



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

Agenda

Meeting of June 27, 2008

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

1. Ratification of Minutes of the May 30, 2008 Meeting

2. Request for Waiver of Late-Filing Penalty/Build Maine PAC

Build Maine PAC is a political action committee organized by the Associated General Contractors of Maine. It was required to file a campaign finance report by Friday, May 30, 2008. The PAC filed it three days late on Monday, June 2. Based on the formula in the Election Law, the preliminary penalty amount is \$903.00. The associations' executive director has submitted a letter requesting a waiver of the penalty. *Staff recommendation: the staff recommends a reduction in the penalty because the amount of the penalty is disproportionate to the harm to the public by the late disclosure.*

3. Request for Waiver of Late-Filing Penalty/Maine Citizens for Patients' Rights

Maine Citizens for Patients' Rights is a PAC organized in support of a citizen initiative entitled An Act to Establish the Maine Medical Marijuana Act. It was required to file a campaign finance report by Friday, May 30, 2008. The PAC filed it six days late on Thursday, June 5. Based on the formula in the Election Law, the preliminary penalty amount is \$600.00. The organization requests a waiver of the penalty. *Staff recommendation: the staff recommends a reduction in the penalty because the amount of the penalty is disproportionate to the harm to the public by the late disclosure.*

4. Request for Waiver of Late-Filing Penalty/Maine Center for Economic Policy

The Maine Center for Economic Policy was required to file a campaign finance report by May 30, 2008. Although the organization is not a PAC, it was required to file a report under 21-A M.R.S.A. § 1056-B because it has spent more than \$1,500 opposing the beverage tax people's veto referendum. The organization filed the report five days late on Wednesday, June 4. Based on the formula in the Election Law, the preliminary penalty amount is \$1,097.65. The organization's executive director has requested a waiver of the penalty. *Staff recommendation: the staff recommends a reduction in the penalty because the amount of the penalty is disproportionate to the harm to the public by the late disclosure.*

5. Public Hearing on Qualifications for Maine Clean Election Act Funding for Gubernatorial Candidates

On March 20, 2008, the Legal and Veterans Affairs Committee requested that I draft a report to the committee regarding the sufficiency of the current qualifying requirements for gubernatorial candidates seeking campaign funding under the Maine Clean Election Act. The report is due by October 1, 2008. The memo requested that the Commission hold a hearing to receive comments from the public.

6. Draft Policy on Paying Campaign Funds to Family Members

The Commission staff drafted proposed guidance to political candidates on 2008 legislation regarding paying family members for campaign services. At the Commission's April 28, 2008 meeting, the Commission requested changes to the draft policy, and requested that the staff invite public comment. The staff has amended the draft advice in response to comments by the members of the Commission and others.

7. Draft Guidance on Ballot Question Committees

In the 2008 legislative session, the Maine Legislature enacted P.L. 2007, Chapter 477, which amended the reporting requirements for organizations which do not qualify as political action committees but are spending more than \$5,000 to influence a ballot question. The staff has drafted guidance on the amended reporting requirement for consideration by the Commission.

8. Complaint regarding Campaigning at Polls/Rep. Charles Harlow

Wayne Capron is challenging Rep. Charles Harlow in the 2008 general election for House of Representatives, District 116, in Portland. Mr. Capron filed a complaint alleging that on the June 10, 2008 primary election, Rep. Harlow campaigned within 250 feet of a polling place in violation of the restrictions on polling places in the Election Law. He also believes these actions violate the Code of Fair Campaign Practices which Rep. Harlow filed with the Commission.

9. Use of the Term "Re-Elect"

The Commission will consider the question of whether candidates who are running for an office that they do not presently hold (non-incumbents) should use the term "re-elect" in campaign signs and other materials. The Commission will consider the issue as it relates to primary and general elections.

10. Jurisdiction of Ethics Commission Regarding the Code of Fair Campaign Practices

The Commission staff researched the legislative history of the Code of Fair Campaign Practices (21-A M.R.S.A. §§ 1101-05). The Commission may wish to give further direction to the staff about handling requests for advice or complaints of campaign conduct which relate to the code.

11. Staff Advice and Other Administrative Issues

The Commission will consider the staff's current procedures for offering advice to candidates as well as other administrative issues. The members may request that the staff complete a compilation of previous decisions of the Commission.

Other Business

EXECUTIVE SESSION

If necessary.

ADJOURNMENT