



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

Agenda

Meeting of February 23, 2006

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of the January 5, 2006 meeting

2. Request for Advisory Opinion on Legislative Ethics Issue

Representative Thomas B. Saviello requests that the Commission look into allegations of conflict of interest stemming from his dealings with the Maine Department of Environmental Protection. He also requests that the Commission address whether his employment as the environmental manager of International Paper's Androscoggin Mill disqualifies him from service on the Natural Resources Committee.

3. Request for Waiver of Penalty/Annual Monthly Lobbyist Report

Michael Stoddard, lobbyist for Environment Northeast, was required to file an annual lobbyist report by December 30, 2005. The Commission staff's policy is that all lobbyist reports are due by 5:00 p.m., as noted on the reminder letter sent to all lobbyists on November 18, 2005. Mr. Stoddard filed the report five hours late at 10:18 p.m. on December 30. He requests a waiver of the statutory penalty of \$200. *Staff recommendation: the staff recommends denying the request for a waiver and assessing the statutory penalty of \$200.*

4. Request for Waiver of Penalty/PAC Campaign Finance Report

The Maine Economic Growth Coalition was required to file a PAC report on January 17, 2006. The PAC filed the report two days late. Based on the formula in the statute, the preliminary penalty is \$260.24. The PAC requests a waiver of the penalty because the administrative assistant for the university office who usually files the report was out of the office for several days due to personal illness. *Staff recommendation: in the interest of treating filers consistently, the staff recommends denying the request for a waiver and assessing the statutory penalty of \$260.24.*

5. Request for Waiver of Penalty/PAC 24-Hour Report

The Campaign to Save Working Waterfront Jobs PAC was organized in support of Question #7 on the November 2005 general election ballot. PACs are required to file 24-Hour Reports of expenditures of \$500 or more made in the last 11 days before the election. The PAC filed three 24-Hour Reports disclosing a total of five expenditures more than one month late on December 14, 2005. Based on the formula in the statute, the

total of the preliminary penalties is \$10,695.67. The PAC requests a waiver of the penalties. *Staff recommendation: the staff recommends a substantial reduction in the penalties because the amount of the statutory penalties is disproportionately large relative to the reporting failure.*

Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT

Agenda

Item #1

Minutes of the January 6th, 2005 meeting of the
Commission on Governmental Ethics and Election Practices
Held in the Commission's Meeting Room,
PUC Building, 242 State Street, Augusta, Maine

Present: Chair Jean Ginn Marvin; Hon. Michael T. Bigos; Hon. Vinton E. Cassidy; Hon. Andrew Ketterer. Staff: Executive Director Jonathan Wayne; Counsel Phyllis Gardiner.

At 9:03 A.M., Chair Ginn Marvin convened the meeting. The Commission considered the following items:

Agenda Item #1 – Ratification of Minutes of the November 9th, 2005 meeting

Mr. Ketterer moved, Mr. Cassidy seconded, and the Commission voted unanimously (4-0) to ratify the minutes of the November 9th meeting.

Agenda Item #2 – Discussion of Proposed Meeting Dates

Mr. Ketterer said that he thought he could attend the March meeting on the 9th or the 10th. Mr. Cassidy said that he was not sure about being able to attend the February meeting.

Agenda Item #3 – Request for Waiver of Penalty/Monthly Lobbyist Report

The director explained that Michael Belliveau was a registered lobbyist and had filed a monthly lobbyist report, due November 15, 2005, one day late. The director said that Mr. Belliveau had submitted a letter stating that Mr. Belliveau thought that he had filed the report on time. The director recommended assessing the full statutory penalty of \$100. Mr. Ketterer moved, Mr. Bigos seconded, and the Commission voted unanimously (4-0) to adopt the staff recommendation and to assess the full statutory penalty of \$100.

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Agenda Item #4 – Request for Waiver of Penalty/PAC Campaign Finance Report

The director explained that the Cheaper, Safer Power PAC was required to file a campaign finance report on October 11, 2005 and had filed the report on November 16, 2005. The director said that the PAC had no financial activity for a long time, and that the staff had recommended to William Linnell, the PAC treasurer, that the PAC be terminated. The director also said that the PAC consistently filed its reports late, that it had been penalized before, and now the staff was recommending a penalty of \$75 because the report was filed a month late and that the PAC had a history of late filing. The director also said that Mr. Linnell had sent in a letter requesting a waiver of the penalty because Mr. Linnell had been in Orlando and Dallas helping victims of Hurricane Katrina.

Mr. Linnell took the floor and said that he had tried to contact Martha Currier-Demeritt via e-mail in September about the situation, but the e-mail was not delivered. He thought that once he had arrived in Louisiana he could send file the report electronically via one of the FEMA computers, but found out that the FEMA computers would not allow him to gain access to his Roadrunner account. Mr. Linnell said that he sent repeated e-mails to ask for help but that they were returned, and that he had difficulty finding a computer that he would be able to use to file the report. Mr. Linnell said that he had spoken to Ms. Currier-Demeritt, and that she had said that an exception for the report could not be made. He said he was coming before the Commission to explain the situation and to request a waiver of the penalty.

Mr. Ketterer asked Mr. Linnell that if he had made filing the report a higher priority, would Mr. Linnell have filed the report on time. Mr. Linnell replied that if he had had a personal laptop he would have done the report, but that once he went down to Louisiana, he just could not get it in on time. Mr. Ketterer commented that had Mr. Linnell made filing the report a higher priority, it would have been filed on time.

Mr. Bigos moved, Mr. Cassidy seconded, and the Commission voted unanimously (4-0) to adopt the staff recommendation and to assess a late filing penalty of \$75.

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Agenda Item #5 – Commission Determination on Recommended Penalties and Repayment of Public Funds/Julia St. James, Sarah Trundy, Dan Rogers, and Jessica Larlee

The director explained that after the last hearing on November 9, 2005, the Commission staff sent out letters to the four individuals who were the subjects of the investigations strongly encouraging them to provide any additional documents, items, or other proof that would suggest that public funds were used for actual campaign purposes. He said that the Commission received an e-mail on November 26, 2005 from Jessica Larlee, in which she stated that she was unwilling to participate in the investigation anymore. The Commission staff issued a draft audit report, including the recommended penalties, on December 2, 2005. The director said that both Jessica Larlee and Julia St. James sent responses to the recommended penalties before the December 16, 2005 meeting. On December 15, 2005, Dan Rogers contacted the Commission and requested that the Commission reschedule the December 16, 2005 hearing. The Commission decided to reschedule the meeting to January 6, 2006, and all four individuals were notified by regular mail as to the new date of the meeting. The director's recommendation was that, although none of the four individuals were present at the meeting, the Commission should move forward on the recommended penalties because each individual had been given ample time to respond and to be present at the meeting.

Mr. Ketterer asked if Sarah Trundy has received any correspondence. The director replied that she had not received an e-mail but that letters had been sent to her, and that she had been notified of the meeting. Mr. Ketterer asked for clarification on Mr. Rogers and his request for rescheduling the December 16, 2005 meeting. The director replied that Mr. Rogers had asked for the meeting to be rescheduled because Mr. Rogers had been in Florida, a snow storm was preventing him from obtaining a flight back to Maine in time for the meeting, and that he wanted to be present when the Commission considered the penalties.

After a discussion with Phyllis Gardiner, the Commission decided to continue the proceedings based off of a checklist provided by the Commission staff dealing with each issue surrounding the investigation. Ms. Gardiner said that once the Commission voted on the penalties, the

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Commission staff would submit a written determination containing everything the Commission had decided with regards to the investigation.

Note: The minutes will reflect the various sections and topics voted on as noted in the checklist and the actual motion proposed and voted on.

St. James Campaign

I – Use of MCEA Funds for Purposes Unrelated to the Campaign

1-A – Itemized expenditures for non-campaign purposes

With regards to the St. James campaign, the director explained that the Commission staff believed that there were 3 types of expenditures which were not used for campaign related purposes. The first were expenditures for herbs, a manager's chair, a desk lamp, and dresses which added up to \$318.90. The director noted that the campaign repaid the MCEA fund for these items, which he thought demonstrated an acknowledgement that they were not campaign related. The director also noted that Ms. St. James told the staff that Mr. Rogers and Ms. Larlee told her that it was acceptable to use public funds to buy nice clothes to wear for the campaign, even though the MCEA expenditure guidelines specifically say such expenditures are not acceptable.

Mr. Cassidy asked how the Commission staff calculated the total amount of money spent by the St. James campaign that was not campaign related. The director explained that the Commission staff looked over the reports and information provided to them by Ms. St. James, Ms. Larlee, and Mr. Rogers, as well as any expenditures not explained, and came up with a total of \$11,088.15. The director pointed out that Ms. St. James, in her response to the draft audit report, claimed that Mr. Rogers should be made to pay for the portion of the recommended repayment of MCEA funds because the funds were given to him in good faith and were not used properly. The director said that the Commission staff was recommending that the Commission require Ms. St. James to pay back that amount to the MCEA fund, as well as a civil penalty of \$1,000 for the

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misuse of public funds. The director said that while the proposed \$1,000 penalty was less than the \$10,000 maximum, the Commission staff felt that the penalty, in addition to repaying the \$11,088.15, was sufficient. Ms. Ginn Marvin asked if the Commission could ask Ms. St. James to repay the \$11,088.15 and have Mr. Rogers repay the \$5,000 that was given to him by Ms. St. James. The director replied that there did not seem to be any statutory basis to require Mr. Rogers to repay the funds and that the law only allowed the Commission to look to the candidate for the repayment of public funds. Ms. Ginn Marvin said that perhaps this was an area of the law that should be rewritten so that people connected to a campaign could not take advantage of public funds. Mr. Ketterer said that he thought that Ms. St. James did not spend the \$318.90 for campaign purposes, and that Ms. St. James' e-mail response indicated to him that she knew that money was not used for the campaign.

Mr. Bigos moved, Mr. Ketterer seconded, and the Commission voted unanimously (4-0) to require that Julia St. James repay \$318.90 of public funds that was not used for campaign related purposes, which was a violation of 21-A M.R.S.A. §1125(6).

1-B – Cash expenditures for which there are no receipts, invoices or other documentation

The director explained that the St. James campaign used \$8,097.62 in cash for various expenditures, and that after reviewing various receipts, reports and invoices, the Commission staff was recommending that \$5,769.25 of the cash was not used for campaign related purposes, and that Ms. St. James be required to repay that entire amount. The director said that of the \$8,097.62 in cash, Ms. St. James said that she spent close to \$1,700 on campaign related travel and that she would never have spent it on personal travel. However, Ms. St. James did not keep the required records detailing her travel expenses for her campaign. The director also said that there were 2 separate withdrawals of cash - one for \$750 and one for \$4,500 – which Ms. St. James said were used to pay campaign workers during the last month of the campaign. She said that she spent it in \$50 allotments for campaign workers to do various campaign activities including putting mailing labels on roughly 10,000 pieces of literature, as well as paying for pizza and refreshments. The director said that Ms. St. James, had not, as required under the law, been able to identify exactly who it was that got paid. She was required to keep a record of

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every \$50 payment as well as itemize each payment on her campaign finance reports. The director said that she did not and, therefore, the Commission did not have sufficient cause to take Ms. St. James' word that these funds were used for campaign related purposes. The director also pointed out that Ms. St. James has repeatedly said that she does not "do paperwork" and that she did not handle any records. The director also mentioned that Ms. St. James had rented a campaign headquarters in Wilton, that testimony from Jessica Larlee suggested that the campaign HQ was in fact intended to be used as a flower shop, that the HQ was not in her district, and that the only campaign activity that might have went on was the storage of the campaign newsletters. The director said that the staff recommendation was for the Commission to require Ms. St. James to repay \$5,769.25 in public funds

Mr. Ginn Marvin expressed her opinion that when a candidate receives public funds, he/she is responsible for keeping detailed records, and that Ms. St. James should repay the public funds because she did not keep good enough records in this case. Mr. Cassidy said that the Commission had a responsibility to know where those funds went and agreed with Ms. Ginn Marvin. Mr. Ketterer also agreed, and said that having a candidate claim that they were not good at keeping records did not relieve a candidate from the responsibility of actually keeping those records. He also said that candidates using public funds need to keep detailed records because the public deserves to know where the money went and how it was spent. Mr. Ketterer said that he was disturbed by various purchases made by the campaign, including the rental of a campaign HQ that was outside the district and the purchase of herbs. Mr. Ketterer expressed his opinion that Ms. St. James' assertion that the cash was solely used for campaign related purposes lacked credibility, that he did not believe it was true, and that she should repay the public funds. Mr. Bigos said that he also did not accept the candidate's explanation, that she had not demonstrated that the cash was used for campaign purposes, and that she should be required to repay the \$5,769.25 in public funds.

Mr. Ketterer moved, Mr. Cassidy seconded, and the Commission voted unanimously (4-0) to find Ms. St. James in violation of 21-A M.R.S.A. §1125(6) for cash expenditures for which there are no receipts or other documentation and to require her to repay \$5,769.25 in public funds.

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1-C – Payments to Dan Rogers

The director explained that there were two payments made to Dan Rogers. One, in the amount of \$3,000, was made on September 19, 2004. In the two previous hearings, the Commission heard conflicting testimony as to the purpose of this payment. Mr. Rogers claimed that it was part of compensation for a district wide mailing of 16,000 postcards, but the director said that not only has the candidate denied this mailing ever took place, but that Mr. Rogers has provided no proof that the mailing ever took place. In light of the lack of proof of the mailings despite repeated attempts by Commission staff to obtain such proof, as well as Ms. St. James' denial that any mailing took place, the Commission staff concluded that the mailing never happened. Ms. St. James said that the \$3,000 was intended for three newsletters, of which only one was ever produced, though the director pointed out that her testimony on this issue varied over time.

The director said there was also a \$2,000 payment made to Mr. Rogers on October 25, 2004. Mr. Rogers said that this payment was also for the 16,000 postcard mailing, and produced an invoice purportedly to that effect. Ms. St. James, however, had said that the payment was for automated phone calls that would go out to voters in her district, and had consistently expressed that opinion ever since the first interview she had with Commission staff. Ms. St. James said that the phone calls were supposed to be set up through someone in the Republican Party, and that she felt "ripped off" because the phone calls never happened. The staff recommendation was that the Commission find that the candidate had not demonstrated that either payment was made for campaign related purposes.

Mr. Bigos brought up the issue of how the Commission should consider a situation where the candidate's intent was that the payments were to be used for campaign purposes but the payee did not use them for those purposes or did not deliver. The director replied that with respect of Mr. Rogers, the staff was recommending a penalty of \$5,000, which matched the amount the staff was recommending Ms. St. James repay, and that the question of intent had no bearing on the recommended penalty. With regards to Ms. St. James, the director said that how much she should be required to repay could be influenced by the question of her good faith effort and intent for her payments to Mr. Rogers to be used for legitimate campaign related purposes. The

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director said that he felt the additional recommended penalty of \$1,000 was fair given the amount of money spent on non-campaign related purposes. However, the director said that some of the staff felt that Ms. St. James should have asked for the money back once she realized that the payments were not being used for campaign related purposes.

Mr. Cassidy said that he thought it was strange the printers did not have a copy of the postcard mailing, to which Ms. Gardiner replied that Mr. Rogers stated he printed them himself. Mr. Ketterer said that with respect to Ms. St. James it was important take all of these issues line by line, and that he felt her intent needed to be considered with respect to the amount the Commission might require her to repay, and that he had problems with assigning sole blame to the candidate and not taking her intent into consideration. In response to an inquiry from Ms. Ginn Marvin on whether or not the Commission could require Mr. Rogers to repay public funds given to him by the candidate, Ms. Gardiner, said that the Commission could impose a penalty on Mr. Rogers but that under the language of the statute the Commission could not require Mr. Rogers to repay any misspent public funds.

Mr. Bigos said that he did not believe that Ms. St. James had demonstrated that the payment on September 19 was used for campaign related purposes, even though she had the intent for them to be used for campaign related purposes. Mr. Bigos also said that he felt the dates of the payments needed to be considered and that the Commission should take into account Ms. St. James's good faith effort when she made the September 19 payment. With regards to the October 25 payment, Mr. Bigos said that he did not think Ms. St. James had demonstrated that the payment was used for campaign related purposes, and that he questioned her good faith intent when she made that payment, because she should have been aware that campaign services were not being delivered as promised. Mr. Bigos felt that Ms. St. James needed to be held accountable for her decision to make a \$2,000 payment when there was a clear history of not receiving the services she had intended to get when she made the payment. He also said that the Commission should not require Ms. St. James to repay the \$3,000 payment, but that she should be required to repay some or all of the \$2,000 payment. Mr. Bigos said that Mr. Rogers should be assessed a penalty of at least \$5,000 for not performing those services for which he was contracted.

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Mr. Ketterer announced that he was declining to offer his opinion on any penalties regarding Mr. Rogers, due to the fact that at an earlier meeting Mr. Ketterer had stated he would recuse himself from all decisions relating to Mr. Rogers. Mr. Ketterer agreed with Mr. Bigos with respect to the amount that Ms. St. James should repay. Mr. Cassidy said that he felt that Ms. St. James had used poor judgment from the very beginning, and that the Commission should not separate the two payments when considering the amount Ms. St. James should repay. Ms. Ginn Marvin questioned whether Ms. St. James ever expected her payments to Mr. Rogers were going to be used for campaign related purposes. Mr. Ketterer commented that the Commission should frame its decision on whether or not St. James made campaign related expenses and not focus on potentially bad judgment. Mr. Cassidy reiterated his point that he did not feel the Commission could separate the two payments made to Mr. Rogers with respects to the amount the Commission might ask Ms. St. James to repay. Mr. Bigos replied that he felt that Ms. St. James did not have enough experience at the time of the September 19 payment to Mr. Rogers to know how things would turn out, but that she was aware of his work history by the last few weeks of the campaign. He said that he was sensitive to the fact that any party or candidate should have a fair chance to express their views, but that when public funds were involved, the Commission had the right to attach certain strings and to place certain accountability on candidates for the way they use those public funds. Mr. Bigos said that he strongly felt that requiring Ms. St. James to repay public funds did not hinder other candidates or parties from participating in the election process.

Ms. Ginn Marvin said that she was comfortable with the staff recommendation of requiring Ms. St. James to repay the full \$5,000. Mr. Bigos said that he agreed with that as well. Mr. Ketterer stated that he would go along with requiring Ms. St. James to repay the \$2,000 payment. Ms. Ginn Marvin asked how the staff came to the \$1,000 additional penalty for Ms. St. James. The director replied that the staff recognized that there was a lack of accountability in the campaign, and that the \$1,000 penalty in combination with the recommended repayment of \$11,088.15 seemed appropriate. Mr. Bigos said that Mr. Rogers committed an egregious violation of the Maine Clean Election Act, that he did not find Mr. Rogers's explanation credible, and that he would support a penalty against Mr. Rogers for between \$5,000 and \$10,000. Ms. Ginn Marvin said that it was important to send a signal to everyone that if someone does not follow the rules,

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the Commission will find out and fine that person to the best of the Commission's ability, and that she could be persuaded to assess the maximum penalty of \$10,000.

Mr. Bigos moved, Ms. Ginn Marvin seconded, and the Commission voted 3-1 (Mr. Ketterer dissenting) to find that Ms. St. James misused public funds and violated the MCEA Act, and to require her to repay the \$5,000 that she paid to Mr. Rogers. Mr. Bigos moved, Mr. Ketterer seconded, and the Commission voted unanimously to find Ms. St. James in violation of 21-A M.R.S.A. §1125(6) by spending Maine Clean Election Act funds for purposes that were not campaign-related, and to assess a \$1,000 penalty. Mr. Cassidy moved, Mr. Bigos seconded, and the Commission voted 3-0 (Mr. Ketterer abstained) to assess Mr. Rogers a \$10,000 penalty for violating 21-A M.R.S.A. §1125(6) by accepting Maine Clean Election Act funds and spending them for purposes that were not campaign-related. Mr. Cassidy stated that he had received the audio tapes from the last meeting and spent many hours reviewing the material so that he could be prepared to participate in this meeting.

II – False Invoices

The director explained that the Commission requested from Ms. St. James any and all invoices that the campaign had, including invoices for payments made to Mr. Rogers. Ms. St. James requested in a letter to Mr. Rogers that he provide her with those invoices, and she stated that Mr. Rogers never gave her any invoices for the work he did for her campaign. Mr. Rogers said that he had prepared invoices for the 2004 campaign, that he had given them to Ms. St. James in either June or July in response to her letter (denied by Ms. St. James). At the November 9th, 2005 hearing, Mr. Rogers produced nine invoices. Of those invoices, the staff was concerned that three of those invoices contained material false statements. The invoices in question were #100087 (\$3,000), #100095 (\$2,000), and #100066 (\$872.51). The director explained that the #100087 and #100095 invoices were supposedly for the 16,000 postcards, which Ms. St. James said she never received and for which Mr. Rogers could not produce an original specimen. The director also noted that the dates on the invoices were the same dates as the reported expenditures on the campaign finance reports. The director said that with all the disorganization that had been documented in the campaign, it was hard to believe that Ms. St. James would have

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turned around and paid Mr. Rogers on the same date that the invoice was given. The staff also had concerned over #100095 (\$2,000), for which Ms. St. James said was for automated phone calls. The check associated with that invoice had no notation in the memo portion, and the staff felt that, if the \$2,000 check was for postcards, Ms. St. James would have indicated that on the memo line on the check, as she had indicated the purpose of other checks on the memo lines in all but two other cases. The director said that with regards to invoice #100066, the math in the invoice did not appear to add up. In the invoice, Mr. Rogers claimed that the invoice was for 1,500 palm cards, which Ms. St. James was far more than the number she actually received. The director also pointed out that the unit price listed was \$.58, and that it seemed strange that the invoice would list the total price as being \$872.51 when 1,500 palm cards x .58 produces a total of \$870. The staff thought it was more likely that the invoice was fabricated in order to account for the reported \$872.51 payment. In addition, the director noted that the purported costs of the postcards (\$.32) and the palm cards (\$.58) were not credible given that there is an associated mailing cost of \$.23 per card for the postcards but not the pushcards, and the printing costs should have been about the same based on similar size and content as the cards. Taking all of these discrepancies into account, the staff concluded that these invoices contained material false statements and that Mr. Rogers made these false statements in response to a request by the Commission in order to justify public funds that he was paid. Due to the seriousness of these violations, the staff felt was recommending a penalty of \$2,500 for each false invoice, which added up to a total penalty of \$7,500 for this particular violation.

Ms. Ginn Marvin asked how the staff arrived at the \$2,500 penalty per invoice. The director replied that this penalty, which falls under 21-A M.R.S.A. §1004-A(5), could be up to \$5,000 per false statement. The director went on to say that it was important for the Commission to have the ability to conduct an investigation and receive truthful information from a witness about how public funds were spent, and that the false statements contained in the invoices represented a very serious violation. Mr. Cassidy said that the invoices seemed like originals and not copies. Mr. Bigos asked what Mr. Rogers testified to in relation to whether the invoices submitted were copies or originals. Ms. Gardiner replied that her recollection was that Mr. Rogers testified that the invoices he submitted to the Commission contained a little more detailed information than the ones he had given Ms. St. James. The director added that when Mr. Rogers arrived for the

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November 9, 2005 meeting, Mr. Rogers submitted the invoices and said that he gave invoices to Ms. St. James for the campaign and that when she came to him for the invoices in June or July, Mr. Rogers had added more detail to them. He also said that the modified date on his computer would have been in June or July. Mr. Bigos said that he was very suspicious as to the authenticity of the invoices and that he felt each of the invoices were material false statements. Ms. Ginn Marvin said that given the facts surrounding the items on the invoices and the disorganization throughout the campaign, it was very clear to her that the invoices were made up and represented material false statements. Mr. Bigos said that he felt comfortable supporting the staff recommendation, but could be persuaded to support a higher penalty. He also said it was important to send a strong message that this kind of action will not be tolerated in the future, and that he hoped that proposals would be considered that would make it clear that consultants working with MCEA candidates would be held accountable for their actions. Mr. Cassidy agreed, and that accountability was very important when dealing with public funds, that he supported the staff recommendation, and that he hoped people would understand that this is a very serious issue. Ms. Ginn Marvin said that she felt the penalty should be higher, in part because Mr. Rogers had not been at all forthcoming in offering additional information to the Commission, that she felt his intention was to steal money from the people of the state of Maine, and that was not acceptable to her. Mr. Bigos said that while he did not disagree with Mr. Ginn Marvin, he felt that due to the level of proof that the invoices were material false statements, the staff recommendation was appropriate.

Mr. Bigos moved, Mr. Cassidy seconded, and the Commission voted (2-1 - Ms. Ginn Marvin dissenting, Mr. Ketterer abstaining) to fine Mr. Rogers for submitting material false information on the invoices in response to the Commission's investigation.

III – Failure to Report Accurate and Complete Information for all Expenditures

The director explained that Ms. St. James was required to report the date, payee, amount, and purpose for every expenditure made by her campaign. Ms. St. James failed to do so for \$8,067.92 in public funds given to her campaign, and did not disclose to the public what that money was used for as required by law. The staff opinion was that three reports did not

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substantially conform to the reporting requirements, that for the purposes of the penalties the staff was considering only two to be misreported (the third was an amendment to an earlier report) and that the staff recommendation was a penalty of \$2,500 per report, for a total penalty of \$5,000. The director specifically mentioned the October 29, 2004 cash withdrawal of \$4,500, which has never been fully explained in terms of exactly how that money was spent.

Ms. Ginn Marvin asked how this issue differed from Item I that the Commission had already covered. The director explained that Item I dealt with how the money was spent, while this Item dealt with reporting how the money was spent, and that they were two different responsibilities that Ms. St. James had. Mr. Ketterer asked about how other campaigns compared to this one in terms of reporting financial information. The director replied that the Ms. St. James campaign was egregious compared to most other campaigns with respects to the reporting requirement. He said that the Maine Clean Election Act requires that every dollar of public funds be accounted for, and that the St. James campaign committed serious reporting failures. Mr. Ketterer said that the legislative intent was to address both the public's right to know exactly how those public funds were spent, and that he did not see a problem with the two penalties involving the same expenditures. Mr. Bigos said that the reporting failures came just shy of submitting material false statements and that being non-specific in campaign reports was almost misleading. He also said that he was extremely distressed to learn that Mr. Rogers said that the Commission would not act on these issues in order to avoid receiving bad press, and that he would favor a penalty for each of the three reports in the amount of \$2,000 per report, for a total penalty of \$6,000. He also said that the reporting requirement was very important regardless of how Ms. St. James funded her campaign, and that if she was a traditional candidate his thoughts on the matter would not be any different. The director brought up the fact that one of the three reports was an amendment of an earlier report. Ms. Ginn Marvin reiterated her earlier opinion that when a candidate receives public funds, he/she is responsible for keeping detailed records.

Mr. Bigos moved, Mr. Ketterer seconded, and the Commission voted unanimously (4-0) to find Ms. St. James in violation of the reporting requirements and to assess a \$2,000 for each of the three reports, for a total penalty of \$6,000.

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IV – Failure to Keep Required Records

The director explained that the statute requires candidates to keep records on contributions and expenditures, including receipts of all expenditures over \$50, for up to two years after an election. The staff opinion was that Ms. St. James did not conform to this requirement, and the staff recommendation was to assess a \$1,000 penalty for failing to keep required records. The director said that Jessica Larfee did originally sign up as treasurer, but that due to a falling out with Ms. St. James she was at some point no longer treasurer. Under the law, the responsibilities of the treasurer moved to Ms. St. James until she appointed a new treasurer, and she had a duty under the Election Law and Commission rules to keep required records.

Mr. Bigos asked if the relevant laws and rules applied to all candidates. The director replied that §1016 did, but that Chapter 3 of the rules applied to only MCEA candidates. Ms. Gardiner pointed out that §1016 referred to treasurers, while Chapter 3 referred to candidates.

Mr. Cassidy moved, Mr. Ketterer seconded, and the Commission voted unanimously (4-0) to find Ms. St. James in violation for failing to keep required records and to assess a penalty of \$1,000 for that violation. Mr. Bigos said that this instance of failing to keep required records was very egregious, that had Ms. St. James not been cooperative with the investigation, that this violation would warrant a \$10,000 penalty, and that Ms. St. James's statements regarding her inability to do paperwork were absolutely unacceptable.

V – Failure to Liquidate Equipment and Property and Return Proceeds to the Fund

The director explained that the campaign bought a lot of postage stamps, including a purchase of \$8,000 worth of stamps from the Auburn Post Office. After the campaign, Ms. St. James had around \$4,500 worth of stamps left over. The campaign also had electronic equipment left over, including printers, a fax/printers, a digital camera which was purportedly stolen, and a laptop. Under the Commission rules, any equipment bought by a MCEA candidate which could be converted to personal use must be sold at fair market value and the proceeds returned to the MCEA fund. Ms. St. James did not sell any of the postage stamps or equipment and return the

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funds. The staff recommendation was to assess a penalty of \$5,000 for this violation. The director also said that while Ms. St. James had been cooperative with the investigation, it was not until the Commission requested the various items did Ms. St. James return the stamps and equipment. The Commission did get back the three printers and the laptop computer, which the director said was used for children's video games and other personal uses after the campaign.

Mr. Ketterer said that the purchase of a computer right before the election was suspicious, that other candidates worked hard to report their expenditures, and that he did not have a problem supporting the staff recommendation.

Mr. Cassidy moved, Mr. Ketterer seconded, and the Commission voted unanimously (4-0) to adopt the staff recommendation and to assess Ms. St. James a \$5,000 penalty for failure to liquidate equipment and property and return the proceeds to the MCEA fund.

Due to a previous obligation, the Commission moved to the *Biddeford Special Election* item in order to allow Mr. Cassidy to participate.

Biddeford Special Election

I – Violation of 21-A MRSA §1014(2)

The director explained that in February or March in 2004, the Commission had received a complaint about a communication in a special election for House District #135 in Biddeford. This special election involved three candidates – a Democrat, a Republican, and a Green-Independent. The communication in question stated that the Democratic nominee had been involved in gay marriage, supported gay marriage, and included a picture of the nominee purportedly being married in Hawaii. At the time the complaint was filed, the Commission staff looked into to issue, but was unable to determine who had mailed the literature and referred the matter to the Attorney General's office for investigation. The director said that in the course of auditing Ms. St. James's campaign, Ms. St. James said that she knew of the literature and explained that Mr. Rogers had designed and sent out the literature. Mr. Rogers testified at the

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November 9th, 2005 meeting that he was responsible for the creation and mailing of that literature, that around 100 were created, and that the total cost of the mailing was under \$50, which allowed him to not file an independent expenditure report. Ms. Larlee testified under oath that Mr. Rogers had photocopied the pieces of literature at the Auburn Kinko's.

The director said that the Commission staff felt that this violated the attribution requirement in the Election Law, because the "paid for" statement, which on the literature said Coalition for Homosexual Marriage in Maine, should have said "paid for by Dan Rogers." The reasoning behind this was that Mr. Rogers testified that the Coalition had not been involved in any other activity except for this literature. Also, there was no accurate address for the organization or about who financed the communication, and did not include the statement, "Not authorized by any candidate." The staff felt that this was not an innocent mistake, and that there was intent to make the Coalition look like an authentic group, and that it was a serious violation regardless of the cost or amount sent out. The staff was recommending that Mr. Rogers be found in violation of the attribution requirements and to be penalized \$5,000 for this violation. The director said that there had been minor, accidental violations of this requirement in the past. The director said that since the statute says a penalty can be up to \$200 per single communication, and that at least 50 communications that went out, the staff determined that a per communication fine of \$100 and a total penalty of \$5,000 were reasonable. The director also said that the Commission staff had received a letter from an attorney, Dan Billings, who said that there was a single expenditure and a single communication, that it was less than \$50, that the Commission would be exceeding its authority if it assessed a penalty of greater than \$200, and that the legislative intent behind this law was to only allow a maximum penalty for this. The director said that while the staff's interpretation of the statute was possible, Mr. Billings's argument is reasonable. The director said that the proposed penalty reflected the serious nature of the violation and was not an attempt to encourage the Commission to exceed its authority.

Ms. Ginn Marvin said there was clearly a purposeful intent to deceive and mislead people with regards to this literature. Mr. Cassidy said that while he understood the intent, he did not think they could go beyond what the statute allowed. Mr. Bigos said that he agreed with Mr. Billings, that he wished the Commission had the authority to assess a larger penalty in this case, but that

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the statute does limit the Commission's authority and that if the Commission assessed a penalty greater than \$200, it might be exceeding its authority.

Mr. Bigos moved, Mr. Cassidy seconded, and the Commission voted 3-0 (Mr. Ketterer abstaining) to find Mr. Rogers in violation of the attribution requirements and to assess a penalty of \$200.

Trundy Campaign

I - Possible Use of MCEA Funds for Purposes Unrelated to the Campaign

The director explained that a postcard that was supposedly mailed by Mr. Rogers and Ms. Larlee. Mr. Rogers had testified that there was a \$300 postcard mailing supporting marijuana legalization that went out, and that then there was a subsequent 2,300 piece postcard mailing that went to different groups. The director explained that the staff was not sure if the mailing took place, and that how the Commission decided on the mailing would determine the penalties on the following issues in the Trundy campaign. The director said that there were no examples of any postcards that were actually mailed, that a prototype had been submitted, that the staff had had requested that the campaign produce the final version of the postcards and that the campaign had never done so. When the director asked Ms. Larlee about this, she said that she was going to get statements from people who had received the postcards, but had never submitted any statements. The director also said that there was circumstantial evidence supporting the mailing of the postcards, including receipts for cardstock, expenditures for stamps in the amount of \$740, and testimonial evidence from Mr. Rogers and Ms. Larlee that the postcards went out. The director thought the Commission should decide on a factual basis as to whether the postcards went out, as that finding would influence the penalties assessed.

Mr. Bigos asked if candidates were required to keep copies of the literature that they sent out, and the director replied that it was not a requirement. Ms. Ginn Marvin said that she was certain the mailings never took place and that had the mailings took place someone would have a copy of what was sent. Mr. Ketterer said that there were clear differences between the St. James

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campaign and the Trundy campaign, that Sarah Trundy did not take an active role in her own campaign, that Ms. Trundy never saw the postcards herself, and that he agreed that the mailings never took place. Mr. Bigos asked if the campaign ever produced a receipt for the postage. Paul Lavin, the assistant director, replied that there was no receipt ever submitted for the postage expense that was listed on the campaign finance report.

Mr. Ketterer moved, Ms. Ginn Marvin seconded, and the Commission voted unanimously (4-0) to find as fact that the postcard mailings never took place.

The director then asked if the Commission would want to require Ms. Trundy to repay the funds supposedly spent for the mailings, and also if the Commission would want to assess a penalty on Ms. Trundy or Ms. Larlee for making non-campaign related expenditures. The director said if the Commission wanted to have Ms. Trundy repay the public funds, the amount would be \$2,981.76. The director also asked the Commission about a \$1,000 payment made by the campaign to Mr. Rogers, and whether the Commission would consider part or all of that amount as being non-campaign related. Ms. Ginn Marvin expressed her opinion that Mr. Rogers likely never did anything for the campaign. Mr. Ketterer said that the person ultimately responsible for filing reports and keeping records is the candidate, and that Ms. Trundy needed to be responsible for her own campaign. Mr. Cassidy said that Ms. Trundy seemed very naïve and that he thought she was taken advantage of. Mr. Bigos said that Ms. Trundy needed to accept a large amount of responsibility for her campaign, but that Ms. Larlee's actions should be taken into account with regards to any penalties assessed. Mr. Ketterer added that he did not think that the fact that Ms. Trundy did not have check writing authority for her campaign allowed her to be exempt from reporting requirements and other campaign responsibilities.

Mr. Cassidy moved, Ms. Ginn Marvin seconded, and the Commission voted unanimously (4-0) to require Ms. Trundy to repay \$2,981.76 in MCEA funds that were not spent on campaign related purposes.

The director said that the staff recommended a penalty between \$5,000 and \$10,000 for misuse of public funds. Ms. Gardiner said that a fact to consider was that the Commission did not know

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exactly what the \$2,981.76 was spent on. Mr. Cassidy said that the exact amount of funds misused did not change the seriousness of misusing public funds. Mr. Ketterer said that he felt that had Ms. Larlee not been involved, Ms. Trundy would have run for office and be in this position.

Mr. Ketterer moved to assess Ms. Larlee a penalty of \$5,000 for misuse of public funds. There was no second. Mr. Cassidy moved and Ms. Ginn Marvin seconded a motion to assess Ms. Larlee a \$10,000 penalty for misuse of public funds. Mr. Ketterer asked the reasoning behind the \$10,000 penalty. Mr. Cassidy said that they assessed Ms. St. James a \$10,000 penalty for the same type of offense, and that any amount of public funds misused is serious, regardless of how much the amount is. Ms. Ginn Marvin said that she felt this example was almost worse than the St. James one, because Ms. Trundy had no idea what was going on in her campaign, and that she felt what Ms. Larlee did was terrible. The Commission voted unanimously (4-0) to adopt the motion and assess a \$10,000 penalty for misuse of public funds.

Additional Item - Referral of Material to the Attorney General

The director recommended that all the materials relating to the St. James campaign, the Trundy campaign, and the literature on the special election in Biddeford be turned over to the Attorney General's office for potential criminal proceedings/investigations.

Mr. Bigos moved, Mr. Ketterer seconded, and the Commission voted unanimously (4-0) to refer the file and all materials pertaining to Ms. St. James, Ms. Trundy and Ms. Larlee to the Attorney General's office for possible criminal prosecution

Mr. Bigos moved, Mr. Cassidy seconded, and the Commission voted 3-0 (Mr. Ketterer abstaining) to refer the file and all materials pertaining to Mr. Rogers to the Attorney General's office for possible criminal prosecution.

At this point, Mr. Cassidy left the meeting due to a previous obligation.

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II – Failure to Keep Required Records

and

III – Failure to Accurately Report All Expenditures

The director explained that Ms. Larlee, as treasurer for the Trundy campaign, was responsible for keeping a receipt for each expenditure over \$50. The staff reviewed the submitted receipts and records, which amounted to less than 10% of the overall spending of the campaign, and recommended a combined penalty of \$5,000 for failure to keep required records and also for failure to accurately report all expenditures. The director explained the reporting requirements for expenditures. There were expenditures totaling \$261 that were never reported, the campaign failed to note that they had purchased a printer on the campaign finance reports, and they did not have enough cash on hand to make some of the expenditures late in the campaign, at least according to their campaign finance reports.

Mr. Ketterer moved, Mr. Bigos seconded, and the Commission voted 3-0 to assess Ms. Larlee a combined penalty of \$5,000 for failure to keep required records and failure to accurately report all expenditures.

The staff also recommended a \$500 penalty for Ms. Trundy for failing to ensure that required records were kept and that the campaign reports were accurately filed. Mr. Ketterer said that he thought the staff recommendation was fair considering that the candidate is ultimately responsible and that there were other penalties and repayments.

Mr. Ketterer moved, Mr. Bigos seconded, and the Commission voted 3-0 to assess Ms. Trundy a \$500 penalty for failing to ensure that required records were kept and that the campaign reports were accurately filed.

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IV – Failure to Liquidate Equipment and Return Proceeds to the Fund

The director explained that the computer printer, which was never reported but which purportedly broke towards the end of the campaign, should have been sold at fair market value and the proceeds returned to the MCEA fund. The staff recommendation was a \$500 penalty.

Mr. Bigos supported the staff recommendation, saying that the equipment should have been returned regardless if it had been broken or not and that not liquidating equipment bought with public funds was a serious offense.

Mr. Bigos moved, Mr. Ketterer seconded, and the Commission voted 3-0 to assess a \$500 penalty against Ms. Larlee for failure to liquidate equipment and return proceeds to the MCEA fund.

Agenda Item #6 – Report on Maine Clean Election Act

The director explained that the Commission was required to release a report on the MCEA Act, and asked if the Commission would want to see the document in draft form. The Commission agreed.

The Commission thanked the director, Ms. Gardiner and the rest of the Commission staff for their effort and hard work in completing the investigation.

There being no further business, the Commission adjourned.

Agenda

Item #2



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

Thomas B. Saviello

60 Applegate Lane

Wilton, ME 04294

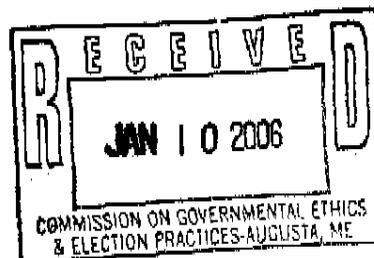
Residence: (207) 645-3420

Business: (207) 897-1422

Fax: (207) 897-1783

E-Mail: drtom16@hotmail.com

March 14, 2005



Mr. Jonathan Wayne
Executive Director
Maine Commission on Governmental Ethics
and Election Practices
135 State House Station
Augusta, ME 04333

Dear Mr. Wayne:

I, Representative Thomas Saviello, hereby request the Ethics Commission to look into the allegations made against me related to my dealings with the Maine Department of Environmental Protection, including but not limited to, the allegation that I was involved in a so called "deal" to avoid an enforcement action relating to solvent rags in exchange for my agreement to support the former DEP Commissioner's proposal to support legislation related to Gulf Island Pond and the Androscoggin River.

I also request that the Commission address the broader question whether my employment as the Environmental Manager for International Paper's Androscoggin Mill alone disqualifies me from service on the Legislature's Natural Resource Committee.

I would request this inquiry be done as quickly as possible. I would like to have my name cleared, and once and for all, put to rest the conflict of interest question. I appreciate your attention to this matter and await your direction.

Sincerely,

Thomas B. Saviello
Maine State House of Representatives
District 90

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

January 13, 2006

Hon. Thomas B. Saviello
60 Applegate Lane
Wilton, Maine 04294

Dear Representative Saviello:

I write in response to your request for an advisory opinion, received on January 9, 2006, regarding your employment for International Paper and your activities as a member of the Maine Legislature. I have enclosed 1 M.R.S.A. §1013 and Chapter 1, Section 4(1) of the Commission's Rules, which set forth the Ethics Commission's procedures for considering a request for an advisory opinion regarding an issue of legislative ethics. Also enclosed is Chapter 1, Section 5 of the Commission's Rules, which governs fact-finding and investigations by the Commission, and Chapter 2 of the Commission's Rules, setting forth hearing procedures.

In accordance with the statute and Commission Rules, I will put your request on the agenda for the next meeting of the Commission to determine whether it wishes to conduct an investigation and the scope of any investigation. The next meeting of the Commission is scheduled for February 8 at 9:00 a.m., and you and your counsel are welcome to address the Commission at that meeting. In the meantime, pursuant to Chapter 1, Section 5(1), I intend to conduct preliminary fact-finding prior to the February 8 meeting that will consist primarily of gathering relevant documents.

To assist the Commission in deciding how to proceed, I request the following information and documents:

1. You are invited to submit any written materials that you believe are relevant to your request for an advisory opinion. In particular, it would be helpful if you could provide the Commission with a more detailed description of the circumstances relating to the alleged "deal" referred to in the first paragraph of your letter, the nature of your job responsibilities as Environmental Manager for International Paper Company's Androscoggin Mill (particularly as they relate to the work of the Maine DEP), any legislative matters that you anticipate coming before the Joint Standing Committee on Natural Resources that may be of concern to your employer, and any relevant issues regarding the DEP budget or staff that will be considered by the committee.

Hon. Thomas B. Saviello

- 2 -

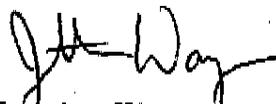
January 13, 2006

2. Please clarify whether you are requesting that the Commission members consider the conflict of interest question at a hearing pursuant to 1 M.R.S.A. §1013(2)(E) and, if so, whether there are any witnesses you wish to have the Commission invite, or subpoena, to testify. A hearing would require that witnesses be sworn and subject to cross-examination, but the rules of evidence would not apply. If no hearing is held, the Commission would consider your request according to its usual public meeting procedures which are less formal than a hearing.
3. Please identify any individuals or organizations that you believe may have relevant information to present to the Commission concerning the matters raised in your request for an advisory opinion.

If possible, please provide the documents and information no later than January 27. Please be aware that I will be sending requests for relevant documents to other interested persons, including some of the advocacy organizations that have raised the allegations referred to in your letter in the public media. All information received by the Commission in the course of this inquiry that has not already been disseminated to the public as a public record will be kept confidential to the extent provided by 1 M.R.S.A. §1013(2)(J).

If you or your attorney has any questions, please telephone me at 287-4179.
Thank you.

Sincerely,



Jonathan Wayne
Executive Director

cc: Members, Ethics Commission (with Saviello request attached)

received in kind includes, but is not limited to, the transfer of property and options to buy or lease, and stock certificates. "Income" does not include;

- A. Alimony and separate maintenance payments; or
- B. Campaign contributions recorded and reported as required by Title 21-A, chapter 13.

8. **Relative.** "Relative" means an individual who is related to the Legislator or the Legislator's spouse as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister, and shall be deemed to include the fiance or fiancée of the Legislator.

9. **Self-employed.** "Self-employed" means that the person qualifies as an independent contractor under Title 39-A, section 102, subsection 13.

1 § 1013. Authority; procedures

- 1. **Authority.** The commission shall have the authority:
 - A. To issue, on request of any Legislator on an issue involving himself, or on its own motion, advisory opinions and guidelines on problems or questions involving possible conflicts of interest in matters under consideration by, or pertaining to, the Legislature;
 - B. To investigate complaints filed by Legislators, or on its own motion, alleging conflict of interest against any Legislator, to hold hearings thereon if the commission deems appropriate and to issue publicly findings of fact together with its opinion; and
 - C. To administer the disclosure of sources of income by Legislators as required by this subchapter.

- 2. **Procedure.** The following procedures shall apply:
 - A. Requests for advisory opinions by members of the Legislature shall be filed with the commission in writing, signed by the Legislator requesting the opinion and shall contain such supporting data as the commission shall require. When preparing an advisory opinion on its own motion, the commission shall notify the Legislator concerned and allow him to provide additional information to the commission. In preparing an advisory opinion, either upon request or on its own motion, the commission may make such an investigation as it deems necessary. A copy of the commission's advisory opinion shall be sent to the Legislator concerned and to the presiding officer of the House of which the Legislator is a member;
 - B. A Legislator making a complaint shall file the complaint under oath with the chairman. The complaint shall specify the facts of the alleged conflict of interest. The Legislator against whom a complaint is filed shall immediately be given a copy of the complaint and the name of the complainant. Only those complaints dealing

with alleged conflicts of interest related to the current Legislature shall be considered by the commission. Upon a majority vote of the commission, the commission shall conduct such investigation and hold such hearings as it deems necessary. The commission shall issue its findings of fact together with its opinion regarding the alleged conflict of interest to the House of which the Legislator concerned is a member. That House may take whatever action it deems appropriate, in accordance with the Constitution of the State of Maine.

C. When the conduct of a particular Legislator is under inquiry and a hearing is to be held, the Legislator shall be given written notification of the time and place at which the hearing is to be held. Such notification shall be given not less than 10 days prior to the date set for the hearing.

D. The commission shall have the authority, through its chairman or any member designated by him, to administer oaths, subpoena witnesses and compel the production of books, records, papers, documents, correspondence and other material and records which the committee deems relevant. The commission shall subpoena such witnesses as the complainant Legislator or the Legislator against whom the complaint has been filed may request to be subpoenaed. The State, its agencies and instrumentalities shall furnish to the commission any information, records or documents which the commission designates as being necessary for the exercise of its functions and duties. In the case of refusal of any person to obey an order or subpoena of the commission, the Superior Court, upon application of the commission, shall have jurisdiction and authority to require compliance with the order or subpoena. Any failure of any person to obey an order of the Superior Court may be punished by that court as a contempt thereof.

E. Any person whose conduct is under inquiry shall be accorded due process and, if requested, the right to a hearing. All witnesses shall be subject to cross-examination.

Any person whose name is mentioned in an investigation or hearing and who believes that testimony has been given which adversely affects him shall have the right to testify, or at the discretion of the commission and under such circumstances as the commission shall determine to protect the rights of the Legislator under inquiry, to file a statement of facts under oath relating solely to the material relevant to the testimony of which he complains. Any witness at an investigation or hearing, subject to rules and regulations promulgated by the commission, shall be entitled to a copy of such testimony when the same becomes relevant to a criminal proceeding or subsequent investigation or hearings.

All witnesses shall be sworn. The commission may sequester witnesses as it deems necessary. The commission shall not be bound by the strict rules of evidence, but its findings and opinions must be based upon competent and substantial evidence.

Time periods and notices may be waived by agreement of the commission and the person whose conduct is under inquiry.

F. If the commission concludes that it appears that a Legislator has violated a criminal law, a copy of its findings of fact, its opinion and such other information as may be appropriate shall be referred to the Attorney General. Any determination by

the commission or by a House of the Legislature that a conflict of interest has occurred does not preclude any criminal action relating to the conflict which may be brought against the Legislator.

G. If the commission determines that a complaint filed under oath is groundless and without foundation, or if the Legislator filing the complaint fails to appear at the hearing without being excused by the commission, the commission may order the complainant to pay to the Legislator against whom the complaint has been filed his costs of investigation and defense, including any reasonable attorney's fees. The complainant may appeal such an order to the House of which he is a member.

Such an order shall not preclude any other remedy available to the Legislator against whom the complaint has been filed, including, but not limited to, an action brought in Superior Court against the complainant for damages to his reputation.

H. A copy of the commission's advisory opinions and guidelines, with such deletions and changes as the commission deems necessary to protect the identity of the person seeking the opinions, or others, shall be filed with the Clerk of the House. The clerk shall keep them in a special binder and shall finally publish them in the Legislative Record. The commission may exempt an opinion or a part thereof from release, publication or inspection, if it deems such action appropriate for the protection of 3rd parties and makes available to the public an explanatory statement to that effect.

I. A copy of the commission's findings of fact and opinions regarding complaints against Legislators shall also be filed with the Clerk of the House. The clerk shall keep them in a special binder and shall finally publish them in the Legislative Record.

J. The records of the commission and all information received by the commission acting under this subchapter in the course of its investigation and conduct of its affairs shall be confidential, except that Legislators' statements of sources of income, evidence or information disclosed at public hearings, the commission's findings of fact and its opinions and guidelines are public records.

K. When a Legislator has a question or problem of an emergency nature about a possible conflict of interest or an issue involving himself which arises during the course of legislative action, he may request an advisory opinion from the presiding officer of the legislative body of which he is a member. The presiding officer may, at his discretion, issue an advisory opinion, which shall be in accordance with the principles of this subchapter, which shall be in writing, and which shall be reported to the commission. The commission may then issue a further opinion on the matter. The presiding officer may refer such question or problem directly to the commission, which shall meet as soon as possible to consider the question or problem.

3. Confidentiality. The subject of any investigation by the commission shall be informed promptly of the existence of the investigation and the nature of the charges or allegations. Otherwise, notwithstanding chapter 13, all complaints shall be confidential until the investigation is completed and a hearing ordered or until the nature of the investigation becomes public knowledge. Any person, except the subject of the investigation, who knowingly breaches the confidentiality of the investigation is guilty of a Class D crime.

1 § 1014. Conflict of interest

1. Situations involving conflict of interest. A conflict of interest shall include the following:

A. Where a Legislator or a member of his immediate family has or acquires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation.

B. Where a Legislator or a member of his immediate family accepts gifts, other than campaign contributions duly recorded as required by law, from persons affected by legislation or who have an interest in a business affected by proposed legislation, where it is known or reasonably should be known that the purpose of the donor in making the gift is to influence the Legislator in the performance of his official duties or vote, or is intended as a reward for action on his part.

C. Receiving compensation or reimbursement not authorized by law for services, advice or assistance as a Legislator.

D. Appearing for, representing or assisting another in respect to a claim before the Legislature, unless without compensation and for the benefit of a citizen.

E. Where a Legislator or a member of his immediate family accepts or engages in employment which could impair the Legislator's judgment, or where the Legislator knows that there is a substantial possibility that an opportunity for employment is being afforded him or a member of his immediate family with intent to influence his conduct in the performance of his official duties, or where the Legislator or a member of his immediate family stands to derive a personal private gain or loss from employment, because of legislative action, distinct from the gain or losses of other employees or the general community.

F. Where a Legislator or a member of his immediate family has an interest in legislation relating to a profession, trade, business or employment in which the Legislator or a member of his immediate family is engaged, where the benefit derived by the Legislator or a member of his immediate family is unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment.

2. Undue influence. It is presumed that a conflict of interest exists where there are circumstances which involve a substantial risk of undue influence by a Legislator, including but not limited to the following cases.

A. Appearing for, representing or assisting another in a matter before a state agency or authority, unless without compensation and for the benefit of a constituent, except for attorneys or other professional persons engaged in the conduct of their professions.

(1) Even in the excepted cases, an attorney or other professional person must refrain from references to his legislative capacity, from communications on legislative stationery and from threats or implications relating to legislative action.

B. Representing or assisting another in the sale of goods or services to the State, a state agency or authority, unless the transaction occurs after public notice and competitive bidding.

3. Abuse of office or position. It is presumed that a conflict of interest exists where a Legislator abuses his office or position, including but not limited to the following cases.

A. Where a Legislator or a member of his immediate family has a direct financial interest or an interest through a close economic association in a contract for goods or services with the State, a state agency or authority in a transaction not covered by public notice and competitive bidding or by uniform rates established by the State, a state agency, authority or other governmental entity or by a professional association or organization.

B. Granting or obtaining special privilege, exemption or preferential treatment to or for oneself or another, which privilege, exemption or treatment is not readily available to members of the general community or class to which the beneficiary belongs.

C. Use or disclosure of confidential information obtained because of office or position for the benefit of self or another.

1 § 1015. Actions precluded; reports

1. Actions precluded. When a member of the Legislature has a conflict of interest, that member has an affirmative duty not to vote on any question in connection with the conflict in committee or in either branch of the Legislature, and shall not attempt to influence the outcome of that question.

2. Reports. When the commission finds that a Legislator has voted or acted in conflict of interest, the commission shall report its findings in writing to the house of which the Legislator is a member.

3. Campaign contributions and solicitations prohibited. The following provisions prohibit certain campaign contributions and solicitation of campaign contributions during a legislative session.

A. As used in this subsection, the terms "employer," "lobbyist" and "lobbyist associate" have the same meanings as in Title 3, section 312-A and the term "contribution" has the same meaning as in Title 21-A, section 1012.

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment, except for a qualifying contribution as defined under Title

At least 2 members must be present in person for the conduct of a meeting or public hearing before the Commission. If fewer than 3 members are present in person for a hearing, however, objections to rulings of the presiding officer concerning the conduct of the hearing must be preserved until a meeting of the Commission at which a quorum is present in person. The presiding officer at a meeting or public hearing must be present in person.

7. Minutes.

- A. The Director will prepare minutes of each business meeting of the Commission. These minutes will be the official record of Commission meetings, and will accurately record all matters considered.
- B. The minutes will record any executive session of the Commission and its subject matter, but will not report the proceedings of the executive session. Likewise, minutes will not be taken of any public hearing held by the Commission, since hearings are separately recorded.

SECTION 4. INITIATION OF PROCEEDINGS

- 1. Legislative Ethics. The Commission is authorized to investigate and make advisory recommendations to either House of the Maine Legislature concerning legislative conflicts of interest or any breach of the legislative ethics set forth in 1 M.R.S.A. Sections 1001 - 1023. The Commission's opinion may be sought by three methods, or the Commission may act on its own motion.
 - A. Legislator's Own Conduct.
 - (1) A Legislator seeking an advisory opinion with respect to his or her own circumstances or conduct should make a written request for an opinion, setting forth the pertinent facts with respect to the legislative matter at issue and the circumstances of the Legislator giving rise to the inquiry.
 - (2) The request will be officially filed only when received at the offices of the Commission. The Director will promptly send a copy of the request to the Chair, and the matter will be placed on the agenda for the next Commission meeting, or if necessary, at a special meeting.

- (3) An oral request by a Legislator for an opinion with respect to his or her own circumstances will not be considered an official request for an advisory opinion, and a Legislator making such a request will be so notified, by letter, and encouraged to file a written request.
- B. Complaints. Any written complaint will be included in the agenda of the next Commission meeting.
- (1) Complaint by a Legislator. Copies of any sworn complaint filed by a Legislator will promptly be sent to the Legislator against whom the complaint has been lodged and to the Commission Chair, in each case identifying the Legislator making the complaint. A complaint invokes the Commission's authority only if made under oath and only if it addresses an alleged conflict of interest relating to circumstances arising during the term of the legislature then in office.
 - (2) Other Complaints.
 - (a) The Director will review each complaint to determine whether the matter relates to the Commission's statutory mandate. When a complaint is filed, the Director, in consultation with Commission Counsel, will review the matter to determine whether the complaint has sufficient merit to warrant recommending the calling of a meeting. When a meeting is called, the Commission will determine in executive session whether to hear the complaint. If the nature of the complaint clearly does not fall within the scope of the Commission's jurisdiction, the Director will so notify the complainant by letter within 14 days of receiving the complaint. In such cases, the respondent need not be notified. The Commission may reverse any administrative decision.
 - (b) An oral complaint by any person alleging a conflict of interest concerning any legislator does not constitute a complaint under 1 M.R.S.A. Section 1013(2)(B), and a person registering such a complaint will be so notified, by letter.
- C. Referral by Presiding Officer. When a Legislator has requested an advisory opinion from the Presiding Officer of the House of which he/she is a member, and the Presiding Officer has referred the

inquiry directly to the Commission, the Director will arrange a meeting of the Commission as soon as possible to consider the question.

2. Election Campaign Reporting.

A. **Report Review.** The Commission staff will review all filings made pursuant to 21-A M.R.S.A. Sections 1001 - 1062 to ascertain any apparent violations of the filing requirements set by statute or rule. Reports and registrations will be checked for violations against a standardized checklist. Notice of any omission, error, or violation will be given by mail to the filer and a copy of the notice and any other communication made to or from the filer relating to the problem(s) will be placed in the filer's record. The notice will include a request that the filer remedy any omission or error within 15 days of the date of the notice. If the filer fails to respond within that time frame, the Commission staff may contact the filer to establish a reasonable grace period within which the filer must comply. If the filer does not rectify the problem, the matter will be placed on the agenda of the next Commission meeting, along with all documents relating to the case. Additionally, any apparent occurrences of substantial nonconformance with the requirements of the law will be placed on the agenda of the next meeting, including, but not limited to, the following:

- (1) Failure to properly sign a required report,
- (2) Failure to file a required report or registration,
- (3) Late filing of a required report or registration outside the grace period,
- (4) Failure to disclose contributions received or expenditures made of more than \$500 in the aggregate on reports due after the 12th day before an election, or
- (5) Exceeding contribution limitations. For the purposes of the limitations imposed by 21-A M.R.S.A. Section 1015(1), 21-A M.R.S.A. Section 1015(2), 21-A M.R.S.A. Section 1015(3), and 21-A M.R.S.A. Section 1056, the following guidelines shall apply:
 - (a) All contributions made to a candidate through the day of the primary election for which the candidate seeks office are deemed to be made in the primary election.

- E. **Request for Waiver of Nonsession Reporting Requirement.** A lobbyist may request a waiver of the monthly nonsession reporting requirement set forth in 3 M.R.S.A. Section 317(4) if the lobbyist does not expect to be engaged in lobbying when the Legislature is not in session. The Director is authorized to provisionally grant such waivers pending approval by the Commission. Provisional waivers may be granted only where a request is properly filed, the statement properly completed, and where there is no apparent reason to doubt the statement is true. During the period in which the waiver is effective, reports will not be required. If lobbying is resumed during the period for which the waiver was granted, the lobbyist must file a monthly disclosure report for the month or months lobbying was conducted.
- F. **Faxing Duly Executed Lobbyist Registration, Reports.** Any registration or report required by 3 M.R.S.A. ch. 15 may be provisionally filed by transmission of a facsimile copy of the duly executed report to the Commission, provided that the original of the same report is received by the Commission within 5 calendar days thereafter.

SECTION 5. FACT FINDING AND INVESTIGATIONS

1. **Before Commission Meeting.** With respect to any inquiry, report or request for Commission action properly filed in accordance with the preceding section, the Director may conduct such preliminary fact finding as is deemed prudent and desirable. When the Director and Counsel find a basis for a preliminary investigation, they will recommend such steps to the Chair as necessary. Pursuant to reviewing reports or finding of fact, the Director, in consultation with Counsel, will prepare a summary of findings and recommendations for inclusion on the agenda. The Chair is authorized to issue subpoenas in the name of the Commission to compel the attendance of witnesses or the production of records, documents or other evidence when the Chair and the Commission's Counsel are in agreement that the testimony or evidence sought by the subpoena is likely to be of critical importance to disposition of the matter; and to issue any subpoena in the name of the Commission on behalf of any person having a statutory right to an agency subpoena. Any oral testimony compelled by a subpoena issued by this provision will be presented initially and exclusively to the Commission.
2. **By the Commission.** Once any matter is reached on the agenda of a Commission meeting, the Commission will control any further investigation or proceedings. No hearings will be held except by direction of the Commission. On a case-by-case basis, the Commission may authorize its

Chair, Director, or any ad hoc committee of its members, to conduct further investigative proceedings on behalf of the Commission between Commission meetings. Any authorization so conferred will be fully reflected in the minutes of the Commission meeting.

SECTION 6. CONTRIBUTIONS AND OTHER RECEIPTS

1. A loan is a contribution at the time it is made unless the loan was made by a financial institution in the State of Maine in the ordinary course of business. Loans continue to be contributions until they are repaid. Loans are subject to the candidate contribution limitations, except for loans made by the candidate, the candidate's spouse, or a financial institution in the State of Maine in the ordinary course of business.
2. Candidates and political action committees must report the occupation and employer of each individual contributor who gives, in the aggregate, more than \$50 for the reporting period. The reporting is required for private contributions raised by traditionally financed candidates and for seed money contributions to candidates participating in the Maine Clean Election Act. Candidates and political action committees must make a reasonable effort to obtain the employment information of the contributor. If a candidate or political action committee is unable to obtain the information from the contributor in response to a request, the candidate or committee shall indicate "information requested" in the occupation and employer sections of the campaign finance report.
3. Unless specifically exempted under Title 21-A M.R.S.A. Sections 1012 and 1052 or this section, the provision of any goods or services without charge or at a charge that is less than the usual and customary charge for such goods or services is an in-kind contribution. Examples of such goods and services include, but are not limited to: equipment, facilities, supplies, personnel, advertising, and campaign literature. If goods or services are provided at less than the usual and customary charge, the amount of the in-kind contribution is the difference between the usual and customary charge and the amount charged the candidate or political committee.
4. An employer that has authorized an employee to provide services without charge to a candidate or political committee during the employee's paid work-time has made an in-kind contribution to the candidate or political committee. No contribution has been made if the employee is providing services as a volunteer outside of the employee's paid work-time.
5. A commercial vendor that has extended credit to a candidate or political committee has not made a contribution if the credit is extended in the

94-270 COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**Chapter 2: HEARING PROCEDURES****SECTION 1. SCOPE**

These procedures shall be applicable to hearings before the Maine Commission on Governmental Ethics and Election Practices which have been called to consider any matter within the Commission's statutory authority. They shall be construed to secure the just, speedy and inexpensive determination of such matters in the public interest.

SECTION 2. NOTICE

1. Due notice of public hearings shall be given by publishing such notice in appropriate newspapers and notifying those whose conduct or report is the subject of the hearing at least 10 days prior to the hearing.
2. The notice shall specify the time and place of the hearing and matters to be considered at the hearing.

SECTION 3. PRESIDING OFFICER

1. The presiding officer at any hearing shall be either (1) the Chair, or (2) a member of the Commission selected by those members present at the hearing.
2. The presiding officer shall have the authority to:
 - A. Rule upon issues of evidence,
 - B. Regulate the course of the hearing,
 - C. Rule upon issues of procedure,
 - D. Present questions to the Commission for its determination,
 - E. Take such other action as may be ordered by the Commission or is necessary for the efficient and orderly conduct of the hearing, consistent with these regulations and applicable statutes.

3. In special cases, where good cause appears, the presiding officer may permit deviation from these procedural rules insofar as compliance therewith is found to be impractical or unnecessary.
4. The rulings of the presiding officer shall be subject to change or amendment by the Commission on motion of any Commission member.

SECTION 4. GENERAL CONDUCT

1. **Opening Statement.** The presiding officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct.
2. **Transcription of Testimony.** All testimony at hearings shall be recorded and, as necessary, transcribed, with the expenses of transcription to be paid by the person requesting the transcription. Requests for transcription must be made within 60 days of the date of the Commission's decision resulting from the hearing.
3. **Witnesses.** Witnesses shall be sworn. The Commission may sequester witnesses as it deems necessary.
4. **Testimony.** Witnesses shall testify on behalf of or at the invitation or subpoena of the Commission or on behalf of the parties to the proceeding.
5. **Ethics Hearings.** In hearings involving legislative ethics, any person whose name is mentioned in an investigation or hearing and who believes that testimony has been given which adversely affects that person shall have the right to testify, or at the discretion of the Commission and under such circumstances as the Commission shall determine to protect the rights of the Legislator under inquiry, to file a statement of facts under oath relating solely to the material relevant to the testimony of which that person complains. Nothing herein shall be construed to prevent the Commission from granting the right of cross-examination.

SECTION 5. CONTINUANCE

All hearings conducted pursuant to these regulations may be continued for reasonable cause and reconvened from time to time and from place to place by the presiding officer as circumstances require. All orders for continuance shall specify the time and place at which such hearing shall be reconvened. The staff shall notify interested persons of the continuance in such a manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing.

SECTION 6. GENERAL EVIDENCE

1. Evidence which is relevant and material to the subject matter of the hearing and is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible. However, the Maine Rules of Evidence shall apply to the introduction of verbal hearsay evidence in the same manner as at a civil trial. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded.
2. Commission Evidence. Any results of Commission investigations or data gathered during Commission investigations may be introduced into the record by the Commission. The Commission may also present such other evidence as it deems appropriate.
3. Official Notice. The Commission may, at any time, take official notice of relevant laws, official regulations and transcripts of other Commission hearings, judicially recognizable facts, generally recognized facts of common knowledge to the general public and physical, technical or scientific facts within its specialized knowledge. The Commission shall include in any final written decision those facts of which it took official notice unless those facts are included in the transcript of the record.
4. Documentary and Real Evidence. All documents, materials and objects offered in evidence as exhibits shall be numbered or otherwise identified. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available.
5. Objections. All objections to rulings of the presiding officer regarding evidence or procedure and the grounds therefor shall be timely stated during the course of the hearing. If during the course of or after the close of the hearing and during its deliberations the Commission determines that the ruling of the presiding officer was in error, it may reopen the hearing or take such other action as it deems appropriate to correct such error.
6. Offer of Proof. An offer of proof may be made in connection with an objection to a ruling of the presiding officer excluding or rejecting any testimony or question on cross-examination. Such offer of proof shall consist of a statement of the substance of the proffered evidence or that which is expected to be shown by the answer of the witness.

SECTION 7. CROSS-EXAMINATION

All witnesses shall be subject to cross-examination as follows:

1. Commission members, staff and counsel may ask questions at any time.
2. Legislators in proceedings involving ethics and candidates or committees in proceedings involving their campaign reports shall have the right of cross-examination in the order specified by the presiding officer.
3. Any other person whose conduct is under inquiry in a legislative ethics proceeding shall have the right of cross-examination at a point specified by the presiding officer.
4. The presiding officer may permit oral questions outside the regular order where deemed appropriate to gain information for the Commission.

SECTION 8. CONCLUSION OF HEARING

At the conclusion of the hearing, no other evidence or testimony will be allowed into the record, except as specified by the presiding officer.

SECTION 9. REOPENING THE RECORD

At any time prior to a final decision, the Commission may reopen the record for further proceedings consistent with these regulations provided, however, that the Commission shall give notice of such further proceeding at least 10 days prior to such proceedings.

SECTION 10. BRIEFS AND PROPOSED FINDINGS AND SCHEDULE

After close of the record and prior to decision the Commission may order that within a specified time any person who participated in the hearing may file briefs and proposed findings of fact with the Commission.

SECTION 11. REPRESENTATIVES

The first document filed by any person in a proceeding shall designate the name and address of a person on whom service shall be made and to whom all correspondence from the Commission and other participants in the proceeding shall be sent.

STATUTORY AUTHORITY: 1 M.R.S.A. Section 1003

EFFECTIVE DATE: April 29, 1987

AMENDED: December 14, 1994

EFFECTIVE DATE (ELECTRONIC CONVERSION): October 30, 1996

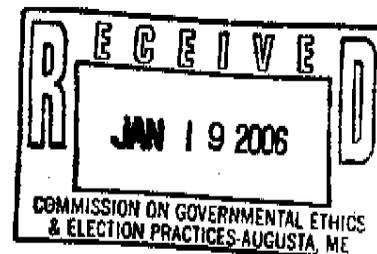
REPEALED AND REPLACED: November 1, 1998; also converted to MS Word 2.0 format.

Agenda

Item #3

January 17, 2006

Mr. Jonathan Wayne
Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135



Dear Mr. Wayne:

I am writing to request a final penalty determination by the Commission. On behalf of myself and my employer, Environment Northeast, I respectfully seek a waiver of the penalty indicated in the notice (attached) of January 3, 2006, sent by Martha Currier-Demeritt in connection with the late filing of the annual lobbyist report.

As the notice accurately states, my annual report was filed on the day it was due, about five (5) hours late, when I returned from a family vacation in the midst of the holidays. (I was grateful for the friendly email reminder from Ms. Currier-Demeritt.)

The basis for my request of a waiver of the penalty in this instance is that the amount of \$200 seems excessive under the circumstances. The circumstances are as follows:

- The report was only 5 hours late on the due date;
- In 2005, all other reporting in connection with this lobbying work was timely filed, including the monthly reports and initial registration, thus there was no potential loss of appropriate public disclosure or transparency regarding these activities;
- The amount of lobbying that was the subject of the report was relatively small (totaling 56.5 hours) and distant (occurring during April and May) from the time of the late report;
- I am not a professional lobbyist and am not employed for a professional lobbying firm. I am a full-time employee at a small non-profit organization and, as my prior timely filings indicate, endeavor to meet all of the requirements of Maine laws and regulations; and,
- Whatever penalty is assessed will be paid by me personally.

It is my understanding that the the Commission has the discretion to waive fees in certain circumstances and I ask that you find this to be such a case. I take my responsibilities under the rules very seriously. However, I suggest that it would be fair to reduce the penalty to zero (\$0) for this isolated oversight, with the understanding that should future reports be tardy they would be dealt with more severely.

Thank you for your consideration.

Respectfully,


Michael D. Stoddard
101 Brentwood Street
Portland, ME 04103

URGENT!! Lobbyist Annual Report DUE TODAY!

Page 1 of 1

Currier-Demeritt, Martha

From: Michael Stoddard [mstod@maine.rr.com]
Sent: Friday, December 30, 2005 10:18 PM
To: Currier-Demeritt, Martha
Subject: RE: URGENT!! Lobbyist Annual Report DUE TODAY!
Attachments: Stoddard.AnnualLobby(Maine - 05).pdf

I have just returned from a holiday vacation to find your email from this afternoon. Thank you for the reminder. Please see annual lobbyist report, attached.

Michael D. Stoddard
Environment Northeast
207.761.4566
mstoddard@env-ne.org
www.env-ne.org

PRIVILEGE AND CONFIDENTIALITY NOTICE

Unless otherwise indicated, this message is intended only for the use of individuals or entities to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure as attorney-client, work-product, or otherwise confidential communications such that any dissemination, distribution, or copying of this communication is prohibited.

-----Original Message-----

From: Currier-Demeritt, Martha [mailto:Martha.Currier-Demeritt@maine.gov]
Sent: Friday, December 30, 2005 2:34 PM
Subject: URGENT!! Lobbyist Annual Report DUE TODAY!
Importance: High

Dear Lobbyist,

The Ethics Commission has not yet received your annual lobbyist disclosure report(s) due today by 5:00 p.m.

To avoid the \$200 penalty per month the report is filed late, I urge you to file your report **before 5:00 p.m. today.**

Thank you for your prompt attention to this matter.

Martha Currier-Demeritt
PAC, Party & Lobbyist Registrar
Maine Ethics Commission
S.H.S. 135 ~ 242 State Street
Augusta, ME 04333
phone 207.287.6221
fax 207.287-6775

STATE OF MAINE
 COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 135 State House Station
 Augusta, Maine 04333
 Tel: 207-287-6221 Fax: 207-287-6775
 Website: www.state.me.us/ethics

JOINT LOBBYIST /EMPLOYER ANNUAL REPORT

Each registered lobbyist and employer must file an annual disclosure report by 5 p.m. on December 30th following the year which is the subject of the report. ("Year" means a 12-month period starting December 1 and ending the following November 30.) The report must summarize all lobbying activities for the year and report in detail only those legislative actions not previously reported. **A PENALTY OF \$200 MAY BE ASSESSED THE LOBBYIST/EMPLOYER FOR EVERY MONTH THE REPORT IS FILED LATE.**

1. This report covers lobbying activity conducted during the period beginning 1/1/2005 and ending 11/30/2005

2. Lobbyist Name STODDARD, MICHAEL	
Business Address 101 BRENTWOOD STREET	Telephone (207)761-4566
	E-mail mstoddard@env-ne.org
City, State, Zip Code PORTLAND ME 04103	Fax (207)773-1798

3. Employer Name ENVIRONMENT NORTHEAST	Principal Lobbyist Contact Name MICHAEL STODDARD
Business Address P.O. BOX 313	Telephone (207)761-4566
	E-mail mstoddard@env-ne.org
City, State, Zip Code ROCKPORT ME 04856	Fax (207)773-1798

4. Enter the names of lobbyist associates who acted for the lobbyist in representing the employer during the year which is the subject of this report:

--

5. Specify the dollar amount of compensation received for lobbying, the preparation of documents, and research for the primary purpose of influencing legislative action during the year which is the subject of this report. In the case of a regular employee(s), the specific dollar amount must be computed by multiplying the number of hours devoted to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying by the employee's regular rate of pay based on a 40-hour week. **DO NOT INCLUDE AMOUNTS LISTED IN ITEMS #6, #10A, #10B, #11 AND #12:**

\$2,429.50

6. Specify the dollar amount of expenditures made during the year which is the subject of this report with regard to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying for which the lobbyist has been or expects to be reimbursed:

\$39.20

7. List each legislative action by Legislative Document number or, if unknown, by Senate Paper or House Paper number or, if unknown, by topic or nomination in connection with which the lobbyist is engaged in lobbying:

LD 1345

8. Specifically identify each legislative action, Legislative Document, Senate Paper, House Paper or nomination for which the lobbyist was compensated or expects to be compensated or expended in excess of \$1,000 for lobbying activities related to those actions and state the amounts compensated or expended for each:

LD 1345 - \$2468.70

9. If the lobbyist is required to make a specific list of items in the preceding section of this form, list all original sources of any money received from that employer. "Original Source" means any person who contributes \$500 or more in any year directly or indirectly to any employer of a lobbyist, except that contributions of membership dues to nonprofit corporations formed under Title 13-B, any equivalent state law or by legislative enactment are not considered contributions by an original source. If the employer or person who contributes to an employer is a corporation formed under Titles 13 or 13-A, nonprofit corporation formed under Title 13-B or limited partnership under Title 31, list the corporation, nonprofit organization or limited partnership, not the individual members or contributors as the original source:

- 10A. Specify the total amount of money expended directly to or on behalf of one or more officials of the legislative branch, including members of the official's immediate family:

- 10B. If a dollar amount was entered in section 10A, specify the amount for which the lobbyist has been or expects to be reimbursed:

11. Enter the name of any official in the legislative branch or member of that official's immediate family on whose behalf an expenditure or expenditures totaling \$25 or more were made in any calendar month of the year covered by this report and the date, amount and purpose of the expenditure or expenditures:

Name	Date	Amount	Purpose

12. Enter the date and a description of the event, and list all officials of the legislative branch or administrative agency or members of an official's immediate family and the total amount of expenditures for the event, if the total amount of the expenditures for officials and family members total \$250 or more:

Date	Description	Official/Family Member	Amount

We, the undersigned, hereby swear or affirm that the information contained in this report is true and complete, and that no information is knowingly withheld.

SIGNATURE ON FILE

1/3/2006

Signature of lobbyist or designee

Date

SIGNATURE ON FILE

1/3/2006

Signature of employer or designee

Date

Sworn falsification (17-A MRSA, Section 453) is a Class D crime.

THE COMMISSION MAY REJECT REPORTS THAT ARE INCOMPLETE.



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

January 3, 2006

To: Mr. Michael Stoddard, Lobbyist for:
Environment Northeast

From: Martha Currier-Demeritt, Lobbyist Registrar

Our records show that your annual lobbyist disclosure report was filed on December 30, 2005 at 10:18 p.m.

The report, due December 30, 2005 by 5:00 p.m., is required to be filed by all lobbyists registered with the Commission. Since the annual report is a joint filing, there is a penalty of \$100 for the lobbyist and \$100 for the employer for every month the report is filed late; thus, to date the accrued penalty is \$200.

If you agree with this preliminary penalty determination, use the attached billing statement to pay that penalty within 30 days of the date of this notice. Please mail your remittance to the Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333.

However, if you have a valid reason for filing late, you may request a final penalty determination by the Commission. Requests for penalty waivers should be addressed to Commission Director, Jonathan Wayne, and must be received by January 30, 2006. The Commission will notify you of the disposition of your case within 10 days after its determination.

Pursuant to 3 M.R.S.A. § 319(1-A), any person who fails to file a report or pay a fee may be suspended from further lobbying by written notice of the Commission until such failure is corrected.

Please direct any questions you may have about this matter to me at (207)287-6221.

Cut Along Line

To: Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333

From: Mr. Michael Stoddard, Lobbyist for:
Environment Northeast

Re: Penalty for late filing of Annual Lobbyist Disclosure report (\$200)

Amount Enclosed: \$ _____

Check/M.O. No.: # _____

Please Make Check/M.O. Payable to Treasurer, State of Maine



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

November 18, 2005

Dear Lobbyist:

The enclosed packet contains the 2005 annual lobbyist disclosure and 2006 registration forms, and the Maine Lobbyist Handbook.

Effective January 1, 2006, all lobbyists must file monthly session reports and annual reports through the Commission's electronic filing system. You must file your Lobbyist/Employer Joint Registration on paper along with the registration fee. The Commission will then provide you with a user code, temporary password and directions to file reports electronically. Lobbyists with multiple employers will have one user code and password. Once your 2006 registration is received, I will e-mail you the access information.

Rest assured, filing your reports online is fast, efficient and easy! To make it easier, we are in the process of enhancing the existing site which will be released within the next six months. I am always available to help you or members of your staff with the electronic filing system either by telephone or in person.

**The 2005 annual lobbyist disclosure report is due in the Commission office
by 5:00 p.m. on December 30, 2005.**

A copy of that form is included in this packet.

**Remember, a \$200 penalty may be assessed the lobbyist/employer
for every month the annual report is filed late.**

Please do not hesitate to me at (207)287-6221, or e-mail Martha.Currier-Demeritt@maine.gov if you have any questions.

Sincerely,

COPY

Martha Currier-Demeritt
Lobbyist Registrar

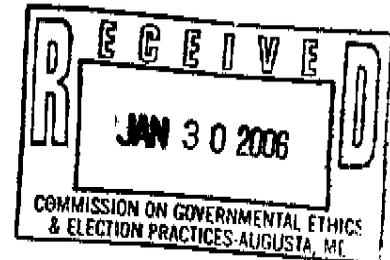
Enclosures

Agenda

Item #4

Maine Economic Growth Coalition
P. O. Box 550
Orono, Maine 04473-0550

January 27, 2006



Martha Currier-Demeritt, PAC Registrar
State of Maine
Commission on Government Ethics
And Election Practices
135 State House Station
Augusta, Maine 04333-0135

Dear Ms. Currier-Demeritt:

As newly appointed acting president of the UMaine Alumni Association, I recently assumed the title of treasurer of the above captioned PAC. The former treasurer (and association interim president) has left the state for a new job. Traditionally the president of the alumni association carries the title of treasurer for the PAC, but the president's administrative assistant, Mrs. Diana Richardson, performs the actual administrative work. Until now, we have never encountered the situation of missing a filing deadline due to absence from work. We will take steps to avoid this situation in the future.

Thank you for your assistance.

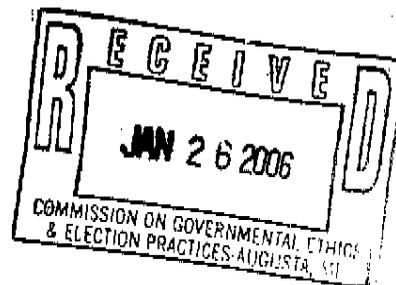
Sincerely,

Todd D. Saucier

Maine Economic Growth Coalition
P. O. Box 550
Orono, Maine 04473-0550

January 25, 2006

Martha Currier-Demeritt, PAC Registrar
State of Maine
Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta, Maine 04333-0135



Re: Request to waive penalty for late filing

Dear Ms. Currier-Demeritt:

This is a request to the Commission to waive the assessed penalty of \$260.24 for the late filing of the January Quarterly campaign finance report that was due 1/17/06 and was filed 1/19/06. I was late in filing because of personal illness that kept me out of the office for several days.

Please consider this letter my written statement in lieu of a personal appearance before the Commission.

Thank you for your consideration.

Respectfully,

Diana Richardson
Diana Richardson

Samuel Shaw



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

CERTIFIED MAIL

January 24, 2006

Diana Richardson, Treasurer
Maine Economic Growth Coalition
P.O. Box 550
Orono, ME 04473

Dear Ms. Richardson:

You filed a January Quarterly campaign finance report on 1/19/06 that was due 1/17/06. A penalty must be assessed for late reports based on the amount of financial activity conducted during the filing period, the number of calendar days a report is filed late, and the PAC's filing record. Based on the prescribed statutory formula, the total preliminary determination of the penalty for the late filing of your report would be \$260.24. Please refer to the enclosed penalty matrix for more details on how the penalty is computed. If you agree with this preliminary determination of the amount of the penalty, you may use the enclosed billing statement to pay that penalty.

If you have a reason for filing late, you may request the Commission to make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receipt of this notice, beginning on the day you sign for receipt. If this notice has been refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. Upon receipt of your request for a Commission determination, we will schedule you to appear and will notify you of the date and time of the next Commission meeting. You or a person you designate may then appear personally before the Commission or you may send a written statement for the Commission's consideration. A statement must be notarized and contain a full explanation of the reason you filed late. Statements should be sent to the address shown on this letterhead. The Commission will notify you of the disposition of your case within 10 days after its determination.

Please note that the Commission may waive the penalty in whole or in part if it determines the failure to file a timely report was due to mitigating circumstances. "Mitigating circumstances" means 1) a valid emergency of the committee treasurer determined by the Commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; 2) an error by the Commission staff; or 3) other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service.

Sincerely,

Martha Currier-Demeritt
PAC Registrar

Enc.: PAC Penalty Matrix & Billing Statement

Maine Economic Growth Coalition
January Quarterly

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS

BASIS FOR PENALTIES

21-A M.R.S.A. Section 1062-A

The penalty for filing a required report late is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

Due: 1/17/06
Filed: 1/19/06

Example: The treasurer files the PACs report two (2) calendar days late. The PAC has not had any previous late filings in the past 2 years. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater of the amount of total contributions received or expenditures made during the filing period.

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

x 2 Number of calendar days late

\$50.00 Total penalty Commission may assess

Your penalty is calculated as follows:

Contributions Expenditures \$ 13,012

Percent prescribed: x .01

\$ 130.12

Number of days late: x 2

Total penalty accrued: \$ 260.24

* A penalty begins to accrue at 5:00 p.m. on the day the report is due.

Any penalty of less than \$5 is waived.

* Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

Title 21-A M.R.S.A. Section 1004-A(1) states the Commission may assess a penalty of no more than \$100 when a person files a late campaign finance report containing no contributions or expenditures.

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A (4)

\$10,000 for 6-day pre-election reports, 42-day post-election reports, and 24-Hour reports;
\$5,000 for quarterly reports.

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 135 State House Station, Augusta Maine 04333-0135
 Office: 242 State Street, Augusta, Maine
 Tel: (207)-287-4179 Fax: (207)-287-6775

**POLITICAL ACTION COMMITTEE CAMPAIGN FINANCE
 REPORT 2005**

Name of PAC MAINE ECONOMIC GROWTH COALITION Acronym _____
 Mailing address PO BOX 550 Check if changed since previous report _____
 City, Zip Code ORONO ME 04473-0550
 Telephone number (207)581-1138 Fax (207)581-1115 E-mail diana.richardson@umit.maine.edu

Name of TREASURER TODD SAUCIER
 Mailing address PO BOX 550
 City, Zip Code BANGOR 04473-0550 Check if changed since previous report _____
 Telephone number _____ Fax _____ E-mail _____

Report type:	Due Date	Filing Period
<u>QUARTERLY - JANUARY (NO PARTICIPATION IN ELECTIO</u>	<u>01/17/2006</u>	<u>10/1/2005 - 1/5/2006</u>

PURPOSE OF COMMITTEE
 (Complete all categories that apply)

Support/Oppose Candidate(s)

Name/mailling address of candidate	Party affiliation	Office Sought	Date/Type of election

Support PAC, Political Committee or Party Committee

Name of Committee	Address of Committee

Support/Oppose Referendum or Initiated Petition

Indicate Support or Opposition	Name of Question

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

SIGNATURE ON FILE

1/19/2006

Treasurer's Signature

Date

**SCHEDULE B
EXPENDITURES
CONTRIBUTIONS TO CANDIDATES, COMMITTEES**

Do not include in-kind expenditures on this schedule.

Date of Payment	Candidate/Committee's Name	Candidate/committee's address, zip code	Amount contributed this reporting period	Cumulative aggregate amount contributed to this entity during campaign
11/3/2005	JOBS FOR A HEALTHY MAINE	PO BOX 9546 PORTLAND, ME 04112-9546	13,000.00	13,000.00
I. TOTAL EXPENDITURES THIS REPORT			13,000.00	

**SCHEDULE B - 1
EXPENDITURES
OPERATING EXPENSES**

Do not include loan repayments on this schedule.

Date of Payment	Payee/organization name, address, zip code	Purpose of expenditure	Amount
11/30/2005	BANGOR SAVINGS BANK PO BOX 930 BANGOR, ME 04402-0930	BANK FEES	12.00
TOTAL OPERATING EXPENDITURES THIS REPORT			12.00

MAINE ECONOMIC GROWTH

Name of PAC

Date Submitted

**SCHEDULE G
SUMMARY SECTION**

Complete other applicable schedules before completing this schedule. Enter column 3 figures from previous report in column 1 of this report. Enter column 2 figures as indicated for each line. Add column 1 to 2 and enter in column 3. If this is your first report, leave column 1 blank; amounts in columns 2 and 3 will be the same.

	<u>COLUMN 1</u> COLUMN 3 PREVIOUS REPORT	<u>COLUMN 2</u> TOTALS THIS REPORT PERIOD	<u>COLUMN 3</u> TOTAL DURING CAMPAIGN OR YEAR (add cols. 1 & 2)
1. RECEIPTS			
(a) Cash Contributions	14,393.46	Schedule A, line 4 0.00	14,393.46
(b) In-Kind Contributions	0.00	Schedule C, line 3 0.00	0.00
(c) Other Receipts (interest income, etc.)	0.00	0.00	0.00
(d) TOTAL RECEIPTS OTHER THAN LOANS	14,393.46	0.00	14,393.46
2. LOANS RECEIVED			
(a) Noncommercial Sources	0.00	Schedule D, line 1, column 2 0.00	0.00
(b) Financial Institutions	0.00	Schedule D, line 2, column 2 0.00	0.00
(c) TOTAL LOANS RECEIVED	0.00	0.00	0.00
3. TOTAL RECEIPTS WITH LOANS	14,393.46	0.00	14,393.46
4. EXPENDITURES			
(a) Contributions to Candidates/Committees	0.00	From Schedule B, line 3 13,000.00	13,000.00
(b) Operating Expenses	0.00	From Schedule B-1, line 3 12.00	12.00
(c) In-Kind Expenditures	0.00	From Schedule C, line 3 0.00	0.00
(d) TOTAL EXPENDITURES OTHER THAN LOAN	0.00	13,012.00	13,012.00
5. LOAN REPAYMENTS			
(a) Noncommercial Sources	0.00	From Schedule D, line 1, col 3 0.00	0.00
(b) Financial Institutions	0.00	From Schedule D, line 2, col 3 0.00	0.00
(c) TOTAL LOAN REPAYMENTS	0.00	0.00	0.00
6. TOTAL EXPENDITURES WITH LOAN REPAYMENTS [add lines 4(d) & 5(c)]	0.00	13,012.00	13,012.00
7. ACCOUNT BALANCE (subtract line 6 from line 3)			1,381.46

Agenda

Item #5

01/31/2006 16:09 2072895886

FIRST EXPRESS

PAGE 02

January 30, 2006

State of Maine
Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta, ME 04333

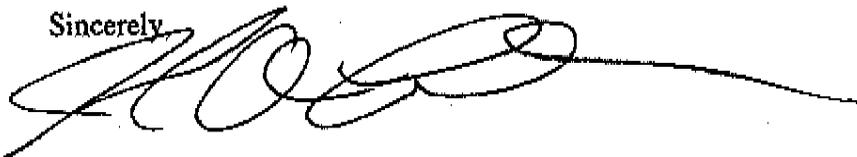
Dear Maine Ethics Commission:

I am writing on behalf of the PAC "Campaign to Save Working Waterfront Jobs". We were a first time PAC that formed when current use taxation was added it the November 2005 ballot as Question 7. Question 7 was passed on November 8, 2005 with a 72% yes vote. There was also no opposition to this question in the form of a formal PAC, organizations, a campaign or otherwise. Although we tried to diligently attend to all forms and deadlines associated with this position there was somehow an oversight with the 24-hour reports. Being that it was our first time going through this process we followed a schedule on the front form page of the PAC Finance Reports where all the report due dates are listed excluding the 24 hour reports.

We understand how important these reports are and by no means were trying to elude them. Unfortunately we did not realize this oversight until we were preparing the 42-Day Post-Election Report in December. At that time we contacted the Commissioner and filed them immediately. Due to the length of time that lapsed until we realized this egregious error and the limit of funds we were able to raise, we were levied what we feel is an extreme fine. We are petitioning to this committee to reduce the amount of this fine. We realize that a fine may need to be implemented, but we ask that either the number of days or the total fine be reduced due to the inexperience of our members and that no opposition or parties were affected by this mistake.

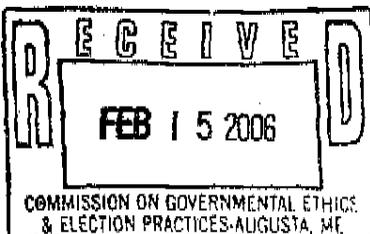
We are very sorry for any inconvenience this has caused and that this petition is meant in no disrespect to this system. Thank you for your time and consideration. If you have any further questions please feel free to contact me.

Sincerely,



Jennifer Litteral
Campaign to Save Working Waterfront Jobs
PO Box 343
Rockland, ME 04841
(207) 266-5625

122nd Legislature
Senate of
Maine
 Senate District 28



Senator Dennis S. Damon
 Transportation Committee, Chair
 Marine Resources Committee, Chair
 3 State House Station
 Augusta, ME 04333-0003
 (207) 287-1515

256 Oak Point Road
 Trenton, ME 04605
 (207) 667-9629

February 15, 2006

Mr. Jonathan Wayne
 Commission on Governmental Ethics
 & Election Practices
 135 State House Station
 Augusta, ME 04333

Dear Jonathan:

I am writing on behalf of the PAC "Campaign to Save Working Waterfront Jobs". They were the first time PAC formed when current use taxation was added in the November 2005 ballot as Question 7. Apparently they tried to diligently follow all Ethics Commission rules and regulations regarding their obligations to report, yet there was somehow an oversight with their 24-hour report. It is described to me that they followed the schedule on the front page of the PAC Finance Reports where all the report due dates are listed except the 24 hour report requirement.

They understand how important these reports are and by no means were they trying to elude them. Regrettably they did not realize their oversight until they prepared the 42-Day Post-Election Report in December. Recognizing their mistake they immediately contacted your office and filed the report. Due to the length of time that lapsed before they realized their error and the limited funds they raised, they and I believe the fine assessed by your office is excessive.

Please consider reducing the amount of this fine. They realize the fine may need to be implemented, but ask that either the number of days or the total fine be reduced due to the inexperience of this neophyte PAC and due to the fact that no opposition or parties were affected by this mistake.

The Campaign to Save the Working Waterfront PAC is indeed genuinely sorry for any inconvenience their mistake has caused and wish no disrespect to the ethics system. Thank you for your time and consideration. If you have any further questions please feel free to contact me.

Sincerely,


 Senator Dennis S. Damon
 Maine Senate - District #28

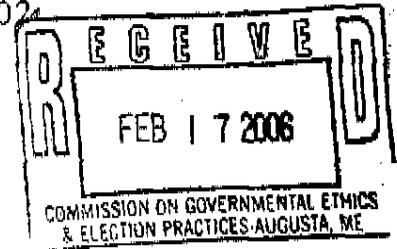


HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469



Leila J. Percy

934 Popham Road

Phippsburg, ME 04562

Residence: (207) 389-2133

Business: (207) 389-2133

E-Mail: RepLeila.Percy@legislature.maine.gov

February 16, 2006

State Of Maine Commission on Governmental Ethics
135 State House Station
Augusta, Maine 04333

Dear Maine Ethics Commission,

I am writing to today in support of a reduction or elimination of the fine levied on the "Campaign to Save Working Waterfront Jobs" by this commission. I worked peripherally with this group through their first time in this campaign process around Question 7 "Current Use Taxation for Working Waterfronts." I have also worked with members of this group on other issues and hold them in high esteem. I know that they would have followed all the procedures required by this process and that the only reason that the reports were not filed on time was due to a clerical error. When the error was noted - the commission was immediately contacted and the reports were filed. I personally understand the importance of these reports and that they are required regardless if there is opposition. That being said, there was no opposition in any regard to this question. This ballot question won by the largest margin in November - 72%. I feel that the amount of the penalty is disproportionate to any harm done from the missing reports.

Thank you for your time and consideration. If you have any further questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Leila Jane Percy 30".

Representative Leila J. Percy



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

CERTIFIED MAIL

January 23, 2006

Roger Berle, Treasurer
Campaign to Save Working Waterfront Jobs
P.O. Box 343
Rockland, ME 04841

Dear Mr. Berle:

You filed 4 24-Hour Reports of Late Expenditures 12/14/05 that were due on 11/2/05, 11/4/05, 11/6/05, 11/8/05. A penalty must be assessed for late reports based on the amount of financial activity conducted during the filing period, the number of calendar days a report is filed late, and the PAC's filing record. The staff have decided to penalize you based on a flat-percentage of 1% for all reports.

Based on the prescribed statutory formula, the total preliminary determination of the penalty for the late filing of your report would be \$10,695.67. Please refer to the enclosed 4 penalty matrixes for more details on how the penalty is computed. If you agree with this preliminary determination of the amount of the penalty, you may use the enclosed billing statement to pay that penalty.

If you have a reason for filing late, you may request the Commission to make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receipt of this notice, beginning on the day you sign for receipt. If this notice has been refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. Upon receipt of your request for a Commission determination, we will schedule you to appear and will notify you of the date and time of the next Commission meeting. You or a person you designate may then appear personally before the Commission or you may send a written statement for the Commission's consideration. A statement must be notarized and contain a full explanation of the reason you filed late. Statements should be sent to the address shown on this letterhead. The Commission will notify you of the disposition of your case within 10 days after its determination.

Please note that the Commission may waive the penalty in whole or in part if it determines the failure to file a timely report was due to mitigating circumstances. "Mitigating circumstances" means 1) a valid emergency of the committee treasurer determined by the Commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; 2) an error by the Commission staff; or 3) other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service.

Sincerely,

Martha Currier-Demeritt
PAC Registrar

Enc.: PAC Penalty Matrix & Billing Statement

The Campaign to Save Working Waterfront Jobs 24 HOUR Report

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS

BASIS FOR PENALTIES 21-A M.R.S.A. Section 1062-A

The penalty for filing a required report late is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%
For the second violation, 3%
For the third and each subsequent violation, 5%

Due: 11/2/05
Filed: 12/14/05

Example: The treasurer files the PAC's report two (2) calendar days late. The PAC has not had any previous late filings in the past 2 years. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater of the amount of total contributions received or expenditures made during the filing period.

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

x 2 Number of calendar days late

\$50.00 Total penalty Commission may assess

Your penalty is calculated as follows:

Contributions/Expenditure \$ 17,981.75

Percent prescribed: x .01

\$ 179.81

Number of days late: x 42

Total penalty accrued: \$ 7,552.02

A penalty begins to accrue at 5:00 p.m. on the day the report is due.

Any penalty of less than \$5 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

Title 21-A M.R.S.A. Section 1004-A(1) states the Commission may assess a penalty of no more than \$100 when a person files a late campaign finance report containing no contributions or expenditures.

MAXIMUM PENALTIES 21-A M.R.S.A. Section 1062-A (4)

\$10,000 for 6-day pre-election reports, 42-day post-election reports, and 24-Hour reports;
\$5,000 for quarterly reports.

The Campaign to Save Working Waterfront Jobs 24-Hour Report

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS

BASIS FOR PENALTIES 21-A M.R.S.A. Section 1062-A

The penalty for filing a required report late is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%
For the second violation, 3%
For the third and each subsequent violation, 5%

Due: 11/4/05
Filed: 12/14/05

Example: The treasurer files the PACs report two (2) calendar days late. The PAC has not had any previous late filings in the past 2 years. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater of the amount of total contributions received or expenditures made during the filing period.

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

x 2 Number of calendar days late

\$50.00 Total penalty Commission may assess

Your penalty is calculated as follows:

Contributions/Expenditures \$ 5,923.95

Percent prescribed: x .01

\$ 59.23

Number of days late: x 39

Total penalty accrued: \$ 2,309.97

A penalty begins to accrue at 5:00 p.m. on the day the report is due.

Any penalty of less than \$5 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

Title 21-A M.R.S.A. Section 1004-A(1) states the Commission may assess a penalty of no more than \$100 when a person files a late campaign finance report containing no contributions or expenditures.

MAXIMUM PENALTIES 21-A M.R.S.A. Section 1062-A (4)

\$10,000 for 6-day pre-election reports, 42-day post-election reports, and 24-Hour reports;
\$5,000 for quarterly reports.

The Campaign to Save Working Waterfront Jobs 24-Hour Report

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS

BASIS FOR PENALTIES 21-A M.R.S.A. Section 1062-A

The penalty for filing a required report late is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%
For the second violation, 3%
For the third and each subsequent violation, 5%

Due: 11/6/05
Filed: 12/14/05

Example: The treasurer files the PAC's report two (2) calendar days late. The PAC has not had any previous late filings in the past 2 years. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater of the amount of total contributions received or expenditures made during the filing period.

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

x 2 Number of calendar days late

\$50.00 Total penalty Commission may assess

Your penalty is calculated as follows:

Contributions Expenditures \$ 500 -

Percent prescribed: x .01

\$ 5.00

Number of days late: x 38

Total penalty accrued: \$ 190

A penalty begins to accrue at 5:00 p.m. on the day the report is due.

Any penalty of less than \$5 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

Title 21-A M.R.S.A. Section 1004-A(1) states the Commission may assess a penalty of no more than \$100 when a person files a late campaign finance report containing no contributions or expenditures.

MAXIMUM PENALTIES 21-A M.R.S.A. Section 1062-A (4)

\$10,000 for 6-day pre-election reports, 42-day post-election reports, and 24-Hour reports;
\$5,000 for quarterly reports.

The Campaign to Save Working Waterfront Jobs 24-Hour Report

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS

BASIS FOR PENALTIES 21-A M.R.S.A. Section 1062-A

The penalty for filing a required report late is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%
For the second violation, 3%
For the third and each subsequent violation, 5%

Due: 11/8/05
Filed: 12/14/05

Example: The treasurer files the PAC's report two (2) calendar days late. The PAC has not had any previous late filings in the past 2 years. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater of the amount of total contributions received or expenditures made during the filing period.

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

x 2 Number of calendar days late

\$50.00 Total penalty Commission may assess

Your penalty is calculated as follows:

Contributions/Expenditures \$ 1,788.44

Percent prescribed: x .01

\$ 17.88

Number of days late: x 36

Total penalty accrued: \$ 643.68

A penalty begins to accrue at 5:00 p.m. on the day the report is due.

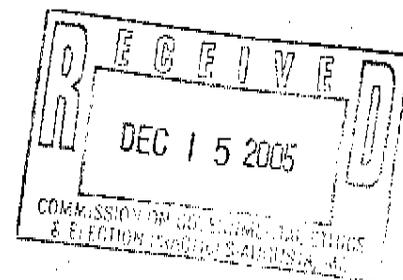
Any penalty of less than \$5 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

Title 21-A M.R.S.A. Section 1004-A(1) states the Commission may assess a penalty of no more than \$100 when a person files a late campaign finance report containing no contributions or expenditures.

MAXIMUM PENALTIES 21-A M.R.S.A. Section 1062-A (4)

\$10,000 for 6-day pre-election reports, 42-day post-election reports, and 24-Hour reports;
\$5,000 for quarterly reports.



December 14, 2005

Martha Currier-Demeritt
 State of Maine
 Commission on Governmental Ethics
 And Election Practices
 135 State House Station
 Augusta, Maine 04333-0135

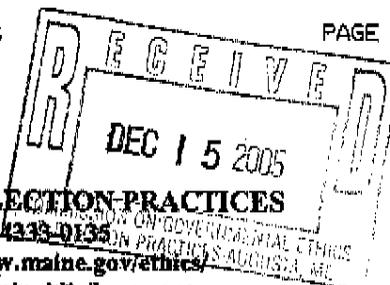
Dear Martha,

Included in this fax are three 24-hour reports as of our conversation on Monday. I am very sorry we didn't know about filing these and am submitting them now. After our conversation I did find that we had expending during that period. I talked at length to Jonathon Wayne on Tuesday and he explained how to proceed from here.

Please accept my apologies for any inconvenience this has caused.

Sincerely,

Jennifer Litteral
 Campaign to Save Working Water Front Jobs
 PO Box 343
 Rockland, ME 04841
 (207)594-9209 x299
 (207) 266-5625



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station, Augusta, Maine 04233-0135
Tel: (207)287-6221 FAX: (207)287-6775 Website: /www.maine.gov/ethics/
Electronic Filing: http://www.maine.combinationfinance.com/public/home.asp



POLITICAL ACTION COMMITTEE IDENTIFICATION

207 594-9209 x 299

Name of Political Action Committee	Telephone
Capays to Sac Worthy Waterfall Jobs	866-334-0573
Mailing address	Acronym of PAC
PO Box 343	
City, state, zip code	
Rockland ME 04841	
Ballot question(s) this PAC supports/opposes(if any)	
Support Question #7 Current use tax	

TREASURER IDENTIFICATION

Name of treasurer	Telephone
Roy Berle	207 781-5331
Mailing address, city, state, zip code	
6 Island Ave Cliff Island, ME 04019	

EXPENDITURES

Payee's/creditor's name	Date of expenditure
Adelphia Cable	11/1/05
Address	Amount of expenditure
5619 DTC Parkway	\$ 9,966.25
City, state, zip code	Purpose of expenditure
Greenwood Village, CO 80111	TU Ad.

Payee's/creditor's name	Date of expenditure
Time Warner Cable	11/1/05
Address	Amount of expenditure
PO Box 9148	\$ 8,015.50
City, state, zip code	Purpose of expenditure
Chelsea, MA 02150-9148	TU Ad.

I, Roy Berle, certify that the information in this report is true, correct and complete.

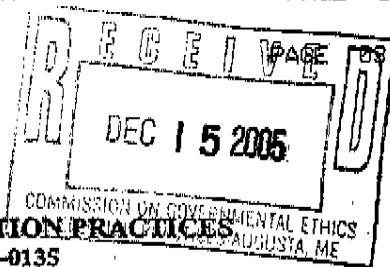
Signature of Treasurer Roy Berle

Date 12/14/05

12/14/2005 23:12

2072885886

FIRST EXPRESS



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station, Augusta, Maine 04333-0135
Tel: (207)287-6221 FAX: (207)287-6775 Website: /www.maine.gov/ethics/
Electronic Filing: <http://www.maine.commerce.com/public/home.asp>



POLITICAL ACTION COMMITTEE IDENTIFICATION

207-594-9209 x299

Name of Political Action Committee <i>Campaign to Save Working Unions Jobs</i>	Telephone <i>816-334-0533</i>
Mailing address <i>PO Box 343</i>	Acronym of PAC
City, state, zip code <i>Rockland ME 04841</i>	
Ballot question(s) this PAC supports/opposes(if any) <i>Support Question #7 Current use tax</i>	

TREASURER IDENTIFICATION

Name of treasurer <i>Roger Berke</i>	Telephone <i>207 781-5331</i>
Mailing address, city, state, zip code <i>La Island Ave, Cliff Island ME 04019</i>	

EXPENDITURES

Payee's/creditor's name <i>Pit Printy - Document Service</i>	Date of expenditure <i>11/4/05</i>
Address <i>417 Congress St.</i>	Amount of expenditure <i>\$ 5,923.95</i>
City, state, zip code <i>Portland, ME 04101</i>	Purpose of expenditure <i>envelopes, letterhead</i>

Payee's/creditor's name <i>Savvy Inc.</i>	Date of expenditure <i>10/7/05</i>
Address <i>57 Exchange St. Suite 205</i>	Amount of expenditure <i>\$ 1,788.44</i>
City, state, zip code <i>Portland ME 04101</i>	Purpose of expenditure <i>Reimburse TV ad</i>

I, Roger Berke, certify that the information in this report is true, correct and complete.

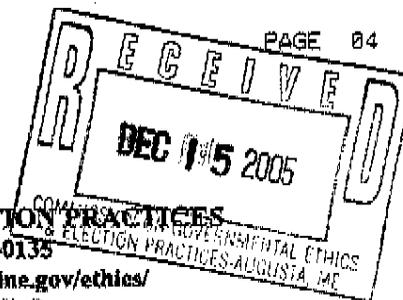
Signature of Treasurer Roger Berke Date 12/14/05

12/14/2005 23:12

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FIRST EXPRESS

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STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station, Augusta, Maine 04333-0135
Tel: (207)287-6221 FAX: (207)287-6775 Website: /www.maine.gov/ethics/
Electronic Filing: <http://www.maine.commerce.com/public/home.asp>

24-HOUR REPORT OF LAKE EXPENDITURES - 2005 PERIOD OF DISCLOSURE PAGES

POLITICAL ACTION COMMITTEE IDENTIFICATION

207 594 9209 X 299

Name of Political Action Committee <i>Campaign to Save Our Environment Jobs</i>	Telephone <i>8106-334-0533</i>
Mailing address <i>PO Box 343</i>	Acronym of PAC
City, state, zip code <i>Rockland ME 04841</i>	
Ballot question(s) this PAC supports/opposes (if any) <i>Support Question # 7 Current use tax</i>	

TREASURER IDENTIFICATION

Name of treasurer <i>Roger Berde</i>	Telephone <i>207 781-5331</i>
Mailing address, city, state, zip code <i>11 Island Ave Cliff Island, ME 04019</i>	

EXPENDITURES

Payee's/creditor's name <i>Jay Hensley</i>	Date of expenditure <i>11/5/05</i>
Address <i>693 South Union, Bowdoin College</i>	Amount of expenditure <i>\$ 500.00</i>
City, state, zip code <i>Bowdoin, ME 04011</i>	Purpose of expenditure <i>TV Clip for Students</i>

Payee's/creditor's name	Date of expenditure
Address	Amount of expenditure
City, state, zip code	Purpose of expenditure

I, Roger Berde, certify that the information in this report is true, correct and complete.

Signature of Treasurer Roger Berde

Date 12/14/05



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

To: Political Action Committees

From: Martha Currier-Demeritt, PAC Registrar

Date: October 13, 2005

RE: November 2005 Ballot

Political Action Committees involved in the November 7, 2005 election are required to file campaign finance reports with the Commission on the 6th day before the election and on the 42nd day after the election and 24-Hour Reports as applicable. If your PAC is not involved in the election, no report is due.

November 2, 2005 Deadline

The 6-day Pre-Election campaign finance report is due in the Commission's office no later than **5 p.m. on November 2, 2005**. The reporting period is October 1, 2005 through October 27, 2005.

December 20, 2005 Deadline

The 42-day Post-Election campaign finance report is due in the Commission's office no later than **5 p.m. on December 20, 2005**. The reporting period is October 28, 2005 through December 13, 2005.

24-Hour Reports

Any PAC expending \$500 or more **after October 27th and before 5:00 p.m. on November 7th** must file a 24-Hour Report of Late Expenditures with the Commission within 24 hours of making the expenditure. Expenditures must also be reported on the appropriate schedule of the next campaign finance report.

All reports may be filed provisionally by faxing a signed copy of the report to 287-6775, provided the original report is received by the Commission within five calendar days of the deadline. Blank campaign finance reports are available on the Commission's Web site <http://www.maine.gov/ethics/PDF/P24.pdf>. The 24-Hour Report of Late Expenditures is enclosed.

Please call the PAC registrar, Martha Currier-Demeritt, at 287-6221 if you have any questions.