



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 135  
STATE OFFICE BUILDING  
AUGUSTA, ME 04333**

**November 18<sup>th</sup>, 1993**

Minutes of the November 18<sup>th</sup>, 1993 meeting of the Commission held in Room 107 of the State Office Building, Augusta, Maine.

Present: Chairman Robert P. McArthur; members Virginia Chamberlin, Joseph B. Ezhaya, Richard G. Morton, Robert E. Tierney, Richard L. Trafton, Peter B. Webster; Commission Counsel Cabanne Howard

Absent: Members Gregory G. Cyr, Paul E. Violette

The minutes of the May 11<sup>th</sup>, 1993 meeting were approved as written.

Under new business, the Commission considered the requests of some 40 lobbyists for penalty waivers. The penalties were assessed for late August filings (covering activity for the month of July). The Commission discussed the matter at length, after which Mr. Trafton moved, and it was seconded and voted, to grant the request of all the petitioners on the basis of these facts: The Lobbyist Disclosure Law requires lobbyists to file reports for each month the Legislature is in session.

The 116th Legislature concluded its regular business on July 1<sup>st</sup>, reconvened to consider vetoes on July 14<sup>th</sup>, then adjourned. The fact that the Legislature met only two days in July created confusion among lobbyists as to whether a report was required for that month. Hence, many lobbyists filed late or failed to file at all until they were contacted by the Commission. In the interest of fairness and consistency, the Commission also waived the penalties of two lobbyists who did not petition for a waiver.

The penalties of the following lobbyists were waived:

<b>Principal lobbyist name</b>	<b>Employer</b>
Beth Ahearn	Maine Audubon Society
John Butts	Associated General Contractors
George Christie	Maine People's Alliance
Evelyn deFrees	Natural Resources Council of Maine
Leann R. Diehl	Maine Yankee
Dan Doggendorf	Air Transport Association
Jill Duson	Central Maine Power Company

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Effective December 1<sup>st</sup>, 1993, lobbyists must also file non-session reports.

<b>Lobbyist name</b>	<b>Employer</b>
Dennis M. Dyer	Alliance of American Insurers
Robert Hark	Pine Tree Taxi & Limo Association
	St. Mary's Regional Medical Center
Donald Meagher	Eastern Maine Development Corporation
Edward F. Miller	American Lung Association
James F. Pontarelli	Philip Morris USA
Audrey Prior	GTE
William H. Ryan	International Brotherhood of Police Off.
Christopher St. John	Me. Assoc. for Indep. Neighborhoods
George Smith	Sportsman's Alliance of Maine
Richard Spencer	Agrimark
	MSAD #30
	MSAD #72
	State Farm Insurance
Richard A. Tyler	Maine Principal's Association
Weil & Howe	Maine Independent Glass Dealers
	Independent Insurance Agents Assoc.
	Northern Utilities
	PAR Pharmaceutical, Inc.
	Maine Dental Association
	Maine County Commissioners Assoc.
	Dirigo Electric Coop., Inc.
	Maine Association Indep. Schools
	Maine Adult Education Association
	Maine Public Service Co.
	Maine Innkeepers Association
	Merrill Lynch
	Granite State Gas
	Portland Pipe Line Corporation
	Manufactured Housing Assoc. of Me.
	Maine Society of CPA's
Kenneth C. Young	Maine Municipal Association
Kyle Zimmer	Advocates for Highway Auto Safety

Mr. Trafton suggested that the Commission discuss at a later date the issue of how to deal with the "veto day problem" should it recur.

The Commission then considered the following additional requests for penalty waivers from  
1) Beth Ahearn for a late July filing, and

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2) Daniel Sosland (Conservation Law Foundation) and David DeTurk (Maine Osteopathic Association) for late August filings.

Staff findings indicated each had had a prior violation. Mr. Trafton moved to waive the penalties in each case. Mr. Ezhaya seconded the motion and it was voted.

Next, the Commission discussed the matter of delinquent filers. As of November 11<sup>th</sup>, 1993, the following lobbyists had not submitted reports for the specified deadlines:

<b>Lobbyist/Employer</b>	<b>Due Date of Report</b>
Betsy Sweet Maine Association of Child Abuse Maine Association of Acupuncture Medicine Maine Association Area Agencies on Aging	July 15, 1993
Ann E. Sossong Maine State Nurses Association	April 15, 1993 May 15, 1993
Marshall Cohen Aseptic Packaging Council	August 15, 1993

Commission staff noted that both Ms. Sweet and Ms. Sossong had filed the required reports during the week preceding the meeting. Mr. Trafton moved to grant Ms. Sweet's request for a waiver on the basis that she had attempted to FAX the report on the filing deadline, and had finally filed the report on November 17<sup>th</sup>, 1993. Mr. Morton seconded the motion and it was voted. Mr. Webster then moved, and Mr. Trafton seconded, to assess no penalty against Ms. Sossong. The motion carried unanimously.

The Commission then turned to the matter of Mr. Cohen's delinquent report. A question was raised as to what remedies could be applied to compel compliance in this and other such cases. In response, the Director advised members that the Commission could refer such matters to the Attorney General under 3 M.R.S.A. Section 322(2) or it could suspend the lobbyist's registration until the required report is submitted, pursuant to 3 M.R.S.A. Section 319(1-A). Mr. Trafton suggested, and there was general agreement, that it would be useful to promulgate rules specifying the procedures to be followed for suspending/reinstating a lobbyist who fails to file a required report or pay a fine. Mr. Webster then moved as follows: a) that the staff be directed to draft such procedural rules and submit the same for the Commission's consideration and b) that Mr. Cohen be suspended from further lobbying until his report is filed. Mr. Trafton seconded and the motion was voted and carried 5-1, Ms. Chamberlin opposing.

Next, the Commission considered delinquent semiannual campaign finance reports which were due July 15<sup>th</sup>, 1993. The following candidates failed to submit the report:



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**Candidate Name**

Brad Boutilier (July 1992 report is also delinquent)  
James Reed Coles  
Charles E. Crosby, III  
Ave Dover (July 1992 report is also delinquent)  
Raymond Faulkner, Jr.  
Audrey Gerry  
Donald Lewis III  
Harold D. Marden  
Stavros Mendros  
Gary R. Merrill

Mr. Trafton moved that the staff be authorized to advise each of the above-named filers that if the required report is not filed within 10 days of the notice, the matter will be referred to the Attorney General's office for resolution. The staff was also directed to offer the candidates a waiver of all but \$100 of the penalty accrued (\$200 in the case of Ms. Dover and Mr. Boutilier) if the report is filed within the designated period.

Next, the Commission considered late semiannual filings. Mr. Trafton moved and Mr. Tierney seconded a motion to assess penalties against the following candidates:

<b>Candidate Name</b>	<b>Penalty</b>
Clayton Fowlie	\$20
Mark Lawrence	\$20
Zachary Matthews	\$70

The Commission then considered late quarterly political action committee reports. Mr. Trafton moved to accept a staff recommendation that Maine Standard PAC be contacted and notified that if it fails to file a July quarterly report within 10 days, a penalty of \$250 will be assessed. The motion was seconded and voted.

Mr. Trafton then moved, and it was seconded and voted, to assess a penalty of \$100 against The Committee for Safe Energy Future. The PAC filed its November 1993 pre-election report 4 days late.

Next, the Commission reviewed Lobbyist Disclosure Forms which the staff had revised pursuant to enactment of P.L. 1993, Ch. 446. Mr. Ezhaya made a motion to further revise the Lobbyist/Employer Joint Registration Form by adding the question: "Are you currently under suspension for failure to submit a required report or penalty fee?" Mr. Tierney seconded the motion and it was voted.

Mr. Webster moved to approve the revised forms as submitted. The motion was seconded and voted.



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The next matter considered was an inquiry from former Senate President Charles Pray as to whether certain small items are considered equipment for reporting purposes. Ms. Canavan expressed the opinion that all of the designated items were equipment but that only those items with an aggregate value of more than \$50 must be accounted for after an election. Ms. Canavan was directed to respond to the inquiry.

Mr. Tierney then initiated a discussion of the issues raised by Representative James Libby in a letter to House Speaker John L. Martin. Ms. Canavan emphasized that the letter was placed on the agenda as an informational item and not a complaint, consistent with the wishes of Representative Libby. In the ensuing discussion, Commission Counsel Howard advised members that the issues raised by Mr. Libby were internal matters of the Legislature over which the Commission has no jurisdiction. Both Mr. Tierney and Mr. Webster asserted that the language in the conflict of interest laws is subject to broader interpretation; that it may not preclude the Commission investigating the allegations set forth in Representative Libby's letter.

Thereupon, Mr. Webster moved, and Mr. Tierney seconded, to place Representative Libby's letter on the agenda of the next regular meeting, to notify the parties involved and invite their response, and to direct Commission staff to distribute to members a 1984 Attorney General's opinion which deals with a similar situation and addresses the jurisdictional issue in question. The motion carried 4-2, Mr. Ezhaya and Mr. Trafton opposing.

Mr. Webster then moved to table the draft rules submitted by staff so as to allow the Commission adequate time to review them. The motion was seconded and voted.

Next, the Commission considered a staff recommendation calling for the promulgation of a rule to require candidates or committees who hire a consultant or other professional to disclose the name of third party vendors from whom the consultant has procured services. Mr. Trafton moved that staff, with the assistance of Commission Counsel, draft a rule expanding expenditure disclosure requirements as recommended, and that the draft be submitted for consideration at the next regular meeting.

The Director then advised members that House Leaders will be making Commission appointments in January 1994, while Senate appointments will be made in January 1995.

Chairman McArthur then asked members to apprise the Director of any items they may want included on the agenda of the next meeting. The date of the next regular meeting was set for January 19<sup>th</sup>, 1994.

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

Marilyn Canavan, Director

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