



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

AGENDA

Meeting of April 11, 2001
 9:00 A.M., First Floor Hearing Room
 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of Minutes of the March 14, 2001 meeting.

OLD BUSINESS

None

NEW BUSINESS

2. Late Candidate Campaign Finance Report Penalty Determinations:

A. Linda Bennett-Catlow

6-Day Pre-General Campaign Finance Report

Due 11/1/00; Filed 11/2/00 – 1 day late

One (1) Previous Violation (6-day pre-primary)(inadvertently missed on penalty matrix)

Penalty: \$25.50 (Incorrectly notified of \$8.50 based upon 1st violation) (Ms. Bennett-Catlow has told Commission staff that she paid \$8.50 by money order, but no record exists of having received that and she has been requested to provide a copy of the receipt)

42-Day Post-General Campaign Finance Report

Due 12/19/00; Filed 1/8/01 - 20 days late (incorrectly noted as 21)

Two (2) Previous Violations (incorrectly noted as one (1) on penalty matrix)

Penalty: \$256.35 (Incorrectly notified of \$269.22 based upon 2nd violation and 21 days late)

Total Penalties: \$281.85 (incorrectly notified of \$277.72)

Recommendation: Assess penalty of \$277.72 (see letter received March 8, 2001 from Ms. Bennett-Catlow)

3. Late Lobbyist Disclosure Penalty Determinations:

A. Katherine B. Maselli, Lobbyist for Bristol-Meyers Squibb Company

October Monthly Report

Due 11/15/00; Filed 11/20/00

No previous late filing this biennium

Penalty: \$100.00

Recommendation: Assess penalty of \$50.00



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November Monthly Report

Due 12/15/00; Filed 1/17/01

One (1) previous late filing this biennium

Penalty: \$200.00

Recommendation: Assess penalty of \$200.00

B. Joseph B. McGonigle, Lobbyist for Maine Aquaculture Association

Annual Disclosure Report

Due 12/30/00; Filed 3/30/01

One (1) Previous Violation (3/00, paid \$100) This Biennium

Penalty: \$600.00 (3 mos. @ \$200.00/mo. For Lobbyist & Employer)

Recommendation: Assess penalty of \$600.00

C. Evangeline Hollander, Lobbyist for Youth Alternatives, Inc.

February Monthly Report

Due 3/15/01; Filed 3/19/01

No Previous Violations This Biennium

Penalty: \$100.00

Recommendation: Assess penalty of \$50.00

4. Maine Clean Election Act: Determination of action to take regarding the setting of Maine Clean Election Fund distributions for legislative candidates in year 2002 elections.

5. Maine Clean Election Act Penalty Issue: The Maine Clean Election Act provides for the disbursement of matching funds to certified candidates based upon the greater of the amount received or spent, alone or in conjunction with independent expenditures, by an opposing non-participating candidate. To determine those distribution amounts, accelerated reporting requirements in § 1017, sub-§ 3-B, and implemented by Commission Rules, Ch. 1, § 7, provide for the filing of 101%, 21-Day, and 12-Day Accelerated Reports. The penalty for late filing of accelerated reports is provided in § 1020-A, sub-§ 4 as follows: “. . . a candidate who fails to file an accelerated campaign finance report . . . must be assessed a penalty at least equivalent to but no more than 3 times the amount by which the contributions received or expenditures obligated or made by the candidate, whichever is greater, exceed the applicable Maine Clean Election Fund disbursement amount, per day of violation.” (emphasis added). That requirement, when applied to the situations identified in the attached spreadsheet, yields results that seem disproportionate to the gravity of the offending amounts involved. These cases will be presented to the Commission at the May meeting.

6 Informational Items:

A. Sumner A. Lymburner's Continuing Correspondence: By letter dated March 20, 2001, the Executive Director responded to Mr. Lymburner's request dated February 10, 2001, to have the dollar value of biased newspaper articles added to the reported funding levels of candidates in an attempt to drive elections toward honesty in funding and advertising dollars. Mr. Lymburner responded by letter dated March 25, 2001, a copy of which is provided for information.

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B. Edward J. Democracy Complaints: The Commission has received copies of three (3) separate complaints filed by Mr. Democracy with the Portland City Clerk's Office regarding alleged political action committee registration and reporting violations by three (3) organizations. The complaints have not been forwarded to the Commission for enforcement action, but that is expected.

7. Executive Session: As required.

8. Other: If needed.

ADJOURNMENT