

# Agenda

## Item #3

**Request for Waiver – Maine Society of  
Anesthesiologists PAC**



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

To: Commissioners  
From: Benjamin Dyer, Political Committee and Lobbyist Registrar  
Date: October 21, 2014  
Re: Request for Waiver of Late-Filing Penalty by Maine Society of Anesthesiologists PAC

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In the thirteen days before an election, all political action committees, ballot question committees and political parties must file a report within 24 hours of receiving any single contribution of \$5,000 or more or making any expenditure of \$1,000 or more.<sup>1</sup> On May 30, 2014, the Maine Society of Anesthesiologists PAC (the PAC) made contributions of \$1,000 each to two other PACs. It was required to disclose these payments in 24-Hour Reports, but was late in reporting these transactions. In keeping with our penalty recommendations for similar 24-Hour reporting violations at your August and September meetings, the staff suggests reducing the preliminary penalty from \$1,040 to \$250.

#### LEGAL REQUIREMENTS

PACs are required to report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made during the 13 days before an election within 24 hours of that transaction. (21-A M.R.S.A. § 1059(2)(E)) If the PAC is late in filing the 24-hour report, the amount of the penalty is set by a formula which takes into

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<sup>1</sup> Candidates have a similar 24-hour reporting requirement, except with a lower reporting threshold (\$1,000) for contributions.

consideration the amount of the transaction, 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. § 1062-A(3))

**DISCUSSION**

On May 30, 2014, the PAC made a \$1,000 contribution to the Capital Leadership PAC and a \$1,000 contribution to the House Democratic Campaign Committee (HDCC) PAC. In July, when the PAC entered the transactions into the Commission’s campaign finance reporting system for the 42-Day Post-Primary report, the system reminded the PAC of the late 24-hour report. The PAC filed the required 24-hour report on July 22, 2014.

Based on the statutory formula for calculating late-filed report penalties, the preliminary penalty amount totals \$1,040, calculated as follows:

<b>Transactions</b>	<b>Date</b>	<b>Financial Activity</b>	<b>Penalty Rate</b>	<b>Days Late</b>	<b>Preliminary Penalty</b>
Contributions to Capital Leadership and HDCC PACs	5/30/2014	\$2,000	1%	52	\$1,040

The PAC asks that the Commission waive the penalty because the size of the penalty outweighs the harm suffered by the public from the late disclosure. The PAC notes that the harm to the public from the late-reported transactions was minimal as the check written to the Capital Leadership PAC was returned as “undeliverable” by the postal service and was later re-sent. The check to the House Democratic Campaign Committee was a small portion of the HDCC PAC’s funding that period (and was the minimum amount, \$1,000, that triggered the 24-hour reporting requirement). Finally, the PAC

indicates it was not conscious of the 24-hour filing requirements because it believed the July 22<sup>nd</sup> report was the next report due.

#### **STAFF RECOMMENDATION**

Violations of the 24-hour reporting requirements can be serious matters. 24-hour reports play an important role in informing the electorate about how money is changing hands in the critical days just before an election. In this situation, the PAC made expenditures of \$2,000 without disclosing these transactions in timely manner. The PAC also did not file the 24-hour report until reminded by the campaign finance reporting system. However, there are factors present which support a reduction in the preliminary penalty. The Capital Leadership PAC did not actually receive the expenditure the PAC made to it. The HDCC PAC did not spend any money supporting or opposing candidates during the 24-hour reporting period before the primary election. Additionally, the PAC has had no previous violations.

Weighing the factors, the staff recommends that the Commission reduce the penalty to \$250. This is consistent with penalties assessed against less politically active PACs for similar violations at your August and September meetings (the Maine Credit Union League PAC, the Build Maine PAC, and the Citizens for Justice PAC.).

Thank you for your consideration of this memo.



AUG 14 REC'D

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PO Box 188 ■ 96 State Street, 2<sup>nd</sup> Floor ■ Augusta, ME 04332-0188

August 13, 2014

HAND DELIVERED

Mr. Benjamin P. Dyer  
Political Committee & Lobbyist Registrar  
Maine Commission on Governmental  
Ethics & Elections Practices  
135 State House Station  
Augusta, ME 04333-0135

Re: Waiver Request of Maine Society of Anesthesiologists PAC

Dear Mr. Dyer:

On behalf of the Maine Society of Anesthesiologists PAC (MeSA PAC), we acknowledge receipt on July 31, 2014 of your July 28, 2014 Notice of Late Filing of 24-Hour Report and through this letter respectfully request a waiver of the penalties contained therein pursuant to 21-A MRSA §1062-A.

As you are aware, the Commission may waive or modify the penalty "if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure." 21-A MRSA §1062-A(2).

As your Notice Matrix acknowledges, this is the first violation by MeSA PAC of the reporting provisions that PACs are subject to under sub-chapter 4 of chapter 13, Title 21-A. The violation was purely unintentional with the MeSA PAC fully believing the regular quarterly report pursuant to 21-A MRSA §1059(2) was the next reporting date. With the flurry of contribution requests from the two parties and the legislative campaign PACs and candidates after the close of the 2<sup>nd</sup> Session, the realization that we were within the primary election date window was completely overlooked.

More importantly, we do not believe the public was harmed by the late disclosure. Although the checks were dated May 30, 2014, they were not donated to the respective PACs until after that. It may be more appropriate to report the donation dates in the future when the actual donation is effected as opposed to the mere writing of the check. A donation cannot be made until the act of actually delivering the donation to the respected PAC is accomplished.

In the case of the donation to the Capital Leadership PAC, the contribution was returned as undeliverable and had to be resent later, actually in early July we believe. In fact, the check has not cleared the MeSA PAC's account as of this date. Review of the Capital Leadership PAC's 42 day post-primary report demonstrates that it had yet to be received. See Attachment A. Therefore, we believe the public has not been harmed by "late" disclosure of a contribution that had actually not been sent to or received by the recipient within the relevant reporting periods.

As to the House Democratic Campaign Committee PAC contribution that contribution was also not reported having been received by the PAC in the 42 day post-primary report. See Attachment B. However, our records indicate that the contribution was transferred on June 9, 2014 by our bank. Nevertheless, given the substantial size of the contributions reported by the House PAC in that reporting period, the MeSA PAC contribution is of a very small proportion. Therefore, we believe that the late reporting of the donation did not harm the public in any manner.

As stated earlier, we believe our unintended and first error did not harm the public interest in any way. Our perceived error in early reporting of an intended though undelivered or effectuated donation caused the PAC to believe the appropriate report was due on July 22<sup>nd</sup> which was accomplished. Moreover, one recipient PAC had not received the donation within the reporting period and it did not subsequently report it in their report. The other contribution while apparently being received by the done was not reported by them and was of a small size in comparison to the reported contributions in that reporting period. Therefore, we respectfully ask the Commission to waive the penalty also understanding that the MeSA PAC will be fully vigilant as to the timing and reporting of its donations.

Please let me know if you have any questions.

Very truly yours,



Charles C. Soltan, Esq.  
Counsel, MeSA PAC

Cc: Dr. Joel Smith  
Anna Bragdon



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](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2014 CAMPAIGN YEAR

COMMITTEE		TREASURER	
MAINE SOCIETY OF ANESTHESIOLOGIST PAC P.O. BOX 190 MANCHESTER, ME 04351 PHONE: (207) 441-5989 EMAIL: MESAHQ@GMAIL.COM		Joel Smith, DO 60 Turkey Road Waterville, ME 04963 PHONE: (207) 692-0541 EMAIL: joel_smith111@yahoo.com	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Major Contributions and Expenditures	05/31/2014	05/30/2014 - 05/30/2014	

### FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$2,000.00
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: ANNA BRAGDON  
REPORT FILED ON: 07/22/2014  
LAST MODIFIED: 07/22/2014  
PRINTED: 10/21/2014  
COMMITTEE ID: 685

## 24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
<p>CNS Campaign consultants</p> <p>CON Contribution to other candidate, party, committee</p> <p>EQP Equipment (office machines, furniture, cell phones, etc.)</p> <p>FND Fundraising events</p> <p>FOD Food for campaign events, volunteers</p> <p>LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)</p> <p>MHS Mail house (all services purchased)</p> <p>OFF Office rent, utilities, phone and internet services, supplies</p> <p>OTH Other</p> <p>PHO Phone banks, automated telephone calls</p>	<p>POL Polling and survey research</p> <p>POS Postage for U.S. Mail and mail box fees</p> <p>PRO Other professional services</p> <p>PRT Print media ads only (newspapers, magazines, etc.)</p> <p>RAD Radio ads, production costs</p> <p>SAL Campaign workers' salaries and personnel costs</p> <p>TRV Travel (fuel, mileage, lodging, etc.)</p> <p>TVN TV or cable ads, production costs</p> <p>WEB Website design, registration, hosting, maintenance, etc.</p>			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
5/30/2014	CAPITAL LEADERSHIP PAC 227 WATER STREET AUGUSTA, ME 04330	SUPPORT LEADERSHIP RACES	CON	\$1,000.00
5/30/2014	HOUSE DEMOCRATIC CAMPAIGN COMMITTEE P.O. BOX 2021 AUGUSTA, ME 04338	SUPPORT LEADERSHIP RACES	CON	\$1,000.00
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				<b>\$2,000.00</b>



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

July 28, 2014

Dr. Joel Smith, Treasurer  
Maine Society of Anesthesiologists PAC  
60 Turkey Road  
Waterville, ME 04963

Re: Late Filing of 24-Hour Report

Dear Dr. Smith,

The Commission staff has made a preliminary determination that the Maine Society of Anesthesiologists PAC (the PAC) was late in filing the 24-Hour Report required for the following expenditures in the form of contributions the PAC reported making on May 30, 2014: a \$1,000.00 expenditure to the Capital Leadership PAC and a \$1,000.00 expenditure to the House Democratic Campaign Committee PAC. The report was due by 11:59 p.m. on May 31, 2014, but was not filed until July 22, 2014. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3)). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the PAC's history of violations, the commission staff has determined that a penalty of \$1,040.00 is owed. (Please see attached penalty matrix for the calculation).

The PAC may make a written request that 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 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 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.

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

Sincerely,

Benjamin P. Dyer  
Political Committee and Lobbyist Registrar

cc: Anna Bragdon  
Enclosure: payment receipt & penalty matrix

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE  
WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)

PHONE: (207) 287-4179

FAX: (207) 287-6775

Payment Receipt

Mail payment to:

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

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

Dr. Joel Smith, Treasurer  
Maine Society of Anesthesiologists PAC  
60 Turkey Road  
Waterville, ME 04963

**Violation:** Late 24-hour Report  
**Amount Due:** \$1,040.00

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**Committee Name:** Maine Society of Anesthesiologists PAC

**Report Title:** 24-Hour Report

**Due Date:** May 31, 2014

**Previous Violation(s):** N/A

**Filed Date:** July 22, 2014

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.**

<b>Penalty Example:</b>		<b>Your Penalty is calculated as follows:</b>	
The treasurer files the PAC's report two (2) days late. The PAC has not had any previous late violations this biennium. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is		Contributions / Expenditures:	<u>\$2,000.00</u>
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	X	
		Percent Prescribed:	<u>1%</u>
X .01	Percent prescribed for first violation		<u>\$20.00</u>
		X	
\$25.00	One percent of total contributions	Number of days late:	<u>52</u>
X 2	Number of calendar days late		
\$50.00	Total Penalty	Total penalty accrued:	<u><u>\$1,040.00</u></u>

**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 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.**

**MAXIMUM PENALTIES**

21-A M.R.S.A. Section 1062-A(3)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is one-fifth of the amount reported late.

## 21-A M.R.S.A. § 1059. REPORT; FILING REQUIREMENTS

Committees required to register under section 1052-A, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline. [2013, c. 334, §27 (AMD).]

### 1. Contents; quarterly reports and election year reports.

[ 2007, c. 443, Pt. A, §35 (RP) .]

### 2. Reporting schedule. Committees shall file reports according to the following schedule.

#### A. All committees shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th. [2011, c. 691, Pt. A, §19 (RPR).]

#### B. General and primary election reports must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of 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 as of the 35th day after that date. [2007, c. 443, Pt. A, §35 (AMD).]

#### C. Preelection and post-election reports for special elections or ballot measure campaigns must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of 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 as of the 35th day after that date. [2011, c. 389, §45 (AMD).]

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [1991, c. 839, §29 (RPR).]

E. A committee shall report any single contribution of \$5,000 or more received or 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 treasurer 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, §28 (AMD).]

[ 2013, c. 334, §28 (AMD) .]

### 3. Report of expenditures made after the 11th day and more than 48 hours before any election.

[ 1989, c. 504, §§28, 31 (RP) .]

**4. Special election reports.**

[ 1989, c. 504, §§28, 31 (RP) .]

**5. Electronic filing.** 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 committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

[ 2007, c. 443, Pt. A, §35 (AMD) .]

**SECTION HISTORY**

1985, c. 161, §6 (NEW). 1989, c. 7, §06 (AMD). 1989, c. 504, §§28,31 (RPR). 1989, c. 833, §§16-20 (AMD). 1991, c. 839, §29 (AMD). 2003, c. 628, §B5 (AMD). 2005, c. 301, §§25,26 (AMD). 2007, c. 443, Pt. A, §35 (AMD). 2007, c. 571, §9 (AMD). 2009, c. 190, Pt. A, §§23, 24 (AMD). 2009, c. 366, §9 (AMD). 2009, c. 366, §12 (AFF). 2009, c. 652, Pt. A, §22 (AMD). 2011, c. 367, §2 (AMD). 2011, c. 389, §§43-45 (AMD). 2011, c. 389, §62 (AFF). 2011, c. 691, Pt. A, §19 (AMD). 2013, c. 334, §§27, 28 (AMD).

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## 21-A M.R.S.A. § 1062-A. FAILURE TO FILE ON TIME

**1. Registration.** A political action committee required to register under section 1052-A or 1053-B or a ballot question committee required to register under section 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

[ 2013, c. 334, §30 (AMD) .]

**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 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to 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 of the committee treasurer 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, §9 (AMD).]

B. An error by the commission staff; or [1999, c. 729, §9 (AMD).]

C. 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. [2007, c. 443, Pt. A, §38 (AMD).]

[ 2009, c. 190, Pt. A, §29 (AMD) .]

→ **3. 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%; [1995, c. 483, §21 (NEW).]

B. For the 2nd violation, 3%; and [1995, c. 483, §21 (NEW).]

C. For the 3rd and subsequent violations, 5%. [1995, c. 483, §21 (NEW).]

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

[ 2007, c. 443, Pt. A, §39 (AMD) .]

**4. Maximum penalties.** The maximum penalty under this subchapter is \$10,000 for reports required under section 1056-B or section 1059, 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, §49 (AMD) .]

**5. Request for a commission determination.** If the commission staff finds that a political action committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the political action committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a political action committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the political action committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer'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, §31 (AMD) .]

**6. Final notice of penalty.** After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the political action 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 principal officer and to the treasurer of the political action committee. A detailed summary of all notices must be provided to the commission.

[ 2009, c. 302, §9 (AMD) .]

**7. List of late-filing committees.** The commission shall prepare a list of the names of political action committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

[ 2007, c. 443, Pt. A, §41 (AMD) .]

**8. Failure to file.** A person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E crime, except that, if a penalty pursuant to subsection 8-A is assessed and collected by the commission, the State may not prosecute a violation under this subsection.

[ 2003, c. 628, Pt. A, §8 (AMD) .]

**8-A. Penalties for failure to file report.** The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059 is \$10,000.

[ 2009, c. 190, Pt. A, §31 (AMD) .]

**9. 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, §10 (RPR) .]