

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: March 19, 2009
Re: Request to Consider Reporting by Casinos NO!

On March 16, 2009, Kathryn Rolston of the Scarborough Village Partnership PAC submitted an e-mail to the Commission raising the issue of whether the Casinos NO! PAC had complied with the campaign finance reporting requirements. Specifically, she alleges that Casinos NO! had not specifically reported amounts it spent to oppose the November 4, 2008 municipal referendum in Scarborough to permit slot machines at the harness racing track. This memo presents some *preliminary* thoughts by the Commission staff on the issues raised by Ms. Rolston.

Casinos NO! is a PAC formed in 2002 that has consistently opposed statewide and municipal ballot questions in Maine that would permit casino-style gambling. For the November 4, 2008 election, it opposed both the statewide Oxford County casino citizen initiative and the municipal referendum in Scarborough.

In addition, a local group in Scarborough formed to oppose the Scarborough municipal referendum under the name of Save Our Scarborough PAC. Its treasurer was Mark Maroon. That PAC was not nearly as well-financed as Casinos NO! Because Save Our

Scarborough was primarily formed to oppose a municipal referendum, it filed its campaign finance reports on paper forms with the Scarborough Town Clerk.

In her e-mail, Kathryn Rolston cites three communications to Scarborough voters that contained the disclosure statement "Paid for by Save our Scarborough." These include a full-page ad in the October 31, 2008 edition of the *Scarborough Leader*, a half-page ad in the October 31, 2008 *Forecaster* newspaper, and a direct mail piece sent to Scarborough voters in the last week of October. In her e-mail, she outlines

what ... appear to me to have been misrepresentations by Mr. Bailey and Casinos No perhaps designed to make his high-priced, corporate-sponsored opposition to our effort appear instead to be the work of "local," "grass-roots" opponents concerned for the future of Scarborough.

Limited Response Time by Casinos NO!

On Monday, March 16th, I forwarded Ms. Rolston's e-mails to Dennis Bailey, the executive director of Casinos NO! I followed up with a written letter on Tuesday, March 17th notifying him of my interest in scheduling this for your March 26th meeting to hasten a resolution of these issues, and I sent him an e-mail requesting that Casinos NO! amend its reports to identify specific amounts spent to oppose the Scarborough ballot question. I received the attached e-mail from Mr. Bailey stating the PAC's intention to amend its reports. I have not received a further response from Mr. Bailey in time for inclusion in your packet. By telephone earlier today, he authorized me to schedule this matter as a separate agenda item for your March 26th meeting.

**Allegation of Failure to Specifically Report Expenditures to Oppose Scarborough
Ballot Question**

Under 21-A MRSA § 1060(4), PACs are required to contain in their campaign finance reports “[a]n itemization of each expenditure made ... to support or oppose a referendum or initiated petition, including ... each referendum or initiated petition support or opposed by the expenditure.” Casinos NO! filed all of its 2008 campaign finance reports on time. Its reports filed in October and December 2008 list dozens of expenditures for a wide variety of services, presumably to influence the two November 4, 2008 ballot questions. Among the expenditures were payments to various kinds of consultants (including for television advertising) and payments to some media organizations such as the *Forecaster* newspaper.

The campaign finance reports do not specify which expenditures were made in opposition to the Scarborough municipal referendum and which opposed the Oxford County casino initiative. In the opinion of the Commission staff, it is premature to conclude that this was a deliberate attempt by Casinos NO! to hide its spending against the Scarborough referendum. Unfortunately, the data entry form on the Commission e-filing site used by PACs to report their expenditures is not as well-designed as it should be, and we believe this design flaw has hampered PACs’ understanding of what information must be reported. (The Commission staff is contracting with its technology vendor to make 10 improvements to its e-filing website, including improving the way PACs enter their campaign finance information.)

Before your March 26th meeting, we will continue to encourage more specific reporting by Casinos NO! and will evaluate the adequacy of the PAC's originally filed reports.

Allegation of Misleading Disclosure Statements in Communications to Voters

The newspaper advertisements in the *Forecaster* and *Scarborough Leader* and direct mail piece stated that they were "Paid for by Save Our Scarborough," when apparently they were financed by Casinos NO! Communications to voters regarding ballot questions are not required by Maine Election Law to contain any "paid for" disclosure statements. Disclosure statements on campaign communications to influence ballot questions formerly were required by statute, but they were found to be unconstitutional by the U.S. District Court for Maine.

Therefore, while Ms. Rolston and others may have found the advertisements and mail piece contained misleading information about the funding for the communications, I cannot see that the Commission is authorized to take any action on the content of those campaign communications. (In contrast, intentionally misleading disclosure statements in campaign literature to influence *candidate* elections can be punished with a civil penalty of up to \$5,000.) Mr. Bailey's initial e-mail of March 17 did not comment on the disclosure statement issue, and perhaps he can shed light on the matter at the March 26th meeting.

Thank you for your consideration of these preliminary thoughts.

Phillips, Cyndi

From: krolstonpr@yahoo.com
Sent: Monday, March 16, 2009 2:59 PM
To: Wayne, Jonathan
Cc: Edward MacColl
Subject: [SpamFilter_ADV?] Response to Dennis Bailey/Casinos No submission
Attachments: Direct mail piece side 1.jpg; Direct mail piece side 2.jpg; Full page ad Scarborough Leader 10_31_08 top half.jpg; Full page ad Scarborough Leader 10_31_08 bottom half.jpg; Half page ad Forecaster 10_31_08.jpg

Dear Mr. Wayne,

I would like to respond to your email of March 5, 2009, and the comments submitted by Dennis Bailey.

This has been quite a long process for me, beginning with your letter of November 26, 2008 regarding possible procedural violations by Scarborough Village Partnership. As its self-appointed treasurer, I took and take these allegations very seriously.

It is my inclination to take the high road in all of my business and public affairs: to speak the truth, consider the facts, take responsibility, and accept fault where fault is mine.

I came to the committee hearing on January 29, 2009 ready to answer all questions to the best of my ability and to apologize for our Committee's failure to register in a timely manner, a fact I now understand and agree should have been accomplished in August.

It was never my intention to be dishonest or hide any aspect of the campaign, its backers, or our expenditures, nor did I ever do so.

I have spent nearly 20 years in the town of Scarborough, have relationships with its organizations and citizens, and have a deep respect for the harness racing industry. I have worked with representatives of Penn National Gaming at different times since 2003. They are honorable people and never have they asked me to engage in any style of deceit.

After becoming involved in the Scarborough Village Partnership, I did my best to educate myself as to the requirements of reporting its activities and I followed the advice and direction on filing subsequent PAC reports that I received from town and ethics commission officials.

Seeing one's name in newspaper articles alleging ethical improprieties is an experience I hope never to repeat. I had hoped that after the January committee hearing I would be able to put this matter behind me, and that I could begin to rebuild my professional reputation. I understand that the committee wishes to look closely at allegations and relevant information, and I appreciate the opportunity to respond.

I sense however, that Mr. Bailey is determined to pursue this issue with a personal agenda. Ironically, I believe Mr. Bailey erroneously accuses me and Scarborough Village Partnership of precisely the type of misleading and manipulative "disclosure" that he and Casinos No practiced during their campaign to defeat Maine harness racing and the Scarborough racino. During the campaign last fall, Mr. Bailey's reporting and his advertisements seemed questionable to me and others, but I did not feel it would benefit our campaign or the cause of our industry to make issue of it. Nevertheless I outline below what appeared and appear to me to have been misrepresentations by Mr. Bailey and Casinos No perhaps designed to make his high-priced, corporate-sponsored opposition to our effort appear instead to be the work of "local," "grass-roots" opponents concerned for the future of Scarborough.

At least theoretically these apparent inaccuracies could have been only inadvertent. If Mr. Bailey simply made mistakes, I hope he will pause and consider that sometimes hurling stones at other professionals is only hurtful.

Attached are scans of full-page and half-page color ads that appeared in the Scarborough Leader and Forecaster on

3/17/2009

October 31, 2008, and an 8.5 x 11-inch color, direct mail piece that was mailed to Scarborough residents in the last week of October. All these political materials are stamped as "Paid for by Save Our Scarborough," a local group that opposed the Scarborough racino, but which apparently never raised (or at least never reported) significant funding.

The half-page ad and the direct mail are replicas of a television spot that Casinos No ran in October, also attached, the content of which promises Scarborough residents unending traffic congestion, hundreds of acres of destroyed wetlands and questionable business practices if voters approve a "casino" in Scarborough.

From my experience with the local Scarborough newspapers and direct mail distributor, the half-page ad cost about \$500, the full page ad about \$1000, and the design, printing, and postage of the mailing piece cost approximately \$6,000. As these were political in nature, payment would have been expected with order.

I obtained copies of all the Save Our Scarborough PAC reports filed with the Scarborough clerk's office, and I include them as an attachment. In these reports, there seems to be no disclosure of the above expenditures. The Save Our Scarborough PAC report dated 10/23/08 indicates \$900 in cash donations on Schedule A, Cash Contributions Received. The report also includes a hand-written page outlining "In-Kind Donations." I include below a list of potentially relevant disclosures:

In-kind contributions: _____ Donated by: _____ Approximate dollar value: _____

Ads for TV and radio? (sic) Benefits us but not for us Reported by Casinos No

Field Organizer Casinos No 4 visits + time + mat Not yet billed Time donated

The 12/16/08 Save Our Scarborough PAC reports, which was submitted with the PAC's activity termination report, lists a \$8925 contribution of Joanne D'Archangelo for "organizational meeting Sept. 25, volunteer recruitment phone banks 10/4-7-14-22-28-29 coordination 9/25-11/4" in its Schedule C, In-kind contributions.

On the same report's Schedule B, contributions and expenditures, a notation under *Payee Name* lists "1/2 share of advertising in Current Publishing" in the amount of \$562.60. This amount is also indicated on Schedule B-1, operating expenses, but only as a total at the bottom of the page. The rest of Schedule B-1 is blank.

The beginning cash balance on Schedule F, summary section, is \$900.00, with \$150.00 in receipts for the period and \$427.80 total funds at the close of the reporting period and termination of the Save Our Scarborough PAC's activities.

So far as I can determine, no one ever reported payment of the other "half share" of "Current Publishing", and in fact no ad from Save Our Scarborough appeared during the campaign in *The Current*, a weekly newspaper serving the Scarborough area; and I can find no evidence that Save Our Scarborough reported the expenditure for the "There Goes the Neighborhood" direct mailer, Scarborough Leader full-page ad or Forecaster half-page ad.

It seems that Mr. Bailey and Casinos No paid for the mailer, and that they wanted residents to believe that it had instead been funded by the local group. There also appears to be no disclosure of monies received or payment made for print advertising for a full-page ad in *The Scarborough Leader*, although there is a notation in the Casinos No 12/16/08 PAC report on Schedule B-1, Operating Expenses, of \$480 paid to *The Forecaster* newspaper on 11/10/08. In all, I suspect that at least \$7,500 in expenditures that came from Mr. Bailey and his big corporate backers were made to appear to instead come from a group of concerned local citizens. This appears to be a violation of Title 21-A M.R.S.A., subsection 1060, Content of Reports, paragraphs 2, 3 and 4.

I have not found any Casinos No PAC registration disclosing its support of the Save Our Scarborough PAC. Title 21-A M.R.S.A. section 1053, paragraph 3 states that a PAC must inform the commission within 10 days of a change of statement of support or opposition via an amended registration form. I am unaware of an amended registration. Casinos No purchased a \$15,000 television schedule on the Time/Warner Cable system to run their specific Scarborough "casino" message. So far as I can determine, the cost associated with this schedule is not disclosed in any Casinos No PAC report.

3/17/2009

I would like to respond to some of Mr. Bailey's submissions in his email to you of March 3, 2009. The passages below in bold italics are quotes from that submission.

And there was no mention anywhere that Penn National Gaming, the third largest publicly traded casino corporation in the country, was the sole financial backer of the campaign.

Mr. Bailey is simply mistaken. Our PAC registration and reports clearly disclose Penn National as the primary contributor.

It's also significant to note that when CasinosNO! issued a news release on Oct. 24th (enclosed) revealing for the first time that Penn was behind the campaign..

Again, Mr. Bailey is simply mistaken. The PAC registration, filed in September and all subsequent reports disclosed Penn National's involvement. Similarly, at the September 17 and 24 town council meeting regarding the slot zoning issue, Penn National's involvement was a topic of significant public comment. On October 14 Town Council Chairman Jeffrey Messer gave a 30-minute televised presentation on the pros and cons of the Scarborough Village proposal, including Penn National's role, and newspaper articles and letters to the editor were published prior to October 24 discussing the role of Penn National in the Scarborough racino campaign.

The bottom line is that voters in Scarborough were largely unaware until the very final weeks of the campaign that the campaign for a "Scarborough Village" was being entirely funded by a large out-of-state casino corporation... Their ads said "Paid for by Scarborough Village Partners.." But in this case, voters had no way of knowing the true entity behind Scarborough Village Partners.

I believe the shoe is precisely on the other foot. It is my belief that the Scarborough voters were unaware that the ads and mailing piece that were labeled as paid for by the local PAC were actually designed and paid for by a large, influential corporately funded statewide professional organization whose director derives his living fashioning anti-gaming campaigns primarily with funding from one very wealthy Maine family and corporation.

Mr. Bailey presents Casinos No as a "grassroots" organization, which is defined as of, pertaining to, or involving the common people, especially as contrasted with or separable from an elite. Yet its PAC reports reveal that of the \$578,000 cash contributions raised from April through November, less than 15% of these donations are from citizens and "grass-roots" origins. Eighty-five percent, or \$493,000, came from multi-million dollar Maine, out-of-state and global corporations. Of this amount, \$398,000 came from the LL Bean conglomerate, which earns over one billion dollars in annual sales in 150 different countries. The major backer of Casinos No operation, its "true identity," is not disclosed in any of the organization's anti-casino advertisements.

Penn National's support of the effort to create a racino was always understood and disclosed over the course of the campaign. In fact, Penn National's role was overstated by our opponents. As Mr. MacColl has explained, Penn was obligated by contract to fund the effort, but it would not have had any contractual right to operate or to otherwise benefit from the gaming facility if we had succeeded. The suggestion, in any event, that Penn's involvement was a secret that Mr. Bailey "revealed" is Mr. Bailey's own fantasy.

What's the point of campaign finance disclosure laws if voters are deprived of knowing who is really backing these campaigns until the final days of the campaign?

Campaign finance disclosure law requires reporting of activity during specific reporting periods. Casinos No 42-day Post - General report, filed on 12/16/08, discloses the source of nearly 40% of its total cash contributions, 90% of which is corporate money. On the other hand, our reporting was intended to be and I believe was accurate. And we disclosed from the outset that our funding came from Penn.

I would also urge you to look carefully at how much SVP paid for its signature gatherers..

Maine once had a law that made it illegal to pay circulators based on how many signatures they collected. In 1999 in the case *On Our Terms '97 PAC v. Secretary of State of Maine*, a federal judge ruled that this law was unconstitutional. Hence, there is nothing wrong with paying signature gatherers; and every dime spent was reported.

In summary, Mr. Wayne, I would like to say that I worked very hard on the Scarborough racino campaign and for the harness racing industry, which in my mind this issue was all about. It was a multi-faceted proposal, designed to appeal to the voters on many levels, and we strove to present it factually and maintain integrity and openness through our ads and public discourse. There is no part of the campaign that I would have presented differently even now, although I do wish that we had been better organized and more effective earlier. We had late support of the chairman of the town council, who was intimately attuned to all the facts and the entities involved, as well as other council members, town leaders, business owners, and many, many Scarborough residents. These people lent their names, likenesses and their own words to promote the aspects of the campaign that they believed in, whether it was for future lower taxes, support for the Maine harness racing industry, new town facilities, job creation, or tax revenue for the town. I'm proud of the campaign we ran.

I am not an expert in running a political action committee, and I do not hold myself out as such. The Scarborough Village Partnership PAC reports I prepared and filed with town officials were complete, honest and to the best of my ability, and Penn National's involvement was a disclosed and publically known fact.

Perhaps Mr. Bailey feels his organization's reports were also complete and accurate; perhaps he feels the information for which I searched in vein was correctly disclosed. I hope you or I will get a chance to ask him about these apparent discrepancies.

Thank you for this opportunity to respond to Mr. Bailey's mistaken and unfortunate attacks on me and the PAC I served.

Kathryn Rolston

Jonathan - I will send the PAC reports and TV ad attachments in a separate email as the files are too large to include here.

THERE GOES THE NEIGHBORHOOD



DETAILS
SCARBOROUGH
SPORTS
DECEPTIVE ZONING
1950

YES! WILL TRASH SCARBOROUGH

FACT: Local Referendum 1 is a deceptive plan to change our zoning laws to build a corporation that wants to dump a massive 500-acre development, casino and slot machine parlor onto Scarborough that would trash our town's character and special quality of life. Please vote "No" on Local Referendum 1.

endangers 100's of acres of wildlife habitat
creates massive traffic and sprawl
too risky for local taxpayers



PROTECT OUR TOWN • VOTE NO ON 1

Paid for by Save Our Scarborough
360 Route One, Suite 300
Scarborough, ME 04074
Treasurer: Mark Maroon

Mark Maroon
Treasurer



PRESORTED
FIRST CLASS
US POSTAGE
PAID
PERMIT #89
PORTLAND, ME

Vote NO on

Scarborough Slots

*Please join us in voting "No" to protect
the character and quality of life in our town!*

Roger and Frances Jane Adlor
C.D. & Belis Armstrong
Dave & Cheryl Aronowich
Susan & Michael Argis
Paul W. Austin & Susan DeWitt Wilder
Sharon Perkins

Cathy R. Deak
Roger Dalton
Thomas & Joy Drew
Anne Dunne
Ken & Judy Endean

Jim & Debbie Hoyle
Pastor Dwayne Hopkins
David & Eliza Bird Inge
Kendra Haskell
Frank & Penn Hoskin

Dave Paul
Neal & Larissa Prall
Colleen & Thomas Quararuo
Carol S. Rancourt
Phillip Rowe

Rose Lee Blom	Sam Parkes	Annika Korte	Jim Stark
Carolyn Broelsky	Mark & Sherita Polansky	Normand & Lorraine Ladipacche	Beth Stark
Rebecca Booth & Matt Howe	Kelly Foley	Will Leatley	Laurine Swaney
David & Linda Brookes	Suzanne Foley-Ferguson	Franklin P. Liberty	William Sweet
Alan Cardinal & Sylvia Most	Steve Ferguson	Michelle A. K. Larkin	Gustave H. & Linda J. Tilmann, Jr.
Michael C. & Susan E. Carter	Tinh & Maxwell Freeman	Mark & Terry Maroon	Nanette & Craig Turner
Robert D. & Julie B. Carter	Douglas & Jean Frewin	Carolyn B. May	Jeanine & Chris Uzzi
Hon. Harold A. & Judith E. Clough	Nancy Gaudet	Steve & Elizabeth McBride	Derek & Amy Volk
Brady Champin	Beth George	Joan McDougall	Carole Wakem
Luis A. Champin	Cheryl & Eric Greenhal	Peter & Eleanor Mercer	Randy & Sharon Wenzel
Elizabeth Conter	Ronald & Maurissa Guibord	Carolyn & Daniel Mitchell	Bradford C. White
Peter Costello	Nicole & Scott Hardy	Lianne A. Morgan	Steve & Patrice Whiting
Thomas E. & Anita J. Daley	Adell M. & T. Nelson Harmon	Greg & Brenda Morneau	Jeremy Wintersten
Jim Danick	Kendra Haskell	Charlotte & Carlton Morse	Paul Wolf
Karen D. Andrea	Linda Heath	Tracy & Jayson Murphy	Jim & Kara Woolerton
Randy & Mary Davis	Thomas & Helena Heals	Donna Murphy	Brian & Jane Youth
Jane Davis	Merton Henry	Gary O'Donnell	John Zinck
Dave Dedain	Van & Lora Herfel	Patrick & Sue O'Reilly	

VOTE NO

On Municipal Referendum Question #1 Scarborough Village Slots

Paid for by "Save our Scarborough"
Mark Maroon, Treasurer

phone interview Monday. I wanted to... widening issues and the participation... through us to what needs to be done to... broaden my horizons, to have time to... Scarborough's cable production network.

Referendum 1 WILL TRASH SCARBOROUGH

FACT: Local Referendum 1 is a deceptive plan to change our zoning laws to build a casino. This scheme was cooked up by Penn National, a big out-of-state gambling corporation that wants to dump a massive 500-acre development, casino and slot machine parlor onto Scarborough that would trash our town's character and special quality of life. Please vote "No" on Local Referendum 1.

endangers 100's of acres of wildlife habitat
creates massive traffic and sprawl
too risky for local taxpayers



PROTECT OUR TOWN • VOTE NO ON 1

Paid for by Save Our Scarborough, 360 Route One, Suite 300, Scarborough, ME 04074. 207-231-1076.

2008 ELECTION YEAR

TOWN OF SCARBOROUGH
Office of the Town Clerk
P.O. Box 360
Scarborough, ME 04070-0360
(207) 730-4620

www.scarborough.me.us justice@cl.scarborough.me.us

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 1st and March 1st.

Is this an amendment? Yes No

ALL SECTIONS OF THIS FORM MUST BE COMPLETED.

1. COMMITTEE INFORMATION	
Committee name Save Our Scarborough	Acronym SOS
Mailing address 360 Route One, Suite	Phone NONE
City, state, zip code Scarborough, ME 04074	Fax NONE
E-mail c/o jda@gwi.net	Website N/A
2A. TREASURER INFORMATION	
Name Mark Maroon	Phone 615-2222
Mailing address 360 Route One, Suite	
City, state, zip code Scarborough, ME 04074	Email mmaroon1@maine.rr.com
2B. PRINCIPAL OFFICER INFORMATION	
Name MARK J. MAROON	Title NONE
Mailing address 41 Evergreen Farms Rd	Phone 885-0957
City, state, zip code Scarborough, Me 04074	
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. N/A	2. N/A
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2D. PRIMARY FUNDRAISERS AND DECISION MAKERS
 Identify any candidate, Legislators or other individuals who are the primary fundraisers and decision makers for the committee.

1. Susan Wilder	2. Mark Maroon
3. Fred Kilfoil	4. Suzanne Foley - Ferguson
5.	6.

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

Street address or PO Box: 360 Route One, Suite 300
 City, state, zip code: Scarborough, ME 04074

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

Form of organization: Voluntary association	Date of origin/incorporation: 10/22/2008
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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	
OPPOSE	Opposes Scarborough Special Referendum to allow slot machines in Town.

6. SIGNATURE OF PRINCIPAL PAC OFFICER OR TREASURER

Signature: 	TED: Treasurer
Print name: MARK J. MAROON	Date: 10/20/08

10/22/08

Save Our Scarborough
Financial Contributions

#1516	Jeremy Wintersteen	53 Rutland Boston, MA 02118	\$ 100.00
#562	Sean Flaherty	219 6th	\$ 150.00

8 x \$25.00 CASH DONATIONS \$200.00 (don't report names)

#3288	O.D. Armstrong	1 High Pt.	\$ 100.00
#2336	Maureen T. Hemond Gisel Degrinay	P.O. Box 657	\$ 200.00
#3431	Harold & Judith Clough	5 Ottawa Woods	\$ 50.00
#3586	Shirley & William Barber	3 Ottawa Woods	\$ 100.00

~~(don't report names)~~

Total Cash Donations Reported 10/23/08 = \$ 900.00 CASH

+ In-kind as of 10/23 = 422.50 INKIND

TOTAL = \$ 1322.50

10/22/08

Save Our Scarborough

In - Kind Donations

<u>INKIND DONATION</u>	<u>Donated BY</u>	<u>Approximate Dollar Value</u>
1. 48 old signs	Mark Maroon	\$ 0
2. 3 Plywood Signs and Paint	Mark Follansbee	\$24.00
3. 2 Plywood Signs and Paint	Sue Foley-Ferguson	\$5.50
4. Ad Design / Graphic Design	Alberta Follansbee	\$200.00
5. Donated Office Space and Phones	Mark Maroon	\$150.00
6. (3 x for 1.5 hrs) PIZZA & SODA	Steve Whiting	\$40.00 ?
7. Ads for T.V and radio?	Benefits us but not for us.	Reported by Casinos NO
8. Field Organizer Time Donated	Casinos/NO ≈ 4 visits + time + mat	Not yet billed
9. Photocopies and Paper	Mark Maroon	\$3.00
Sub-total		
Reported 10/23/2008	—————→	\$422.50
Total INKIND		

TOWN OF SCARBOROUGH

Office of the Town Clerk
P.O. Box 360
Scarborough, ME 04070-0360
207.730.8020
Fax: 207.730.4033

2008 Campaign Finance Report
Political Action Committees

www.scarborough.me.us
www.maine.gov/elections

COMMITTEE IDENTIFICATION Check if address is different than previously reported. amended to
Name Save Our Scarborough (Full name of committee) Suite 300

Mailing address 360 Route One Suite 300
(Official headquarters of committee)

City, zip code Scarborough, ME 04074 Telephone None

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

Name of treasurer Mark Maroon

Mailing address 41 Evergreen Farms Rd.

City, zip code Scarborough, Me 04074 Telephone 615-2222 /

E-mail address MMAROON1@maine-rr.com 885-0957

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

Report Type	Due Date	Reporting Period
<input type="checkbox"/> April Quarterly	April 10, 2008	January 8, 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 15, 2008	October 22, 2008 – December 9, 2008
<input type="checkbox"/> January Biannual	January 15, 2009	December 10, 2008 – January 5, 2009

Check this box if this report is an amendment to a previously filed report.

No Change Report: If your committee received no contributions and made no 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.


Treasurer's Signature

10/24/08
Date

Save Our Scarborough

Name of PAC

2 of 8

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
Oppose	Opposes Scarborough Special Referendum to allow slot machines in town

(Revised 03/95) (Duplicate as needed)

Save Our Scarborough
Name of PAC

SCHEDULE C - page 1 of 2

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	Contributor's name, address, zip code	Description of goods, services, discounts or facilities received/expended	Fair market value
10/22	MARK Maroon	48 Old Signs (for 2003)	0
	See page 2		

In-Kind EXPENDITURES

If the items shown above were, in turn, contributed to committee or committee, 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	Loan balance from previous period	Amount loaned this period	Amount repaid/ forgiven this period	Unpaid loans
					Columns 1 + 2 - 3
					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

(Revised 12/15/01) (Duplicate as needed)

Save Our Scarborough

10/22/08 In-KIND Donations

<u>INKIND DONATION</u>	<u>DONATED BY</u>	<u>Approximate Dollar Value</u>
1. 48 old signs	Mark Maroon	\$ 0 ^{pages}
2. 3 Plywood Signs and Paint	Mark Follansbee	\$24.00
3. 2 Plywood Signs and Paint	Sue Foley-Ferguson	\$5.50
4. Ad Design / Graphic Design	Alberta Follansbee	\$200.00
5. Donated Office Space and Phones	Mark Maroon	\$150.00
6. (3x for 1.5 hrs) PIZZA & SODA	Steve Whiting	\$40.00 ?
7. Ads for T.V and radio?	Benefits us but not for us.	Reported by Casinos NO.
8. Field Organizer Time Donated	Casinos NO ≈ 4 visits + time + mat	Nor yet billed
9. Photocopies and Paper	Mark Maroon	\$3.00
Sub-total		
Reported 10/23/2008		\$422.50
Total INKIND		

CASINOS NO has run advertisements in recent weeks that we benefited from. Those costs were born by that organization and disclosed appropriately. We had NO input regarding these advertisements.

Save Our Scarborough
Name of PAC

Date submitted

SCHEDULE F
SUMMARY SECTION

RECEIPTS

THIS PERIOD ONLY

- 1. Contributions received (Schedule A, Line 4)
- 2. Other receipts (interest income, etc.)
- 3. Loans received (Schedule D)
- 4. TOTAL RECEIPTS THIS PERIOD (Lines 1 + 2 + 3)

\$ 900
-
-
\$ 900

EXPENDITURES

THIS PERIOD ONLY

- 5. Contributions to or on behalf of others (Schedule B, Line 3)
- 6. Operating expenses (Schedule B-1, Line 3)
- 7. Loan repayments Made (Schedule D)
- 8. TOTAL EXPENDITURES THIS PERIOD (Lines 5 + 6 + 7)

-
-
-
0

CASH BALANCE

- 9. Account balances from [last] reporting period (Line 12 of previous report)
- 10. Plus total receipts this period (Line 4 above)
- 11. Less total expenditures this period (Line 8 above)
- 12. TOTAL funds on hand at close of reporting period
(This should equal your bank account balance(s) plus your petty cash balance)

N/A
-
-
\$ 900-

IN-KIND SUMMARY

Fair Market Value Totals

- Total In-Kind Contributions this period (Schedule C)
- Total In-Kind Expenditures this period (Schedule C)

\$ 422.50

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.ny
www.maine.gov/elections

COMMITTEE IDENTIFICATION Check if address is different than previously reported. SOS.

Name MARK J. MAROON (Save Our Scarborough)
(full name of committee)

Mailing address 360 US Route One
(official headquarters of committee)

City, zip code Scarborough Me 04070; Telephone 207-615-2222

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

Name of treasurer MARK J. MAROON

Mailing address 41 Evergreen Farm Rd

City, zip code Scarborough Me Telephone 207-615-2222

E-mail address markm@weshopenter.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 type="checkbox"/> 11-Day Pre-General	October 24, 2008	October 1, 2008 – October 21, 2008
<input checked="" type="checkbox"/> 42-Day Post-General	December 15, 2008	October 22, 2008 – December 9, 2008
<input type="checkbox"/> January Semiannual	January 15, 2009	December 10, 2008 – January 5, 2009

Check this box if this report is an amendment to a previously filed report.

No Change Report: If your committee received no contributions and made no 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.

Mark Maroon
Treasurer's Signature

12/5/08
Date

(Revised 03/08) (Duplicate as needed)

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
Oppose	special election question # 1 Scarborough, Me

(Revised 03/08) (Duplicate as needed)

SCHEDULE B

**CONTRIBUTIONS AND EXPENDITURES
TO OR ON BEHALF OF CANDIDATES, PACS & PARTY COMMITTEES**

List all contributions and expenditures made to or on behalf of each candidate, party committee, PAC, or other political committee. Do not include loan repayments or in-kind expenditures on this schedule. Expenditures made on communications in support of or in opposition to candidates must be listed on this schedule, not on Schedule B-1. For expenditures made on multi-candidate communications, the expenditure must be itemized by the amount spent per candidate, not as a single expenditure, and each candidate must be identified.

Expenditure Types Requiring MD Remark		Expenditure Types REQUIRING Remark	
CON	contribution to candidate, party or committee	CNS	campaign consultants
ECP	equipment (office machines, furniture, cell phones)	OTH	other
FND	fundraising events	PRO	professional services
FOO	food for campaign events, volunteers		
LIT	printing and graphics (flyers, signs, postcards, 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.)		
TWN	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 name	Candidate, committee, or party supported		Office sought & district number	Amount contributed to or spent on behalf of each candidate, PAC, or party committee
	Payee's complete mailing address	Code	Remarks		
11/5/08	Steve Lachance Windham Me 04092	SAL	Letter Drops		30 ⁻
11/5/08	Trick Airay Windham Me 04092	SAL	Letter Drops		30 ⁻
					300⁻
11/25/08	1/2 share of Adventure in Connecticut Publishing	PRF			562 ⁰⁰
1. Total contributions to candidates this page only					
2. Total from attached Schedule B pages					672 ⁰⁰
3. Total contributions this reporting period (Lines 1 + 2)					

(Revised 09/08) (Duplicate as needed)

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
ACON Contributions to candidate, party or committee ECP Equipment (office machines, furniture, cell phones) ENE Endorsing events FOO Food for campaign events, volunteers LT Printing and apparel (flyers, signs, palmcards, t-shirts, etc.) MHS Mail house (all services provided) OFF Office and utility, phone and internet services, supplies PHO Phone bank, out-of-state telephone calls POI Polling and survey research POS Postage for U.S. Mail and mailing fees PRJ Print media ads only (newsprint, magazines, etc.) RAD Radio air production costs SAE Campaign workers' salaries and personnel costs TRV Travel (air, mileage, lodging, etc.) TVAI TV or cable air production costs WEB Website design, registration, hosting, maintenance, etc.	CNS Campaign consultants CON Other PRO Professional services <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><u>For every expenditure, list the appropriate code.</u></p> <p>If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.</p> </div>

Date of payment	Payee/organization name, address, zip code	Code	Remarks or purpose of expenditure	Amount
1. Total operating expenses this page				6226 ⁰⁰
2. Total from attached Schedule B-1 pages				
3. Total operating expenses this reporting period (Add lines 1 & 2)				6226 ⁰⁰

\$05

Name of PAC

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	Contributor's name, address, zip code	Description of goods, services, discounts or facilities received/expended	Fair market value
9/25-11/14	Josanne D'Archiangeli	organizational meeting Sept 25 - valuation account mtg	8975
	SARAH M. 04106	phone banks 10/1-7-14-22-29-15 contribution - 9/25-11/14	

office space use In-Kind EXPENDITURES (MARK MACDON) @150

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
9/25-11/14	N/A		

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 Amount repaid/ forgiven this period	COLUMN 4 Unpaid loans Column 1 + 2 - 3
				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

SOS

Name of PAC

Date submitted

SCHEDULE F
SUMMARY SECTION

RECEIPTS

- 1. Contributions received (Schedule A, Line 4)
- 2. Other receipts (interest income, etc.)
- 3. Loans received (Schedule D)
- 4. TOTAL RECEIPTS THIS PERIOD (Lines 1 + 2 + 3)

THIS PERIOD ONLY

\$150

EXPENDITURES

- 5. Contributions to or on behalf of others (Schedule B, Line 3)
- 6. Operating expenses (Schedule B-1, Line 3)
- 7. Loan repayments Made (Schedule D)
- 8. TOTAL EXPENDITURES THIS PERIOD (Lines 5 + 6 + 7)

THIS PERIOD ONLY

622.60

CASH BALANCE

- 9. Account balance from last reporting period (Line 12 of previous report)
- 10. Plus total receipts this period (Line 4 above)
- 11. Less total expenditures this period (Line 8 above)
- 12. TOTAL funds on hand at close of reporting period
(This should equal your bank account balance(s) plus your petty cash balance)

9007
150
622.60
\$427.90

IN-KIND SUMMARY

- Total In-Kind Contributions this period (Schedule C)
- Total In-Kind Expenditures this period (Schedule C)

Fair Market Value Totals

\$9075
\$9075

RECEIVED

TOWN OF SCARBOROUGH

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

DEC 15 A 11:09

TOWN OF SCARBOROUGH

www.scarborough.me.us

vtuition@ci.scarborough.me.us

PAC TERMINATION REPORT

I, MARK J. MAROON
of 241 Evergreen Farms Rd Scarborough Me
Treasurer of Save Our Scarborough (SOS)
(Address)
(Name of PAC)

certify that this Political Action Committee has disbanded and that no further obligations will be incurred and no more expenditures will be made to any candidate, political committee, or party committee or to influence in any way the outcome of a ballot question, and that the PAC has no outstanding obligations at this time of termination.

Date of termination: Dec 5 2008

Signature: [Signature] Date: Dec 5 2008

This termination report must be accompanied by a campaign finance report that includes all financial transactions from the completion date of the previous report through the date of termination.

Wayne, Jonathan

From: Wayne, Jonathan
Sent: Tuesday, March 17, 2009 12:26 PM
To: 'Dennis Bailey'
Cc: 'krolstonpr@yahoo.com'; 'Edward MacColl'; Brown, Jeremy J; Lavin, Paul;
'moeb@pleasantriverlumber.com'
Subject: Scheduling Notice - Casinos NO
Attachments: Scheduling Notice - Casinos NO.pdf



Scheduling Notice -
Casinos NO...



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

March 17, 2009

By E-Mail and Regular Mail

Dennis Bailey
Casinos NO
P.O. Box 4581
Portland, ME 04112

Dear Mr. Bailey:

Yesterday, the Ethics Commission received an e-mail submission from Kathryn Rolston of the Scarborough Village Partnership political action committee, which was forwarded to you electronically. Ms. Rolston states that the Casinos NO political action committee apparently violated 21-A M.R.S.A. § 1060 (particularly subsection 4) by not specifically reporting amounts that Casinos NO spent to oppose the Scarborough ballot question and violated 21-A M.R.S.A. § 1053(3) by not amending its registration to disclose that it was opposing the Scarborough ballot question. In order to encourage more specific reporting, I have sent an e-mail to you and to the Casinos NO treasurer with some suggested changes.

My preference would be to schedule Ms. Rolston's request for consideration by the Commission members at their meeting on March 26, 2009, rather than waiting for the Commission's next meeting on May 28, 2009. The Commission members have already requested that you attend the March 26 meeting to comment on compliance by the Scarborough Village Partnership political action committee.

Please be aware that it is possible that when the Commission members consider Ms. Rolston's allegations, they could find Casinos NO in violation of 21-A M.R.S.A. § 1060 for not fully complying with the reporting requirements or in violation of 21-A M.R.S.A. § 1053 for not amending its registration. The Commission is not authorized in the PAC reporting law to assess monetary penalties for incomplete campaign finance reporting, unless the Commission finds that a PAC's report was late under 21-A M.R.S.A. § 1062(2) because it did not substantially conform to the PAC reporting requirements.

Usually, I prefer that respondents to complaints have two weeks to submit an answer to a complaint. Rather than have this matter wait until the Commission's May 28th meeting, this is to inquire whether the PAC would consent to the Commission members considering Ms. Rolston's submission at the meeting on March 26. If you would like to submit any further response that would be included in the packet of written materials

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

PHONE: (207) 287-4179

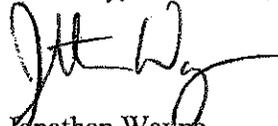
FAX: (207) 287-6775

Dennis Bailey
Page 2
March 17, 2009

mailed to the Commission members, please provide it no later than 12:00 noon on Thursday, March 19th.

Please respond as to whether the scheduling for the March 26 meeting is acceptable to Casinos NO in spite of the brief time for response and whether the PAC wishes to provide any further response by Thursday for the Commission members' packet. My number is 287-4179 if you have any questions. Thank you.

Sincerely,



Jonathan Wayne
Executive Director

cc: By E-Mail
Maurice Bisson, Treasurer, Casinos NO
Kathryn Rolston
Edward S. MacColl, Esq.

21-A MRSA §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.

21-A MRSA §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. Status. (RP)

3. Depository of funds. (RP)

4. 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

5. Assets. (RP)

6. 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.

7. Contributions to committee. (RP)

Every change in information required by this section must be included in an amended registration form submitted to the commission within 10 days of the date of the change. The committee must file an updated registration form every 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.

Wayne, Jonathan

From: Wayne, Jonathan
Sent: Tuesday, March 17, 2009 11:19 AM
To: 'Dennis Bailey'
Cc: 'moeb@pleasantriverlumber.com'; Brown, Jeremy J
Subject: Specific Campaign Finance Items to Amend

Mr. Bailey:

If possible, the Commission staff would like to resolve the complaint filed by Scarborough Village Partnership against Casinos NO at the Commission's next meeting on Thursday, March 26th. Otherwise, the matter will have to be continued to the Commission's May meeting.

PACs are required to report specific amounts spent to oppose ballot questions. Since Casinos NO was opposing two ballot questions for the November 4, 2008 election, we ask that it amend its pre-general and post-general election reports to specify those costs that were made in opposition to the Scarborough ballot question by entering a notation in the remarks section of each expenditure. If a payment was made in connection with both ballot questions, the notation in the remarks column should also indicate the amount that was spent to oppose the Scarborough referendum. Jeremy Brown and I just had a conversation with Moe Bisson about this.

This would include:

- Ad in Scarborough Leader (raised by Kathryn Rolston)
- Ad in Forecaster newspaper (raised by Kathryn Rolston)
- Direct mail piece (raised by Kathryn Rolston)
- 1/2 of ad in Current newspaper (raised by Kathryn Rolston)
- TV advertising (including Time Warner) (raised by Kathryn Rolston)
- Any live or recorded telephone calling
- Any other consulting costs in opposition to the Scarborough referendum

Please provide Moe Bisson with whatever additional information he needs to amend the reports.

We suggested to him that if the PAC can amend the report no later than 5:00 p.m. on Monday, March 23rd, the Commission staff will be able to amend the reports and advise the Commission on March 26th whether the reporting is adequate from our point of view. That would help resolve both enforcement situations next week.

Thank you.

Jonathan Wayne
Executive Director
Maine Ethics Commission
135 SHS
Augusta, ME 04333
287-4179



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

ADDITIONAL MATERIALS

Agenda Item # 4

March 26, 2009

To: Commission Members
From: Jonathan Wayne, Executive Director
Date: March 24, 2009
Re: Follow-Up Memo on Reporting by Casinos No! (Agenda Item #4)

This memo is to follow up on the staff's March 19th memo regarding allegations by Kathryn Rolston that the Casinos No! PAC did not properly report its expenditures to oppose the Scarborough slot machine referendum. In the November 4, 2008 election, Casinos NO! opposed two ballot questions, the Scarborough referendum to allow slot machines and the statewide question on the Oxford County casino.

Ms. Rolston inquires whether Casinos NO! reported a number of communications to voters:

- (1) an October 31st advertisement in the Forecaster newspaper,
- (2) a direct mail piece sent to Scarborough voters in late October,
- (3) an October 31st advertisement in the Scarborough Leader, and
- (4) television advertising on the Time Warner cable system.

In fact, Casinos NO! disclosed these expenditures in its 42-day post-general election report filed December 16, 2008. (We are still seeking clarification on the expenditures to Time Warner.) Unfortunately, the reporting by Casinos NO! did not specify whether the expenditures were made to oppose the Scarborough referendum or the Oxford County casino. At the request of the Commission staff, Casinos NO! amended the post-general election report and its 11-day pre-general report to state specifically which amounts were spent on communications to voters to oppose the Scarborough referendum. As examples, I have attached pages from the 42-day post-general election report *as originally filed* on December 16, 2008 and *as amended* in the past week. The communications raised by Ms. Rolston are discussed briefly on the following page.

Staff Recommendation

I have attached a copy of 21-A M.R.S.A. § 1060, which sets forth the required contents of financial reports filed by PACs. Overall, the Commission staff does not recommend finding Casinos NO! in violation of § 1060. It is not uncommon for PACs to make mistakes in understanding the specific information that must be reported. Casinos NO! was in an unusual position of opposing two ballot questions, and may not have understood that it should delineate the ballot question opposed by each expenditure. Unfortunately, the instructions on the data entry screen for PACs may have contributed to the incomplete reporting. The Commission staff is in the process of improving those instructions and will shortly publish the Commission's first reporting guidebook for PACs.

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

PHONE: (207) 287-4179

FAX: (207) 287-6775

In general, when the staff does not see evidence that incomplete reporting was intentional, the staff favors curing the incomplete reporting through education and after-the fact staff reviews rather than enforcement. If, however, you believe that there is value in a formal finding by the Commission that Casinos NO! violated § 1060, the staff does believe that the PAC was in technical violation of that provision because it did not identify the ballot questions which it was opposed through each expenditure.

Forecaster Newspaper Ad

Casinos No! purchased an ad in the Forecaster newspaper for \$480. It included the expenditure in its original 42-day post-general election report (attached), but did not specifically disclose that the expenditure was in opposition to the Scarborough ballot question. The PAC has amended its report to add this information (see attached amendment).

Direct Mail Piece

In its original 42-day post-general election report, Casinos No! disclosed an October 29, 2008 payment to Daylight Communications for \$9,667.50 (attached). This payment was for the direct mail raised by Ms. Rolston. The PAC did not specify that the payment was made against the Scarborough ballot question, but has amended the report to indicate this (see attached amendment).

Advertisement in Scarborough Leader newspaper

In its originally filed post-general election report, the PAC reported making a November 14, 2009 payment of \$562.60 to Savvy, Inc. for print advertising (attached). That cost was one-half of the cost of the October 31, 2008 advertisement in the Scarborough Leader. The other half of the cost was paid by the Save Our Scarborough PAC, a local group which also opposed the Scarborough referendum.

Based on the original reporting by the Save Our Scarborough PAC, Ms. Rolston was led to believe that the Save Our Scarborough or Casinos NO! had purchased a newspaper advertisement in a third newspaper, the Current. My understanding is that no such advertisement was purchased. Save Our Scarborough has amended that report to clarify that its payment of \$562.60 was for the ad in the Scarborough Leader.

Television Ads

Ms. Rolston believes that Casinos NO! made a purchase of \$15,000 in television advertising time from Time Warner Cable. Casinos No! reported making a total of nine large payments to the firm of Stevens Reed Curcio & Potholm of Alexandria, Virginia for television advertising. If the PAC purchased \$15,000 in advertising from Time Warner cable, that amount may have been included in the PAC's larger payments to the Stevens Reed firm. We have asked Casinos No! for further information on this issue.

10/27/2008	COMMAND RESEARCH 182 HILDRETH ROAD, HARPSWELL, ME, 04079	POL		14,000.00
10/27/2008	COMMAND RESEARCH 182 HILDRETH ROAD, HARPSWELL, ME, 04079	POL		3,000.00
10/27/2008	STONE'S THROW CONSULTING PO BOX 17851, PORTLAND, ME, 04112	CNS	General organizing	2,283.00
10/27/2008	STEVENS REED CURCIO & POTHOLM 201 NORTH UNION STREET, SUITE 200, ALEXANDRIA, VA, 22314	TVN		4,635.00
10/27/2008	TD BANKNORTH ONE PORTLAND SQUARE, PORTLAND, ME, 04101	OTH	Wire transfer fee	20.00
10/29/2008	DAYLIGHT COMMUNICATIONS, INC. 96 COUNTY ROAD, IPSWICH, MA, 01938	PRT		9,667.50
10/29/2008	TD BANKNORTH ONE PORTLAND SQUARE, PORTLAND, ME, 04101	OTH	Wire transfer fee	20.00
10/29/2008	DAYLIGHT COMMUNICATIONS, INC. 96 COUNTY ROAD, IPSWICH, MA, 01938	PRT		1,000.00
10/31/2008	STEVENS REED CURCIO & POTHOLM 201 NORTH UNION STREET, SUITE 200, ALEXANDRIA, VA, 22314	TVN		10,000.00
10/31/2008	TD BANKNORTH ONE PORTLAND SQUARE, PORTLAND, ME, 04101	OTH	Wire transfer fee	20.00
11/2/2008	STONE'S THROW CONSULTING PO BOX 17851, PORTLAND, ME, 04112	CNS	General organizing	928.00

Direct
mail

TV ads

Originally filed
12/16/08 report

11/2/2008	BAYSIDE PRINT SERVICES 417 CONGRESS STREET, PORTLAND, ME, 04101	PRT		239.93
11/7/2008	STONE'S THROW CONSULTING PO BOX 17851, PORTLAND, ME, 04112	CNS	General organizing	900.00
11/10/2008	BISSON FINANCIAL CONSULTING SERVICES 51 BOUCHARD DRIVE, BRUNSWICK, ME, 04011	OTH	Bookkeeping, record retention,	1,500.00
11/10/2008	THE FORECASTER PO BOX 66797, FALMOUTH, ME, 04105	PRT		480.00
11/10/2008	A+ CONFERENCING PO BOX 631089, HOUSTON, TX, 77263-1089	OFF		78.95
11/10/2008	SAVVY, INC. 57 EXCHANGE STREET, SUITE 205, PORTLAND, ME, 04101	PRO	Additional retainer October &	2,000.00
11/10/2008	SAVVY, INC. 57 EXCHANGE STREET, SUITE 205, PORTLAND, ME, 04101	PRT		500.00
11/10/2008	JD'A CONSULTING, INC. 1414 FOREST AVENUE, #12, PORTLAND, ME, 04103	CNS	Field campaign activities, gen	15,095.00
11/13/2008	MAINETODAY.COM PO BOX 1460, PORTLAND, ME, 04104	PRT		500.00
11/16/2008	SAVVY, INC. 57 EXCHANGE STREET, SUITE 205, PORTLAND, ME, 04101	PRO	public Relations	7,500.00
11/14/2008	SAVVY, INC. 57 EXCHANGE STREET, SUITE 205, PORTLAND, ME, 04101	PRT		562.60

Ad

Ad in
Scarbor
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12/16/08 report

CASINOS NO!

Name of PAC

SCHEDULE B

EXPENDITURES

TO SUPPORT OR OPPOSE CANDIDATES OR COMMITTEES

List the payee's name with the specific amount benefiting each candidate.
Do not include in-kind or operational expenditures on this schedule.

Expenditure Types Requiring NO Remark		Expenditure Types REQUIRING Remark	
CON	contribution	CNS	campaign consultants
EQP	equipment	OTH	other
FND	fundraising events	PRO	professional services
FOD	food for campaign events, volunteers		
LIT	campaign literature (printing and graphics)		
MHS	mail house (all services purchased)		
OFF	office rent and utilities		
POL	polling and survey research		
PHO	phone banks, automated telephones calls		
POS	postage for U.S. Mail		
PRT	print media ads		
RAD	radio ads, production costs		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	Internet and e-mail		

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 name	Candidate, Committee, or Party Supported		Amount contributed to or spent on behalf of each candidate, committee, or party
	Payee's complete mailing address	Code	Remarks	
10/29/2008	DAYLIGHT COMMUNICATIONS	Scarborough Municipal Question #1		9,667.50
	96 COUNTY ROAD , IPSWICH , MA , 01938	PRT	Direct Mail - SOS	
10/29/2008	DAYLIGHT COMMUNICATIONS	Scarborough Municipal Question #1		1,000.00
	96 COUNTY ROAD , IPSWICH , MA , 01938	PRT	Newspaper Ads - SOS	
10/30/2008	BAYSIDE PRINT SERVICES	Scarborough Municipal Question #1		239.93
	417 CONGRESS STREET , PORTLAND , ME , 04101	PRT	Z-fold Letters - SOS	
10/31/2008	THE FORECASTER	Scarborough Municipal Question #1		480.00
	PO BOX 66797 , FALMOUTH , ME , 04105	PRT	Newspaper Ad - SOS	
10/22/2008	JD'A CONSULTING, INC	Scarborough Municipal Question #1		2,976.00
	1414 FOREST AVENUE, #12, PORTLAND , ME , 04103	CNS	Field Campaign Activities - SOS	

Direct Mail

Ad in Forecaster

Amended 12/16/08 report

10/27/2008	SAVVY, INC	Scarborough Municipal Question #1		562.60
Ad in Scarbor- ough Leader	57 EXCHANGE STREET, SUITE 202, PORTLAND, ME, 04101	PRT	Half - Scarborough Leader Ad - SOS	
Total contributions this reporting period				14,926.03

Amended
12/16/08
report

21-A MRSA § 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.