



Minutes of the October 10, 2014, Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: Walter F. McKee, Esq. (Chair); Michael T. Healy, Esq. (by phone); Margaret E. Matheson, Esq.;
André G. Duchette, Esq.; Hon. Richard A. Nass
Staff: Jonathan Wayne, Executive Director; Phyllis Gardiner, Counsel

Commissioner McKee convened the meeting at 2:00 p.m.

The Commission considered the following items:

1. Request for Investigation of Re-Election Campaign of Gov. Paul LePage

Mr. Wayne explained that the Maine Democratic Party filed a complaint alleging that Governor Paul LePage and his staff improperly used state-owned vehicles and equipment to promote the Governor's re-election. The party argues that these activities constitute a contribution to the Governor's campaign that should be disclosed in campaign finance reports.

Mary-Erin Casale, Executive Director for the Maine Democratic Party, said that the Governor's use of a state leased vehicle should be construed as a contribution to his campaign. She noted that three videos were provided for the Commission's review. One of the events in the videos, on September 26, 2014, was for campaign purposes only, not state business. The car would not have been on the road, except for the campaign event. On July 12, 2014, the vehicle was used by the Governor in a parade and not for state purposes. The operation of the vehicle and the cost of fuel should be reported as a contribution to the campaign. She encouraged the Commission to refer to relevant federal law concerning the use of an office-holder's car for campaign purposes.

Ms. Casale said the second matter in the complaint refers to improper use of state resources. In the Governor's registration form on file with the Commission, the campaign had listed the official number of the Governor's Office at the State House. She said that the Governor's Office is using the state email

system for distributing campaign messages, including a message sent the previous day on September 23, 2014. She suggested that the Commission may wish to refer the matter to the Attorney General.

Joshua A. Tardy, Esq., representing the LePage for Governor campaign, disputed the allegations in the complaint. He confirmed that Alex Willette, an employee of the campaign, was in the pictures submitted by the Maine Democratic Party. He was traveling with the Governor, who receives executive protection in a state-issued vehicle through the State Police. He said that the campaign received no contribution, because there were no additional costs to the state in providing this transportation. With regard to the use of state equipment, the Commission should be careful about regulating speech by officials made in the course of their public duties.

Mr. McKee asked if Mr. Tardy's view was that the state vehicle must be used when the Governor is campaigning, and that the use of the car is not a contribution. Mr. Tardy said that the public interest is served by protecting the Governor at all times, particularly during campaign events when his schedule is disclosed to the public in advance. The LePage campaign had investigated whether previous Governors had used campaign funds to reimburse the state for the Governor's travel, and could not confirm those reimbursements.

In response to a question from the Chair, none of the Commissioners expressed any need for further investigation. Mr. McKee explained that he initially had concerns with the use of a state vehicle for campaign purposes such as a parade, but he now had a better understanding of why it occurred. He said that he believed no further investigation was needed to make a determination.

Mr. Nass moved to dismiss the complaint. The motion was seconded by Mr. Healy. Ms. Matheson said that the biggest question for her was whether the use of the vehicle was necessary for security reasons. She believed that the question had been answered sufficiently, so she was prepared to support the motion. The motion passed with four votes in favor and none against. Mr. Duchette abstained because he arrived during the presentations.

2. Request to Investigate Expenditures by Michaud for Congress

Mr. Wayne explained that the Maine Republican Party filed a complaint alleging that Michael Michaud's federal campaign committee (Michaud for Congress) had spent federal campaign funds to promote the election of Rep. Michaud to the office of Governor.

William P. Logan, Esq., representing the Maine Republican Party, said that the Michaud campaign had adequately explained a number of the expenditures by Michaud for Congress and no further action was necessary concerning those expenditures. He urged the Commission to investigate the November 14, 2013 payment of \$500 by Michaud for Congress to the Maine AFL-CIO, the purchase of a personal computer that could be used for purposes of the gubernatorial campaign, and payments for a cell phone.

Matthew McTighe, campaign manager for the Michaud campaign, said the claims were without merit. The contributions refunded by the federal committee are not under the Commission's jurisdiction. He said Rep. Michaud had accepted invitations to speak at Maine AFL-CIO events almost every year since his election to Congress. There was no requirement for him to make any kind of payment or sponsorship. The payment was for an ad in an event publication that was arranged long after the agreement to speak, and was simply a congratulatory message for someone he had worked with for many years. The payment was made to the general fund of the AFL-CIO, and could not be used for political purposes.

Mr. McTighe said that with regard to the cell phone and computer, it is customary for members of Congress to use phones for both personal and political activities, which in Rep. Michaud's case have nothing to do with the gubernatorial campaign. Peter Chandler, of Rep. Michaud's congressional office, explained that – regardless whether Rep. Michaud was running for governor – he would be required to have a “political phone” to perform certain duties as a ranking member of a Congressional committee. These activities include recruiting other candidates, receiving calls discussing business of the Democratic congressional caucus, or calls relating to fundraising

Ms. Matheson moved to dismiss the complaint. The motion was seconded by Mr. Nass, and passed unanimously.

Other Business – Rep. Jeffrey Evangelos’ Request for Additional MCEA funds

Mr. Wayne explained that Rep. Jeffrey Evangelos contacted the Commission because a significant number of his political signs were destroyed or stolen. He used part of his remaining Maine Clean Election Act (MCEA) funds to replace the signs. He is requesting that the Commission make a further payment of MCEA funds to assist him in purchasing a planned advertisement. The Commission discussed that payments of MCEA funds are determined by statute, and that the MCEA does not provide for additional payments to address contingencies such as destroyed or lost campaign materials.

Meeting adjourned at 2:30 p.m. by motion of Mr. Duchette.

Respectfully submitted,

/s/ Jonathan Wayne

Jonathan Wayne, Executive Director