

Agenda

Item #1



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

Minutes of the August 13, 2007 Meeting of the
Commission on Governmental Ethics and Election Practices
Held in the Commission's Meeting Room,
PUC Building, 242 State Street, Augusta, Maine

Present: Michael Friedman, Esq., Chair; Hon. Jean Ginn Marvin; Hon. Vinton Cassidy; Hon. Mavourneen Thompson; Hon. David Shiah. Staff: Executive Director Jonathan Wayne; Phyllis Gardiner, Counsel.

At 9:06 A.M., Chair Michael Friedman convened the meeting.

The Commission considered the following items:

Agenda Item #1 Ratification of Minutes: July 16, 2007 Meetings

Ms. Ginn Marvin moved, and Ms. Thompson seconded, that the Commission ratify the minutes of the July 16 meeting as amended. The motion passed by a vote of 5-0 .

Agenda Item #2 Request for Waiver of Late-Filing Penalty/House Republican Fund PAC

Mr. Wayne explained that an error contained in a reminder e-mail regarding PAC reporting deadlines sent by Commission staff, stating the deadline fell on a Tuesday, when it was in fact a Monday, contributed to this late filing. The staff recommends granting a waiver of the penalty because of the error by Commission staff.

Ms. Ginn Marvin moved to accept the staff recommendation for a waiver, the motion was seconded by Ms. Thompson. The motion passed (5-0).

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Agenda Item # 3 Audit Findings/Hon. Philip A. Cressey

Mr. Wayne reminded the members that Mr. Cressey did attend the May meeting and was asked to report back with more information since he was unable to produce documentation of an expenditure of \$517.63 to Staples for printing and cardstock. Rep. Cressey also neglected to sell a flash drive he purchased for \$62.50. Mr. Wayne reported that Rep. Cressey could not attend today's meeting due to a change in jobs but he did provide an e-mail explaining that he lost the receipt from Staples. Mr. Wayne said Mr. Cressey's figures provided do add up to what he stated he ordered from Staples. Mr. Wayne said the staff recommendation is to find him in violation for not keeping the correct documentation, but not assess a penalty.

The other issue is the flash drive. Rep. Cressey claimed he did not realize that the flash drive reusable, so he threw it out. The rule states that electronic equipment must be sold at fair market value after the election and the funds returned to the MCEA fund. Mr. Wayne believes Rep. Cressey most likely is telling the truth that he did not realize that this piece of equipment could be reused. Mr. Wayne stated the staff recommendation would include finding in violation for not complying with the Commission rule to sell equipment at fair market value

Mr. Cassidy moved to accept both of the staff recommendations; Mr. Shiah seconded the motion. The motion passed (5-0).

In consideration of the Commission's practice of addressing agenda items out of order to accommodate the attendance of public participants regarding particular items, the Commission took Agenda Items 4, 5, and 6 out of order and discussed Agenda Item 7 at this time.

Agenda Item #4 Audit Finding/Hon. Glenn Cummings

Mr. Wayne explained that the random audit of Rep. Cummings campaign disclosed that a reimbursement to himself of \$335 for postage was actually a reimbursement for three smaller expenditures for postage, envelopes, and a sign stencil. The expenditure for the sign stencil was further complicated by the fact that the vendor never made the stencil or cashed the campaign's check. The staff recommendation is to find the campaign in violation for not reporting the three expenditures as separate payees and amounts and also return the \$130 for the sign stencil to the

MCEA. Mr. Wayne explained that due to the minor nature of the violation, the staff recommends no penalty.

Daniel Walker, Esq., approached the Commission and explained how this discrepancy happened. Rep. Cummings went back to the bank and requested supporting documentation for reimbursement. Mr. Walker provided the \$130 check for reimbursement to the Clean Election fund.

Ms. Ginn Marvin made a motion to accept the staff recommendation of a finding of violation for not report three expenditures with no penalty because of the minor nature of the violation and accept the \$130 check; the motion was seconded by Mr. Shiah.

Ms. Ginn Marvin expressed appreciation for the Speaker Cummings' honesty and upfront dealings in responding to all investigation requests.

Motion passed (5-0).

Agenda Item #5 Audit Findings/Hon. Chandler E. Woodcock

Mr. Wayne explained that Chandler E. Woodcock received \$1,303,727 in MCEA funds for his 2006 gubernatorial campaign. The campaign was very compliant, but the audit disclosed three minor findings. The first two findings deal with money orders. The campaign cannot account for how 90 money orders, which were not used for qualifying contributions, were actually used. The campaign did not report the expenditure of about \$300 during the qualifying period for money orders. In the third finding, the staff questions whether the campaign obtained fair market value from the sale of computer and electronic equipment. Mr. Wayne said the staff recommends the Commission find the campaign in violation and assess a \$100 penalty for not accurately reporting money order transaction fees and consider whether the campaign complied with selling equipment at fair market value.

Vincent Dinan addressed the Commission. He explained that all gubernatorial campaigns have been experiencing difficulty in reporting and accounting for money order purchases. This was the case with the Woodcock campaign and two of the findings pertained to money order issues.

The third violation regards the resale of equipment purchased by the campaign. Mr. Dinan stated that the rules require the candidate to sell equipment within 42 days of the election at fair market value. The problem is how the fair market value is determined. He recognized that determining fair market value and sale of equipment is difficult and time consuming for candidates. Mr. Dinan thought that six-month old equipment should generate more than 25% of the purchase price, which is the percentage of the purchase price that the Woodcock campaign received. Mr. Dinan recognized that the original quality of the equipment is a factor in the resale amount. He also noted that other candidates generally garner approximately 40% of the original price paid. Mr. Dinan explained that sometimes the campaign workers, candidates themselves or relatives of candidates are usually the purchasers of this used equipment.

Daniel Billings, Esq., counsel for the Woodcock campaign, approached the Commission and explained that the purchase of money orders occurred during the early days of the campaign and records were not kept very accurately and tracking them was not paramount in the minds of the volunteers. He has no issue with the findings regarding the money orders. Mr. Billings did want to point out that the poor accounting did not pertain to the public funds that were entrusted with the Woodcock campaign, only seed money was involved.

Mr. Billings noted the amount of funds regarding the equipment purchase were a small part of the campaign money that was awarded to the campaign. Mr. Billings explained that the campaign purchased equipment that was very inexpensive, cheap, bottom of the line computers to save money. He said that knowing the equipment would not have to last very long, they did not make a large investment on quality systems; therefore, the resale was less than what higher quality systems would bring back to the fund. Mr. Billings said the equipment was not purchased with the idea that anyone would want it after the campaign. He also wondered about leasing equipment for future election years.

Chris Jackson, Woodcock campaign manager, addressed the Commission. Mr. Jackson explained that he and Scott Pratt, the campaign treasurer, had spent a great deal of time on researching resale figures for this equipment. He said he was able to get 50% for the lap top, but he had to have it worked on at Capitol Computers and spent \$150 because of a virus that had disabled the system. The rest of the equipment was such low quality he was only able to get minimum return from someone that worked on the campaign.

Mr. Jackson mentioned the possibility of selling the equipment through State Surplus and then having the money returned to the MCEA. He thought this seemed like a much smoother process for getting money back into the MCEA fund, since Surplus does this on a regular basis.

Ms. Ginn Marvin thought that selling the used equipment through the State Surplus Division was a good idea. Mr. Dinan said it would be a donation in that case, and that process is not set up currently.

Mr. Billings advised the Commission of the time-consuming process the resale of equipment entails.

Carl Lindemann approached the Commission. He questioned whether the Commission wants the campaigns in the resale business. He feels the State of Maine owns the equipment and should have a public sale after the elections. Many private business and citizens would take advantage of getting lightly used equipment for low prices. He also brought up the conflict of interest issue, if candidates are selling this equipment to relatives.

Ms. Ginn Marvin stated that the Commission is hearing these same issues over again, she would like the Commission to come up with a new mechanism to deal with money orders and fair market values for resale of equipment. She made a motion to accept the staff recommendation to find the campaign in violation for money order transaction fees and assess a \$100 penalty; Mr. Shiah seconded the motion.

Mr. Friedman stated that he would like to see the State accept donations of this equipment and have them donated to charity or non-profit organizations. He also stated that the resale amounts for the Woodcock campaign are very close to the recommended resale amount of 40%, so not that much of a discrepancy.

The motion passed (5-0).

Agenda Item #6 Audit Findings/David Feeney

Mr. Wayne explained that this was Mr. Feeney's first campaign. Mr. Feeney deposited his MCEA payments into a bank account with personal funds and he used MCEA funds for short term personal expenditures. Mr. Wayne pointed out that Mr. Feeney did return all the money and there is no evidence that Mr. Feeney ever intended to keep these public funds. He also said Mr. Feeney has submitted a written apology to the Commission and accepts full responsibility. Mr. Wayne said the staff recommendation in this case would be two findings of violation, one for commingling funds (\$250) and one for using MCEA funds for personal expenses (\$600) for a total penalty of \$850. Mr. Wayne handed out a previous penalty assessment comparison sheet for the Commission members' information.

Mr. David Feeney addressed the Commission saying that he came today to say he was sorry and would like to pay his penalty and put the issue behind him. He has no issue with the amount of the penalty.

Discussion took place regarding how the amount of Mr. Feeney's penalty was established.

Ms. Ginn Marvin stated that she feels this situation is different from the Senator Perry penalty since he was a six-term candidate who knew the rules of the MCEA, so Mr. Feeney's penalty should be half of what Senator Perry's assessed penalty.

Ms. Thompson said she believes the recommended assessment is fair. She further stated that commingling of funds is wrong no matter how great or small the amount of money. The Commission should not create discrepancies in penalties regarding this issue.

Ms. Thompson made a motion to accept the staff recommendation of assessing an \$850 penalty, which was seconded by Mr. Shiah. The motion passed (3-2 with Mr. Cassidy and Ms. Ginn Marvin opposing).

Agenda Item #7 Request for Waiver of Late-Filing Penalty/Lobbyist Sebastian Belle

Mr. Wayne explained that Sebastian Belle is a lobbyist for the Maine Aquaculture Association. He filed his monthly lobbyist report two days late and Mr. Belle requests a waiver of the preliminary penalty of \$100 because of his good filing record. Mr. Wayne said that in 2004, the Commission did away with reductions in penalties, so the staff recommendation is to find in violation and assess a penalty of \$100.

Ms. Thompson moved to accept the staff recommendation of assessing a \$100 penalty; the motion was seconded by Ms. Ginn Marvin. The motion passed (5-0).

Agenda Item #8 Consideration of Legislation re: Payments of MCEA Funds to Family Members

Mr. Wayne explained that this is a follow up to last month's discussion regarding paying family members for services provided to campaigns, which came about largely due to the payments to a family member in the Merrill gubernatorial campaign. The staff has had concerns regarding appearance issues when payments to family members involve significant amounts of public funds. The Commission proposed to the Legislature in a bill this past session to prohibit MCEA funds being paid to family members. This proposal was rejected by the Legal and Veterans Affairs Committee. The oversight committee did not know about the Merrill campaign matter at the time of the discussions.

Mr. Wayne said there were three ideas the Commission could propose to the Legislature for consideration in the next session:

1. The Commission could renew its original proposal to the Legislature to prohibit the use of public funds to pay family members for campaign services.
2. The Commission could propose a cap on payments to family members. The Commission could decide on an appropriate amount, for example, a House candidate could pay up to \$250 to family members, Senate up to \$500, and gubernatorial candidates \$3,000. The options would give candidates some flexibility.
3. The Commission could propose no restrictions but require better disclosure on campaign finance reports. The statute could require the family relationship be disclosed on the expenditure schedule of the candidates' finance report.

Ms. Thompson asked whether there had been any feedback from the last meeting on this issue including feedback from Legislators or legislative leadership. Mr. Wayne indicated that several editorials had been written regarding the appearance of the Merrill campaign, but nothing from individuals or from the Legislature.

Mr. Cassidy stated that disclosure is the most important thing. There may be legitimate reasons why a candidate may use a family member, for example, hiring a child to distribute flyers. He said that he favors the third option. He said that people are not likely to get excited if the amount paid to a family member is small. If the amount is large and it is disclosed, the public could decide how that affected their view of the candidate.

Ms. Thompson would support proposing the prohibition of paying family members to the Legislature again. She felt the Legislature should be the one to mitigate or alter any proposal that the Commission submits.

Ms. Ginn Marvin asked what advice the Commission has given out in the past to David Emery regarding hiring his own consulting firm. Mr. Wayne said the Commission cautioned him to view this as a sensitive area.

Mr. Friedman questioned whether there has been enough feedback from the general public. He said that he was hesitant to support a complete prohibition. There are candidates with family

members who have been brought up in the political arena and have the expertise to provide services but cannot give up their jobs to work on campaigns. Mr. Friedman acknowledged the importance of appearance impropriety when you are in the public eye, particularly when public funds are involved.

Discussion followed regarding getting public input on this issue and how to go about obtaining public comments. Mr. Friedman suggested that there be series of meetings at which the public can comment. Mr. Shiah agreed with the need for more discussion. Mr. Cassidy said that the Legislative oversight committee will hold public hearings on anything that the Commission proposed in a bill.

It was generally felt that the Legislature has a better arena for public hearings and comments. It was suggested that a proposal should be submitted to the Legislature and let them take it from there. The Commission's role should be providing a proposal and then let the Legislature have the hearing and get public input since the response would be better through the legislative process.

Alison Smith, co-chair of Maine Citizens for Clean Elections, approached the Commission. She reminded the members that the public hearing phase had been done previously when this was part of the bill submitted during the last session. She stated that the range of comments during the public hearing phase were very widespread for support and against prohibition. She said that there were a lot of opinions but no consensus on the issue.

Ms. Smith stated that the MCCE would not support an outright prohibition or limiting the amount that could be paid for services from family members. There should be flexibility for candidates to be able to hire a family member if that person has the appropriate qualifications. MCCE does favor disclosure. She thought that the issue of paying family members may be a red herring and that the focus should be on whether the amount paid is consistent with what the person usually gets for those services and whether the person is qualified to provide those services. She felt the Commission has the right to ask questions of candidates in exercising the Commission's due diligence to protect Clean Election funds and can use the auditing process to

do so. It is the Commission's role to investigate and ask in-depth questions when there are questionable expenditures. The Merrill campaign issue was an example of the process that takes place and that it is working. It is the Commission's discretion to provide safe guards of how public money is being spent.

Ms. Thompson stated she is concerned that public disclosure may have a negative affect on the MCEA and believes prohibition of payments to family members is necessary.

Ms. Smith stated that the Clean Election Act can withstand public disclosure. Disclosure is healthy and is important information before an election. This process helps the public obtain information about candidates. If issues come up like the Merrill campaign, it is up to the Commission to take action if the abuse of funds is the issue. She feels the public is fine with paying family members, it is the amount of money that was paid and possible abuse. The citizens of Maine count on the Ethics Commission to make sure funds are being used for their intended purpose, not for personal enrichment. She said that the Commission also should limit the issue to family members but should look at other relationships which could be a factor in the misuse of public funds.

Mr. Friedman asked Ms. Smith if her position was that even if there had been full disclosure in the Merrill campaign, the issue was the amount Phil Merrill was paid regardless of the quality of services he provided. Ms. Smith said that she did not have enough information to make a determination of whether the amount paid was commensurate with the services provided. Ms. Smith stated that the Commission could have asked more questions of the Merrill campaign regarding whether the amount was appropriate for the services provided, instead of the Commission ending at a statement that paying family members is legal under the law.

Mr. Friedman stated that the Commission has to act within the bounds of the statutes that govern the Ethics Commission. He stated his concern with the Commission going beyond the bounds of the statutes.

Ms. Smith also said that she was concerned that by forcing family members to essentially volunteer their services, MCEA candidates would be accepting impermissible in-kind contributions.

Mr. Carl Lindemann, the founder of TrueDialog.org, approached the Commission. He posed the question of whether the Merrill campaign was an authentic campaign, i.e., a campaign that was 100% dedicated to the election of the candidate, or was is a money-maker for some individuals associated with the campaign. Mr. Lindemann discussed in general terms the Commission's mandate to protect the integrity of the Clean Election Fund and to adopt procedures to do so.

Ms. Ginn Marvin moved that the Commission accept staff recommendation #3 which was to require full disclosure of the type of relationship and send that as well as the other two options back to the Legal and Veterans Affairs Committee for their discussion and recommendation. Mr. Cassidy seconded the motion.

Ms. Thompson asked if this motion would preclude public discussion. Ms. Ginn Marvin stated that the Legislature would have a better public arena for public comments. Ms. Thompson said this motion would exclude the other two options. She said that she was in favor of starting with the strongest position, which was for a complete prohibition. She supports disclosure at the very least but she will vote against the motion because she would prefer a stronger stand.

Mr. Shiah said that he would like to hear more from the public before drafting proposed legislation. He agrees with Ms. Ginn Marvin that the Legislature is a better forum for public comment but thinks that by getting more feedback at the outset, it may be possible to draft legislation with stronger language. He said that he was reluctant to vote on the motion at this time and would prefer tabling the motion until there has been an opportunity to receive more public comments.

Mr. Cassidy restated that disclosure is the key issue and will have the biggest effect on future campaigns. He thinks that the discussion itself will have an impact. Disclosure will discourage candidates from engaging in misconduct.

Mr. Friedman stressed the importance of public input; however, that does not need to happen here at the Commission. When the Commission has solicited comments in the past, the response has been minimal. The Legislature will have access to a larger and more interested public. He said that he was inclined to support the motion.

Mr. Wayne clarified that the Commission this decision by the Commission regarding the disclosure of family relationships would be presented to the Legal and Veterans Affairs Committee in a bill. He also said that the Committee would be made aware of the other options (payment limits and outright prohibition) through written and oral testimony. Mr. Friedman reiterated that the motion on the table dealt with the disclosure option.

The motion passed by a vote of 4 to 1, with Ms. Thompson opposing.

Agenda Item #9 Request for Appropriation for Maine Clean Election Fund

Mr. Wayne stated that the staff has done an analysis and has determined that there is not enough money in the fund for the 2010 elections and recommends that the Commission request two transfers from the General Fund to the Maine Clean Election Fund in 2010 to finance the Maine Clean Election Act program in the 2010 elections.

He explained the sources of revenue for the MCEA fund. Mr. Wayne said the largest source is a \$2 million transferred every year from the General fund to MCEA, which is a special revenue fund, and the other major income is the taxpayers check off which generates approximately \$200,000/year plus other smaller sources. Mr. Wayne said a total of approximately \$5,200,000 will be needed. He is recommending a \$2.8 million transfer from the General fund no later than June 1, 2010, and another \$2.4 million transfer by August 1, 2010, which would fall in the subsequent fiscal year. He said the Legislature needs to make a decision in the next session in 2008, even though a transfer will not happen until 2010. He said gubernatorial candidates need to know whether public funds will be there before May of 2009, in order for them to run public funding campaigns.

Mr. Cassidy raised the issue whether this current Legislature could make a commitment for a future expenditure. He believes this Legislature would have to transfer the money now, since legally this Legislature cannot bind a future Legislature to make the transfer.

Ms. Ginn Marvin agreed that this Legislature should be asked to get the conversation moving. The money belongs to the MCEA fund and needs to be returned to that fund.

Mr. Wayne gave further background information. He said initially in 2002-2003, \$6.7 million was taken out to be used for other purposes, with as much as a little over \$8 million deappropriated. Mr. Wayne also requested members of the Commission attend a couple of the appropriation meetings in order to make the request stronger. He also believes the Commission should ask the Governor to make it part of his 2008 supplemental budget.

Alison Smith, of Maine Citizens for Clean Elections, addressed the Commission and expressed her views on the Legislature's deappropriation of the MCEA funds. She supports the recommended dollar amounts for the 2010 elections and feels the Commission should be protective of Clean Election funds. She also expressed concern over new legislators not understanding what the MCEA law established in 1996 actually states. She said some legislators are not aware of the deappropriations that have been happening. The funding mechanism that was established back in 1996 works, in her opinion, if funds were left alone to collect interest as it was intended to do. Ms. Smith expressed her frustration over the Legislature 'borrowing' these public funds that were appropriated for the Clean Election fund. She said the public needs to know that the cost of the program is not the reason for the money not being there, it is because the Legislature has deappropriated the funds in the past.

Ms. Thompson made a motion to that the Commission direct the staff to use the recommended actions itemized on page 3 of Mr. Wayne's memo to the extent necessary so that the goal of gaining the funding needed for 2010 election is met, using the four different suggestions contained in the memo provided as necessary. The motion was seconded by Mr. Shiah. The motion passed (5-0).

Agenda Item #10 Presentation of Audit Reports

Mr. Dinan explained that the audits of Hon. Richard G. Woodbury and Beth P. Turner resulted in no findings.

Agenda Item #11 Selection of Date for September Meeting

The next date for the Commission to meet will be September 21, 2007.

OTHER BUSINESS

Ms. Thompson raised the issue of having the staff develop a written protocol for the conduct of Commission meetings. She also requested that the complaints by Carl Lindemann that have been forwarded to the Commission members be placed on the Commission's agenda for a public discussion. She said that she thought that the Commission should review all complaints that are submitted to the Commission for it to decide on how to proceed with them. Mr. Wayne explained how the staff handles complaints which are outside of the Commission's jurisdiction.

Ms. Thompson said that after reading the materials filed by Mr. Lindemann it seems to her that the issue of whether the Commission has jurisdiction over the issues in the complaint is not so clear cut. She said that the Commission should have an open discussion about the issue of the Commission's jurisdiction.

Mr. Friedman disagreed with allowing any individual to file any complaint that has some term of "ethics" or "clean elections" in it in the attempt to get a full-blown discussion in front of the Commission. The mere fact that someone entitles something "complaint" or "violation of ethical rules" does not mean this Commission has jurisdiction to hear it. The Commission is established by a statute which defines what the Commission can and cannot do. Given the fact the Commission is comprised of lay individuals with time commitments outside of the Commission, he expressed his concern about taking on a case that the Commission's counsel and staff have determined is beyond the Commission's jurisdiction. If someone disagrees with that determination, that person can appeal to the courts or legislative leadership or Governor. He said that he thought it would be an unwise use of the Commission's time and resources to hear matters over which the Commission had no authority.

Mr. Friedman said that Mr. Lindemann was directed at the last meeting to prepare a legal brief with his attorney that discusses the jurisdictional issue. Mr. Friedman said the Commission has not received such a document and instead received a document that states Mr. Lindemann's thoughts on what the policy ought to be. The preliminary issue is the jurisdictional one. The Commission could have a discussion on the jurisdictional issue of whether the Commission has the statutory duty to disqualify a member. However, Mr. Friedman stated that he was not inclined to have that discussion based on the opinion of counsel and staff.

Ms. Thompson thought that a discussion on the jurisdictional issue should be heard. She recognized and respected the chair's position in having to weed out the matters that come before the Commission for discussion. However, this issue seems to be persistent and she believes it should be settled.

Ms. Ginn Marvin pointed out that the Governor will be appointing someone new to replace her in September. She suggested that the jurisdictional issue discussion be put off until later in September. She said that if she is replaced it would be unnecessary for the Commission to use its resources on something that is not going to take place.

Mr. Lindemann sought to be recognized by the chair. He questioned the propriety of Ms Ginn Marvin discussing her own case. Mr. Friedman reminded Mr. Lindemann that there was no case against Ms. Ginn Marvin. The Commission was discussing the jurisdictional issue, nothing more.

Mr. Friedman said the issue could be discussed today or tabled until the next meeting to give everyone more time to do more research on the legal authority of the Commission.

Mr. Cassidy said he believes that the Commission Counsel, Phyllis Gardiner, and the Executive Director, Jonathan Wayne, know the rules and statutes of the Commission and the state of Maine. If they said that the Commission has no jurisdiction in this area, then he respects their advice.

Mr. Lindemann asked whether there would be an opportunity for public comment. Mr. Friedman said the Commission will hear only comments on the jurisdictional issue.

Ms. Gardiner clarified that the question the Commission is discussing at this point is whether to take up the issue of whether the Commission has the jurisdiction to hear the complaint. Ms. Gardiner suggested that the Commission may want to first have a motion on the table as to whether and when to have the discussion on the jurisdictional issue before taking public comment.

Ms. Thompson withdrew her request to place Mr. Lindemann's complaints on the agenda since a new Commission member is to be appointed in September, which would make this matter a moot point.

Ms. Ginn Marvin again suggested holding the next meeting late in September in order to make sure that it was scheduled after the Senate confirmation session.

Mr. Lindemann stated that Ms. Ginn Marvin's involvement in this discussion is highly problematic.

Mr. Friedman said that Mr. Lindemann has made certain assumptions that the Commission has not accepted or adopted. The discussion is about the general jurisdictional issue and not about a specific matter.

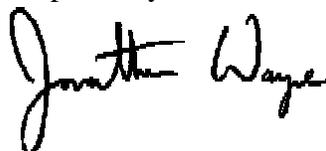
Mr. Lindemann insisted on making a clarification that he was not directed to submit a legal brief on the jurisdictional issue but rather it was suggested that he submit such a brief. He said that he is not a regulated entity and not subject to the Commission's commands. He is a citizen and not to be excluded from filing appropriate complaints. He asked whether this was a global prohibition against any discussion having anything to do with Commissioner Ginn Marvin.

Mr. Friedman moved that the Commission accept the staff's view that the issue presented is not one within the Commission's jurisdiction. Mr. Friedman clarified that the issue is whether the Commission has the authority to disqualify a member of the Commission. Mr. Cassidy seconded the motion.

The motion passed by a vote of 4-0 with Ms. Ginn Marvin abstaining.

There being no further business, the meeting adjourned at 12:10.

Respectfully submitted,

A handwritten signature in black ink that reads "Jonathan Wayne". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jonathan Wayne
Executive Director



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

To: Commission Members and Counsel

From: Jonathan Wayne, Executive Director

Re: Comments by Carl Lindemann on Draft Minutes of Commission's August 13, 2007 Meeting

Date: September 20, 2007

I just returned from three days out of the office, and have reviewed comments submitted by Carl Lindemann regarding the draft minutes for the Commission's August 13 meeting. The minutes were prepared by Commission Assistant Cyndi Phillips and Assistant Director Paul Lavin. **After listening to the relevant portion of the August 13 audio recording, I do not see the need to alter the draft minutes included in your packet.** Phyllis Gardiner also has listened to the audio and believes the minutes are accurate.

On July 2, 2007, Carl Lindemann submitted a complaint to the Governor and the Presiding Officers of the Legislature requesting that they appoint a "special counsel" to investigate Commission member Jean Ginn Marvin and whether she should be removed from the Commission. To my knowledge, the Governor and Presiding Officers took no action to investigate or disqualify Ms. Ginn Marvin. Subsequently, on August 6, 2007, Mr. Lindemann submitted a letter to the Commission regarding Ms. Ginn Marvin's position on the Commission. The letter requested, among other things, that the Commission "[c]onsider a vote of censure, reprimand, suspension, or expulsion of Commissioner Ginn Marvin"

The merits of Mr. Lindemann's August 6 letter were not discussed at the August 13 meeting. Under the heading of "Other Business," however, the Commission members discussed whether to consider more fully the Commission's jurisdiction to take action on Mr. Lindemann's request.

I agree with the language in the minutes summarizing the Chair's motion that the Commission lacked jurisdiction. An unofficial transcript of that motion is attached. If you believe the description of the motion needs more detail or is erroneous, please let me know. Also, to be clear about the view of the Commission staff, I agree with the Chair that under 1 M.R.S.A. § 1002 the Ethics Commission as a body does not have jurisdiction to disqualify a member from serving on the Commission.

Thank you.

***Unofficial Transcript of Chair Michael Friedman's
Motion during Other Business at the August 13, 2007 Meeting***

FRIEDMAN: I make a motion that we accept the commission staff's view that the issue presented is not one within which we have jurisdiction.

LINDEMANN: Which issue? Could you be specific?

FRIEDMAN: The issue as you have framed in your ...

LINDEMANN: Because you presented the issue differently in your response to it. Which one are you excluding?

FRIEDMAN: We are excluding any discussion as to whether or not we have the authority to disqualify a member of this commission.

LINDEMANN: I never raised that issue with the commission.

FRIEDMAN: I disagree. That's the motion.

CASSIDY: I'll second.

FRIEDMAN: Any discussion? [none]

FRIEDMAN: All in favor? [4 votes in favor] Opposed? [0 votes to oppose] [Jean Ginn Marvin did not vote.].

GINN MARVIN: Abstain.

LINDEMANN: Could the record show that Commissioner Ginn Marvin participated ... ?

GINN MARVIN: No, I abstained.

FRIEDMAN: She did not. [simultaneous with Ms. Ginn Marvin's response]

LINDEMANN: You abstained. [unclear because of simultaneous comments]

TrueDialog.ORG

For a more Authentic Democracy

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P.O. Box 171
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September 17, 2007

Dear Paul,

There are numerous inaccuracies and omissions in the minutes for the August 13 meeting that substantially alter both the meaning of the discussion and the substance of the motion passed under "Other Business". These require correction if the minutes are to present an accurate record of those proceedings arising from former Commission Chair Ginn Marvin's failure to disclose important information to the legal and Veterans Affairs Committee and her subsequent conduct.

1.) An important statement you made has been omitted in his opening exchange with Commissioner Thompson depicted on page 14 of the minutes:

Thompson: Do you specifically claim, like other complaints, there is no jurisdictional ability here?

Wayne: I know I had a chance to talk this over with the Chair and with the Commission's Council. I know the Chair has his own, uh, points of view on this. So I don't - we as staff can start to get into jurisdiction issues if you like...

Friedman: (interrupts)...I disagree....(picked up as paragraph 3, page 14).

The record should be explicit that Executive Director Wayne, "as staff", did not present a view on the jurisdiction issues here. Instead, what is offered immediately after is the Commission Chair's view. Other documentation supports this. Mr. Friedman's letter of August 9 is presented, as the Chair's "own...point of view on this." This is also consistent with the phone conversation I had with Mr. Wayne on August 7 that I confirmed in writing. There, he stated "the Chair does not believe that it is the Commission's place to disqualify or dispel Commissioners."

2.) The minutes depicting Commission Chair Friedman's statement following his interruption of Mr. Wayne's offer contains a fundamental misstatement. The third paragraph, fourth sentence, Commission Chair Friedman seems to indicate that the matter of interest is about "a case that the Commission's counsel and staff have determined is beyond the Commission's jurisdiction."

However, in the recording of the session, Mr. Friedman does not indicate, nor is there any evidence, of such a determination. Instead, he says this is "a case that the Commission's counsel and staff have **indicated initially** we don't have jurisdiction to hear" (emphasis added).

He is referring to the cursory statements that the Assistant Attorney General made on July 16. That there has been no "determination" whatsoever on this point is underscored by Assistant Attorney General Gardiner's clarification on page 16 of the minutes, second paragraph. The minutes do follow the verbatim from the recording here:

Gardiner: The question the commission is discussing right now is whether or not to take up the issue of whether or not the commission has jurisdiction...so maybe you want to have a motion to deal with just that question before you get into whether you're going to hear from (Mr. Lindemann on the jurisdictional issue)...

With this, the Assistant Attorney General stopped me from presenting a view counter to the Commission Chair's opinion on jurisdiction as well as her own cursory statements.

3.) The Assistant Attorney General's clarification removes what, perhaps, has been taken as an ambiguity allowing for what is clearly a fundamental misrepresentation of the motion.

Here is how the minutes now present the motion:

Mr. Friedman moved that the Commission accept the staff's view that the issue presented is not one within the Commission's jurisdiction. Mr. Friedman clarified that the issue is whether the Commission has the authority to disqualify a member of the Commission.

The second sentence, Mr. Friedman's clarification, is counter to what he actual stated in the meeting. It presents a fundamentally different motion. He did not say that "the issue is whether the Commission has the authority to disqualify a member of the Commission." Instead, this is the verbatim of his motion as he clarified it:

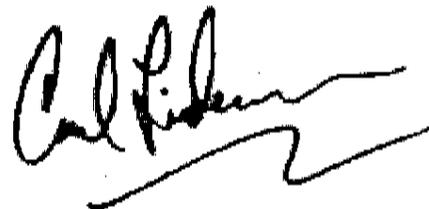
Friedman: We are excluding any discussion as to whether or not we have the authority to disqualify a member of this commission.

In fact, I objected to this. Mr. Friedman confirmed this was exactly the motion he wished to put forward. "That's the motion," he said. Commissioner Cassidy seconded that motion as the minutes accurately reflect.

The only reasonable reading of the motion in context is that this is precisely the motion that the Assistant Attorney General suggested as procedurally necessary. This motion had to occur PRIOR to anything akin to what the Chair initially suggested, then altered. His "clarified" and corrected motion "excluding any discussion as to whether or not we have the authority to disqualify a member of this commission" is what was voted on.

Please correct the notes so that they accurately reflect the discussion and motion passed when they are brought up for ratification at the session this week. If you have any questions about this, please let me know.

Yours Very Truly,



Agenda

Item #2



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: September 13, 2007
Re: Recommended Referral of Rep. William R. Walcott to the Maine State Attorney
General for Possible Criminal Prosecution

Selection of Rep. William R. Walcott for Audit by Ethics Commission

Rep. William R. Walcott (House District 72, representing a part of Lewiston) was a Maine Clean Election Act (MCEA) candidate in the 2006 elections and was re-elected to a third term. He ran previously as a MCEA candidate in 2004 and as a privately financed candidate in 2002. In 2006, he received a total of \$4,874 in MCEA funds. In campaign finance reports filed on November 1 and December 19, 2006, Rep. Walcott reported making seven campaign expenditures totaling \$2,933.44. This was the entire amount he reported spending on his campaign. He was required to return the unspent balance of the MCEA funds (\$1,940.56) by December 19, 2006.

While most MCEA candidates are selected for audits randomly, Rep. Walcott is among a very small number of 2006 candidates who were selected for an audit due to non-compliance with Commission procedures. Candidate Registrar Sandy Thompson suggested an audit of Rep. Walcott's campaign because he was 48 days late in returning unspent campaign funds after the election. Commission Auditor Vincent W. Dinan initiated the audit by requesting that Rep. Walcott submit bank statements and records of campaign expenditures by August 28, 2007.

It should be noted that the Commission requires MCEA candidates to report every expenditure of public funds they make, and that all reported expenditures are reviewed by the Commission's auditor for compliance. In addition, 20% of legislative candidates in 2006 received a thorough audit which requires them to submit documentary proof from vendors of the specific campaign goods and services purchased and proof that the vendors received payment.

August 28, 2007 Meeting with Rep. Walcott and Counsel

David Van Dyke, Rep. Walcott's attorney, contacted me on August 27th, the day before the deadline to submit audit documents, and proposed a meeting the following day. When we met on August 28, Rep. Walcott admitted that the seven expenditures, totaling \$2,933.44, in his campaign finance reports were completely fabricated. He stated that, in fact, he made no financial expenditures in connection with his 2006 campaign because his re-election was "safe." Rep. Walcott also admitted that he began spending the MCEA funds in the summer of 2006 and eventually spent the entire amount he received (\$4,874).

Rep. Walcott declined to account for his actual use of MCEA funds. Regardless of how he actually used the funds, it is a violation to use MCEA funds for any purpose unrelated to the candidate's campaign. His counsel explained that during 2006 the candidate was in "modest financial" circumstances. Neither offered any other explanation for Rep. Walcott's conduct.

The Representative said that he applied for MCEA funding in April 2006 expecting to spend the money on legitimate campaign expenses. He said that he later decided that he did not want to be re-elected, and hoped that his party would find another candidate in his district. When the party was unable, he agreed to continue being a candidate in the general election. He said that he did not conduct door-to-door campaigning, but he participated in some traditional candidate functions such as attending a candidate forum and responding to a candidate questionnaire.

On September 5, 2007, Rep. Walcott returned \$2,933.44 to the Commission. All MCEA funds paid to him have been recovered. Unfortunately, we find no reason to believe that he would have returned this money had he not been audited by the Commission.

Staff Recommendations

Rep. Walcott's actions represent very serious wrongdoing. First, he spent money that the public entrusted to him for his political campaign on expenses that had nothing to do with his campaign. Second, he knowingly filed false statements with the state agency responsible for managing this program. Without some additional explanation from Rep. Walcott regarding his conduct and intentions, a plausible conclusion to draw from these facts is that he reported false expenditures in order to conceal his misuse of funds and to avoid repaying them.

The staff recommends that you refer this matter to the Office of the Maine State Attorney General for possible criminal prosecution. Rep. Walcott's actions could also subject him to large civil penalties by the Commission for violations such as submitting false campaign finance reports and spending MCEA funds for purposes that were not related to his campaign. However, the staff recommends deferring any consideration of civil penalties until after the Attorney General's Office reaches a conclusion on whether to initiate criminal prosecution.

Impact on Public Confidence in State Government

Rep. Walcott's conduct, while disturbing, is not representative of the overwhelming majority of candidates for the Maine Legislature. Most candidates – both privately and publicly financed – are conscientious in their use of campaign funds and in filing accurate reports with the Commission. They are motivated by a genuine interest in serving their state and their communities, and care about the legislative institution they hope to join. They earnestly want to win their races and are loathe to spend their scarce financial resources frivolously.

All of these factors contribute to the very responsible and compliant nature of legislative campaigns in Maine – including candidates' use of public campaign financing. In the 2004 and 2006 elections, 621 general election candidates were publicly funded under the MCEA. Only six out of 621 candidates (about 1%) intended to use and to keep MCEA funds for personal expenses. While many Mainers will be dismayed by Rep. Walcott's misuse of public funds, it should be viewed as an isolated incident of one person's ethical lapse and should not tarnish the many dedicated individuals who choose public service at a sacrifice to them and their families.

William Walcott

CANDIDATE'S FULL NAME

**SCHEDULE B
EXPENDITURES**

Page 1 of 1
(Schedule B only)

- Enter the date, payee, expenditure type, and amount for each expenditure made during the reporting period.
- For expenditure types which require a remark, enter a description of the goods and services purchased.
- Expenditures made with a candidate's or an authorized individual's personal funds must be reimbursed within the same reporting period as the expenditure. Enter the vendor as the payee and the purchase date. Report the name of the individual who made the payment in the remarks section.
- Only enter expenditures that have actually been paid. Enter unpaid debts and obligations on Schedule D.

Expenditure Types Requiring NO Remark		Expenditure Types Which REQUIRE Remark	
PRT	Print media ads	SAL	Campaign workers' salaries
TVN	TV or cable ads, production costs	CNS	Campaign consultants
RAD	Radio ads, production costs	PRO	Other professional services
LIT	Campaign literature (printing and graphics)	EQP	Equipment
POS	Postage for U.S. Mail	FND	Fundraising events
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)
PHO	Phone banks, automated telephone calls	OTH	Other
FOD	Food for campaign events, volunteers		
OFF	Office rent and utilities		
WEB	Internet and e-mail		
POL	Polling and survey research		
RTA	Return of authorized MCEA funds		
RTU	Return of unauthorized MCEA funds		

DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code from above)	REMARK (If the expenditure type requires a remark, describe all goods and services purchased)	AMOUNT
10/30/06	Curry Printing	LIT	Lit drop flyer	543.37
10/30/06	Curry Printing	LIT	2nd mailing ^{to} Indep.	432.07
10/31/06	USPS	POS	Postage for mailing	468.00
Total expenditures (this page only) =>				1443.44
<i>(combined totals from all Schedule B pages must be listed on Schedule F, line 5)</i>				

William Walcott
CANDIDATE'S FULL NAME

12/19/06
DATE SUBMITTED

**SCHEDULE F
SUMMARY SECTION
(MAINE CLEAN ELECTION ACT CANDIDATES)**

This page is required for all candidates except those checking the no-activity box on the cover page of the report. The cash balance on line 6 must match the cash balance in the campaign's bank account as of the last day of this reporting period.

CASH ACTIVITY	
1. CASH BALANCE FROM LAST REPORT (if any)	3384.00
2. MAINE CLEAN ELECTION ACT FUNDS RECEIVED THIS PERIOD (see payment letter)	+ 0
3. SALE OF CAMPAIGN PROPERTY THIS PERIOD (Schedule E, Part II)	+ 0
4. OTHER CASH RECEIPTS THIS PERIOD (interest, etc.)	+ 0
5. MINUS TOTAL EXPENDITURES THIS PERIOD (total of all Schedule B pages)	- 1443.44
6. CASH BALANCE AT CLOSE OF PERIOD (lines 1 + 2 + 3 + 4 - 5)	= 1940.56
7. CASH NOT AUTHORIZED TO SPEND (see payment letter)	0
8. CASH AUTHORIZED TO SPEND (line 6 - 7)	1940.56

OTHER ACTIVITY THIS REPORTING PERIOD	
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (total all Schedule D pages)	0

For Commission
use only

date entry _____

proofread _____

follow-up _____

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 Mail: 135 State House Station, Augusta, Maine 04333-0135
 Office: 242 State Street, Augusta, Maine
 Tel: (207) 287-4179 Fax: (207) 287-6775
 Website: www.maine.gov/ethics
 Electronic Filing: www.mainecampaignfinance.com

2006 CAMPAIGN FINANCE REPORT
MAINE CLEAN ELECTION ACT CANDIDATES
FOR THE LEGISLATURE

(Please Complete ALL Entries)

Name of CANDIDATE WILLIAM R. WALCOTT

Mailing address 12 HORTON ST.

City, Zip Code Lewiston ME 04240

Telephone number (207)783-4059 Fax _____ E-mail mainewill@earthlink.net

Office Sought REPRESENTATIVE District Number 72

CHECK IF CHANGED
SINCE PREVIOUS
REPORT

Name of TREASURER WILLIAM R. WALCOTT

Mailing address 12 HORTON ST.

City, Zip Code LEWISTON ME 04240

Telephone number (207)783-4059 Fax _____ E-mail mainewill@earthlink.net

CHECK IF CHANGED
SINCE PREVIOUS
REPORT

Type of Report 6-DAY PRE-GENERAL Due Date 11/01/2006 Dates of Report Period 7/19/2006 - 10/26/2006

- Amendment to: _____
- Other (specify): _____
- Check if campaign had no activity for the reporting period (no other pages are required)

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT AND COMPLETE.

SIGNATURE ON FILE	<u>11/1/2006</u>	SIGNATURE ON FILE	<u>11/1/2006</u>
Treasurer's Signature	Date	Candidate's Signature	Date

WILLIAM R. WALCOTT

(Schedule B Only)

CANDIDATE'S FULL NAME

**SCHEDULE B
EXPENDITURES**

- Itemize each expenditure made during the reporting period.
- Enter the date, payee, expenditure type, and amount for each expenditure.
- For expenditure types which require a remark, enter a description of the goods and services purchased.
- Only enter expenditures that have actually been paid. Enter unpaid debts and obligations on Schedule D.

Expenditures paid with non-campaign funds: Whenever an expenditure is made on behalf of a candidate with funds other than campaign funds, the campaign **must** reimburse that expenditure with campaign funds. Following the instructions above, enter the information for the vendor that actually provided the goods or services. In the remarks section, include the name of the person reimbursed and any other required remarks.

Expenditure Types Requiring <u>NO</u> Remark		Expenditure Types Which <u>REQUIRE</u> Remark	
PRT	Print media ads	SAL	Campaign workers' salaries
TVN	TV or cable ads, production costs	CNS	Campaign consultants
RAD	Radio ads, production costs	PRO	Other professional services
LIT	Campaign literature (printing and graphics)	EQP	Equipment
POS	Postage for U.S. Mail	FND	Fundraising events
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)
PHO	Phone banks, automated telephone calls	OTH	Other
FOD	Food for campaign events, volunteers		
OFF	Office rent and utilities		
WEB	Internet and e-mail		
POL	Polling and survey research		
RTA	Return of authorized MCEA funds		
RTU	Return of unauthorized MCEA funds		

DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code from above)	REMARK (if the expenditure type requires a remark, describe all goods and services purchased)	AMOUNT
8/4/2006	CURRY PRINTING	LIT		437.00
9/20/2006	CURRY PRINTING	LIT		268.00

9/20/2006	CURRY PRINTING	LIT		395.00
10/2/2006	USPS	POS		390.00
Total expenditures(this page only) ⇨ <i>(combined totals from all Schedule B pages must be listed on Schedule F,line 5)</i>				1,490.00

WILLIAM R. WALCOTT

CANDIDATE'S FULL NAME

Date Submitted

**SCHEDULE F
SUMMARY SECTION
(MAINE CLEAN ELECTION ACT CANDIDATES)**

CASH ACTIVITY		
	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT (if any)	4,874.00	
2. MAINE CLEAN ELECTION ACT Payments	+	0.00
3. SALE OF CAMPAIGN PROPERTY (Schedule E, Part II)	+	0.00
4. OTHER CASH RECEIPTS (Interest, etc.)	+	0.00
5. <i>MINUS</i> TOTAL EXPENDITURES (total of all Schedule B pages)	-	1,490.00
6. CASH BALANCE AT CLOSE OF PERIOD (lines 1 + 2 + 3 + 4 - 5)	=	3,384.00
7. CASH NOT AUTHORIZED TO SPEND	0.00	
8. CASH AUTHORIZED TO SPEND (line 6 - 7)	3,384.00	

OTHER ACTIVITY THIS REPORTING PERIOD		
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (total all Schedule D pages)	0.00	

LAW OFFICES OF HORNBLOWER LYNCH RABASCO & VAN DYKE, P.A.

261 ASH STREET

P. O. BOX 116

LEWISTON, MAINE 04243-0116

PHONE: (207) 786-6641

FAX: (207) 786-6643

SEP - 5 2007

Donald S. Hornblower, Esq.
Scott J. Lynch, Esq.
Edward Rabasco, Jr., Esq.
David J. Van Dyke, Esq.

September 4, 2007

Jonathan Wayne
State of Maine
Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta ME 04333-0135

RE: William Walcott

Dear Jonathan :

Further to our meeting in Augusta and our telephone conversation of this afternoon, enclosed herewith please find Mr. Walcott's reimbursement check in the amount of \$2,933.44 made payable to the Fund.

Thank you for your attention to the enclosed.

Very truly yours,

David J. Van Dyke, Esq.

SUPPORT DEFENDERS OF WILDLIFE

William Walcott
12 Horton St.
Lewiston, ME 04240
207-783-4039

52-8791/2112

1475

DATE

9/4/07

PAY TO THE
ORDER OF

Maine Clean Election Fund

\$ 2,933.44

Two thousand nine hundred thirty-three and 44/100

DOLLARS

Com/MS Security
Features. Details
on Back.

MAINE FAMILY FEDERAL CREDIT UNION

555 BABATTUS STREET
LEWISTON, ME 04240
800-783-2071
WWW.MAINEFAMILYFCU.COM

FOR

NCE = return

William Walcott

MT

Agenda

Item #3



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

September 13, 2007

By E-Mail and Regular Mail

Benjamin Meiklejohn
11 Exchange Street
Portland, ME 04101

Dear Mr. Meiklejohn:

On January 4, 2007, the Ethics Commission staff mailed you a letter notifying you of its preliminary determination that a penalty of \$197.02 was owed for the late filing of the 42-day post-election campaign finance report that was due on December 19, 2006. You responded by paying \$100 of the penalty, and submitting a written statement of your intention to pay the remaining amount of \$97.02 in April 2007.

After not receiving any payment, Candidate Registrar Sandy Thompson e-mailed you on August 31, 2007 and attempted to leave you a voicemail message. On September 10, 2007, I e-mailed you and left you a voicemail message asking for you to confirm whether you would pay the penalty this month. I received no response.

The Commission is required to refer late-filing penalties that remain unpaid for more than 30 days to the State Attorney General pursuant to 21-A M.R.S.A. § 1020-A(10). In practice, the Commission is willing to enter into longer payment periods provided that the late-filers demonstrate good faith in adhering to payment plans. **This is to inform you that the Commission will next meet on September 21 at 9:00 a.m. at the Commission's office at 242 State Street. If the \$97.02 portion of the penalty is not paid by that date, the staff will recommend that the Commission refer the unpaid penalty to the State Attorney General for collection.** You are welcome to attend the meeting to respond to the proposed referral or to submit a written response in advance of the meeting. Please telephone me at 287-4179 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Wayne', written over a horizontal line.

Jonathan Wayne
Executive Director

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

Title 21-A, §1020-A, Failure to file on time

8. Failure to file report. The commission shall notify a candidate who has failed to file a report required by this subchapter, in writing, informing the candidate of the requirement to file a report. If a candidate fails to file a report after 3 written communications from the commission, the commission shall send up to 2 more written communications by certified mail informing the candidate of the requirement to file and that the matter may be referred to the Attorney General for criminal prosecution. A candidate who fails to file a report as required by this subchapter after the commission has sent the communications required by this subsection is guilty of a Class E crime.

[2003, c. 628, Pt. A, §5 (rpr).]

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

[2003, c. 628, Pt. A, §6 (new).]

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

[1995, c. 483, §15 (new).]

10. Enforcement. The commission staff has the responsibility for collecting the full amount of any penalty and has all necessary powers to carry out this responsibility. Failure to pay the full amount of any penalty levied under this subchapter is a civil violation by the candidate, treasurer, political party or other person whose campaign finance activities are required by this subchapter to be reported. Thirty days after issuing the notice of penalty, the commission shall report to the Attorney General the name of any person who has failed to pay the full amount of any penalty. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.

[1999, c. 426, §33 (amd).]

MRSA , ST.21A SEC.1020A/4,5 (AMD) .

IB 1995, Ch. 1, §15 (AMD) .

PL 1995, Ch. 483, §15 (NEW) .

PL 1995, Ch. 625, §B5 (AMD) .

RR 1995, Ch. 1, §10 (COR) .

RR 1995, Ch. 2, §38 (COR) .

PL 1999, Ch. 426, §32,33 (AMD) .

PL 1999, Ch. 729, §5 (AMD) .

PL 2001, Ch. 470, §11 (AFF) .

PL 2001, Ch. 470, §7,8 (AMD) .

PL 2001, Ch. 714, §PP1 (AMD) .

PL 2001, Ch. 714, §PP2 (AFF) .

PL 2003, Ch. 302, §4 (AMD) .

PL 2003, Ch. 448, §4 (AMD) .

PL 2003, Ch. 628, §A3-6 (AMD) .

RR 2003, Ch. 1, §14 (COR) .

Wayne, Jonathan

From: Wayne, Jonathan
Sent: Monday, September 10, 2007 11:57 AM
To: 'meiklb@portlandschools.org'
Cc: Thompson, Sandy; Lavin, Paul
Subject: Unpaid Late-Filing Penalty

Sandy Thompson has informed me that you owe \$97.02 on a late filing penalty for your 2006 legislative campaign, and that we received a written statement that we would receive this amount in April 2007. After not receiving the \$97.02, Sandy e-mailed you on August 31 and left you a voicemail asking for an update.

Our next Commission meeting is Friday, September 21. At that meeting, I will recommend that the Commission refer the unpaid penalty to the State Attorney General for collection unless I receive a commitment from you by e-mail no later than 12:00 noon on Thursday, September 13 that you will pay the remaining \$97.02 by the end of this month. If I don't hear back from you, at the end of the day on September 13 I will publish the agenda with the AG referral included as item #3.

I will call you to leave you this message as well. We need to get this resolved. Thank you.

Jonathan Wayne
Executive Director
Maine Ethics Commission
135 SHS
Augusta, ME 04333

Left voicemail message
11:59 a.m. 9/10/07
756-7684
-Jonathan Wayne

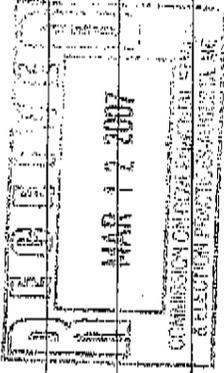
Thompson, Sandy

From: Thompson, Sandy
Sent: Friday, August 31, 2007 11:43 AM
To: 'meiklb@portlandschools.org'
Subject: Unpaid Penalty of \$97.02 - Please pay ASAP.
Importance: High

Dear Ben – I left a message on your home phone too. Please pay this over due penalty. The last communication from you said that you would pay in April but we have not received a payment. Any questions please call (287-7651) or e-mail me. Thank you.

Sandy Thompson
Candidate Registrar
Maine Commission on Governmental Ethics
and Election Practices
Website: www.maine.gov/ethics

Company: Ben Meskley, J.D.
 Address: 11 Exchange St 09101
 Tel. # 756-7784 Fax # _____



Sady Thompson
Ethics Commission

Please find enclosed \$100 towards
my assessed penalty. Per our discussions,
I will make another payment of
\$ 97.02 in April.

Sincerely,
Ben Meskley

Benjamin J. Meskley, J.D.
 11 Exchange St
 Portland, ME 04102
 207-756-7684

0972

DATE 3-7-07
 52-BB1802112

PAY TO THE ORDER OF State of Maine (Ethics Commission) \$ 100.00

One Hundred and 00/100

LEAVE
 THIS
 CHECK
 UNPAID
 UNTIL
 THE
 DATE
 INDICATED

UCU University Credit Union
 Portland, Maine 04101-2001
 www.ucuportland.com

UNIVERSITY CREDIT UNION
 250 Franklin Street, Portland, ME 04101

penalty - Ethics Commission

MESKO

MP



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

January 4, 2007

Benjamin Meiklejohn
11 Exchange Street
Portland, ME 04101

BY CERTIFIED MAIL

Dear Mr. Meiklejohn:

RE: Late 42-Day Post-General due 12/19/2006

You filed a 42-Day Post-General report on 12/20/2006. A penalty must be assessed for late reports based on the amount of financial activity conducted during the filing period, the number of calendar days a report is filed late, and the candidate's filing record. Based on the prescribed statutory formula, the preliminary determination of the penalty for the late filing of your report would be \$197.02. Please refer to the enclosed penalty matrix for more details on how the penalty is computed. If you agree with this preliminary determination of the amount of the penalty, you may use the enclosed billing statement to pay that penalty.

If you have a reason for filing late, you may request the Commission to make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receipt of this notice, beginning on the day you sign its receipt. If this notice has been refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. Upon receipt of your request for a Commission determination, we will schedule you to appear and will notify you of the date and time of the next Commission meeting. You or a person you designate may then appear personally before the Commission or you may send a written statement for the Commission's consideration. A statement must be notarized and contain a full explanation of the reason you filed late. Statements should be sent to the address shown on this letterhead. The Commission will notify you of the disposition of your case within 10 days after its determination.

NOTE: The Commission may waive penalties for late reports only in cases where tardiness is due to mitigating circumstances. The law defines "mitigating circumstances" as: 1) a valid emergency determined by the Commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; 2) an error by the Commission staff; 3) failure to receive notice of the filing deadline; or (4) 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.

The Maine Clean Election Act requires all revenues distributed to certified candidates from the fund to be used for campaign-related purposes. Commission guidelines regarding permissible campaign-related expenditures do not include the payment of a penalty as a permissible expenditure.

Sincerely,

Nathaniel Brown
Candidate Registrar

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

PENALTY MATRIX FOR LATE CANDIDATE REPORT FILINGS

BASIS FOR PENALTIES 21-A M.R.S.A. Section 1020-A(4)

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 5:00 p.m. on the day the report is due.

Example: The treasurer files the candidate's report two (2) days late. The candidate has not had any previous late violations this biennium. The candidate reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater amount of the total contributions received or expenditures made during the filing period

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

X 2 Number of calendar days late

\$50.00 Total penalty

Your penalty is calculated as follows:

Contributions/Expenditures: \$ 6,567.38

Percent prescribed: X .03

\$ 197.02

Number of days late: X 1

Total penalty accrued: \$ 197.02

Any penalty of less than \$5 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 1020-A(5)

\$5,000 for reports required to be filed 42 days before an election (gubernatorial candidate only),
6 days before an election, 42 days after an election, and for 48-hour reports;

\$1,000 for semiannual reports.

FOR 6/7/06 EXPENDITURES



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

January 4, 2007

Benjamin Meiklejohn
 11 Exchange Street
 Portland, ME 04101

The Commission staff has made a preliminary determination, based upon application of the statutory formula, that a penalty of \$197.02 applies for the late filing of your 42-Day Post-General report. If you agree with this determination, please make your check or money order in that amount payable to "Treasurer, State of Maine," and send it, along with the bottom half of this letter, to the Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333, within 30 days of the date noted above. Please see the instructions included in the attached letter if you would like the Commission to make a formal determination of any penalty to be assessed in this case.

Failure to pay the full amount of an assessed penalty is a civil violation. The Commission is required to report to the Attorney General the name of any person who fails to pay the full amount of any penalty. Please direct any questions you may have about this matter to Nathaniel Brown at 287-7652.

Cut Along Dotted Line

For Office Use Only:
 Account: CGEEP
 Fund: 014 Approp: 02

To Commission on Governmental Ethics and Election Practices
 135 State House Station
 Augusta, Maine 04333

From: Benjamin Meiklejohn

RE: Penalty for late filing of 42-Day Post-General report

Amount Enclosed: \$ _____

Check/M.O. No.: # _____

Please Make Check or Money Order Payable to Treasurer, State of Maine

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
 WEBSITE: WWW.MAINE.GOV/ETHICS

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, on the front if possible. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>x <i>BM</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Benjamin Meiklejohn</i></p> <p>C. Date of Delivery</p>
<p>Benjamin Meiklejohn 11 Exchange Street Portland, ME 04101</p>	<p>Address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>delivery address below:</p>
	<p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7005 3110 0000 2803 7089</p>

PS Form 3811, August 2001 Domestic Return Receipt 102585-02-M-1540

7005 3110 0000 2803 7089

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PS Form 3811, June 2002

Agenda

Item #4



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

To: Commission Members and Counsel
From: Jonathan Wayne, Executive Director
Date: September 13, 2007
Re: Summary of Proposed Legislation for 2008

The Commission staff seeks your authorization to submit two bills for the 2008 legislative session. Administrative agencies are permitted to submit bills before the deadline of October 3, 2007. If you authorize the submission of these bills, they would be scheduled for public hearings before the Joint Standing Committee on Legal and Veterans Affairs at which the public would have an opportunity to comment.

Please be aware that Assistant Director Paul Lavin and I have not conferred with Commission Counsel Phyllis Gardiner on these bills, so we may wish to circulate amended versions to you at the September 21 meeting.

First Bill: Campaign Finance and Commission Issues

The first bill relates to campaign finance regulation and conflicts of interest that might require a Commission member to recuse himself from participating in a matter before the Commission:

21-A M.R.S.A. § 1002

The proposed insertion would authorize the Commission to hold a meeting by telephone to discuss procedural or logistical issues affecting an upcoming monthly meeting. The staff anticipates that it would rarely be necessary, but occasionally important procedural issues come up that would be better handled in advance of the regular monthly meeting. These issues could affect the scheduling of a meeting or could impact actions taken by the parties or Commission staff before the regular monthly meeting. If a meeting were held by telephone to discuss a procedural issue, the staff would notify all relevant parties and would provide a speakerphone in the conference room for visitors.

21-A M.R.S.A. § 1003(1-A)

The proposed subsection would make documents which the Commission receives in the course of auditing a candidate confidential, unless they became part of the final audit report for the candidate. Many state agencies that conduct audits have similar confidentiality provisions in their statutes. In performing formal audits of candidates for the first time this year, the staff found that it received personal bank records and other

information regarding candidates that should be kept confidential. Under current law, all documents received by the Commission are public records unless they relate to a legislative ethics matter.

The proposed confidentiality provision would be an exception to the public records law. In general, the staff is in favor of openness in governmental records. In this case, however, protecting the privacy of audited candidates is important and the confidentiality of audit records is common in state government. In order to be enacted, the exception would have to be considered both by our regular oversight committee (Legal and Veterans Affairs) and by the Judiciary Committee. The Commission staff has not asked for an exception previously, but sees no practical problem in making the request.

21-A M.R.S.A. § 1005

When candidates and others file campaign finance reports, information about the names addresses, employers, and occupations of contributors are entered into the Commission's databases. The Commission has begun to receive requests for this contributor information from commercial vendors. The Commission staff is concerned that when Maine residents contribute to candidates or political parties, they are unaware it could result in them receiving commercial messages or other kinds of solicitations. The federal government (2 U.S.C. § 438(a)(4)) and several states prohibit the "commercial use" of campaign finance information, and the Commission staff proposes a similar restriction for Maine.

The proposed section is modeled after language in the Maine Election Law concerning information about voters that is stored in the state's Central Voter Registration database. Under the proposal, the information concerning political contributors would continue to be a public record and the Commission would continue to provide the information upon request. The law would, however, restrict the way in the recipient could *use* the information:

Permitted Uses. Under the proposed language, political activists in Maine and elsewhere could continue to:

- obtain the names and address of political contributors from the Commission
- use the information to send political literature regarding candidates or ballot questions
- use the information for get-out-the-vote activities
- contact Mainers to raise funds to influence Maine elections, included:
 - raising funds for candidates
 - raising funds for political parties
 - raising money for organizations such as PACs that would be used to influence candidate or ballot questions.

Prohibited Uses. Under the proposal:

- database companies could not use the names and addresses of contributors to sell goods and services to them
- database companies could not sell the names and addresses of contributors to other database companies
- charities or other non-profits could not use the names and addresses of contributors obtained from the Commission for fundraising purposes
- political organizations that are not electoral (e.g., civic groups, environmental organizations, think tanks, taxpayer groups, social justice groups) could not use the names and addresses of contributors obtained from the Commission for fundraising purposes.

If you believe that the last two uses *should* be permitted, you could propose a less restrictive approach that would allow contributor information from the Commission to be used for any political purpose (even if not related to an election) or for nonprofit solicitations. Any proposal by you will be considered thoroughly by the Legislature.

21-A MRSA §§ 1011 and 1059

Earlier this year, the Legislature extended the filing deadline for campaign finance reports filed by candidates, parties, and political action committees (PACs) from 5:00 p.m. to 11:59 p.m. The proposed amendments would allow municipal clerks who receive reports to set a deadline of the close of their business day – usually 4:30 p.m. or 5:00 p.m.

21-A MRSA § 1125(3)

Candidates who are seeking public funding under the Maine Clean Election Act must collect \$5 qualifying contributions from Maine voters. It is a way for Mainers to be involved in candidate campaigns by making a small financial donation to help a candidate receive public funding from the state of Maine.

Currently, candidates collect this money by check or in cash, and the candidate submits the contributors' names and addresses to the Commission on paper forms. In 2007, the Legislature enacted a law allowing Maine voters to make \$5 qualifying contributions to candidates over the Internet. The contributors' names and addresses will be saved in a database on the state's computer servers and are thus public documents. The staff is concerned that once this information is gathered in electronic form, it will also be subject to public records requests and used for purposes that were not expected by the contributors.

The proposed amendment would prohibit the Commission from releasing the names and addresses of the qualifying contributors in an electronic format to anyone but the candidate and someone designated by the candidate (e.g., a worker of a political party assisting the candidate in a subsequent election). The information about the contributors would remain in hard-copy form in the Commission's office, and would be open to inspection by anyone, including the Commission's opponent who may wish to challenge the candidate's qualification to receive public funding.

I have not conferred with the Commission's counsel, but I believe this restriction would also be an exception to the public records law even though it applied only to information in an electronic format. If so, it would also need to be considered by the Judiciary Committee in addition to the Legal and Veterans Affairs Committee.

21-A MRSA § 1125(12)

At the August 13, 2007 meeting, the Commission authorized the staff to submit legislation that would require candidates paying Maine Clean Election Act funds to a relative to identify the family relationship in campaign finance reports.

1 MRSA § 1012

The Commission recently received a request that a member be disqualified from serving on the Commission because of concerns about her objectivity. While the staff disagreed with the request, it highlighted that the Commission's statutes could be improved.

Please keep in mind there are two questions: (1) Under what conditions should an individual's political activities prevent them from serving on the Commission altogether? (2) Under what conditions should a Commission member's political affiliations require them to recuse themselves from an individual matter.

Serving as an Officer of a 'Political Committee.' Under current Subsection 2 of §1012, individuals cannot be appointed to the Commission if they are an "officer of a political committee, party committee, or political action committee." Under 21-A M.R.S.A. § 1(30), "political committee" means "2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle." Unfortunately, part of this definition – concerning a group of people who are associated to promote a principle – is quite broad and could include organizations that have nothing to do with the electoral process. The staff proposes to amend this part of the Subsection 2 to cover organizations that regularly file campaign finance reports with the Commission – PACs, party committees, candidate committees.

Officers of §1056-B Filers. As part of the recent request that a Commission member be disqualified, it was suggested to the Commission that individuals who are officers of organizations filing reports under 21-A M.R.S.A. §1056-B should be prohibited from serving on the Commission. These are organizations that have spent more than \$1,500 to promote or defeat a ballot question, but their major purpose is something other than influencing a ballot question. You may wish to consider whether this would be a good policy or whether such individuals could serve on the Commission and simply recuse themselves when an issue concerning their organization or the ballot question arose. In the 2006 general election, the following organizations filed §1056-B reports:

Associated Builders and Contractors of Maine
AARP
Maine Association of Nonprofits
Maine People's Alliance
Maine Women's Lobby
Maine Equal Justice Partners
Democracy Maine
Maine Heritage Policy Center
Maine People's Resource Center
Maine Center for Economic Policy
Center on Budget and Policy Priorities
The Katahdin Institute

While these organizations were required to file a report with the Commission because they raised or spent money to influence a ballot question, in general influencing elections is not their primary purpose.

Removal. Under Article IX, Section 5 of the Maine Constitution, members of boards and commissions may be removed "by impeachment" and "may be removed by the Governor on the address of both branches of the Legislature." This constitutional procedure has been incorporated into the statutes of other administrative agencies, such as:

35-A M.R.S.A. § 110, regarding members of the Public Utilities Commission
5 M.R.S.A. § 283-A, regarding members of State Liquor and Lottery
Commission

24-A M.R.S.A. § 201, regarding the Superintendent of Bureau of Insurance
9-B M.R.S.A. § 911, regarding the Superintendent of Bureau of Financial
Institutions

Although the constitutional removal provisions *already* apply to members of the Ethics Commission, we propose to make it explicit in the Commission statutes to avoid any misunderstanding about how a Commission member could be removed if no longer qualified to serve on the Commission.

Conflict of Interest. In practice, Commission members must occasionally recuse themselves from individual matters to avoid a conflict of interest, but the Commission's statutes do not contain standards for what is a conflict of interest. In proposed Subsection 2-B, the staff proposes a standard based on the Commission's particular mandate as the state's campaign finance agency.

Second Bill: Lobbyist Disclosure Issues

The second bill addresses issues regarding lobbyist disclosure. In 2006, the Legislature directed the Commission to develop web pages that would serve as a profile page for

each individual lobbyist registered with the Commission, and that would display the lobbyist's name, contact information, photograph, and clients. (The legislation implicitly invited lobbyists to submit photographs to the Commission, but did not require them.) Each client would also have an individualized profile page that would display the client's name, address, and lobbyists. The new law was based on the lobbyist disclosure website of the Wisconsin Ethics Board, <http://ethics.state.wi.us/>.

Since the Commission would be receiving photographs from lobbyists for these profile pages, the Commission staff proposes, in addition, to create an on-line guide (or facebook) of lobbyists organized by legislative committees. For each committee, a user would see the photos and names of the lobbyists who expressed an intention to lobby that committee. The names would be hyperlinks to the lobbyist's profile page, so that the user could learn more about each lobbyist and their clients. For example, a visitor to the Joint Standing Committee on Utilities and Energy (including a Legislator assigned to other committees), could use the guide to learn more about the lobbyists who are lobbying that committee. It could also be used by new members of the Utilities Committee who were not yet familiar with all of the energy and communications lobbyists. The initial reaction to the committee facebook proposal from legislative staff we have consulted has been quite positive.

Employees of the administrative agencies are an important part of shaping legislation in the State House. Under current law, they file an initial lobbyist registration form with the Commission, but do not file full monthly and annual reports filed by "regular" lobbyists. We believe that disclosure would be improved if agency lobbyists had their own profile pages and were included in the committee facebook. Our proposal would not require them to file monthly and annual reports, but would require them, on a one-time basis, to provide a photograph and some additional information about their agency.

The proposed changes would improve the lobbyist registration process so that the Commission would obtain the information and photos necessary for the profile pages and the committee facebook. The bill would *require* lobbyists to submit photographs on a one-time basis, which some lobbyists might find objectionable. Nevertheless, the Legislature has already impliedly invited lobbyists to submit photographs and the proposed law would permit the Commission to grant a waiver of the requirement if a lobbyist expressed a solid reason not to submit a photo.

Thank you for your consideration of these legislative proposals.

Proposed 2008 Legislation for Ethics Commission on Campaign Finance and Commission Organization Issues

Title 21-A, Election Law

21-A MRSA § 1002. Meetings of commission

1. Meeting schedule. The Commission shall meet in Augusta for the purposes of this chapter at least once per month in any year in which primary and general elections are held and every 2 weeks in the 60 days preceding an election. In the 28 days preceding an election, the Commission shall meet in Augusta within one calendar day of the filing of any complaint or question with the Commission. Agenda items in the 28 days preceding an election must be decided within 24 hours of the filing unless all parties involved agree otherwise.

2. Telephone meetings. Meetings may be held over the telephone if necessary, as long as the Commission office provides notice to all affected parties in accordance with the rules of commission and remains open for attendance by complainants, witnesses, the press, and other members of the public. Notwithstanding Title 1, Chapter 13, telephone meetings of the Commission are permitted:

A. only during the 28 days prior to an election when the Commission is required to meet within 24 hours of the filing of any complaint or question with the Commission; and

B. to address procedural or logistical issues before a monthly meeting, such as the scheduling of meetings, deadlines for parties' submission of written materials, setting of meeting agenda, requests to postpone or reschedule agenda items, issuing subpoenas for documents or witnesses, and recusal of commission members.

~~The Commission office must be open with adequate staff resources available to respond to inquiries and receive complaints from 8 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday immediately preceding an election and from 8 a.m. until at least 8 p.m. on election day. [moved below without amendments]~~

3. Other meetings. The Commission shall meet at other times on the call of the Secretary of State, the Speaker of the House, the President of the Senate, the chair or a majority of the members of the Commission, as long as all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

4. Office hours before election. The Commission office must be open with adequate staff resources available to respond to inquiries and receive complaints from 8 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday immediately preceding an election and from 8 a.m. until at least 8 p.m. on election day. [moved from above without amendments]

21-A MRSA § 1003. Investigations by commission

1. Investigations. The Commission may undertake audits and investigations to determine the facts concerning the registration of a candidate, treasurer, political committee or political action committee and contributions by or to and expenditures by a person, candidate, treasurer, political committee or political action committee. For this purpose, the Commission may subpoena witnesses and records and take evidence under oath. A person or political action committee that fails to obey the lawful subpoena of the Commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the Commission.

1-A. Audit working papers. Audit working papers are confidential and may not be disclosed to any person outside of the commission except the audited entity, other entities as necessary for the conduct of the audit, and law enforcement and other agencies for purposes of reporting, investigating, or prosecuting a criminal or civil violation. For purposes of this subsection "audit working papers" means all documentary and other information acquired, prepared or maintained by the commission during the conduct of an audit or investigation, including all intra-agency and interagency communications relating to an audit or investigation and draft reports or any portion of a draft report. A final audit report or any records made public in an enforcement or other proceeding of the commission are not confidential.

...

21-A MRSA § 1005. Restrictions on commercial use of contributor information

Information concerning contributors contained in campaign finance reports filed by candidates, political action committees, party committees and reports filed under section 1056-B may not be used for any commercial purpose, including, but not limited to, the sales and marketing of products and services, or for solicitations of any kind not directly related to activities of a political party, so-called "get out the vote" efforts or activities directly related to a campaign as defined in section 1052. Any person obtaining contributor information from the reports is prohibited from selling or distributing it to others to use for commercial purposes and also is prohibited from making publicly available the mailing addresses of contributors. This subsection does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have obtained contributor information from the commission from providing access to such information to their members for purposes directly related to party activities, get out the vote efforts or a campaign as defined in section 1052. A person who violates this section is subject to a civil penalty of up to \$5,000. A person who knowingly violates this section is guilty of a Class E crime.

21-A MRSA § 1011. Application

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election.

Candidates for municipal office as defined in Title 30-A, section 2502, subsection 1 and referenda as defined in Title 30-A, section 2502, subsection 2 are governed by this subchapter, with the following provisions:

1. Role of the municipal clerk; commission. For candidates for municipal office, the municipal clerk is responsible for any duty assigned to the Commission in this subchapter related to the registration of candidates, receipt of reports and distribution of information or forms, unless otherwise provided. Notwithstanding any other deadline set forth in this chapter, candidates must file their reports by the close of business on the filing deadline for the office of the municipal clerk. The Commission retains the sole authority to prescribe the content of all reporting forms.

...

21-A MRSA § 1059. Report; filing requirements

Committees required to register under section 1053 shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the filing deadline.

1. Reporting schedule. Committees shall file reports according to the following schedule.

A. Quarterly reports must be filed:

- (1) On January 15th and must be complete as of January 5th;
- (2) On April 10th and must be complete as of March 31st;
- (3) On July 15th and must be complete as of July 5th; and
- (4) On October 10th and must be complete as of September 30th.

...

21-A MRSA § 1125(3). Qualifying contributions. Participating candidates must obtain qualifying contributions during the qualifying period as follows:

A. For a gubernatorial candidate, at least 3,250 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

B. For a candidate for the State Senate, at least 150 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

C. For a candidate for the State House of Representatives, at least 50 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate.

A payment, gift or anything of value may not be given in exchange for a qualifying contribution. A candidate may pay the fee for a money order that is a qualifying contribution in the amount of \$5 as long as the donor making the qualifying contribution pays the \$5 amount reflected on the money order. Any money order fees paid by a participating candidate must be paid for with seed money and reported in accordance with commission rules. A money order must be signed by the contributor to be a valid qualifying contribution. The commission may establish by routine technical rule, adopted in accordance with Title 5, Chapter 375, subchapter 2-A, a procedure for a qualifying contribution to be made by a credit or debit transaction and by electronic funds transfer over the Internet. Information submitted to the commission by individuals making qualifying contributions over the Internet, including name and address information, is confidential and is not a public record within the meaning of Title 1, chapter 13, subchapter 1. Notwithstanding this exception, the commission shall only provide this information in electronic form to the candidate supported by the qualifying contribution or the candidate's designee. It is a violation of this chapter for a participating candidate or an agent of the participating candidate to misrepresent the purpose of soliciting qualifying contributions and obtaining the contributor's signed acknowledgment.

21-A MRSA § 1125(12). Reporting; unspent revenue. Notwithstanding any other provision of law, participating and certified candidates shall report any money collected, all campaign expenditures, obligations and related activities to the commission according to procedures developed by the commission. If a certified candidate pays fund revenues to a member of the candidate's immediate family or a business or nonprofit entity affiliated with a member of the candidate's immediate family, the candidate must disclose the family relationship in a manner prescribed by the commission. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections that candidate shall return all unspent fund revenues to the commission. In developing these procedures, the commission shall utilize existing campaign reporting procedures whenever practicable. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information.

Title 1, General Provisions

1 MRSA § 1012(2). Qualifications. The members of the commission must be persons of recognized judgment, probity and objectivity. A person may not be appointed to this commission who is a member of the Legislature or who was a member of the previous Legislature, who was a declared candidate for an elective county, state or federal office within 2 years prior to the appointment, or who now holds an elective county, state or federal office, who is an officer of a political committee, party committee or political action committee or who holds a position in a political party or campaign. A person may not serve on the commission who is an officer, director, employee, or primary decision-maker of a party committee, political action committee, or authorized candidate committee. [or other organization that is required to file a campaign finance report under section 1056-B.]

1 MRSA § 1012(2-A). Removal. A member of the commission may be removed by the Governor on the address of both branches of the Legislature or by impeachment pursuant to the Constitution of Maine, Article IX, Section 5.

1 MRSA § 1012(2-B). Conflict of interest.

A. A member of the commission has a conflict of interest in a matter if the member has a business or close political relationship with a party to the matter. A close political relationship exists when a member has significant past or on-going involvement with a political committee or a candidate, as defined in Title 21-A, or other organization involved in the matter, which would lead a reasonable person to believe that the member is unable to objectively consider the matter. A close political relationship is not created by making a contribution to a political committee, organization, or candidate; party enrollment status; or mere membership in an organization involved in the matter.

B. If a member of the commission has a conflict of interest in a matter before the commission, the member shall recuse himself or herself from the matter and shall not vote on or attempt to influence the outcome of the matter. Even if recusal is not required under this paragraph, members of the commission shall consider recusing themselves from any matter that would give rise to an appearance of a conflict of interest.

C. If the commission receives a written complaint alleging that a member has a conflict of interest, the commission shall provide the complainant an opportunity to be heard at the next meeting of the commission. At the meeting, the member may address the allegations raised in the complaint and shall state whether he or she has a conflict of interest in that matter.

Proposed 2008 Legislation for Ethics Commission on Lobbyist Disclosure Issues

3 § 313-A. Registration of state employees or state agency employees

Within 5 days of the convening of a regular legislative session, a state employee or an independent agency employee must register at the office of the Commission as described in section 316-A if:

1. Legislative designee. The employee is designated by the head of a department or agency to serve as the primary legislative designee for that department or agency; and

2. Lobbying requirements. ~~The job description of the employee contains lobbying requirements.~~ The employee engages or intends to engage in lobbying in excess of 8 hours in any calendar month.

An employee registering under this section is exempt from all other requirements under the law regarding lobbyists.

315-A. Registration docket; disclosure website

1. Registration. The Commission shall prepare and maintain a docket for the registration of lobbyist and employers of lobbyists required to register pursuant to this chapter. The registration docket and all supplementary files of information and materials filed pursuant to this chapter must be open to public inspection during the office hours of the Commission. The docket must contain the name of the lobbyist and the person employing the lobbyist, the business address of each, the nature of the business of the person employing the lobbyist and a statement as to the compensation that the lobbyist will receive for lobbying services, or if an exact amount is not ascertainable, the basis upon which the lobbyist will charge for services. This docket must be updated on a monthly basis and arranged and indexed as follows:

A. An alphabetical listing of those persons who have employed a lobbyist, which listing must indicate the names of all lobbyists employed by the employer; and

B. An alphabetical listing of those persons employed as lobbyists, which listing must indicate the names of all persons by whom each lobbyist is employed.

The docket must be reestablished annually by the Commission and the docket for any year must be maintained and be available for public inspection in the office of the Commission for four (4) years from the expiration of the docket.

2. Disclosure website. The Commission shall develop and maintain a publicly accessible website that displays:

A. A list of all persons who have employed a lobbyist during the current year;

B. A list of all lobbyists and lobbyist associates registered for the year;

C. A profile of each registered lobbyist and lobbyist associate, including contact information, the name of the lobbyist's employer or employers, and if provided by the lobbyist or lobbyist associate, a photograph of the lobbyist or lobbyist associate;

D. A profile of each person employing a lobbyist, including contact information for the employer, and a list of lobbyists and lobbyist associates engaged by the employer; ~~and~~

E. For each employer, a list of all legislative actions that have been the subject of lobbying for the year, including hyperlinks to the summary page of the Legislature's publicly accessible website for each legislative document listed; ~~;~~ and

F. A on-line photographic guide of registered lobbyists and lobbyist associates organized by each joint standing committee.

3 § 316. Registration forms.

The Commission shall prepare and make available registration forms for the registration of lobbyists and employers required to register pursuant to section 313. These forms must include the following information:

1. **Names.** The name of the lobbyist, a list of the lobbyist associates, the name of the person authorized by the lobbyist to sign the registration and reports for the lobbyist and the name of the person employing the lobbyist;

2. **Business addresses.** The business address and other contact information for ~~of~~ both the lobbyist, the lobbyist associates, and the person employing the lobbyist;

2-A. Photograph. A photograph of the lobbyist and lobbyist associates, unless one has been provided previously or the commission has granted a waiver of this requirement for security or other reasons;

3. **Date.** The date upon which lobbying commenced or was expected to commence;

4. **Nature of business.** A description of the ~~nature of the business of the person employing that lobbyist~~ employer's business activity or mission, or a description of the industry, trade, profession, which the employer represents; ~~and~~

4-A. Legislative interests. The general areas of legislation which the employer is attempting to influence;

4-B. Legislative committees. The committees of the Legislature which the lobbyist expects to lobby during the year; and

5. **Compensation.** The amount of compensation that the lobbyist will receive for that lobbyist's services or, if an exact amount is unascertainable, the basis upon which the lobbyist will charge for those services.

~~These forms must be signed by both the lobbyist and the employer and the signatures serve as a certificate~~ The lobbyist must certify that the information on that form is true, correct and complete and that the employer has approved the information in the registration.

3 § 316-A. Registration forms for state employees or state agency employees

The Commission shall prepare and make available registration forms for the registration of state employees or state agency employees required to register pursuant to section 313-A. These forms must include the following information:

1. Names. The name, business address, and contact information of the employee and the department or agency the employee is representing; and

2. Position description. A position description; and

3. Description of agency. A description of the administrative agency, its jurisdiction, and its activities;

4. Legislative interests. The general areas of legislation which the agency is attempting to influence; and

5. Photograph. A photograph of the state employee, unless one has been provided previously or the commission has granted a waiver of this requirement for security or other reasons.

These forms must be signed by the employee and the signature serves as a certificate that the information on that form is true, correct and complete.

Agenda

Item #5

Proposed Outline for the Guide to Maine Ethics Commission Procedures

Role and Responsibilities of the Commission

- Financial reporting by candidates, PACs, and party committees
- Maine Clean Election Act program
- Lobbyist disclosure
- Legislative ethics

Matters Outside the Commission's Jurisdiction

- Ethics of executive branch or municipal employees
- Regulation of political speech
- Code of Fair Campaign Practices
- Conduct of Legislators other than conflicts of interest and prohibited activities
- Placement of political signs
- Voting procedures

Organization of the Commission

- Commissioners
- Commission Chair
- Staff
- Counsel

Qualifications of Commissioners and Prohibited Activities

- Qualifications
- Prohibited activities
- Requests for disqualification

Preparations for Commission Meetings

- Scheduling of meetings
- Setting of agenda
- Notice to interested parties
- Preparation of packet of written materials
- Deadlines for submission of materials
- Last minute submissions discouraged
- Requests to postpone or reschedule
- Resolving procedural questions or issues of jurisdiction

Communications by or with Commissioners

- Public proceedings requirements
- Communications with chair or another member
- Communications with staff
- Ex parte communications
- Communications with press

Meeting Procedures

- Telephone meetings
- Changes to agenda
- Quorum
- Recusal of Commission members
- Order of presentations
 - Introduction by staff
 - Comments by complainant (if any)
 - Comments by respondent(s)
 - Questions by Commissioners
 - Public comment (if requested by Commissioners)
 - Staff comments or recommendation (if requested by Commissioners)
 - Discussion
 - Vote
- Unsworn testimony
- Motions/Robert's Rules of Order
- Executive sessions
- Audio recordings
- Minutes

Hearing Procedures

- Applicability of the Maine Administrative Procedures Act
- Requests by Commission members, staff, or other parties for hearings
- When hearings are required
- Criteria for holding hearings when discretionary
- Notice to interested persons
- Right of respondent to present evidence and argument
- Opportunities of complainants and respondents to call and examine witnesses
- Evidence
 - Rules of evidence
 - Witnesses
- Presiding officers
- Separation of functions
 - Executive Director
 - Commission Counsel
- Decision
- Record

Public Records

- Freedom of Access Act
- Exception for legislative ethics matters

Investigations

- Role of staff
- Role of complainant
- Routine issues regarding financial reporting
- Audits of Maine Clean Election Act candidates
- Subpoena power
 - Authorization by Commission
 - Signature by Chair
 - Staff depositions

Enforcement Actions by Commission

- Complaints by third-parties
- Actions initiated by staff
- Requests for waivers of late-filing penalties
- Notice to respondents and opportunity to be heard
- Assessment of penalties
- Deadline for payment of penalties
- Referral to Attorney General for Collection

Reconsideration of Commission Decisions and Appeals

- Requests for reconsideration
- Motions by commissioners
- Standard for reconsideration
- Appeal to Superior Court

Rule-makings and Other Policy Development

- Development of draft changes to rules
- Petition for rule-making
- Opportunities to comment on draft rules
- Adoption of rule changes
- Advisory opinions and other guidance

Recommendations and Reports to Legislature

Reporting obligations

Commission's duty to make recommendations

Post-election surveys

Recommendations initiated by staff and Commission members

Requests by outside parties

Agenda

Item #6



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

To: Commission Members

From: Vincent W. Dinan, Staff Auditor *W*

Date: September 13, 2007

Subject: September, 2007 Candidate Audit Report Submittals

Materials submitted with the September, 2007 Commission packet include the four candidate audit reports listed below.

Candidate Name	District	Disposition
Randall A. Greenwood	HD 80	No Exceptions
Randall A. Greenwood	SD 17	No Exceptions
Clayton Haskell	HD 110	No Exceptions
Rep. Jonathan B. McKane	HD 51	See Agenda

Audit Findings of "No Exceptions" are submitted for information and file, and no additional action is required by the Commission.



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

September 11, 2007

Audit Report No. 2006-HR044

**Candidate: Representative Jonathan B. McKane
House District 51**

Background

Representative Jonathan B. McKane was re-elected to the Maine House of Representatives, District 51, in the 2006 general election. The Commission on Governmental Ethics and Election Practices (Commission) certified Rep. McKane as a Maine Clean Election Act (MCEA) candidate on March 28, 2006. MCEA candidates are required under the Act to submit reports of their receipts, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

Audit Scope

Examination of selected candidate contribution and expenditure transactions occurring during the following campaign reporting periods:

- Seed Money
- Six Day Pre-Primary
- 42 Day Post-Primary
- Six Day Pre-General
- 42 Day Post-General

Transactions subject to review were those recorded in the candidate's accounting records and reported to the Commission. The audit's purpose was to determine if the identified receipts and payments (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable disbursement documentation; and (3) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

Audit Findings and Recommendations

Finding – incomplete expenditure documentation: Rep. McKane informed us that he was unable to locate two vendor invoices: Bob's Mail Boxes, 11/6/2006, in the amount of \$65.00, and USPS, 11/15/2006, in the amount of \$78.00. Both expenditures were supported by cancelled checks from the campaign bank account. All other expenditures examined by the auditor were well documented.

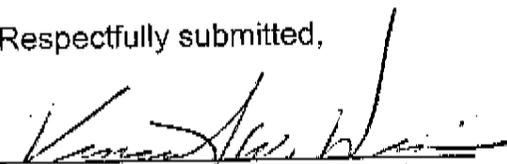
Criteria: 21-A M.R.S.A. §1016, "Each treasurer shall keep detailed records of all contributions received and of each expenditure that the treasurer or candidate makes or authorizes...." 21-A M.R.S.A. §1125(12-A)(C), "The treasurer shall obtain and keep...a record proving that a vendor received payment for every expenditure of \$50 or more in the form of a cancelled check, receipt from the vendor or bank or credit card statement identifying the vendor as the payee.""

Recommendation: The Commission staff recommends that the Commission make a finding of technical violation of the cited provisions of the MCEA, but given the generally excellent condition of the candidate's campaign finance records, assess no penalty.

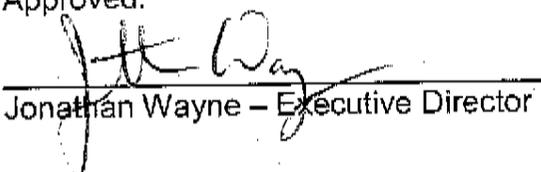
Candidate's Comments

Rep. McKane did not comment on the report.

Respectfully submitted,


Vincent W. Dinan - Staff Auditor

Approved:


Jonathan Wayne - Executive Director

Title 21-A, §1125, Terms of participation

12-A. Required records. The treasurer shall obtain and keep:

A. Bank or other account statements for the campaign account covering the duration of the campaign; [2005, c. 542, §5 (new).]

 B. A vendor invoice stating the particular goods or services purchased for every expenditure of \$50 or more; and [2005, c. 542, §5 (new).]

C. A record proving that a vendor received payment for every expenditure of \$50 or more in the form of a cancelled check, receipt from the vendor or bank or credit card statement identifying the vendor as the payee. [2005, c. 542, §5 (new).]

The treasurer shall preserve the records for 2 years following the candidate's final campaign finance report for the election cycle. The candidate and treasurer shall submit photocopies of the records to the commission upon its request. [2005, c. 542, §5 (new).]

13. Distributions not to exceed amount in fund. The commission may not distribute revenues to certified candidates in excess of the total amount of money deposited in the fund as set forth in section 1124. Notwithstanding any other provisions of this chapter, if the commission determines that the revenues in the fund are insufficient to meet distributions under subsections 8 or 9, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than \$500 per donor per election for gubernatorial candidates and \$250 per donor per election for State Senate and State House candidates, up to the applicable amounts set forth in subsections 8 and 9 according to rules adopted by the commission. [IB 1995, c. 1, §17 (new).]

14. Appeals. A candidate who has been denied certification as a Maine Clean Election Act candidate, the opponent of a candidate who has been granted certification as a Maine Clean Election Act candidate or other interested persons may challenge a certification decision by the commission as follows.

A. A challenger may appeal to the full commission within 7 days of the certification decision. The appeal must be in writing and must set forth the reasons for the appeal. [2005, c. 301, §32 (amd).]

B. Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the commission shall hold a hearing. The appellant has the burden of providing evidence to demonstrate that the commission decision was improper. The commission must rule on the appeal within 3 days after the completion of the hearing. [IB 1995, c. 1, §17 (new).]

C. A challenger may appeal the decision of the commission in paragraph B by commencing an action in Superior Court according to the procedure set forth in section 356, subsection 2, paragraphs D and E. [IB 1995, c. 1, §17 (new).]

D. A candidate whose certification by the commission as a Maine Clean Election Act candidate is revoked on appeal must return to the commission any unspent revenues distributed from the fund. If the commission or court find that an appeal was made frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties, if any. [IB 1995, c. 1, §17 (new).]

[2005, c. 301, §32 (amd).]

IB 1995, Ch. 1, §17 (NEW).
 PL 2001, Ch. 465, §4-6 (AMD).
 PL 2003, Ch. 270, §1,2 (AMD).
 PL 2003, Ch. 448, §5 (AMD).
 PL 2003, Ch. 453, §1,2 (AMD).
 PL 2003, Ch. 688, §A21,22 (AMD).
 PL 2005, Ch. 301, §29-32 (AMD).
 PL 2005, Ch. 542, §3-5 (AMD).



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

September 10, 2007

Audit Report No. 2006-HR039

Candidate: Randall A. Greenwood
House District 80

Background

Randall A. Greenwood was a candidate for the Maine House of Representatives, District 80, in the 2006 Republican primary election. The Commission on Governmental Ethics and Election Practices (Commission) certified Mr. Greenwood as a Maine Clean Election Act (MCEA) candidate on April 21, 2006. MCEA candidates are required under the Act to submit reports of their receipts, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

Audit Scope

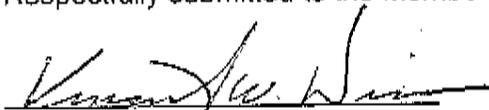
Examination of selected candidate contribution and expenditure transactions occurring during the following campaign reporting periods: Seed Money, Six Day Pre-Primary, and 42 Day Post-Primary.

Transactions subject to review were those recorded in the candidate's accounting records and reported to the Commission. The audit's purpose was to determine if the identified receipts and payments (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable disbursement documentation; and (3) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

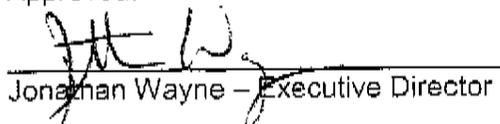
Audit Findings and Recommendations

No exceptions were noted.

Respectfully submitted to the Members of the Commission for information and file.


Vincent W. Dinan - Staff Auditor

Approved:


Jonathan Wayne - Executive Director



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

September 10, 2007

Audit Report No. 2006-SEN014

**Candidate: Randall A. Greenwood
Senate District 17**

Background

Randall A. Greenwood was a replacement candidate for the Maine State Senate, District 17, in the 2006 general election. The Commission on Governmental Ethics and Election Practices (Commission) certified Mr. Greenwood as a Maine Clean Election Act (MCEA) candidate on August 28, 2006. MCEA candidates are required under the Act to submit reports of their receipts, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

Audit Scope

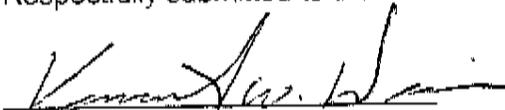
Examination of selected candidate contribution and expenditure transactions occurring during the Six Day Pre-General and the 42 Day Post-General campaign reporting periods.

Transactions subject to review were those recorded in the candidate's accounting records and reported to the Commission. The audit's purpose was to determine if the identified receipts and payments (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable disbursement documentation; and (3) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

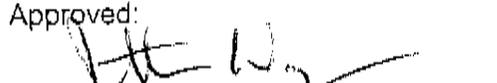
Audit Findings and Recommendations

No exceptions were noted.

Respectfully submitted to the Members of the Commission for information and file.


Vincent W. Dinah - Staff Auditor

Approved:


Jonathan Wayne - Executive Director



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

September 10, 2007

Audit Report No. 2006-HR043

**Candidate: Clayton Haskell
House District 110**

Background

Clayton Haskell was a candidate for the Maine House of Representatives, District 110, in the 2006 general election. The Commission on Governmental Ethics and Election Practices (Commission) certified Mr. Haskell as a Maine Clean Election Act (MCEA) candidate on April 19, 2006. MCEA candidates are required under the Act to submit reports of their receipts, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

Audit Scope

Examination of selected candidate contribution and expenditure transactions occurring during the following campaign reporting periods:

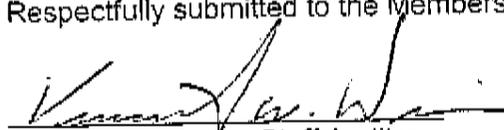
- Seed Money
- Six Day Pre-Primary
- 42 Day Post-Primary
- Six Day Pre-General
- 42 Day Post-General

Transactions subject to review were those recorded in the candidate's accounting records and reported to the Commission. The audit's purpose was to determine if the identified receipts and payments (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable disbursement documentation; and (3) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

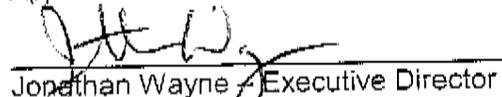
Audit Findings and Recommendations

No exceptions were noted.

Respectfully submitted to the Members of the Commission for information and file.


Vincent W. Dinah - Staff Auditor

Approved:


Jonathan Wayne - Executive Director

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

Agenda

Item #7



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

September 7, 2007

Ms. Anne P. Graham
97 Farms Edge Road
North Yarmouth, ME 04097

Dear Ms. Graham:

Thank you for confirming that you will be able to attend the Ethics Commission meeting on September 21, 2007 to discuss your 2006 campaign expenditures which exceeded the allowed total by \$253.59. The purpose of this letter is to inform you of the actions the staff will recommend that the Commission take at that meeting.

After a candidate has qualified for Maine Clean Election Act funding, he or she may spend only public funds received from the state. The candidate is not permitted to contribute his or her own funds to the campaign:

After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. (21-A M.R.S.A. §1125(6))

Spending more than is permitted – which the Commission staff refers to as overspending – is potentially a serious election violation because it could give a candidate an unfair advantage and could possibly change the results of a close race. It is therefore important for Maine Clean Election Act candidates to keep track of their total expenditures and obligations to avoid exceeding their limit.

In 2006, your campaign was permitted to spend \$5,370.78, which represented the \$4,870.78 in public funds you received plus \$500 in seed money you collected during the qualifying period. Instead, you spent \$5,624.37, which was \$253.59 more than you were allowed. In a January 19, 2007 letter to the Commission, you explained that the error was unintentional and due to a late charge by the Forecaster newspaper.

At the September 21 meeting, the staff will recommend that the Commission find that you violated 21-A M.R.S.A. §1125(6) by spending money other than your Maine Clean Election Act funds to promote your campaign. We will also recommend that the Commission assess a penalty of \$125 against you. The recommended penalty is relatively small based on a number of considerations:

- your 2006 campaign was your first campaign for political office;

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

Ms. Anne P. Graham

- 2 -

September 7, 2007

- there is no evidence you intended to violate the expenditure limitations;
- you showed exceptional good faith on January 19, 2007 by promptly amending your campaign finance reports just one day after being contacted by Commission staff and by writing a letter explaining the overspending;
- we presume you have paid the \$253.59 from your own pocket, so you have already suffered a financial loss due to the overspending.

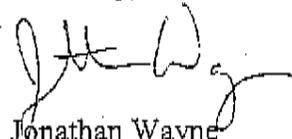
The reason the staff is recommending a penalty of \$125 is to underscore how important it is for Maine Clean Election Act candidates to keep track of their total expenditures – even in the frenzy of the final days of an election. Also, the overspent amount of \$253.59 was 4.7% of your allowed expenditures which is not insignificant.

Please be aware that the Commission will have the discretion to assess a penalty that is greater or less than the staff recommendation, or to assess no penalty at all. Under 21-A M.R.S.A. §1127(1), the Commission can assess a penalty of up to \$10,000 for a violation of the Maine Clean Election Act.

As we have discussed, we suggest you be present for the Commission's consideration of this matter to answer any questions of the Commission members or to respond to the proposed penalty. If you wish to submit anything further in writing for the Commission members to consider in addition to your January 19 and July 26, 2007 letters, please send them to me by e-mail or fax no later than noon on September 13. We will include it in a packet of materials which the Commission members will receive in advance of the meeting. If you have any interest in postponing this matter to a future meeting, please let me know.

Please telephone me at 287-4179 if you have any questions.

Sincerely,



Jonathan Wayne
Executive Director

Title 21-A, §1125, Terms of participation

5. Certification of Maine Clean Election Act candidates. Upon receipt of a final submittal of qualifying contributions by a participating candidate, the commission shall determine whether or not the candidate has:

- A. Signed and filed a declaration of intent to participate in this Act; [IB 1995, c. 1, §17 (new).]
- B. Submitted the appropriate number of valid qualifying contributions; [IB 1995, c. 1, §17 (new).]
- C. Qualified as a candidate by petition or other means; [IB 1995, c. 1, §17 (new).]
- D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions; [2003, c. 270, §1 (amd).]
- D-1. Not run for the same office as a nonparticipating candidate in a primary election in the same election year; and [2003, c. 270, §2 (new).]
- E. Otherwise met the requirements for participation in this Act. [IB 1995, c. 1, §17 (new).]

The commission shall certify a candidate complying with the requirements of this section as a Maine Clean Election Act candidate as soon as possible and no later than 3 business days after final submittal of qualifying contributions.

Upon certification, a candidate must transfer to the fund any unspent seed money contributions. A certified candidate must comply with all requirements of this Act after certification and throughout the primary and general election periods. Failure to do so is a violation of this chapter.

[2005, c. 301, §30 (amd).]

6. Restrictions on contributions and expenditures for certified candidates. After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. Candidates may also accept and spend interest earned on bank accounts. All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes. The commission shall publish guidelines outlining permissible campaign-related expenditures.

[2005, c. 542, §3 (amd).]

7. Timing of fund distribution. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsection 8 in the following manner.

- A. Within 3 days after certification, for candidates certified prior to March 15th of the election year, revenues from the fund must be distributed as if the candidates are in an uncontested primary election. [2001, c. 465, §4 (amd).]
- B. Within 3 days after certification, for all candidates certified between March 15th and April 15th of the election year, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested primary election. [2001, c. 465, §4 (amd).]
- B-1. For candidates in contested primary elections receiving a distribution under paragraph A, additional revenues from the fund must be distributed within 3 days of March 15th of the election year. [2001, c. 465, §4 (new).]
- C. Within 3 days after the primary election results are certified, for general election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested general election. [2001, c. 465, §4 (amd).]

Funds may be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

[2001, c. 465, §4 (amd).]

7-A. Deposit into account. The candidate or committee authorized pursuant to section 1013-A, subsection 1 shall deposit all revenues from the fund in a campaign account with a bank or other financial institution. The campaign funds must be segregated from, and may not be commingled with, any other funds.

[2005, c. 542, §4 (new).]

Title 21-A, §1127, Violations

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PLEASE NOTE: The Revisor's Office CANNOT perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

§1127. Violations

1. **Civil fine.** In addition to any other penalties that may be applicable, a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a fine not to exceed \$10,000 per violation payable to the fund. The commission may assess a fine of up to \$10,000 for a violation of the reporting requirements of sections 1017 and 1019-B if it determines that the failure to file a timely and accurate report resulted in the late payment of matching funds. This fine is recoverable in a civil action. In addition to any fine, for good cause shown, a candidate, treasurer, consultant or other agent of the candidate or the committee authorized by the candidate pursuant to section 1013-A, subsection 1 found in violation of this chapter or rules of the commission may be required to return to the fund all amounts distributed to the candidate from the fund or any funds not used for campaign-related purposes. If the commission makes a determination that a violation of this chapter or rules of the commission has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

[2005, c. 542, §6 (amd).]

2. **Class E crime.** A person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime and, if certified as a Maine Clean Election Act candidate, must return to the fund all amounts distributed to the candidate.

[1995, c. 1, §17 (new).]

IB 1995, Ch. 1, §17 (NEW).

PL 2003, Ch. 81, §1 (AMD).

PL 2005, Ch. 301, §33 (AMD).

PL 2005, Ch. 542, §6 (AMD).

ANNE P. GRAHAM

(Schedule B Only)

CANDIDATE'S FULL NAME

**SCHEDULE B
EXPENDITURES**

- Itemize each expenditure made during the reporting period.
- Enter the date, payee, expenditure type, and amount for each expenditure.
- For expenditure types which require a remark, enter a description of the goods and services purchased.
- Only enter expenditures that have actually been paid. Enter unpaid debts and obligations on Schedule D.

Expenditures paid with non-campaign funds: Whenever an expenditure is made on behalf of a candidate with funds other than campaign funds, the campaign must reimburse that expenditure with campaign funds. Following the instructions above, enter the information for the vendor that actually provided the goods or services. In the remarks section, include the name of the person reimbursed and any other required remarks.

Expenditure Types Requiring <u>NO</u> Remark		Expenditure Types Which <u>REQUIRE</u> Remark	
PRT	Print media ads	SAL	Campaign workers' salaries
TVN	TV or cable ads, production costs	CNS	Campaign consultants
RAD	Radio ads, production costs	PRO	Other professional services
LIT	Campaign literature (printing and graphics)	EQP	Equipment
POS	Postage for U.S. Mail	FND	Fundraising events
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)
PHO	Phone banks, automated telephone calls	OTH	Other
FOD	Food for campaign events, volunteers		
OFF	Office rent and utilities		
WEB	Internet and e-mail		
POL	Polling and survey research		
RTA	Return of authorized MCEA funds		
RTU	Return of unauthorized MCEA funds		

DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code from above)	REMARK (if the expenditure type requires a remark, describe all goods and services purchased)	AMOUNT
12/12/2006	STRETCH STUDIO	LIT		170.00
12/12/2006	RONALD W GRAHAM	POS	REIMBURSEMENT FOR POSTCARD STAMPS	288.00

10/30/2006	COMMUNITY LEADER NEWSPAPER	PRT		213.75
10/30/2006	FALMOUTH FORECASTER NEWSPAPER	PRT	DEBIT EXPENDITURE NOT PROCESSED BY BANK UNTIL 12/20/06	288.75
Total expenditures (this page only) ⇒ <i>(combined totals from all Schedule B pages must be listed on Schedule F, line 5)</i>				960.50

ANNE P. GRAHAM

CANDIDATE'S FULL NAME

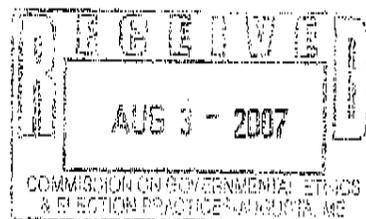
Date Submitted

**SCHEDULE F
SUMMARY SECTION
(MAINE CLEAN ELECTION ACT CANDIDATES)**

CASH ACTIVITY		
	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT (if any)	706.91	
2. MAINE CLEAN ELECTION ACT Payments	+	5,370.78
3. SALE OF CAMPAIGN PROPERTY (Schedule E, Part II)	+	0.00
4. OTHER CASH RECEIPTS (interest, etc.)	+	0.00
5. MINUS TOTAL EXPENDITURES (total of all Schedule B pages)	-	5,624.37
6. CASH BALANCE AT CLOSE OF PERIOD (lines 1 + 2 + 3 + 4 - 5)	=	
	-253.59	
7. CASH NOT AUTHORIZED TO SPEND	0.00	
8. CASH AUTHORIZED TO SPEND (line 6 - 7)	-253.59	

OTHER ACTIVITY THIS REPORTING PERIOD		
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (total all Schedule D pages)	0.00	

*Commission of Governmental Ethics
And Election Practices
133 State House Station
Augusta, Maine 04333-0135*



*Anne P Graham
97 Farms Edge Rd
North Yarmouth, Maine 04097*

July 26, 2007

Dear Clean Election Commission on Governmental Ethics and Election Practices,

I overspent my allotted money of the Maine Clean Election fund by \$253.59. This was an honest mistake that I apologize for. As you see in the enclosed letter that I sent to Jonathan Wayne on January 19, 2007. It occurred because I depended on a debit charge being processed in a timely manner by The Forecaster. When it wasn't I thought I had more money in my account.

I had mailings to get out so I asked my husband to purchase more stamps for me. I reimbursed him after the election. I believed that I had enough money in my account before the stamp purchase was made.

I want you to know that the over expenditure was not intentional. This was the first time that I ran for state wide elective office. I ran the campaign on a "learning by doing" basis. I followed the Clean Election rules as best as I could. As we headed toward the election finish line I was working as hard as possible to try to win. My opponent was an incumbent who spent very little money and I received no matching funds. I took a leave of absence from Maine Neurology, where I work as a Pediatric Nurse Practitioner, for a month so I could knock on as many doors as possible. Exhaustion and inexperience lent itself to my mistake.

I would appreciate it if you would take into account these points as you decide my status. I will be unable to attend the Hearing on August 13th because I am unable to cancel the full schedule of patients that I have to see that day at the Maine Neurology.

Thank you for your work on this very important Commission. I would not have run at all if the Clean Election System didn't exist. I hope to run again.

Respectfully yours,

Anne P. Graham
Anne P. Graham

Jonathan Wayne
Commission of Governmental Ethics
And Election Practices
135 State House Station
Augusta, Maine 04333-0135

Anne P Graham
97 Farms Edge Rd
North Yarmouth, Maine 04097

January 19, 2007

Dear Mr. Wayne,

This letter is to explain the over expenditure of the clean election funds that I received for my campaign for the Maine House of Representatives.

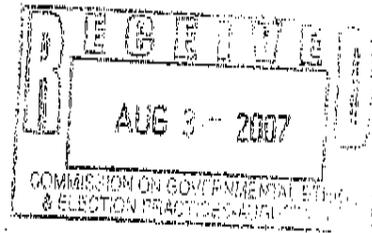
On 10/30/06, I purchased an ad from the Falmouth Forecaster for \$288.75. I used the campaign debit card assuming that it would be immediately processed. The Forecaster did not process the amount until 12/20/06.

When I submitted the 42-Day Post-General report on time The Forecaster charge had not been processed so I assumed I had more in my account than I did. I overspent by \$253.59. I believe that this would not have happened if the Forecaster had submitted the charge in a timely manner.

I apologize for this oversight.

Thank you,
Anne P Graham

Anne P Graham
97 Farms Edge Rd
North Yarmouth, Maine 04097



Jonathan Wayne
State of Maine
Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta, Maine 04333

July 26, 2007

Dear Mr. Wayne,

Here is the information that you requested:

- Date of purchase of postcard stamps: 10/30/07 for 7 rolls of 100 stamps (700) for \$168.00 and on 11/1/07 for 5 rolls of 100 postcard stamps (500) for \$120.00. Please see enclosed copy of receipts.
- 12,000 clincher cards were mailed at the end of the election cycle. These were postcards that were sent to people whose doors I knocked on during the campaign.
- Literature costs were enumerated on reporting forms. These costs were noted primary at Staples. Stretch Studios helped design and print some of the clincher cards but most were printed by me at home on my computer. The supplies included card stock paper and ink.
- I am also including a copy of the invoice of from "The Forecaster". Please note that the date of 12/20/06.

I am unable to attend the August 13th meeting because I have a full schedule of patients to see at Maine Neurology and I am unable to get time off with relatively short notice. Please share my letter to the Ethics Commission at or before the hearing.

Please call me with any questions.

Thank you,


Anne P Graham

- Date of the purchase of postcard stamps with copy of receipt.
- 1,200 clincher cards / postcards mailed.

Reimburse for 12/17/06

=====

YARMOUTH MAIN POST OFFICE
 YARMOUTH, Maine
 040969998
 2269030096-0097
 11/01/2006 (207)846-4211 09:34:57 AM

=====

===== Sales Receipt =====

Product Description	Sale Unit Qty	Final Price
---------------------	---------------	-------------

24c Buckeye PSA C1/100	5	\$24.00	\$120.00
Total:			\$120.0

Paid by:
 Visa \$120.00
 Account #: XXXXXXXXXXXX7936
 Approval #: 03541A
 Transaction #: 30
 23903210094

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.
 Bill#:1000300067559
 Clerk:04

All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.
 Customer Copy

Reimburse for 12/17/06

=====

YARMOUTH MAIN POST OFFICE
 YARMOUTH, Maine
 040969998
 2269030096-0096
 10/30/2006 (207)846-4211 04:35:05 PM

=====

===== Sales Receipt =====

Product Description	Sale Unit Qty	Final Price
---------------------	---------------	-------------

24c Buckeye PSA C1/100	7	\$24.00	\$168.00
Total:			\$168.00

Paid by:
 Visa \$168.00
 Account #: XXXXXXXXXXXX7936
 Approval #: 03542A
 Transaction #: 42
 23903210094

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.
 Bill#:1000300067559
 Clerk:08

All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.
 Customer Copy

Payment Receipt

Payment Date:

12/20/06

Batch - 3366

Ad Start Date:

THE FORECASTER
PO BOX 66797
FALMOUTH ME 04105
207-781-3661

Phone: 207-846-0049

Account: 167331
Name: Anne Graham
Addr1: 97 Farms Edge Rd
Addr2:
City/State/Zip: North Yarmouth ME 04097
Order Type:
Ticket #:

Total: 1,083.00
Extras: 0.00
Discounts: 0.00
Net Total: 1,083.00
Amount Paid: 288.75

This amount was applied to your account mistakenly

This is what you owe us for political ad. All figured out.

Balance:

Payment Type: CREDIT

Card#: XXXXXXXXXXXX0467

Card/CheckNo:

Received By: obelmonte

Agenda

Item #8

Calendar for year 2007 (United States)

January 2007						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
3:○	11:○	18:●	25:○			

February 2007						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			
2:○	10:○	17:●	24:○			

March 2007						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
3:○	11:○	18:●	25:○			

April 2007						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					
2:○	10:○	17:●	24:○			

May 2007						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
2:○	10:○	16:●	23:○	31:○		

June 2007						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
8:○	14:●	22:○	30:○			

July 2007						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
7:○	14:●	22:○	29:○			

August 2007						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
5:○	12:●	20:○	28:○			

September 2007						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						
3:○	11:●	19:○	26:○			

October 2007						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
3:○	11:●	19:○	26:○			

November 2007						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
1:○	9:●	17:○	24:○			

December 2007						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
1:○	9:●	17:○	23:○	31:○		

Holidays and Observances:

Jan 1 New Year's Day
 Jan 15 Martin Luther King Day
 Feb 14 Valentine's Day
 Feb 19 Washington's Birthday
 Apr 8 Easter Sunday

May 28 Memorial Day
 Jul 4 Independence Day
 Sep 3 Labor Day
 Oct 8 Columbus Day
 Oct 31 Halloween

Nov 11 Veterans Day
 Nov 12 'Veterans Day' observed
 Nov 22 Thanksgiving Day
 Dec 25 Christmas Day