



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

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

**STATE HOUSE STATION 101
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333**

November 1st, 1990

Minutes of the November 1st, 1990 meeting of the Commission on Governmental Ethics and Election Practices

Present: Chairman Paul K. McCann; Members Henry G. Beyer, Gregory G. Cyr, Joseph B. Ezhaya, Richard H. Pierce, Richard L. Trafton and Paul E. Violette

Absent: Commission Counsel William B. Stokes

The meeting was called to order at 10:10 a.m.

ROUTINE BUSINESS

Travel and expense vouchers were distributed. Minutes of the September 18th, 1990 meeting were approved as submitted.

The Director reported on staff activities for the period covering September 10th through October 30th. These included mailings to candidates, PACs, and major TV stations, monitoring of late filings, auditing of campaign finance reports, and follow-up on unpaid penalties. Also presented was a budget up-date for the biennium.

Next, the Commission reviewed the Part II budget. Funds were requested for computer equipment; a FAX machine; and a seasonal, part-time position.

Questions were raised concerning the procedures followed for making documents available to the public and the fees charged for copying reports filed with the Commission. Mr. Pierce expressed concern that allowing the public to review or copy originals could result in lost or stolen reports. He suggested that staff study the problem and report back to the Commission with recommendations for improving security. Staff was also directed to examine and report on the need for increasing copy fees.

Mr. Cyr then moved to accept the Part II budget request. The motion was seconded and carried unanimously.

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NEW BUSINESS

Mr. Violette then moved, and Mr. Beyer seconded, to accept recommendations of staff and counsel concerning the following violations of the campaign finance laws:

Violation	Candidate Name	Penalty Recommended
Late campaign finance report	Mr. Alexis M. Casey	\$20.00
Late revocation notice	Mr. Philip Winograd	\$20.00
Late campaign finance report	Mr. Carl G. Bartlett	No finding of lateness
Failure to display disclaimer	Mr. Kenneth Coombs	None

Mr. Violette's motion included acceptance of staff's response to the following query: must a candidate report the occupation and place of business of individuals who make a joint contribution of \$100.00 or less to his/her campaign (21-A MRSA Section 1017(5)). Members agreed that it could reasonably be assumed that the value of each donor's contribution is no more than \$50; hence, the occupation and place of business of each would not be reportable.

Next, the Commission reviewed the Subcommittee's responses to queries on financial disclosure. Mr. Beyer moved, and Mr. Violette seconded, to accept the Subcommittee's report as submitted. The motion carried unanimously.

INFORMATIONAL ITEMS

The Commission received a complaint alleging that two signs carrying a Brennan for Governor slogan failed to carry the required disclaimer. The Director reported that the Brennan Committee had acted promptly to remedy the matter; hence the penalty is not applicable, this according to 21-A MRSA Section 1014(4). Several members expressed concern at the number of campaign signs that do not carry disclaimers and it was suggested that the Commission take a more proactive approach to the problem in the future.

Next, in executive session, the Commission reviewed a question on a matter dealing with legislative ethics. The Commission approved staff's response and recommendations unanimously.

NEW BUSINESS

The Commission next discussed staff's analysis of a recent audit conducted on campaign finance reports. It was noted that reports contain an inordinate number of errors and omissions, and the following suggestions were offered to ameliorate the situation:



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- 1) Expand the Legislative Ethics seminar to include in-depth instructions on the campaign finance law;
- 2) coordinate efforts with partisan officers to conduct candidate seminars;
- 3) work with the Municipal Coordinator in the Secretary of State's office to conduct outreach educational programs;
- 4) Include a completed model report in the first mailing sent to candidates; integrate instructions with line items on the reporting form. The Chair suggested that ideas submitted by Commission members be incorporated into the 1991 work plan.

The Commission then considered Mr. Pierce's proposal to conduct a workshop next year on campaign finance issues. Staff was directed to compile a list of timely issues as well as a list of people/groups that could offer some expertise on the subject and identify areas in the law where changes are needed. Members suggested that the list might include representatives from such groups as the Democratic and Republican National Committees, Federal Election Commission, Council on Governmental Ethics Laws and the National Council on State Legislators. Mr. Trafton reminded members that a bill would need to be introduced in December to meet the closure deadline and that workshops to refine the legislation should be conducted early in the Legislative year.

Next the Commission reviewed a staff proposal to amend the campaign finance laws to simplify reporting requirements by reducing the number of filing entities to one. The proposal also included a recommendation to require out-of-state political action committees who conduct campaign activities in Maine to register and file reports with the Commission.

The Commission agreed to proceed as follows:

- 1) To prepare and submit a draft bill with sponsor,
- 2) To conduct workshops to refine the bill,
- 3) To add other provisions where needed.

Both Mr. Trafton and Mr. Pierce agreed to work with the director and counsel on this and other legislative matters. In response to a question raised by Mr. Ezhaya, Ms. Canavan agreed to provide information on compensation for Ethics Commissioners in other states.

Mr. McCann announced that the next Commission meeting is scheduled for November 30th, 1990 at 10:00 a.m. in Room 120 of the State Office Building.

Agenda items suggested were

- 1) Proposed legislation;
- 2) In executive session, an update on the Robin Lambert investigation.

Mr. Ezhaya then proposed that the Commission offer a reward for information leading to the source of the flyer. After some discussion of the matter, Mr. Violette raised the question of whether precedent has been set in other states for following such a procedure. Staff agreed to research the matter.



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Finally, the Commission reviewed a request from candidate Rene Laliberty for guidance on the legality of his retaining a campaign contribution made by Associated Builders and Contractors of Maine PAC. In a draft response, Commission staff informed Mr. Laliberty that no complaints had been filed with the Commission against the PAC, nor had evidence been submitted that would indicate that any group associated with the PAC had violated any of Maine's campaign finance laws. Staff was directed to send the letter as drafted. Mr. Pierce expressed the view that Senate President Charles Pray's use of Senate stationery in writing to Mr. Laliberty was inappropriate, since such usage could be construed to be for political purposes.

The meeting was adjourned at 11:30 a.m.