



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

Commission Meeting 07/30/2021  
Agenda Item #8

To: Commission  
From: Jonathan Wayne, Executive Director  
Date: July 18, 2021  
Re: Recommended Investigation of Alpine Initiatives LLC

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The Ethics Commission staff recommends an investigation into Alpine Initiatives LLC, which provided a large political contribution to the Maine Democratic Party on October 29, 2018, just four days after Alpine Initiatives registered as a limited liability company with the Maine Secretary of State. We cannot find any public record of business activity by Alpine Initiatives and it dissolved on December 31, 2019 (roughly fourteen months later). We recommend investigating whether Alpine Initiatives should have registered and filed campaign finance reports as a PAC, and whether any other person violated campaign finance law in connection with this financial activity.

### **Relevant Law**

In 21-A M.R.S. § 1052(5), the term PAC is defined as:

The term "political action committee:"

A. Includes:

- (1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to initiate or influence a campaign;
- (4) Any person, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose; and
- (5) Any person, other than an individual, that does not have as its major purpose influencing candidate elections but that receives contributions or makes expenditures aggregating more than \$5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office; and

B. Does not include:

- (1) A candidate or a candidate's treasurer under section 1013-A, subsection 1;
- (2) A candidate's authorized political committee under section 1013-A, subsection 1, paragraph B;
- (3) A party committee under section 1013-A, subsection 3; or
- (4) An organization whose only payments of money in the prior 2 years for the purpose of influencing a campaign in this State are contributions to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality and that has not raised and accepted any contributions during the calendar year.

PACs are required to register and file campaign finance reports with the Commission. 21-A M.R.S. §§ 1052-A & 1059. It is illegal to make a contribution in the name of another or to knowingly accept a contribution in the name of another. 21-A M.R.S. §§ 1004(3) & 1004-A(3).

**Facts**

The state committee of the Maine Democratic Party filed a campaign finance report in December 2018 (relevant pages attached) in which it disclosed receiving a contribution of \$150,000 from Alpine Initiatives LLC on October 29, 2018, which was eight days before the November 6, 2018 general election. The entry is displayed in the report as:

|            |   |  |   |              |
|------------|---|--|---|--------------|
| 10/29/2018 | Alpine Initiatives LLC<br>P.O. Box 10006<br>Portland, ME, 04104 |  | 3 | \$150,000.00 |
|------------|---|--|---|--------------|

In the 2018 general election, voters were selecting a new Governor, the members of the 129<sup>th</sup> Legislature, and other state and county officers.

Alpine Initiatives was registered as a limited liability company on October 25, 2018. I have attached the certificate of formation which is on file with the Maine Secretary of State. The registered agent for the limited liability company is Portland attorney Timothy H. Norton, Esq. The LLC filed a certificate of cancellation with the Secretary of State indicating it dissolved on December 31, 2019. This information is summarized in the following corporate search results available on the website of the Maine Secretary of State:



The screenshot shows the Maine Department of the Secretary of State website. At the top, there is a logo for 'Interactive Corporate Services' and the text 'MAINE Department of the Secretary of State Bureau of Corporations, Elections and Commissions'. Below this is a navigation bar with 'Corporate Name Search' and 'Information Summary'. A link for 'Subscriber activity report' is visible. A warning message states: 'This record contains information from the CEC database and is accurate as of: Sat Jun 19 2021 17:46:56. Please print or save for your records.' The main content is a table with the following data:

| Legal Name  | Charter Number  | Filing Type                          | Status    |
|---|-----------------|--------------------------------------|-----------|
| ALPINE INITIATIVES LLC  | 20192294DC      | LIMITED LIABILITY COMPANY (DOMESTIC) | CANCELLED |
| Filing Date   | Expiration Date | Jurisdiction                         |           |
| 10/25/2018  | N/A             | MAINE                                |           |
| Other Names   |                 | (A=Assumed ; F=Former)               |           |
| NONE  |                 |                                      |           |
| Clerk/Registered Agent  |                 |                                      |           |
| TIMOTHY H. NORTON<br>53 EXCHANGE STREET<br>PORTLAND, ME 04101 |                 |                                      |           |

### Recommended Investigation

The compliance concern with this financial activity is that Alpine Initiatives was registered as a limited liability company in Maine just four days before the Maine Democratic Party reportedly received a political contribution. It seems unlikely that, as a new business entity, Alpine Initiatives could initiate business activity in a four-day period sufficient to generate \$150,000 in revenue. In fact, the Commission staff is unable to verify through internet searches and public records that Alpine Initiatives conducted any commercial activity during the fourteen months it was registered as a limited liability company with the Secretary of State.

The close timing between the Oct. 25, 2018 registration of Alpine Initiatives and the Oct. 29, 2018 contribution, when coupled with the lack of any other known activity by the entity and its short duration as a limited liability company, suggests the potential that some source provided funds to Alpine Initiatives for the purpose of making a contribution to the Maine Democratic Party. If so, Alpine Initiatives may have been required to register and file reports as a PAC, and disclose the actual source of the \$150,000 it contributed. The contribution is the third-largest contribution received by the party during 2018, which was a gubernatorial election year.

In keeping with our department's practice, the Commission staff has mailed and emailed letters to the registered agent and sole member of Alpine Initiatives to notify them that the Commission will be considering whether to investigate Alpine Initiatives at your July 30 meeting. We invited them to respond to the proposed investigation or provide any relevant information. In our experience, receiving a formal letter notifying a party that they are about to be investigated by a state ethics commission typically results in an email or telephone response of concern or alarm, and ultimately a written explanation of the campaign activity. Instead, the people responsible for Alpine Initiatives have chosen not to provide any information about who they are, their purposes in establishing Alpine Initiatives or any alternative explanation of the sources of the funds for the contribution that might qualify Alpine Initiatives for the donor exception in the PAC definition.

The Commission staff views this lack of response as additional support for an investigation. We suggest directing staff to investigate whether Alpine Initiatives LLC or any other person associated with this financial activity violated Maine campaign finance law, 21-A M.R.S. §§ 1001-1105. Thank you.



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](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 2018 CAMPAIGN FINANCE REPORT

### FOR PARTY COMMITTEES

| COMMITTEE  |            | TREASURER  |  |
|--|------------|--|--|
| MAINE DEMOCRATIC STATE COMMITTEE<br>320 Water St, 3rd Flr P.O. Box 5258<br>Augusta, ME, 04332<br>PHONE:(207) 622-6233<br>EMAIL: <a href="mailto:atrundy@mainedems.org">atrundy@mainedems.org</a> |            | BETTY JOHNSON<br>PO Box 5258<br>Augusta, ME, 04332-5258<br>PHONE:(207) 622-7432<br>EMAIL: <a href="mailto:EXEC@MAINEDEMS.ORG">EXEC@MAINEDEMS.ORG</a> |  |
| REPORT   | DUE DATE   | REPORTING PERIOD   |  |
| 42-DAY POST-GENERAL REPORT   | 12/18/2018 | 10/24/2018 - 12/11/2018  |  |

### FINANCIAL ACTIVITY SUMMARY

| RECEIPTS   | TOTAL FOR PERIOD | TOTAL FOR YEAR |
|--|------------------|----------------|
| 1. CASH CONTRIBUTIONS (SCHEDULE A)                   | \$721,905.00     | \$3,666,527.00 |
| 2. OTHER CASH RECEIPTS (INTEREST, ETC.)              | \$3,486.77       | \$55,759.47    |
| 3. LOANS (SCHEDULE C)                                | \$0.00           | \$0.00         |
| 4. TOTAL RECEIPTS (LINE 1 + 2 + 3)                   | \$725,391.77     | \$3,722,286.47 |
| EXPENDITURES   |                  |                |
| 5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)    | \$307,275.61     | \$1,528,165.35 |
| 6. OPERATING EXPENDITURES (SCHEDULE B-1)             | \$512,285.24     | \$2,263,991.39 |
| 7. LOAN REPAYMENTS (SCHEDULE C)                      | \$0.00           | \$0.00         |
| 8. TOTAL PAYMENTS (LINE 5 + 6 + 7)                   | \$819,560.85     | \$3,792,156.74 |
| OTHER ACTIVITY                                       |                  |                |
| 9. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)              | \$1,222.75       | \$4,809.25     |
| 10. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C) | \$0.00           |                |
| 11. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D) | \$0.00           |                |

I, MAINE DEMOCRATIC STATE COMMITTEE, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: MAINE DEMOCRATIC STATE COMMITTEE  
REPORT FILED ON: 12/18/2018 4:19:52 PM  
LAST MODIFIED: 12/18/2018 4:19:52 PM  
COMMITTEE ID: 763

## 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                    | 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                |
|-----------------------|--|---|--------------|-----------------------|
| 10/26/2018            | Democratic Attorneys General Association<br>P.O. Box 34445<br>Washington, DC, 20005                                    |   | 5            | \$25,000.00           |
| 10/27/2018            | Bonnie Porta<br>3 Bacchus Pl<br>Cape Elizabeth, ME, 04107-2534   | None<br>Not Employed                          | 1            | \$5,000.00            |
| 10/27/2018            | Robert C.S. Monks<br>ONE CITY CENTER<br>4TH FLOOR<br>PORTLAND, ME, 04101   | Signal Group, LLC<br>Real Estate Professional | 1            | \$10,000.00           |
| 10/27/2018            | SENATE DEMOCRATIC CAMPAIGN<br>COMMITTEE<br>P.O. BOX 2207<br>AUGUSTA, ME, 04338   |   | 5            | \$200,000.00          |
| 10/28/2018            | Kee Chung<br>90 HARVARD AVE<br>BROOKLINE, MA, 02446  | Atrius Health<br>Healthcare/Medical           | 1            | \$25.00               |
| 10/28/2018            | MAINE STATE EMPLOYEE ASSOCIATION<br>PASER<br>65 State Street<br>Augusta, ME, 04332                                     |   | 5            | \$10,000.00           |
| <del>10/28/2018</del> | <del>The NEA Fund for Children &amp; Public<br/>Education<br/>1201 16th St NW, Ste 418<br/>Washington, DC, 20002</del> |   | <del>5</del> | <del>\$5,000.00</del> |
| 10/28/2018            | The NEA Fund for Children & Public<br>Education<br>1201 16th St NW, Ste 418<br>Washington, DC, 20002                   |   | 5            | \$10,000.00           |
| 10/29/2018            | Alpine Initiatives LLC<br>P.O. Box 10006<br>Portland, ME, 04104  |   | 3            | \$150,000.00          |
| 10/29/2018            | Brenda Earley<br>68 Spring St<br>Newport, ME, 04953-3135   | Self<br>Healthcare/Medical                    | 1            | \$50.00               |

**MAINE  
LIMITED LIABILITY COMPANY**  
  
**STATE OF MAINE**  
  
**CERTIFICATE OF FORMATION**

Filing Fee \$175.00

File No. 20192294DC Pages 2  
Fee Paid \$ 175  
DCN 2182982260011 DLLC  
FILED  
10/25/2018

  
Deputy Secretary of State

A True Copy When Attested By Signature

\_\_\_\_\_  
Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

**FIRST:** The name of the limited liability company is:

**Alpine Initiatives LLC**

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "LLC," "LLC," "LC" or "LC" or, in the case of a low-profit limited liability company, "L3C" or "L3c" - see 31 MRSA 1508.)

**SECOND:** Filing Date: (select one)

Date of this filing; or

Later effective date (specified here): \_\_\_\_\_

**THIRD:** Designation as a low profit LLC (Check only if applicable):

This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:

- A. The company intends to qualify as a low-profit limited liability company;
- B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
- C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
- D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

**FOURTH:** Designation as a professional LLC (Check only if applicable):

This is a professional limited liability company\* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

\_\_\_\_\_  
(Type of professional services)

Form No. MLLC-6 (1 of 2)

**FIFTH:** The Registered Agent is a: (select either a Commercial or Noncommercial Registered Agent)



Commercial Registered Agent

CRA Public Number: P10118

Timothy H. Norton, Esq.

(Name of commercial registered agent)



Noncommercial Registered Agent

(Name of noncommercial registered agent)

(physical location, not P.O. Box – street, city, state and zip code)

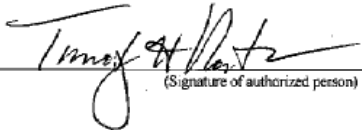
(mailing address if different from above)

**SIXTH:** Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

**SEVENTH:** Other matters the members determine to include are set forth in the attached Exhibit \_\_\_\_\_, and made a part hereof.

**\*\*Authorized person(s)**

**Dated** October 24, 2018

  
\_\_\_\_\_  
(Signature of authorized person)

Timothy H. Norton, Registered Agent

(Type or print name of authorized person)

(Signature of authorized person)

(Type or print name of authorized person)

**\*Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list – see 13 MRSA §723.7)**

**\*\*Pursuant to 31 MRSA §1676.1.A, Certificate of Formation MUST be signed by at least one authorized person.**

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

**Secretary of State  
Division of Corporations, UCC and Commissions  
101 State House Station  
Augusta, ME 04333-0101  
Telephone Inquiries: (207) 624-7752**

Email Inquiries: [CEC.Corporations@Maine.gov](mailto:CEC.Corporations@Maine.gov)

Form No. MLLC-6 (2 of 2) Rev. 10/31/2012



## Maine Secretary of State



### 2019 Annual Report Electronic Filing Acknowledgment

For Limited Liability Companies on file as of December 31, 2018

**Charter Number:** 20192294DC  
**DCN Number:** 2190019159600  
**Legal Name:** ALPINE INITIATIVES LLC

**Registered Agent's Name and Address:**

TIMOTHY H. NORTON  
P.O. BOX 597  
PORTLAND, ME 04112

**Brief statement of the character of the business:**

BUSINESS OF CONSULTING AND PROJECT MANAGEMENT

**Name and Address of Member, Manager or other Authorized Person:**

IAN C. GRADY  
810 SO. SPRING ST. UNIT 1208, LOS ANGELES, CA 90014

**Date of Filing:** March 21, 2019

**Name and Capacity of Authorizing Party:**

SALLY DUNNE, PARALEGAL

LIMITED LIABILITY COMPANY  
STATE OF MAINE  
CERTIFICATE OF CANCELLATION  
(for a Maine LLC)

Filing Fee \$75.00

File No. 20192294DC Pages 1  
Fee Paid \$ 75  
DCN 2200142330036 CANC  
FILED  
01/02/2020

  
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Alpine Initiatives LLC

(Name of Limited Liability Company)

Pursuant to 31 MRSA §1533.2, the undersigned hereby executes and delivers the following certificate of cancellation:

- FIRST: The date the limited liability company's original certificate of formation was filed: Oct. 25, 2018
- SECOND: The limited liability company is dissolved and the date of dissolution (if known) is: Dec. 31, 2019
- THIRD: The effective date of the cancellation shall be (Please check one):
- the date of filing of this certificate or
- the future effective date as follows: Dec. 31, 2019

(Notice: upon filing this Certificate, the limited liability company shall be removed from the active records of the Secretary of State on the effective date.)

FOURTH: Any other information the person filing the certificate of cancellation determines necessary, if any, is set forth in Exhibit A attached and made a part hereof.

\*Authorized Signature(s)

  
(Signature)

(signature)

DATED Dec. 30, 2019

Ian C. Grady, Sole Member, Manager

(type or print name and capacity)

(type or print name and capacity)

\*\*Pursuant to 31 MRSA §1676.1.B or 31 MRSA §1676.1.C, this document MUST be signed by a person authorized by the limited liability company or if filed on behalf of a dissolved limited liability company that has no members, this document must be signed by the person winding up the limited liability company's activities under 31 MRSA §1597.1 or a person appointed under section 31 MRSA §1598.2.

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

Secretary of State  
Division of Corporations, UCC and Commissions  
101 State House Station  
Augusta, ME 04333-0101  
Telephone Inquiries: (207) 624-7752

Email Inquiries: CEC.Corporations@Maine.gov

Form No. MLLC-11C 7/19/2018



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

July 7, 2021

**By Email and Regular Mail**

Timothy H. Norton, Esq.  
Kelly Remmel & Zimmerman  
53 Exchange Street  
Portland, Maine 04201

Dear Mr. Norton,

I am writing to you as the registered agent for Alpine Initiatives LLC on behalf of the Maine Commission on Governmental Ethics and Election Practices. Our office is the campaign finance agency for the State of Maine. This letter is to invite Alpine Initiatives to respond to a potential campaign finance investigation concerning a 2018 contribution made by Alpine Initiatives to the Maine Democratic Party.

*Please promptly forward this letter to a responsible officer for Alpine Initiatives, as the Commission is going to consider this matter at its meeting on July 30, 2021. The Commission will be reluctant to postpone this scheduling. Also, please provide me with the name and contact information for a representative of Alpine Initiatives so that I can contact that person directly.*

**Contribution by Alpine Initiatives to the Maine Democratic Party**

While reviewing another matter, it came to the Commission staff's attention that Alpine Initiatives made a political contribution to the Maine Democratic Party on October 29, 2018 (shortly before the 2018 general election). The contribution was made only four days after Alpine Initiatives registered with the Secretary of State. Other than this single transaction, the Commission staff could not find any other business activity of Alpine Initiatives. It apparently terminated as a business entity after about fourteen months on January 2, 2020.

These circumstances raise a concern that some source may have provided funds to Alpine Initiatives for the purpose of influencing candidate elections in Maine by making a contribution to the Maine Democratic Party. If so, Alpine Initiatives would have been required to register and file campaign finance reports as a political action committee, and disclose the source of the funds used for the contribution.

## Relevant Law

In Maine campaign finance law, the term political action committee is defined as:

The term "political action committee:"

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to initiate or influence a campaign; ...

(4) Any person, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose; and

(5) Any person, other than an individual, that does not have as its major purpose influencing candidate elections but that receives contributions or makes expenditures aggregating more than \$5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office; and

B. Does not include:

(1) A candidate or a candidate's treasurer under section 1013-A, subsection 1;

(2) A candidate's authorized political committee under section 1013-A, subsection 1, paragraph B;

(3) A party committee under section 1013-A, subsection 3; or

(4) An organization whose only payments of money in the prior 2 years for the purpose of influencing a campaign in this State are contributions to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality and that has not raised and accepted any contributions during the calendar year.

21-A M.R.S. § 1052(5). Political action committees are required to register and file campaign finance reports with the Commission. 21-A M.R.S. §§ 1052-A & 1059.

Timothy H. Norton, Esq.

Page 3

July 7, 2021

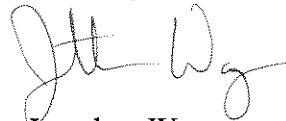
**Opportunity for Alpine Initiatives to Respond or Provide Information**

The Commission will be considering this matter at its meeting on July 30, 2021. The meeting will begin at 10:00 a.m. and will be conducted in person in the Commission's office, located at 45 Memorial Circle in Augusta.

Alpine Initiatives is invited to respond to the investigation proposed by the Commission staff or to provide any information it believes is relevant. The Commission would welcome Alpine Initiatives's participation in the July 30 meeting or any written information in advance of the meeting. Any information received by July 20 would be included in a packet of information we would distribute to the Commissioners by U.S. Mail. I would email any information received after July 20 to the Commissioners.

Thank you very much for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Wayne". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jonathan Wayne  
Executive Director

## 21-A M.R.S. § 1052. Definitions

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As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

...

**5. Political action committee.** The term “political action committee:”

**A.** Includes:

- (1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to initiate or influence a campaign;
- (4) Any person, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose; and
- (5) Any person, other than an individual, that does not have as its major purpose influencing candidate elections but that receives contributions or makes expenditures aggregating more than \$5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office; and

**B.** Does not include:

- (1) A candidate or a candidate’s treasurer under section 1013-A, subsection 1;
- (2) A candidate’s authorized political committee under section 1013-A, subsection 1, paragraph B;
- (3) A party committee under section 1013-A, subsection 3; or
- (4) An organization whose only payments of money in the prior 2 years for the purpose of influencing a campaign in this State are contributions to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality and that has not raised and accepted any contributions during the calendar year for the purpose of influencing a campaign in this State.

## 21-A M.R.S. § 1004. Violations

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The violation of any of the following subsections is a Class E crime.

- 1. Contributions and expenditures.** A person, candidate, treasurer, political committee or political action committee may not knowingly make or accept any contribution or make any expenditure in violation of this chapter.
- 2. False statements.** A person, candidate, treasurer or political action committee may not make a false statement in a report required by this chapter.
- 3. Contributions in another's name.** A person may not knowingly:
  - A. Make a contribution in the name of another person;
  - B. Permit the person's name to be used to accomplish a contribution in violation of paragraph A; or
  - C. Accept a contribution made by one person in the name of another person.
- 4. Registration; political action committees.** A political action committee or ballot question committee required to be registered under section 1052-A or 1056-B may not operate in this State unless it is so registered.

## 21-A M.R.S. § 1004-A. Penalties

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The commission may assess the following penalties in addition to the other monetary sanctions authorized in this chapter.

- 1. Late campaign finance report.** A person that files a late campaign finance report containing no contributions or expenditures may be assessed a penalty of no more than \$100.
- 2. Contribution in excess of limitations.** A person that accepts or makes a contribution that exceeds the limitations set out in section 1015, subsections 1 and 2 may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation.
- 3. Contribution in name of another person.** A person that makes a contribution in the name of another person, or that knowingly accepts a contribution made by one person in the name of another person, may be assessed a penalty not to exceed \$5,000.
- 4. Substantial misreporting.** A person that files a campaign finance report that substantially misreports contributions, expenditures or other campaign activity may be assessed a penalty not to exceed \$5,000.
- 5. Material false statements.** A person that makes a material false statement or that makes a statement that includes a material misrepresentation in a document that is required to be submitted to the commission, or that is submitted in response to a request by the commission, may be assessed a penalty not to exceed \$5,000.

When the commission has reason to believe that a violation has occurred, the commission shall provide written notice to the candidate, party committee, political action committee, committee treasurer or other respondent and shall afford them an opportunity to appear before the commission before assessing any penalty. In determining any penalty under subsections 3, 4 and 5, the commission shall consider, among other things, the level of intent to mislead, the penalty necessary to deter similar misconduct in the future and the harm suffered by the public from the incorrect disclosure. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure Rule 80C. Penalties assessed pursuant to this section that have not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.