



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

Commission Meeting 4/29/2015
Agenda Item #4

To: Commissioners

From: Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: April 14, 2015

Re: Request for Waiver of Late-Filing Penalty by Kennebunk Republican Committee

During an election year, in addition to semiannual campaign finance reports, municipal and county party committees must file an 11-Day Pre-General Report if – in a calendar year – they have received contributions totaling more than \$1,500 or made expenditures totaling more than \$1,500. Most local party committees do not reach the \$1,500 threshold and are exempt from the duty to file campaign finance reports.

LEGAL REQUIREMENTS

During the 2014 election year, local party committees were required to file a semiannual report with the Commission on July 15, 2014, covering from January 1, 2014 through June 30, 2014, an 11-Day Pre-General report covering from July 1 through October 21, 2014, and a semiannual report on January 15, 2015, covering from October 22, 2014 through December 31, 2014. (21-A M.R.S.A. §1017-A(4-B)(A)) A local party committee is exempt from filing reports if it receives or spends less than \$1,500 in one calendar year. (21-A M.R.S.A. §1017-A(7))

If a local party is late in filing the required campaign finance report, the amount of the penalty is set by a formula which takes into consideration the amounts unreported, the number of prior violations within a two-year period, and the number of days the report is late (21-A M.R.S.A. §§ 1017-A(5) & 1020-A(4)) The statutory maximum penalty for a local party committee’s late semiannual report is \$500. (21-A M.R.S.A. §1020-A(5-A)(D))

DISCUSSION

During August of 2014, the Kennebunk Republican Committee (KRC) received over \$3,700 in contributions and made \$3,500 in expenditures. Accordingly, it was required to file a report on October 24, 2014 disclosing all of its contributions and expenditures for 2014. The KRC did not file its 11-Day Pre-General Report until it filed the 2015 January Semiannual report on January 15, 2015. The report was 83 days late.

Based on the statutory formula for calculating late-filed report penalties, the preliminary penalty amount equals the statutory maximum of \$500, calculated as follows:

Late Report	Date Filed	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty	Statutory Maximum Penalty
2014 11-Day Pre-General Report	1/15/2015	\$3,750	1%	83	\$3,112.50	\$500.00

The KRC asks that the Commission waive the penalty because the size of the penalty outweighs the experience of the KRC’s treasurer and is disproportionate to the size of the KRC’s campaign activities. The KRC notes that it appointed Mr. Paul Bennett, the

current treasurer, in the spring of 2014. Mr. Bennett became very busy with starting a new position as a real estate agent. When the KRC's campaign activities picked up in the late summer, his treasurer duties became overwhelming and he failed to file the necessary campaign finance reports. The KRC reports it is in the process of appointing a new treasurer with the time available for the duties of the position

STAFF RECOMMENDATION

Local parties committees are an important part of Maine's political landscape. They are also frequently operated by enthusiastic activists who may not always be attuned to campaign finance reporting laws. Maine's campaign finance laws acknowledge the often grass-roots nature of these organizations by granting both the blessing and curse of limited reporting requirements tied to the organization's monetary activity. While this allowance means local party committees are often not required to file campaign finance reports, it also means they must be aware of the filing requirements upon exceeding the \$1,500 threshold. In this case, the KRC engage in over \$1,500 in activity during the month of August and should have disclosed that activity to the public before the general election, but did not report that activity until January of 2015. Nonetheless, mitigating circumstances suggest that a reduction in the preliminary penalty may be appropriate. The treasurer was new to the position, and the KRC had not previously had enough activity to warrant the filing of a report since 2005. The expenditures reported were only for rent on a county campaign headquarters, not independent expenditures in support of candidates. Given these mitigating circumstances, the staff recommends that the

Commission find the KRC failed to timely file a 2014 11-Day Pre-General Report but reduce the penalty to \$100.

Thank you for your consideration of this memo.



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
Fax: 207-287-6775

2014 CAMPAIGN FINANCE REPORT

FOR PARTY COMMITTEES

COMMITTEE		TREASURER
KENNEBUNK, KENNEBUNKPORT REPUBLICAN TOWN COMMITTEE 6 WOODSIDE DR KENNEBUNK, ME 04043 PHONE: (207) 985-6269 EMAIL: BENNETTCO2000@HOTMAIL.COM		PAUL E BENNETT 6 WOODSIDE DR KENNEBUNK, ME 04043 PHONE: (207) 985-6269 EMAIL: BENNETTCO2000@HOTMAIL.COM
REPORT	DUE DATE	REPORTING PERIOD
11-DAY PRE-GENERAL REPORT	10/25/2014	01/01/2014 - 10/21/2014

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$3,750.00	\$3,750.00
2. OTHER CASH RECEIPTS (INTEREST, ETC.)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS (LINE 1 + 2 + 3)	\$3,750.00	\$3,750.00
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$0.00	\$0.00
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$3,500.00	\$3,500.00
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$3,500.00	\$3,500.00
OTHER ACTIVITY		
9. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
10. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
11. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

I, BEN DYER, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: BEN DYER
REPORT FILED ON: 01/15/2015
LAST MODIFIED: 01/15/2015
PRINTED: 04/16/2015
COMMITTEE ID: 2232

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

1 = Individual

9 = Candidate / Candidate Committee

2 = Candidate/ Spouse/ Domestic Partner

10 = General Treasury Transfer

3 = Commercial Source

11 = Transfer from Previous Campaign

4 = Nonprofit Organization

12 = Contributors giving \$50 or less

5 = Political Action Committee

13 = Contributors giving \$100 or less

6 = Political Party Committee

14 = Contributors giving \$200 or less

7 = Ballot Question Committee

15 = MCEA Payment

8 = Other Candidate/ Candidate Committee

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
8/16/2014	WELLS REPUBLICAN TOWN COMMITTEE 210 BUTTERNUT TRAIL WELLS, ME 04090		6	\$500.00
8/16/2014	York County Republican Committee 133 Rochester Street Berwick, ME 03901		6	\$500.00
8/19/2014	KENNEBUNKPORT REPUBLICAN TOWN COMMITTEE 154 WILDES DISTRICT RD KENNEBUNKPORT, ME 04046		6	\$500.00
8/20/2014	Maine Republican Party 9 Higgins Street Augusta, ME 04330		6	\$750.00
8/22/2014	RON COLLINS PO BOX 1155 WELLS, ME 04090	SELF DESCRIPTION: SALES	9	\$250.00
8/22/2014	PAUL LEPAGE PO BOX 1788 WATERVILLE, ME 04901	STATE OF MAINE DESCRIPTION: Government/Civil	9	\$500.00
8/22/2014	WAYNE PARRY 851 ALFRED RD ARUNDEL, ME 04046	SELF DESCRIPTION: LOBSTERMAN	9	\$750.00
TOTAL CASH CONTRIBUTIONS				\$3,750.00

**SCHEDULE B-1
OPERATING EXPENDITURES**

EXPENDITURES TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs	
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)	
OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
8/22/2014	M&S REALTY MAIN ST KENNEBUNK, ME 04043	CAMPAIGN OFFICE	OFF	\$3,500.00
TOTAL OPERATING EXPENDITURES				\$3,500.00

Ed Karytko
Kennebunk Republican Committee
PO Box 250
West Kennebunk, 04094

April 13, 2015

Maine Ethics Commission
135 State House Station
Augusta, ME 04333
Attn: Benjamin Dyer

Mr. Dyer;

As per our conversation several weeks ago, I am writing to explain why the Report to the Ethics Commission from the Kennebunk Republican Committee was not only late, but excessively late. This letter is by no means a justification but rather an explanation.

Around this time last year, the Kennebunk Republican Committee appointed a new Treasurer, Mr. Paul Bennett. At the time, Paul was in the process of starting a new position as a real estate agent, undergoing extensive training and spending a great deal of time servicing potential buyers. This was not a major problem at first since there were relatively few transactions through the committee during the spring and summer of last year. The last election cycle in the fall, proved to be overwhelming for our Treasurer for two reasons. First, the number of transactions increased due to contributions and donation activity. Secondly, because the real estate market was rather slow and Paul was just getting established, he found it necessary to take an evening job to help support his wife and three children.

The rest is history. The ethics report was filed late, very late and the Kennebunk Republican Committee is faced with a fine up to \$500.00. It is important for all of us involved in the Kennebunk Republican Committee to assure the Ethics Commission that the late filing was not intentional. If we were aware of the fact that our Treasurer was not able to submit the Ethics Report on time, someone would have stepped up to make sure we were in compliance or at least file for an extension.

Presently, we are in the process of appointing a new Treasurer who has more time to fulfill the duties of that position. We are also going to re-examine the transactions for the past year to confirm that all of the entries made to the Ethics Commission are accurate and balanced correctly. We ask that the Ethics Commission accept our apology for the late filing and understand that there was never any intent to deceive or take lightly our responsibility for filing on time. With that in mind, the Kennebunk Republican Committee is requesting that the Ethics Commission consider waiving in whole or in part the imposed penalties with our assurances that we will try our utmost to file all future reports on time.

Thank you for your time and consideration.

Ed Karytko
Kennebunk Republican Committee



STATE OF MAINE
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AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

February 10, 2015

Mr. Paul E. Bennett, Treasurer
Kennebunk-Kennebunkport Republican Town Committee
6 Woodside Dr
Kennebunk, ME 04043

Re: Late Filing of 2014 11-Day Pre-General Report

Dear Mr. Bennett,

The Commission staff has made a preliminary determination that the Kennebunk-Kennebunkport Republican Town Committee (the Party) was late in filing its 2014 11-Day Pre-General Report. Because the Party raised or spent more than \$1,500 during the July 1, 2014 – October 21, 2014 reporting period, this report was due on October 24, 2014, but the transactions were not reported until the Party filed them with its 2015 January Semiannual Report on January 15, 2015. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1020-A(4-A)). Based on the amount of financial activity in the report, the number of calendar days the report was late, the Party's history of violations, and the statutory maximum penalty, the commission staff have determined that a penalty of \$500.00 is owed. (Please see attached penalty matrix for the calculation).

The Party may make a written request that the Commission waive the violations or penalties 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 Party 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 that 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 that the Party 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.

Please call me at (207) 287-6221 or send me an email at benjamin.p.dyer@maine.gov if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin P. Dyer".

Benjamin P. Dyer
Political Committee and Lobbyist Registrar

Enclosure: payment receipt & penalty matrix

Payment Receipt

Mail payment to:

The Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Mr. Paul E. Bennett, Treasurer
Kennebunk-Kennebunkport Republican Town Committee
6 Woodside Dr
Kennebunk, ME 04043

Violation: Late 2014 11-Day Pre-General Report
Amount Due: \$500.00

Party Name: Kennebunk-Kennebunkport Republican Town Committee
Prior Violations: N/A

Report Name	Activity Amount	Due Date	Days Late	Penalty Prescribed	Calculated Penalty	Statutory Maximum Penalty
11-Day Pre-General	\$3,750.00	10/24/2014	83	1%	\$3,112.50	\$500.00

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, 1%
- For the second violation, 3%
- For the third and each subsequent violation, 5%

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

A required report that is 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)(D)
\$500 for reports required under section 1017-A, subsection 4-B.

§1017-A. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY PARTY COMMITTEES

1. Contributions. A party committee shall report all contributions in cash or in kind from a single contributor that in the aggregate total more than \$200. The party committee shall report the name, mailing address, occupation and place of business of each contributor. Contributions of \$200 or less must be reported, and these contributions may be reported as a lump sum.

[2009, c. 190, Pt. A, §8 (AMD) .]

2. Expenditures to influence a campaign. A party committee shall report all expenditures made to influence a campaign, as defined in section 1052, subsection 1. The party committee shall report:

- A. The name of each candidate, political committee, political action committee or party committee; [2007, c. 443, Pt. A, §17 (AMD).]
- B. The office sought by a candidate and the district that the candidate seeks to represent; and [1991, c. 839, §23 (NEW); 1991, c. 839, §33 (AFF).]
- C. The date, amount and purpose of each expenditure. [2007, c. 443, Pt. A, §17 (AMD).]

[2011, c. 389, §16 (AMD) .]

3. Other expenditures. Operational expenses and other expenditures that are not made to influence a campaign, as defined in section 1052, subsection 1 must be reported separately. The party committee shall report:

- A. The name and address of each payee; [2009, c. 190, Pt. A, §10 (AMD).]
- B. The purpose for the expenditure; and [2007, c. 443, Pt. A, §17 (AMD).]
- C. The date and amount of each expenditure. [1993, c. 715, §2 (NEW).]

[2011, c. 389, §17 (AMD) .]

4. Filing schedule.

[2003, c. 302, §2 (RP) .]

4-A. Filing schedule. A state party committee shall file its reports according to the following schedule.

- A. Quarterly reports must be filed by 11:59 p.m.:
 - (1) On January 15th and must be complete up to December 31st;
 - (2) On April 10th and must be complete up to March 31st;
 - (3) On July 15th and must be complete up to June 30th; and

(4) On October 5th and must be complete up to September 30th. [2011, c. 367, §1 (AMD).]

B. General and primary election reports must be filed by 11:59 p.m.:

(1) On the 11th day before the date on which the election is held and must be complete up to the 14th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete up to the 35th day after that date. [2007, c. 443, Pt. A, §17 (AMD).]

C. Preelection and post-election reports for special elections, referenda, initiatives, bond issues or constitutional amendments must be filed by 11:59 p.m.:

(1) On the 11th day before the date on which the election is held and must be complete up to the 14th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete up to the 35th day after that date. [2011, c. 389, §18 (AMD).]

D. A state party committee that files an election report under paragraph B or C is not required to file a quarterly report under paragraph A when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [2003, c. 302, §3 (NEW).]

E. A state party committee shall report any single contribution of \$5,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses. [2013, c. 334, §12 (AMD).]

[2013, c. 334, §12 (AMD) .]

4-B. Filing schedule for municipal, district and county party committees. Municipal, district and county party committees shall file reports according to the following schedule.

A. Reports filed during an election year must be filed with the commission by 11:59 p.m. on:

(1) July 15th and be complete as of June 30th;

(2) The 11th day before the date on which the general election is held and must be complete up to the 14th day before that date; and

(3) January 15th and be complete as of December 31st. [2009, c. 190, Pt. A, §12 (AMD).]

B. Reports filed during a nonelection year must be filed by 11:59 p.m. on:

(1) July 15th and be complete as of June 30th; and

(2) January 15th and be complete as of December 31st. [2007, c. 443, Pt. A, §17 (AMD).]

C. A committee shall report any single contribution of \$5,000 or more received or any expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses. [2013, c. 334, §13 (AMD).]

[2013, c. 334, §13 (AMD) .]

4-C. Electronic filing. State party committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a party committee submits a written request that states that the party committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted by March 1st of the election year. The commission shall grant all reasonable requests for exceptions.

[2007, c. 443, Pt. A, §17 (AMD) .]

5. Penalties. A party committee is subject to the penalties in section 1020-A, subsection 4-A.

[2003, c. 1, §13 (COR) .]

6. Notice; forms. A state party committee shall notify all county, district and municipal party committees of the same political party of the party committee reporting requirements. The party committees shall obtain the necessary forms from the commission to complete the filing requirements.

[1991, c. 839, §23 (NEW); 1991, c. 839, §33 (AFF) .]

7. Exemption. Any party committee receiving and expending less than \$1,500 in one calendar year is exempt from the reporting requirements of this section for that year.

[1991, c. 839, §23 (NEW); 1991, c. 839, §33 (AFF) .]

8. Municipal elections. When a party committee makes contributions or expenditures on behalf of a candidate for municipal office subject to this subchapter, it shall file a copy of the reports required by this section with the clerk in that candidate's municipality.

[2011, c. 389, §19 (AMD); 2011, c. 389, §62 (AFF) .]

21-A MRS § 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 \$10. 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; [1999, c. 729, §5 (AMD).]
- B. An error by the commission staff; [1999, c. 729, §5 (AMD).]
- C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (AMD).]
- 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. [2009, c. 190, Pt. A, §13 (AMD).]

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.

[2001, c. 470, §7 (AMD); 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, 1%; [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]
- B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]
- C. For the 3rd and subsequent violations, 5%. [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]

Any penalty of less than \$10 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.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. Maximum penalties.

[2001, c. 470, §8 (AMD); 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; [2011, c. 389, §23 (AMD).]
- A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late; [2011, c. 389, §24 (NEW).]
- 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 financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late; [2011, c. 389, §25 (AMD).]
- 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 [2011, c. 558, §4 (AMD).]
- D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B. [2011, c. 558, §4 (AMD).]
- E. [2011, c. 558, §5 (RP).]

[2011, c. 558, §§4, 5 (AMD) .]

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.

[2013, c. 334, §17 (AMD) .]

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.

[2009, c. 302, §6 (AMD) .]

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.

[2007, c. 443, Pt. A, §25 (AMD) .]

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.

[2003, c. 628, Pt. A, §6 (NEW) .]

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.

[1995, c. 483, §15 (NEW) .]

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.

[2009, c. 302, §7 (RPR) .]