

Agenda

Item #4



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: January 22, 2009

Re: Late Filing Penalties against Scarborough Village Partnership PAC

---

### **Introduction**

This matter involves campaign finance reporting violations regarding a municipal political action committee and a municipal referendum. It is before this Commission because the Commission is the only entity that has enforcement powers regarding campaign finance violations.

This matter concerns the late registration and two late-filed campaign finance reports by a political action committee (PAC) formed to influence a municipal ballot question in Scarborough. Scarborough Village Partnership LLC was formed to develop a new facility for the Scarborough Downs harness racing track that would include gaming machines. It registered a PAC with the Town Clerk of Scarborough on September 26, 2008 and filed its first campaign finance report on October 24, 2008.

After reviewing the PAC's first campaign finance report, the Commission's staff concluded that the PAC should have registered one month earlier on August 26, 2008 and filed campaign finance reports on August 26 and October 10, 2008, in addition to the report filed on October 24. Because of the PAC's failure to register and file reports, the citizens of Scarborough did not receive timely disclosure of financial activity undertaken to influence an important issue in town affairs (allowing slot machines at the Scarborough Downs racetrack). The PAC does not dispute that it filed the registration and campaign finance reports late.

The Commission staff mailed a letter to the PAC on November 26, 2008 notifying the PAC of preliminary penalty amounts for the late filings. The amounts in the notice were quite high. In response, the PAC has requested waivers of those penalties.

After taking into consideration the information presently available, the staff believes the PAC neglected its obligation to register on time, and we recommend the assessment of a penalty of \$250 for the late registration (the maximum available under current law). Unfortunately, the Scarborough Town Clerk did not inform the PAC about the correct filing deadlines, so the staff recommends that no penalty be assessed for the late filing of the financial reports due August 26 and October 10, 2008.

## **Legal Requirements for Registration and Reporting by Municipal PACs**

### *Application of State Election Law to Municipal PACs*

Under 30-A M.R.S.A. § 2502(2), municipalities with a population of more than 15,000 residents are subject to the state's campaign finance reporting requirements. Organizations which spend money to influence a municipal ballot question and which qualify as political action committees must file campaign finance reports with the clerk of the municipality.

### *Duty to Register as a PAC*

Under 21-A M.R.S.A. § 1052(5)(A)(4), the definition of PAC includes “[a]ny organization ... that has as its major purpose initiating [or] promoting ... a ballot question and that spends more than \$1,500 in a calendar year for that purpose, including the collection of signatures for a direct initiative or referendum in this State ....”<sup>1</sup>

Organizations which qualify as a PAC under Subparagraph (A)(4) must register within seven days of spending more than \$1,500 to influence a ballot question. (21-A M.R.S.A. § 1053)<sup>2</sup>

### *Duty to File Campaign Finance Reports as a PAC*

At the time of registration, a PAC must file an initial campaign finance report disclosing contributions received and expenditures made to date, including expenditures made during the signature-gathering phase of a ballot question. (21-A M.R.S.A. §§ 1053 (last sentence) and 1060) This requirement was enacted in 2008. Any PAC that is required to register under 21-A M.R.S.A. § 1053 must also file campaign finance reports according to the filing schedule in 21-A M.R.S.A. § 1059(2).

## **Violations by Scarborough Village Partnership LLC PAC**

The Scarborough Village Partnership LLC PAC registered with the Scarborough Town Clerk on September 26, 2008 as a supporter of Question 1 on the Scarborough election ballot for November 4, 2008. That question would amend zoning ordinances to allow slot machines at commercial racetracks, such as Scarborough Downs. The PAC filed its first campaign finance report with the Town Clerk on October 24, 2008. The Commission staff's review of the timing and amounts of cash contributions, in-kind contributions, and expenditures included in the October 24<sup>th</sup> report indicated that the PAC registered one month late and did not file two required campaign finance reports due August 26 and October 10, 2008.

---

<sup>1</sup> Organizations with *another* major purpose (*i.e.*, other than influencing an election) may be required to register and to file financial reports as a ballot question committee under 21-A M.R.S.A. § 1056-B.

<sup>2</sup> It is also a Class E crime for a PAC to operate in the State of Maine unless it is registered. (21-A M.R.S.A. § 1004(4)) The staff does not recommend a referral to the Attorney General's office for criminal prosecution.

*Failure to Timely Register on August 26, 2008*

On August 19, 2008, the expenditures made by the PAC to initiate Question 1 exceeded the \$1,500 threshold in 21-A M.R.S.A. § 1052(5)(A)(4). The PAC was therefore required to register with the Scarborough Town Clerk within seven days (by August 26, 2008). Instead, the PAC registered one month late on September 26, 2008.

*Failure to File Initial Campaign Finance Report on August 26, 2008*

The PAC was required to file its first campaign finance report no later than August 26, 2008 at the time of its registration. That report should have disclosed to the citizens of Scarborough that the PAC:

- had received an August 12 cash contribution of \$10,000 from Penn National Gaming, Inc.;
- had made eight expenditures totaling \$7,407.50, including payments to circulate the petition for Question 1.
- had received large in-kind contributions of the paid services of Gene Beaudoin and Kathryn Rolston; and

*Failure to File Quarterly Campaign Finance Report Due on October 10, 2008*

The PAC was also required to file an October Quarterly campaign finance report by October 10, 2008. This report should have disclosed all contributions received after the initial campaign finance report through September 30, 2008. This included receiving \$40,484 in contributions from Penn National Gaming, Inc.

I have attached the relevant pages of Schedules A, B-1 and C from the PAC's October 24, 2008, campaign finance report showing some of this financial activity from the beginning of the campaign to September 30, 2008.

**Preliminary Penalty Amounts**

Under 21-A M.R.S.A. § 1062-A(3), the Commission staff calculated preliminary penalty amounts for the three violations:

- a preliminary penalty of \$250 for failing to timely register by August 26, 2008 (21-A M.R.S.A. § 1062-A(1));
- a preliminary penalty of \$56,050 for failing to file an initial campaign finance report by August 26, 2008 at the time of the PAC's registration. The calculation of this penalty is explained in the penalty matrix attached to the staff's November 26 letter. This preliminary penalty amount is based on \$95,000 in total contributions which the PAC reported receiving through August 26, 2008 (\$10,000 in cash and \$85,000 in in-kind contributions); and

- a preliminary penalty of \$5,667.76 for failing to file the October Quarterly campaign finance report by October 10, 2008. This penalty amount is based on total contributions of \$40,484 during the time period covered by the report.

#### *Effect of Maximum Penalty Amounts in Statute*

The Election Law contains maximum penalty amounts which may be assessed for some late PAC reports. Those maximum penalties are listed in 21-A M.R.S.A. § 1062-A(4). The PAC reports listed in § 1062-A(4) are subject to a maximum penalty of \$5,000 or \$10,000. Under that provision, the maximum penalty for the late October quarterly report due October 20, 2008 would be \$5,000, rather than the \$5,677.76 amount based on the formula in statute.

In the view of the Commission staff, it is unclear whether the Legislature intended either the \$5,000 or \$10,000 maximum to apply to a late initial report which is required under § 1053 (rather than under § 1059). For the purposes of making a recommendation to the Commission, the staff has presumed that the Legislature intended the \$10,000 maximum to apply to a late initial campaign finance report due under § 1053, but that is not known.

#### **PAC's Request for a Waiver**

In a letter dated January 9, 2009, the PAC's treasurer, Kathryn Rolston, requested a waiver of the late filing penalties. She explains that the PAC did not initially understand that the Scarborough Village Partnership LLC was required to form a PAC because they were attempting to obtain the zoning change through an action by the town council, rather than ballot question. She explains that when she registered the PAC on September 26, 2008, she reasonably relied on guidance from the Town Clerk, Yolande (Tody) Justice, that the first campaign finance report was due October 24, 2008.

Ms. Rolston argues that she tried through various communications to the public to be open about Penn National's involvement in the project. She also mentions that her experience with campaign finance reporting is limited.

#### **Comments by Town Clerk of Scarborough**

I asked Tody Justice to provide any additional information that she believed was relevant. She provided a two-page letter dated January 20, 2009.

## **Staff Recommendations**

### *Late PAC Registration*

Based on the information presently available, the staff recommends assessing a \$250 penalty for violating 21-A M.R.S.A. § 1053 by not registering as a PAC within seven days of spending \$1,500 to influence the election.

The staff is not convinced by Ms. Rolson's argument that it reasonably believed no registration was due because it anticipated that the zoning change would be achieved through action by the Scarborough Town Council. According to Ms. Rolston's letter, the Scarborough Village Partnership LLC made the decision to initiate a municipal referendum in August 2008. On August 19, it paid Olympic Consulting for petition circulators. On September 3, according to Ms. Justice, a representative from Scarborough Downs submitted the completed petitions to her for verification. These facts indicate that Scarborough Village Partnership LLC was engaged in electoral activity regarding a ballot question. While it may also have been engaged in other negotiations with the Town Council regarding the zoning change, that fact is not determinative as to whether it qualified as a PAC under the statute.

### *Late Campaign Finance Reports*

Ms. Rolston states in her letter (page 2, fourth paragraph) that on the day she registered the PAC (September 26), she was advised by Tody Justice that the first campaign finance report was due October 24, 2008.

I spoke with Tody Justice on January 15, 2009 about the advice that she provided to Kathryn Rolston. Ms. Justice was very helpful and forthcoming. She verified that her September 26 advice to Kathryn Rolston was that the first report was due October 24. She has confirmed this in her January 20, 2009 letter (page 2, second paragraph). Ms. Justice explained to me that she simply did not know that the October 10 report was required. On October 17, 2008, Ms. Justice wrote Kathryn Rolston and stated that the first campaign finance report was due October 24, 2008.

She also confirmed with me that on September 26, she did not provide the reporting form to Ms. Rolston which included the filing deadlines.

Ms. Justice explained that she did not know that PACs are now required to file campaign finance reports upon registration. That was a relatively new statutory requirement that took effect in September 2007, and Ms. Justice was not aware of it.

The Commission staff believes the Commission should hold organizations that are politically active to high standards for campaign finance reporting compliance. Nevertheless, the Commission's enforcement actions must take into consideration the factors and mitigating circumstances set forth in 21-A M.R.S.A. § 1062-A(2).

In this instance, Ms. Rolston was told by Ms. Justice that the first report the PAC was required to file was due on October 24, 2008. Relying on that guidance, the PAC did file a complete report on that day. It was not told about the initial PAC report or the October quarterly report. In fact, Ms. Rolston contacted Ms. Justice in October to confirm that she did not have to file a report on October 10 and was told that she did not have to file that report. One of the specific mitigating circumstances listed in the statute is “[a]n error by the commission staff.” In this case, this would apply to the staff of the municipal clerk’s office. The staff believes that this reason alone provides sufficient grounds for a complete waiver of the penalties for the late filing of the reports due on August 26 and October. The PAC followed the advice it was given and believed it was in compliance.

Though the Commission staff believes the staff error warrants a full waiver, the Commission may also want to consider two other factors in weighing whether to waive the penalty in whole or in part. Under the statute, the Commission may waive a penalty if it finds that the penalty is disproportionate to the level of experience of the person filing the report. Ms. Rolston states that her experience with PACs is limited.

The Commission may also waive a penalty if it finds that it is disproportionate to the level of harm suffered by the public from the late disclosure. In this case, the citizens of Scarborough may have suffered significant harm because of the delayed disclosure. By September 30, 2008 (the end of the reporting period for the October 10 report), the PAC had received approximately \$50,000 in cash contributions and \$41,500 in in-kind contributions from its sole contributor, Penn National Gaming, Inc., and had spent approximately \$28,000. This information was disclosed on October 24, two weeks after the October 10 deadline.

### **Campaign Finance Training for Municipal Clerks**

In order to avoid future misunderstandings about and to encourage greater compliance with the state’s campaign finance reporting requirements, the Commission staff believes it must perform more frequent training of the town clerks in municipalities with a population of 15,000 or more.<sup>3</sup> The Commission staff proposes to do in-person training of clerks every 1-2 years. When possible, the staff will seek to coordinate these efforts with the Secretary of State’s office. The Commission staff is looking at scheduling a training of municipal clerks for early March 2009.

Thank you for your consideration of this memorandum.

---

<sup>3</sup> These towns are Auburn, Augusta, Bangor, Biddeford, Brunswick, Lewiston, Portland, Saco, Sanford, Scarborough, South Portland, Waterville, and Westbrook. The town of Standish has elected to be subject to the campaign finance laws with respect to referenda and initiatives, but not candidate elections.



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

November 26, 2008

**By E-Mail, Fax, and Regular Mail**

Kathryn Rolston  
P.O. Box 367  
Scarborough, ME 04070-0367

Gene Beaudoin  
P.O. Box 367  
Scarborough, ME 04070-0367

**Re: Notice of Proposed Penalty**

Dear Ms. Rolston:

This is to notify you that the Scarborough Village Partnership LLC political action committee (PAC) appears to have been late in registering as a PAC with the Scarborough Town Clerk and in filing two required campaign finance reports. The staff of the Maine Ethics Commission will recommend that the members of the Commission consider findings of violation and civil penalties against the PAC at their next meeting on December 29, 2008.

**Legal Requirements on PACs**

*Application of State Election Law to Municipal PACs*

Under 30-A M.R.S.A. § 2502(2), municipalities with a population of more than 15,000 residents are subject to the state's campaign finance reporting requirements. Organizations which spend money to influence a municipal ballot question and which qualify as political action committees must file campaign finance reports with the clerk of the municipality.

*Duty to Register as a PAC*

Under 21-A M.R.S.A. § 1052(5)(A)(4), the definition of PAC includes "[a]ny organization ... that has as its major purpose initiating [or] promoting ... a ballot question and that spends more than \$1,500 in a calendar year for that purpose, including the collection of signatures for a direct initiative or referendum in this State ..."<sup>1</sup> Organizations which qualify as a PAC under Subparagraph (A)(4) must register within seven days of spending more than \$1,500 to influence a ballot question. (21-A M.R.S.A. § 1053) It is a Class E crime for a PAC to operate in the State of Maine unless it is registered. (21-A M.R.S.A. § 1004(4))

<sup>1</sup> Organizations with *another* major purpose (*i.e.*, other than influencing an election) may be required to register and to file financial reports as a ballot question committee under 21-A M.R.S.A. § 1056-B.

*Duty to File Campaign Finance Reports as a PAC*

At the time of registration, a PAC must file an initial campaign finance report disclosing contributions received and expenditures made to date, including expenditures made during the signature-gathering phase of a ballot question. (21-A M.R.S.A. §§ 1053 (last sentence) and 1060) Any PAC that is required to register under 21-A M.R.S.A. § 1053 must also file campaign finance reports according to the filing schedule in 21-A M.R.S.A. § 1059(2).

**Apparent Violations by Scarborough Village Partnership LLC PAC**

The Scarborough Village Partnership LLC PAC registered with the Scarborough Town Clerk on September 26, 2008 in support of Question 1 on the Scarborough election ballot for November 4<sup>th</sup>, 2008. That question would amend zoning ordinances to allow slot machines at commercial racetracks, such as Scarborough Downs. The PAC filed its only campaign finance report with the Town Clerk on October 24, 2008. Our review of the cash contributions, in-kind contributions, and expenditures included in the October 24<sup>th</sup> report indicates that the PAC registered one month late and did not file two required campaign finance reports due August 26 and October 10, 2008. *Because of the PAC's failure to register and file reports, the citizens of Scarborough did not receive timely disclosure of financial activity undertaken to influence an important issue in town affairs (allowing slot machines at the Scarborough Downs racetrack).*

*Failure to Timely Register*

On August 19, 2008, the expenditures made by the PAC to initiate Question 1 exceeded the \$1,500 threshold in 21-A M.R.S.A. § 1052(5)(A)(4). The PAC was therefore required to register with the Scarborough Town Clerk within seven days (by August 26, 2008). Instead, the PAC registered one month late on September 26, 2008.

*Failure to File Initial Campaign Finance Report by August 26, 2008*

The PAC was required to file its first campaign finance report no later than August 26, 2008 at the time of its registration. That report should have disclosed to the citizens of Scarborough that the PAC:

- had received an August 12 cash contribution of \$10,000 from Penn National Gaming, Inc.;
- had received in-kind contributions totaling \$85,000 from Gene Beaudoin and Kathryn Rolston, or their employers; and
- had made eight expenditures totaling \$7,407.50, including payments to circulate the petition for Question 1.

*Failure to File Quarterly Campaign Finance Report Due October 10, 2008*

The PAC was also required to file an October Quarterly campaign finance report by October 10, 2008. This report should have disclosed all contributions received after the initial campaign finance report through September 30, 2008. This included receiving \$40,484 in contributions from Penn National Gaming, Inc.

I have attached the initial pages of Schedules A and B-1 from the PAC's October 24, 2008 campaign finance report showing some of this financial activity.

**Calculation of Preliminary Penalty Amounts**

Under 21-A M.R.S.A. § 1062-A(3), the Commission staff has calculated preliminary penalties for the three violations:

- a preliminary penalty of \$250 for failing to timely register by August 26, 2008 (21-A M.R.S.A. § 1062-A(1));
- a preliminary penalty of \$56,050 for failing to file an initial campaign finance report by August 26, 2008 at the time of the PAC's registration. The calculation of this penalty is explained in the attached penalty matrix. This preliminary penalty amount is based on \$95,000 in total contributions which the PAC reported receiving through August 26, 2008 (\$10,000 in cash and \$85,000 in in-kind contributions); and
- a preliminary penalty of \$5,667.76 for failing to file the October Quarterly campaign finance report by October 10, 2008. This penalty amount is based on total contributions of \$40,484 during the time period covered by the report.

*Effect of Maximum Penalty Amounts in Statute*

The Election Law contains maximum penalty amounts which may be assessed for some late PAC reports. Those maximum penalties are listed in 21-A M.R.S.A. § 1062-A(4). The PAC reports listed in § 1062-A(4) are subject to a maximum penalty of \$5,000 or \$10,000. Under that provision, the maximum penalty for the late October quarterly report due October 20, 2008 would be \$5,000, rather than the \$5,677.76 amount based on the formula in statute.

In the view of the Commission staff, it is unclear whether the Legislature intended either the \$5,000 or \$10,000 maximum to apply to a late initial report which is required under § 1053 (rather than under § 1059). For the purposes of making a recommendation to the Commission, the staff will presume that the Legislature intended the \$10,000 maximum to apply to a late initial campaign finance report due under § 1053, but that view is not binding on the Commission. Consequently, the staff's recommendation to the

Kathryn Rolston  
November 26, 2008  
Page 4

Commission will be to assess penalties totaling no more than \$15,250 for the three violations.

### **Circumstances which may Mitigate Late-Filing Penalties**

The Election Law contains a number of mitigating circumstances under which the Commission may waive late-filing penalties in whole or in part. Those circumstances are listed in 21-A M.R.S.A. § 1062-A(2) (attached). We suggest you review these before making any written response to the proposed penalties.

### **Opportunity of PAC to Respond to Proposed Penalties**

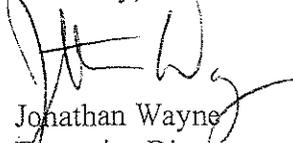
The Commission staff will schedule this matter for consideration by the members of the Commission at their next regularly scheduled meeting on Monday, December 29<sup>th</sup>, 2008 at 9:00 a.m. At this time, the meeting is scheduled to be held in the hearing room of the Public Utilities Commission, 135 State Street in Augusta.

**At the December 29<sup>th</sup> meeting, the Commission staff will recommend that the Commission members find the PAC in violation for failing to timely file the PAC registration and two campaign finance reports, and will recommend that the Commission assess civil penalties of up to \$15,250 for the three violations.** If the Commission concludes that the penalty for the late initial campaign report due August 26, 2008 is *not* subject to a maximum under 21-A M.R.S.A. § 1062-A(4), it may decide to consider a penalty of up to \$56,050 for that late report alone. The Commission may also wish to consider whether to refer to the Office of the Maine Attorney General for possible criminal prosecution the matter that the PAC operated between August 26 and September 26 without registration with the Scarborough Town Clerk.

**The PAC may respond to the findings of violation and civil penalties proposed by the Commission staff in writing in advance of the meeting and/or in person at the meeting. If you wish to respond in writing, please submit the written response no later than Wednesday, December 17, 2008.** The Commission staff will consider any information the PAC provides by that date, and may recommend the assessment of penalties smaller than the amounts described above.

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

Sincerely,



Jonathan Wayne  
Executive Director

**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES  
PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS**

**BASIS FOR PENALTIES  
21-A M.R.S.A. Section 1062-A**

**Committee Name:** Scarborough Village Partnership LLC    **Report Title:** Initial Campaign Finance Report  
**Due Date:** August 26, 2008  
**Previous Violation(s):** 0    **Filed Date:** October 24, 2008

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%  
 For the second violation, 3%  
 For the third and each subsequent violation, 5%

**A penalty begins to accrue at 11:59 p.m. on the day the report is due.**

<b>Penalty Example:</b>		<b>Your Penalty is calculated as follows:</b>	
The treasurer files the 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			
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	Contributions / Expenditures:	\$95,000.00
X .01	Percent prescribed for first violation	Percent Prescribed:	1%
\$25.00	One percent of total contributions	Number of days late:	59
X 2	Number of calendar days late	Total penalty accrued:	\$10,000 Max
\$50.00	<b>Total Penalty</b>		<b>\$56,050.00</b>

**Any penalty of less than \$10 is waived.**

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

**A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.**

**MAXIMUM PENALTIES**

21-A M.R.S.A. Section 1062-A(4)

\$10,000 for 11-Day Pre Election reports, 42-Day Post-Election reports, and 24-Hour reports

\$5,000 for Quarterly reports

**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES  
PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS**

**BASIS FOR PENALTIES  
21-A M.R.S.A. Section 1062-A**

**Committee Name:** Scarborough Village Partnership LLC    **Report Title:** October Quarterly  
**Due Date:** October 10, 2008  
**Previous Violation(s):** 0    **Filed Date:** October 24, 2008

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%  
 For the second violation, 3%  
 For the third and each subsequent violation, 5%

**A penalty begins to accrue at 11:59 p.m. on the day the report is due.**

<b>Penalty Example:</b>		<b>Your Penalty is calculated as follows:</b>	
The treasurer files the 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			
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	Contributions / Expenditures:	\$40,484.00
X .01	Percent prescribed for first violation	Percent Prescribed:	1%
\$25.00	One percent of total contributions		\$404.84
X 2	Number of calendar days late	Number of days late:	14
\$50.00	Total Penalty	Total penalty accrued: <u>\$5,000 Maximum</u>	\$5,667.76

**Any penalty of less than \$10 is waived.**

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

**MAXIMUM PENALTIES**

21-A M.R.S.A. Section 1062-A(4)

\$10,000 for 11-Day Pre Election reports, 42-Day Post-Election reports, and 24-Hour reports

\$5,000 for Quarterly reports

2008 ELECTION YEAR

TOWN OF SCARBOROUGH  
Office of the Town Clerk  
P.O. Box 360  
Scarborough, ME 04070-0360  
(207) 730-4020

[www.scarborough.me.us](http://www.scarborough.me.us)

[vjustice@ci.scarborough.me.us](mailto:vjustice@ci.scarborough.me.us)

2008 SEP 26 P 2:45

**REGISTRATION: POLITICAL ACTION COMMITTEES**

A political action committee must register with the Town Clerk's Office within 7 days of accepting contributions; incurring obligations or making expenditures in the aggregate in excess of \$1,500 in any single calendar year to initiate, support, defeat or influence in any way a campaign, referendum, initiated petition, candidate, political committee or another political action committee (21-A M.R.S.A. § 1053)

Within 10 days of a change in PAC information an amended registration form must be submitted to the Town Clerk's Office. The committee must file an updated registration every election year between January 1<sup>st</sup> and March 1<sup>st</sup>.

Is this an amendment?  Yes  No

ALL SECTIONS OF THIS FORM MUST BE COMPLETED.

1. COMMITTEE INFORMATION	
Committee name Scarborough Village Partnership	Acronym SVP
Mailing address 7 Plaza Drive P.O. Box 367	Phone 510-1911
City, state, zip code Scarborough ME 04070-0367	Fax 510-1912
E-mail Krolstonpr@yahoo.com	Website pending
2A. TREASURER INFORMATION	
Name Kathryn Rolston	Phone 510-1911
Mailing address 7 Plaza Drive P.O. Box 367	
City, state, zip code Scarborough ME 04070-0367	E-mail Krolston@yahoo.com
2B. PRINCIPAL OFFICER INFORMATION	
Name Gene Beaudoin	Title Consultant
Mailing address 7 Plaza Drive P.O. Box 367	Phone 510-1911
City, state, zip code Scarborough ME 04070-0367	
Name	Title
Mailing address	Phone
City, state, zip code	

**2C. ALTERNATE E-MAIL ADDRESSES**  
 To receive filing reminders and important information from the Commission.

1. <i>genebeaudoin@comcast.net</i>	2.
------------------------------------	----

**2D. PRIMARY FUNDRAISERS AND DECISION MAKERS**  
 Identify any candidates, Legislators or other individuals who are the primary fundraisers and decision makers for the committee.

1. <i>Penn National Gaming</i>	2.
3. <i>Gene Beaudoin</i>	4.
5.	6.

**3. COMMITTEE MAILING ADDRESS**  
 Filing notices and correspondence will be mailed to this address.

Street address or PO Box  
*7 Plaza Drive P.O. Box 367*

City, state, zip code  
*Scarborough ME 04070-0367*

**4. FORM OF ORGANIZATION**  
 Name the form or structure of organization, i.e., cooperative, corporation, voluntary association, partnership, etc.

Form of organization <i>LLC</i>	Date of origin/incorporation <i>7-28-08</i>
------------------------------------	--

**5. STATEMENT OF SUPPORT OR OPPOSITION**  
 Indicate whether the committee supports or opposes a candidate, political committee, referendum, initiated petition or campaign. If unknown at the time of registration, the committee must inform the Commission as soon as this information is known.

SUPPORT	<i>We support Special Municipal Question 1</i>
OPPOSE	<i>None</i>

**6. SIGNATURE OF PRINCIPAL PAC OFFICER OR TREASURER.**

Signature <i>K. Rolston</i>	Title <i>Treasurer</i>
Print name <i>Kathryn Rolston</i>	Date <i>9-26-08</i>

Received 10/24/08 3:24 P.M.

TOWN OF SCARBOROUGH

Office of the Town Clerk  
P.O. Box 360  
Scarborough, ME 04070-0360  
207.730.4020  
Fax: 207.730.4033

2008 Campaign Finance Report  
Political Action Committees

[www.scarborough.me.us](http://www.scarborough.me.us)  
[www.maine.gov/ethics](http://www.maine.gov/ethics)

COMMITTEE IDENTIFICATION Check if address is different than previously reported.

Name Scarborough Village Partnership LLC  
(full name of committee)  
Mailing address 7 Plaza Drive P.O. Box 367  
(official headquarters of committee)  
City, zip code Scarborough ME 04074 Telephone 510-1911

TREASURER IDENTIFICATION Check if treasurer or address is different than previously reported.

Name of treasurer Kathryn Rolston  
Mailing address 7 Plaza Drive P.O. Box 367  
City, zip code Scarborough ME 04074 Telephone 510-1911  
E-mail address Krolstoner@yahoo.com

POLITICAL ACTION COMMITTEE FILING PERIODS (Check applicable period below):

- | Report Type  | Due Date   | Reporting Period                    |
|--|--|-------------------------------------|
| <input type="checkbox"/> April Quarterly               | April 10, 2008   | January 6, 2008 – March 31, 2008    |
| <input type="checkbox"/> 11-Day Pre-Primary            | May 30, 2008   | April 1, 2008 – May 27, 2008        |
| <input type="checkbox"/> 42-Day Post-Primary           | July 22, 2008  | May 28, 2008 – July 15, 2008        |
| <input type="checkbox"/> October Quarterly             | October 10, 2008   | July 16, 2008 – September 30, 2008  |
| <input checked="" type="checkbox"/> 11-Day Pre-General | October 24, 2008   | October 1, 2008 – October 21, 2008  |
| <input type="checkbox"/> 42-Day Post-General           | December 16, 2008  | October 22, 2008 – December 9, 2008 |
| <input type="checkbox"/> January Semiannual            | January 15, 2009   | December 10, 2008 – January 5, 2009 |
| <input type="checkbox"/>                               | Check this box if this report is an amendment to a previously filed report.  |                                     |
| <input type="checkbox"/>                               | <u>No Change Report</u> : If your committee received <u>no</u> contributions and made <u>no</u> expenditures during this period, provide the current cash balance: \$ _____, and sign below. |                                     |

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

KSR/SL  
Treasurer's Signature

10/24/08  
Date

SVP

Name of PAC

**PURPOSE OF COMMITTEE**  
(Complete each category that applies for this reporting period.)

Name of candidate(s) supported	Party affiliation	Office sought

Name of candidate(s) opposed	Party affiliation	Office sought

PAC, party committee or other political committee supported	Address of committee

Support/Oppose	Referendum or initiated petition
Support	Scarborough Village - Special Municipal Referendum question 1

SVP

Name of PAC

**SCHEDULE A**  
**CASH CONTRIBUTIONS RECEIVED**

List the names and mailing addresses of contributors who have given more than \$50 during this reporting period. For all aggregate contributions of \$50 or less, enter the combined total in line 3. Do not include in-kind contributions or loans on this schedule.

Date received	Contributor's name, mailing address, zip code	Occupation & employer	Amount
8/12/08	Penn National Gaming Inc 825 Berkshire Blvd Suite 200 Wyomissing PA 19610		\$10,000.00
8/29/08	Penn National Gaming Inc		\$5,000.00
9/4/08	Penn National Gaming Inc		\$5,000.00
9/15/08	Penn National Gaming Inc		\$12,984.80
9/17/08	Penn National Gaming Inc	"	17,500.00
10/6/08	Penn National Gaming Inc	"	6053.20
10/16/08	Penn National Gaming Inc		5851.77
1. Total contributions this page only			62,389.77
2. Total from attached pages (Schedule A)			
3. Aggregate contributions of \$50 or less (not itemized)			
4. Total contributions this reporting period (Add lines 1, 2 & 3)			62,389.77

SVP

Name of PAC

**SCHEDULE B-1  
OPERATING EXPENSES**

Do not include loan repayments or expenditures made on communications to support or oppose candidates on this schedule.

Expenditure Types Requiring NO Remark		Expenditure Types REQUIRING Remark	
CON	contribution to candidate, party or committee	CNS	campaign consultants
EQP	equipment (office machines, furniture, cell phones)	OTH	other
FND	fundraising events	PRO	professional services
FOD	food for campaign events, volunteers		
LIT	printing and graphics (flyers, signs, palmcards, t-shirts, etc.)		
MHS	mail house (all services purchased)		
OFF	office rent, utilities, phone and internet services, supplies		
PHO	phone banks, automated telephone calls		
POL	polling and survey research		
POS	Postage for U.S. Mail and mail box fees		
PRT	print media ads only (newspapers, magazines, etc.)		
RAD	radio ads, production costs		
SAL	Campaign workers' salaries and personnel costs		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.)		

**For every expenditure, list the appropriate code.**

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
8/18/08	USPS Scarborough Maine	POS		250.00
8/19/08	Olympic Consulting PO Box 641 Lewiston ME 04243	CNS	petition circulators	5000.00
8/20/08	The Forecaster PO Box 66797 Falmouth ME 04105	PRT		393.75
8/11/08	Alpha Management 7 Plaza Drive Scarborough ME 04074	OFF		700.00
8/17/08	Scarborough Town of Scarborough ME 04074	OTH	voter list	30.00
8/12/08	The Forecaster PO Box 66797 Falmouth ME 04105	PRT		393.75
8/22/08	Joe Arndt 113 Payne Rd Scarborough ME 04074	SAL		128.00
1. Total operating expenses this page				6895.50
2. Total from attached Schedule B-1 pages				45,439.31
3. Total operating expenses this reporting period (Add lines 1 & 2)				52,334.81

SVP

Name of PAC

**SCHEDULE B-1  
OPERATING EXPENSES**

Do not include loan repayments or expenditures made on communications to support or oppose candidates on this schedule.

Expenditure Types	REQUIRING NO Remark	Expenditure Types	REQUIRING Remark
CON	contribution to candidate, party or committee	CONS	campaign consultants
EOP	equipment (office machines, furniture, cellphones)	OTH	other
FND	fundraising events	PRO	professional services
FOO	food for campaign events, volunteers		
LIT	printing and graphics (flyers, signs, palm cards, t-shirts, etc.)		
MHS	mail house (all services purchased)		
OFF	office rent, utilities, phone and internet services, supplies		
RHO	phone banks, automated telephonic calls		
POL	polling and survey research		
POS	Postage (not U.S. Mail) and mail box fees		
PRT	print media ads only (newspapers, magazines, etc.)		
RAD	radio ads, production costs		
SAL	Campaign workers' salaries and personnel costs		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.)		

**For every expenditure, list the appropriate code.**

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
8/26/08	Joe Arnold 113 Payne Rd Scarborough ME 04074	SAL		512.00
8/29/08	Joe Arnold 113 Payne Rd Scarborough ME 04074	SAL		440.00
8/29/08	Dean Terry 75 Swans Road Raymond ME 04071	SAL		1146.00
8/29/08	Merle Hartford 30 New Road Scarborough ME 04074	SAL		2128.00
8/29/08	Matt Keller Sawyer Road Scarborough ME 04074	SAL		136.00
8/29/08	Victor Cote 23 Ashswamp Road Scarborough ME 04074	SAL		160.00
8/29/08	Brian Freccero 3 Meeting House Rd Scarborough ME 04074	SAL		1668.00
1. Total operating expenses this page				6190.00
2. Total from attached Schedule B-1 pages				
3. Total operating expenses this reporting period (Add lines 1 & 2)				

SVP

Name of PAC

**SCHEDULE B-1  
OPERATING EXPENSES**

Do not include loan repayments or expenditures made on communications to support or oppose candidates on this schedule.

Expenditure Types Requiring NO Remark		Expenditure Types REQUIRING Remark	
CON	Contribution to candidate, party or committee	CNS	Campaign consultants
EOP	Equipment (office machines, furniture, cell phones)	OTH	Other
FND	Fundraising events	PRO	Professional services
FOD	Food for campaign events, volunteers		
LIT	Printing and graphics (flyers, signs, namecards, t-shirts, etc.)		
MHS	Mail house (all services purchased)		
OFF	Office rent, utilities, phone and internet services, supplies		
PHO	Phone banks, autodialers, telephone calls		
POL	Polling and survey research		
POS	Postage for U.S. Mail and mailbox fees		
PRT	Print media ads only (newspapers, magazines, etc.)		
RAD	Radio ads, production costs		
SAL	Campaign workers' salaries and personnel costs		
TRV	Travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.)		

**For every expenditure, list the appropriate code.**

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
9/2/08	Matt Keller Swyer Road Scarborough ME	SAL		500.00
9/2/08	Pamela Grandin 239 US Rt 1 Scarborough ME 04074	SAL		176.00
9/2/08	Josh Needle E. Castle Terrace Scarborough ME 04074	SAL		12.00
9/2/08	Merle Hartford 30 New Road Scarborough ME 04074	SAL		440.00
9/2/08	John Thomas 19 Hawthorne Circle Scarborough ME	SAL		596.00
9/2/08	Judy Thomas 19 Hawthorne Rd Scarborough ME	SAL		2.00
9/2/08	Mary Smith 27 Blendale Circle Scarborough 04074	SAL		400.00
1. Total operating expenses this page				2,126.00
2. Total from attached Schedule B-1 pages				
3. Total operating expenses this reporting period (Add lines 1 & 2)				

Name of PAC \_\_\_\_\_

**SCHEDULE B-1  
OPERATING EXPENSES**

Do not include loan repayments or expenditures made on communications to support or oppose candidates on this schedule.

Expenditure Types Requiring NO Remark		Expenditure Types REQUIRING Remark	
CON	Contribution to candidate, party, or committee	ENS	campaign consultants
EQP	equipment (office machines, furniture, cell phones)	OTH	other
FND	fundraising events	PRO	professional services
FOD	job for campaign events, volunteers		
INT	printing and graphics (flyers, signs, palm cards, t-shirts, etc)		
MHS	mailhouse (all services purchased)		
OFF	office rent, utilities, phone and internet services, supplies		
PHO	phone banks, automated telephone calls		
POL	polling and survey/research		
POS	Postage for U.S. Mail and mail box fees		
PRN	print media ads only (newspapers, magazines, etc)		
RAD	radio ads, production costs		
SAL	Campaign workers, salaries and personnel costs		
TRV	travel (fuel, mileage, lodging, etc)		
TVM	TV or cable ads, production costs		
WEB	Website design, registration, testing, maintenance, etc.)		

**For every expenditure, list the appropriate code.**

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
9/2/08	Joe Arnold 113 Payne Rd Scarborough ME 04074	SAL		136.00
9/3/08	Sarah Nehela 97 Holmes Rd Scarborough	SAL		82.00
9/3/08	Mark Harris Po Box 468 Scarborough ME 04074	SAL		262.00
9/9/08	Lori Hill 13 Dunstan Ave Scarborough ME 04074	SAL		220.00
9/4/08	Brian Traverso 3 meeting House Rd Scarborough ME	SAL		230.00
9/4/08	Pat Bahino 27 Church Street Scarborough 04074	SAL		22.00
9/4/08	Victoria Fragie Jones 90 Broadtann Rd Scarborough 04074	SAL		8.00
1. Total operating expenses this page				960.00
2. Total from attached Schedule B-1 pages				
3. Total operating expenses this reporting period (Add lines 1 & 2)				

Name of PAC

**SCHEDULE B-1  
OPERATING EXPENSES**

Do not include loan repayments or expenditures made on communications to support or oppose candidates on this schedule.

Expenditure Types Requiring NO Remark	Expenditure Types REQUIRING Remark
CON: contribution to candidate, party or committee	CNS: campaign consultants
EOP: equipment (office machines, furniture, cell phones)	OTH: other
FND: fundraising events	PRO: professional services
FOD: food for campaign events, volunteers	
LIT: printing and graphics (flyers, signs, palmcards, t-shirts, etc)	
MHS: mailhouse (all services purchased)	
OFF: office rent, utilities, phone and internet services, supplies	
PFO: phone banks, automated telephone calls	
POL: polling and survey research	
POS: postage for U.S. Mail and mail box fees	
PR: print media ads only (news papers, magazines, etc.)	
RAD: radio ads, production costs	
SAL: Campaign workers' salaries and personnel costs	
TRV: travel (fuel, mileage, lodging, etc.)	
TVA: TV or cable ads, production costs	
WEB: Website design, registration, listing, maintenance, etc.)	

**For every expenditure, list the appropriate code.**

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
9/5/08	Lisa Brady 230 US Rt 1 Scarborough ME	SAL		424.00
9/8/08	Jay Vachon 25 Ocean Ave Scarborough ME	SAL		150.00
9/8/08	Rene Leighton 14 Westwood Ave Scarborough 04074	SAL		326.00
9/8/08	Mary Smith 27 Glendale Circle Scarborough 04074	SAL		96.00
9/15/08	USPS Scarborough Scarborough 04074	POS		30.00
9/15/08	Alpha Manager 7 Plaza Drive Scarborough ME	OFF		700.00
9/15/08	Rumblestrip Design 49 Bridge St #2 Yarmouth ME 04096	WEB		666.00
1. Total operating expenses this page				2392.00
2. Total from attached Schedule B-1 pages				
3. Total operating expenses this reporting period (Add lines 1 & 2)				

**SCHEDULE B-1  
OPERATING EXPENSES**

Do not include loan repayments or expenditures made on communications to support or oppose candidates on this schedule.

Expenditure Types Requiring NO Remark		Expenditure Types REQUIRING Remark	
CON	contribution to candidate, party or committee	CONS	campaign consultants
ECP	equipment (office machines, furniture, cell phones)	OTH	other
FND	fundraising events	PRO	professional services
FOD	food for campaign events, volunteers		
LIT	printing and graphics (flyers, signs, palm cards, t-shirts, etc.)		
MHS	mailhouse (all services purchased)		
OFF	office rent, utilities, phone and internet services, supplies		
PAO	phone banks, automated telephone calls		
POL	polling and survey research		
POS	Postage for US Mail and mail box fees		
PRT	print materials only (newspapers, magazines, etc.)		
RAD	radio ads, production costs		
SAL	Campaign workers' salaries and personnel costs		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.)		

**For every expenditure, list the appropriate code.**

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
9/16/08	The Forecaster PO Box 66797 Falmouth ME 04105	PRT		1230.00
9/16/08	The Current Publishing PO Box 840 Westbrook ME 04098	PRT		720.00
9/16/08	Brown Fox Printing US Rt. 1 Scarborough 04074	LIT		25.20
9/16/08	Jobs in the US P.O. Box 604 Westbrook 04098	OTH	help wanted ad	225.00
9/16/08	Mainely Media PO Box 1894 Biddeford ME 04005	PRT		360.00
9/16/08	Time Warner Cable PO Box 1034 Buffalo NY 14240	OFF		354.46
9/16/08	The Current Newspaper PO Box 840 Westbrook ME 04098	PRT		1080.00
1. Total operating expenses this page				3994. <sup>66</sup>
2. Total from attached Schedule B-1 pages				
3. Total operating expenses this reporting period (Add lines 1 & 2)				

Name of PAC \_\_\_\_\_

**SCHEDULE B-1  
OPERATING EXPENSES**

Do not include loan repayments or expenditures made on communications to support or oppose candidates on this schedule.

Expenditure Types Requiring NO Remark		Expenditure Types REQUIRING Remark	
CON	contribution to candidate, party or committee	CNS	campaign consultants
EQP	equipment (office machines, furniture, cell phones, etc.)	OTH	other
FND	fundraising events	PRO	professional services
FOOD	food for campaign events, volunteers		
GR	printing and graphics (flyers, signs, palm cards, t-shirts, etc.)		
MHS	mail house (all services purchased)		
OFF	office rent, utilities, phone and internet services, supplies		
PHO	phone banks, automated telephone calls		
POL	polling and survey research		
POS	Postage for U.S. Mail and mailbox fees		
PRM	print media ads only (newspapers, magazines, etc.)		
RAD	radio ads, production costs		
SAL	Campaign workers' salaries and personnel costs		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.)		

**For every expenditure, list the appropriate code.**

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
9/4/08	Sean Hill 13 Dunston Ave Scarborough 04074	SAL		458.00
9/4/08	Edith Roach 11 Pine Point Rd Scarborough 04074	SAL		48.00
9/4/08	Wendy Stewart 7 Spruce Circle Scarborough 04074	SAL		242.00
9/4/08	Judy Pearce 19 Nelson Rd Scarborough 04074	SAL		46.00
9/4/08	Bob Dyer Libby Street Scarborough ME	SAL		498.00
9/4/08	Marta Tripp 26 Ocean Wood Scarborough ME	SAL		548.00
9/4/08	Merle Hart Forey 30 New Road Scarborough ME	SAL		384.00
1. Total operating expenses this page				2224.00
2. Total from attached Schedule B-1 pages				
3. Total operating expenses this reporting period (Add lines 1 & 2)				

Srp

Name of PAC

**SCHEDULE B-1  
OPERATING EXPENSES**

Do not include loan repayments or expenditures made on communications to support or oppose candidates on this schedule.

Expenditure types REQUIRING NO	Remark	Expenditure types REQUIRING	Remark
CON	contribution to candidate pay or committee	CONS	campaign consultants
EQP	equipment (office machines, furniture, cell phones)	OTH	other
FND	fundraising events	PRO	professional services
FOD	food for campaign events, volunteers		
LIT	printing and graphics (flyers, signs, palm cards, t-shirts, etc.)		
MRS	mail house (all services purchased)		
OFF	office rent, utilities, phone and internet services, supplies		
PHO	phone banks, automated telephonic calls		
POL	polling and survey research		
POS	postage for US Mail and mail box fees		
PRT	print media ads only (newspapers, magazines, etc.)		
RAD	radio ads, production costs		
SAL	Campaign workers' salaries and personnel costs		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV/cable ads, production costs		
WEB	website design, registration, hosting, maintenance, etc.)		

**For every expenditure, list the appropriate code.**

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
9/20/08	AFR, Inc 720 Hyatt Road Pennsauken NJ 08110	EQP		642.40
9/22/08	Karen Vachon 25 Ocean Ave Scarborough 04074	SAL		98.00
9/23/08	The Forecaster PO Box 66997 Falmouth 04105	PRT		401.25
9/24/08	Judy Pearce 9 Nelson Rd Scarborough 04074	SAL		18.00
9/25/08	Thomas Hillman Design 32 Vivian Street So. Portland 04106	LIT		433.00
9/26/08	Smith Office Systems PO Box 597 Scarborough 04074	EQP		615.00
9/29/08	Rumblestrip Graphics 49 Bridge St. #2 Yarmouth ME 04096	WEB		866.00
1. Total operating expenses this page				3073.65
2. Total from attached Schedule B-1 pages				
3. Total operating expenses this reporting period (Add lines 1 & 2)				

SV P

Name of PAC

**SCHEDULE B-1  
OPERATING EXPENSES**

Do not include loan repayments or expenditures made on communications to support or oppose candidates on this schedule.

Expenditure Types Requiring NO Remark		Expenditure Types REQUIRING Remark	
CON	contribution to candidate, party, or committee	CNS	campaign consultants
EQP	equipment (office machines, furniture, cell phones)	OTH	other
FND	fundraising events	PRO	professional services
FOF	food for campaign events, volunteers		
LIT	printing and graphics (flyers, signs, palm cards, t-shirts, etc.)		
MHS	mail house (all services purchased)		
OFF	office rent, utilities, phone and internet services, supplies		
RHO	phone banks, automated telephone calls		
POL	polling and surveys, search		
POS	postage for U.S. Mail and mailbox fees		
PRM	print media ads only (newspapers, magazines, etc.)		
RAD	radio ads, production costs		
SAL	Campaign workers, salaries and personnel costs		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.)		

**For every expenditure, list the appropriate code.**

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
9/29/08	Current Publishing Po Box 840 Westbrook ME 04092	PRT		285.00
9/30/08	Dean Terry 75 Swans Rd Raymond ME	SAL		118.00
10/2/08	Tom Sesto 177 Spuiwink Rd Scarborough ME 04094	SAL		192.00
10/6/08	Thomas Hillman Design 32 Vivian Street So. Portland ME	LIT		667.00
10/6/08	Alpha Management 4 Plaza Drive Scarborough 04574	OFF		700.00
10/6/08	Current Publishing Po Box 840 Westbrook 04092	PRT		645.00
10/6/08	The Forecaster Po Box 66797 Falmouth ME 04105	PRT		850.00
1. Total operating expenses this page				3457.00
2. Total from attached Schedule B-1 pages				
3. Total operating expenses this reporting period (Add lines 1 & 2)				

SVP

Name of PAC

Page 1 of 2

SCHEDULE C

IN-KIND CONTRIBUTIONS/EXPENDITURES

In-Kind CONTRIBUTIONS

With respect to all items and services received and expended, enter the date received, a description of the item or service, and the fair market value. Enter contributor information if the fair market value of donated item or service is more than \$50.

Date received	Contributors name, address, zip code	Description of goods, services, discounts or facilities received/expended	Fair market value
10/14/08	Penn National Gaming 825 Berkshire Blvd Wyomissing	Dan Warren - Campaign Consulting Services	30,000
8/12/08	Penn National Gaming PA 19061	Gene Beaudoin - Campaign Consulting Services	12,000
8/12/08	Penn National Gaming Inc	Kathryn Rolston - Campaign Marketing Services	17,000

If the items shown above were, in turn, contributed to candidates or committees, list to whom the items were donated and their description.

Date of payment	Recipient's name, address, zip code	Description of goods, services, discounts or facilities contributed	Fair market value

SCHEDULE D

LOANS/LOAN REPAYMENTS

List loans and loan repayments from all sources.

Date of loan/ loan repayment	Identity of lender	COLUMN 1 Loan balance from previous period	COLUMN 2 Amount loaned this period	COLUMN 3		COLUMN 4 Unpaid loans Columns 1 + 2 - 3
				Amount repaid/ forgiven this period		
					R F	
					R F	
					R F	

SCHEDULE E

TOTAL UNPAID OBLIGATIONS (OTHER THAN LOANS)

List all goods or services that have not been invoiced and all existing unpaid bills.

Date obligation incurred	Creditor's name, address, zip code	Purpose	Amount

SVP

Name of PAC

Page 2 of 2

**SCHEDULE C**

**IN-KIND CONTRIBUTIONS/EXPENDITURES**

**In-Kind CONTRIBUTIONS**

With respect to all items and services received and expended, enter the date received, a description of the item or service, and the fair market value. Enter contributor information if the fair market value of donated item or service is more than \$50.

Date received	Contributors name, address, zip code	Description of goods, services, discounts or facilities received/expended	Fair market value
8/12/08	Penn National Gaming Inc 825 Berkshire Blvd Wyomissing PA 19610	Steve Westra - campaign consulting services	12,500

**In-Kind EXPENDITURES**

If the items shown above were, in turn, contributed to candidates or committees, list to whom the items were donated and their description.

Date of payment	Recipient's name, address, zip code	Description of goods, services, discounts or facilities contributed	Fair market value

**SCHEDULE D**

**LOANS/LOAN REPAYMENTS**

List loans and loan repayments from all sources.

Date of loan/ loan repayment	Identity of lender	COLUMN 1 Loan balance from previous period	COLUMN 2 Amount loaned this period	COLUMN 3		COLUMN 4 Unpaid loans Columns 1 + 2 - 3
				Amount repaid/ forgiven this period	R / F	
					R / F	
					R / F	
					R / F	

**SCHEDULE E**

**TOTAL UNPAID OBLIGATIONS (OTHER THAN LOANS)**

List all goods or services that have not been invoiced and all existing unpaid bills.

Date obligation incurred	Creditor's name, address, zip code	Purpose	Amount

## 30-A M.R.S.A. § 2502. CAMPAIGN REPORTS IN MUNICIPAL ELECTIONS

**1. Reports by candidates.** A candidate for municipal office of a town or city with a population of 15,000 or more is governed by Title 21-A, sections 1001 to 1020-A, except that notices of appointment of a treasurer and campaign reports must be filed with the municipal clerk instead of the Commission on Governmental Ethics and Election Practices. A town or city with a population of less than 15,000 may choose to be governed by Title 21-A, sections 1001 to 1020-A by vote of its legislative body at least 90 days before an election for office. A town or city that votes to adopt those provisions may revoke that decision, but it must do so at least 90 days before an election subject to those sections.

A. Notwithstanding Title 17-A, section 4-A, a candidate who fails to file a notice or report as required by this section is guilty of a Class E crime and may be punished by a fine of \$5 for every day the candidate is in default or by imprisonment for not more than 30 days, or both. [1995, c. 483, §22 (AMD) .]

[ 1999, c. 645, §15 (AMD) .]

**2. Municipal referenda campaigns.** Municipal referenda campaigns in towns or cities with a population of 15,000 or more are governed by Title 21-A, chapter 13, subchapter IV. The registrations and reports of political action committees must be filed with the municipal clerk. A town or city with a population of less than 15,000 may choose to be governed by Title 21-A, chapter 13, subchapter IV by vote of its legislative body at least 90 days before a referendum election. A town or city that votes to adopt those provisions may revoke that decision, but it must do so at least 90 days before an election subject to that subchapter.

[ 1997, c. 567, §2 (AMD) .]

### SECTION HISTORY

1987, c. 737, §§A2, C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8, 10 (AMD). 1995, c. 483, §22 (AMD). 1997, c. 567, §2 (AMD). 1999, c. 645, §15 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 123rd Legislature, and is current through December 31, 2008, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

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.

**SUBCHAPTER IV**  
**REPORTS BY POLITICAL ACTION COMMITTEES**

**21A § 1051. Application**

This subchapter applies to the activities of political action committees organized in and outside this State that accept contributions, incur obligations or make expenditures for the election of state, county or municipal officers, or for the support or defeat of any campaign, as defined in this subchapter.

This subchapter does not apply to any broadcast time concerning any referendum campaign, as defined in section 1, subsection 36, which is provided by a broadcaster in accordance with the requirements of the Federal Communications Act, United States Code, Title 47, Section 315, generally referred to as the "Fairness Doctrine."

**21A § 1052. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Campaign.** "Campaign" means any course of activities for a specific purpose such as the initiation, promotion or defeat of a candidate or question, including:

- A. The referendum procedure under the Constitution of Maine, Article IV, Part Third, Section 17;
- B. The initiative procedure under the Constitution of Maine, Article IV, Part Third, Section 18;
- C. An amendment to the Constitution of Maine under Article X, Section 4;
- D. Legislation expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19;
- E. The ratification of the issue of bonds by the State or any agency thereof; and
- F. Any county or municipal referendum.

**2. Committee.** "Committee" means any political action committee, as defined in this subchapter, and includes any agent of a political action committee.

**3. Contribution.** "Contribution" includes:

- A. A gift, subscription, loan, advance or deposit of money or anything of value made to a political action committee, except that a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- B. A contract, promise or agreement, expressed or implied whether or not legally enforceable, to make a contribution to a political action committee;

C. Any funds received by a political action committee that are to be transferred to any candidate, committee, campaign or organization for the purpose of promoting, defeating or initiating a candidate, referendum, political party or initiative, including the collection of signatures for a direct initiative, in this State; or

D. The payment, by any person or organization, of compensation for the personal services of other persons provided to a political action committee which is used by the political action committee to promote, defeat or initiate a candidate, campaign political party, referendum or initiated petition in this State.

**4. Expenditure.** The term "expenditure:"

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of influencing the nomination or election of any person to political office; or for the initiation, support or defeat of a campaign, referendum or initiative, including the collection of signatures for a direct initiative, in this State;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in this paragraph; and

(3) The transfer of funds by a political action committee to another candidate or political committee; and

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless these facilities are owned or controlled by any political party, political committee, candidate or candidate's immediate family;

(2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed \$100 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by a political action committee that volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election; and

(6) Any communication by any political action committee member that is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office.

**5. Political action committee.** The term "political action committee:"

A. Includes:

- (1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to influence the outcome of an election, including a candidate election or ballot question;
- (2) **(REPEALED)**
- (3) **(REPEALED)**
- (4) Any organization, including any corporation or association, that has as its major purpose initiating, promoting, defeating or influencing a candidate election, campaign or ballot question and that spends more than \$1,500 in a calendar year for that purpose, including for the collection of signatures for a direct initiative or referendum in this State; and
- (5) Any organization that does not have as its major purpose promoting, defeating or influencing candidate elections but that spends more than \$5,000 in a calendar year for the purpose of promoting, defeating or influencing in any way the nomination or election of any candidate to political office.

B. Does not include:

- (1) A candidate or a candidate's treasurer under section 1013-A, subsection 1;
- (2) A candidate's authorized political committee under section 1013-A, subsection 2; or
- (3) A party committee under section 1013-A, subsection 3.

**21A § 1053. Registration**

Every political action committee, as defined under section 1052, subsection 5, paragraph A, subparagraph (1) or (4) that makes expenditures in the aggregate in excess of \$1,500 and every political action committee, as defined under section 1052, subsection 5, paragraph A, subparagraph (5), that makes expenditures in the aggregate in excess of \$5,000 must register with the Commission within 7 days of exceeding the applicable amount on forms prescribed by the Commission. These forms must include the following information and any additional information reasonably required by the Commission to monitor the activities of political action committees in this State under this subchapter:

**1. Identification of committee.** The names and mailing addresses of the committee, its treasurer, its principal officers, the names of any candidates and Legislators who have a significant role in fund raising or decision-making for the committee and all individuals who are the primary fund-raisers and decision makers for the committee;

**2. Form of organization.** The form or structure of organization, including cooperatives, corporations, voluntary associations, partnerships or any other structure by which the committee functions. The date of origin or incorporation must also be specified; and

**3. Statement of support or opposition.** A statement indicating the positions of the committee, support or opposition, with respect to a candidate, political committee, referendum, initiated petition or campaign, if known at the time of registration. If a committee has no position on a candidate, campaign or issue at the time of registration, the committee must inform the Commission as soon as the committee knows this information.

Every change in information required by this section must be included in an amended registration form submitted to the Commission within ten (10) days of the date of the change. The committee must file an updated registration form every two (2) years between January 1st and March 1st of an election year. The commission may waive the updated registration requirement for newly registered political action committees or other registered political action committees if it determines that the requirement would cause an administrative burden disproportionate to the public benefit of updated information.

\* At the time of registration, the political action committee shall file an initial campaign finance report disclosing all information required by section 1060.

#### **21A § 1054. Appointment of treasurer**

Any political action committee required to register under section 1053 must appoint a treasurer before registering with the commission. The treasurer shall retain, for a minimum of four (4) years, all receipts, including cancelled checks, of expenditures made in support of or in opposition to a campaign, political committee, political action committee, referendum or initiated petition in this State.

#### **21A § 1055. Publication or distribution of political communications**

A political action committee that makes an expenditure to finance a communication expressly advocating the election or defeat of a candidate or that names or depicts a clearly identified candidate is subject to the requirements of section 1014.

#### **21A § 1056. Expenditure limitations**

Any committee required to register under this chapter shall comply with the following expenditure limitations.

**1. Aggregate expenditures.** A committee may not make contributions in support of the candidacy of one person aggregating more than \$500 in any election for a gubernatorial candidate, or \$250 in any election for any other candidate.

**2. Prohibited expenditures.** No committee may make any expenditure for liquor to be distributed to or consumed by voters while the polls are open on election day.

**21A § 1056-A. Expenditures by political action committees**

A political action committee shall report all expenditures in cash or in kind made by the committee.

**21A § 1056-B. Reports of contributions and expenditures by persons**

\* Any person not defined as a political action committee who solicits and receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of \$5,000 for the purpose of initiating, promoting, defeating or influencing in any way a ballot question must file a report with the Commission. In the case of a municipal election, a copy of the same information must be filed with the clerk of that municipality. Within seven days of receiving contributions or making expenditures that exceed \$5,000, the person shall register with the Commission as a ballot question committee. For the purposes of this section, expenditures include paid staff time spent for the purpose of influencing in any way a ballot question. The Commission must prescribe forms for the registration, and the forms must include specification of a treasurer for the committee, any other principal officers and all individuals who are the primary fund-raisers and decision makers for the committee.

**1. Filing requirements.** A report required by this section must be filed with the Commission according to a reporting schedule that the Commission shall establish that takes into consideration existing campaign finance reporting schedule requirements in section 1059.

**2. Content.** A report must contain an itemized account of each expenditure made to and contribution received from a single source aggregating in excess of \$100 in any election; the date of each contribution; the date and purpose of each expenditure; and the name and address of each contributor, payee or creditor. The filer is required to report only those contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and only those expenditures made for those purposes. The definitions of "contribution" and "expenditure" in section 1052, subsections 3 and 4, respectively, apply to persons required to file ballot question reports.

**2.A. Contributions.** For the purposes of this section, "contribution" includes, but is not limited to:

- A. Funds that the contributor specified were given in connection with a ballot question;
- B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating or influencing in any way a ballot question;
- C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating, promoting, defeating or influencing in any way a ballot question when viewed in the context of the contribution and the recipient's activities regarding a ballot question; and
- D. Funds or transfers from the general treasury of an organization filing a ballot question report.

**3. Forms.** A report required by this section must be on a form prescribed and prepared by the Commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form.

**4. Records.** A person filing a report required by this section shall keep records as required by this subsection for one year following the election to which the records pertain.

A. The filer shall keep a detailed account of all contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and all expenditures made for those purposes.

B. The filer shall retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of \$50.

### **21A § 1057. Records**

Any political action committee that makes expenditures which aggregate in excess of \$50 to any one or more candidates, committees or campaigns in this State shall keep records as provided in this section. Records required to be kept under subsections 1, 2 and 3 shall be retained by the political action committee until ten (10) days after the next election following the election to which the records pertain.

**1. Details of records.** The treasurer of a political action committee must record a detailed account of:

- A. All expenditures made to or in behalf of a candidate, campaign or committee;
- B. The identity and address of each candidate, campaign or committee;
- C. The office sought by a candidate and the district he seeks to represent, for candidates which a political action committee has made an expenditure to or in behalf of; and
- D. The date of each expenditure.

**2. Receipts.** The treasurer of a political action committee must retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of \$50.

**3. Record of contributions.** The treasurer of a political action committee must keep a record of all contributions to the committee, by name and mailing address, of each donor and the amount and date of the contribution. This provision does not apply to aggregate contributions from a single donor of \$50 or less for an election or referendum campaign. When any donor's contributions to a political action committee exceed \$50, the record must include the aggregate amount of all contributions from that donor.

**21A § 1058. Reports; qualifications for filing**

\* A political action committee that is required to register with the Commission shall file a report on its activities in that campaign with the Commission on forms as prescribed by the Commission. A political action committee organized in this State required under this section to file a report shall file the report for each filing period under section 1059. A political action committee organized outside this State shall file with the Commission on Governmental Ethics and Election Practices of this State a copy of the report that the political action committee is required to file in the state in which the political action committee is organized. The political action committee shall file the copy only if it has expended funds or received contributions or made expenditures in this State. The copy of the report must be filed in accordance with the schedule of filing in the state where it is organized. If contributions or expenditures are made relating to a municipal office or referendum, the report must be filed with the clerk in the subject municipality.

**21A § 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. Contents; quarterly reports and election year reports. (REPEALED)**

**2. 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.

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

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

**C. Reports of spending to influence special elections, referenda, initiatives, bond issues or constitutional amendments must be filed:**

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within ten (10) days of the filing deadline established in paragraph B or C.

E. A committee shall report any expenditure of \$500 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that expenditure.

**3. Report of expenditures made after the 11th day and more than 48 hours before any election. (REPEALED)**

**4. Special election reports. (REPEALED)**

**5. Electronic filing.** Committees shall file each report required by this section through an electronic filing system developed by the Commission. The Commission may make an exception to this electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The Commission shall grant all reasonable requests for exceptions.

#### **21A § 1060. Content of reports**

The reports must contain the following information and any additional information required by the Commission to monitor the activities of political action committees:

**1. Identification of candidates.** The names of and offices sought by all candidates whom the committee supports, intends to support or seeks to defeat;

**2. Identification of committees; parties.** The names of all political committees or party committees supported in any way by the committee;

**3. Identification of referendum or initiated petition.** The referenda or initiated petitions that the committee supports or opposes;

**4. Itemized expenditures.** An itemization of each expenditure made on behalf of any candidate, campaign, political committee, political action committee and party committee or to support or oppose a referendum or initiated petition, including the date, payee and purpose of the expenditure; the name of each candidate, campaign, political committee, political action committee or party committee on whose behalf the expenditure was made; and each referendum or initiated petition supported or opposed by the expenditure. If expenditures were made to a person described in section 1012, subsection 3, paragraph A, subparagraph (4), the report must contain the name of the person; the amount spent by that person on behalf of the candidate, campaign, political committee, political action committee, party committee, referendum or initiated petition, including, but not limited to, expenditures made during the signature-gathering phase; the reason for the expenditure; and the date of the expenditure. The Commission may specify the categories of expenditures that are to be reported to enable the Commission to closely monitor the activities of political action committees;

\*

**5. Aggregate expenditures.** An aggregation of expenditures and cumulative aggregation of expenditures to a candidate, campaign, political committee, political action committee, party committee, referendum or initiated petition;

**6. Identification of contributions.** Names, occupations, places of business and mailing addresses of contributors who have given more than \$50 to the political action committee in the reporting period and the amount and date of each contribution, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those contributions made to the organization for the purpose of promoting, defeating or influencing a ballot question or the nomination or election of a candidate to political office and all transfers to or funds used to support the political action committee from the general treasury of the organization; and

**7. Other expenditures.** Operational expenses and other expenditures in cash or in kind that are not made on behalf of a candidate, committee or campaign, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those expenditures made for the purpose of promoting, defeating or influencing a ballot question or the nomination or election of a candidate to political office.

#### **21A § 1061. Dissolution of committees**

Whenever any political action committee determines that it will no longer solicit or accept any contributions, incur any obligations, make any expenditures to or on behalf of any candidate, political committee, party committee or political action committee to initiate, support, defeat or influence in any way the outcome of a referendum, initiated petition or election and the committee has no outstanding loans, debts or other obligations, the committee shall file a termination report that includes all financial activity from the end date of the previous reporting period through the date of termination with the commission. If a termination report is not filed, the committee shall continue to file periodic reports as required in this chapter.

#### **21A § 1062. Failure to file on time (REPEALED)**

#### **21A § 1062-A. Failure to file on time**

**1. Registration.** A political action committee required to register under section 1053 that fails to do so in accordance with section 1053 or that fails to provide the information required by the Commission for registration may be assessed a forfeiture of \$250.

**2. Campaign finance reports.** A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the Commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the Commission shall determine whether a required report satisfies the requirements for timely filing. The Commission may waive a penalty if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The Commission may

waive the penalty in whole or in part if the Commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency of the committee treasurer determined by the Commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B. An error by the Commission staff; or
- C. Other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

**3. Basis for penalties.** The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 1%;
- B. For the 2nd violation, 3%; and
- C. For the 3rd and subsequent violations, 5%.

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a two-year period that begins on January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least two (2) days before the deadline is not subject to penalty.

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

**4. Maximum penalties.** The maximum penalties under this subchapter are \$10,000 for reports required under section 1059, subsection 2, paragraphs B, C and E and \$5,000 for reports required under section 1059, subsection 2, paragraph A.

**5. Request for a commission determination.** Within three (3) days following the filing deadline, a notice must be forwarded to the principal officer and treasurer of the political action committee whose report is not received by 11:59 p.m. on the deadline date, informing them of the basis for calculating penalties under subsection 3 and providing them with an opportunity to request a commission determination. The notice must be sent by certified United States mail. A request for determination must be made within ten (10) calendar days of receipt of the Commission's notice. The ten-day period during which a determination may be requested begins on the day a recipient signs for the certified mail notice of the proposed penalty. If the certified letter is refused or left unclaimed at the post office, the ten-day period begins on the day the post office indicates it has given first notice of a certified letter. A principal officer or treasurer requesting a determination may either appear in person or

designate a representative to appear on the principal officer's or treasurer's behalf or submit a notarized written explanation of the mitigating circumstances for consideration by the Commission.

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

If no determination is requested, the Commission staff shall calculate the penalty based on the provision of subsection 3 and shall mail final notice of the penalty to the principal officer and to the treasurer of the political action committee. A detailed summary of all notices must be provided to the Commission.

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

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

**8-A. Penalties for failure to file report.** The maximum penalty for failure to file a report required under section 1059, subsection 2, paragraph B, C or E is \$10,000. The maximum penalty for failure to file a report required under section 1059, subsection 2, paragraph A is \$5,000.

**9. 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 political action committee and its treasurer. Thirty days after issuing the notice of penalty, the Commission shall report to the Attorney General the name of any political action committee, along with the name of its treasurer, that 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.

#### **21A § 1063. Constitutional officers and State Auditor**

The Secretary of State, the Treasurer of State, the Attorney General, the State Auditor, or any individual running for these offices, may not form a political action committee or be involved in decision making for or solicit contributions to a political action committee.

RECEIVED

JAN 9 2009

January 9, 2009

Mr. Jonathan Wayne  
Executive Director  
Maine Commission on Governmental Ethics  
And Election Practices  
135 State House Station  
Augusta ME 04333-0135

MAINE ETHICS COMMISSION

Re: Scarborough Village Partnership

Dear Mr. Wayne,

Thank you for the opportunity to respond your letter of November 26, 2008 regarding the Scarborough Village Partnership's political action committee filings.

By way of background, I have had a long-term interest in trying to preserve Maine harness racing, having come to know the many extraordinary families that depend on the industry and being a life-long lover of horses. My involvement in the industry includes many years as the director of advertising for Scarborough Downs and work as a public relations consultant to various industry groups.

#### **Pre-Registration Activities**

This past summer, Scarborough Village Partnership (SVP) was formed to fashion a plan to design a land development and an improved Scarborough Downs racetrack that would include a gaming machine facility. Gene Beaudoin, a land use and development expert who had experience in the Scarborough area, headed the effort. I was retained to provide advertising and public relations services for the Scarborough-based project. As the campaign progressed, I was also given the responsibility of handling the campaign checkbook.

In August 2008, SVP made a decision to initiate a municipal referendum within the Town of Scarborough. At the time, discussions took place with Tody Justice, Scarborough's Town Clerk, about getting that process underway, which required us to submit a proposed change of the town's zoning ordinance for review by the Town Clerk and the town's attorney and to obtain signatures on a petition to put the matter on the November 2008 ballot, if such proved necessary. Penn National Gaming, Inc. agreed to contribute funds to pay those expenses.

During this same time, Gene Beaudoin was in discussions with town councilors regarding the prospect for council action for the zoning change. It was my understanding from these discussions that we did not have to register because changing the law through council action did not require registration. At a special public hearing on September 24, 2008, the Scarborough town council made its decision not to take action themselves on the zoning issue but to put the referendum question on the November ballot for voters to decide.

Throughout this process, the SVP project was intentionally very public. For example, Gene Beaudoin and others commented in press stories about our effort, including stories that explained we were hurrying to secure signatures to put the matter on the ballot for November 2008 prior to the Council making their final decision and were paying signature gatherers to work on the project. I placed ads in the local weekly newspapers inviting Scarborough residents' input at organized public meetings regarding the Scarborough Village development and a brochure was sent out to every resident. In addition, we disclosed Penn's financial involvement in the press and in televised meetings of the Scarborough Town Council. (See enclosed articles, ads, and town council meetings 9-17-08 and 9-24-08 minutes packet)

### **The September 26, 2008 PAC Registration**

On September 26, 2008 I received a call from Ed MacColl, corporate attorney for Scarborough Downs, who had had a call that day from Ms. Justice. He informed me that Scarborough Village Partnership had to be registered as a PAC. I immediately went to town hall and picked up the registration form.

As the person responsible for handling the Scarborough Village Partnership bank account, I thought that I would be the logical choice for treasurer, and I assigned myself that duty. Gene Beaudoin was the spokesperson and consultant for the land development project, so I named him principal officer and decision maker. Penn National Gaming Inc. was the sole funding source for the campaign, so I named it primary fundraiser. I filled out the form and returned it to Ms. Justice at town hall.

With respect to the allegation that I did not file a financial report with the registration, I will say only that at the time I registered the PAC, Town personnel did not inform me of any requirement to file an initial campaign finance report, nor was I provided the reporting form at the time I was given the PAC registration forms. Although this does not by any means excuse my ignorance of the law in this regard, this experience with the Town's election officials left me with a very clear impression that by completing the PAC registration form on August 26<sup>th</sup>, SVP was fulfilling its obligations as a political action committee.

### **The Missed October 10th Filing Deadline**

At the time I filed the PAC Registration on September 26<sup>th</sup>, I asked Ms. Justice when I would have to file financial reports, and I understood her to tell me that the first report was due on October 24<sup>th</sup> and she gave me a copy of MRS Title 21-A Chapter 13: Campaign Reports and Finances. On October 15<sup>th</sup> in a Portland Press Herald on-line forum response to an editorial about the Scarborough Village proposal, I read former town councilor Sue Foley-Ferguson's comment that SVP should be investigated for violations by the Ethics Commission for failing to file a PAC report due October 10<sup>th</sup>. I called Ms. Justice and told her about the comment, and asked if she was sure my financial report was due on October 24<sup>th</sup>. She said she was sure, but would call Jeremy Brown at the Ethics Commission for confirmation. She then called me back and said that Jeremy concurred with October 24<sup>th</sup> as the report due date. She added at that point that my report should include all my expenditures from the beginning of the campaign.

I subsequently received a letter from Ms. Justice dated 10/17/08, copied to Jeremy Brown, with the 11-day Pre-General Reporting Form and reiterating the report was due October 24<sup>th</sup> and further stating that as this was my first report, it should include all expenditures from the start of the campaign. (See enclosure #2)

With respect to the October quarterly report, I can only say that I reasonably relied on the advice of Town election officials and Ethics Commission staff. It may be that I did not phrase my questions of Ms. Justice and Mr. Brown as carefully as I should have, but I clearly understood from them that no financial report was due until October 24, which I now understand was not the case. I know I should have sought guidance from trained professionals, but Ms. Justice and Mr. Brown were genuinely helpful and I was confident that they were guiding me through the process well and that I was following their instructions.

### **The October 24 Report**

On October 23<sup>rd</sup>, I began compiling the PAC report information. Per the instructions outlined in Ms. Justice's letter, conservatively I used August 12, 2008 as the beginning of the campaign as that was the date of the first deposit by Penn National Gaming in the SVP bank account. I included all checks I'd written on the SVP account to date on Schedule B-1, Operating Expenses, which includes payments for salaries. I called Ms. Justice to inquire how to reflect salaries that were not paid out of the campaign account. She referred me to Jeremy Brown. When I called Mr. Brown, he did not have a record of SVP as a registered PAC. He told me that with a municipal election that was not unusual, and he mentioned that he recalled speaking to Ms. Justice about our PAC. I explained that I was calling for help filling out the PAC form. He instructed me to include Gene Beaudoin's, Karen Vachon's and my salary in Schedule C, In-kind Contributions/Expenditures. I explained to him that I had been employed prior to start of the campaign, and Gene was a consultant for the land planning aspect of the project as well as the referendum, and I asked how I should differentiate those services on the form since not all compensation was directly linked to the referendum effort. I also noted that the report format only allowed one date of payment to each vendor to be entered, which does not reflect the accuracy of the salary schedule. He agreed the format was flawed and said something to the effect that that portion of the report format would be rewritten at some point. He instructed me to include my best estimate of salaries attributable to the referendum and to use the start date of the campaign as the date received. I completed the report and turned it in to the town clerk's office on the afternoon of October 24, 2008.

I had no further communication about the PAC report or its late filing until Sunday 11/30/08 when I read your email. I called you on Tuesday 12/2 and told you I was concerned about the charges and would respond in writing. I then asked if the hearing date could be rescheduled as I would be out of state on 12/29 and wanted to be present for the meeting of the commission panel.

Your letter of November 26 suggests that a penalty may be waived for the reasons outlined in section 1062-A section 2. I hope the Commission will take the following into account, each of which appears to be an appropriate consideration:

1. I have limited experience with PACs;
2. My goal was to maximize public knowledge of the effort to save harness racing and of the quality of the organizations that were involved; there was nothing that I wanted to keep from the public;
3. It may be that I did not phrase my questions of Ms. Justice and Mr. Brown as carefully as I should have, but I clearly understood from them that no financial report was due until October 24, which I now understand was not the case;
4. Ms. Justice and Mr. Brown were genuinely helpful and I was confident that they were guiding me through the process well and that I was following their instructions.

I would like to state on my own behalf that it is and was my intention to fully and completely comply with the rules governing political action committees and reporting deadlines, and once I was made aware of the registration requirements, I acted immediately to register the PAC and I believe I followed the instructions given to me by the Scarborough town clerk and by Commission staff for filing all reports.

If the Commission determines that a penalty for this late disclosure is warranted, I urge the Commission to accept the staff recommendation that the statutory maximum penalty of \$10,000 for late filings of other PAC reports apply in this situation. Although as I read it the statute does not specifically state that the \$10,000 cap applies to violations of the initial campaign finance report requirement, it is my hope that Scarborough Village Partnership will be considered in the same way as others that are subject to the cap for reporting violations. Not applying the cap to this violation will result in an astronomical fine of \$56,050 – an amount that is clearly “disproportionate to the level of the experience of the person filing the report or to the harm suffered by the public from the late disclosure.”

I apologize for any confusion, but I want assure you and the Commission that I tried at every turn to do the right thing in regard to reporting of requirements, to follow the rules and make full disclosure of the PAC's expenditures. And I thank you for your help in working with me.

Sincerely,



Kathryn Rolston

13 Appletree Lane

Cape Elizabeth ME 04107

Enclosures

# Voters to decide on Scarborough Downs zone change

By Nate Jones  
Staff Writer

Three years ago, Scarborough resident Bob Tourangeau was looking for a new career. With 25 years experience raising harness racing horses and only one mare left in his barn, Tourangeau said he was "ready to quit" the horse breeding business. That is, until the grand opening of the Hollywood Slots facility in Bangor.

Now he said he has several of the top rated harness racing horses in the state and is hoping to bring them to a new racino at the center

of the proposed 500-acre "Scarborough Village" in the future.

"[Racinos] help grow the business," he told Scarborough town councilors last week. "We are a positive right to be in business."

Fellow horse breeder Sarah Nebila said she also hoped to see the Scarborough Village project come to life, as attracting more people to the racetrack would result in more bets and increase the purse money received by horse breeders, jockeys and others. She said Scarborough Village would benefit many

other small businesses related to the field, including local blacksmiths, grain and hay providers and the many hands it takes to keep a barn running.

While the proposed development - featuring senior housing options, industrial and retail space and a potential \$8 million tax benefit to the town - has support from equestrians, other residents feel different about the project.

Scarborough resident Gary O'Donnell said he did not support the proposed Scarborough Village development for the sole

purpose of supporting "a failing business model." Scarborough Village Partners Spokesperson Gene Beaudoin said the project could help the racetrack recover from a "declining attendance" in past years.

"Scarborough Downs is failing. Businesses go under all the time," O'Donnell said. "If the business isn't viable, it should fail. Let it go out of business."

Resident and business owner Jim Damico said he opposed the development due to his belief that a "town center," - as the project has been referred to by Beaudoin - could not be purposefully created by a single developer.

"Main Streets are historical, they take a long time and many different businesses," Damico said. "I know Main Street. Walt Disney is not real, these developers don't seem to realize that. This is not Walt Disney."

Several other residents

said they agreed with the Nov. 4 referendum with a 4 to 1 vote on Wednesday. Councilor Richard Sullivan was absent and councilor Carol Hancock - despite advise from legal counsel that failing to set a date to hold the referendum could result in legal repercussions for the town - voted against setting a date to put the question to the voters.

"I'm opposed to racinos," Councilor Judith Roy said. "Hopefully it will be a resounding 'No' to this question."

Council Chairman Jeff Messer said even if slot machines are approved by voters on Nov. 4, the state legislature would then have to take action and extend their deadline to approve "controlled gambling" in municipalities, followed by the consent of the governor and put to yet another public referendum.

"Ultimately it will be the next council that will have the final say," Beaudoin said. "Be careful what you hear."

The reality is Fairchild Semiconductor is well aware of this project and is coming anyway," he said. Beaudoin said it would take less than one-fifth of 1 percent of the developer's total investment to build the proposed slot machine facility.

"We're very careful about where the money is going," he said. The town council approved adding the question concerning a zone change allowing slot machines at a gambling facility on a separate ballot available during the

**RIVERBANK ANTIQUES**  
Announces A Classic  
**WAREHOUSE SALE**  
Every Thursday, Friday & Saturday from 10AM-2PM  
contents of both warehouses are exhausted (which may take some time!)  
WELLS UNION (in the Orange Building) ROUTE 1, WELLS  
20-30 years of accumulation of French, English & American antiques & related items.  
New stock added every Thursday • Everything priced to sell...  
**Come & check us out, there are bargains to be had!**

**Following is the proposed resolution for facilitating a petition circulated by the Scarborough Village Partners: "Do you approve revising the Scarborough Zoning Ordinance to allow slot machines at a commercial racetrack and for the development of a new Scarborough Village on the 501 acres surrounding Scarborough Downs so long as the track owner enters into an agreement with the Town Council addressing security and other issues and assuring the town of at least eight million dollars of new annual revenues."**

The question featured on a petition signed by more than 3,000 Scarborough residents to include approval of a proposed 500-acre Scarborough Village development on the Nov. 4 public referendum ballot (above) could be different than language presented by another legal counsel Robert Crawford said the petition "was not specific enough and could be 'weasel'ed."

Councilor Judith Roy said she considered the proposed ballot question "confusing and possibly misleading as it presents speculated numbers - including a potential \$8 million in tax revenue - as facts."

"I question the amount of money and revenue they assign like pie in the sky numbers," she said. "It could be a much simpler question for the people to answer. Despite Roy or any other councilor's opinion of the question featured on the petition, Crawford said according to the town charter the council does not have the ability to recommend any language change - a duty only the town legal counsel can perform and is obligated to validate the petition."

"This is a very unusual position for the council," Councilor Sylvia Mead said. "We are being asked to vote 'Yes'."

Councilor Carol Hancock suggested the council add a recommendation "to pass or not to pass on the ballot, but Crawford said he was not sure if that was allowed under the town charter. Council Chairman Jeff Messer said if possible, he would not be in favor of adding a council recommendation on the ballot, however he would support a council resolution encouraging the state legislature - who will have to

# Racino vote divides town leaders, attracts outside support

By Jonathan Hunt  
Reporter

 [Email this story to a friend](#)

 [Printer-friendly Format](#)

 [Add your comments](#)

**SCARBOROUGH (Oct 24, 2008):** With just two weeks left before the November general election, Scarborough voters must decide how to vote on a polarizing proposal for a 535-acre development around the Scarborough Downs horse racetrack that includes slot machines.

Scarborough voters defeated a smaller racino proposal in 2002, but the scope of the proposed \$200 million Scarborough Village project makes it either more appealing or more offensive, depending on whom you ask. Supporters cite its potential to bring in \$8 million of annual municipal revenues and boost the foundering harness-racing industry by bringing in more tourists and increasing purses at the Downs. Detractors have said they don't want more gambling in town and that the latest concept was brought along too quickly for the town to evaluate it properly.

The issue has even caused a contentious split among town leaders and brought outside backing for publicity campaigns from heavy hitters in Maine's wager wars, such as Penn National Gaming Inc. and CasinosNO!

"Somebody had to say something," said Mark Maroon, a former town councilor and outspoken opponent of Connecticut developer Gené Beaudoin's current proposal. "Saving Our Scarborough has been resurrected."

Saving Our Scarborough, a local citizens' group, helped derail the 2002 racino initiative, but it may have met its match.

Beaudoin, who brought the Cabela's retail project to the Haigis Parkway area, aims to create a mixed-use development with an "integrated downtown" or "Main Street" component comprising businesses, the slot-machine parlor, some residences and a revitalized racetrack.

Beaudoin said Friday the racino remains integral to his plans for two reasons — it would support Scarborough Downs owner Sharon Terry's efforts to operate the track at a profit, and it would bring in sufficient revenue to pay for major infrastructure work necessary to develop the site.

"Sharon Terry views the racino as the mechanism by which she can keep harness racing alive," said Beaudoin.

Beaudoin and Kathryn Rolston, a former Downs spokeswoman now working on an independent contractor basis as a slot-machine advocate for Penn National have enlisted Scarborough horse farmers Tim and Sarah Nehila in support of the racino. The Nehilas and other residents were paid \$7 dollars per signature to gather names for the petition that successfully put the racino issue on the 2008 ballot. The referendum would allow "operation of slot machines at a commercial racetrack" in the B-2 zone with certain stipulations, including the \$8 million in annual town revenue.

At their farm Sunday, Sarah Nehila described raising racehorses as an expensive and time-consuming venture, but one the family hoped to continue at their farm.

"We built it in '96, but it was my great-grandparents' land," said Nehila about the farm.

Rolston speculated that Terry's devotion to preserving harness racing could eventually force her to move the track out of Scarborough if racino support were not forthcoming. She offered no specific alternative.

Beaudoin estimated that about \$20 million of utilities improvements and other site preparations, roughly 10 percent of the total project cost, would be necessary. Slot machines would up the ante, so to speak, and provide enough money for what he called massing, or having a large enough project to succeed.

"Massing is the key," said Beaudoin. The slots parlor would cover less than one-fifth of 1 percent of the whole development site, he noted, but the racino revenue would be "the switch that turns it on."

According to Beaudoin, the Scarborough Village Partnership political action committee intends to submit a report by Oct. 24 with expanded details of its contributions and expenditures. PACs are required to file with the state if they raise or spend more than \$1,500. He noted that CasinosNO!, the statewide political action committee organized against larger casino proposals around Maine, was now running anti-racino ads targeted at Scarborough Village on cable television. Rolston said Sunday that the slot-machine supporters would soon purchase and run their own ads.

A document filed at the Scarborough town clerk's office on Sept. 26 indicated that funding for the pro-slots campaign had thus far been provided by Penn National and Beaudoin, but it contained few other details.

Dennis Bailey, CasinosNO! executive director, confirmed Friday that his group bought the new anti-racino ad and had also hired a field organizer in Scarborough.

"We're helping them out down there," he said.

According to Bailey, opponents mishandled the ballot issue that allowed Penn National to open Hollywood Slots in Bangor several years ago because "nobody really realized that that meant a full-blown racino year round," and he hopes to avoid inattention to the current Scarborough situation.

The only two listed contributors to CasinosNO! during September, according to its PAC report, were two Scarborough-area residents. Merton Henry, of Scarborough, gave \$200, and Richard Kurtz, of Cape Elizabeth, donated \$10,000. Henry and Kurtz, however, have long been involved in efforts to stop Maine casinos, said Bailey.

Maroon and Bailey each believe that Scarborough Town Council Chairman Jeffrey Messer has crossed over into supporting Scarborough Village as proposed, but Messer insisted on Sunday that he remains officially neutral and merely wanted the best facts put before the public. Messer's 30-minute presentation at the Oct. 15 Town Council meeting focused almost entirely on the racino's potential benefits and refuting Maroon's concerns.

Messer estimated that of the \$8 million in annual town revenues, \$1.5 million would come from real estate taxes, \$500,000 from personal property taxes and the balance from the gaming revenue. During the presentation, Messer also slammed the accuracy of some of Maroon's claims about community problems with slot machines, calling them "scare tactics" that were "disgusting" or "inflammatory."

Messer said Sunday that his position had "evolved" after reviewing project details and seeing opponents become too "emotional," and that voters shouldn't ignore the racino's ability to help build capital improvement projects such as an intermediate school, a public safety building and a recreation center.

"This project could pay for all of those things and more and still lower taxes," Beaudoin said.

"I'm not endorsing the proposal outright," said Messer, who will step down from Town Council next month due to term limits. "There's plenty of reasons if people want to vote no," he acknowledged, while disagreeing with Maroon's statistics about social costs of gaming facilities.

"A racino doesn't bring quality of life, it doesn't bring good-paying jobs ... based on our combined experience, our combined research," countered Maroon.

Even if a slot parlor doesn't drive up the measurable costs of enforcing drunken-driving and petty-crime laws, he added, "There's a big difference between the social costs and the police costs of something."

If Messer and Maroon agree on anything, it might be that preserving harness racing is not one of their goals.

"Is it the town's job to help someone who has a horse racing business?" asked Maroon rhetorically.

"I don't really care about harness racing," said Messer. "I didn't (in 2002), and I don't now."

Messer noted that the Maine State Lottery and bingo are existing forms of gambling, and that because of the racetrack, "Scarborough was the only town in Maine that allowed gambling for a long time."

He emphasized that the racino, even if approved by Scarborough voters, would then have to obtain approval from the governor and the state Legislature. Town councilors would then negotiate a host agreement with the developers before putting that agreement before voters via a second referendum. Messer also stressed that he inserted language into a motion passed by the Town Council earlier this month to ensure a second round of voter approval.

"Under state law, the town can ask for as much as it wants," acknowledged Beaudoin.

But Maroon believes Beaudoin has been inflexible about including slot machines in the development by saying that without the gaming component, no project would get built, a position he likened to drawing a line in the sand.

*Based in Westbrook, Reporter Jonathan Hunt can be reached at 207-854-2577 or by e-mail at [jhunt@keepmecurrent.com](mailto:jhunt@keepmecurrent.com).*

## Letters: Scarborough Downs slots (Oct. 17, 2008)

Posted by Leader Editor at [10/17/2008 12:52 PM](#) and is filed under [Opinion, Letters, Election 2008](#) 

### Urging residents to vote yes on Question 1 Nov. 4

#### Editor:

It has been five years since we had an opportunity to first vote on a racino for Scarborough Downs. At that time I was decidedly against the proposal and was happy to see it go down in defeat. However, things have changed for me and the town during the ensuing years and I find myself compelled to write now in favor of the Scarborough Village proposal. I understand that it is a very emotional issue for both sides of the argument and, as a result, rationality is being lost. I do believe if you carefully weigh the arguments being made it is clear that the overall benefit to Scarborough will be positive.

Opponents of the development claim that it is not economic development. Of all the arguments made this one puzzles me the most. If it isn't economic development then what is it? I believe it isn't the type of economic development they would like. Sure, it would be great if manufacturers were lining up to set up clean, green factories in Scarborough but the truth is they aren't and they won't. Manufacturing in the U.S. and Maine especially has been on the decline for years and there is nothing to indicate this trend is going to change. And Maine isn't likely to see other industries such as insurance and financial companies rush to get in. It is true there are pockets of unique industries in the town and state, the company I work for being one. Most of these businesses are entrepreneurial in nature and only offer modest economic impact for the towns in which they are located. None of them would yield the potential magnitude of growth offered by the Scarborough Village proposal. The truth of the matter is that Maine is primarily a tourist destination and anything that will expand that base and bring more tourist dollars to Scarborough is good for Scarborough.

Another puzzling argument for me is that Penn National Gaming is a large, evil (by some arguments), out of state corporation that will send all of the money earned out of state. This simply is not true. Both Scarborough and Maine would regulate the racino heavily and both would gain significant tax revenue. This tax revenue would help to fund the multitude of projects the town and state must do. Our roads and schools are crumbling and nobody wants to raise taxes to fix the problems. We must look to other sources of revenue. The opponents like to paint Penn National as a huge, greedy corporation. Well, Penn is a large corporation who, like all companies in a capitalistic society, are in the business of making money. So are Bank of America, IBM, and Hewlett-Packard. If one of those companies was looking to set up shop in Scarborough

you would never hear that they were going to send all the profits out of state. If we are to open a racino, Penn is exactly the type of company we would want involved. They know the industry and would work hard to make it a success.

A troubling argument I have heard against the development is that, with the decline in harness racing, we should just let Scarborough Downs die. This saddens me. What were people saying when the shoe and textile industries were dying? No one wanted to see those jobs leave and many families were affected. If we had an opportunity to keep those industries and actually expand them wouldn't we have done it? Scarborough Downs is in that exact situation. Failure to find ways to expand their income will mean the loss of jobs in a multitude of support industries such as food service and farming. By adding a racino they can secure the existing jobs and offer new opportunities to others. This model has worked successfully for race tracks all over the United States and it will work here.

What about the proximity of the track to the schools? Well, I think others have made it clear that gambling exists right in the backyard of our schools in the form of lottery sales at the nearby convenience stores. While I rarely play the lottery, I certainly can't miss the racks of colorful tickets over the counter when I buy a gallon of milk at Cumberland Farms. Kids are far more likely to be passing through there or the Exxon station or the Mobil station than Scarborough Downs.

What about crime? Any major economic development that brings more people into an area will likely bring an increase in crime with it. Does that mean you don't do the development? I don't think so; instead you prepare for it. I believe that many of the opponents to the project are subliminally referring to an increase in organized crime. The facts just don't bear this out. Look at successful models such as Saratoga Springs in New York or Dover Downs in Delaware. These tracks enhance the communities in which they are located.

On Nov. 4 we must decide this issue rationally. When you carefully consider how this project can benefit Scarborough for the long term I think you may change your mind as I have. Please join me in voting yes on local municipal Question 1.

**Peter Vachon**  
**Scarborough**

### **Gambling revenue will benefit town**

#### **Editor:**

Scarborough residents: Have you purchased a lottery ticket? Does your child play hockey? Do you enjoy the Lion's Club dinners? Do you appreciate the fine work of Project G.R.A.C.E.? Have you noticed that those Texas Hold'em's are the best way to generate much needed revenue for a group or organization? This is gambling revenue working to benefit many fine organizations-- in one

way or the other. If people didn't like to gamble, we wouldn't be talking – would we?

So really, who has more business being in the gambling business? The State of Maine – with the Maine State Lottery introduced in 1974? Or Maine's 150-year-old harness racing industry who introduced the first form of legal gambling? Let Maine's harness racing industry grow and compete!

The Downs and the town of Scarborough have hosted gambling longer than any other town around here. They are a part of our community. They support the local community; Giving in many ways. Allowing them to add slot machines will mean that we will finally have a way to afford a community center and new schools without having our taxes go up. And, the project will also bring more business and jobs. This will not take away from the many fine organizations that benefit from gambling money: Scarborough Downs gives generously to these organizations, and has throughout their 58 year history of doing business in this town.

They have a proven track record and they also have a lot more to give the community. We all will benefit. Vote yes on local referendum #1.

**Evelyn Tarbell**  
**Scarborough**

### **Give Scarborough Downs project time to mature**

#### **Editor:**

I'd like to add my voice to those that are in support of the Scarborough Village Project. I am not a gambler. I don't play the lottery. I don't go out of state to the casinos. I don't go to Bangor to play the slots. I don't use the illegal slot machines that are all over Maine. And, I don't bet on the races at Scarborough Downs, which has been going on right here for more than 50 years. The video slot machines as proposed by the Downs appear to be a very small part of a project that can enhance Scarborough's future as a town with lower taxes and great schools.

Our schools need repairs and replacements and from where I sit I do not think the mood in Scarborough will support higher taxes for schools, a new public safety building, or any other building for that matter. There is a fine point not to be missed in this debate. "Gaming taxes" or taxes collected of the income from betting do not affect the school state aid formula and therefore drop right to the bottom line of the Scarborough town budget. If the new gaming facility at Scarborough Village only does \$125 million in annual revenue the town's share would be \$6 million. This is in addition to any real estate taxes generated by the entire project, estimated at about \$2 million. Remember the town's budget is roughly \$50 million.

Here is the only hard choice in the matter: Should we freeze property taxes for several years, reduce property taxes by more than 10 percent, or replace all of the schools that need to be replaced.

I visited Foxwoods once. I did not gamble one penny but I ate in the restaurants and purchased items in the gift shops. I have been to Las Vegas and Atlantic City for conferences. I spent money on hotels, food, and shopping. I am not a gambler. Voting yes is just the beginning step in a very long process. In the end I may not favor the project, but I am cautious about cutting off the process before it really begins. Let us give the project time to mature.

**Annalee Rosenblatt**  
**Scarborough**

### **Perplexed about the situation**

**Editor:**

This is in response to Karen Vachon's letter in the Oct. 3 edition of the *Leader*. She addresses many points that are salient regarding whether or not it is a "good idea" to invite Penn National to join with Scarborough Downs and offer our community a racino. However, I am going to only address one of her last points because I too am perplexed.

Vachon refers to gambling in our state as already present and "...it is consumer response that drives an industry (otherwise know as demand)." Therefore, if there is a consumer demand for something, business has a right to respond to it. Following that line of thinking, there is demand here in Scarborough for underage sale of cigarettes. Ask any teenager in Scarborough High School (I have). It is already present here in our state and has had a long history (since at least the mid-1800s).

Because there is a demand for cigarettes, my friend from Massachusetts wants to meet that demand. It would require no infrastructure output from the town or state, no changes to the zoning, no parking issues, and he would be happy to donate a percentage of his profits to the Scarborough schools so that they could offer more art classes to the students kindergarten through grade 12.

Yikes. I too am perplexed.

**Abi Ordway**  
**Scarborough**

### **We don't want 'adult uses' after racino**

**Editor:**

A town council member said in a recent e-mail to a concerned parent, "I wouldn't lose any sleep over this issue" regarding the potential for strip joints being introduced into Scarborough due to the slots.

Well, first of all, the issue has come up in the past and a moratorium was put in place to work out a solution in 2002. It was recognized that the town's lack

of an ordinance exposed (excuse the expression) it to allowing a strip joint so a well crafted ordinance was established that met the need for providing a limited appropriate location while meeting the state and federal anti-discrimination / free speech laws. That ordinance has held up well for the last seven years.

Now comes Penn National with a plan for a Racino in the "Center of Town." They use Saratoga Springs as the benchmark so of course, I started my exhaustive study of that town. Come to find out, they are being challenged with a business that wants to have a strip club even though they have had an ordinance that has stood the test of time and kept them out of town, just like ours.

What they determined is that they are "exposed" too. But for a new reason; the town has changed much in the last 10 years since the racino, and the racino has created an "Adult Uses Area." The town looks at numerous locations but determines that the "best" site is....the Adult Uses area. Yes, the property near the racino. In the planning board meetings there are many concerned homeowners and parents hoping to make an argument to keep more disruption, insecurity and lost quality of life out of their neighborhood but it is pointed out that this is the most logical location. After all, they say, we already have adult uses there. The good news for them, if you want to call it that, is that the casino is not "The Center of Town." Our racino is the center of town, already being nicknamed "Downtown," not the quaint name I was hoping for.

Now, I have been accused of using fear tactics on this issue. Why? I'm not sure because it appears rather self-evident that there is a link between adult uses and say, adult uses, if you get the point, but here is my logic for any and all to challenge.

Q. Why are Adult Uses an allowed use?

A. Adult Uses are legal businesses in Maine and must be allowed under state and federal anti-discrimination/free speech laws.

Q. Our ordinances seem pretty restrictive; we don't have strip joints now, so why should I care?

A. It was written to be restrictive because we had no similar uses or appropriate locations established that would require fair treatment. We still had to allow them but nothing says we can't tightly regulate where they go.

Q. Where can Adult Uses go and what is an appropriate location?

A. An appropriate place would be in a similar zone to another Adult Use but with reasonable distance standards. This potentially expands the area as opposed to narrowing it. Another Adult Use, at least in NY, has been established to be the Saratoga Springs Racino (not finalized as I write this but was the choice of the board). Now, understand that the Race Track in Saratoga didn't meet the standard of "Adult Use Only" just as The Downs doesn't trip

If there is one thing that has been made certain by the ongoing crisis in the financial and credit markets, it's that any existing development or revenue projections made as part of the "Town Village Center" proposal are a complete fantasy.

Economists are projecting a long and painful economic downturn. How attractive is gambling going to be as an entertainment option to someone who is worried about heating their homes, putting food on the table or keeping their jobs – a situation far too common right now.

Penn Gaming and Gene Beaudoin will tell you that gambling is recession-proof. Don't believe it. According to the Oct. 9 edition of the *Hartford Courant*, Foxwoods just announced the layoff of 700 workers. And last weekend Mohegan Sun abruptly halted construction of its partially completed expansion. Slot machine revenues are down at both casinos.

With empty store fronts in the Cabela's development and a huge inventory of vacant or grossly underutilized commercial property along Route One and Haigis Parkway, we need to ask ourselves how, with a wrecked credit market and much more desirable property available, is Scarborough Village Partners going to raise the massive amounts of capital needed to make their promises a reality?

What does all of this mean? If voters do end up approving the so-called "Town Village Center", there will be scant tax revenues. Farms will not be saved. And there will be no investment in anything but slot machines at Scarborough Downs for a long, long, time – if ever. Don't buy into the fantasy being sold to us by Scarborough Village Partners. The stakes are too high.

**David Nitchman**  
**Scarborough**

### **Flaherty opposes racino in town**

#### **Editor:**

As I campaign door to door in our town, I hear many concerns ranging from energy costs to potholes. But one issue continues to be brought up on porches and sidewalks across our town: a racino in Scarborough.

Most people I speak with have no issue with Scarborough Downs. Harness racing has been an important part of Maine's history as an agricultural state and Scarborough Downs has been a fixture of our community. But what is worrying people is the inclusion of video gambling in the form of slot machines here in our own town. I share their concerns for a number of reasons.

One concern I have is the proximity to our schools; Wentworth, the middle school and the high school are all within blocks of Scarborough Downs. With gambling comes consumption of alcohol, which impairs drivers. Our

our regulations as long as there is no Racino. Throw in the racino to the equation and it strips our ordinance (there I go again).

Q. Might we end up having strip clubs in our town?

A. Saratoga Springs will be allowing these strip joints in their town and likely near the track. They don't appear to believe they have much of a choice. Now remember, they can be well paying jobs! It isn't exactly high tech. but it also isn't laundry service or vacuuming at the new racino or its hotel so it probably pays better than that.

My opinion is that at the very least, we will be in a lawsuit relatively soon after the slots are here and we will have little choice but to allow these joints in picturesque Scarborough. But, according to at least one councilor, "I wouldn't lose any sleep over this issue."

I hope our councilors do lose sleep over it until they can answer that question without the specter of a lawsuit. I believe we would lose. Just another reason to vote no, because nothing is ever free. We all really know it, we just want to believe otherwise. Some call this using fear tactics. I call it thinking.

**Mark Maroon**  
**Scarborough**

### **Slots will not help town economy**

**Editor:**

The notion that Scarborough Village Slots will help the economy of this town is a fallacy. I will admit that I almost fell for lies that Penn National is promising us: monies for a new school, a community center and lowering our taxes. Then I decided to do some research. When I googled the phrase "casino and economic effect" I came up with study after study showing that there are no long-term economic benefits of having a casino in ones backyard. Of particular interest were the reports compiled by the Federal Reserve Bank of Boston: ([www.bos.frb.org/economic/neppc/memos/2006/brome091906.pdf](http://www.bos.frb.org/economic/neppc/memos/2006/brome091906.pdf)), the Federal Reserve Bank of Saint Louis: ([www.stlouisfed.org/news/releases/2003/01\\_02\\_03.html](http://www.stlouisfed.org/news/releases/2003/01_02_03.html)) and the information shared by People Against a Casino Town ([www.pactoregon.org](http://www.pactoregon.org)). In the end, most of the towns that allowed the casinos came to regret their decision after it was too late. We're privileged that the choice is still ours; let's learn from the mistakes of others, recognize the negative impact that the racino will have on our town, and ultimately vote against it.

**Jennifer Labonte**  
**Scarborough**

### **Don't buy into proposed 'fantasy'**

**Editor:**

community uses facilities at our schools throughout the evenings for sports, clubs, and more.

Another concern I have is the type of economic growth we are supporting in town. I am always pleased to see more businesses in town, but I am fearful when very few good paying jobs come with the development. We need to be supporting growth that will be dependent on consumers, not gamblers.

If the referendum does pass, it still must be approved by both the Legislature and the governor. I will continue to oppose the plan in the Legislature to prevent slots from coming to our town. More importantly, I will be a leader on the issues important to our town and not take a back seat on the tough ones.

**Sean Flaherty**  
**Scarborough**

### **Don't 'gamble' with the future**

#### **Editor:**

On Nov. 4, the citizens of Scarborough must declare their positions concerning Scarborough Downs proposal to amend the zoning regulations to allow for slot machines. As a resident of Scarborough and a small business person, I stand firmly opposed to this proposal for several reasons.

Scarborough is a family friendly community. It provides a safe, welcoming environment in which to raise a family and operate a business. In my opinion, the addition of a racino operation and the associated publicity would cloud the town's current status and result in a new perception of Scarborough as an East Coast gambling destination. This new identification may diminish the town's attractiveness both to young families and to businesses valuing family-oriented lifestyles.

While there may be some economic development benefits from a racino, Scarborough with the assistance of SEDCO, has been doing a great job of acquiring new businesses such as Cabelas, Fairchild Semiconductor, Lowes, Prime Motors, and others. Partly due to this success, our tax rate is the lowest among similar area communities. While the Scarborough Downs property is undeveloped, it would seem to me that through the natural course of time that this property will be developed thoughtfully and that we do not need to jeopardize our town's future with a racino. Additionally, national statistics concerning the impact of new gambling facilities on existing local businesses are mixed, suggesting that some businesses may be impacted negatively. This factor in itself would raise a cautionary flag as to the wisdom of developing a racino.

Finally, I am concerned about the potential for an increase in crime. While the crime statistics from the recently opened Hollywood Slots do not seem alarming, Earl Grinols from the University of Illinois, a noted researcher on

gambling related crime nationally, suggests that crime has a lag period of 5 to 7 years. His findings suggest that a rather significant increase in crime, including robberies, larceny, burglary, aggravated assault, and auto theft is experienced within that period in communities developing gambling facilities. While the specific numbers could be debated, to me the trend is impressive and problematic.

I realize that this is a contentious and somewhat ambiguous issue on which neighbors may not agree. I believe, however, that the risk factors inherent in a racino operation far outweigh the potential economic benefits and that the town would be well served not to "gamble" with its future.

**Jim Elkins**  
**Scarborough**



# ***JOIN US!***

**The Scarborough Village Partnership  
Wants to Include You**

**Tuesday, August 19, 5:30 - 7:30 pm**

**Public Information and Input Meeting**

**The Downs Club Restaurant at Scarborough Downs**

**Route 1 or Payne Road, Scarborough**

**Clubhouse Building, 3rd Floor**

*Light refreshments will be served*

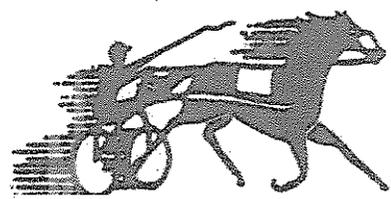
**Resident participation is critical in shaping the Scarborough Village mixed-use plan:**

- ★ See the concepts for the property as outlined recently to the Town Council
- ★ View a slide presentation of other town center developments
- ★ Tell us how you'd like the village center to serve your needs
- ★ Ask about the proposed gaming facility and how it can benefit harness racing and the town

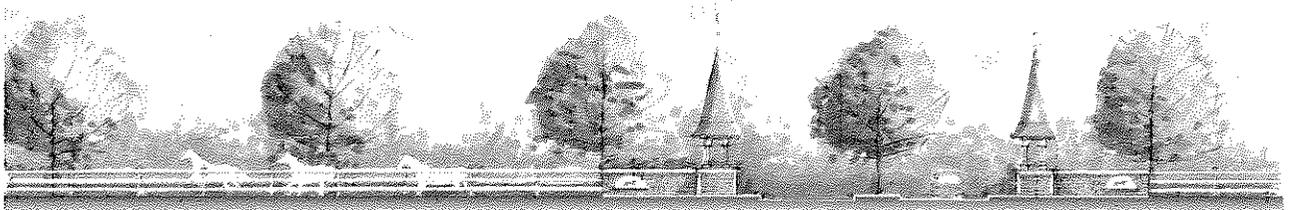
## **Who is participating in the Partnership?**

Scarborough Downs' owner, Sharon Terry, development and land-planning professionals, and, most importantly, any resident willing to express an opinion.

For more information or to join the Public Meeting:  
Email Susan Higgins at [shiggins@scarboroughdowns.com](mailto:shiggins@scarboroughdowns.com)  
Or call the Scarborough Village Partnership office at 510-1911



*Appeared in The Current, Scarborough Leader, and Fox and  
weekly newspapers.*



## “What’s In It For You?”

**The proposed Scarborough Village mixed-use development and gaming facility at Scarborough Downs will contribute over \$13 million in new annual tax revenues for the town of Scarborough.**

This money may be used by the town to fund important capital improvement projects such as:

- *New Police and Fire Department*
- *Wentworth Intermediate School replacement*
- *Community Center*

The plan will also help Scarborough deliver on the promise of the Comprehensive Plan for balanced growth.

**What would you like to see included on the Scarborough Village mixed-use plan?**

**Join us at our next public input meeting on September 17 at Town Hall Chamber Room from 5:00-6:45 p.m.**

**Scarborough Village Partnership  
7 Plaza Drive Scarborough  
For more information call: 510-1911**



*Ad appeared in The Current, Scarborough Leader, and The Forecaster Weekly newspapers.*

## MINUTES

### SCARBOROUGH TOWN COUNCIL

WEDNESDAY – SEPTEMBER 17, 2008

### REGULAR MEETING – 7:30 P.M.

**Item 1. Call to Order.** Chairman Messer called the regular meeting of the Scarborough Town

Council to order at 7:31 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Yolande P. Justice, Town Clerk. Ronald W. Owens,

Town Manager, was also present.

Ronald D. Ahlquist, Vice Chair Michael J. Wood

Carol S. Rancourt Judith L. Roy

Richard J. Sullivan, Jr. Sylvia J. Most

Jeffrey A. Messer, Chair

**Item 4. Minutes: September 3, 2008 – Special Meeting and September 3, 2008 - Regular**

**Meeting.** Motion by Chairman Messer, seconded by Councillor Rancourt, to move approval of the September 3, 2008, special meeting of the Scarborough Town Council, as written.

Vote: 7 yeas.

Motion by Chairman Messer, seconded by Councillor Most, to move approval of the September 3, 2008, regular meeting of the Scarborough Town Council, as written.

Vote: 7 yeas.

**Item 5. Items to be signed: a. Treasurer's Warrants.** Treasurer's warrants were signed during the meeting. Chairman Messer asked the Council if they would object to take Resolution 08-14 prior to the public hearings. With no objection from the Council, Councillor Roy to read Resolution 08-14 into the record, as follows:

**Resolution 08-14. Recognition of the Girls Little League Championship win.** Motion by Councillor Roy, seconded by Chairman Messer, to move approval of Resolution 08-14, in recognition of the Girls Little League Softball All Star Team.

### RESOLUTION 08-14

#### Scarborough Girls 11-12 Little League Softball All Star Team

**BE IT RESOLVED** by the Council of the Town of Scarborough, Maine, in Town Council assembled that,

**WHEREAS**, the Scarborough Girls Little League Softball All Star Team did invest many hours of training in preparation for the 2008 District 6 Little League Championship; and,

**WHEREAS**, the Scarborough Girls Little League Softball All Star Team did compete and win the 2008 District 6 Little League Championships; and,

**WHEREAS**, the Scarborough Girls Little League Softball All Star Team did invest many hours of training in preparation for the 2008 State of Maine Little League Championship; and,

**WHEREAS**, the Scarborough Girls Little League Softball All Star Team did compete and win the 2008 State of Maine Little League Championship; and,

**WHEREAS**, the Scarborough Girls Little League Softball All Star Team did invest many hours of training in preparation for the 2008 New England Little League Championship; and,

Carol S. Rancourt Judith L. Roy  
Richard J. Sullivan, Jr. [Absent] Sylvia J. Most  
Jeffrey A. Messer, Chair

**Order No. 08-125, 7:30 p.m. Public Hearing on a referendum question, submitted by petition, to amend the Scarborough Zoning Ordinance, Section XIX, Subsection B and D.** Prior to re-opening the public hearing Chairman Messer gave a brief overview on the process that had been followed and what the process would be from this point forward. Chairman Messer then re-opened the public hearing at 7:05 p.m.

The following individuals spoke on this order: Joe Arnold of 113 Payne Road; Tom Sesto of 177 Spurwink Road; Gene Beaudoin the Developer; Dwayne Hopkins of 145 Old Blue Point Road; Jen Mains a resident and teacher from Westbrook; Bob Nadeau of 19 Evergreen Farms Road; Susan Higgins of 56 Baywood Lane, Yarmouth and an employee of Scarborough Downs; Ernest Lowell of Scarborough; Karen Vachon of 25 Ocean Avenue; Jim Shark of 90 High Point Road; Mark Follansbee of 33 Arbor View Lane; Rick Loisel of 7 Sextant Lane; Nancy Jones of 126 Broadturn Road; Leroy Crockett of 127 Sawyer Road; Bob Dyer of 11 Libby Street; Judy Lim of 34 Fengler Road; David Nitchen of 6 Hidden Creek Drive; David Darling a Scarborough property owner; Peter Vachon of 25 Ocean Avenue; John Zink of 10 Hidden Creek Drive; Phil Rowe of 8 Carriage Way; Ed MacColl 78 Well Road, Cape Elizabeth and attorney for the project as well as Sue Foley-Ferguson of 331 Black Point Road. There being no further comments, Chairman Messer closed the hearing at 8:31 p.m.

**OLD BUSINESS:**

**Order No. 08-128. Act on the request to set the date, time, and location of the Special Municipal Referendum Election for Tuesday, November 4, 2008, on the proposed referendum question, attached to this order as Exhibit A and the polling place shall be Scarborough High School Plummer's Gym and the polling hours shall be from 6:00 a.m. to 8:00 p.m.** Motion by Chairman Messer, seconded by Councillor Ahlquist, to move approval to set Tuesday, November 4, 2008, as the date for a special municipal election on the proposed referendum question to amend the Scarborough Zoning Ordinance, Section XIX, subsections B and D, as examined and corrected by the Town Attorney, the polling place to be High School – Plummer's Gymnasium and the polling hours shall be from 6:00 a.m. to 8:00 p.m., with the understanding that the Council considers this referendum to affect the Scarborough Zoning Ordinance only and that any specific proposal for slot machines would require an additional, separate Town referendum vote in accordance with State law, and with the further understanding that the Council opposes any changes to State law which would allow slot machines to be operated within Scarborough without an additional, separate Town referendum vote.

**Exhibit A**

**Referendum Question:**

Shall the Ordinance entitled "Amendments to Section XIX (Regional Business District B-2) of the Scarborough Zoning Ordinance Allowing Operation of Slot Machines at Commercial Racetracks pursuant to an Agreement with the Town Council Concerning Security and Revenue Sharing and Adoption of Town and Village Centers (TVC) Standards in Certain Sections of the B-2 Zone" be approved?

The full text of the proposed ordinance appears below:

AMENDMENTS TO SECTION XIX (REGIONAL BUSINESS DISTRICT B-2)  
OF THE SCARBOROUGH ZONING ORDINANCE  
ALLOWING OPERATION OF SLOT MACHINES AT COMMERCIAL RACETRACKS  
PURSUANT TO AN AGREEMENT WITH THE TOWN COUNCIL CONCERNING  
SECURITY AND REVENUE SHARING AND ADOPTION OF TOWN AND VILLAGE  
CENTERS (TVC) STANDARDS IN CERTAIN SECTIONS OF THE B-2 ZONE

proponent. Chairman Messer opened the public hearing. The following individuals spoke on this

Order: Mark Maroon of Evergreen Farm Road spoke in opposition of this proposed referendum; Martin Tripp of 26 Ocean Wood Drive spoke in favor of this referendum; Karen D'Andrea of 40 County Road spoke in opposition of this referendum; Jen Mains resident of Westbrook, but a member of a Scarborough Church spoke in opposition; Harvey Rosenfeld, President of SEDCO, spoke in opposition of this proposal; Brian Freccero of 3 Meeting House Road noted that he supports the process and let the voters vote in November; Gary O'Donnell of 19 Pine Ledge Drive does not support this recommendation; Jim Damicis of 11 Hampton Circle opposes the zone change but not the vote; Robert Dyer of 11 Libby Street supports the proposal; Sara Nehila of 97 Holmes Road supports the proposal and invited the Council to open Farm Day on October 19<sup>th</sup> from noon to 4:00 p.m.; Tom Beals of 4 Juneberry Lane spoke in opposition to this proposal; Bob Tourangeau of 1 Burnham Woods Circle spoke in favor of this referendum; Abbie Ordway of 11 Burnham Woods Circle spoke in opposition; Rick Loisel of 7 Sextant Lane spoke in opposition; Art Dillion of 180 Black Point Road spoke in opposition; Gene Beaudoin – developer of certain areas of the Haigis Parkway and of this proposal, spoke on the opportunity that this proposal would bring; David Benaman of 105 Spurwink Road spoke in opposition; Harry White of 135 Running Hill Road spoke in opposition and Fred Kilfoil resident of Portland spoke in opposition of this item.

A five-minute recess was called by the Council Chair. Chairman Messer reconvened the meeting at 9:12 p.m.

**OLD BUSINESS:**

**Order No. 08-94. Second reading on the proposed amendments to Chapter 405, the Zoning**

**Ordinance to establish a Running Hill Mixed Use District (RH).** Dan Bacon, Town Planner,

gave a brief overview on this Order as well as the on Order No. 08-95. The following individuals

spoke on this Order: Harry White of 135 Running Hill Road indicated that he could not locate the

changed documents on the website and could not address the changes and Frank Smart of 25 New

Road voiced concerned regarding the traffic issue.

## MINUTES

### SCARBOROUGH TOWN COUNCIL

WEDNESDAY – SEPTEMBER 24, 2008

SPECIAL MEETING – 7:00 P.M.

**Item 1. Call to Order.** Chairman Messer called the special meeting of the Scarborough Town Council to order at 7:00 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Yolande P. Justice, Town Clerk. Brian A. Smith, Acting Town Manager, was also present.

Ronald D. Ahlquist, Vice Chair Michael J. Wood

Be it hereby enacted by the voters of the Town of Scarborough pursuant to Section 903 of the Council-Manager Charter of the Town of Scarborough that the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Section XIX(B)(3) (concerning permitted uses in the Regional Business District B-2) is amended by adding the underscored language as shown below:

Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting, except that operation of slot machines at a commercial racetrack is permitted provided such operation conforms to Maine law and is conducted pursuant to an agreement with the Scarborough Town Council that provides a security plan for the premises on which the slot machines are located and assures that the town will receive at least eight million dollars of new annual real estate, personal property and gaming tax revenues.

Section XIX(B) is further amended by adding the following new permitted uses:

15. Any use listed as a permitted use in the Town and Village Centers District (TVC), provided such use is located in the "Crossroads Mixed Use Development District" as described in Chapter 6 (Future Land Use Plan) of the Town of Scarborough Comprehensive Plan.
16. Senior housing.
17. Cross-country ski areas.

Section XIX(D) (Space and Bulk Regulations in the B-2 District) is amended by adding the new introductory paragraph shown below: Buildings located in those portions of the B-2 District identified as the "Crossroads Mixed Use Development District" as described in Chapter 6 (Future Land Use Plan) of the Town of Scarborough Comprehensive Plan and containing only uses listed as permitted uses in the Town and Village Centers District (TVC) may comply with the space and bulk requirements for the Town and Village Centers District. All other buildings, structures and uses shall comply with the following space and bulk requirements:

Vote: 5 yeas. 1 nay (Councillor Rancourt)

**Item 4. Adjournment.** Motion by Chairman Messer, seconded by Councillor Wood, to move approval to adjourn the special meeting of the Scarborough Town Council.

Vote: 6 yeas.

Meeting adjourned at 8:48 p.m.

Respectfully submitted,

Yolande P. Justice

Town Clerk

TOWN OF SCARBOROUGH

Office of the Town Clerk  
P.O. Box 360  
Scarborough, ME 04070-0360  
207.730.4020  
Fax: 207.730.4033

October 17, 2008

Scarborough Village Partnership  
ATTN: Mr. Gene Beaudoin, Principal Officer  
7 Plaza Drive  
P.O. Box 367  
Scarborough, ME 04070-0367

Dear Mr. Beaudoin:

Enclosed you will find the 11-Day Pre-General Reporting Form that is due on Friday, October 24, 2008. Pursuant to State Law a Political Action Committee must register with the Municipal Clerk's Office, on local initiates, within 7 days of accepting contributions, incurring obligations or makes expenditures in the aggregate in excess of \$1,500. Therefore, with this being your first report with the Clerk's Office you are required to go back to the beginning of the campaign and cover everything that brought you up to the \$1,500 to the present date.

Also, enclosed is a copy of Chapter 13, from Title 21-A of the Maine Revised Statutes. Please review and note subsection 1014 regarding publications and distribution of political communications. Certain items must clearly and conspicuously state that the publication and communication have been so authorized and state the name and address of who is financing these items. Campaign signs are just one of these items that must be clearly marked.

Non-compliance of Title 21-A, Chapter 13, could result in fines and penalties. Should you have any questions, please feel free to contact me at 730-4020.

Sincerely,

  
Yolande P. Justice, CMC  
Town Clerk

Enclosures

pc: Kathryn Rolston, Treasurer [without enclosures]  
Jeremy Brown - PAC, Party and Lobbyist Registrar  
Commission on Governmental Ethics  
and Election Practices [without enclosures]

*Town of Scarborough, Maine*

US ROUTE ONE, PO BOX 360  
SCARBOROUGH, MAINE • 04070-0360

January 20, 2009

Mr. Jonathan Wayne  
Executive Director  
Maine Ethics Commission  
135 State House State  
Augusta, Maine 04333-0135

**RE: Scarborough Village Partnership PACS [the Group]**

Dear Mr. Wayne:

Contained in this letter is my recollection [to the best of my knowledge] the events that transpired with regards to the Scarborough Village Partnership PACS.

In late July of 2008, the Town Manager [Ron Owens] mentioned that we could possibly have a petition coming forward with regards to the Downs property and asked me a few questions as to what the process would be for the question to be placed on the ballot in November.

In August of 2008, the Clerk's Office was made aware that there would be a petition circulated by Scarborough Downs requesting a zone change to allow slot machines at commercial racetracks. It was my understanding that the Town Manager and Council or Council member, were having discussions with representatives of Scarborough Downs regarding this item. The Town Manager and Town Attorney, along with the Town Planner, worked with the Group with regards to the proposed wording that would appear on the ballot. During my conversation with the Town Manager about the petition deadline, I had indicated that the Group should file a PACS with the Clerk's Office.

I believe it was in mid-August when Ms. Rolston came into the Clerk's Office with a copy of the petition that would be circulated for signatures and asked if petitioners would be allowed to collect signatures out in front of Town Hall. I took this opportunity to mention that Scarborough Village Partnership should file a PACS with the Clerk's Office. I was told that their attorney had indicated that they did not need to file a PACS at this time.

On September 3, 2008, a representative from Scarborough Downs submitted petitions for verification to have an item placed on a ballot to go to the voters of the Town of Scarborough in November. A copy of the petition was sent to the Town's Attorney for review and the Clerk's Office verified the appropriate number of signatures required.

On September 17, 2008, the Town Council held a public hearing, which is required by the Town Charter with regards to the petition process, and on September 24, 2008, in a special meeting, the Council voted to set the date and time for a special election regarding the item on the petition that had been submitted by the Group.

On September 26, 2008, after not receiving a PACS Registration from the Group, I contacted Jeremy Brown at the Ethics Commission to double check on whether Scarborough Village Partnership did indeed need to file. That same day Steve Westra of Scarborough Village Partnership came into the office to ask an unrelated question. I took the opportunity to ask Mr. Westra if he worked with Ms. Rolston, to which he responded yes. I then mentioned that I had been waiting for Ms. Rolston to file the PACS Registration Form with the Clerk's Office and that I had just doubled checked with the Ethics Commission to confirm that the Partnership did indeed need to file. That same afternoon Ms. Rolston came into the office at 2:45 p.m. with the PACS Registration Form to file with the Clerk's Office that she had received several weeks earlier.

On September 26<sup>th</sup>, at the time of filing their PACS Registration Form, Ms. Rolston asked the question as to when the Group would submit their first report. At the time, I had indicated the first report would be due on October 24<sup>th</sup>.

On October 15<sup>th</sup> I received a call from Ms. Rolston asking the same question about when the first report was due as she had read an article indicating that their Group should be reviewed by the Ethics Commission for not filing a report that had been due on October 10<sup>th</sup>. In response to her concerns I indicated that I would double check with the Ethics Commission on this. I did, and was told that as a general rule, if someone registers within in a couple of days of a cut off, they can file their first report at the end of the first full reporting period. Therefore, with this being the first report with the Clerk's Office, the Group would be required to go back to the beginning of the campaign and cover everything that brought them up to the \$1,500 to the present date.

On October 24, 2008, the 11-Day Report was filed and on October 28, 2008, I sent an email to Ms. Rolston [with a cc to the Ethics Commission] noting that Schedule C – In Kind Contributions/Expenditures needed to be amended so that the Contributors name, address, zip code is the one who made the contribution for the expenditures: ie Contributors info of Penn National and the services/expense - would be the consultant or campaign marketing information, etc.

On October 30, 2008, Ms. Rolston submitted an amendment to Schedule F from the 11-Day Report; however, did not submit the amendment on Schedule C, as had been requested. On October 30<sup>th</sup> I sent another request via email to Ms. Rolston requesting that the amendment to Schedule C be submitted to the Clerk's Office by close of that business day. The Clerk's Office did not receive the amendment on Schedule C until December 16, 2008, when the Group filed their 42-Day Report.

Also, in closing, I would note that this is not the first time Scarborough Downs has brought a Citizens Initiative forward. In 2003, petitions were submitted for a referendum to go out to the voters and at the time they filed a PACS Registration.

I am available for any questions or concerns that the Commission has.

Sincerely,

Yolande P. Justice, CMC  
Town Clerk