



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

Agenda

Meeting of January 29, 2009

9:00 a.m., Public Utilities Commission Hearing Room,
242 State Street, Augusta, Maine

1. Ratification of Minutes of the November 24 and December 29, 2008 Meetings

2. Proposed Statutory Changes

The staff has drafted for consideration by the Commission members proposed changes to the statutes within the Commission's jurisdiction. If the Commission approves of them, the Commission may submit them to the Legislature in the form of a bill no later than February 2, 2009 (90 days after the general election).

3. Proposed Changes to Commission Rules

At the December 29, 2008 meeting, the Commission agreed to accept public comment on changes to Chapters 1 and 3 of the Commission's rules that were drafted by staff. The Commission will hold a public hearing to receive comments from the public. Since December 29, the staff has drafted slightly different language, and public comments on the new language would also be welcome.

**4. Waiver of Penalties for Late Registration and Campaign Finance Reports/
Scarborough Village Partnership PAC**

The Scarborough Village Partnership PAC was late in registering and in filing two campaign finance reports with the Scarborough Town Clerk. The PAC requests waivers of the late filing penalties. The PAC was not informed of the correct reporting deadlines by the Town Clerk. *Staff recommendation: the staff recommends the assessment of a \$250 penalty for the late registration and waiving entirely the penalties for the two late campaign finance reports.*

5. Civil Penalty for Failing to File an Independent Expenditure Report/Frank Weatherhead

Frank Weatherhead of Caribou, Maine was required to file an independent expenditure report regarding a newspaper advertisement he purchased for \$787.50 in opposition to Troy Jackson, who was a 2008 candidate for State Senate, District #1. Mr. Weatherhead is refusing to file the report. The missing report did not affect the payment of Maine Clean Election Act funds to Troy Jackson. The Commission may assess a civil penalty of up to \$5,000 for the reporting violation. *Staff recommendation: the staff recommends assessing a penalty of \$250 for failing to file an independent expenditure report.*

6. Decision by Supreme Judicial Court in Challenge by Carl Lindemann

In 2007, Carl Lindemann began a court proceeding challenging a December 20, 2006 determination by the Commission regarding the Maine Heritage Policy Center. On December 16, 2008, the Maine Supreme Judicial Court confirmed that Mr. Lindemann did not have standing to challenge the Commission’s 2006 decision. Mr. Lindemann has submitted comments to the Commission regarding the Supreme Judicial Court decision. He will be unable to attend the Commission’s January 29 meeting, but his attorney may attend on his behalf.

7. Overspending by Maine Clean Election Act Candidate Frederick H. Austin

Frederick H. Austin was a 2008 Maine Clean Election Act (MCEA) candidate for the Maine House of Representatives, District #83. His total campaign spending accidentally exceeded his MCEA funding by \$29.85. *Staff recommendation: the staff recommends finding Mr. Austin in violation of 21-A M.R.S.A. § 1125(6) for spending money other than his MCEA funds to promote his campaign, and assessing a \$50 penalty.*

8. Overspending by Maine Clean Election Act Candidate Seth Yentes

Seth Yentes was a 2008 Maine Clean Election Act (MCEA) candidate for the Maine House of Representatives, District #42. His total campaign spending accidentally exceeded his MCEA funding by \$51.80. *Staff recommendation: the staff recommends finding Mr. Yentes in violation of 21-A M.R.S.A. § 1125(6) for spending money other than his MCEA funds to promote his campaign, and assessing a \$50 penalty.*

9. Reversal of 2006 Commission Determination against Michael D. Mowles

On October 21, 2008, the Maine Supreme Judicial Court decided that a provision in the State Election Law concerning candidates’ unauthorized use of another’s endorsement (21-A M.R.S.A. § 1014-A) was unconstitutional. As a result, the Superior Court has issued an Order of Remand directing the Commission to strike the Commission’s 2006 finding of violation against Michael D. Mowles.

Other Business

EXECUTIVE SESSION

If necessary.

ADJOURNMENT