action committee that makes any independent expenditure in excess of \$250 per candidate in an election from the 60th day through the 14th day before an election, must file a report within two calendar days of the expenditure. 21-A M.R.S. § 1019-B(4); 94-270 C.M.R. Ch. 1 § 10(3)(B)(2). If a person is late in filing a campaign finance report, the amount of the penalty is set by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. 21-A M.R.S. § 1020-A(4-A).

DISCUSSION

PPMAF's Principal Officer, Lisa Margulies, believed she had timely filed the report subject to this matter on April 25th. However, due to her unfamiliarity with the efilings system, she entered only the expenditures and did not complete the process by filing the report. In her request for a waiver Ms. Margulies indicates that she was filling in unexpectedly for the PPMAF staff who normally file these reports. When she reached out to Commission staff on May 10th regarding another IE

report, which was timely filed, she realized her error and asked for assistance. Staff advised how to file the report and it was filed on May 11th.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$672.61, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
2-Day Pre-Primary IE Report	4/27/2024	\$2,620	2%	14	\$733.60

STAFF RECOMMENDATION

IE reports are considered essential for public awareness prior to elections. Without these reports, an interested member of the press, public, or candidate campaigns would need to wade through thousands of transactions on reports covering greater lengths of time, to determine if any purchases supporting or opposing candidates had been made, which is why the reporting requirements exist. PPMF has been an active participant in Maine elections for many years with an experienced staff.

There is a precedent for the reduction of penalties in late IE reporting cases with the Commission. In 2022, PPMF filed a late IE report, which was preliminarily \$2,433.60 and reduced to \$750. The Commission staff recommends reducing the penalty in this matter to \$400 to account for the limited public harm, and the inexperience of the individual involved. However, given the political activity of this PAC, staff ask the Commission to strongly encourage PPMF to train additional staff to assist with filings so penalties are not incurred in the future.



Commission on Governmental Ethics and Election Practices
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
Website: www.maine.gov/ethics
Phone: 207-287-4179
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2024 INDEPENDENT EXPENDITURE REPORT

COMMITTEE		TREASURER	
PLANNED PARENTHOOD MAINE ACTION FUND PAC 443 Congress Street, 3rd Floor Portland, ME 04101 PHONE: (207) 687-3289 EMAIL: lisa.margulies@ppnne.org		Diana Lee 10 Harris Rd Cumberland, ME 04021 PHONE:(207) 415-1155 EMAIL: dilee@maine.rr.com	
REPORT	DUE DATE	REPORTING PERIOD	
2-Day Pre-Primary Independent Expenditure Report	04/27/2024	04/25/2024-04/25/2024	

FINANCIAL ACTIVITY SUMMARY

EXPENDITURES	
Total independent expenditures greater than \$250 per candidate	\$2,620.00
Total independent expenditures of \$250 or less per candidate	\$0.00
Total independent expenditures for all candidates	\$2,620.00

AFFIRMATION

I, Lisa Margulies affirm that each of the expenditures listed in this report was made independently of, and not in cooperation, consultation, or concert with, or at the request of suggestion of, the candidate(s) named or in a race affected by any expenditure in the report, the political committee of the candidate(s), or their agents.

Unsworn falsification is a Class D crime. 17-A M.R.S. § 453

REPORT FILED BY: Lisa Margulies
REPORT FILED ON: 5/11/2024 12:16:39 PM
LAST MODIFIED:
COMMITTEE ID: 847
REPORT NUMBER: 35974

**SCHEDULE B-IE-1
CANDIDATE(S) SUPPORTED/OPPOSED**

Expenditure Date	Support / Oppose	Candidate Name	Office	District / County	Payee	Expenditure Amount
4/25/2024	SUPPORT	Ms. Cassie Lynn Julia	Representative	65	Moxie Media	\$2,620.00
Total itemized independent expenditures greater than \$250 per candidate						\$2,620.00
Total unitemized independent expenditures of \$250 or less per candidate						\$0.00
Total independent expenditures for all candidates						\$2,620.00

**SCHEDULE B-IE-2
EXPENDITURES**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
Date of expenditure	Payee	Remark	Expenditure type	Net Amount
4/25/2024	Moxie Media PO BOX 30084 SEATTLE, WA, 98113	Door Hangers	LIT	\$2,620.00
			Total Expenditure	\$2,620.00



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

May 13, 2024

Ms. Nicole Clegg
Planned Parenthood Maine Action Fund PAC
443 Congress Street
Portland, Maine 04101

Re: Late Filing of 2-Day Pre-Primary Independent Expenditure Report

Dear Ms. Clegg:

The Commission staff has made a finding the Planned Parenthood Maine Action Fund PAC (“the PAC”) was late in filing a 2-Day Pre-Primary Independent Expenditure campaign finance report. The report was due by 11:59 p.m. on April 27, 2024 but was not filed until May 11, 2024. Under the Commission’s statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S. § 1020-A). Based on the amount of financial activity in the report, the number of calendar days the report was late, and any history of violations from the PAC, the Commission staff has determined a penalty of \$733.60 is owed. (Please see attached penalty matrix for the calculation.)

The PAC may make a written request the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalty if it determines the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence the PAC made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

If you do not wish to seek a waiver, please make a payment via www.maine.gov/ethics or by check payable to “Treasurer, State of Maine.”

Sincerely,

A handwritten signature in blue ink that reads 'Martha Currier'.

Martha Currier
Assistant Director

Committee Name: Planned Parenthood Maine Action Fund PAC

Prior Violations: 0

Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
2-Day Pre-Primary Independent Expenditure Report	\$2,620	4/27/2024	14	2%	\$733.60

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 2%

For the second violation, 4%

For the third and each subsequent violation, 6%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

A required report sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1020-A(5-A)

\$5,000 for Independent Expenditure Reports, except if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late.



**Planned Parenthood
Maine Action Fund PAC**

Via Email

Planned Parenthood Maine Action Fund PAC
443 Congress Street, 3rd Floor
Portland, Maine 04101

May 14, 2024

State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

Re: Late 2-Day Pre-Primary Independent Expenditure Report

Dear Commission Members:

The Planned Parenthood Maine Action Fund PAC received the Commission's letter dated May 13, 2024, regarding a late filing of a 2-Day Pre-Primary Independent Expenditure Report and respectfully requests a waiver of the penalty.

By way of background, the staff member who files our PAC reporting unexpectedly went on leave several weeks ago with only a few days' notice. I took up the responsibilities in her absence, having never previously done campaign filing work. I worked with her for several hours to walk through filing requirements and process before she left.

I entered an independent expenditure report for 4/25/24—the first I had ever filed. Despite my efforts to learn the online system, I entered the report in the “expenditures” category as opposed to the “independent expenditures” category. My intention was to file the report correctly with all relevant information, and I assumed that I had done that when the entry appeared in the list of expenditures.

When I went to file my second report for 5/9/24 on 5/10/24, I noticed that there were additional steps to be completed that had not been required for my first report. I then looked at my prior filing and noticed it appeared in the “expenditures” category as opposed to the “independent expenditures” category. I immediately called the Commission and contacted Martha Currier by email on 5/10/24 to explain my confusion and ask how I could fix the error.

After receiving Martha's return email on 5/11/24 letting me know that this would be considered a late filing, I immediately re-filed the 4/25/24 report and confirmed that my 5/9/24 report had been filed correctly. The corrected report that I filed for 4/25/24 contained exactly the same information as the prior report. I then deleted the erroneous report in the “expenditures” category. I also contacted Martha the following business day, 5/13/24, to confirm that I successfully completed the filing process after noticing



**Planned Parenthood
Maine Action Fund PAC**

that another tab, “View/File Reports” showed two unfiled IE reports. Martha explained that they were correctly reported, but we still need to report those IE reports on our regular campaign finance report so that the cash balance is correct.

Given my bona fide efforts to report on time and confirm they were correctly filed along with minimal harm to the public, the Planned Parenthood Maine Action Fund PAC respectfully asks a waiver of the penalty of \$733.60.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Margulies'.

Lisa Margulies
Vice President of Public Affairs, Maine
Planned Parenthood Maine Action Fund PAC

Commission Penalty Decisions - PACs, BQCs, Party Committees (2018 - present)

Committee Name	Requested Waivers of Late-Filing Penalties	Preliminary Penalty	Final Penalty	Commission Meeting Date
Waiver Requests				
Maine United Auto Workers PAC	Late January Quarterly	\$400.00	\$400.00	04/25/18
Maine Health Care Assoc. PAC	Late 24-Hour Report	\$2,760.00	\$500.00	08/29/18
Fecteau Leadership PAC	Late 24-Hour Report	\$400.00	\$400.00	08/29/18
Waiver Requests				
New Mainers PAC	Late 24-Hour Report	\$10,000.00	\$1,000.00	03/06/19
Senate Democratic Campaign Committee	Late January Quarterly	\$1,010.50	\$750.00	04/24/19
Unite Portland PAC (<i>Municipal</i>)	Late IE Report	\$5,000.00	\$1,250.00	12/18/19
Unite Portland PAC (<i>Municipal</i>)	Late IE Report	\$2,052.16	\$750.00	12/18/19
Waiver Requests				
Women's Leadership Fund PAC	Late IE Report	\$100.00	\$50.00	08/11/20
Maine Truck PAC	Late 24-Hour Report	\$2,203.08	\$500.00	10/16/20
Revive Hometown Maine PAC	Late October Quarterly	\$510.00	\$250.00	10/30/20
Waiver Requests				
Mainers for Health and Parental Rights	Late 24-Hour Report	\$980.00	\$750.00	01/27/21
Kittery Democratic Committee	Late 11-Day Pre-General Report	\$500.00	\$100.00	02/24/21
Madison Republican Committee of Maine	Late 11-Day Pre-General Report	\$500.00	\$100.00	02/24/21
York Town Republican Committee	Late 11-Day Pre-General Report	\$500.00	\$100.00	02/24/21
Energy PAC for Maine	Late 24-Hour Report	\$8,840.00	\$750.00	03/31/21
Protect Maine Elections	Late Initial Report	\$1,004.00	\$750.00	10/29/21
Waiver Requests				
Mainers for Local Power PAC	Late 24-Hour Report	\$300,000.00	\$25,000.00	02/28/22
Mainers for Local Power PAC	Late 24-Hour Report	\$98,500.00	\$10,000.00	02/28/22
No on 3: Right to Food is Wrong for Maine	Late 24-Hour Report (3)	\$932.00	\$300.00	02/28/22
Piscataquis County Republican Committee	Late January Semiannual Report	\$500.00	\$100.00	03/30/22
Waldo County Democratic Committee	2022 July Semiannual Report	\$181.21	\$60.40	09/28/22
Lincoln County Republican Committee	2022 July Semiannual Report	\$500.00	\$100.00	09/28/22
American Leadership Committee-Maine PAC	Late IE report Oct. Quarterly Report	\$679.88	\$679.88	11/30/22
Planned Parenthood Maine Action Fund	Late IE report	\$2,433.60	\$750.00	11/30/22
We the People PAC	Late IE report	\$5,000.00	\$1,000.00	11/30/22
We the People PAC	Late IE report	\$99.96	\$99.96	11/30/22
Steve LaFreniere	Late IE Report	\$1,090.00	\$200.00	12/21/22
York Voter Alliance	Late IE report	\$672.61	\$200.00	12/21/22
Androscoggin County Democratic Committee	Late 11-Day Pre-General Report	\$99.94	\$99.94	12/21/22
Waiver Requests				
Aroostook County Republican Committee	Late 11-Day Pre-General Report	\$500.00	\$100.00	01/30/23
Aroostook County Republican Committee	Late 24-Hour Report	\$120.00	\$120.00	01/30/23
Maine AFL-CIO Committee on Political Education PAC	Late 24-Hour Report	\$4,860.00	\$750.00	02/28/23
Maine United Auto Workers Council PAC	Two Late 24-Hour Reports	\$4,900.00	\$1,000.00	02/28/23
American Leadership Committee-Maine PAC	Late 42-Day Post-General Report	\$55,654.00	\$2,500.00	05/31/23
We the People PAC	Late 11 day Pre-special election report	\$1,147.50	\$400.00	08/23/23
Star City PAC	Late 11 day Pre-special election report	\$370.50	\$150.00	08/23/23

Late Major Contributor Decisions (2020 - present)				
Committee Name	Violation	Preliminary Penalty	Final Penalty	Commission Meeting Date
Waiver requests				
Mainers for Local Power PAC	Late Major Contributor (2)	\$53,431.15	\$2,500.00	03/10/20
Maine Street Solutions - Protect Schools BQC	Late Major Contributor	\$25,000.00	\$2,000.00	05/27/20
Clean Energy Matters PAC	Late Major Contributor Notice	\$50,000.00	\$2,500.00	03/31/21
We the People PAC	Late Major Contributor Notice	\$11,500.00	\$2,500.00	05/26/21
Mainers for Local Power PAC	Late Major Contributor Notice	\$13,786.32	\$2,500.00	08/23/21
Maine Energy Progress	Late Major Contributor Notice	\$25,768.87	\$3,000.00	11/29/23
Dorman Products	Late Major Contributor Report	\$15,000	\$5,000.00	11/29/23
Maine Automotive Right to Repair	Late Major Contributor Notices (6)	\$240,000.00	\$35,000.00	11/29/23
Genuine Parts Company	Late Major Contributor Report	\$50,000.00	\$5,000.00	01/31/24
Our Power	Two Late Major Contributor Notices	\$28,155	\$6,000.00	02/27/24
Other Enforcement Decisions - Committees (2018 - present)				
Committee Name	Violation	Preliminary Penalty	Final Penalty	Commission Meeting Date
Other Violations				
Sara Gideon Leadership PAC	Contributions Made in Name of Another		\$500.00	10/30/19
Working Families PAC	Failure to file 2020 October Quarterly; 11-Day Pre-General, 42-Day Post-General, and 2021 January Quarterly and April Quarterly campaign finance reports		\$3,750.00	05/26/21
Mainers for Fair Laws BQC	Missing Disclaimers in television ads		\$2,500.00	09/29/21
Working Families PAC	Over the limit contribution to Diane Russell senate campaign		\$285.00	09/29/21
American Leadership Committee-Maine PAC	Missing top three donors		\$10,000.00	11/30/22

21-A M.R.S. § 1019-B. Reports of independent expenditures

1. Independent expenditures; definition. For the purposes of this section, an “independent expenditure” means any expenditure made by a person, party committee or political action committee that is not made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate’s authorized political committee or an agent of either and that:

A. Is made to design, produce or disseminate any communication that expressly advocates the election or defeat of a clearly identified candidate; or

B. Unless the person, party committee or political action committee making the expenditure demonstrates under subsection 2 that the expenditure did not have a purpose or effect of influencing the nomination, election or defeat of the candidate, is made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 28 days, including election day, before a primary election; during the 35 days, including election day, before a special election; or from Labor Day to a general election day.

2. Commission determination. A person, party committee or political action committee may request a determination that an expenditure that otherwise meets the definition of an independent expenditure under subsection 1, paragraph B is not an independent expenditure by filing a signed written statement with the commission within 7 days of disseminating the communication stating that the cost was not incurred with a purpose of influencing the nomination, election or defeat of a candidate, supported by any additional evidence the person, party committee or political action committee chooses to submit. The commission may gather any additional evidence it determines relevant and material. The commission shall determine by a preponderance of the evidence whether the cost was incurred with a purpose of, or had the effect of, influencing the nomination, election or defeat of a candidate. In order to make this determination, the commission shall consider whether the language and other elements of the communication would lead a reasonable person to conclude that the communication had a purpose of, or had the effect of, influencing an election. The commission may consider other factors, including, but not limited to, the timing of the communication, the recipients of the communication or, if the communication is a digital communication, any links to publicly accessible websites related to the nomination, election or defeat of a candidate. The commission’s executive director shall make an initial determination on the request, which must be posted on the commission’s publicly accessible website. Any person may appeal the initial determination, which must be considered by the commission at the next public meeting that is feasible.

3. Report required; content; rules. [PL 2009, c. 524, §6 (RPR); MRSA T. 21-A §1019-B, sub-§3 (RP).]

4. Report required; content; rules. A person, party committee or political action committee that makes any independent expenditure in excess of \$250 during any one candidate’s election shall file a report with the commission. In the case of a municipal election, the report must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of each expenditure in excess of \$250 in any one candidate’s election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of unsworn falsification, as provided in Title 17-A, section 453, a statement whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the

pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically.

5. Exclusions. An independent expenditure does not include:

- A.** [PL 2021, c. 132, §9 (RP).]
- B.** A telephone survey that meets generally accepted standards for polling research and that is not conducted for the purpose of changing the voting position of the call recipients or discouraging them from voting;
- C.** A telephone call naming a clearly identified candidate that identifies an individual's position on a candidate, ballot question or political party for the purpose of encouraging the individual to vote, as long as the call contains no advocacy for or against any candidate; and
- D.** A voter guide that consists primarily of candidates' responses to surveys and questionnaires and that contains no advocacy for or against any candidate.

21-A M.R.S. § 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$100. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A.** A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B.** An error by the commission staff;
- C.** Failure to receive notice of the filing deadline; or
- D.** Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

4. Basis for penalties. [MRSA T. 21-A §1020-A, sub-§4 (RP).]

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A.** For the first violation, 2%;

B. For the 2nd violation, 4%; and

C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$25 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

5. Maximum penalties. [MRSA T. 21-A §1020-A, sub-§5 (RP).]

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B.

E. [PL 2011, c. 558, §5 (RP).]

6. Request for a commission determination. If the commission staff finds that a candidate or political committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the candidate or political committee within 3 business days following the filing deadline informing the candidate or political committee that a report was not received. If a candidate or a political committee files a report required under this subchapter late, a notice of preliminary penalty must be sent to the candidate or political committee whose registration or campaign finance report was not received by 11:59 p.m. on the deadline date, informing the candidate or political committee of the staff finding of violation and preliminary penalty calculated under subsection 4-A and providing the candidate or political committee with an opportunity to request a determination by the commission. Any request for a determination must be made within 14 calendar days of receipt of the commission's notice. A candidate or political committee requesting a determination may either appear in person or designate a representative to appear on the candidate's or political committee's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

7. Final notice of penalty. If a determination has been requested by the candidate or political committee and made by the commission, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate and the political committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the candidate and treasurer. A detailed summary of all notices must be provided to the commission.

8. Failure to file report. The commission shall notify a candidate who has failed to file a report required by this subchapter, in writing, informing the candidate of the requirement to file a report. The notice must be sent by certified mail. If a candidate fails to file a report after 2 notices have been sent by the commission, the commission shall send a final notice by certified mail informing the candidate of the requirement to file and that the matter may be referred to the Attorney General for criminal prosecution. A candidate who fails to file a report as required by this subchapter after the commission has sent the notices required by this subsection is guilty of a Class E crime.

8-A. Penalties for failure to file report. The penalty for failure to file a report required under this subchapter may not exceed the maximum penalties as provided in subsection 5-A.

9. List of late-filing candidates. The commission shall prepare a list of the names of candidates who are late in filing a report required under section 1017, subsection 2, paragraph C or D or section 1017, subsection 3-A, paragraph B or C within 30 days of the date of the election and shall make that list available for public inspection.

10. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

ETHICS COMMISSON RULES, 94-270 C.M.R. ch. 1, § 1(10)

SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. **General.** Any person, party committee, political committee or political action committee that makes any independent expenditure in excess of \$250 per candidate in an election must file a report with the Commission according to this section.
2. **Definitions.** For purposes of this section, the following phrases are defined as follows:
 - A. "Clearly identified," with respect to a candidate, has the same meaning as in Title 21-A, chapter 13, subchapter II.
 - B. "Expressly advocate" means any communication that
 - (1) uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!"; or
 - (2) is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate.
 - C. "Independent expenditure" has the same meaning as in Title 21-A §1019-B. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.
3. **Reporting Schedules.** Independent expenditures in excess of \$250 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following schedule:
 - A. *[Repealed]*
 - B. *[Repealed]*
 - (1) **60-Day Pre-Election Report.** A report must be filed by 11:59 p.m. on the 60th day before the election is held and be complete as of the 61st day before the election.
 - (2) **Two-Day Report.** From the 60th day through the 14th day before an election, a report must be filed within two calendar days of the expenditure.
 - (3) **One-Day Report.** After the 14th day before an election, a report must be filed within one calendar day of the expenditure.

For purposes of the filing deadlines in this paragraph, if the expenditure relates to a legislative or gubernatorial election and the filing deadline occurs on a weekend, holiday,

or state government shutdown day, the report must be filed on the deadline. If the expenditure relates to a county or municipal election, the report may be filed on the next regular business day.

- C. Reports must contain information as required by Title 21-A, chapter 13, subchapter II (§§ 1016-1017-A), and must clearly identify the candidate and indicate whether the expenditure was made in support of or in opposition to the candidate.
- D. A separate 24-Hour Report is not required for expenditures reported in an independent expenditure report.

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