



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

July 30, 1999

Minutes of the July 12, 1999, meeting of the Commission on Governmental Ethics and Election Practices held in the MLRB Hearing Room, PUC Building, 242 State Street, Augusta, Maine.

Present: Chairman Peter B. Webster; Members Virginia Constantine, Linda W. Cronkhite, Harriet P. Henry, and G. Calvin Mackenzie; Director William C. Hain, III; Counsel Phyllis Gardiner; and Commission Assistant Diana True.

Chairman Webster called the meeting to order at 9:05 a.m., expressed appreciation to members for accommodating the change from the regularly scheduled meeting date, and reminded members of the next scheduled meeting on August 11, 1999. Commission members acknowledged Mr. Mackenzie's final meeting as a present member and former Chairman of the Commission, expressed their collective appreciation for his services, and extended their best wishes for his future endeavors.

Thereafter, the Commission considered the published agenda as follows:

Agenda Item #1: Approval of Minutes of June 8, 1999: Mr. Mackenzie moved, Ms. Constantine seconded, and the Commission voted unanimously to approve the minutes of the June 8, 1999 meeting.

Agenda Item #2: Electronic Filing Project Status: Mr. Hain briefed Commission members regarding the status of the electronic filing project, informing members that he presently is exploring the availability of "generic" campaign finance reporting database software packages from vendors who may have prepared such packages for other states. Mr. Hain has met with Mr. Robert Mayer, Director of The Bureau of Information Services, and Tamara Dukes, Director of InforME, the organization with which the State is contracting for public access to statewide services via the Internet. If a "generic" product is available, InforME will obtain a suitable version for modification and use in developing an electronic filing capability in conjunction with the user interface InforME is developing under contract with the State. That modification would be done either by the creator of the original package or by Bureau of Information Services personnel. The cost of obtaining a generic package and modifying it for Maine use would be passed on by InforME to the Commission, but is expected to be considerably less than any of the bids previously received in response to the Commission's Request for Proposals.

Agenda Item #3: Council on Governmental Ethics Laws (COGEL) Annual Conference: Mr. Hain advised members of the COGEL Annual Conference in Providence, RI, during December 5-9, 1999, and suggested the availability of funding to permit maximum participation by members who may desire to attend. Chairman Webster cited the benefit he had received in attending a previous conference and encouraged members to consider attending. Mr. Hain will provide additional information and registration materials when they are available.

Minutes of Meeting on July 12, 1999

Agenda Item #4: Legislator Sources of Income Statement: Mr. Hain presented the chronology of events surrounding the failure by Representative Stavros J. Mendros to file with the Commission a statement of specific sources of income received and liabilities incurred by February 15, as required by 1 MRSA sections 1016-A and 1016-B. After repeated efforts to obtain the required filing, Mr. Hain reported having received Representative Mendros' "Statement of Sources of Income" by telefax on July 9, 1999. Chairman Webster raised the issue of the completeness of the report received and the applicable penalty in this case, to which Counsel Gardiner responded by reference to section 1015(D) that provides for a civil penalty not to exceed \$1,000 for intentional violation of the filing requirement. Members inquired of the frequency and methods of seeking compliance by the staff. Thereafter, Mr. Mackenzie moved and Judge Henry seconded to impose a \$1,000 penalty, but to reduce that amount to \$500 consistent with the Commission's practice regarding initial violations for filing other reports. After discussion, the motion was defeated, 2-3, Mr. Mackenzie and Judge Henry voting in favor of the motion, and Ms. Constantine, Mrs. Cronkhite, and Chairman Webster voting against the motion. Thereafter, Ms. Constantine moved, Mrs. Cronkhite seconded, and members voted unanimously to assess a civil penalty of \$1,000 for the willful failure by Representative Mendros to file a statement required by sections 1016-A and 1016-B.

Agenda Items #5A and #5B: Late Lobbyist Disclosure Report by Kimberly A. Gilman and Erin Rowland, Lobbyists for The Trust for Public Land: Mr. Mackenzie moved, Mrs. Cronkhite seconded, and members voted unanimously to assess the staff-recommended penalty of \$50 against each of the two lobbyists.

Agenda Item #5C: Late Lobbyist Registration and Disclosure Report by Michael W. Macleod-Ball, Esq., Lobbyist for Madelyn Marx: Mr. Hain summarized the background correspondence, with particular reference to Mr. Macleod-Ball's last letter. Thereafter Mr. Mackenzie moved, Ms. Constantine seconded, and members voted unanimously to assess a \$200 penalty for the late registration and the late filing of Mr. Macleod-Ball's April and May 1999 reports, applying the Commission's practice of mitigating first-time violations in appropriate situations.

Legislator Inquiry: Mr. Hain requested direction regarding response to a request for a Commission opinion concerning the applicability of State laws and Art. IV, Part Third, Sec. 11 of the Maine Constitution to a prospective employment situation from a current State Legislator. After discussion, Mr. Hain suggested that a letter response be addressed to the Legislator advising that none of the laws the Commission administers would prohibit the type of employment contemplated, that the ethics provisions at 1 MRSA section 1011-15 may apply to specific factual situations that could create a conflict of interest involving the new employment position and the Legislator's legislative service, and to suggest that the Attorney General is the more appropriate source for an opinion regarding the applicability of the State Constitution in

Minutes of Meeting on July 12, 1999

this case, the Commission having declined to issue an opinion thereon due to the lack of jurisdiction to do so. The members unanimously agreed with that suggestion.

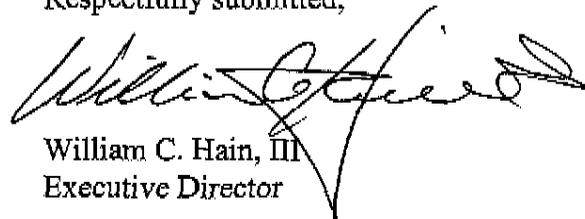
Tax Checkoff Status: Mr. Hain provided members with a copy of an editorial that appeared in the *Times Record* on July 7, 1999, entitled "Tax checkoff success," reporting that this year more than 93,000 taxpayers have designated nearly \$277,000 in revenues on their tax returns for the Clean Election Fund, up from \$9,000 and \$268,000, respectively, in 1998.

At 10:08 members unanimously voted to go into executive session to discuss the status of lawsuits challenging the Maine Clean Election Act and the lobbyist registration fees. At 10:23 a.m., by unanimous vote, members went out of executive session. No actions were taken during the executive session that required ratification in open session.

Annual Report: Mr. Hain provided a draft copy of the annual report to members and announced that the report had been sent to be printed. He inquired regarding Commission policy direction for charging a fee for distribution of the report to the public in those situations where the contents of the report would be used for "political purposes," including mailing lists, fundraising, etc., rather than its intended "official purpose." Members briefly discussed the matter and unanimously authorized the assessment of a fee as determined by the Executive Director between \$5.00 and \$10.00 per copy, as appropriate, depending upon the printing cost, to defray that cost in those cases where the information is used for other than "official" purposes.

On motion and unanimous vote, the Commission adjourned at 10:30 a.m.

Respectfully submitted,



William C. Hain, III
Executive Director