



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

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**November 14<sup>th</sup>, 2001**

Minutes of the November 14<sup>th</sup>, 2001, meeting of the Commission on Governmental Ethics and Election Practices held in the Commission (MLRB) Hearing Room, 242 State Street, Augusta, Maine.

Present: Chair Peter B. Webster; Members Dr. Linda Cronkhite and Hon. Harriet P. Henry; Director William C. Hain, III; Counsel Phyllis Gardiner, Esq.; and Commission Assistant Judy Parker. Commission Member Hon. Michael Carpenter participated telephonically.

Chair Webster called the meeting to order at 9:35 a.m. The Commission considered items on the published agenda as follows:

**Agenda Item #3: Request for Reconsideration of Late Party Committee Report; Maine Green Independent Party**

At the October 10<sup>th</sup>, 2001 meeting, the Commission had imposed a penalty of \$500.00 for the 15-day late filing of the Party Committee's semiannual report due July 16<sup>th</sup>, 2001. Party Committee Treasurer Ruth Gabey requested the Commission to reconsider its previous decision based upon reasons stated in her letter dated October 30<sup>th</sup>, 2001. Mr. Carpenter moved and Judge Henry seconded to reconsider the previous action in order to receive public comment on the request for reconsideration. Mr. Glenn Morin, Green Independent Party Financial Officer, addressed the Commission, reiterating and amplifying the points made in Ms. Gabey's letter. Mr. Ben Chipman, Green Independent Party member, addressed the Commission, noting the confusion caused by the different Federal and State report filing dates, the possible mail delivery confusion that may have been caused by the mailing address used by the Commission, and the limited resources available to the Party to pay a substantial penalty. Following that discussion, on the motion to reconsider its previous action the Commission voted unanimously (0-4) against reconsideration.

**Agenda Item #5B: Maine Optometrists Political Action Committee; Nan-Elizabeth (Reynolds) Neal, Treasurer**

The political action committee's quarterly report that was due on October 10<sup>th</sup>, 2001, was filed on October 23<sup>rd</sup>, 2001. The PAC had no previous late filings this biennium. Based upon the application of the statutory penalty matrix, a preliminary penalty determination of \$310.83 was made. Maine Optometrists PAC requested a Commission determination of the penalty. Ms. Nan-Elizabeth (Reynolds) Neal, Treasurer, addressed the Commission on behalf of the PAC,

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reiterating and amplifying the points she had made in her written request for a Commission determination. Ms. Cronkhite moved, Judge Henry seconded, and Members voted unanimously to assess a \$155.42 penalty for the late submission of the PAC's quarterly report.

**Agenda Item #2: Loren J. Bailey; Possible violation of 21A M.R.S.A. § 1125(6) (restrictions on expenditures)**

This matter, involving consideration of reported expenditures that may not have been consistent with the Expenditure Guidelines for Certified MCEA Candidates because they either were not campaign-related or lacked sufficient substantiation to be authorized for payment from Clean Election funds, was continued from the previous meeting. During the interim period, counsel for Mr. Bailey and Commission counsel met to address the outstanding issues raised in the Director's letter to Mr. Bailey dated June 25<sup>th</sup>, 2001. The Director and Counsel summarized the results of those discussions. Based upon the results of those meetings and discussions, Judge Henry moved, Ms. Cronkhite seconded, and Members voted unanimously to require Mr. Bailey to reimburse the Maine Clean Election Fund the total amount of \$4,133.89 for the following unauthorized expenditures:

\$ 637.55	Verizon Wireless (personal expenses portion of telephone bills)
\$ 650.00	Earl Lange (personal rent)
\$ 164.06	Travel Expenses (personal expenses for purchase of vehicle gasoline)
\$ 775.26	Rent A Ride/Auto Care (personal automobile repair)
\$ 885.35	Meals (personal expenditures for meals after the general election)
\$1,021.67	Property Liquidation (personal expenditures for computer)
\$4,133.89	TOTAL REIMBURSEMENTS

In addition, Ms. Cronkhite moved, Mr. Carpenter seconded, and Members voted unanimously to assess a penalty of \$923.00 for the late filing of Mr. Bailey's 42-day post-primary election campaign finance report. Finally, Judge Henry moved, Mr. Carpenter seconded, and Members voted unanimously to assess a \$500.00 penalty pursuant to 21A M.R.S.A. §1127, sub-§1 for violation of 21A M.R.S.A. §1125, sub-§6 of the Maine Clean Election Act. The total of all reimbursements and penalties assessed was \$5,556.89.

Mr. Cloutier, on behalf of Mr. Bailey, informed the Commission that Mr. Bailey could afford to pay only \$200.00 per month. The Commission granted Mr. Bailey's request for an extended payment schedule of \$200.00 per month until the balance of the reimbursements and penalties are paid in full conditioned upon receipt of the first check in the amount of \$200.00 in the Commission's office within 30 days of notification. A check in an amount not less than \$200.00 shall be due on the designated date (or next business day) of each month thereafter until the amount of \$5,556.89 is paid in full. The Commission reiterated its policy that if any payment is late, the remaining, unpaid balance of the reimbursements and penalties shall become immediately due and payable.



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**Agenda Item #6: David C. Ireland; Preliminary Consideration of Issues Regarding Use of Maine Clean Election Funds**

Mr. Hain briefed the Commission regarding Mr. Ireland's late 6-day pre-general election campaign finance report; unliquidated property purchased with Maine Clean Election Act funds; and possible violations of the Maine Clean Election Act by the unauthorized use of Maine Clean Election funds. Mr. Ireland addressed the Commission and informed Members of his desire to cooperate with the Commission and staff in an effort to resolve this matter as quickly as possible. Based upon that stated desire to cooperate, the Commission instructed the Director and Counsel to meet with Mr. Ireland in an effort to reach mutual agreement on the matters in dispute. If necessary, the Chair was authorized to issue subpoenas to compel the testimony of witnesses or the production of information in the event of the necessity of a subsequent public hearing into this matter. Further consideration was tabled until the next meeting pending the results of discussions between Commission staff and Mr. Ireland.

**Agenda Item #1: Ratification of Minutes**

Judge Henry moved, Ms. Cronkhite seconded, and Members voted unanimously to accept the minutes of the October 10<sup>th</sup>, 2001 meeting as submitted.

**Agenda Item #4A: Candidate Campaign Finance Report Filing Violations; Duane J. Belanger**

Mr. Hain presented a chart reflecting Mr. Belanger's previous and current violations. That chart itemized outstanding unpaid penalties of \$78.75; late reports from the 1998 elections reflecting maximum permissible penalties of \$10,000.00; late reports from the 2000 Elections reflecting maximum permissible penalties of \$11,267.75; and a late Sources of Income statement for which there is no statutory penalty provision for candidates. The chart reflected total maximum penalties of \$21,346.50. Ms. Cronkhite moved, Mr. Carpenter seconded, and Members voted unanimously to assess penalties totaling \$21,267.75 for the 1998 and 2000 elections violations as reflected in the chart.

**Agenda Item #5A: Political Action Committee Quarterly Report Filing Violation; Maine Health Care Association; Richard A. Erb, President/CEO, Treasurer**

The political action committee's quarterly report that was due on October 10<sup>th</sup>, 2001, was filed on October 15<sup>th</sup>, 2001. The PAC had no previous late filings this biennium. Based upon the application of the statutory penalty matrix, a preliminary penalty determination of \$157.15 was made. Maine Health Care PAC requested a Commission determination of the penalty. Judge Henry moved, Ms. Cronkhite seconded, and Members voted unanimously to assess a \$78.58 penalty for the late submission of the PAC's quarterly report.



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**Agenda Item #7: Status of Proposed Changes to Chapter 470 of the Public Laws of 2001**

Mr. Carpenter briefed Members regarding his conversation with House Majority Leader Colwell regarding the prospects for changes to Chapter 470 in light of a letter addressed to Legislators from Representative Theodore Heidrich. Mr. Carpenter concluded from that discussion that it is unlikely that changes will be made. Ms. Cronkhite expressed her views on the matter and suggested that she may contact the members of the Legislative Council who voted against consideration of the bill proposed by Representative Heidrich to understand their reasoning. Other Commission Members expressed their personal views on their continued service obligation.

There being no further business, on motion and unanimous vote, the Commission adjourned at 12:15 p.m.

Respectfully submitted,

William C. Hain, III  
Director