Exhibit #9

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

To: Commission Members

From: Jonathan Wayne, Executive Director

Date: February 8, 2007

Re: Independent Expenditure Reports #48, #71, and #84

On October 31, 2006, attorney Daniel I. Billings submitted an e-mail complaint against the Maine Democratic Party questioning whether it filed independent expenditure reports #48 and #71 on time. He later added report #84 to the complaint telephonically.[1]

Mr. Billings argues that the Maine Democratic Party did not file reports #48, #71, and #84 within 24 hours of the making of the expenditures as required by 21-A M.R.S.A. §1019-B(3)(A) and Chapter 1, Section 10(3)(B) of the Commission Rules. These issues were first discussed during a November 2, 2006 Commission meeting conducted by telephone. In that meeting, the Democratic Party was represented by attorney Michael K. Mahoney. Daniel W. Walker has replaced Mr. Mahoney as the party's counsel.

What Actions Trigger the 24-Hour Reporting Requirement

In the 2004 elections, some candidates complained that independent expenditure reports were filed late in order to delay the payment of matching funds to opposing candidates. Following the election, the Commission adopted Chapter 1, Section 7(3) of its rules to clarify what events constitute making an expenditure:

(1) The placement of an order for a good or service;
(2) The signing of a contract for a good or service;
(3) The delivery of a good or the performance of a service by a vendor;
(4) A promise or an agreement (including an implied one) that a payment will be made; or
(5) The making of a payment for a good or service.

The rule specifies that "[e]xpenditures must be reported at the <u>earliest</u> of these events."

Paragraph 3(C) of the rule imposes an affirmative duty on the spender to determine costs promptly: "[a]t the time the duty to report an expenditure arises, the person submitting the report is required to determine the value of goods and services to be rendered

[1] Mr. Billings initially believed that report #83 was late as well, but has withdrawn that part of his complaint.

(preferably through a written statement from the vendor) and to report that value as the amount of the expenditure."

Reports #48 and #71

In his complaint, Mr. Billings observes that on October 26, 2006 the Senate Democratic Campaign Committee made a $30,000 contribution to the Maine Democratic Party which is close to the $28,997 total spent in independent expenditure reports #48 (filed on October 28) and #71 (filed on October 31). He argues: "This gives the appearance that the contribution was made with specific expenditures in mind. If the expenditures were planned on 10/26, they should have been reported on 10/26."

Mr. Mahoney discussed the two reports at the November 2 telephone meeting and has filed a November 13, 2006 response. He states that as early as October 25 or 26 the Democratic Party requested that its vendor, Ourso Beychok, design mailings that could be used in a number of races:

> The Party had, during the final weeks of the campaign, several mail pieces "in the can" that it would or would not print and disseminate depending on how individual races were shaping up.

My handwritten notes of the November 2 meeting indicate that Mr. Mahoney said that the Democratic Party had literature designed in about 9 Senate races, although my notes may not be accurate. He states that on October 27, the Democratic Party decided to mail literature to Districts 1, 15, 19, and on October 30 the Democratic Party made the another decision to send more mailings to Districts 1, 21, and 32. On those dates, the Democratic Party made commitments to Ourso Beychok to have the mailings printed, and the reports were filed one day later, on October 28 and October 31.

With respect to the design costs that were incurred on October 25 and 26, the Democratic Party argues that it was not obligated to report these costs until it knew that the literature would be mailed. If an organization is merely considering sending literature in support of a candidate but has not decided to send the literature, the party contends that it would be unfair to award matching funds to the candidate's opponent.

I wish to defer making a staff recommendation on reports #48 and #71 until the December 12 meeting. I do wish to state my agreement with one policy argument made by the Maine Democratic Party: if literature is designed but not ultimately mailed to voters, it is hard to see why the candidate's opponent should receive matching funds based on the design costs alone. That would seem to give the opponent an unfair advantage.

Also, I find it plausible that there are circumstances in which organizations such as PACs and party committees contemplate sending mailings in multiple districts and make last-minute decisions about where to spend scarce resources. The Commission may wish to be cautious in accepting these explanations at face value. I would counsel against

presuming them to be false, however, simply because they appear to be self-interested. These explanations involve making credibility determinations on a case-by-case basis.

Report #84

This report involved the payment of $7,568 to the U.S. Post Office for postage. The Democratic Party states that it first received the amount of these costs during the late evening of October 31 when Ourso Beychok e-mailed the Democratic Party's bookkeeper. The report was filed on November 1.

On one hand, the factual circumstances could lead you to conclude that these postage expenditures were reported late because on October 27 and 30 the Democratic Party was under an obligation under Paragraph 3(C) to obtain the postage costs from Ourso Beychok and to include these amounts in reports #48 and #71. You may wish to inquire at the December 12 meeting whether this reporting would have been practical and was in fact required under the Commission's rule.

On the other hand, please note that the expenditure in report #84 was a payment from the party directly to the U.S. Post Office, not Ourso Beychok. If you accept the Democratic Party's account of events, even though it knew on October 27 and October 30 into which districts it would send mailings, it had not taken any specific actions with respect to the Post Office which are listed in Chapter 1, Section 7(3) (it had not placed any order with the Post Office, signed a contract with the Post Office to buy postage, etc.). Regardless of the purpose of the rule, you may feel constrained by the rule's language to conclude that October 31st was the date of the expenditure in report #84.

With respect to report #84 as well, I would like to hear any additional factual information and arguments of the parties' attorneys before making a recommendation.

Report #83

Mr. Billings has withdrawn his complaint with respect to report #83. Nevertheless, I have attached the November 30 letter by the Senate Democratic Campaign Committee's counsel, Newell Augur, because you may find his legal analysis helpful in applying the Commission's expenditure rule.

Wayne, Jonathan

From: Dib9@aol.com
Sent: Tuesday, October 31, 2006 7:09 PM
To: Wayne, Jonathan
Cc: Lavin, Paul; Demeritt, Martha; roy@strategicadvocacy.com; andrew@mainesenategop.com
Subject: Complaint against Maine Democratic Party & Senate Democratic Campaign Comm.

Jonathan:

This e-mail is a complaint against the Maine Democratic Party and the Senate Democratic Campaign Committee that I am filing on behalf of the Maine Senate Republican Victory Fund. It appears that the Maine Democratic Party has not made timely reporting of their independent expenditures for Senate candidates.

On 10/26, the Senate Democratic Campaign Committee contributed $30,000 to Victory 2006, whose address is the same as the Maine Democratic Party. There is no PAC registered as "Victory 2006" so I believe that the contribution was to the Maine Democratic Party.

On 10/28, the Maine Democratic Party filed an Independent Expenditure report in three Senate districts. The total cost was $10,834. This report is Independent Expenditure #48 on the Ethics Commission website.

On 10/31, the Maine Democratic Party filed an Independent Expenditure report in three Senate districts. The total cost was $18,163. This report is Independent Expenditure #71 on the Ethics Commission website.

These expenditures add up to $28,997. An amount very close to the contribution made by the Senate Democratic Campaign Committee on 10/26. This gives the appearance that the contribution was made with specific expenditures in mind. If the expenditures were planned on 10/26, they should have been reported on 10/26.

Even more damning is the reason given for late reporting on the 10/31 -- "late design with corrections not approved until 30th." This indicates that the expenditure was in the works before 10/30. It should have been reported when the designer was told to work on the design, not when the final approval was given.

Some of these expenditures involve candidates who are Clean Elections candidates. The Democrats' actions have had the effect of delaying the release of matching funds, which makes it more difficult for the affected candidates to spend the money effectively. It appears that this was a deliberate scheme to delay release of matching funds.

We are also concerned because the latest filing by the Senate Democratic Campaign Committee shows a balance of $56,000. It is hard to believe that they do not have plans for this money with less than a week to go before the election. We anticipate more late independent expenditures -- expenditures that are likely already in the works.

In contrast, the Maine Republican Party filed independent expenditure reports yesterday for all expenditures planned in Senate races. We believe we are required to report any expenditures that are planned and in the works. Any additional expenditures will be the result of new money just raised this week.

I would appreciate your timely attention to this matter.

Dan Billings

PretiFlaherty

MICHAEL K. MAHONEY
mmahoney@preti.com

November 13, 2006

VIA ELECTRONIC MAIL & U.S. MAIL

Jonathan Wayne, Director
Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

RE: Maine Democratic Party's Response to Maine Senate Republican Victory Fund's Complaint Regarding Independent Expenditure Reports 48, 71 and 84

Dear Director Wayne:

Please accept on behalf of my client, the Maine Democratic Party, the following response to a complaint filed by the Maine Senate Republican Victory Fund (hereinafter the "Senate Republicans"). As you recall, this complaint was the subject of a telephonic conference of the Commission on November 2, 2006. At that time, the Commission deferred making any final determination on this complaint until its meeting on November 20, 2006. The purpose of this written submission is to provide the Commission with more information in advance of that meeting.

The complaint filed by the Senate Republicans alleged that the Party was late in filing 24-hour independent expenditure reports for mail pieces it financed in connection with several Maine Senate races. The reports at issue are Independent Expenditure Reports No. 48, No. 71 and No. 84 (hereinafter "Report #48", "Report #71" and "Report #84"). Specifically, the complaint appears to allege that these reports should have been filed earlier because, under Maine law, the Party allegedly made the expenditures contained within those reports more than 24 hours before the date of the reports.

Reports #48 & 71

Contrary to the Senate Republicans claims, Reports #48 and #71 were timely filed. Report #48 was filed on October 28 and Report #71 was filed on October 31. As outlined below, no commitment by the Party to pay its outside mail vendor, Ourso Beychok & Johnson, was made more than 24 hours before the filing of each report.

Report #48: Filed on October 28, 2006, this report included the design and production costs charged by Ourso Beychok for mail pieces supporting three different Democratic Senate candidates: Peter Bowman, Edward Degrosseilliers and Arthur Mayo. As discussed during the November 2nd conference call with the Commissioners, the Party made no commitment or

obligation to fund these mail pieces until October 27, 2006. Indeed, the Party had not even made the internal decision to direct its limited resources to these three races until that date. Attached as Exhibit A hereto are copies of invoices, each dated October 27th, that were sent electronically by Ourso Beychok to the Party for these three mail pieces. The Party has worked with Ourso Beychok during multiple election cycles, and it is Ourso's regular practice to prepare and forward invoices to the Party within hours, if not minutes, of receiving an order verbally from the Party. Hence, an October 27th invoice date is evidence that the Party committed itself to these expenditures on the same date, and not earlier.

Report #71. Filed by the Party on October 31, 2006, this report included the design and production costs for three additional mail pieces in support of three Democratic Senate candidates: Joseph Perry, Brian Rines and Peter Bowman. As discussed during the November 2nd conference call with the Commissioners, the Party made no commitment or obligation to fund these mail pieces until the Party's internal meeting on October 30, 2006. At that meeting, final decisions were made as to where the Party could most effectively direct its resources in the final days of the campaign. Prior to that date, it had given Ourso Beychok no definitive indication that it would be financing pieces in these districts. Attached as Exhibit B hereto are copies of invoices, each dated October 30th, that were sent electronically by Ourso Beychok to the Party for these three mail pieces. As stated above, Ourso's regular practice to prepare and forward invoices to the Party within hours, if not minutes, of receiving an order verbally from the Party. Hence, an October 30th invoice date for these three mail pieces is evidence that the Party committed itself to these expenditures on the same date, and not earlier.

Design Costs. An issue relating to these Reports that was discussed during the November 2nd conference call were the design expenses associated with the three mail pieces described in Report #71. Indeed, Report #71 indicates that design work began as early as October 25th. However, when the Party authorized Ourso Beychok to begin working on various designs, it did so without making any indication – one way or the other – that those designs would ultimately be printed and disseminated into Senate districts. The Party had, during the final weeks of the campaign, several mail pieces "in the can" that it would or would not print and disseminate depending on how individual races were shaping up.

It cannot be said that, standing alone, the design costs in this case constitute reportable "expenditures" under Maine law. Pursuant to 21-A M.R.S.A. § 1012(3), a payment or a promise to make a payment constitutes an "expenditure" only when it is "made for the purpose of influencing the nomination or election of any person to political office." In the present case, because no decision had yet been made to disseminate the mail pieces to the electorate, no funds were expended "for the purpose of influencing" the Senate elections. Rather, the designs were merely an internal exercise that, at that point in time, could not possibly influence the nomination or election of a person to political office. Those costs only became "expenditures" at the moment that a decision was made to disseminate them publicly.

Interpreting the law any other way would produce an unfair, and arguably absurd, result. Specifically, if design costs are deemed to be separately reportable even in cases where the designs may not be disseminated publicly, it is very likely that an MCEA candidate would

receive matching funds in connection with the design of a mail piece supporting his opponent that is never actually produced and thus, that could not influence the election.

Should the Commission, however, determine that design costs are separately reportable expenditures, Ourso Beychok charges a $500.00 design fee to the Party per design. If a design is never actually disseminated, Ourso charges the Party that fee.

Report #84

Filed on November 1, 2006, Report #84 documents the postage costs associated with the six mail pieces whose design and production costs were reported on Reports #48 and #71. The Senate Republicans' complaint alleges that this report was untimely.

The Party's investigation has uncovered that, following the Party's orders on October 27th and 30th, the mail pieces were printed by Keystone Press in Manchester, New Hampshire and then, on October 31, 2006, forwarded to a mailhouse-vendor named Mailings Unlimited in Portland, Maine, where they were weighed and mailed. Copies of Mailings Unlimited's shipping manifest documenting its receipt of the pieces on October 31st is attached hereto as Exhibit C. Attached as Exhibit D is an email from Ourso Beychok at 10:06 P.M. on October 31st indicating that Mailings Unlimited had just provided Ourso with the postage amount owed a few minutes earlier.

The Party's investigation further revealed that, prior to the actual delivery of the mail pieces themselves, Ourso Beychok had no communication about these particular pieces with Mailings Unlimited. It was not until these pieces physically arrived at Mailings Unlimited on October 31st that that entity learned of the pieces' existence and later that evening invoiced Ourso for the postage costs associated with them.

Given that Ourso, on the Party's behalf, did not obligate funds for postage until – at the earliest – October 31st when the pieces first arrived in Portland, the Party's November 1, 2006 reporting date was timely filed under the 24-hour statutory standard.

Conclusion

The Party representatives familiar with this situation are looking forward to discussing these issues with you at the November 20, 2006 hearing. Should you have any questions in the meantime, please do not hesitate to contact me.

Sincerely,

Michael K. Mahoney

Enclosures

EXHIBIT
A

OURSO BEYCHOK JOHNSON
Political Communications & Direct Mail

INVOICE

TO: Maine Democratic Party
FR: Ourso Beychok Johnson, Inc.
DT: October 27, 2006
RE: direct mail

6,351 self mailers Degrossilliers #5, 8 ½ x 11	$2,900.00
Total Due	$2,900.00

Please send check to:

Ourso Beychok Johnson, Inc.
352 Napoleon Street
Baton Rouge, La. 70802

OURSO BEYCHOK JOHNSON
Political Communications & Direct Mail

INVOICE

TO: Maine Democratic Party
FR: Ourso Beychok Johnson, Inc.
DT: October 27, 2006
RE: direct mail

8,194 self mailers Bowman #5, 8 ½ x 11	$4,179.00
Total Due	$4,179.00

Please send check to: Ourso Beychok Johnson, Inc.
352 Napoleon Street
Baton Rouge, La. 70802

OURSO BEYCHOK JOHNSON
Political Communications & Direct Mail

INVOICE

TO: Maine Democratic Party
FR: Ourso Beychok Johnson, Inc.
DT: October 27, 2006
RE: direct mail

8,944 self mailers Mayo #5, 6 x 11	$3,755.00
Total Due	$3,755.00

Please send check to: Ourso Beychok Johnson, Inc.
352 Napoleon Street
Baton Rouge, La. 70802

EXHIBIT
B

OURSO BEYCHOK JOHNSON
Political Communications & Direct Mail

INVOICE

TO: Maine Democratic Party
FR: Ourso Beychok Johnson, Inc.
DT: October 30, 2006
RE: direct mail

13,675 self mailers Rines #5, 8 ½ x 11	$6,154.00
Total Due	$6,154.00

Please send check to:

Ourso Beychok Johnson, Inc.
352 Napoleon Street
Baton Rouge, La. 70802

OURSO BEYCHOK JOHNSON
Political Communications & Direct Mail

INVOICE

TO: Maine Democratic Party
FR: Ourso Beychok Johnson, Inc.
DT: October 30, 2006
RE: direct mail

12,761 self mailers Perry #5, 8 1/2 x11	$5,742.00
Total Due	$5,742.00

Please send check to: Ourso Beychok Johnson, Inc.
352 Napoleon Street
Baton Rouge, La. 70802

OURSO BEYCHOK JOHNSON
Political Communications & Direct Mail

INVOICE

TO: Maine Democratic Party
FR: Ourso Beychok Johnson, Inc.
DT: October 30, 2006
RE: direct mail

11,968 self mailers Bowman #1 (re-print), 8.5 x 11	$5,146.00
Total Due	$5,146.00

Please send check to:

Ourso Beychok Johnson, Inc.
352 Napoleon Street
Baton Rouge, La. 70802

EXHIBIT C

#22664
#22659
#22707
#22663
#22696
#22706
#22686

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DELIVERY RECEIPT

Ship To: OURSO Bayclok Johnson Date: 10/31/06
c/o PORTLAND MAIL HOUSE
PORTLAND MAINE

QUANTITY ORDERED	QUANTITY PACKED	ITEM	
9,100	9,300	MAYO #5 ✓	3 BOXES
12,100	12,300	BOWMAN #1 ✓	9 BOXES
8,200	8,500	BOWMAN #5 ✓	6 BOXES
8,300	8,300	HOBBINS #2 ✓	4 BOXES
12,000	12	PERRY #5 ✓	9 BOXES
11,000		RINE #5 ✓	9 BOXES
7,000	7,000	MRED #5 ✓	5 BOXES
~~8,000~~	~~8,500~~	NUTTING #1 ✓	5 BOXES

RETURNED TO CUSTOMER

___ DISK(S) ___ PHOTO(S)

___ OTHER _____

Received by _____

EXHIBIT D

Subject: postage
From: "Trey Ourso" <treyourso@bellsouth.net>
Date: Tue, 31 Oct 2006 21:06:22 -0600
To: <books@mainedems.org>
CC: <gregolsonme@yahoo.com>, "Brian Hawkins" <senate@mainedems.org>, "Michael Beychok" <mbeychok1@cox.net>

We need $7,568.78 deposited in the non-profit meter in Portland tomorrow (Wednesday). I'm really sorry about the late notice but we just received this amount from the mailhouse a few minutes ago.

I have already spoken to Brian about this and he is aware of the time sensitivity and is prepared to work out the logistics.

Thanks,

Trey

Title 21-A, §1019-B, Reports of independent expenditures

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§1019-B. Reports of independent expenditures

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure": [2003, c. 448, §3 (new).]

A. Is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and

[2003, c. 448, §3 (new).]

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; the 21 days, including election day, before a general election; or during a special election until and on election day.

[2003, c. 448, §3 (new).]

2. Rebutting presumption. A person presumed under this section to have made an independent expenditure may rebut the presumption by filing a signed written statement with the commission within 48 hours of making the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and must determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate. [2003, c. 448, §3 (new).]

3. Report required; content; rules. A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of $100 during any one candidate's election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk. [2003, c. 448, §3 (new).]

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 and matching fund provisions under chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2003, c. 448, §3 (new).]

B. A report required by this subsection must contain an itemized account of each contribution or expenditure aggregating in excess of $100 in any one candidate's election, the date and purpose of each contribution or expenditure and the name of each payee or creditor. The report must state whether the contribution or expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the contribution or 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.

[2003, c. 448, §3 (new).]

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.

[2003, c. 448, §3 (new).]

PL 2003, Ch. 448, §3 (NEW).

SECTION 7. EXPENDITURES

1. Expenditures By Consultants, Employees, and Other Agents of a Political Campaign. Expenditures made on behalf of a candidate, political committee, or political action committee by any person, agency, firm, organization, etc. employed or retained for the purpose of organizing, directing, managing or assisting the candidate, the candidate's committee, or the political action committee shall be deemed expenditures by the candidate or committee. Such expenditures must be reported by the candidate or committee as if made or incurred by the candidate or committee directly.

2. Expenditures By Political Action Committees. In addition to the requirements set forth in 21-A M.R.S.A. Section 1060(4), the reports must contain the purpose of each expenditure and the name of each payee and creditor.

3. Timing of Reporting Expenditures.

   A. Placing an order with a vendor for a good or service; signing a contract for a good or service; the delivery of a good or the performance of a service by a vendor; or a promise or an agreement (including an implied one) that a payment will be made constitutes an expenditure, regardless whether any payment has been made for the good or service.

   B. Expenditures must be reported at the earliest of the following events:

      (1) The placement of an order for a good or service;

      (2) The signing of a contract for a good or service;

      (3) The delivery of a good or the performance of a service by a vendor;

      (4) A promise or an agreement (including an implied one) that a payment will be made; or

      (5) The making of a payment for a good or service.

   C. At the time the duty to report an expenditure arises, the person submitting the report is required to determine the value of goods and services to be rendered (preferably through a written statement from the vendor) and to report that value as the amount of the expenditure. If the expenditure involves more than one candidate election, the report must include an allocation of the value to each of those candidate elections.

4. Advance Purchases of Goods and Services for the General Election.

   A. Consulting services, or the design, printing or distribution of campaign literature or advertising, including the creation and broadcast of radio and television advertising, contracted or paid for prior to the primary election must be received prior to the primary election in order to be considered primary election expenditures.

3. Any traditionally funded candidate with a Maine Clean Election Act opponent shall file the following three reports detailing the candidate's total campaign contributions, obligations and expenditures to date, except that a candidate who has not received, spent, or obligated the amount sufficient to require a report under subsection 2 may file an affidavit, by the date the report is due, attesting that the candidate has not received, spent or obligated that amount:

   A. a report filed not later than 5 p.m. on the 42nd day before the date on which an election is held that is complete as of the 44th day before the date of that election;

   B. a report filed not later than 5 p.m. on the 21st day before the date on which an election is held that is complete as of the 23rd day before the date of that election; and

   C. a report filed not later than 5 p.m. on the 12th day before the date on which an election is held that is complete as of the 14th day before the date of that election.

4. 24-Hour Report. Any candidate who is required to file a 101% report must file an updated report with the Commission reporting single expenditures of $1,000 or more by candidates for Governor, $750 by candidates for State Senator, and $500 by candidates for State Representative made after the 14th day before any election and more than 24 hours before 5 p.m. on the date of that election. The report must be submitted to the Commission within 24 hours of those expenditures.

5. Filing by Facsimile or Electronic Means. For purposes of this section, reports may be filed by facsimile or by other electronic means acceptable to the Commission, and such reports will be deemed filed when received by the Commission provided that the original of the same report is received by the Commission within 5 calendar days thereafter.

SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. General. Any person, party committee, political committee or political action committee that makes an independent expenditure aggregating in excess of $100 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 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!".

C. "Independent expenditure" has the same meaning as in Title 21-A, section 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 must be reported to the Commission in accordance with the following provisions:

A. Independent expenditures aggregating in excess of $100 per candidate per election but not in excess of $250 made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following reporting schedule, except that expenditures made in the last 11 days before an election must be reported within 24 hours of the expenditure.

(1) Quarterly Reports.

(a) A report must be filed on January 15th and be complete as of January 5th;

(b) A report must be filed on April 10th and be complete as of March 31st;

(c) A report must be filed on July 15th and be complete as of July 5th; and

(d) A report must be filed on October 10th and be complete as of September 30th.

(2) Pre-Election Report. A report must be filed on the 12th day before the election is held and be complete as of that day.

If the total of independent expenditures made to support or oppose a candidate exceed $100, each subsequent amount spent to support or oppose the candidate must be reported as an independent expenditure. As long as the total amount spent with respect to the candidate does not exceed $250, all reports must be filed according to the deadlines in this paragraph. If the total amount spent per candidate exceeds $250, the reports must be filed in accordance with paragraph B.

[NOTE: FOR EXAMPLE, IF A COMMITTEE MAKES THREE $80 EXPENDITURES IN SUPPORT OF A CANDIDATE ON SEPTEMBER 20, THE 15TH DAY BEFORE THE ELECTION AND THE 8TH DAY BEFORE THE ELECTION, THOSE THREE EXPENDITURES MUST BE REPORTED ON OCTOBER 10th, AND THE 12TH AND 7TH DAYS BEFORE THE ELECTION, RESPECTIVELY.]

B. Independent expenditures aggregating 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 within 24 hours of those expenditures. If any additional expenditures, regardless of amount, increase the total spent per candidate above the threshold of $250, each additional expenditure must be reported within 24 hours.

[NOTE: FOR EXAMPLE, IF A COMMITTEE HAS REPORTED INDEPENDENT EXPENDITURES TOTALING $300 IN SUPPORT OF A CANDIDATE, AND THE COMMITTEE MAKES AN ADDITIONAL $50 INDEPENDENT EXPENDITURE IN SUPPORT OF THE CANDIDATE, THE ADDITIONAL $50 EXPENDITURE MUST BE REPORTED WITHIN 24 HOURS.]

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. Reports filed after the eighth day before an election must include the following information:

1. the date on which the person making the expenditure placed the order with the vendor for the goods or services;

2. the approximate date when the vendor began providing design or any other services in connection with the expenditure;

3. the date on which the person making the expenditure first learned of the total amount of the expenditure; and

4. a statement why the expenditure could not be reported by the eighth day before the election.

4. Multi-Candidate Expenditures. When a person or organization is required to report an independent expenditure for a communication that supports multiple candidates, the cost should be allocated among the candidates in rough proportion to the benefit received by each candidate.

A. The allocation should be in rough proportion to the number of voters who will receive the communication and who are in electoral districts of candidates named or depicted in the communication. If the approximate number of voters in each district who will receive the communication cannot be determined, the cost may be divided evenly among the districts in which voters are likely to receive the communication.

AUGUR & ASSOCIATES, P.A.
Law and Lobbying Firm
61 Winthrop Street
Augusta, Maine 04330
Electronic Mail: naugur@mainelobby.com

Telephone
(207) 622-2990

Fax
(207) 622-4417

Via Facsimile – 207-287-6775
and regular mail

November 30, 2006

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Re: Independent Expenditure #83

To the Members of the Maine Ethics Commission:

On behalf of the Senate Democratic Campaign Committee (SDCC), I appreciate the opportunity to provide you with additional information regarding the Complaint filed by Dan Billings on behalf of the Maine Senate Republican Victory Fund on October 31, 2006 (the "Complaint"). I understand that, upon further review, the Maine Senate Republicans have withdrawn this Complaint. I am, nonetheless, submitting this information in view of the Ethics Commission's discussion during its November 2, 2006 conference call and its November 5, 2006 written request for a response and production of documents.

Initial Concerns Raised in the Complaint

On or about the same time the Complaint was registered, the SDCC filed Independent Expenditure Report #83 ("IE #83") detailing a television advertisement (the "TV ad") in support of Brian Rines, Senate Candidate from District 21. The amount of IE #83 was $32,250: $30,000 to purchase media time and $2,250 to design the TV ad. The cost was paid for from funds contributed after the October 26th filing made by the SDCC.

As Mr. Billings noted during the conference call on November 2, 2006, IE #83 answered his specific concern that the SDCC did not "have plans for this money with less than a week to go before the election."

Proper Timing of the Report

During the conference call, there was additional discussion as to whether IE #83 was filed timely. Specifically, the Commission expressed interest as to whether the acceptance of the design of the TV ad and the resultant costs of that design merited a separate independent expenditure according to the provisions of 21-A M.R.S.A., Section 1019 and the applicable rules.

The SDCC would submit that regardless of how the Commission resolves this question, IE #83 was timely filed. Because the decision to use the design of the TV ad and the purchase of the media time for that TV ad both occurred on October 31, 2006, the SDCC's October 31st filing met the 24-hour reporting requirement.

Nonetheless, the Commission's underlying question is a valuable one as it concerns the future effective administration of the Maine Clean Election Act. In order to properly examine that question in this instance, a detailed analysis of the order of events is warranted.

Time Line

On the morning of Monday, October 30th, SDCC staff contacted Ourso Bechok Johnson (Ourso Bechok) by phone and asked them to prepare a draft TV ad. (SDCC staff had had previous discussions with Ourso Beychok over the weekend about the possibility of TV ad, but had yet to make an initial determination as to whether this would be financially feasible or politically desirable.) The request for the draft TV ad did not include any spoken message from the candidate, nor any specific video nor any additional voice over. Rather, it was a collection of pictures, already available on the candidate's website, combined with articles from a newspaper that had recently endorsed Dr. Rines.

Given the limited technical challenges involved, Ourso Beychok assembled a draft TV ad and submitted it to the SDCC for review in the afternoon of Monday, October 30th. SDCC staff reviewed the draft TV ad with Democratic Party leadership on the morning of October 31st. Following that conference, the SDCC decided to use the design for a TV ad and requested $30,000 worth of television time. That same afternoon, Ourso Beychok contacted Mundy Katowitz Media, Inc. on behalf of the SDCC to request a purchase of $30,000 worth of television time for the TV ad. Later in the afternoon, Ourso Beychok advised the SDCC that the television time had been obligated and that the total cost for the TV ad, including both the design and the advertising time, was $32,250. The SDCC then filed IE #83 detailing that amount.

Legal Analysis

Under Chapter 1, Section 10 (3)(B) of the Commission's rules, an Independent Expenditure Report should be filed when there is:

1. The placement of an order for a good or service;
2. The signing of a contract for a good or service;
3. The delivery of a good or the performance of a service;

4. A promise or agreement (including an implied one) that a payment will be made; or
5. The making of a payment for a good or service.

Because the decision to place an order of television time for the TV ad was not made until the afternoon of October 31, 2006, the SDCC was not obligated to file an independent expenditure report until the afternoon of November 1, 2006. In fact, the SDCC filed IE #83 before the close of business on October 31, 2006, immediately after the order of television time for the TV ad had been finalized. Even if an independent expenditure report were required when the design of the TV ad was accepted, the October 31st filing met that requirement.

Additional Legal Analysis of the Independent Expenditure Definition

The Commission expressed interest during the November 2nd conference call as to whether the request for the design of political material could have triggered the reporting requirements under Chapter 1, Section 7(3)(1) or (4), insofar as the request of a design constituted a placement for a good or service or an agreement that a payment would be made. In the alternative, the Commission expressed interest as to whether the delivery of a draft design for the TV ad could be considered the delivery of a good or service pursuant to Chapter 1, Section 7(3)(3).

The Commission should resist the temptation to parse out design fees from the larger production costs of a political advertisement. Such an interpretation would be wholly unworkable for all participants in the political process and could lead, ineluctably, to segregating many other costs that go into the construction of political discourse. Moreover, such an interpretation would be inconsistent with the current statute. The crux of an independent expenditure is not the design of a political advertisement. Rather, it is the communication of that advertisement.

21-A M.R.S.A., §1019-B (1) defines an independent expenditure as a "communication that expressly advocates" for or against a candidate. This definition was not satisfied until the afternoon of October 31st, when the SDCC actually ordered media time to disseminate the TV ad. The design of this TV ad cannot be an independent expenditure in its own right without the vehicle necessary to communicate it.

Even when a vendor is paid independently for design work, it is impossible to know whether that payment is made for purposes of influencing an election until after the design has been completed, the entity considering the expenditure has reviewed it and the media time has been ordered. A contrary interpretation would hamper the flexibility of political discourse since it would penalize an entity that looked into designing a political advertisement, but subsequently decided against communicating it. Further, any benefit that might be served by providing matching funds to opposing candidates and information to the public earlier than the current process requires would be marginal since the design costs of this TV ad (and generally of most political advertisements) represents less than 10% of the total cost. Moreover, this benefit would be outweighed by the increase, perhaps doubling, in the total number of independent expenditure reports filed.

Document Production

Per the Commission's request, I have included all documents currently in my client's possession regarding when the order for the TV ad was made and goods or services rendered. Specifically, there are five written communications by email between the SDCC and Ourso Beychok. To my knowledge, these emails also constitute all documents in Ourso Beychok's possession that are responsive to the Commission's request.

Conclusion

21-A M.R.S.A requires that an independent expenditure report be filed regarding a communication that advocates for or against a candidate, but not for the design of such a communication in advance of its actual dissemination. A contrary interpretation is inconsistent with the statute, and would be neither workable nor of any significant benefit to the public.

If you have any questions or would like any further information, please do not hesitate to contact me.

Respectfully submitted,

NEWELL A. AUGUR
NAA/kmj
Enclosures

From: Michael Beychok [michael@objmail.com]
Sent: Sunday, October 29, 2006 10:09 AM
To: 'Brian Hawkins'
Cc: 'Greg Olson'
Subject: RE: rines endoresement

Anyway to work this in to the TV spot.

Even if it is at the end with a super "Endorsed by the Kennebec Journal" although the language of the endorsement is the strongest.

"Brian Rines makes it happen"
"a truly outstanding candidate"
"an exceptional mix of experience, intellect, energy and ideas"
"Issue after issue Rines demonstrated both insight and ideas - a strong combination."

-----Original Message-----
From: Brian Hawkins [mailto:senate@mainedems.org]
Sent: Saturday, October 28, 2006 4:52 PM
To: Michael Beychok
Subject: rines endoresement

http://kennebecjournal.mainetoday.com/view/columns/3106071.shtml

Michael, in case you want it above is the link to the KJ's fantastic endorsement of Brian Rines. Some great language in there. Maybe good to use as a contrast in the McCormick piece.

--
Brian Hawkins
Assistant Caucus Director
(207) 622-6233 x111

From: Michael Beychok [michael@objmail.com]
Sent: Monday, October 30, 2006 11:52 AM
To: 'Greg Olson'; 'Brian Hawkins'
Subject: rines tv

I'm gonna need signoff on these scripts by 1pm today. We got to move these
along.

Who is paying for these ads; what is the legal description of the paid for
by line in terms of how big it has to be and how long it has to be on
screen.

I am assuming that Raghu's buyer is gonna buy the television.

If so, I need them to get in touch with me so I can tell my production house
where to send dubs and whether we can upload to save time.

Let's move on this.

Thanks.

From: Greg Olson [gregolsonme@yahoo.com]
Sent: Monday, October 30, 2006 12:08 PM
To: Michael Beychok; 'Brian Hawkins'
Subject: Re: rines tv

Senate Democratic Campaign Committee, 22 Smith St. Augusta, ME 04330.
Cyndie Banks Treasurer.

You think Raghu's guy is the best way to go?

Michael Beychok <michael@objmail.com> wrote:

> I'm gonna need signoff on these scripts by 1pm today. We got to move these along.
>
> Who is paying for these ads; what is the legal description of the paid for by line in terms of how big it has to be and how long it has to be on screen.
>
> I am assuming that Raghu's buyer is gonna buy the television.
>
> If so, I need them to get in touch with me so I can tell my production house where to send dubs and whether we can upload to save time.
>
> Let's move on this.
>
> Thanks.

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com

From: Michael Beychok [michael@objmail.com]
Sent: Monday, October 30, 2006 12:10 PM
To: 'Greg Olson'
Subject: RE: rines tv

In terms of buying the time yes. I haven't done the research and I'm just not set up to do it.

I'll do it though if you want.

From: Greg Olson [mailto:gregolsonme@yahoo.com]
Sent: Monday, October 30, 2006 11:08 AM
To: Michael Beychok; 'Brian Hawkins'
Subject: Re: rines tv

Senate Democratic Campaign Committee, 22 Smith St. Augusta, ME 04330. Cyndie Banks Treasurer.

You think Raghu's guy is the best way to go?

Michael Beychok <michael@objmail.com> wrote:
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I am assuming that Raghu's buyer is gonna buy the television.

If so, I need them to get in touch with me so I can tell my production house where to send dubs and whether we can upload to save time.

Let's move on this.

Thanks.

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com

From: Michael Beychok [michael@objmail.com]
Sent: Monday, October 30, 2006 12:20 PM
To: 'Greg Olson'; 'Brian Hawkins'
Subject: first cut at rines tv script

Rines TV.doc

Rines TV1/30

The independent Kennebec Journal put it best;

GRAPHIC: masthead of Kennebec Journal and tear off quote Brian Rines "makes things happen"

Brian Rines "makes things happen"

As Mayor of Gardiner for 16 years, Brian Rines lowered the tax rate by 22%; brought a new health clinic to Winthrop and created new jobs.

GRAPHIC: Lowered tax rate 22%
GRAPHIC: Created new jobs

Maybe that's why the Kennebec Journal endorsed Dr. Rines and said:

GRAPHIC: Masthead again with pic of Rines and "makes things happen"

Rines' success in Gardiner shows that he does not just talk, he makes things happen.

Dr. Brian Rines. The best choice.

GRAPHIC:LOGO and Vote for Dr. Brian Rines for Senate District 21.

Senate Democratic Campaign Committee, 22 Smith St. Augusta, ME 04330.
Cyndie Banks Treasurer.

From: mbeychok1@cox.net
Sent: Tuesday, October 31, 2006 5:52 PM
To: senate@mainedems.com; gregolsonme@yahoo.com
Subject: Fwd: SDCC

Buy Detail Report.rtf

> From: "Carole Mundy" <carole@munkato.com>
> To: "'Michael Beychok'" <mbeychok1@cox.net>
> Subject: SDCC
> Date: Tue, 31 Oct 2006 17:40:26 -0500
>
> This is similar to the approach we took with Midura...please advise.

SDCC Est 103 Week 1

10/31/2006

TV SCHEDULE

Client: Senate Democratic Caucus Committee (ME)
Product: SDCC NE
Market: Portland, ME
Flight Dates: 10/31/06-11/7/06

Estimate: 103
Description: SDCC ME Week 1
Survey: May06 DMA Custom
Buyer: Murray Katowitz Media, Inc.

Station	Affil	Day	DP	Time	Program	A 35+ RTG	Dur	# of SPOTS PER DAY 11/2	11/3	11/4	11/5	11/6	11/7	Total Spots	Gross Cost	CPP
WGSH-TV		M-F	EM	6:00a-7:00a	NEWS	6.2	30	1	1	0	0	1	0	3	$600.00	$129.03
		M-F	EM	7:00a-9:00a	TODAY SHOW	7.5	30	1	1	0	0	1	0	3	$900.00	$120.00
		M-F	DT	9:00a-10:00a	TODAY SHOW	7.5	30	1	1	0	0	1	1	4	$350.00	$46.67
		M-F	DT	10:11a-10:12a	RACHEL RAY	1.8	30	1	0	0	0	1	0	2	$90.00	$50.00
		M-F	DT	11:00a-12:00p	FAMILY FEUD	1.1	30	0	1	0	0	0	0	1	$50.00	$45.45
		M-F	DT	12:00p-12:30p	NEWSCENTER	4.3	30	0	0	1	0	0	0	1	$300.00	$69.77
		M-F	EF	4:00p-5:00p	JUDGE ALEX	1.9	30	0	0	0	0	1	0	1	$50.00	$26.32
		M-F	EN	5:00p-5:30p	NEWS	6.2	30	1	0	0	0	0	0	1	$615.00	$99.19
		M-F	EN	5:30p-6:00p	NEWS	7.4	30	0	1	0	0	0	0	1	$855.00	$115.54
		M-Su	EN	6:00p-7:00p	NEWS	14.5	30	0	0	0	0	1	0	1	$1,620.00	$111.72
		M-F	PA	7:30p-8:00p	INSIDE EDITION	2.2	30	0	1	0	0	0	0	1	$410.00	$186.36
		M-Su	LN	11:00p-11:35p	NEWS	4.6	30	1	0	0	0	1	0	2	$500.00	$108.70
		M-F	LF	11:35p-12:35a	TONIGHT SHOW	2.0	30	1	1	0	0	1	0	3	$130.00	$65.00
		Sa	WK	6:00a-7:00a	NEWS	5.0	30	0	0	1	0	0	0	1	$750.00	$150.00
		Sa	WK	12:00p-12:30p	NEWS	4.8	30	0	0	1	0	0	0	1	$236.00	$49.96
		Su	WK	7:00a-8:00a	NEWS	5.6	30	0	0	0	1	0	0	1	$550.00	$98.33
Station Total:						143.9								27	$13,595.00	
WGME-TV		M-F	EM	5:00a-6:00a	NEWS	1.2	30	1	1	0	0	1	0	3	$175.00	$145.83
		M-F	EM	6:00a-7:00a	NEWS	2.1	30	1	1	0	0	1	0	3	$300.00	$142.86
		M-F	EM	7:00a-9:00a	EARLY SHOW	2.0	30	1	1	0	0	1	0	3	$100.00	$50.00
		M-F	DT	9:00a-12:00p	GUIDING LIGHT/JUDGE BROWN/PRICE/RIGHT	1.2	30	1	0	0	0	0	0	1	$100.00	$83.33
		M-F	DT	12:00p-12:30p	NEWS	3.2	30	0	0	0	0	1	0	1	$250.00	$78.13
		M-F	DT	3:00p-4:00p	JUDGE JUDY	2.7	30	1	0	0	0	0	0	1	$150.00	$55.56
		M-F	EF	4:00p-5:00p	OPRAH	4.4	30	0	1	0	0	1	0	2	$450.00	$102.27
		M-F	EN	5:00p-5:30p	NEWS	4.1	30	1	0	0	0	0	0	1	$850.00	$158.54
		M-F	EN	5:30p-6:00p	NEWS	4.7	30	0	1	0	0	0	0	1	$700.00	$148.94
		M-F	EN	6:00p-7:00p	NEWS	6.5	30	0	0	0	0	1	0	1	$1,000.00	$153.85
		Su	EN	6:00p-6:30p	NEWS	4.9	30	0	0	0	1	0	0	1	$550.00	$102.04
		M-F	PA	7:00p-7:30p	ENT TONIGHT	3.9	30	1	0	0	0	0	0	1	$800.00	$205.13
		M-F	PA	7:30p-8:00p	INSIDER	3.4	30	0	1	0	0	0	0	1	$800.00	$235.29
		Sa	PA	7:00p-8:00p	NEWS	1.6	30	0	0	1	0	0	0	1	$300.00	$187.50
		M-Su	LN	11:00p-11:35p	NEWS	2.4	30	1	0	0	1	0	0	2	$350.00	$145.83
		M-F	LF	11:35p-12:35a	LETTERMAN	1.1	30	0	1	0	0	1	0	2	$150.00	$136.36
		Su	WK	9:00a-10:30a	SUNDAY MORN	2.8	30	0	0	0	1	0	0	1	$450.00	$173.08
Station Total:						70.5								26	$9,225.00	
WMTW-TV		M-F	EM	6:00a-7:00a	NEWS	1.5	30	1	1	0	0	1	1	4	$125.00	$83.33
		M-F	EM	7:00a-9:00a	GMA	1.5	30	1	1	0	0	1	0	3	$125.00	$83.33
		M-F	DT	9:00a-10:00a	REGIS	2.0	30	1	0	0	0	1	0	2	$125.00	$62.50
		M-F	DT	10:00a-11:00a	MARTHA	1.5	30	0	1	0	0	1	0	2	$110.00	$73.33
		M-F	DT	11:00a-12:00p	THE VIEW	1.5	30	1	0	0	0	0	0	1	$125.00	$83.33
		M-F	DT	12:00p-12:30p	NEWS	1.0	30	0	1	0	0	0	0	1	$70.00	$70.00
		M-F	DT	1:00p-4:00p	SOAPS	1.0	30	0	1	0	0	1	0	2	$150.00	$150.00

02/08/2007 16:46 2072876775 ETHICS COMMISSION PAGE 12/29
Nov. 30. 2006 5:12PM No. 1257 P. 13

SDCC Est 103 Week 1

10/31/2006

TV SCHEDULE

Client: Senate Democratic Caucus Committee (ME)
Product: SDCC ME
Market: Portland, ME
Flight Dates: 10/31/06-11/7/06

Estimate: 103
Description: SDCC ME Week 1
Survey: May06 DMA Custom
Buyer: Mundy Katowitz Media, Inc.

Station	Affil	Day	DP	Time	Program	A 35+ RTG	Our	# of SPOTS PER DAY 11/2	11/3	11/4	11/5	11/6	11/7	Total Spots	Gross Cost	CPP
		M-F	EF	4:00p-5:00p	ELLEN	2.0	30	1	0	0	0	0	0	1	$250.00	$125.00
		M-F	EN	5:00p-6:00p	DR PHIL	6.5	30	0	0	0	0	1	0	1	$860.00	$109.00
		M-F	EN	6:00p-7:00p	NEWS	5.5	30	0	1	0	0	0	0	1	$750.00	$136.36
		M-F	PA	7:00p-7:30p	WHEEL	7.0	30	0	0	0	0	1	0	1	$960.00	$135.71
		M-F	PA	7:30p-8:00p	JEOPARDY	9.0	30	0	1	0	0	0	0	1	$1,150.00	$137.50
		M-F	LN	11:30p-11:35p	NEWS	1.0	30	1	0	0	0	1	0	2	$120.00	$120.00
		M-F	LF	11:35p-12:05a	NIGHTLINE	0.5	30	0	1	0	0	0	0	1	$700.00	$175.00
		Th	PT	8:00p-9:00p	UGLY BETTY	4.0	30	1	0	0	0	0	0	24	$5,530.00	
Station Total:						*57.5*								2	$150.00	$26.32
WPFO-TV		M-F	PA	7:00p-8:00p	SEINFELD	5.7	30	1	0	0	0	1	0	2	$300.00	
Station Total:						*11.4*								1	$10.00	$33.33
WPME-TV		Sa	WK	2:00p-4:00p	MOVIE	0.3	30	0	0	1	0	0	0	1	$10.00	$33.33
		Sa	WK	4:00p-4:30p	MOVIE	0.3	30	0	0	1	0	0	0	2	$20.00	
Station Total:						*0.5*								2	$75.00	$75.00
WPXT-TV		M-F	EN	6:00p-6:30p	RAYMOND	1.0	30	0	1	0	0	1	0	1	$75.00	$75.00
		M-F	EN	6:30p-7:00p	KING OF QUEENS	1.0	30	1	0	0	0	0	0	1	$100.00	$100.00
		M-F	PA	7:00p-7:30p	SIMPSONS	1.0	30	0	0	0	0	1	0	4	$325.00	
Station Total:						*4.0*										
Spots Per Week:								24	23	6	4	28	2	85		
TRPs Per Week:								75.6	74.3	16.3	16.5	96.2	9.0	287.9		

SCHEDULE TOTALS:

TOTAL SPOTS:	85
TOTAL COST:	$30,005.00
TOTAL Adults 35+ TRPs:	287.9
TOTAL Adults 35+ CPP:	$104.22

IE 48

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

FAX REC'D 4pm

Mail: 135 State House Station
Office: 242 State Street
Augusta, Maine 04333
Tel: (207) 287-4179 Fax: (207) 287-6775
www.maine.gov/ethics

RECEIVED
OCT 28 2006
COMMISSION ON GOVERNMENTAL ETHICS & ELECTION PRACTICES-AUGUSTA, ME

CAMPAIGN FINANCE REPORT
OF 2006 INDEPENDENT EXPENDITURES

Name of Person/Committee Making Expenditure(s) MAINE DEMOCRATIC PARTY

Mailing Address 16 WINTHROP STREET

City, Zip Code AUGUSTA 04330 Telephone 622-6233

INSTRUCTIONS

Complete the notarized affidavit and attached schedules. Please check the appropriate box for the report you are filing. Please see previous page for reporting requirements.

INDEPENDENT EXPENDITURES OF MORE THAN $250 PER CANDIDATE

Independent expenditures of more than $250 per candidate must be reported to the Commission within 24 hours of making the expenditure. Please be aware that under the Commission's Rules making an expenditure includes placing an order for a good or service or making a promise or agreement that a payment will be made.

☑ Report of Independent Expenditure over $250

INDEPENDENT EXPENDITURES OF MORE THAN $100 AND UP TO $250 PER CANDIDATE

[redacted] Election

Reporting Period	Filing Deadline
☐ Through June 1	June 1
☐ After June 1	Within 24 Hours

General Election

Reporting Period	Filing Deadline
☐ June 14 – July 5	July 15
☐ July 6 – Sept. 30	October 10
☐ October 1 – 26	October 26
☑ After October 26	Within 24 Hours

OTHER

☐ Amendment to Earlier Report Dated: _____

☐ Other(specify): _____

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Signature of PAC or Party Treasurer, or Other Person Making Expenditure(s)

10/28/2006
Date

Form IE (Rev. 2/06)

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station
Office: 242 State Street
Augusta, Maine 04333
Tel: (207) 287-4179 Fax: (207) 287-6775
Web site: www.maine.gov/ethics

INDEPENDENT EXPENDITURES

AFFIDAVIT

STATE OF MAINE

COUNTY OF KENNEBEC

BENJAMIN DUDLEY being duly sworn, attests that he/she made each of the expenditures listed in the attached report independently, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidates named in the report or the authorized committees or agents of the candidates.

Benj F. Dudley
(Signature of Affiant)

Sworn to before me, this 28th day of October 2006.

Timothy J. Foley N.P. Com Exp 7-10-09
(Notary Public/Attorney at Law)
Timothy J. Foley

Page ___ of ___
(Schedule B-1E-1 only)

Schedule B-1E-1

CANDIDATE(S) SUPPORTED/OPPOSED

- Please list all candidates that were the subject of independent expenditures.
- If more than one candidate was the subject of the expenditure, allocate the expenditure among the candidates.

[redacted]	[redacted]	Indicate whether expenditure was made in support of or in opposition to the candidate	Amount expended this reporting period for each candidate
SS #1	PETER BOWMAN	Support	$4,179.00
SS #15	EDWARD DESGROSSELLIERS	"	$2900.00
SS #19	ARTHUR MAYO	"	$3,755.00

Form 1E/B-1E-1 (Rev. 7/05)

Page ___ of ___
(Schedule B-IE-2 only)

Schedule B-IE-2

PAYMENTS AND OBLIGATIONS

- **Please indicate the date, payee, expenditure type, and amount of each expenditure.**
- **If you are reporting an agreement or obligation to make a future payment, please check (√) the box next to the purpose of the expenditure.**

[redacted]

Date	Payee name, address, city, state, zip code	Expenditure Type	√	Amount
10/27	OURJO BEYCHOK JOHNSON 352 Napoleon St. Baton Rouge, LA 70802	LIT		4,179
10/27	" "	LIT		2,900
10/27	" "	LIT		3,755

A. Expenditures for this page ⇒	10,834
B. Total for all other Schedule B-IE-2 pages (if any) ⇒	
C. Total independent expenditures for this reporting period (A+B) ⇒	$10,834.00

Form IE/B-IE-2 (Rev. 7/06)

I.E. # 71

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station
Office: 242 State Street
Augusta, Maine 04333
Tel: (207) 287-4179 Fax: (207) 287-6775
www.maine.gov/ethics

RECEIVED
OCT 31 2006
COMMISSION ON GOVERNMENTAL ETHICS & ELECTION PRACTICES-AUGUSTA, ME

CAMPAIGN FINANCE REPORT
OF 2006 INDEPENDENT EXPENDITURES

Name of Person/Committee Making Expenditure(s) MAINE DEMOCRATIC PARTY

Mailing Address 16 WINTHROP STREET

City, Zip Code AUGUSTA 04330 Telephone 622-6233

INSTRUCTIONS

Complete the notarized affidavit and attached schedules. Please check the appropriate box for the report you are filing. Please see previous page for reporting requirements.

INDEPENDENT EXPENDITURES OF MORE THAN $250 PER CANDIDATE

Independent expenditures of more than $250 per candidate must be reported to the Commission within 24 hours of making the expenditure. Please be aware that under the Commission's Rules making an expenditure includes placing an order for a good or service or making a promise or agreement that a payment will be made.

☐ Report of Independent Expenditure over $250

INDEPENDENT EXPENDITURES OF MORE THAN $100 AND UP TO $250 PER CANDIDATE

Primary Election		General Election	
Reporting Period	**Filing Deadline**	**Reporting Period**	**Filing Deadline**
☐ Through June 1	June 1	☐ June 14 – July 5	July 15
☐ After June 1	Within 24 Hours	☐ July 6 – Sept. 30	October 10
		☐ October 1 – 26	October 26
		☑ After October 26	Within 24 Hours

OTHER

☐ Amendment to Earlier Report Dated: _____

☐ Other(specify): _____

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Brian F. Dudley
Signature of PAC or Party Treasurer, or Other Person Making Expenditure(s)

10/31/2006
Date

Form IE (Rev. 1/06)

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station
Office: 242 State Street
Augusta, Maine 04333
Tel: (207) 287-4179 Fax: (207) 287-6775
Web site: www.maine.gov/ethics

INDEPENDENT EXPENDITURES

AFFIDAVIT

STATE OF MAINE

COUNTY OF KENNEBEC

BENJAMIN DUDLEY, being duly sworn, attests that he/she made each of the expenditures listed in the attached report independently, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidates named in the report or the authorized committees or agents of the candidates.

Benjamin J. Dudley
(Signature of Affiant)

Sworn to before me, this 31ST day of October 2006.

Timothy J. Feeley N.P. Com. Exp. 7-10-09
(Notary Public/Attorney at Law)
Timothy J. Feeley

Page ___ of ___
(Schedule B-IE-1 only)

Schedule B-IE-1

CANDIDATE(S) SUPPORTED/OPPOSED

- **Please list all candidates that were the subject of independent expenditures.**
- **If more than one candidate was the subject of the expenditure, allocate the expenditure among the candidates.**

Office sought by candidate (including district)	Candidate's Name	Indicate whether expenditure was made in support of or in opposition to the candidate	Amount expended this reporting period for each candidate
SS#32	JOSEPH PERRY	SUPPORT	1121.40
SS#32	"	"	5742.00
SS#21	BRIAN RINES	"	6154.00
SS#1	PETER BOWMAN	"	5146.00

Form IE/B-IE-1 (Rev. 7/06)

Page___ of ___
(Schedule B-IE-2 only)

Schedule B-IE-2

PAYMENTS AND OBLIGATIONS

- **Please indicate the date, payee, expenditure type, and amount of each expenditure.**
- **If you are reporting an agreement or obligation to make a future payment, please check (√) the box next to the purpose of the expenditure.**

Expenditure Types			
LIT	[redacted] graphics)	PRT	Print media ads
MRS	[redacted]	RAD	Radio ads, production costs
PHO	[redacted] phone calls	TVN	TV or cable ads, production costs
POL	[redacted] survey	WEB	Internet and e-mail
POS	[redacted]	OTH	Other (include description)

Date of expenditure	Payee, address, zip code	Expenditure Type	√	Amount
10/31	US POSTMASTER	POS		1121.40
10/30	OURSO, BEYCHOK JOHNSON 852 NAPOLEON ST BATON ROUGE, LA 70802	LIT		5742.50
10/30	" "	LIT		6154.00
10/30	" "	LIT		5146.00
	A. Expenditures for this page ⇒			18,163.40
	B. Total for all other Schedule B-IE-2 pages (if any) ⇒			
	C. Total independent expenditures for this reporting period (A+B) ⇒			18,163.40

Page ___ of ___
(Schedule B-IE-3 only)

SS#1

Schedule B-IE-3

EXPENDITURE DETAILS

- **For reports filed after June 5, 2006 for the primary election, or filed after October 30, 2006 for the general election, the following information must be provided.**

1. The date on which the person making the expenditure placed the order with the vendor for the goods or services	10/30
2. The approximate date when the vendor began providing design or any other services in connection with the expenditure	9/27
3. The date on which the person making the expenditure first learned of the total amount of the expenditure	10/30
4. A statement why the expenditure could not be reported by the eighth day before the election	made decision to re-print previous piece

Page___ of ___
(Schedule B-IE-3 only)

SS#21

Schedule B-IE-3

EXPENDITURE DETAILS

- **For reports filed after June 5, 2006 for the primary election, or filed after October 30, 2006 for the general election, the following information must be provided.**

1. The date on which the person making the expenditure placed the order with the vendor for the goods or services	10/30
2. The approximate date when the vendor began providing design or any other services in connection with the expenditure	10/29
3. The date on which the person making the expenditure first learned of the total amount of the expenditure	10/30
4. A statement why the expenditure could not be reported by the eighth day before the election	LATE Design. not Approved w/corrections until 30th

SS#32

Schedule B-IE-3

EXPENDITURE DETAILS

- **For reports filed after June 5, 2006 for the primary election, or filed after October 30, 2006 for the general election, the following information must be provided.**

1. The date on which the person making the expenditure placed the order with the vendor for the goods or services	10/30
2. The approximate date when the vendor began providing design or any other services in connection with the expenditure	10/25
3. The date on which the person making the expenditure first learned of the total amount of the expenditure	10/30
4. A statement why the expenditure could not be reported by the eighth day before the election	Changes not complete until 10/30

IE#84

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station
Office: 242 State Street
Augusta, Maine 04333
Tel: (207) 287-4179 Fax: (207) 287-6775
www.maine.gov/ethics

RECEIVED
NOV - 1 2006
COMMISSION ON GOVERNMENTAL ETHICS & ELECTION PRACTICES

CAMPAIGN FINANCE REPORT
OF 2006 INDEPENDENT EXPENDITURES

Name of Person/Committee Making Expenditure(s) Maine Democratic Party
Mailing Address 16 Winthrop St.
City, Zip Code Augusta 04330 Telephone _____

INSTRUCTIONS

Complete the notarized affidavit and attached schedules. Please check the appropriate box for the report you are filing. Please see previous page for reporting requirements.

INDEPENDENT EXPENDITURES OF MORE THAN $250 PER CANDIDATE

Independent expenditures of more than $250 per candidate must be reported to the Commission within 24 hours of making the expenditure. Please be aware that under the Commission's Rules making an expenditure includes placing an order for a good or service or making a promise or agreement that a payment will be made.

☒ Report of Independent Expenditure over $250

INDEPENDENT EXPENDITURES OF MORE THAN $100 AND UP TO $250 PER CANDIDATE

Primary Election			General Election		
	Reporting Period	**Filing Deadline**		**Reporting Period**	**Filing Deadline**
☐	Through June 1	June 1	☐	June 14 – July 5	July 15
☐	After June 1	Within 24 Hours	☐	July 6 – Sept. 30	October 10
			☐	October 1 – 26	October 26
			☒	After October 26	Within 24 Hours

OTHER

☐ Amendment to Earlier Report Dated: _____
☐ Other(specify): _____

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Signature of PAC or Party Treasurer, or Other Person Making Expenditure(s) — Date: 11/1/2006

Form IE (Rev. 7/06)

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station
Office: 242 State Street
Augusta, Maine 04333
Tel: (207) 287-4179 Fax: (207) 287-6775
Web site: www.maine.gov/ethics

INDEPENDENT EXPENDITURES

AFFIDAVIT

STATE OF Maine

COUNTY OF Kennebec

Benjamin Dudley, being duly sworn, attests that he/she made each of the expenditures listed in the attached report independently, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidates named in the report or the authorized committees or agents of the candidates.

Ben J. Dudley
(Signature of Affiant)

Sworn to before me, this 1st day of November 2006.

Deborah C. Friedman
(Notary Public/Attorney at Law)

Deborah C. Friedman Bar # 3353

Page____ of ____
(Schedule B-IE-2 only)

Schedule B-IE-2

PAYMENTS AND OBLIGATIONS

- **Please indicate the date, payee, expenditure type, and amount of each expenditure.**
- **If you are reporting an agreement or obligation to make a future payment, please check (√) the box next to the purpose of the expenditure.**

Expenditure Types			
LIT	Campaign literature (printing and graphics)	PRT	Print media ads
MHS	Mail house (all services purchased)	RAD	Radio ads, production costs
PHO	Phone banks, automated telephone calls	TVN	TV or cable ads, production costs
POL	Polling and research survey	WEB	Internet and e-mail
POS	Postage for U.S. Mail	OTH	Other (include description)

Date of expenditure	Payee, address, zip code	Expenditure Type	√	Amount
11/1	US Postmaster Portland 04101	POS		7568.78
	A. Expenditures for this page ⇨			7568.78
	B. Total for all other Schedule B-IE-2 pages (if any) ⇨			
	C. Total independent expenditures for this reporting period (A+B) ⇨			7568.78

Page____ of____
(Schedule B-IE-1 only)

Schedule B-IE-1

CANDIDATE(S) SUPPORTED/OPPOSED

- **Please list all candidates that were the subject of independent expenditures.**
- **If more than one candidate was the subject of the expenditure, allocate the expenditure among the candidates.**

Office sought by candidate (including district #)	Candidate's Name	Indicate whether expenditure was made in support of or in opposition to the candidate	Amount expended this reporting period for each candidate
1	Peter Bowman	Support	2752.97
15	Ed Desgrosseilliers	Support	721.33
19	Art Mayo	Support	1005.96
21	Brian Rines	Support	1391.43
~~32~~	~~Joe Perry~~	~~Support~~	~~1660.~~
32	Joe Perry	Support	1697.09

Page____ of ____
(Schedule B-1E-3 only)

Schedule B-1E-3

EXPENDITURE DETAILS

- **For reports filed after June 5, 2006 for the primary election, or filed after October 30, 2006 for the general election, the following information must be provided.**

1. The date on which the person making the expenditure placed the order with the vendor for the goods or services	11/1
2. The approximate date when the vendor began providing design or any other services in connection with the expenditure	11/1
3. The date on which the person making the expenditure first learned of the total amount of the expenditure	11/1
4. A statement why the expenditure could not be reported by the eighth day before the election	Postage amount became known on 11/6.