



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

Commission Meeting 01/27/2021
Agenda Item #2

To: Commission
From: Michael Dunn, Esq., Political Committee and Lobbyist Registrar
Date: January 20, 2021
Re: Request for Investigation of No CMP Corridor & Mainers for Local Power

On December 28, 2020, the Maine Commission on Governmental Ethics and Election Practices (the “Commission”) received a request for investigation from Clean Energy Matters (hereinafter the “Complainant”), a registered political action committee. The Complainant alleges that Ms. Sandra Howard, an officer of Say No to NECEC, has received compensation and/or reimbursements for her work supporting the current citizen initiative to oppose the NECEC transmission line.¹ ETH. 1. The complaint is not specific about the source of the compensation. The only evidence cited is the extensiveness of Ms. Howard’s activities in support of the initiative. The Complainant contends that the compensation or expense reimbursements received by Ms. Howard should have been reported as expenditures or in-kind contributions by the two PACs registered to support the initiative. Those PACs are No CMP Corridor (formed by Say No to NECEC) and Mainers for Local Power (formed by two energy companies based in Texas). The Complainant requests that the Commission undertake an investigation into Ms. Howard’s involvement in the current campaign and whether No CMP Corridor and/or Mainers for Local Power have failed to accurately and completely disclose their financial activity. ETH. 4.

A response has been provided by James T. Kilbreth, Esq. of Drummond Woodsum on behalf of Ms. Howard, Say No to NECEC, No CMP Corridor PAC, and Mainers for Local Power. (collectively, the “Respondents”). ETH. 33-34. They indicate that Ms. Howard has *not* been compensated for her work supporting the initiative. ETH. 33. They acknowledge that Ms. Howard received a reimbursement of \$17.98 from No CMP Corridor for a purchase of envelopes from Staples. ETH. 33. In its December 15, 2020 report, No CMP Corridor originally reported the payee simply as Staples and has since amended the entry to clarify this was a reimbursement

¹ An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region

to Ms. Howard. ETH. 30. Respondents also indicate that the January Quarterly Report (not yet filed when the complaint and response were submitted to the Commission) for No CMP Corridor will disclose various reimbursements to Ms. Howard totaling \$249.55. ETH. 33.

BACKGROUND ON TWO INITIATIVES TO OPPOSE NECEC

The New England Clean Energy Corridor (“NECEC”) is a proposed transmission line intended to connect Hydro-Quebec’s hydropower network to New England’s electrical grid. This transmission line will be constructed in western Maine and has required numerous permits from federal, state, and local authorities. Several groups formed to bring legal challenges to the construction of NECEC and to encourage grassroots activity to oppose NECEC in the various permitting processes.

In July-August 2019, some of these groups began to explore creating a citizen initiative to oppose NECEC. Individuals associated with Say No to NECEC submitted a citizen initiative to the Secretary of State’s office on August 20, 2019, and later formed the No CMP Corridor PAC to promote the initiative. Another PAC, Mainers for Local Power, also formed to support the initiative. Clean Energy Matters registered with the Commission in opposition. After the proponents submitted a sufficient number of petitions to the Secretary of State, that office approved the first initiative for the November 3, 2020 ballot.

Say No to NECEC, a grassroots organization, did not register with the Commission as a committee and Clean Energy Matters filed a complaint against the organization for failure to register and disclose its activity. On March 10, 2020, the Commission considered the matter and found that Say No to NECEC was engaged in the permitting process and not the campaign. Ms. Sandra Howard indicated that some of Say No to NECEC’s members felt strongly about pursuing the referenda and so those members formed No CMP Corridor as a separate entity from Say No To NECEC. Accordingly, the Commission found that Say No to NECEC was not required to register as a committee and that time.

On August 13, 2020, the Maine Supreme Judicial Court found initiative failed to meet the constitutional requirements for inclusion on the ballot, and it was removed from the ballot. A second initiative was soon created and most of the previously registered committees began

influencing the second citizen initiative. For the Commission’s convenience, staff has prepared the below table of organizations relevant to the current complaint:

Name	Description	Support/Oppose NECEC Project ²
Clean Energy Matters	Clean Energy Matters is an organization formed to support the NECEC project and oppose the referenda.	Support
No CMP Corridor	A PAC formed by various members of Say Not NECEC. Ms. Howard serves as the principal officer for the Committee	Oppose
Say No To NECEC	A grassroots group formed to oppose the permitting process for NECEC. This organization is not a registered committee. Ms. Howard is an officer for this organization	Oppose
Mainers for Local Power	A PAC formed by Calpine Corp. and Vistra Energy Corp.	Oppose
Ms. Sandra Howard	A grassroots organizer affiliated with both No CMP Corridor and Say No To NECEC	Oppose

LEGAL REQUIREMENTS

Standard for Opening a Requested Investigation.

The Election Law authorizes the Commission to receive requests for investigation and to conduct an investigation “if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.”

A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

21-A M.R.S. § 1003(2).

² In the hopes of providing clarity, this column reflects the various persons’ stances on the NECEC project. A person’s stance on the referenda would be opposite (*i.e.* Clean Energy Matters supports the project and opposes the referendum).

Definition of contribution. A “contribution” means:

- A. A gift, subscription, loan, advance or deposit of money or anything of value made to a political action committee, except that a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- B. A contract, promise or agreement, expressed or implied whether or not legally enforceable, to make a contribution to a political action committee;
- C. Any funds received by a political action committee that are to be transferred to any candidate, committee, campaign or organization for the purpose of initiating or influencing a campaign; or
- D. The payment, by any person or organization, of compensation for the personal services of other persons provided to a political action committee that is used by the political action committee to initiate or influence a campaign.

21-A M.R.S. § 1052(3)

Contributions of paid staff time. A PAC or BQC that receives donated services through paid staff time from another organization shall report the paid staff time as in-kind contributions. Maine Ethics Commission Guidance, Registering & Reporting as a Ballot Question Committee (Updated August 11, 2020).

Definition of expenditure. An “expenditure” includes: a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign. 21-A M.R.S. § 1052(4).

Content of Reports. A committee’s reports must identify contributors who have given more than \$50 to the committee in the reporting period and must itemize each expenditure made to initiate or influence any campaign. 21-A M.R.S. § 1060.

STAFF RECOMMENDATIONS

I. No CMP Corridor

The Commission staff recommends that the Commission deny Clean Energy Matter's request for an investigation into No CMP Corridor. The Respondents indicate that Ms. Howard "has not received any compensation for services from Say No to NECEC, No CMP Corridor, or Mainers for Local Power. She volunteers her services without compensation." ETH. 33.

Volunteers who are not compensated for their time from any source do not trigger a requirement to report in-kind contributions. ETH. 41-42. The reimbursements to Ms. Howard will need to be reported, but based on the representations of the Respondents, all reimbursements to Ms. Howard have been publicly disclosed.

It is the opinion of Commission staff, after reviewing the materials, that the Complainant has not shown sufficient grounds for believing that a violation has occurred. Currently, there is no evidence to doubt the representations by No CMP Corridor and Say No to NECEC.

Accordingly, Commission staff recommends that the Commission decline to order an investigation into No CMP Corridor.

II. Mainers for Local Power

The Commission also staff recommends that the Commission deny Clean Energy Matter's request for an investigation into Mainers for Local Power. The Commission may order an investigation "if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred." 21-A M.R.S. § 1003(2). The Complainant alleges that Ms. Howard is integrally engaged in the second signature gathering campaign. ETH. 2.

Accordingly, if Ms. Howard is compensated or reimbursed for her work by Mainers for Local Power then the PAC should include that expenditure on its campaign finance reports. Likewise, if Ms. Howard is compensated or reimbursed for her work by Say No to NECEC and Mainers for Local Power receives a benefit for her work then then the PAC would be required to disclose an in-kind contribution from Say No To NECEC.

Mainers for Local Power denies making payments of any kind to Ms. Howard. ETH. 34. Accordingly, the PAC did not fail to report expenditures to Ms. Howard. The PAC also does not appear to have failed to report in-kind contributions from Say No to NECEC. In their response, Respondents indicate that Ms. Krysta West will receive reimbursements for her work from Mainers for Local Power, which is reported on No CMP Corridor's campaign finance reports. ETH. 34. It would seem unlikely that the committees would report in-kind contributions for Ms. West but not Ms. Howard.

It is the opinion of Commission staff, after reviewing the materials that the Complainant has not shown sufficient grounds for believing that a violation has occurred. Currently, there is no evidence to doubt Mainers for Local Power's representations. Accordingly, Commission staff recommends that the Commission decline to order an investigation into Mainers for Local Power.

Thank you for your attention in this matter.

NEWELL AUGUR

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Admitted in: ME

January 15, 2021

BY ELECTRONIC AND REGULAR MAIL

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

Dear Mr. Wayne:

On behalf of Clean Energy Matters, I am writing to request that the Commission begin an immediate investigation into the failure of No CMP Corridor to report campaign expenditures made to Ms. Sandra Howard or, in the alternative, the failure of No CMP Corridor or Mainers for Local Power to report in-kind contributions made by Say No to NECEC.

No CMP Corridor and Mainers for Local Power are political action committees (PACs) registered with the Commission. Both groups are actively engaged in a signature gathering effort for "An Act to Require Legislative Approval of Certain Transmission Lines," the second citizen initiative regarding the New England Clean Energy Corridor (NECEC). The Secretary of State issued the petition for this initiative on October 30, 2020.

Ms. Howard is still listed as the principal officer of No CMP Corridor and was one of the six individuals who signed the application for a similar citizen initiative effort related to the NECEC begun in 2019.¹ Ms. Howard is also the director of Say No to NECEC. Say No to NECEC is registered as a public benefit corporation with the Secretary of State, but it is not registered as a PAC or ballot question committee (BQC).

¹ The Maine Law Court ruled this initiative unconstitutional and removed it from the 2020 ballot.

We previously submitted a request to the Commission in January 2020 expressing concern that Say No to NECEC's participation in the first signature gathering effort - specifically its monetary contribution to No CMP Corridor - may have obligated the group to file as a PAC.² At the time these contributions were made, Say No to NECEC was actively fundraising and indicating to its contributors that the money was going toward the "effort" to stop the construction of the NECEC. At the Commission's March 10, 2020 meeting, Ms. Howard and her counsel appeared on behalf of Say No to NECEC and represented that the group was not raising money to support signature gathering nor was it contributing resources toward the effort in any other respect. In response to a question posed by Commissioner Lee, Say No to NECEC's counsel stated that there were "no [funds] solicited after August 29th for the purpose of initiating or influencing the referendum." Ms. Howard and her counsel also indicated that a "Go Fund Me" page that the group had created was used to pay for legal fees for various regulatory processes, but not for activities related to the referendum. The Commission concluded that an investigation was not warranted based upon these representations and because the contributions the group did make fit within the donor exception set forth in 21-A M.R.S. §1056-B.

We take Ms. Howard and her counsel at their word that Say No to NECEC had no other financial involvement with the first signature gathering campaign. Similarly, if Say No to NECEC became engaged in the second signature gathering campaign or engaged in any fundraising to support that effort, the group would be required, as counsel acknowledged, to comply with the reporting requirements for PACs and BOCs pursuant to 21-A M.R.S. §§ 1052(5)(A)(4) and 1056-B. To date, Say No to NECEC has not filed with the Commission.

These representations notwithstanding, there is substantial evidence that Ms. Howard is integrally engaged in the second signature gathering campaign. Upon information and belief, Ms. Howard is actively recruiting and organizing circulators across the state to collect signatures, monitoring the count of total signatures and disseminating that information to circulators, counseling circulators on how to prepare their petitions, instructing circulators how and when to have their petitions certified, and providing general strategy regarding the signature gathering campaign. Ms. Howard makes daily posts to social media as to where circulators will be collecting signatures and regularly provides updates regarding the referendum effort.

Since Say No to NECEC is not registered as a PAC or BOC, any payment by No CMP Corridor to Ms. Howard should be reflected in No CMP Corridor's 42 Day Post-General

² The third and fourth quarter PAC filings made by No CMP Corridor identify \$16,000 in cash contributions from Say No to NECEC.

Election Report, which covers the period from October 21 through December 8, 2020.³ However, there is no reference to any payment made to Ms. Howard in those filings. Even if Ms. Howard were volunteering all of her time towards the signature gathering campaign, 21-A M.R.S. §1060 (4) requires that *any* payment to her, including reimbursement for mileage, food and supplies, must be itemized on Schedule B or Schedule B-1 of the report.

In the absence of such a designation, Ms. Howard's contribution to the second signature gathering campaign should be reported as a contribution from Say No to NECEC to either No CMP Corridor or Mainers for Local Power. Pursuant to 21-A M.R.S. § 1052 3 (A), the statutory definition of a "contribution" includes "anything of value made to a political action committee." More commonly referred to as "in-kind" contributions, these contributions include all goods and services with a value of more than \$50.⁴ Notably, the Commission has provided the following guidance with respect to reporting in-kind contributions:

If another organization, such as another PAC, party committee, or other type of organization or business, makes an in-kind contribution in the form of paid staff time, the recipient PAC should include a description of those staff activities and the number of hours of staff time contributed. Contributed staff time and coordinated expenditures should not be lumped together as a single contribution for the reporting period, but should be itemized as separate contributions.

The significant in-kind contribution of time made by staff of Say No to NECEC should be reflected in the 42 Day Post-General Election report filed by either No CMP Corridor or Mainers for Local Power.⁵ However, there is no reference to this in-kind contribution in either report.

³ No CMP Corridor's 42 Day Post-General Election Report references a \$78 in-kind contribution of "food and beverages" from "Carol Howard" who, upon information and belief, is Ms. Howard's mother.

⁴ 21-A M.R.S. § 1052 3 (D) further includes "the payment, by any person or organization, of compensation for the personal service of other persons provided to a political action committee that is used by the political action committee to initiate or influence a campaign." The definition of "contribution" for reports on campaigns for office includes a provision that exempts "the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee." The definition of "contribution" for reports by PACs and BOC does not include this language.

⁵ The level of engagement by Ms. Howard in the signature gathering effort indicates a significant degree of coordination between Say No to NECEC, No CMP Corridor and Mainers for Local Power. While these groups are not prohibited from working together on ballot initiatives, the coordination in this instance represents a significant value to a signature gathering campaign on which these groups, collectively, have spent more than \$1.2 million.

Given Say No to NECEC's prior representations to the Commission, Ms. Howard's substantial involvement in the second signature gathering campaign and the governing law, the Commission should be rightly troubled by the complete absence in the record of this contribution.

Pursuant to the Commission's authority under 21-A MRSA § 1003, we request that the Commission undertake an investigation into Ms. Howard's involvement in the second signature gathering campaign, any compensation or reimbursement received, and why that contribution has not been reflected in the recent filings made by No CMP Corridor or Mainers for Local Power.⁶ These filings along with the additional facts presented above establish sufficient grounds that a violation of 21-A MRS § 1004 (2) has occurred.

We would request that the Commission review this request at its upcoming meeting scheduled for January 27, 2021 in light of the upcoming deadline for submitting signatures to the Secretary of State. If your staff or the Commission need any further supporting documentation or information pursuant to this request, please do not hesitate to let me know. Thank you in advance for your consideration.

Sincerely,



Newell A. Augur
Counsel for Clean Energy

⁶ We would note that an inquiry into the source of funds used to pay Ms. Howard may compliment the Commission's current investigation of Stop the Corridor, an organization that has spent millions of dollars in opposition to the NECEC and, simultaneously, has refused to comply with the Commission's statutory investigative authority for nine months and counting.



STATE OF MAINE
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135 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0135

January 7, 2021

James Kilbreth, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Via USPS and Email

Re: Request for Investigation – Say No to NECEC, No CMP Corridor, and Mainers
for Local Power

Dear Mr. Kilbreth:

The Maine Commission on Governmental Ethics and Election Practices received the enclosed request by Clean Energy Matters to investigate Say No to NECEC, No CMP Corridor, and Mainers for Local Power. Clean Energy Matters alleges that No CMP Corridor has failed to accurately report all expenditures and/or in-kind contributions from Say No to NECEC. This letter is to provide Say No to NECEC and No CMP Corridor with an opportunity to respond to the request for investigation and to provide any factual information or legal argument that it believes is relevant.

Commission’s Decision Whether to Investigate

The Commission will plan on considering this matter at its next public meeting on January 27, 2021. The Commission staff recommends that you attend the meeting to respond to the request for investigation and to answer any questions from the Commissioners. The meeting will begin at 9:00 a.m. and will take place via a publicly streamed Zoom call.

Relevant Law

Standard for Initiating an Investigation. The Commission is required to review every request to investigate an alleged violation of campaign finance law and to conduct an “investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.” 21-A M.R.S. § 1003(2).

Contribution, defined. A “contribution” means:

- A. A gift, subscription, loan, advance or deposit of money or anything of value made to a political action committee, except that a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

- B. A contract, promise or agreement, expressed or implied whether or not legally enforceable, to make a contribution to a political action committee;
- C. Any funds received by a political action committee that are to be transferred to any candidate, committee, campaign or organization for the purpose of initiating or influencing a campaign; or
- D. The payment, by any person or organization, of compensation for the personal services of other persons provided to a political action committee that is used by the political action committee to initiate or influence a campaign.

21-A M.R.S. § 1052(3)

Contributions of paid staff time. A PAC or BQC that receives donated services through paid staff time from another organization shall report the paid staff time as in-kind contributions. Maine Ethics Commission Guidance, Registering & Reporting as a Ballot Question Committee (Updated August 11, 2020).

Expenditure, defined. An “expenditure” includes: a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign. 21-A M.R.S. § 1052(4).

Content of Reports. A committee’s reports must identify contributors who have given more than \$50 to the committee in the reporting period and must itemize each expenditure made to initiate or influence any campaign. 21-A M.R.S. § 1060.

Request for Response

Please submit a written response to the request for investigation by Friday, January 15, 2021. You are welcome to submit any factual information or legal argument you believe is relevant to the Commission’s decision whether to investigate. In addition, the Commission staff recommends addressing the following points:

- Have you received any compensation from No CMP Corridor, Say No to NECEC, Mainers for Local Power, and/or any other source for your work on the campaign to influence An Act to Require Legislative Approval of Certain Transmission Lines? If yes, please identify the source(s), date(s), and amount(s) that you received in compensation for this work.
- Have you been reimbursed by No CMP Corridor, Say No to NECEC, Mainers for Local Power, and/or any other source for expenses that you’ve personally incurred with your work on the campaign to influence An Act to Require Legislative Approval of Certain Transmission Lines? If yes, please identify the source(s), date(s), reason(s), and amount(s) that you reimbursed for this work.

James Kilbreth, Esq.

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January 15, 2021

- Has anyone else, to the best of your knowledge, received compensation or reimbursements for activities to initiate or influence An Act to Require Legislative Approval of Certain Transmission lines from either Say No to NECEC or No CMP Corridor from the date that the referenda was submitted to the Secretary of State's office for approval to circulate the petition through present?

Thank you for your cooperation with this request. I look forward to receiving your response on or before January 15, 2021. Please let me know if you have any questions.

Sincerely,

Michael J. Dunn, Esq.

Political Committee and Lobbyist Registrar

Enclosures

Cc: Sandra Howard (via email)
Newell Augur, Esq. (via email)



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

January 7, 2021

Vivian Mikhail, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Via USPS and Email

Re: Request for Investigation – Say No to NECEC, No CMP Corridor, and Mainers for Local Power

Dear Ms. Mikhail:

The Maine Commission on Governmental Ethics and Election Practices received the enclosed request by Clean Energy Matters to investigate Say No to NECEC, No CMP Corridor, and Mainers for Local Power. Clean Energy Matters alleges that Mainers for Local Power has failed to report in-kind contributions from Say No to NECEC and/or No CMP Corridor and has failed to report any expenditures made by Mainers for Local Power to Ms. Sandra Howard. This letter is sent to provide Mainers for Local Power with an opportunity to respond to the request for investigation and to provide any factual information or legal argument that it believes is relevant.

Commission’s Decision Whether to Investigate

The Commission will plan on considering this matter at its next public meeting on January 27, 2021. The Commission staff recommends that you attend the meeting to respond to the request for investigation and to answer any questions from the Commissioners. The meeting will begin at 9:00 a.m. and will take place via a publicly streamed Zoom call.

Relevant Law

Standard for Initiating an Investigation. The Commission is required to review every request to investigate an alleged violation of campaign finance law and to conduct an “investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.” 21-A M.R.S. § 1003(2).

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- A. A gift, subscription, loan, advance or deposit of money or anything of value made to a political action committee, except that a loan of money by a financial

- institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- B. A contract, promise or agreement, expressed or implied whether or not legally enforceable, to make a contribution to a political action committee;
 - C. Any funds received by a political action committee that are to be transferred to any candidate, committee, campaign or organization for the purpose of initiating or influencing a campaign; or
 - D. The payment, by any person or organization, of compensation for the personal services of other persons provided to a political action committee that is used by the political action committee to initiate or influence a campaign.

21-A M.R.S. § 1052(3)

Contributions of paid staff time. A PAC or BQC that receives donated services through paid staff time from another organization shall report the paid staff time as in-kind contributions. Maine Ethics Commission Guidance, Registering & Reporting as a Ballot Question Committee (Updated August 11, 2020).

Expenditure, defined. An “expenditure” includes: a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign. 21-A M.R.S. § 1052(4).

Content of Reports. A committee’s reports must identify contributors who have given more than \$50 to the committee in the reporting period and must itemize each expenditure made to initiate or influence any campaign. 21-A M.R.S. § 1060.

Request for Response

Please submit a written response to the request for investigation by Friday, January 15, 2021. You are welcome to submit any factual information or legal argument you believe is relevant to the Commission’s decision whether to investigate. In addition, the Commission staff recommends addressing the following points:

- Has Mainers for Local Power paid or reimbursed Ms. Sandra Howard for her work to initiate or influence An Act to Require Legislative Approval of Certain Transmission Lines? If yes, please provide the dates of payment, amounts, and purpose of the payments.

Vivian Mikhail, Esq.

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January 15, 2021

Thank you for your cooperation with this request. I look forward to receiving your response on or before January 15, 2021. Please let me know if you have any questions.

Sincerely,

Michael J. Dunn, Esq.

Political Committee and Lobbyist Registrar

Enclosures

Cc: Newell Augur, Esq.



Commission on Governmental Ethics and Election Practices
 Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
 Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2020 CAMPAIGN FINANCE REPORT

FOR POLITICAL ACTION COMMITTEES

COMMITTEE		TREASURER	
Mainers for Local Power 84 Marginal Way Portland, ME 04101-2480 PHONE:(207) 253-0536 EMAIL: vmikhail@dwmlaw.com		Vivian Mikhail 84 Marginal Way Portland, ME 04101-2480 PHONE: EMAIL: vmikhail@dwmlaw.com	
REPORT	DUE DATE	REPORTING PERIOD	
42-Day Post-General Election Report	12/15/2020	10/21/2020 - 12/08/2020	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$1,000,000.00	\$3,614,146.00
2. OTHER CASH RECEIPTS (INTEREST, ETC.)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS (LINE 1 + 2 + 3)	\$1,000,000.00	\$3,614,146.00
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$617,396.71	\$2,256,125.21
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$20,000.00	\$80,000.00
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$637,396.71	\$2,336,125.21
CASH SUMMARY		
9. CASH BALANCE AT BEGINNING OF PERIOD	\$955,417.50	
10. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$1,000,000.00	
11. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 8)	\$637,396.71	
12. CASH BALANCE AT END OF PERIOD	\$1,318,020.79	
OTHER ACTIVITY		
13. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$15,883.20	\$1,049,978.18
14. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
15. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

I, Vivian Mikhail, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Vivian Mikhail
 REPORT FILED ON: 12/15/2020 4:32:10 PM
 LAST MODIFIED:
 COMMITTEE ID: 356331

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more that \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
| 4 = Nonprofit Organization | 12 = Contributors giving \$50 or less |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
11/19/2020	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408	Cash contribution	3	\$1,000,000.00
TOTAL CASH CONTRIBUTIONS				\$1,000,000.00

**SCHEDULE A - 1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a candidate received at no cost or at a cost less than the fair market value. they include all goods and services purchased for the campaign by the candidate or supporters if the campaign does not expect to reimburse the candidate or supporter. These contributions may come from the candidate, candidate's family, supporters, PACs, party committees, or other entities.
- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- In-kind contributions of \$50 or less can be added together and reported as a lump sum.
- If the candidate received a discount on goods and services, the amount of the discount must be reported as an in-kind contribution.
- Total contributions (cash and in-kind) from the same source (except the candidate and candidate's spouse or domestic partner) may NOT exceed \$350 in any election for the legislative candidates, \$750 for county candidates, or \$1500 for gubernatorial candidates. For party candidates, the primary and general elections are considered separate election. For non-party candidates, there is only one election, the general election.

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
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| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	EMPLOYER AND OCCUPATION	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE	AMOUNT
11/3/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 5 hours (10/21-11/3/2020)	3	\$472.05
11/3/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 4.2 hours 10/21-11/3/20 (incl. svcs. rendered by DW; \$ amt=50% total value of contribution shared with Vistra)	3	\$577.50
11/3/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting: 9.7 hrs 10/21-11/3/20 (incl. svcs rendered by DW; \$ amt= 50% total value of contribution shared by Vistra)	3	\$1,500.00
11/3/2020	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: 2 hours (10/21-11/3/2020)	3	\$250.00
11/3/2020	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 4.2 hours 10/21-11/3/20 (incl. svcs. rendered by DW; \$ amt=50% total value of contribution shared with Calpine)	3	\$577.50

11/3/2020	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting: 9.7 hrs 10/21-11/3/20 (incl. svcs rendered by DW; \$ amt= 50% total value of contribution shared by Calpine)	3	\$1,500.00
11/17/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 5 hours (11/4- 11/17/2020)	3	\$472.05
11/17/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 1.6 hours 11/4 -11/17/20 (incl. svcs. rendered by DW; \$ amt=50% total value of contribution shared with Vistra)	3	\$220.00
11/17/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting: 18.8 hrs 11/4-11/17/20 (incl. svcs rendered by DW; \$ amt= 50% total value of contribution shared by Vistra)	3	\$1,500.00
11/17/2020	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: 2 hours (11/4- 11/17/2020)	3	\$250.00
11/17/2020	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 1.6 hours 11/4 -11/17/20 (incl. svcs. rendered by DW; \$ amt=50% total value of contribution shared with Calpine)	3	\$220.00
11/17/2020	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting: 18.8 hrs 11/4-11/17/20 (incl. svcs rendered by DW; \$ amt= 50% total value of contribution shared by Calpine)	3	\$1,500.00
12/1/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 5 hours (11/18- 12/1/2020)	3	\$472.05
12/1/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 0.2 hours 11/18-12/1/20 (incl. svcs. rendered by DW; \$ amt=50% total value of contribution shared with Vistra)	3	\$27.50
12/1/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting: 18.9 hrs 11/18-12/1/20 (incl. svcs rendered by DW; \$ amt= 50% total value of contribution shared by Vistra)	3	\$1,500.00
12/1/2020	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: 1 hour (11/18- 12/1/2020)	3	\$125.00
12/1/2020	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Legal services: .75 hours (11/18- 12/1/2020)	3	\$187.50

12/1/2020	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 0.2 hours 11/18-12/1/20 (incl. svcs. rendered by DW; \$ amt=50% total value of contribution shared with Calpine)	3	\$27.50
12/1/2020	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting: 18.9 hrs 11/18-12/1/20 (incl. svcs rendered by DW; \$ amt= 50% total value of contribution shared by Calpine)	3	\$1,500.00
12/8/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 5 hours (12/2- 12/8/2020)	3	\$472.05
12/8/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 3.3 hours 12/2 -12/8/20 (incl. svcs. rendered by DW; \$ amt=50% total value of contribution shared with Vistra)	3	\$453.75
12/8/2020	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting: 9 hrs 12/2-12/8/20 (incl. svcs rendered by DW; \$ amt= 50% total value of contribution shared by Vistra)	3	\$750.00
12/8/2020	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: 1 hour (12/2- 12/8/2020)	3	\$125.00
12/8/2020	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 3.3 hours 12/2 -12/8/20 (incl. svcs. rendered by DW; \$ amt=50% total value of contribution shared with Calpine)	3	\$453.75
12/8/2020	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting: 9 hrs 12/2-12/8/20 (incl. svcs rendered by DW; \$ amt= 50% total value of contribution shared w/ Calpine)	3	\$750.00
TOTAL IN-KIND CONTRIBUTIONS					\$15,883.20

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
11/19/2020	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$15.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$15.00
12/3/2020	Bernstein Shur 100 Middle Street Portland, ME, 04101	Consulting services PAYMENT OF \$20,000.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$20,000.00
12/3/2020	Buying Time, LLC 650 Massachusetts Avenue, NW Suite 210 Washington, DC, 20001	Media buy (Portland and Bangor cable 12/4-1/7) PAYMENT OF \$499,949.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	TVN	\$499,949.00

12/3/2020	Frame Media Strategies LLC c/o Milliken Perkins & Brunelle 452 Roosevelt Trail Windham, ME, 04062	TV ad production and placement (12/4-1/7) PAYMENT OF \$56,655.95 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	TVN	\$56,655.95
12/3/2020	Krysta West 13 Fogg Road Readfield, ME, 04355	Consulting services PAYMENT OF \$8,375.63 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$8,375.63
12/8/2020	Buying Time, LLC 650 Massachusetts Avenue, NW Suite 210 Washington, DC, 20001	Media buy (radio 12/10-12/19) PAYMENT OF \$23,060.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	RAD	\$23,060.00
12/8/2020	Frame Media Strategies LLC c/o Milliken Perkins & Brunelle 452 Roosevelt Trail Windham, ME, 04062	Radio/internet radio ad production and placement (12/9-12/19) PAYMENT OF \$9,291.13 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	RAD	\$9,291.13
12/8/2020	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$25.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$25.00

12/8/2020	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$25.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$25.00
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$617,396.71

**SCHEDULE B-1
OPERATING EXPENDITURES**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
12/3/2020	Bernstein Shur 100 Middle Street Portland, ME, 04101	Campaign consulting services	PER	\$20,000.00
TOTAL OPERATING EXPENDITURES				\$20,000.00



Commission on Governmental Ethics and Election Practices
 Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
 Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2020 CAMPAIGN FINANCE REPORT

FOR POLITICAL ACTION COMMITTEES

COMMITTEE		TREASURER	
No CMP Corridor P.O. Box 471 Farmington, ME 04938 PHONE:(207) 480-3008 EMAIL: sandrahowardnh@gmail.com		Darryl Wood 215 George Thomas Rd. New Sharon, ME 04955 PHONE: EMAIL: woodwise10@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD	
42-Day Post-General Election Report	12/15/2020	10/21/2020 - 12/08/2020	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$3,709.00	\$117,105.00
2. OTHER CASH RECEIPTS (INTEREST, ETC.)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS (LINE 1 + 2 + 3)	\$3,709.00	\$117,105.00
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$5,500.05	\$99,585.17
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$6,667.75	\$15,251.31
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$12,167.80	\$114,836.48
CASH SUMMARY		
9. CASH BALANCE AT BEGINNING OF PERIOD	\$18,443.84	
10. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$3,709.00	
11. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 8)	\$12,167.80	
12. CASH BALANCE AT END OF PERIOD	\$9,985.04	
OTHER ACTIVITY		
13. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$2,395.34	\$36,686.83
14. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
15. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

I, Sandra Howard, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Sandra Howard
 REPORT FILED ON: 12/15/2020 1:08:00 PM
 LAST MODIFIED: 1/15/2021 8:33:15 AM
 COMMITTEE ID: 354374

SCHEDULE A CASH CONTRIBUTIONS

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

1 = Individual

9 = Candidate / Candidate Committee

2 = Candidate/ Spouse/ Domestic Partner

10 = General Treasury Transfer

3 = Commercial Source

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12 = Contributors giving \$50 or less

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8 = Other Candidate/ Candidate Committee

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DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
10/22/2020	Contributors giving \$50 or less		12	\$25.00
10/25/2020	Daryl Kelley 82 Vesper St. Portland, ME, 04101	Self Employed Construction/Engineering	1	\$25.00
10/26/2020	Gabrielle Wellman PO Box 148 Blue Hill, ME, 04614	Retired Retired	1	\$250.00
10/27/2020	Carlton Pratt 125 Peninsula Dr PO Box 281 Belgrade Lakes, ME, 04918	Retired Retired	1	\$100.00
10/27/2020	Karla Bock 168 Starks Basile New Sharon, ME, 04965	self Employed Agriculture	1	\$35.00
10/27/2020	Matt Wagner 29 Kerry Rd Knox, ME, 04986	Insource Renewables Construction/Engineering	1	\$3.00
10/27/2020	Matt Wagner 29 Kerry Rd Knox, ME, 04986	Insource Renewables Construction/Engineering	1	\$11.00
10/27/2020	Sheila Richardson 140 Harlow Hill Rd Turner, ME, 04282	Retired Retired	1	\$5.00

10/27/2020	Sheila Richardson 140 Harlow Hill Rd Turner, ME, 04282	Retired Retired	1	\$5.00
11/1/2020	Charles Durfee 65 Delano Rd. Woolwich, ME, 04579	Self Employed Manufacturing	1	\$25.00
11/1/2020	Ross Greene 108 Eastern Promenade Portland, ME, 04101	Self child psychologist/author	1	\$100.00
11/1/2020	Tom Mikulka 6 Arrow Point Rd. Turner, ME, 04282	None Retired	1	\$50.00
11/1/2020	William Wood 79 NORFOLK ST BANGOR, ME, 04401	Concord Hospital Healthcare/Medical	1	\$50.00
11/3/2020	Eileen McGuire 237 High St Farmington, ME, 04938	Self Homemaker	1	\$25.00
11/3/2020	Jay Hussey 7 harland Rd Windsor, ME, 04363	Self Employed Retail Sales	1	\$100.00
11/3/2020	Jean Emery 54 W 12th st. apt 3R New York, NY, 10011	Self Employed Healthcare/Medical	1	\$25.00
11/3/2020	Stephen Morrison 12 Lincoln St. Rockland, ME, 04841	None Science/Technology	1	\$25.00
11/5/2020	Brenda Moot 310 North Road Winterport, ME, 04496	Self Nanny	1	\$10.00
11/6/2020	Linda Dubois 583 Main Road S Hampden, ME, 04444	Retired Retired	1	\$25.00
11/8/2020	Dennis Crosen 85 Dam Rd. Vassalboro, ME, 04989	None Science/Technology	1	\$100.00
11/8/2020	Eleanor Weisman 1300 Belfast Rd Knox, ME, 04986	Allegheny College Teacher/Education	1	\$50.00

11/8/2020	Paul Sheridan 88 Hart Rd. Northport, ME, 04849	None Retired	1	\$100.00
11/8/2020	Stephen Morrison 12 Lincoln St. Rockland, ME, 04841	None Science/Technology	1	\$25.00
11/15/2020	Contributors giving \$50 or less		12	\$40.00
11/15/2020	Daniel Beetz 44 Beech Ridge Rd York, ME, 04357	None Retired	1	\$100.00
11/15/2020	Diane Zaotsky 16 Rusty Dr Embden, ME, 04958	HealthReach Healthcare/Medical	1	\$30.00
11/15/2020	Martha Goodale 126 SACO ST WESTBROOK, ME, 04092	City of Westbrook Teacher/Education	1	\$30.00
11/15/2020	Ross Greene 108 Eastern Promenade Portland, ME, 04101	Self child psychologist/author	1	\$100.00
11/15/2020	Stephen Morrison 12 Lincoln St. Rockland, ME, 04841	None Science/Technology	1	\$25.00
11/18/2020	Andrea Wappler 362 Allen Rd Pownal, ME, 04069	None Retired	1	\$100.00
11/18/2020	Contributors giving \$50 or less		12	\$10.00
11/18/2020	Contributors giving \$50 or less		12	\$25.00
11/18/2020	Elizabeth Kerr 11 Ridge Rd Edgecomb, ME, 04556	Kerr Construction Construction/Engineering	1	\$20.00
11/18/2020	Michael Darling 24 Captains Dr Yarmouth, ME, 04096	None Retired	1	\$25.00

11/18/2020	Sam Shirley 261 Main St Apt 6 Farmington, ME, 04938	Black Mountain of Maine Teacher/Education	1	\$10.00
11/18/2020	Stephen Morrison 12 Lincoln St. Rockland, ME, 04841	None Science/Technology	1	\$25.00
11/19/2020	Contributors giving \$50 or less		12	\$15.00
11/19/2020	Donald Constable 1030 Bellsqueeze Rd Clinton, ME, 04927	TMobile Customer Service	1	\$10.00
11/19/2020	Robert Rowe 4 chenault Ave Lewiston, ME, 04240	None Retired	1	\$25.00
11/19/2020	Taylor Constable 1030Bellsqueeze Rd Clinton, ME, 04927	Maine General Healthcare/Medical	1	\$10.00
11/19/2020	Vicki Schmidt 955 Buckfield Rd Hebron, ME, 04238	State of Maine Government/Civil	1	\$25.00
11/23/2020	Eben Marsh PO BOX 6300 CAPE ELIZABETH, ME, 04107	Self Employed Advisor	1	\$50.00
11/23/2020	Robert Lord 202 Middle Rd Falmouth, ME, 04105	Self Employed Student	1	\$225.00
11/25/2020	Daryl Kelley 82 Vesper St. Portland, ME, 04101	Self Employed Construction/Engineering	1	\$25.00
11/28/2020	Elizabeth Caruso PO Box 81 Caratunk, ME, 04925	Self-Employed Consultant	1	\$10.00
11/29/2020	Bruce Pierce 1014 Sunday River Rd Newry, ME, 04261	HIOBS Maintenance Supervisor	1	\$60.00
11/30/2020	Kenneth Weber 104 Highland St. Portland, ME, 04103	University of Southern Maine Teacher/Education	1	\$100.00

11/30/2020	Robert King 138 E. Commonwealth Dr Portland, ME, 04103	Self Employed Nature Writer	1	\$100.00
12/2/2020	Jacob Lewin PO Box 272 Andover, ME, 04216	Self Employed Carpenter	1	\$25.00
12/3/2020	Eileen McGuire 237 High St Farmington, ME, 04938	Self Homemaker	1	\$25.00
12/3/2020	Jean Emery 54 W 12th st. apt 3R New York, NY, 10011	Self Employed Healthcare/Medical	1	\$25.00
12/3/2020	Stephen Morrison 12 Lincoln St. Rockland, ME, 04841	None Science/Technology	1	\$25.00
12/4/2020	Antonio Blasi PO BOX 53 HANCOCK, ME, 04640	Hancock County Commissioners Government/Civil	1	\$15.00
12/4/2020	Christine Palmer 43 Iffley St Portland, ME, 04103	Self Employed Writer	1	\$100.00
12/4/2020	Contributors giving \$50 or less		12	\$20.00
12/4/2020	Contributors giving \$50 or less		12	\$50.00
12/4/2020	Contributors giving \$50 or less		12	\$20.00
12/4/2020	Contributors giving \$50 or less		12	\$10.00
12/4/2020	Darwin Davidson 35 Plumb point Rd. Deer Isle, ME, 04627	Self Employed Media/Public Relations	1	\$100.00
12/4/2020	Donald MacNaught 17 Hide-Away Ln Falmouth, ME, 04105	Retired Police Officer Retired	1	\$100.00

12/4/2020	Eleanor Weisman 1300 Belfast Rd Knox, ME, 04986	Allegheny College Teacher/Education	1	\$25.00
12/4/2020	Linda Woods PO Box 1801 Waterville, ME, 04903	None Retired	1	\$100.00
12/4/2020	Lisa Savage Lisa for ME PO Box 1887 Gray, ME, 04039		9	\$345.00
12/4/2020	Lucia Owen PO Box 171 Stoneham, ME, 04231	None Retired	1	\$100.00
12/5/2020	Brenda Moot 310 North Road Winterport, ME, 04496	Self Nanny	1	\$10.00
12/6/2020	Christopher Wellman 41 Imperial Way North Waterboro, ME, 04061	Superior Energy Solutions HVAC Technician	1	\$50.00
12/6/2020	Kathleen Darling 24 Captains Dr Yarmouth, ME, 04096	Yarmouth School Dept School Bus Driver	1	\$25.00
12/6/2020	Linda Dubois 583 Main Road S Hampden, ME, 04444	Retired Retired	1	\$25.00
12/6/2020	Scott Cook 5 Adams Dr Gorham, ME, 04038	USM Healthcare/Medical	1	\$100.00
12/7/2020	Sarah Christopher 53 Peaslee Ave Chelsea, ME, 04330	Northern Pines LLC Consultant	1	\$25.00
12/8/2020	Betty Roker 114 Wellman St Lewiston, ME, 04240	First Parish Church Office and Administrative Occupations	1	\$25.00
TOTAL CASH CONTRIBUTIONS				\$3,709.00

**SCHEDULE A - 1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a candidate received at no cost or at a cost less than the fair market value. they include all goods and services purchased for the campaign by the candidate or supporters if the campaign does not expect to reimburse the candidate or supporter. These contributions may come from the candidate, candidate's family, supporters, PACs, party committees, or other entities.
- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- In-kind contributions of \$50 or less can be added together and reported as a lump sum.
- If the candidate received a discount on goods and services, the amount of the discount must be reported as an in-kind contribution.
- Total contributions (cash and in-kind) from the same source (except the candidate and candidate's spouse or domestic partner) may NOT exceed \$350 in any election for the legislative candidates, \$750 for county candidates, or \$1500 for gubernatorial candidates. For party candidates, the primary and general elections are considered separate election. For non-party candidates, there is only one election, the general election.

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| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	EMPLOYER AND OCCUPATION	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE	AMOUNT
10/31/2020	Carol Howard 873 Snow Hill Rd New Gloucester, ME, 04260	None Retired	Food and beverages	1	\$78.00
12/8/2020	Mainers for Local Power 84 Marginal Way Portland, ME, 04101-2480		\$2,122.90 compensation for Krysta West's services & \$194.34 mileage reimbursement to Krysta West	5	\$2,317.34
TOTAL IN-KIND CONTRIBUTIONS					\$2,395.34

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/31/2020	College Carry Out 126 MOUNT VERNON AVE AUGUSTA, ME, 04330	Food for event PAYMENT OF \$94.31 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	FOD	\$94.31
11/2/2020	Walmart 615 WILTON RD FARMINGTON, ME, 04938	masks, hand sanitizer & office supplies PAYMENT OF \$270.19 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OFF	\$270.19
11/12/2020	Nationbuilder 520 S. Grand Ave. 2nd Floor Los Angeles, CA, 90071	Website and database services PAYMENT OF \$526.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	WEB	\$526.00

11/12/2020	Northeast Emblematic PO Box 83 Turner, ME, 04282	Stickers PAYMENT OF \$690.09 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	APP	\$690.09
11/12/2020	Staples 500 STAPLES DR FRAMINGHAM, MA, 01702	face shields PAYMENT OF \$47.43 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OFF	\$47.43
11/12/2020	Superior Strategies LLC 3426 Garland Ave Richmond, VA, 23222	Strategic Consulting PAYMENT OF \$2,000.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$2,000.00
11/12/2020	United States Postal Service 196 MAIN ST. FARMINGTON, ME, 04938	postage PAYMENT OF \$9.25 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	POS	\$9.25
11/23/2020	United States Postal Service 196 MAIN ST. FARMINGTON, ME, 04938	postage PAYMENT OF \$11.34 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	POS	\$11.34

11/25/2020	Northeast Emblematic PO Box 83 Turner, ME, 04282	Face Masks PAYMENT OF \$1,783.76 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	APP	\$1,783.76
11/25/2020	Staples 500 STAPLES DR FRAMINGHAM, MA, 01702	Envelopes PAYMENT OF \$17.98 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OFF	\$17.98
11/25/2020	Staples 500 STAPLES DR FRAMINGHAM, MA, 01702	Envelopes - through reimbursement to Sandra Howard PAYMENT OF \$17.98 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OFF	\$17.98
11/25/2020	United States Postal Service 196 MAIN ST. FARMINGTON, ME, 04938	Postage PAYMENT OF \$49.70 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	POS	\$49.70
11/25/2020	United States Postal Service 196 MAIN ST. FARMINGTON, ME, 04938	Postage - through reimbursement to Sandra Howard PAYMENT OF \$49.70 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	POS	\$49.70
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$5,500.05

**SCHEDULE B-1
OPERATING EXPENDITURES**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/31/2020	Stripe Inc 185 Berry St Ste 550 San Francisco, CA, 94107	Credit Card Processing	OTH	\$8.58
11/12/2020	Election CFO II LLC PO BOX 26141 ALEXANDRIA, VA, 22313	Compliance Consulting	PER	\$1,535.00
11/12/2020	Diane Russell 32 Grant St. Portland, ME, 04101	Settlement Payment	OTH	\$5,000.00
11/19/2020	EZTexting.com 1410 2nd St., Suite 200 Santa Monica, CA, 90401	Texting Supporters	PHO	\$5.52
11/19/2020	EZTexting.com 1410 2nd St., Suite 200 Santa Monica, CA, 90401	Texting Supporters	PHO	\$8.92
11/27/2020	EZTexting.com 1410 2nd St., Suite 200 Santa Monica, CA, 90401	Texting Supporters	PHO	\$8.76
11/30/2020	Stripe Inc 185 Berry St Ste 550 San Francisco, CA, 94107	Credit Card Processing	OTH	\$59.47
12/1/2020	EZTexting.com 1410 2nd St., Suite 200 Santa Monica, CA, 90401	Texting Supporters	PHO	\$8.76
12/1/2020	EZTexting.com 1410 2nd St., Suite 200 Santa Monica, CA, 90401	Texting Supporters	PHO	\$7.04
12/7/2020	EZTexting.com 1410 2nd St., Suite 200 Santa Monica, CA, 90401	Texting Supporters	PHO	\$8.72

12/8/2020	Stripe Inc 185 Berry St Ste 550 San Francisco, CA, 94107	Credit Card Processing	OTH	\$16.98
TOTAL OPERATING EXPENDITURES				\$6,667.75

January 15, 2021

Via Email and U.S. Mail

Michael J. Dunn, Esq.
State of Maine
Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta, ME 04333-0135

Re: Say No to NECEC

Dear Mr. Dunn,

This responds to your letters of January 7, 2021, to Sandra Howard, Say No to NECEC, and No CMP Corridor and separately to Mainers for Local Power enclosing a complaint from Clean Energy Matters. That complaint reflects the utter failure of Clean Energy Matters'—and the real interests behind it—to understand or accept the commitment and dedication of thousands of volunteers across Maine who are deeply opposed to the CMP Corridor. That failure can only be explained by the assumptions they must necessarily be making in light of the massive expenditures by CMP, Avangrid, and Hydro-Quebec to promote the Corridor and defeat the referendum.

Response for Sandra Howard, Say No to NECEC, and No CMP Corridor

As your letters recognize, the test for reporting a provision of services in connection with a campaign is whether those services are paid. The short answer to your inquiries is that Ms. Howard has not received any compensation for services from Say No to NECEC, No CMP Corridor, or Mainers for Local Power. She volunteers her services without compensation.

With respect to reimbursement for expenses, as reflected in the amended report being filed today, Ms. Howard was reimbursed \$17.98 for envelopes in the period covered by the post- general election report. For the period ending December 31, the report for which is due today, No CMP Corridor will report a few additional small dollar reimbursements to Ms. Howard for postage and mailing supplies, as well as for gift cards as thank yous for volunteer coordinators. The total amount is \$249.55.

With respect to compensation or reimbursement to others, Say No to NECEC has made no payments of any kind in connection with the referendum and, as the Commission staff is aware, specifically confirmed with staff that its activities with respect to challenges to permits and municipal ordinances and moratoria were not considered referendum-related and hence were not reportable. All expenditures by No CMP Corridor have been reported.

In the interest of full disclosure and even though not responsive to any of the allegations by Clean Energy Matters or the questions posed by staff, No CMP Corridor notes that its reports include in-kind contributions to No CMP Corridor from Mainers for Local Power for the services of Krysta West, as well as for reimbursement of certain expenses. These in-kind contributions are detailed in the amended report for the period ending December 8, 2020, and in the report for the period ending December 31, 2020, both being filed today. For the period ending December 8, the value of her services was \$2122.90, plus \$194.34 in mileage reimbursement for a total of \$2,317.34. For the period ending December 31, the value of her services was \$1107.60, plus \$108.12 in mileage reimbursement for a total of \$1,215.72. Independently and separate from Mainers for Local Power Ms. West was also reimbursed directly \$15 for postage.

Mainers For Local Power

As described above, the answer to the specific question asked of Mainers for Local Power is that it has made no payments of any kind to Sandra Howard. Although not requested, in the interest of full disclosure it confirms that it pays Krysta West for services rendered including the in-kind contributions described above. Mainers for Local Power has and will timely report payments to Ms. West for services rendered to No CMP Corridor as an expenditure in its reports as they are made.

For the foregoing reasons, there is simply nothing for the Commission to investigate here. CMP's attempt to instigate an investigation should be seen for what it is—an attempt to harass committed grass-roots activists opposed to the Corridor. The Commission should refuse to initiate an investigation and close the matter on January 27.

Very truly yours,

/s/ James T. Kilbreth

James T. Kilbreth

JTK/sab

cc: Sandra Howard
Vivian Mikhail

Title 21-A Maine Revised Statutes

Current with the Second Regular Session and Chapter 2 of the Revisor's Report for the 129th Maine Legislature.

§ 1003. Investigations by commission

1. Investigations. The commission may undertake audits and investigations to determine whether a person has violated this chapter, chapter 14 or the rules of the commission. For this purpose, the commission may subpoena witnesses and records whether located within or without the State and take evidence under oath. A person or entity that fails to obey the lawful subpoena of the commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the commission. The Attorney General may apply on behalf of the commission to the Superior Court or to a court of another state to enforce compliance with a subpoena issued to a nonresident person. Service of any subpoena issued by the commission may be accomplished by:

- A. Delivering a duly executed copy of the notice to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person;
- B. Delivering a duly executed copy of the notice to the principal place of business in this State of the person to be served; or
- C. Mailing by registered or certified mail a duly executed copy of the notice, addressed to the person to be served, to the person's principal place of business.

2. Investigations requested. A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

2-A. Repealed. Laws 2001, c. 535, § 1.

3. State Auditor. The State Auditor shall assist the commission in making investigations and in other phases of the commission's duties under this chapter, as requested by the commission, and has all necessary powers to carry out these responsibilities.

3-A. Confidential records. Investigative working papers of the commission are confidential, except that the commission may disclose them to the subject of the audit or investigation, other entities as necessary for the conduct of an audit or investigation and law enforcement and other agencies for purposes of reporting, investigating or prosecuting a criminal or civil violation. For purposes of this subsection, "investigative working papers" means documents, records and other printed or electronic information in the following limited categories that are acquired, prepared or maintained by the commission during the conduct of an audit, investigation or other enforcement matter:

- A. Financial information not normally available to the public;
- B. Information that, if disclosed, would reveal sensitive political or campaign information belonging to a party committee, political action committee, ballot question committee, candidate or candidate's

political committee, or other person who is the subject of an audit, investigation or other enforcement matter, even if the information is in the possession of a vendor or 3rd party;

C. Information or records subject to a privilege against discovery or use as evidence; and

D. Intra-agency or interagency communications related to an audit or investigation, including any record of an interview, meeting or examination.

The commission may disclose investigative working papers or discuss them at a public meeting, except for the information or records subject to a privilege against discovery or use as evidence, if the information or record is materially relevant to a memorandum or interim or final report by the commission staff or a decision by the commission concerning an audit, investigation or other enforcement matter. A memorandum or report on the audit or investigation prepared by staff for the commission may be disclosed at the time it is submitted to the commission, as long as the subject of the audit or investigation has an opportunity to review it first to identify material that the subject of the audit or investigation considers privileged or confidential under some other provision of law.

4. Attorney General. Upon the request of the commission, the Attorney General shall aid in any investigation, provide advice, examine any witnesses before the commission or otherwise assist the commission in the performance of its duties. The commission shall refer any apparent violations of this chapter to the Attorney General for prosecution.

§ 1052. Definitions

...

3. Contribution. “Contribution” includes:

A. A gift, subscription, loan, advance or deposit of money or anything of value made to a political action committee, except that a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

B. A contract, promise or agreement, expressed or implied whether or not legally enforceable, to make a contribution to a political action committee;

C. Any funds received by a political action committee that are to be transferred to any candidate, committee, campaign or organization for the purpose of initiating or influencing a campaign; or

D. The payment, by any person or organization, of compensation for the personal services of other persons provided to a political action committee that is used by the political action committee to initiate or influence a campaign.

4. Expenditure. The term “expenditure:”

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in this paragraph; and

(3) The transfer of funds by a political action committee to another candidate or political committee; and

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical publication, unless these facilities are owned or controlled by any political party, political committee, candidate or the spouse or domestic partner of a candidate;

(2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed \$250 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by a political action committee that volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election; and

(6) Any communication by any political action committee member that is not made for the purpose of influencing the nomination or election of any person to state or county office.

...

§ 1054-A. Duties and liabilities of the treasurer, principal officer and primary decision maker of political action committees

1. Duties of the treasurer. The treasurer of the political action committee shall ensure that the political action committee files and amends the political action committee's registration, files complete and accurate financial reports with the commission and maintains the political action committee's records as required by this chapter and the commission's rules. The treasurer is responsible for the political action committee's performance of these duties regardless of whether the treasurer has delegated administrative tasks related to these duties to another individual.

2. Joint responsibilities of the treasurer and principal officer. The treasurer and the principal officer are jointly responsible for the political action committee's compliance with the requirements of this chapter and the commission's rules. The treasurer and principal officer are responsible for accepting and responding to notices and correspondence from the commission on behalf of the political action committee.

3. Participation in spending decisions. An individual who is the treasurer, principal officer or primary decision maker of the political action committee and who has signed the acknowledgment statement required by section 1052-A, subsection 4 is deemed to have participated in the spending decisions of the political action committee until the commission receives the individual's resignation statement or a notice of the individual's involuntary removal from the political action committee.

...

§ 1060. Content of reports

...

4. Itemized expenditures. An itemization of each expenditure made to initiate or influence any campaign, including the date, payee and purpose of the expenditure; the name of each candidate, campaign, political committee, political action committee or party committee supported or opposed; and each referendum or initiated petition supported or opposed by the expenditure. If expenditures were made to a person described in section 1012, subsection 3, paragraph A, subparagraph (4), the report must contain the name of the person; the amount spent by that person on behalf of the candidate, campaign, political committee, political action committee, party committee, referendum or initiated petition, including, but not limited to, expenditures made during the signature gathering phase; the reason for the expenditure; and the date of the expenditure. The commission may specify the categories of expenditures that are to be reported to enable the commission to closely monitor the activities of political action committees;

5. Aggregate expenditures. An aggregation of expenditures and cumulative aggregation of expenditures to a candidate, campaign, political committee, political action committee, party committee, referendum or initiated petition;

6. Identification of contributions. Names, occupations, places of business and mailing addresses of contributors who have given more than \$50 to the political action committee in the reporting period and the amount and date of each contribution, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those contributions made to the organization for the purpose of influencing a ballot question or the nomination or election of a candidate to political office and all transfers to or funds used to support the political action committee from the general treasury of the organization; and

7. Other expenditures. Operational expenses and other expenditures that are not made on behalf of a candidate, committee or campaign, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those expenditures made for the purpose of influencing a campaign.

...

§ 1062-A. Failure to file on time

1. Registration. A political action committee required to register under section 1052-A, 1053-A or 1053-B or a ballot question committee required to register under section 1053-A or 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A.** 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;
- B.** An error by the commission staff; or
- C.** Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

...



Registering & Reporting as a Ballot Question Committee (updated August 11, 2020)¹

What is a ballot question committee?

Most organizations that raise or spend money to influence a statewide ballot question in Maine form a political action committee (PAC) for that purpose, and file regular PAC reports with the Commission.² Some advocacy, charitable, or other organizations do not qualify as PACs under the Election Law, but they are interested in raising and spending money to influence a ballot question. In 2000, the Maine Legislature enacted 21-A M.R.S. § 1056-B to create a reporting requirement for these non-PAC organizations. Effective June 30, 2008, the Election Law designated these organizations as “ballot question committees” (“BQCs”), which are required to register with the Commission. Under these requirements:

A person not defined as a political action committee that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign shall register as a ballot question committee and file reports with the commission in accordance with this section.

Does the registration requirement apply to individuals as well as organizations?

Yes. Under Maine Election law, the term “person” includes individuals, committees, firms, partnerships, corporations, associations, or organizations.

When do ballot question committees have to register with the Commission?

Within seven days of receiving contributions or making expenditures to initiate or influence a ballot question that exceed \$5,000, an organization or individual must register as a ballot question committee with the Commission.

¹ This memo replaces the previous guidance adopted by the Commission on July 28, 2008.

² As used in this guidance, a ballot question refers to a people's veto referendum, a direct initiative, an amendment to the Constitution of Maine, a referendum vote on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote, a ratification of the issue of bonds, and any county or municipal referendum.

What contributions count toward the BQC registration threshold and have to be reported?

Contributions received for the purpose of initiating or influencing a ballot question count toward the registration threshold and have to be reported. This includes:

- funds that the contributor specified were given, in whole or in part, in connection with a ballot question;
- funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used, in whole or in part, for the purpose of initiating or influencing a ballot question;
- funds that can reasonably be determined to have been provided by the contributor, in whole or in part, for the purpose of initiating or influencing a ballot question when viewed in the context of the contribution and the recipient's activities regarding a ballot question; and
- funds or transfers from the general treasury of an organization filing a ballot question report.

For example, if an organization sends a solicitation or other communication to a potential donor or funder indicating that any funds received will be spent on a Maine ballot question and other activities (e.g., lobbying or advocacy activities in other states), the total amount of funds received from that donor are a contribution to the organization that counts toward the registration threshold. (The Commission staff is available to answer questions regarding the treatment of multi-purpose contributions for registration and reporting purposes.) Funds provided in response to a solicitation that makes no reference to a Maine ballot question and would lead the contributor to believe that the funds would be used to support other activities or an organization's general activities do not count toward the registration threshold and do not need to be reported by the ballot question committee.

What expenditures count toward the BQC registration threshold and have to be reported?

Expenditures made by an organization or individual to initiate or influence a ballot question count toward the registration threshold and have to be reported. The Commission interprets this to include expenditures on communications which expressly advocate for or against a ballot question or which, in context, are susceptible of no reasonable interpretation other than to promote or oppose a clearly identified ballot question. These expenditures also include, but are not limited to:

- compensation and paid expenses to individuals or organizations for the purpose of collecting petition signatures to qualify a ballot question;

- fees paid to employees, attorneys or other consultants for legal analysis and drafting of a proposed ballot question;
- expenditures for communications to voters for the purpose of promoting or opposing a ballot question, including digital advertising and advertising on television, radio, and print media; literature that is mailed or distributed by hand to voters; automated telephone calls and scripted calls from live callers; signs, bumper stickers, and other forms of outdoor advertising;
- paid staff time promoting or opposing a ballot question at public or press events;
- paid staff time canvassing (conducting door-to-door visits to) voters;
- travel expenses paid to employees or volunteers who are conducting activities to promote or oppose a ballot question;
- paid staff time preparing presentations, testimony, letters to the editor, opinion pieces, articles for publication, or press releases to promote or oppose a ballot question;
- research or analysis, including written reports and legal opinions, where the organization knows or reasonably should know that the results will be used to promote or oppose a ballot question and where the results are used for that purpose; and
- expenditures to distribute research or technical analysis regarding a ballot question for the purpose of encouraging voters to vote for or against a ballot question.

What does the Commission mean by communications that expressly advocate for or against a ballot question?

Expressly advocate means words or images which urge a vote for or against a ballot question. For example: “Vote Yes on 1,” “No on 2,” “On March 3rd, Protect Maine’s Children,” “Let’s Get Maine Moving Again,” accompanied by reference to a transportation bond, or “Support Same-Sex Marriage” or “Protect Traditional Marriage” when accompanied by a reference to an initiative to legally recognize same-sex marriage. Expressly advocate also means words or images that, in context, are susceptible of no reasonable interpretation other than as an appeal to vote for or against a ballot question.

What expenditures do not count toward the registration threshold?

The Commission interprets § 1056-B as excluding expenditures for communications that do not expressly advocate for or against a ballot question or other activities that are not conducted to initiate or influence a ballot question. In addition, expenditures made

merely to educate voters or others about a ballot question in a neutral way are not covered by § 1056-B, even if a ballot question is clearly identified. These would include expenditures for:

- hosting a meeting at which advocates or members of the public are invited to present their views on the ballot question, provided that the sponsors of the event make reasonable efforts to ensure that the forum is balanced;
- distributing news stories, commentary, or editorials concerning a ballot question through the facilities of a broadcasting station, newspaper, magazine, or other periodical publication, unless the facilities are owned or controlled by persons otherwise engaged in other advocacy activities to promote or oppose the ballot question; and
- research or analysis concerning a ballot question paid by an entity which is not otherwise participating in the ballot question campaign, provided that the research or analysis does not clearly express support for or opposition to the ballot question or urge others to vote for or against the ballot question.

Do payments to staff or other expenses incurred in drafting legislation intended as a direct initiative count toward the registration threshold?

Yes. If an organization pays its employees (or incurs other expenses) to draft legislation that the organization intends will be submitted to the Secretary of State as a direct initiative (even if submitted by a different organization or individuals), those expenses should be counted as expenditures made to initiate a ballot question.

What about expenditures to oppose a ballot question during the signature-gathering phase?

The Commission interprets “expenditures [made] ... for the purpose of ... influencing” a ballot question to include payments made by opponents of the ballot question during the time period in which proponents are gathering petition signatures.

If an organization or individual purchases a digital advertisement that links to a webpage of the organization or individual that expressly advocates for or against a ballot question, does the advertising cost count toward the threshold and have to be reported?

If an organization or individual pays for a digital ad that links to a webpage sponsored by the same organization or individual that expressly advocates for or against a ballot question, the Commission will generally view the cost of the digital ad as an expenditure made for the purpose of influencing the ballot question even if the digital ad itself does not expressly advocate for or against a ballot question.

What if an organization raises money to give to a PAC or BQC?

If an organization solicits and receives contributions for the purpose of influencing a ballot question and gives those funds to a PAC or BQC, the contributions received by the organization count towards the registration threshold. For example, if a trade association solicits funds from its members in order to make a contribution to a PAC or BQC involved in a ballot question, the trade association may have to register as a ballot question committee if it raised more than \$5,000. It is not the contribution to the PAC or BQC that triggers the registration requirement; it is the fund-raising activity by the trade association that triggers it.

What if an organization donates money or the time of its paid employees to a PAC or BQC to initiate or influence a ballot question?

An organization or individual does not have to register with the Commission as a BQC if their only payments of money for the purpose of initiating or influencing a campaign in Maine are contributions to PACs or BQCs registered with the Commission or a municipality and they have not raised or accepted any contributions for the purpose of initiating or influencing a ballot question. This exception covers the following types of payments to benefit a PAC or BQC:

- money donated directly to the PAC or BQC
- compensation and benefits to the organization's or individual's paid staff whose services are donated to the PAC or BQC
- expenditures that are requested or suggested by the PAC or BQC, or are coordinated with the PAC or BQC.

The PAC or BQC receiving these payments or services must report them as in-kind contributions. Expenditures to initiate or influence a ballot question made independently of the PAC or BQC are not considered contributions to the PAC or BQC and would count toward the registration threshold.

What if an organization contributes or transfers funds to another organization which is not a PAC?

A contribution or transfer of funds from one organization to another organization for the purpose of initiating or influencing a ballot question counts towards the registration threshold as an expenditure made by the first organization.

Guidance to PACs and Contributors on the Reporting of In-Kind Contributions

If a PAC or BQC involved in a ballot question reports receiving in-kind contributions from other organizations, but provides little detail regarding the goods and services they received, the Commission will request that PAC or BQC provide more detail about the in-kind contributions. For example, if a PAC or BQC reports that it received significant paid staff time from another organization, it should include a description of those staff

activities and the number of hours of staff time that were contributed. A PAC's or BQC's reporting of coordinated spending made by a contributor should include a description and the cost of the goods and services purchased. Contributed staff and coordinated expenditures should not be lumped together as a single contribution for the reporting period, but should be itemized as separate contributions.

How does an organization register as a ballot question committee?

The organization should visit www.mainecampaignfinance.com and click on the Register button in the upper-right corner of the screen.

Other Guidance

If you have any questions, please telephone the Commission's Political Committee Registrar at 287-4179.

Adopted by the Commission on August 11, 2020