



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

Agenda

March 6, 2019, at 9:00 a.m.

Commission Office, 45 Memorial Circle, 2nd Floor, Augusta, Maine

1. Ratification of Minutes of December 19, 2018 Meeting

2. Public Hearing – Proposed Rule Changes

The Commission will hold a public hearing to receive comments on proposed changes to the Commission's Rules concerning reporting campaign debts and disclosure of travel costs and other gifts received by officials.

3. Request for Waiver of Late-Filing Penalty – Cathleen Nichols

Cathy Nichols ran for State Senate, District 25 in the 2018 general election. On October 30, 2018, her campaign purchased a campaign mailing for \$3,900. She was required to disclose this expenditure the next day in a 24-Hour Report, but did not file it until December 18, 2018. The preliminary penalty for filing the report 48 days late is \$3,744. The candidate requests a waiver because she misunderstood the 24-hour reporting requirement and the stressful conditions during the last two weeks before the general election. *Staff recommendation: The Commission staff recommends reducing the penalty to \$400.*

4. Request for Waiver of Late-Filing Penalty – James LaBrecque

James LaBrecque was a candidate for State Senate in the 2018 general election. During the evening of December 18, 2018, his treasurer entered expenditures in the Commission's eFiling system in order to file the 42-Day Post-General Report, but he was unable to file the report by the 11:59 p.m. deadline because he was using the candidate's username and password. He filed the report the next day (one day late) after calling the Commission office for assistance. The LaBrecque campaign requests a waiver of the \$235.03 preliminary penalty. *Staff recommendation: Because the preliminary penalty is below the customary range of penalties assessed this year by the Commission for this type of violation, the Commission staff recommends not waiving the penalty and assessing the \$235.03 penalty.*

5. Request for Waiver of Late-Filing Penalty – Mark Remick

In 2018, Mark Remick was a candidate for State Representative in District 132. On October 30 and November 1, 2018, his campaign ordered radio ads and mailers with a value of \$1,602.69 and \$1,180.00, respectively. He was required to report each debt the next day in a 24-Hour Report. He reported the expenditures after the election on December 7, 2018, when he paid for the services. The preliminary penalties for the two late reports total \$2,011.85. The candidate requests a waiver because he thought expenditures only needed to be reported when invoices were paid. *Staff recommendation: The Commission staff recommends reducing the two penalties to a total of \$400.*

6. Request for Waiver of Late-Filing Penalty – New Mainers PAC

On November 1, 2019, the New Mainers PAC received two contributions of \$5,000 and \$7,000. The PAC was required to disclose them the next day in a 24-Hour Report. Unaware of the requirement, the PAC filed the 24-Hour Report on December 17, 2018 when it was preparing the regularly scheduled 42-day post-general election report. The preliminary penalty is \$10,000, and the PAC requests a waiver due to the inexperience of the PAC leaders and the small degree of harm to the public. *Staff recommendation: The staff recommends reducing the penalty to \$1,000.*

7. Maine Clean Election Act Violation – John R. Clark

After qualifying for Maine Clean Election Act (MCEA) funding, candidates are not allowed to accept cash contributions. John R. Clark, a candidate for State Representative, collected four contributions totaling \$105 during the summer of 2018. The candidate believed he could continue to collect seed money contributions even after receiving MCEA funds. *Staff recommendation: The Commission staff recommends assessing a penalty of \$400 for the violation.*

8. Potential Change to Statutory Proposal – Commissioners’ Terms

The Commission will discuss a possible modification to one of its 2019 statutory proposals, suggested by Commissioner William A. Lee.

Other Business

EXECUTIVE SESSION

If necessary.

ADJOURNMENT