



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

Amended with corrections to
citations in yellow.

May 17, 2016

By E-Mail and Regular Mail

Mr. Theodor Short
176 Belle Marsh Road
South Berwick, Maine 03908

Dear Mr. Short:

The staff of the Maine Commission on Governmental Ethics and Election Practices (the "Commission") has completed its review of your request for certification as a Maine Clean Election Act (MCEA) candidate. We determined that you submitted 170 valid qualifying contributions, which is less than the 175 required to receive MCEA funding. You have an opportunity to appeal this staff determination to the members of the Commission, as discussed in Section III of this determination.

I. Legal Requirements for Maine Clean Election Act Funding

Duty to collect 175 qualifying contributions

Candidates for the Maine Senate must obtain qualifying contributions during the qualifying period from at least 175 verified registered voters from the candidate's electoral division. (21-A M.R.S.A. § 125(3)(B)) A "qualifying contribution" is defined as a donation:

- A. Of \$5 or more in the form of a check or a money order payable to the fund and signed by the contributor in support of a candidate or made over the Internet in support of a candidate according to the procedure established by the commission;
- B. Made by a registered voter within the electoral division for the office a candidate is seeking and whose voter registration has been verified according to procedures established by the commission;
- C. Made during the designated qualifying period; and

D. That the contributor acknowledges was made with the contributor's personal funds and in support of the candidate and was not given in exchange for anything of value and that the candidate acknowledges was obtained with the candidate's knowledge and approval and that nothing of value was given in exchange for the contribution, on forms provided by the commission.

(21-A M.R.S.A. § 1122(7)) For purposes of this staff determination, the key elements of this definition are:

- a check or money order of \$5 or more,
- made from the personal funds of the contributor,
- whose voter registration within the candidate's district has been verified according to procedures established by the Commission, and
- the contributor's acknowledgment that the donation was made from the contributor's personal funds in support of the candidate without receiving anything in exchange.

Deadline to submit contributions, proof of voter registration and contributors' acknowledgements by 5:00 p.m. on April 20, 2016

The candidate "must submit qualifying contributions, receipt and acknowledgement forms, proof of verification of voter registration ... during the qualifying period according to procedures developed by the commission" (21-A M.R.S.A. § 1125(4)) For candidates for State Senate, the qualifying period ends at 5:00 p.m. on April 20¹ of the election year. (21-A M.R.S.A. § 1122(8)(B))

Under the Chapter 3, Section (3)(1)(F) of the Commission Rules, the Commission and its staff may not grant extensions for a candidate to submit the qualifying contributions and verifications of voter registration.

Contributor must Sign Money Order

In order to be a valid qualifying contribution, a money order must be signed by the contributor. (21-A M.R.S.A. § 1125(3))

Combined Check from Family Members

The Commission adopted a rule specifying that family members who reside in a single household and are registered to vote at that household may submit a combined qualifying contribution:

Family members, domestic pminers, and live-in caregivers who reside in a single household may make qualifying contributions in the fonn of a single check or money order of more than \$5 provided that:

- (1) all contributors sign the receipt and acknowledgement form;
- (2) all contributors are registered to vote at the address of the household; and
- (3) all contributions are made with the personal funds of the contributors.

Commission Rules, Chapter 3, Section (2)(4)(E) The rule is intended to ensure that each qualifying contribution is from the donor's personal funds and that family members are not using their money to pay for a relative's contribution.

II. Determination by Commission Staff

The alphabetical list that you submitted with your request for funding included 181 contributors. The Commission staff has determined that 11 contributions were invalid.

Duplicate contributions (2)

- A. David Mann made two qualifying contributions on March 29 and April 12, 2016. The Commission staff has determined that one was a duplicate, and therefore invalid.
- Thomas Raitt submitted two qualifying contributions from two different addresses. The Commission staff has rejected one of the contributions as a duplicate. Also, the municipal clerk did not verify that the contributor was registered to vote at the address for the second contribution.

No voter registration verification for online contributions (3)

- Zachary Lemire, Rebecca Moya, and Elliot Moya gave qualifying contributions online. The Commission's online qualifying contribution service could not verify that they were registered to vote in your legislative district. You did not submit verifications by the municipal registrars before 5:00 p.m. on April 20 (the end of the qualifying period), as required by Chapter 3, Section (3)(1)(A) of the Commission Rules. Instead, you submitted the proof of voter registration as part of a status meeting with the Commission staff earlier this week. Under the Commission's Rule, the Commission staff may not grant an extension of this deadline to submit the verification by the local registrars. (Ch. 3, § (3)(1)(F))

Wrong Payee (1)

- Karen VanDorin made a qualifying contribution in the form of a personal check addressed to you, rather than the Maine Clean Election Fund. This is a common error (wrong payee on check or money order). Under a policy of the Commission staff, a contributor may cure the error by endorsing the check to the Fund. On April 19, 2016, Candidate Registrar Emma Burke returned the check to campaign worker Eddie Dugay for this purpose, but the campaign has not resubmitted the check to our office endorsed by you. (Our office retained a photocopy of the original check.) The Commission staff views this contribution as currently invalid, but one that could be fixed through an endorsement by you.

Signatures on money orders (2)

- In order to be a valid qualifying contribution, a money order must be signed by the contributor. The signatures for Steven Folger and Robert MacDonald on the money orders submitted for them are distinctly different from the contributors' signatures on the Receipt & Acknowledgment Forms and their voter registration cards on file with their municipalities. Accordingly, the Commission staff has determined that the contributors did not sign the money orders.

No signature of contributor on Receipt & Acknowledgement Form affirming contributor donated from personal funds in support of candidate with nothing of value received in exchange (2)

- In order for a qualifying contribution to meet the statutory definition, the donor must acknowledge that the contribution was made from the donor's personal funds in support of the candidate and nothing of value was received in exchange. This written acknowledgement is required to make sure that the donor knowingly made a contribution to support the candidate.
- Lawrence Kent did not sign the Receipt & Acknowledgment Form submitted for his contribution. His wife, Jessie Kent, signed her name for his contribution.
- Based on the similarity of signatures, the Commission staff has concluded that Pamela Carnicelli did not make the required signature on the Receipt & Acknowledgement Form, and that her husband signed her name for her.

Personal funds issue (1)

- Jessica Christian signed a Receipt & Acknowledgment Form affirming that she made a contribution. She is registered to vote at 1116 State Road in Eliot. Ms. Christian is the adult daughter of Steven and JoAnn Cultrera, who also signed the same form. They are registered to vote at a different address, 280 Beech Road in Eliot.

All three contributions were intended to be covered by a single \$15 check written from the account of Steve's Auto Body Repair, 280 Beech Road in Eliot. This is the business name for a Maine-based corporation, S.E.C., Inc.

In order to be a valid qualifying contribution, the donation must be made with the "personal funds" of the contributor. Through Chapter 3, Section (2)(4)(E) of the Commission's Rules, the Commission has interpreted this statutory requirement to allow family members who reside in a single household to make qualifying contributions in the form of a single check, but only if they are registered to vote

Mr. Theodor Short
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at the address of the household and all contributions are made with the personal funds of the contributors. The contribution from Ms. Christian does not meet the conditions of this rule, because she is registered to vote at a location other than her parents.

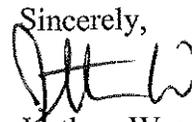
Therefore, the Commission staff determined that your campaign submitted 170 valid qualifying contributions.

III. Your Right to Appeal

You have a right to appeal the staff determination to the members of the Commission, pursuant to 21-A M.R.S.A. § 1125(14). If you wish to do so, please submit the appeal, in writing, within seven days, addressed to:

Margaret E. Matheson, Chair
Maine Ethics Commission
135 SHS
Augusta, ME 04333

The Commission is required to hold a hearing to consider the appeal within five calendar days of receiving the appeal. The hearing would be held in accordance with the State Administrative Procedure Act (5 M.R.S.A. §§ 8001-11008). You would have the burden of proving that the Commission staff's decision was in error as a matter of law or was based on factual error. The Commission must rule on the appeal with five business days after the hearing. I am happy to answer any questions concerning the Commission staff's determination.

Sincerely,

Nathan Wayne
Executive Director

cc: Joshua A. Tardy, Esquire (by email and U.S. Mail to Newport office)

Attachments
to
Staff Determination

Last Name	First Name	Date	Ck No. / System ID	Street Address	Town
L Anderson	Shirley	4/19/2016	3181	160 Brave Boat Harbor RD	Kittery Pt
L Bailey	Diane	4/19/2016	4692	54 Black Swan Dr	So Berwick
L Bailey	Burnell	4/19/2016	4700	54 Black Swan Dr	So Berwick
L Bartlett	Cheryl	4/19/2016	4465	218 Brixham Rd	Eliot
L Bennett	Pat	4/19/2016	1298	25 Dawson St	So Berwick
L Bennett	Tom	4/19/2016	129	25 Dawson St	So Berwick
L Berg	Gary	4/19/2016	5441	3 Beech Road	Eliot
L Berg	Sue	4/19/2016	5441	3 Beech Road	Eliot
L Bicknell	Richard	4/19/2016	3180	26 Caslyn Dr	Eliot
L Bicknell	Suzanne	4/19/2016	3180	26 Caslyn Dr	Eliot
L Bond	John	4/19/2016	537	50 Waterside Ln	So Berwick
L Booth	Katharine	4/19/2016	23426901742	10 Broadfields Rd	Eliot
L Bowden	Janice	4/19/2016	6814	10 Caslyn Dr	Eliot
L Bragg	Celestyne	4/19/2016	8730	139 Dennett Rd	Kittery
L Bragg	Eugene	4/19/2016	8730	139 Dennett Rd	Kittery
L Brosnihan	John	4/19/2016	60043	OnLine Contib 54 Courtney Ln	Eliot
L Butterworth	Gladys	4/19/2016	2101	5 Caslyn Dr	Eliot
L Byrne	Ernestine	4/19/2016	R205973189830	722 Main St	Eliot
L Byrne	Margret	4/19/2016	R205973189840	722 Main St	Eliot
L Carnicelli	Thomas	4/19/2016	6968	545 York St	York Harbor
L Carnicelli	Pamela	4/19/2016	6968	545 York St	York Harbor
L Carson	John	4/19/2016	5649	79 Goodwin Rd	Kittery Pt
L Carson	Janice	4/19/2016	5649	79 Goodwin Rd	Kittery Pt
L Cavanagh	Kathryn	4/19/2016	59882	OnLine Contib 10 Betty Welch Rd	York
L Cavanagh	Adam	4/19/2016	59884	OnLine Contib 10 Betty Welch Rd	York
L Chase	Roland	4/19/2016	1736	238 Fore Rd	Eliot
L Chase	Gail	4/19/2016	1736	238 Fore Rd	Eliot
L Christian	Jessica	4/19/2016	36133	116 State Rd	Eliot
L Clayton	Thomas	4/19/2016	1697	16 Claytons way	Eliot
L Crowell	Diana	4/19/2016	540	5 Busdick Dr	Kittery
L Crowell	Glen	4/19/2016	540	5 Busdick Dr	Kittery
L Cultrera	Stephen	4/19/2016	36133	280 Beech Rd	Eliot
L Cultrera	JoAnn	4/19/2016	36133	280 Beech Rd	Eliot
L Dawber	Robert	4/19/2016	57281	OnLine Contib 682 River Rd	Eliot
L Dennett	Mary	4/19/2016	1679	22 Shorey's Brook Ln	Eliot
L Dennett	J. Peter	4/19/2016	3666	22 Shorey's Brook Ln	Eliot
L Desenberg	Diane	4/19/2016	3110	386 Emerys Bridge	So Berwick
L Desenberg	Mark	4/19/2016	3110	386 Emerys Bridge	So Berwick
L Dionne	Dorothy	4/19/2016	4209	34 Caslyn Dr	Eliot
L Dionne	Roger	4/19/2016	4209	34 Caslyn Dr	Eliot
L Dionne	Richard	4/19/2016	4209	34 Caslyn Dr	Eliot
L Donhauser	Richard	4/19/2016	2090	455 Goodwin Rd	Eliot
L Donhauser	Joan	4/19/2016	2090	455 Goodwin Rd	Eliot
L Donnell	Jeffrey	4/19/2016	57025	OnLine Contib 15 Corn Swamp Rd	York
L Donnell	Cindy	4/19/2016	57026	OnLine Contib 15 Corn Swamp Rd	York
L Dupuis	Michael	4/19/2016	R205973189928	10 Broadfields Rd	Eliot
L Easter Jr.	Gerald	4/19/2016	1904	29 Hickory Ln	So Berwick
L Estes	Terry	4/19/2016	59344	OnLine Contib 4 Carrie Lynn Ln	York
L Estes Sr	Michael	4/19/2016	58183	OnLine Contib 4 Carrie Lynn Ln	York
L Folger	Steve	4/19/2016	R205932415854	11 Chestnut Ct	So Berwick
L Foster	Randall	4/19/2016	8852	30 Vine St	So Berwick
L Foster	Paige	4/19/2016	8852	30 Vine St	So Berwick
L Foster	Peggy	4/19/2016	8852	30 Vine St	So Berwick
L Frederick	Todd	4/19/2016	58204	OnLine Contib 581 Cider Hill Road	York
L Futterer	Liz	4/19/2016	R205973189895	45 Beech Rd	Eliot
L Gilbert	William	4/19/2016	1096	17 Tidy Road	Eliot
L Gilbert	Angela	4/19/2016	1096	17 Tidy Road	Eliot
L Gilbert	Wendy	4/19/2016	23557370670	241 River Rd	Eliot
L Gilbert	William	4/19/2016	23557370657	241 River Rd	Eliot
L Goodwin	Pat	4/19/2016	23557370736	139 Hanscom Rd	Eliot

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	Last Name	First Name	Date	Ck No. / System ID	Street Address	Town
✓	Goodwin	Catherine	4/19/2016	1268	144 Cedar Road	Eliot
✓	Goodwin	Michael	4/19/2016	23557370703	144 Cedar Rd	Eliot
✓	Goransson	Helen	4/19/2016	23557370668	255 Depot Rd	Eliot
✓	Goye	Manley	4/19/2016	267	100 Dennett Rd	So Berwick
✓	Hardy	Terry	4/19/2016	1672	71 Bradstreet Lane	Eliot
✓	Hardy	Joyce	4/19/2016	1673	71 Bradstreet Lane	Eliot
✓	Hardy	Eric	4/19/2016	59639	OnLine Contib 34 Ambush Rock Rd	Eliot
✓	Harmon	Thomas	4/19/2016	1994	129 Hooper Sands	So Berwick
✓	Harmon	Cheryl	4/19/2016	1994	129 Hooper Sands	So Berwick
✓	Hinds	G Clayton	4/19/2016	3442	63 Greenwood St	Eliot
✓	Hinds	Irva	4/19/2016	3442	63 Greenwood St	Eliot
✓	Hinds	Ronald	4/19/2016	6614	843 Goodwin Rd	Eliot
✓	Hinds	Charlotte	4/19/2016	6614	843 Goodwin Rd	Eliot
✓	Hirst	Ruth	4/19/2016	R205973189851	156 Moses Garrish Rd	Eliot
✓	Hirst	Grant	4/19/2016	R205973189862	156 Moses Garrish Rd	Eliot
✓	Horning	Mildred	4/19/2016	4749	11 Kenley La	Eliot
✓	Houlton	Kyle	4/19/2016	1555	86 Bellemarsh Rd	So Berwick
✓	Illig	Gerald	4/19/2016	392	60 Boyce Road	Eliot
✓	Illig	Janet	4/19/2016	392	60 Boyce Road	Eliot
✓	Jandzeje	Stephen	4/19/2016	56856	OnLine Contib 41 Darcy Rd	York
✓	Jennings	Virginia	4/19/2016	1405	59 Earls Rd	So Berwick
✓	Kähler	Martin	4/19/2016	2186	127 Hanscom Rd	Eliot
✓	Kenney	Malcolm	4/19/2016	4650	52 Agamenticus	So Berwick
✓	Kent	Lawrence	4/19/2016	5438	1096 State Rd	Eliot
✓	Kent	Jessie	4/19/2016	5438	1096 State Rd	Eliot
✓	Leber	Laura	4/19/2016	3159	51 Black Swan Dr	So Berwick
✓	Leber	Edmond	4/19/2016	3160	51 Black Swan Dr	So Berwick
✓	Lemire	Zachary	4/19/2016	57991	OnLine Contib 17 Heritage Dr	Eliot
✓	Lemire	Ellen	4/19/2016	57988	OnLine Contib 17 Heritage DR	Eliot
✓	Lemire	Noah	4/19/2016	58088	OnLine Contib 696 Goodwin Rd	Eliot
✓	Lemire	Nancy-Joy	4/19/2016	58245	OnLine Contib 696 Goodwin Rd	Eliot
✓	Lévesque	Patricia	4/19/2016	1560	5 Gerrys Ln	Eliot
✓	Lewin	Sarah	4/19/2016	6106	46 Caslyn Dr	Eliot
✓	Lippincott	John	4/19/2016	10338	211 River Rd	Eliot
✓	Lord	Thomas	4/19/2016	3491	97 Pond Rd	So Berwick
✓	Lord	Deborah	4/19/2016	11	97 Pond Rd	So Berwick
✓	Lytle	Phillip	4/19/2016	23426901775	112 Beech Ridge	Eliot
✓	Lytle	Janice	4/19/2016	23426901764	112 Beech Ridge	Eliot
✓	MacDonald	Robert	4/19/2016	R205973189873	687 Main St	Eliot
✓	MacPherson Sr	Gerald	4/19/2016	4089	19 Brattle St	So Berwick
✓	MacPherson	Donna	4/19/2016	4089	19 Brattle St	So Berwick
✓	Manero	Anthony	4/19/2016	1461	32 Anthonys Landing	Eliot
✓	Manero	Elizabeth	4/19/2016	1462	32 Anthonys Landing	Eliot
✓	Mann	A. David	4/19/2016	2726	160 Brave Boat Harbor RD	Kittery Pt
✓	Mann	A. David	4/19/2016	2743	160 Brave Boat Harbor RD	Kittery Pt
✓	Marshall	John	4/19/2016	8501	95 Beech Ridge Rd	Eliot
✓	Marshall	Martha	4/19/2016	8501	95 Beech Ridge Rd	Eliot
✓	McKinney	Carolyn	4/19/2016	4323	442 Main Street	Eliot
✓	McMullen	Russell	4/19/2016	3562	371 Beech	Eliot
✓	McPherson	Orland	4/19/2016	1569	1328 State Rd	Eliot
✓	Miller	Lois	4/19/2016	9462	22 Wadleigh Ln	So Berwick
✓	Miller	Henry	4/19/2016	9462	22 Wadleigh Ln	So Berwick
✓	Morin	Michelle	4/19/2016	R205973189906	29 Stacy Ln	Eliot
✓	Moulton	Joel	4/19/2016	R205973189917	29 Stacy Ln	Eliot
✓	Moulton III	Joel	4/19/2016	58480	OnLine Contib 29 Stacy Ln	Eliot
✓	Moya	Rebecca	4/19/2016	58906	OnLine Contib 2 Railroad Ave	So Berwick
✓	Moya	Elliott	4/19/2016	58913	OnLine Contib 2 Railroad Ave	So Berwick
✓	Muzeroll	Joanne	4/19/2016	3877	2 Stonewall Way	Eliot
✓	Muzeroll	Jay	4/19/2016	3877	3 Stonewall Way	Eliot
✓	Muzeroll-Roy	Heather	4/19/2016	55136	OnLine Contib 24 Surrey Ln	Eliot
✓	Norris	Sandra	4/19/2016	R205973189884	45 Beech Rd	Eliot

	Last Name	First Name	Date	Ck No. / System ID	Street Address	Town
✓	Oeser	Lauren	4/19/2016	1234	61 Goodwin Rd	Eliot
✓	Oeser	David	4/19/2016	1234	61 Goodwin Rd	Eliot
✓	Oeser	Robert	4/19/2016	107	46 Caslyn Dr	Eliot
✓	Packard	Robert	4/19/2016	3383	10 Southside Rd	York
✓	Packard	Diane	4/19/2016	3383	10 Southside Rd	York
✓	Patterson	Barbara	4/19/2016	2980	96 Portland St	So Berwick
✓	Payeur	Rod	4/19/2016	23557370725	73 Beech Rd	Eliot
✓	Peichat	Eric	4/19/2016	2908	32 Front	So Berwick
✓	Peichat	Vickie	4/19/2016	2908	32 Front	So Berwick
✓	Pelkey	Jeffrey	4/19/2016	60228 OnLine Contib	4 Woodbine Ave	Eliot
✓	Pelkey	Julia	4/19/2016	60231 OnLine Contib	4 Woodbine Ave	Eliot
✓	Pelkey	Joan	4/19/2016	60257 OnLine Contib	249 Beech Rd	Eliot
✓	Place	Roberta	4/19/2016	5468	4 Spring Ln	Eliot
✓	Place	Theodore	4/19/2016	7809	4 Spring Ln	Eliot
✓	Place	Maryann	4/19/2016	4353	182 Pleasant St	Eliot
✓	Place	Harold	4/19/2016	23557370646	182 Pleasant St	Eliot
✓	Raitt	Lisa	4/19/2016	1079	2077 State Rd	Eliot
✓	Raitt	Thomas	4/19/2016	1079	2077 State Rd	Eliot
✓	Raitt	Thomas	4/19/2016	1077	140 Worster Rd	Eliot
✓	Rawski	Wendy	4/19/2016	59688 OnLine Contib	11 Bittersweet Ln	So Berwick
✓	Reiner	Bonnie	4/19/2016	5219	8 Frost Hill Cir	Eliot
✓	Reiner	Gary	4/19/2016	5219	8 Frost Hill Cir	Eliot
✓	Richardson	Thomas	4/19/2016	3429	4 Quarry Dr	So Berwick
✓	Richardson	Heather	4/19/2016	3429	4 Quarry Dr	So Berwick
✓	Roberge	Maurice	4/19/2016	6998	45 Front St	So Berwick
✓	Roberge	Kristine	4/19/2016	6998	45 Front St	So Berwick
✓	Rockafellow	Nathan	4/19/2016	308	24 Homestead Ln	Eliot
✓	Rockafellow	Suzanne	4/19/2016	308	24 Homestead Ln	Eliot
✓	Sanborn	Stephen	4/19/2016	589	17 Clark Rd	Eliot
✓	Sanborn	Rhea	4/19/2016	589	17 Clark Rd	Eliot
✓	Shapleigh	Patricia	4/19/2016	2385	23 Clay Cove Dr	Eliot
✓	Shapleigh	William	4/19/2016	2385	23 Clay Cove Dr	Eliot
✓	Shapleigh	Stan	4/19/2016	23557370692	160 Rollingwood	Eliot
✓	Shapleigh Shisler	Ann	4/19/2016	R205932415832	24 Clay Cove Dr	Eliot
✓	Short	Theodore	4/19/2016	56768 OnLine Contib	176 Belle Marsh Road	So Berwick
✓	Short	Staci	4/19/2016	57926 OnLine Contib	176 Belle Marsh Road	So Berwick
✓	Short	Diana	4/19/2016	58188 OnLine Contib	176 Belle Marsh Road	So Berwick
✓	Smith	Sandra	4/19/2016	10564	1657 State Rd	Eliot
✓	Spencer	Warren	4/19/2016	1075	99 Portland St	So Berwick
✓	Spencer	Susan	4/19/2016	1076	99 Portland St	So Berwick
✓	Stirling	John	4/19/2016	23051051998	70 Knights Pond Rd	So Berwick
✓	Sylvester	Russell	4/19/2016	1017	40 Caslyn Dr	Eliot
✓	Tellefsen	Dale	4/19/2016	2539	111 Old Road	Eliot
✓	Tellefsen	Cynthia	4/19/2016	2539	111 Old Road	Eliot
✓	Tobey	Joyce	4/19/2016	7931	167 Rogers Rd	Kittery
✓	Tracksler	Jack	4/19/2016	7029	97 Goodwin Rd	Kittery Pt
✓	Trombly	Janet	4/19/2016	6044	37 Osprey Cove Ln	Eliot
✓	Trott	Bruce	4/19/2016	23557370714	1050 Main Street	Eliot
✓	VanDorin	Karen	4/19/2016	1444	153 Old Rd	Eliot
✓	Weaver	Windol	4/19/2016	57945 OnLine Contib	4 Weavers Way	York
✓	Weaver	Sondra	4/19/2016	57953 OnLine Contib	4 Weavers Way	York
✓	Wengert	Steve	4/19/2016	4595	14 Blackswan Dr	So Berwick
✓	Wengert	Christine	4/19/2016	4595	14 Blackswan Dr	So Berwick
✓	West	Kenneth	4/19/2016	1489	216 Goodwin Rd	Eliot
✓	West	leidi	4/19/2016	1490	216 Goodwin Rd	Eliot
✓	Wheeler	David	4/19/2016	23557370681	262 Rollingwood	Eliot
✓	Wiswell	Susan	4/19/2016	4226	3 Pleasant St	Kittery
✓	Young	William	4/19/2016	488	51 Hooper Sands Rd	So Berwick
✓	Zimmerman	Julia	4/19/2016	2454	148 Beech Ridge	Eliot
✓	Zimmerman	Mark	4/19/2016	2454	148 Beech Ridge	Eliot



MAINE CLEAN ELECTION ACT

QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

85 TOTAL

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 STATE HOUSE STATION, AUGUSTA, ME 04333
207-287-4179

WWW.MAINE.GOV/ETHICS

CANDIDATE'S NAME: Theodor G. Short

OFFICE: HOUSE SENATE DISTRICT 105
(Please check box above)

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ALL CONTRIBUTORS MUST BE FROM THE TOWN OR CITY OF: South Berwick, MAINE 03903

IMPORTANT NOTICE TO CONTRIBUTORS:

- Your signature and qualifying contribution of \$5 or more will help the candidate named above to be eligible for public funding from the State to pay for the candidate's campaign.
- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

RECEIVED
APR 19 2016
5
22

	Date	Check/M.O.#	Contributor's Name (Please Print)	Residential Address (No PO Box)	Contributor's Signature
①	4-7-16		Steve Fobler	1 CHELSEA CT So Berwick	[Signature]
②	4-7-16	23051051448	John Stirling	70 knights Pond Rd So. Berwick	[Signature]
③	4-9-16	8852	RANDALL FOSTER	30 VINE ST SO BERWICK	[Signature]
④	4-9-16	8852	PAIGE FOSTER	30 VINE ST SO BERWICK	[Signature]
⑤	4-9-16	8852	PAIGE FOSTER	30 VINE ST SO BERWICK	[Signature]
⑥	4-9-16	8852	Paige Foster	30 VINE ST So Berwick	[Signature]
⑦	4-9-16	3428	Thomas Richardson	4 Quarry Dr So. Berwick	[Signature]
⑧	4-9-16	3429	Heather Richardson	4 Quarry Dr. So. Berwick	[Signature]

Falsifying any information on this form is punishable by law.

Please make checks and money orders payable to Maine Clean Election Fund. Money orders must be signed by the contributors.

Municipal Registrars: Please circle the number of each contributor who is registered to vote in the candidate's district (any party) and complete the statement below by inserting the total number of contributors on this page who are registered in the district. Please also cross out any blank lines or contributors who are not registered in the candidate's district.

Circulators: Anyone (including candidate) circulating this form must complete and sign the statement below for the contributions collected on this form to be accepted by the Commission.

I have verified that 7 contributors circled above are registered to vote in the electoral division of the candidate.

Date: 4-14-2016 Barbara Bennett 4-14-16

Signature of Registrar: Barbara Bennett

I, (print name) Barwell Bailey, affirm that: (1) I collected the qualifying contributions, (2) to the best of my knowledge and belief, the signature is the person whose name it purports to be, (3) the contribution came from the person contributor, and (4) I did not give anything of value to the contributor in exchange for contribution and signature.

Signature of Circulator: [Signature] Date: _____

Residential Address: 54 Black Swan Dr.

City/Town/State/Zip: South Berwick ME 04112



MAINE CLEAN ELECTION ACT

QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 STATE HOUSE STATION, AUGUSTA, ME 04333
207-287-4179

WWW.MAINE.GOV/ETHICS

CANDIDATE'S NAME: Theodor G. Short

OFFICE: HOUSE SENATE DISTRICT # 104
(Please check box above)

ALL CONTRIBUTORS MUST BE FROM THE TOWN OR CITY OF: YORK, MAINE

IMPORTANT NOTICE TO CONTRIBUTORS:

- Your signature and qualifying contribution of \$5 or more will help the candidate named above to be eligible for public funding from the State to pay for the candidate's campaign.
- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

donated on line

RECEIVED
APR 19 2016

3
104
C

Date	Check/M.O.#	Contributor's Name (Please Print)	Residential Address (No PO Box)	Contributor's Signature
4/3/16		WINDOL C WEAVER	4 WEAVERS WAY YORK	[Signature]
4/3/16		SONDRA N. WEAVER	4 WEAVERS WAY YORK	[Signature]
4/3/16	6968	Thomas A. Carnicelli	545 York St, York Harbor	[Signature]
4/3/16	"	Pamela S. Carnicelli	" " " "	[Signature]
4/6/16	3383	ROBERT R PACKARD	18 SOUTHWINDY YORK, ME	[Signature]
4/6/16	"	Diane J. Packard	10 SOUTHWINDY RD, YORK, ME	[Signature]

Falsifying any information on this form is punishable by law.
Please make checks and money orders payable to Maine Clean Election Fund. Money orders must be signed by the contributors.

Municipal Registrars: Please circle the number of each contributor who is registered to vote in the candidate's district (any party) and complete the statement below by inserting the total number of contributors on this page who are registered in the district. Please also cross out any blank lines or contributors who are not registered in the candidate's district.

Circulators: Anyone (including candidate) circulating this form must complete and sign the statement below for the contributions collected on this form to be accepted by the Commission.

I have verified that 4 contributors circled above are registered to vote in the electoral division of the candidate.

Date: 4/11/16

Signature of Registrar: [Signature]

I, (print name) Windol C. Weaver, affirm that: (1) I collected the qualifying contributions, (2) to the best of my knowledge and belief, the signature is the signature of the person whose name it purports to be, (3) the contribution came from the personal funds of the contributor, and (4) I did not give anything of value to the contributor in exchange for their contribution and signature.

Signature of Circulator: [Signature] Date: 4/8/16

Residential Address: 4 Weavers Way

City/Town/State/Zip: York ME 03909 Phone: 363-4641



MAINE CLEAN ELECTION ACT

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 STATE HOUSE STATION, AUGUSTA, ME 04333
207-287-4179
WWW.MAINE.GOV/ETHICS

QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

CANDIDATE'S NAME: Theodore G. Short

OFFICE: HOUSE SENATE DISTRICT # 35
(Please check box above)

ALL CONTRIBUTORS MUST BE FROM THE TOWN OR CITY OF: Kittery, ME

RECEIVED
APR 19 2016
BY: [Signature]

IMPORTANT NOTICE TO CONTRIBUTORS:

- Your signature and qualifying contribution of \$5 or more will help the candidate named above to be eligible for public funding from the State to pay for the candidate's campaign.
- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

	Date	Check/M.O.#	Contributor's Name (Please Print)	Residential Address (No PO Box)	Contributor's Signature
①	4/12/16	5649	JOHN J. CARSON	79 GOODWIN RD, KITTERY POINT, ME	[Signature]
②	4/12/16	5649	JANICE R. CARSON	79 GOODWIN RD, KITTERY POINT, ME	[Signature]
③	4/12/16	7931	Joyce A. Tobey	167 Rogers Rd. Kittery, ME	[Signature]
④	4/12/16	7029	JACK WACKSLETZ	97 GOODWIN RD KITTERY POINT, ME	[Signature]
⑤	4/12/16	3181	Shirley ANDERSON	160 GRAVELBOAT HARB RD. KITTERY PT. ME	[Signature]
⑥	4/12/16	2743	A. DAVID MANN	160 GRAVELBOAT HARB. RD. ME	[Signature]
7					
8					

Falsifying any information on this form is punishable by law.

Please make checks and money orders payable to Maine Clean Election Fund. Money orders must be signed by the contributors.

Municipal Registrars: Please circle the number of each contributor who is registered to vote in the candidate's district (any party) and complete the statement below by inserting the total number of contributors on this page who are registered in the district. Please also cross out any blank lines or contributors who are not registered in the candidate's district.

Circulators: Anyone (including candidate) circulating this form must complete and sign the statement below for the contributions collected on this form to be accepted by the Commission.

I have verified that 6 contributors circled above are registered to vote in the electoral division of the candidate.

Date: 4/13/16

Signature of Registrar: Maryann Flew

I, (print name) JANICE R. CARSON, affirm that: (1) I collected the qualifying contributions, (2) to the best of my knowledge and belief, the signature is the signature of the person whose name it purports to be, (3) the contribution came from the personal funds of the contributor, and (4) I did not give anything of value to the contributor in exchange for their contribution and signature.

Signature of Circulator: Janice R. Carson Date: 4/12/16

Residential Address: 79 Goodwin Road

City/Town/State/Zip: Kittery Point, Maine 03905 Phone: (207) 439-4372



MAINE CLEAN ELECTION ACT

QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 STATE HOUSE STATION, AUGUSTA, ME 04333

207-287-4179

WWW.MAINE.GOV/ETHICS

CANDIDATE'S NAME: THEODOR G. SHORT

OFFICE: HOUSE SENATE DISTRICT # 35
(Please check box above)

ALL CONTRIBUTORS MUST BE FROM THE TOWN OR CITY OF: KITTERY, MAINE

RECEIVED
APR 19 2016
7
5
2

IMPORTANT NOTICE TO CONTRIBUTORS:

- Your signature and qualifying contribution of \$5 or more will help the candidate named above to be eligible for public funding from the State to pay for the candidate's campaign.
- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

	Date	Check/M.O.#	Contributor's Name (Please Print)	Residential Address (No PO Box)	Contributor's Signature
1	3/29/16	8730 ⁵	BRAGG, CELESTYNE	139 DENNETT RD KITTERY	Celestine Bragg
2	3/29/16	8730 ⁵	BRAGG, EUGENE	139 DENNETT RD KITTERY	Eugene E. Bragg
3	3/29/16	4226	WISWELL, SUSAN	3 PLEASANT ST, KITTERY	Susan D. Wiswell
4	3/29/16	* 540 ⁵	CROWELL, DIANA	5 BUSICK DR KITTERY	Diana M. Crowell
5	3/29/16	* 540 ⁵	CROWELL, GLEN	5 BUSICK DR KITTERY	Glen Crowell
6	3/29/16	2726	A. DAVID MANIN	160 BRAVE BOAT HARBOUR RD	A. David Manin
7					
8					

Falsifying any information on this form is punishable by law.

Please make checks and money orders payable to Maine Clean Election Fund. Money orders must be signed by the contributors.

Municipal Registrars: Please circle the number of each contributor who is registered to vote in the candidate's district (any party) and complete the statement below by inserting the total number of contributors on this page who are registered in the district. Please also cross out any blank lines or contributors who are not registered in the candidate's district.

I have verified that 6 contributors circled above are registered to vote in the electoral division of the candidate.

Date: 4/5/16

Signature of Registrar: Sharon Ester - Deputy

Circulators: Anyone (including candidate) circulating this form must complete and sign the statement below for the contributions collected on this form to be accepted by the Commission.

I, (print name) SARAH E. LEWIN, affirm that: (1) I collected the qualifying contributions, (2) to the best of my knowledge and belief, the signature is the signature of the person whose name it purports to be, (3) the contribution came from the personal funds of the contributor, and (4) I did not give anything of value to the contributor in exchange for their contribution and signature.

Signature of Circulator: Sarah E. Lewin Date: 4/5/16

Residential Address: 416 Carlson St.

City/Town/State/Zip: Kittery ME 03903 Phone: 439-8354



MAINE CLEAN ELECTION ACT

QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 STATE HOUSE STATION, AUGUSTA, ME 04333
207-287-4179
WWW.MAINE.GOV/ETHICS

CANDIDATE'S NAME: Theodor G. Short

OFFICE: HOUSE SENATE DISTRICT: 25
(Please check box above)

ALL CONTRIBUTORS MUST BE FROM THE TOWN OR CITY OF: ELIOT, MAINE, 03903

RECEIVED
APR 19 2016

IMPORTANT NOTICE TO CONTRIBUTORS:

- Your signature and qualifying contribution of \$5 or more will help the candidate named above to be eligible for public funding from the State to pay for the candidate's campaign.
- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

	Date	Check/M.O.#	Contributor's Name (Please Print)	Residential Address (No PO Box)	Contributor's Signature
①	4/5/16	3442	CLAYTON HINDS	63 Greenwood St	[Signature]
②	4/5/16	3442	IWA HINDS	63 Greenwood St.	[Signature]
③	4/5/16	R20593041 5837	Ann Shapleigh Shisler	24 Clay Cove	[Signature]
④	4/5/16	36133	Jessica Christian	1116 State Rd	[Signature]
⑤	4/5/16	36133	Stephen Cultrera	280 Beech Rd	[Signature]
⑥	4/5/16	36133	Jordan Cultrera	280 Beech Rd	[Signature]
⑦	4/5/16	5438	Lawrence Kent	1096 State Rd	[Signature]
⑧	4/5/16	5438	Jessie Kent	1096 State Rd	[Signature]

Falsifying any information on this form is punishable by law.

Please make checks and money orders payable to Maine Clean Election Fund. Money orders must be signed by the contributors.

Municipal Registrars: Please circle the number of each contributor who is registered to vote in the candidate's district (any party) and complete the statement below by inserting the total number of contributors on this page who are registered in the district. Please also cross out any blank lines or contributors who are not registered in the candidate's district.

I have verified that 8 contributors circled above are registered to vote in the electoral division of the candidate.

Date: 4/7/16

Signature of Registrar: Brenda Hanley

Circulators: Anyone (including candidate) circulating this form must complete and sign the statement below for the contributions collected on this form to be accepted by the Commission.

I, (print name) Edward Duby, affirm that: (1) I collected the qualifying contributions, (2) to the best of my knowledge and belief, the signature is the signature of the person whose name it purports to be, (3) the contribution came from the personal funds of the contributor, and (4) I did not give anything of value to the contributor in exchange for their contribution and signature.

Signature of Circulator: [Signature] Date: 4/5/16

Residential Address: 5 Main St

City/Town/State/Zip: Augusta Phone: 812



MAINE CLEAN ELECTION ACT

ONLINE III

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 STATE HOUSE STATION, AUGUSTA, ME 04333

207-287-4179

WWW.MAINE.GOV/ETHICS

QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

CANDIDATE'S NAME: Theodor G. Short

OFFICE: HOUSE SENATE DISTRICT # 36
(Please check box above)

ALL CONTRIBUTORS MUST BE FROM THE TOWN OR CITY OF: ELIOT, MAINE, 03903

IMPORTANT NOTICE TO CONTRIBUTORS:

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- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

RECEIVED
APR 19 2016

	Date	Check/M.O.#	Contributor's Name (Please Print)	Residential Address (No PO Box)	Contributor's Signature
①	4/6/16	6614	RONALD HINDS	843 Goodwin Rd. Eliot Me	Ronald Hinds ✓
②	4/6/16	6614	Charlotte Hinds	843 Goodwin Rd. Eliot Me	Charlotte Hinds ✓
③	4/6/16	23557370446 M/O	Harold Price	182 Pleasant	Harold Price ✓
④	4/6/16	1079	Lisa Raitt	2077 State Rd	Lisa Raitt ✓
⑤	4/6/16	1079	Thomas Raitt	2077 State Rd	Thomas Raitt ✓
✗	4/6/16	1077	Raitt's Signs Raitt	140 Worcester Rd	Tom Raitt ✓
⑦	4/4/16	6814	JANICE M. BOWDEN	10 Crosby Drive	Janice M. Bowden ✓
⑧	4/2/16	23557370446 M/O	William Gilbert	241 River Rd Eliot	William Gilbert ✓

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Municipal Registrars: Please circle the number of each contributor who is registered to vote in the candidate's district (any party) and complete the statement below by inserting the total number of contributors on this page who are registered in the district. Please also cross out any blank lines or contributors who are not registered in the candidate's district.

Circulators: Anyone (including candidate) circulating this form must complete and sign the statement below for the contributions collected on this form to be accepted by the Commission.

I, (print name) Sarah O. Lewin, affirm that: (1) I collected the qualifying contributions, (2) to the best of my knowledge and belief, the signature is the signature of the person whose name it purports to be, (3) the contribution came from the personal funds of the contributor, and (4) I did not give anything of value to the contributor in exchange for their contribution and signature.

I have verified that 7 contributors circled above are registered to vote in the electoral division of the candidate.

Date: 4/18/16

Signature of Circulator: Sarah O. Lewin

Date: 4/2/16

Residential Address: 46 CROSBY DRIVE

City/Town/State/Zip: ELIOT, ME, 03903

Phone: 439-0

Signature of Registrar: Brenda Harvey



MAINE CLEAN ELECTION ACT

QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 STATE HOUSE STATION, AUGUSTA, ME 04333
207-287-4179
WWW.MAINE.GOV/ETHICS

CANDIDATE'S NAME: THEODOR G. SHORT

OFFICE: HOUSE SENATE DISTRICT # 25
(Please check box above)

ALL CONTRIBUTORS MUST BE FROM THE TOWN OR CITY OF: ELIOT, MAINE 03903

95
RECEIVED
APR 19 2016
100
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IMPORTANT NOTICE TO CONTRIBUTORS:

- Your signature and qualifying contribution of \$5 or more will help the candidate named above to be eligible for public funding from the State to pay for the candidate's campaign.
- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

	Date	Check/M.O.#	Contributor's Name (Please Print)	Residential Address (No PO Box)	Contributor's Signature
①	4/6/16	1017	RUSSELL A. SYLVESTER	40 CASHY DRIVE, ELIOT, ME	<i>[Signature]</i>
②	4/7/16	R2059731- MIO 89873	Robert MacDONALD	1087 MAIN STREET ELIOT ME	<i>[Signature]</i>
③	4/7/16	1569	ORLAND W. PHERSON	1325 STATE RD, ELIOT, ME	<i>[Signature]</i>
④	4/7/16	1444	Karen Vandorin	1530 1/2 Rd, Eliot ME	<i>[Signature]</i>
⑤	4/7/16		STEVE FELBER	11 CHEST CT SOBOWITZ	<i>[Signature]</i>
⑥	4/9/16	10338	JOHN L WPISEA	711 RIVINGTON RD, ELIOT	<i>[Signature]</i>
⑦	4/7/16	R20597318- MIO 9984	Sandra M Norris	45 Beech Rd, Eliot	<i>[Signature]</i>
⑧	4/7/16	R205973189- MIO 995	Liz Futterer	45 Beech Rd, Eliot	<i>[Signature]</i>

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Circulators: Anyone (including candidate) circulating this form must complete and sign the statement below for the contributions collected on this form to be accepted by the Commission.

I, (print name) SARAH O. LEWIS, affirm that: (1) I collected the qualifying contributions, (2) to the best of my knowledge and belief, the signature is the signature of the person whose name it purports to be, (3) the contribution came from the personal funds of the contributor, and (4) I did not give anything of value to the contributor in exchange for their contribution and signature.

Signature of Circulator: Sarah O Lewis Date: _____
Residential Address: 46 Cashy Drive
City/Town/State/Zip: Eliot, Maine 03903 Phone: 434-0354

I have verified that 7 contributors circled above are registered to vote in the electoral division of the candidate.
Date: 4/12/16
Signature of Registrar: Brenda Haney



MAINE CLEAN ELECTION ACT

ONLINE QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 State House Station
Augusta, ME 04333
207-287-4179
www.maine.gov/ethics

CANDIDATE'S NAME: THEODOR SHORT

OFFICE: House Senate Governor DISTRICT #: 35

CONTRIBUTORS FROM THE TOWN OR CITY OF: Eliot

PAGE: 1 OF 1

	Date	System ID #	Contributor's Name	Residential Address
1	04/05/2016	57991	Zachary G Lemire	17 HERITAGE DR, Eliot, ME
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

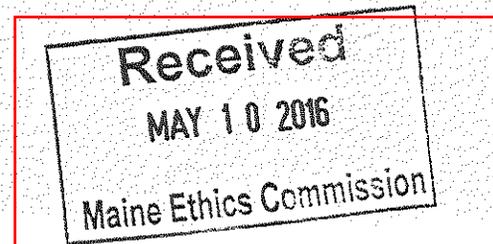
Municipal Registrars: Please circle the number of each contributor who is registered to vote in the district of the candidate. Please complete the statement below by inserting the total number of contributors on this page who are registered in the district. Please also cross out any blank lines or contributors who are not registered in the candidate's district.

Note to Municipal Registrars on Online Qualifying Contributions: This Receipt and Acknowledgement form was automatically generated by the Commission's online qualifying contributions application. The contributors listed on this page have already submitted an electronic signature when they made the online contribution and are not required to sign the paper form. Please contact the Commission staff at 287-4179 if you have any questions.

I have verified that 1 contributors circled above are registered to vote in the electoral division of the candidate.

Date: 05/09/2016

Signature of Registrar: [Signature]





MAINE CLEAN ELECTION ACT

ONLINE QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 State House Station
Augusta, ME 04333
207-287-4179
www.maine.gov/ethics

CANDIDATE'S NAME: THEODOR SHORT

OFFICE: House Senate Governor DISTRICT #: 35

CONTRIBUTORS FROM THE TOWN OR CITY OF: South Berwick

PAGE: 1 OF 1

	Date	System ID #	Contributor's Name	Residential Address
①	04/09/2016	58906	Rebecca L Moya	2 RAILROAD AVE, SOUTH BERWICK, ME
②	04/09/2016	58913	Elliott Moya	2 RAILROAD AVE, SOUTH BERWICK, ME
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

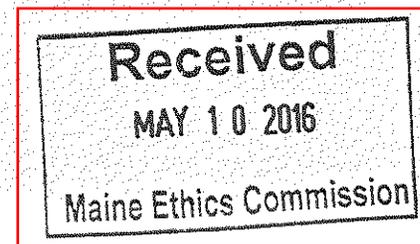
Municipal Registrars: Please circle the number of each contributor who is registered to vote in the district of the candidate. Please complete the statement below by inserting the total number of contributors on this page who are registered in the district. Please also cross out any blank lines or contributors who are not registered in the candidate's district.

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I have verified that -2- contributors circled above are registered to vote in the electoral division of the candidate.

Date: May 9, 2016

Signature of Registrar: Barbara Bennett



Valid Money Order includes: 1. Heat sensitive, red stop sign AND 2. Contains a True Watermark hold up to light to view.

MoneyGram. INTERNATIONAL MONEY ORDER 86-186 1031

03/05/2016

To Validate: Touch the stop sign, then watch it fade and reappear 

20593241585
MONEY ORDER - MM

MONEY ORDER NUMBER: R205932415854
CALL 1-800-542-3590 TO VERIFY

PAY TO THE ORDER OF / PAGAR A LA ORDEN DE: *MORET*

IMPORTANT - SEE BACK BEFORE CASHING

Steve Johnson

PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS / DIRECCIÓN: *11 Chestnut Court S. Omaha*

Payable Through BOKF, NA Enid, OK

ISSUER/DRAWER: MONEYGRAM PAYMENT SYSTEMS, INC.

60528204622046
1272800065079585

PAY EXACTLY *****
FIVE DOLLARS ***
00 CENTS *****

⑆103101864⑆2059 32415854⑈90

Valid Money Order includes: 1. Heat sensitive, red stop sign AND 2. Contains a True Watermark hold up to light to view.

MoneyGram. INTERNATIONAL MONEY ORDER 86-186 1031

04/11/2016

To Validate: Touch the stop sign, then watch it fade and reappear 

20597318987
MONEY ORDER - MM

MONEY ORDER NUMBER: R205973189873
CALL 1-800-542-3590 TO VERIFY

PAY TO THE ORDER OF / PAGAR A LA ORDEN DE: *KEEF*

IMPORTANT - SEE BACK BEFORE CASHING

[Signature]

PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS / DIRECCIÓN: *[Redacted]*

Payable Through BOKF, NA Enid, OK

ISSUER/DRAWER: MONEYGRAM PAYMENT SYSTEMS, INC.

60528213002130
1821000102143987

PAY EXACTLY *****
FIVE DOLLARS ***
00 CENTS *****

⑆103101864⑆2059 73189873⑈90

*ROBERT MACDONALD
657 MAIN ST
EASTMAN, CT 03403*

GREENLEAF HOME BUILDERS
 ALEXANDER DAVID MANN
 P.O. BOX 26
 KITTERY POINT, ME 03905
 (207) 439-9577

DATE	INVOICE	AMOUNT

52-7450-2112

2726

PAY Five DOLLARS

CHECK AMOUNT Security Features Included. Details on back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.
3/21/16	Maine Clean Election Fund	TED SHORT	2726

\$ 5.00



Alexander Mann



GREENLEAF HOME BUILDERS
 ALEXANDER DAVID MANN
 P.O. BOX 26
 KITTERY POINT, ME 03905
 (207) 439-9577

DATE	INVOICE	AMOUNT

52-7450-2112

2743

PAY Five DOLLARS

CHECK AMOUNT Security Features Included. Details on back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.
4/12/16	Maine Clean Election Fund		2743

\$ 5.00



Alexander Mann



Steve's Auto Body Repair
 280 Beech Rd
 Elliot, ME 03903
 207-439-3561

EB changed (price) 01/20/10

EXPLANATION	AMOUNT

36133

52-7450/2112

PAY Fifteen DOLLARS

Security Features Included. Details on back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
1/5/16	Maine Clean Election Fund	T.Short Election x 3	36133

CHECK AMOUNT \$ 15.00



JoAnn Cuthbert
 AUTHORIZED SIGNATURE



KAREN L VANDORIN
153 OLD RD.
ELIOT, ME 03903-1350

52-7450/2112

1444

DATE April 7, 2016

not returned

PAY TO THE ORDER OF

Ted Short \$ 5.00

Five and 00/100 DOLLARS

Kennebunk Savings

MEMO

Karen Vandorin

[Redacted]

UNITED STATES POSTAL SERVICE **POSTAL MONEY ORDER**

Serial Number: **23051051998** 2016 March 08 Office: **03903** U.S. Dollars and Cents: **\$5.00**

Amount: **Five Dollars and 00/100 *******

Pay to: MCEP Clerk: **0**

Address: John Stirling
70 Knights Road Rd
South Berwick Me

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⑈000008002⑈ 23051051998⑈

returned

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Glen Crowell
Diana Crowell
5 Busdick Dr
Kittery, ME 03904-1104
(207) 439-3801

51-57/119 540
EZShield™ PLUS Check Fraud Protection & ID Restoration
DATE: March 29, 2016

PAY TO THE ORDER OF: Kittery Maine Town \$ 10.00

Ten and 00/100 DOLLARS

BANK OF AMERICA
1232 FARMINGTON AVENUE
BRISTOL, CT 06010

FOR: T. Short
qualifying

Diana M Crowell

[Redacted]

PRINTED ON RECYCLED PAPER USING VEGETABLE-BASED INK

returned

JESSIE F. KENT
LAWRENCE W. KENT
 1096 STATE ROAD
 ELIOT, ME 03903

5438
 54-7468/2114

DATE April 5, 2016

PAY TO THE ORDER OF Maine Clean Elections Fund \$ 10.00

Ten and no/100 / / / /

DOLLARS  Security features included. Details on back.

 **PISCATAQUA SAVINGS BANK**
 Portsmouth Local Bank Since 1877

MEMO: Jessie F. Kent  N/P

TRADITIONAL GREEN

 **Pamela S Carnicelli or**
Thomas A Carnicelli III
Matthew J Carnicelli
 PO Box 1228
 York Harbor, ME 03911-1228

6968
 52-36/112 ME
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Date April 3, 2016
 Fecha

Pay to the Order of / Páguese a la Orden de Maine Clean Elections Fund \$ 10.00

Ten Dollars / Dólares  Security Features included. Details on back. Las medidas de seguridad figuran al dorso.

Bank of America  **Wealth Management Banking**

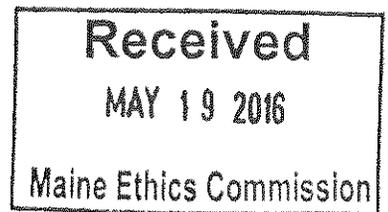
ACH R/T 011200365

For / Para Pamela S Carnicelli / Pamela S Carnicelli 

Harland Clarke WORLD TRAVELLERS

**Appeal by
Theodor Short**

**IRWIN
TARDY
MORRIS**



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159 Main Street
Newport, ME 04953*

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*Joshua A. Tardy
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May 18, 2016

Via Email and U.S. Mail

Margaret E. Matheson, Chair
Maine Ethics Commission
135 State House Station
Augusta, ME 04333

RE: Letter of Appeal ~ Theodor Short

Dear Ms. Matheson:

Please enter my appearance as counsel for Mr. Theodor Short, and further, please accept this letter as Mr. Short's appeal of the Commission staff's determination (by letter dated May 12, 2016 and amended May 17, 2016) that he did not qualify for clean election funding.

Although our investigation is ongoing, grounds for this appeal at this time are as follows:

1. The contributions of Zachary Lemire, Rebecca Moya, and Elliott Moya should be allowed. Upon information and belief, Mr. Short's campaign worker was told by Commission staff that contributions would, in fact, be counted if verifications were received at a later date. All three contributions referenced herein were made by qualified voters who expressed a desire to support Mr. Short's Clean Election effort.
2. Karen Van Dorin's contribution should be counted as an endorsement of her check has been executed as advised by Commission staff.
3. The contribution of Steve Folger and Robert MacDonald should have been allowed. Both voters contributed the required personal funds, and both voters, upon information and belief, are willing to acknowledge their intent to make a qualifying contribution.
4. The contributions of Lawrence Kent and Pamela Carnicelli should be allowed. Upon information and belief, both voters intended to make a qualifying

Margaret E. Matheson, Chair
May 18, 2016
Page Two

contribution. We are still investigating the issue of who signed for the respective contributions.

5. The contribution of Jessica Christian should also be allowed. Ms. Christian is the daughter of Stephen and JoAnn Cultrera. At the time that the single \$15.00 check was issued, Ms. Christian indicated her desire to make a qualifying contribution. Her personal funds were used in making the contribution.

Very truly yours,


Joshua A. Tardy, Esq.

Relevant Laws and Rules

**(including
Administrative
Procedures Act)**

21-A M.R.S. A. § 1122 DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 1, §17 (NEW).]

1. Certified candidate. "Certified candidate" means a candidate running for Governor, State Senator or State Representative who chooses to participate in the Maine Clean Election Act and who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

[1995, c. 1, §17 (NEW) .]

2. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices established by Title 5, section 12004-G, subsection 33.

[1995, c. 1, §17 (NEW) .]

3. Contribution. "Contribution" has the same meaning as in section 1012, subsection 2.

[1995, c. 1, §17 (NEW) .]

4. Fund. "Fund" means the Maine Clean Election Fund established in section 1124.

[1995, c. 1, §17 (NEW) .]

4-A. Immediate family. "Immediate family" has the same meaning as in section 1, subsection 20 and includes a candidate's domestic partner and the immediate family of the candidate's domestic partner.

[2007, c. 443, Pt. B, §1 (NEW) .]

5. Nonparticipating candidate. "Nonparticipating candidate" means a candidate running for Governor, State Senator or State Representative who does not choose to participate in the Maine Clean Election Act and who is not seeking to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

[1995, c. 1, §17 (NEW) .]

6. Participating candidate. "Participating candidate" means a candidate who is running for Governor, State Senator or State Representative who is seeking to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

[1995, c. 1, §17 (NEW) .]

7. Qualifying contribution. "Qualifying contribution" means a donation:

A. Of \$5 or more in the form of a check or a money order payable to the fund and signed by the contributor in support of a candidate or made over the Internet in support of a candidate according to the procedure established by the commission; [2009, c. 286, §4 (AMD).]



B. Made by a registered voter within the electoral division for the office a candidate is seeking and whose voter registration has been verified according to procedures established by the commission; [2009, c. 190, Pt. B, §1 (AMD).]

C. Made during the designated qualifying period; and [2007, c. 443, Pt. B, §2 (AMD).]

D. That the contributor acknowledges was made with the contributor's personal funds and in support of the candidate and was not given in exchange for anything of value and that the candidate acknowledges was obtained with the candidate's knowledge and approval and that nothing of value was given in exchange for the contribution, on forms provided by the commission. [2007, c. 443, Pt. B, §2 (AMD).]

[2009, c. 286, §4 (AMD) .]

8. Qualifying period. "Qualifying period" means the following.

A. For a gubernatorial participating candidate, the qualifying period begins October 15th immediately preceding the election year and ends at 5:00 p.m. on April 1st of the election year. [2009, c. 363, §1 (AMD).]

B. For State Senate or State House of Representatives participating candidates, the qualifying period begins January 1st of the election year and ends at 5:00 p.m. on April 20th of that election year or the next business day following April 20th if the office of the commission is closed on April 20th. [2009, c. 286, §5 (AMD).]

[2009, c. 286, §5 (AMD); 2009, c. 363, §1 (AMD) .]

9. Seed money contribution. "Seed money contribution" means a contribution of no more than \$100 per individual made to a participating candidate, including the candidate or the candidate's spouse or domestic partner.

[2007, c. 571, §10 (AMD) .]



21-A M.R.S.A. §1125 Terms of Participation

1. Declaration of intent. A participating candidate must file a declaration of intent to seek certification as a Maine Clean Election Act candidate and to comply with the requirements of this chapter. The declaration of intent must be filed with the commission prior to or during the qualifying period, except as provided in subsection 11, according to forms and procedures developed by the commission. Qualifying contributions collected more than 5 business days before the declaration of intent has been filed will not be counted toward the eligibility requirement in subsection 3.

[2011, c. 389, §51 (AMD) .]

2. Contribution limits for participating candidates. Subsequent to becoming a candidate as defined by section 1, subsection 5 and prior to certification, a participating candidate may not accept contributions, except for seed money contributions. A participating candidate must limit the candidate's total seed money contributions to the following amounts:

A. Two hundred thousand dollars for a gubernatorial candidate; [2009, c. 363, §2 (AMD) .]

B. One thousand five hundred dollars for a candidate for the State Senate; or [1995, c. 1, §17 (NEW) .]

C. Five hundred dollars for a candidate for the State House of Representatives. [1995, c. 1, §17 (NEW) .]

The commission may, by rule, revise these amounts to ensure the effective implementation of this chapter.

[2009, c. 363, §2 (AMD) .]

2-A. Seed money restrictions. To be eligible for certification, a participating candidate may collect and spend only seed money contributions subsequent to becoming a candidate and prior to certification. A participating candidate may not solicit, accept or collect seed money contributions after certification as a Maine Clean Election Act candidate.

A. All goods and services received prior to certification must be paid for with seed money contributions, except for goods and services that are excluded from the definition of contribution in section 1012, subsection 2, paragraph B. It is a violation of this chapter for a participating candidate to use fund revenues received after certification to pay for goods and services received prior to certification. [2007, c. 443, Pt. B, §6 (NEW) .]

B. Prior to certification, a participating candidate may obligate an amount greater than the seed money collected, but may only receive that portion of goods and services that has been paid for or will be paid for with seed money. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under this chapter may petition the commission to remain eligible for certification as a Maine Clean Election Act candidate in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions. [2007, c. 443, Pt. B, §6 (NEW) .]

C. Upon requesting certification, a participating candidate shall file a report of all seed money contributions and expenditures. If the candidate is certified, any unspent seed money

will be deducted from the amount distributed to the candidate as provided in subsection 8-A. [2009, c. 302, §11 (AMD); 2009, c. 302, §24 (AFF).]

[2009, c. 302, §11 (AMD); 2009, c. 302, §24 (AFF) .]

2-B. Seed money required for gubernatorial candidates; documentation. For seed money contributions that a candidate for Governor collects to satisfy the requirement in subsection 5, paragraph C-1, the candidate shall obtain the contributor's name, residence address, mailing address, telephone number if provided by the contributor and other information required for reporting under section 1017, subsection 5. For these contributions, the candidate shall submit to the commission during the qualifying period:

A. A contribution acknowledgment form as determined by the commission, to be completed by each person that contributes seed money, that includes the name, residence address, mailing address, optional telephone number and signature of the person making the seed money contribution acknowledging that the contribution was made with the person's personal funds and will not be reimbursed by any source; [2009, c. 363, §3 (NEW) .]

B. A list of the seed money contributions in a format determined by the commission that includes the name and mailing address of the contributor; [2009, c. 363, §3 (NEW) .]

C. For seed money contributions received by check or money order, photocopies of the check or money order; and [2009, c. 363, §3 (NEW) .]

D. For seed money contributions received by debit or credit card, a bank or merchant account statement that contains the cardholder's name and that otherwise meets the requirements specified by the commission in order to verify compliance with subsection 5, paragraph C-1. [2009, c. 363, §3 (NEW) .]

The commission may permit the submission of an online or electronic acknowledgment form as required by paragraph A for seed money contributions made via the Internet. The telephone numbers, e-mail addresses and bank account and credit card information of contributors that candidates have submitted to the commission pursuant to this subsection are confidential, except that the commission may disclose this information in a final audit or investigation report or determination if the information or record is materially relevant to a finding of fact or violation.

[2009, c. 524, §14 (AMD) .]

3. Qualifying contributions. Participating candidates must obtain qualifying contributions during the qualifying period as follows:

A. For a gubernatorial candidate, at least 3,250 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate; [2007, c. 240, Pt. F, §1 (AMD); 2007, c. 443, Pt. B, §6 (AMD) .]



B. For a candidate for the State Senate, at least 175 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or [2009, c. 286, §6 (AMD) .]

C. For a candidate for the State House of Representatives, at least 60 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate. [2009, c. 286, §7 (AMD) .]

⇒ A payment, gift or anything of value may not be given in exchange for a qualifying contribution. A candidate may pay the fee for a money order that is a qualifying contribution in the amount of \$5 as long as the donor making the qualifying contribution pays the \$5 amount reflected on the money order. Any money order fees paid by a participating candidate must be paid for with seed money and reported in accordance with commission rules. **A money order must be signed by the contributor to be a valid qualifying contribution.** The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, a procedure for a qualifying contribution to be made by a credit or debit transaction and by electronic funds transfer over the Internet. Records containing information provided by individuals who have made qualifying contributions over the Internet are confidential, except for the name of the individual making the contribution, the date of the contribution, the individual's residential address and the name and office sought of the candidate in whose support the contribution was made.

It is a violation of this chapter for a participating candidate or an agent of the participating candidate to misrepresent the purpose of soliciting qualifying contributions and obtaining the contributor's signed acknowledgement.

[2009, c. 286, §§6, 7 (AMD) .]

➔ **4. Filing with commission.** A participating candidate must submit qualifying contributions, receipt and acknowledgement forms, proof of verification of voter registration and a seed money report to the commission during the qualifying period according to procedures developed by the commission, except as provided under subsection 11.

[2009, c. 363, §4 (AMD) .]

➔ **5. Certification of Maine Clean Election Act candidates.** Upon receipt of a final submittal of qualifying contributions by a participating candidate, the executive director of the commission shall determine whether the candidate has:

A. Signed and filed a declaration of intent to participate in this Act; [1995, c. 1, §17 (NEW) .]

B. Submitted the appropriate number of valid qualifying contributions; [1995, c. 1, §17 (NEW) .]

C. Qualified as a candidate by petition or other means no later than 5 business days after the end of the qualifying period; [2011, c. 389, §52 (AMD) .]

C-1. As a gubernatorial candidate, collected at least \$40,000 in seed money contributions from registered voters in the State; [2009, c. 363, §5 (NEW) .]

D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions; [2003, c. 270, §1 (AMD) .]

D-1. Not run for the same office as a nonparticipating candidate in a primary election in the same election year; [2007, c. 443, Pt. B, §6 (AMD) .]

D-2. Not been found to have made a material false statement in a report or other document submitted to the commission; [2007, c. 443, Pt. B, §6 (NEW) .]

D-3. Not otherwise substantially violated the provisions of this chapter or chapter 13; [2009, c. 190, Pt. B, §2 (AMD) .]

D-4. Not failed to pay any civil penalty assessed by the commission under this Title, except that a candidate has 3 business days from the date of the request for certification to pay the

outstanding penalty and remain eligible for certification; [2011, c. 389, §52 (AMD).]

D-5. Not submitted any fraudulent qualifying contributions or any falsified acknowledgement forms for qualifying contributions or seed money contributions; and [2011, c. 389, §52 (NEW).]

E. Otherwise met the requirements for participation in this Act. [1995, c. 1, §17 (NEW).]

The executive director shall certify a candidate complying with the requirements of this section as a Maine Clean Election Act candidate as soon as possible after final submittal of qualifying contributions and other supporting documents required under subsection 4 but no later than 3 business days for legislative candidates and 5 business days for gubernatorial candidates. The executive director may take additional time if further investigation is necessary to verify compliance with this Act as long as the commission notifies the candidate regarding the anticipated schedule for conclusion of the investigation. A candidate or other interested person may appeal the decision of the executive director to the members of the commission in accordance with subsection 14.

A certified candidate must comply with all requirements of this Act after certification and throughout the primary and general election periods. Failure to do so is a violation of this chapter.

[2011, c. 389, §52 (AMD).]

5-A. Revocation of certification. The certification of a participating candidate may be revoked at any time if the commission determines that the candidate or an agent of the candidate:

A. Did not submit the required number of valid qualifying contributions; [2007, c. 443, Pt. B, §6 (NEW).]

B. Failed to qualify as a candidate by petition or other means; [2007, c. 443, Pt. B, §6 (NEW).]

C. Submitted any fraudulent qualifying contributions or qualifying contributions that were not made by the named contributor; [2007, c. 443, Pt. B, §6 (NEW).]

D. Misrepresented to a contributor the purpose of the qualifying contribution or obtaining the contributor's signature on the receipt and acknowledgement form; [2007, c. 443, Pt. B, §6 (NEW).]

E. Failed to fully comply with the seed money restrictions; [2007, c. 443, Pt. B, §6 (NEW).]

F. Knowingly accepted any contributions, including any in-kind contributions, or used funds other than fund revenues distributed under this chapter to make campaign-related expenditures without the permission of the commission; [2007, c. 443, Pt. B, §6 (NEW).]

G. Knowingly made a false statement or material misrepresentation in any report or other document required to be filed under this chapter or chapter 13; [2009, c. 363, §6 (AMD).]

H. Otherwise substantially violated the provisions of this chapter or chapter 13; or [2009, c. 363, §6 (AMD).]

I. As a gubernatorial candidate, failed to properly report seed money contributions as required by this section. [2009, c. 363, §6 (NEW).]

The determination to revoke the certification of a candidate must be made by a vote of the members of the commission after an opportunity for a hearing. A candidate whose certification is revoked shall return all unspent funds to the commission within 3 days of the commission's decision and may be required to return all funds distributed to the candidate. In addition to the requirement to return funds, the candidate may be subject to a civil penalty under section 1127. The candidate may appeal the commission's decision to revoke certification in the same manner provided in subsection 14, paragraph C.

[2009, c. 363, §6 (AMD) .]

5-B. Restrictions on serving as treasurer. A participating or certified candidate may not serve as a treasurer or deputy treasurer for that candidate's campaign, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under this chapter until the candidate identifies another person to serve as treasurer.

[2011, c. 389, §53 (AMD) .]

6. Restrictions on contributions and expenditures for certified candidates. After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. Candidates may also accept and spend interest earned on fund revenues in campaign bank accounts. All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes. The commission shall publish guidelines outlining permissible campaign-related expenditures.

[2011, c. 389, §54 (AMD) .]

6-A. Assisting a person to become an opponent. A candidate or a person who later becomes a candidate and who is seeking certification under subsection 5, or an agent of that candidate, may not assist another person in qualifying as a candidate for the same office if such a candidacy would result in the distribution of revenues under subsections 7 and 8-A for certified candidates in a contested election.

[2009, c. 302, §12 (AMD); 2009, c. 302, §24 (AFF) .]

6-B. Expenditures as payment to household members.

[2009, c. 302, §13 (RP) .]

6-C. Expenditures to the candidate or family or household members. Expenditures to the candidate or immediate family member or household member of the candidate are governed by this subsection.

A. The candidate may not use fund revenues to compensate the candidate or a sole proprietorship of the candidate for campaign-related services. [2009, c. 302, §14 (NEW) .]

B. A candidate may not make expenditures using fund revenues to pay a member of the candidate's immediate family or household, a business entity in which the candidate or a

member of the candidate's immediate family or household holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or a member of the candidate's immediate family or household is a director, officer, executive director or chief financial officer, unless the expenditure is made:

- (1) For a legitimate campaign-related purpose;
- (2) To an individual or business that provides the goods or services being purchased in the normal course of the individual's occupation or the business; and
- (3) In an amount that is reasonable taking into consideration current market value and other factors the commission may choose to consider.

For the purpose of this paragraph, "business entity" means a corporation, limited liability company, limited partnership, limited liability partnership and general partnership.

If a candidate uses fund revenues for an expenditure covered by this paragraph, the candidate shall submit evidence demonstrating that the expenditure complies with the requirements of this paragraph if requested by the commission. [2009, c. 302, §14 (NEW) .]

This subsection does not prohibit reimbursement to the candidate or a member of a candidate's household or immediate family when made in accordance with this chapter and rules adopted by the commission.

[2009, c. 302, §14 (NEW) .]

6-E. Expenditures for television advertising. A candidate must include closed-captioning within any television advertisement that the candidate provides to a broadcasting or cable television station for broadcast to the public, except for an advertisement aired in the final 4 days before an election if inclusion of closed-captioning during that period is impractical or would materially affect the timing of the candidate's advertisement.

[2011, c. 389, §55 (NEW) .]

6-F. (TEXT EFFECTIVE 1/1/16) Participation in political action committees. A participating candidate or a certified candidate may not establish a political action committee for which the candidate is a treasurer or principal officer or for which the candidate is primarily responsible for fund-raising or decision making. This prohibition applies between April 1st immediately preceding a general election through:

- A. The date on which the candidate withdraws from a race; [2015, c. 116, §1 (NEW); 2015, c. 116, §2 (AFF) .]
- B. The date of the primary election or general election for a candidate who loses either election; or [2015, c. 116, §1 (NEW); 2015, c. 116, §2 (AFF) .]
- C. January 1st immediately preceding the next general election for a candidate who wins the general election. [2015, c. 116, §1 (NEW); 2015, c. 116, §2 (AFF) .]

This prohibition also applies to a participating candidate or certified candidate in a special election, except that the prohibition begins on the date of the candidate's nomination. This subsection does not prohibit a participating candidate or certified candidate, including a certified candidate who wins a general or special election, from engaging in fund-raising or decision making for a party caucus political action committee, a ballot question committee or a political action committee formed for the purpose of promoting or opposing a ballot question. This prohibition applies to a participating candidate or certified candidate regardless of the date on which the political action committee was established.

[2015, c. 116, §1 (NEW); 2015, c. 116, §2 (AFF) .]

7. Timing of fund distribution. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsection 8-A in the following manner.

A. Within 3 days after certification, for candidates certified prior to March 15th of the election year, revenues from the fund must be distributed as if the candidates are in an uncontested primary election. [2001, c. 465, §4 (AMD) .]

B. Within 3 days after certification, for all candidates certified between March 15th and the end of the qualifying period of the election year, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested primary election. [2009, c. 363, §7 (AMD) .]

B-1. For candidates in contested primary elections receiving a distribution under paragraph A, additional revenues from the fund must be distributed within 3 days of March 15th of the election year. [2001, c. 465, §4 (NEW) .]

C. No later than 3 days after the primary election results are certified, for general election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested general election. [2007, c. 443, Pt. B, §6 (AMD) .]

Funds may be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

[2009, c. 302, §15 (AMD); 2009, c. 302, §24 (AFF); 2009, c. 363, §7 (AMD) .]

7-A. Deposit into account; release of bank records. A candidate or a committee authorized pursuant to section 1013-A, subsection 1 shall deposit all revenues from the fund and all seed money contributions in an account, referred to in this subsection as a "campaign account," with a bank or other financial institution. The campaign funds must be segregated from, and may not be commingled with, any other funds.

A. A participating candidate shall provide to the commission a signed written authorization allowing the bank or other financial institution administering a campaign account to release to the commission all records held by that bank or institution pertaining to the campaign account, including, but not limited to, campaign account statements, records of payments or transfers from the campaign account and deposits of funds to the campaign account. [2011, c. 522, §2 (NEW); 2011, c. 522, §4 (AFF) .]

B. The executive director of the commission or its auditor, during an audit or during an investigation authorized by the commission or the chair of the commission of potential noncompliance with the requirements of this chapter, chapter 13 or a rule of the commission, may request that a candidate provide the records of a campaign account. If the candidate fails to comply with the request within 30 days of receiving it, the executive director or auditor may use the authorization obtained pursuant to paragraph A to obtain the records directly from the bank or other financial institution. [2011, c. 522, §2 (NEW); 2011, c. 522, §4 (AFF) .]

[2011, c. 522, §4 (AFF); 2011, c. 522, §2 (RPR) .]

8. Amount of fund distribution.

[2009, c. 652, Pt. A, §24 (AFF); 2009, c. 652, Pt. A, §23 (RP) .]

8-A. Amount of fund distribution. By September 1, 2011, and at least every 2 years after that date, the commission shall determine the amount of funds to be distributed to participating candidates in legislative elections based on the type of election and office. In making this determination, the commission may take into consideration any relevant information, including but not limited to:

A. The range of campaign spending by candidates for that office in the 2 preceding elections; and [2011, c. 558, §6 (AMD) .]

B. The Consumer Price Index published monthly by the United States Department of Labor, Bureau of Labor Statistics and any other significant changes in the costs of campaigning such as postage or fuel. [2011, c. 558, §6 (AMD) .]

C. [2011, c. 558, §7 (RP) .]

Before making any determination, the commission shall provide notice of the determination and an opportunity to comment to the President of the Senate, the Speaker of the House of Representatives, all floor leaders, the members of the joint standing committee of the Legislature having jurisdiction over legal affairs and persons who have expressed interest in receiving notices of opportunities to comment on the commission's rules and policies. The commission shall present at a public meeting the basis for the commission's final determination.

For contested gubernatorial primary elections, the amount of revenues distributed is \$400,000 per candidate in a primary election. For uncontested gubernatorial primary elections the amount of revenues distributed is \$200,000. For contested and uncontested gubernatorial general elections, the amount of revenues distributed is \$600,000 per candidate in the general election.

[2011, c. 558, §§6, 7 (AMD) .]

9. Matching funds.

[2011, c. 558, §8 (RP) .]

10. Candidate not enrolled in a party. An unenrolled candidate for the Legislature who submits the required number of qualifying contributions and other required documents under subsection 4 by 5:00 p.m. on April 20th preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election candidate and a general election candidate as specified in subsections 7 and 8-A. Revenues for the general election must be distributed to the candidate no later than 3 days after certification. An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under subsections 2-B and 4 by 5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election gubernatorial candidate and a general election gubernatorial candidate as specified in subsections 7 and 8-A. Revenues for the general election must be distributed to the candidate for Governor no later than 3 days after the primary election results are certified.

[2011, c. 389, §56 (AMD); 2011, c. 389, §62 (AFF) .]

11. Other procedures. The commission shall establish by rule procedures for qualification, certification, disbursement of fund revenues and return of unspent fund revenues for races involving special elections, recounts, vacancies, withdrawals or replacement candidates.

[1995, c. 1, §17 (NEW) .]

12. Reporting; unspent revenue. Notwithstanding any other provision of law, the treasurer or deputy treasurer of participating and certified candidates shall report any money collected, all campaign expenditures, obligations, refunds received by a candidate or agent of that candidate and related activities to the commission according to procedures developed by the commission. If a certified candidate pays fund revenues to a member of the candidate's immediate family or household or a business or nonprofit entity affiliated with a member of the candidate's immediate family or household, the treasurer or deputy treasurer must disclose the candidate's relationship to the payee in a manner prescribed by the commission. In developing these procedures, the commission shall utilize existing campaign reporting procedures whenever practicable. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections, that candidate shall return all unspent fund revenues to the commission. If the candidate or agent of the candidate receives a refund of an expenditure made for the campaign after filing the final report, the candidate shall return those funds to the fund within 14 days of receiving the refund.

[2013, c. 334, §33 (AMD) .]

12-A. Required records. The candidate or treasurer shall obtain and keep:

A. Bank or other account statements for the campaign account covering the duration of the campaign; [2005, c. 542, §5 (NEW) .]

B. A vendor invoice stating the particular goods or services purchased for every expenditure in excess of \$50; [2013, c. 334, §34 (AMD) .]

C. A record proving that a vendor received payment for every expenditure in excess of \$50 in the form of a cancelled check, cash receipt from the vendor or bank or credit card statement identifying the vendor as the payee; and [2013, c. 334, §34 (AMD) .]

D. [2009, c. 524, §15 (RP) .]

E. A contemporaneous document such as an invoice, contract or timesheet that specifies in detail the services provided by a vendor who was paid in excess of \$500 for the election cycle for providing campaign staff or consulting services to a candidate. [2013, c. 334, §34 (AMD) .]

The candidate or treasurer shall preserve the records for 3 years following the candidate's final campaign finance report for the election cycle. The candidate and treasurer shall submit photocopies of the records to the commission upon its request.

[2013, c. 334, §34 (AMD) .]

12-B. Audit requirements for candidates for Governor. The commission shall audit the campaigns of candidates for Governor who receive funds under this chapter to verify compliance with election and campaign laws and rules. Within one month of declaring an intention to qualify for public financing, a candidate for Governor, the campaign's treasurer and any other relevant campaign staff shall meet with the staff of the commission to discuss audit standards, expenditure guidelines and record-keeping requirements.

[2007, c. 443, Pt. B, §6 (NEW) .]

12-C. Payments to political committees. If a certified candidate makes a payment of fund revenues to a political action committee or party committee, the candidate shall include in reports required under this section a detailed explanation of the goods or services purchased according to forms and procedures developed by the commission that is sufficient to demonstrate that the payment was made solely to promote the candidate's election.

[2009, c. 286, §9 (NEW) .]

12-D. Duties of the campaign treasurer and deputy treasurer. The treasurer shall file all campaign finance reports required by section 1017, this chapter and commission rules, unless the treasurer delegates the filing of reports to the deputy treasurer designated on the candidate's registration. A candidate may enter financial transactions in an electronic reporting system or on paper forms of the commission, but the report must be filed by the treasurer or deputy treasurer. The treasurer is jointly responsible with the candidate for ensuring that the campaign keeps all records required by section 1016, this chapter and commission rules. If the candidate keeps the records, the candidate shall provide the treasurer or deputy treasurer with access to the records for the purpose of filing complete and accurate campaign finance reports. The commission may hold the candidate and treasurer jointly and severally liable for any penalties assessed for violations of the financial reporting or record-keeping requirements of this chapter, chapter 13 and commission rules. If the deputy treasurer files reports for the campaign, the commission may hold the deputy treasurer jointly and severally liable for any penalties related to reports filed by the deputy treasurer.

[2013, c. 334, §35 (NEW) .]

13. Distributions not to exceed amount in fund.

[2009, c. 524, §17 (RPR); T. 21-A, §1125, sub-§13 (RP) .]

13-A. Distributions not to exceed amount in fund. The commission may not distribute revenues to certified candidates in excess of the total amount of money deposited in the fund as set forth in section 1124. Notwithstanding any other provisions of this chapter, if the commission determines that the revenues in the fund are insufficient to meet distributions under subsection 8-A, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than the applicable contribution limits established by the commission pursuant to section 1015, up to the applicable amounts set forth in subsection 8-A according to rules adopted by the commission.

This subsection takes effect September 1, 2011.

[2011, c. 558, §9 (AMD) .]

 **14. Appeals.** A candidate who has been denied certification as a Maine Clean Election Act candidate by the commission's executive director, the opponent of a candidate who has been granted certification as a Maine Clean Election Act candidate or other interested persons may challenge a certification decision by the executive director as follows.

A. A challenger may appeal to the commission within 7 days of the certification decision. The appeal must be in writing and must set forth the reasons for the appeal. [2011, c. 389, §59 (AMD) .]

B. Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the commission shall hold a hearing, except that the commission may extend this period upon agreement of the challenger and the candidate whose certification is the subject of the appeal, or in response to the request of either party upon a showing of good cause. The appellant has the burden of proving that the certification decision was in error as a matter of law or was based on factual error. The commission must rule on the appeal within 5 business days after the completion of the hearing. [2007, c. 443, Pt. B, §6 (AMD).]

C. A challenger may appeal the decision of the commission in paragraph B by commencing an action in Superior Court within 5 days of the date of the commission's decision. The action must be conducted in accordance with Rule 80C of the Maine Rules of Civil Procedure, except that the court shall issue its written decision within 20 days of the date of the commission's decision. Any aggrieved party may appeal the decision of the Superior Court by filing a notice of appeal within 3 days of that decision. The record on appeal must be transmitted to the Law Court within 3 days after the notice of appeal is filed. After filing the notice of appeal, the parties have 4 days to file briefs and appendices with the clerk of the court. The court shall consider the case as soon as possible after the record and briefs have been filed and shall issue its decision within 14 days of the decision of the Superior Court. [2007, c. 443, Pt. B, §6 (AMD).]

D. A candidate whose certification as a Maine Clean Election Act candidate is reversed on appeal must return to the commission any unspent revenues distributed from the fund. If the commission or court finds that an appeal was made frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties, if any. [2007, c. 443, Pt. B, §6 (AMD).]

[2011, c. 389, §59 (AMD) .]

SECTION HISTORY

IB 1995, c. 1, §17 (NEW). 2001, c. 465, §§4-6 (AMD). 2003, c. 270, §§1,2 (AMD). 2003, c. 448, §5 (AMD). 2003, c. 453, §§1,2 (AMD). 2003, c. 688, §§A21,22 (AMD). 2005, c. 301, §§29-32 (AMD). 2005, c. 542, §§3-5 (AMD). 2007, c. 240, Pt. F, §1 (AMD). 2007, c. 443, Pt. B, §6 (AMD). 2007, c. 567, §2 (AMD). 2007, c. 571, §§11, 12 (AMD). 2007, c. 642, §11 (AMD). 2009, c. 105, §1 (AMD). 2009, c. 190, Pt. B, §2 (AMD). 2009, c. 286, §§6-9 (AMD). 2009, c. 302, §§11-22 (AMD). 2009, c. 302, §24 (AFF). 2009, c. 363, §§2-11 (AMD). 2009, c. 524, §§14-18 (AMD). 2009, c. 652, Pt. A, §25 (AMD). 2009, c. 652, Pt. A, §27 (AMD). 2009, c. 652, Pt. A, §23 (AMD). 2009, c. 652, Pt. A, §24 (AFF). 2009, c. 652, Pt. A, §28 (AFF). 2009, c. 652, Pt. A, §26 (AFF). 2011, c. 389, §§51-59 (AMD). 2011, c. 389, §62 (AFF). 2011, c. 522, §§2, 3 (AMD). 2011, c. 522, §4 (AFF). 2011, c. 558, §§6-9 (AMD). 2013, c. 334, §§33-35 (AMD). 2015, c. 116, §1 (AMD).

COMMISSION RULES
Chapter 3
Maine Clean Election Act And Related Provisions

SECTION 1. APPLICABILITY

This chapter applies to candidates running for Governor, State Senator and State Representative who choose the alternative campaign financing option established by the Maine Clean Election Act for elections to be held beginning in the year 2000. Candidates participating in the Maine Clean Election Act must comply with these rules and all other applicable election and campaign laws and regulations. Some sections in this chapter also apply to and impose obligations on privately financed candidates and political committees that raise contributions and make expenditures in races involving Maine Clean Election Act candidates.

SECTION 2. PROCEDURES FOR PARTICIPATION

1. **Declaration of Intent.** A participating candidate must file a Declaration of Intent within five days of collecting qualifying contributions. The Commission will provide a form for this purpose.
2. **Content.** The Declaration of Intent must include the following information:
 - A. an affirmation that the candidate is seeking certification as a Maine Clean Election Act candidate;
 - B. an affirmation that the candidate understands that any qualifying contributions collected more than five days before filing the Declaration of Intent will not be counted toward the eligibility requirement;
 - C. an affirmation that the candidate has not accepted any contributions, except for seed money contributions, after becoming a candidate;
 - D. an affirmation that the candidate has disposed of any campaign surplus before becoming a candidate for the new election, as required by paragraph 3.C [Campaign Surplus] of this section;
 - E. an affirmation that if the candidate has any campaign deficit, that the candidate will not accept contributions to repay that deficit as a participating candidate or certified candidate, except that the candidate may forgive any campaign loans to himself or herself made during any previous campaigns;
 - F. an affirmation that the candidate will continue to comply with applicable seed money restrictions and other requirements of the Act including, but not limited to, procedures for collecting qualifying contributions;
 - G. an affirmation that the candidate has read and will comply with the Commission's guidelines on permissible expenditures; and

- H. authorization by the candidate for the Commission, its agents or representatives to conduct financial audits of the candidate's campaign financial records and account(s).

3. **Seed Money Restrictions**

- A. **General.** After becoming a candidate and before certification, a participating candidate may collect and spend only seed money contributions. The restrictions on seed money contributions apply to both cash and in-kind contributions.
- B. **Total Amount**
- (1) A participating candidate must limit the candidate's total seed money contributions to the following amounts:
 - (a) two hundred thousand dollars for a gubernatorial candidate;
 - (b) one thousand five hundred dollars for a candidate for the State Senate; or
 - (c) five hundred dollars for a candidate for the State House of Representatives.
 - (2) Notwithstanding any other provision of this chapter, a candidate may carry forward to a new candidacy of that candidate campaign equipment or property, subject to the reporting requirements of Title 21-A, chapter 13 [Campaign Reports and Finances].
 - (3) The Commission periodically will review these limitations and, through rulemaking, revise these amounts to ensure effective implementation of the Act.
- C. **Required seed money for gubernatorial candidates.** In addition to the other requirements for certification, a candidate for Governor seeking to qualify for Maine Clean Election Act funding shall collect at least \$40,000 in seed money contributions from registered voters in Maine. Only cash seed money contributions count toward the \$40,000 requirement. The candidate shall obtain documentation of the contributions as required by the Act [§1125(2-B)].
- D. **Campaign surplus.** A candidate who has carried forward campaign surplus according to Title 21-A, chapter 13, subchapter II [§1017(8) and §1017(9)], and who intends to become a participating candidate, must dispose of campaign surplus in accordance with the requirements of Title 21-A, chapter 13, subchapter II [§1017(8)]; provided, however, that a candidate may carry forward only those portions of campaign surplus that comply with the provisions of this Act regarding seed money contributions [§§ 1122(9) and 1125(2)]. Any campaign surplus (excluding campaign equipment or property) carried forward under this provision will be counted toward that candidate's total seed money limit.

INFORMATIONAL NOTE: The Commission will provide educational materials to all former candidates who have a campaign surplus describing the requirement that individuals must dispose of campaign surplus to remain eligible for participation as a Maine Clean Election Act candidate.

- E. **Return of Contributions Not in Compliance with Seed Money Restrictions.** A participating candidate who receives a contribution exceeding the seed money per donor restriction or the total amount restriction must immediately return the contribution and may not cash, deposit, or otherwise use the contribution.
- F. **Case-by-Case Exception.** A participating candidate who has accepted contributions or made expenditures that do not comply with seed money restrictions may petition the Commission to remain eligible for certification as a Maine Clean Election Act candidate. The Commission may approve the petition and restore a candidate's eligibility for certification if the candidate successfully establishes all of the following criteria:
- (1) the failure to comply was the result of an unintentional error;
 - (2) the candidate immediately returned all contributions that did not comply with seed money restrictions or paid for goods or services contributed that did not comply with seed money restrictions;
 - (3) the candidate petitioned the Commission promptly upon becoming aware of the unintentional error; and
 - (4) the failure to comply did not involve expenditures by the participating candidate significantly in excess of seed money total amount restrictions or otherwise constitute systematic or significant infractions of seed money restrictions.
- G. After becoming a candidate and prior to certification, accepting a loan from any source including a financial institution and spending money received in the form of a loan, are violations of the seed money restrictions of the Act.
- H. **Other.** A seed money contributor may also make a qualifying contribution to the same participating candidate provided that the contributor otherwise meets the requirements for making a qualifying contribution.

4. **Qualifying Contributions**

- A. **General.** A participating candidate may collect qualifying contributions only during the relevant qualifying period. Qualifying contributions collected more than five days before filing a Declaration of Intent with the Commission will not be counted toward the eligibility requirement. Qualifying contributions must be acknowledged and reported on forms provided by the Commission.

The forms must include:

- (1) the name, residential address and signature of the contributor;

- (2) an affirmation by the contributor that the contribution was made with his or her personal funds, in support of the candidate and that the contributor did not receive anything of value in exchange for his or her signature and contribution;
- (3) a clear and conspicuous statement that the candidate is collecting signatures and qualifying contributions in order to obtain public funding to finance the candidate's campaign;
- (4) the signature of the municipal registrar or his or her designee verifying the voter registration of the contributors listed on the form; and
- (5) an affirmation by the person who circulated the form that the circulator collected the contribution, that to the best of the circulator's knowledge and belief the contribution came from the personal funds of the contributor, that nothing was provided to the contributor in exchange for the contribution, and any additional information required by the Commission in order to protect the reliability of the qualification process.

B. **Required Number of Qualifying Contributions.** A participating candidate must obtain the number of qualifying contributions during the qualifying period as required by the Act [§1122(7); §1122(8); §1125(3)].

C. **Exchanges for Qualifying Contributions Prohibited**

- (1) A participating candidate or an agent of that candidate may not give or offer to give a payment, gift, or anything of value in exchange for a qualifying contribution.
- (2) This provision does not prohibit a participating candidate or that candidate's agent from collecting qualifying contributions at events where food or beverages are served, or where campaign promotional materials are distributed, provided that the food, beverage, and campaign materials are offered to all persons attending the event regardless of whether or not particular persons make a qualifying contribution to the participating candidate.
- (3) This provision does not prohibit a candidate from using seed money to pay the fee for a money order provided the qualifying contributor pays the \$5 amount reflected on the money order as permitted by 21-A M.R.S.A. §1125(3).

D. **Checks Drawn on Business Accounts.** Qualifying contributions must be made with the personal funds of the contributor. The Commission will not count a check drawn from an account with a business name toward the eligibility requirements, unless the name of the contributor is included in the name of the account or the candidate submits a written statement from the contributor indicating that he or she uses the business account for personal expenses.

-  E. **Family Members.** Family members, domestic partners, and live-in caregivers who reside in a single household may make qualifying contributions in the form of a single check or money order of more than \$5 provided that:
- (1) all contributors sign the receipt and acknowledgement form;
 - (2) all contributors are registered to vote at the address of the household; and
 - (3) all contributions are made with the personal funds of the contributors.

-  F. **Verification of Registered Voters**
- (1) Before submitting qualifying contributions to the Commission, a participating candidate must establish that contributors who made qualifying contributions to that candidate are registered voters.
 - (2) For qualifying contributions made by check or by money order, a participating candidate must obtain written verification from the Registrar of the number of persons providing qualifying contributions who are registered voters within the electoral division for the office the candidate is seeking.
 -  (3) For qualifying contributions made over the Internet, the Commission may establish an automated system by which the contributor can verify his or her voter registration based on data derived from the Central Voter Registration System. If the contributor is unable to verify the voter registration, the participating candidate must obtain written verification from the Registrar.
 - (4) Upon request of a participating candidate, and within 10 business days after the date of the request, the Registrar must verify the names of contributors of qualifying contributions who are registered voters within the electoral division for the office the candidate is seeking.

-  G. **Timing of Verification.** For purposes of this chapter, the Commission will deem verification of registered voters by the Registrar at any time during the qualifying period to be an accurate verification of voter registration even if the registration status of a particular voter may have changed at the time the Commission determines certification of the participating candidate. Proof of voter verification submitted after the qualifying period will not be accepted by the Commission and those qualifying contributions will not be counted toward the number required for certification. 

SECTION 3. CERTIFICATION OF PARTICIPATING CANDIDATES

1. **Request for Certification.** A participating candidate may submit a completed request for certification to the Commission at any time during the qualifying period but not later than 5:00 p.m. on the last day of the relevant qualifying period. The request will be deemed complete and considered for certification only when the candidate has submitted to the Commission:

- A. the qualifying contributions attached to the corresponding original receipt and acknowledgement forms that have been verified by the Registrar(s) of the electoral division for the office the candidate is seeking;
 - B. a list of all individuals making qualifying contributions and their town or city of residence, sorted alphabetically by the contributor's last name;
 - C. for gubernatorial candidates, the following documentation for required seed money contributions as required by the Act ([1125(2-B)]: the acknowledgement forms signed by the contributors of seed money, list of seed money contributions, photocopies of checks or money orders received from seed money contributors, and bank or merchant account statements which list contributions made by credit or debit card;
 - D. a seed money report of contributions, expenditures, and obligations made or incurred after becoming a candidate, including a report of any unspent seed money; and
 - E. a signed request for certification on a form provided by the Commission which contains an affirmation by the candidate that he or she has complied with all seed money and qualifying contribution requirements, has established a separate federally-insured bank account for campaign purposes and, if applicable, that any person who circulated receipt and acknowledgement forms and collected qualifying contributions acted with the candidate's knowledge and consent, and any other information relevant to the certification process.
-  F. A candidate may request an extension of time to comply with paragraphs B, D, and E. The Commission staff shall grant all reasonable requests or state in writing the reasons for denying the request. The Commission and the Commission staff may not grant an extension of time to comply with paragraph A or C.
2. **Order of Review.** The Commission will review candidate requests for certification in the order in which they are received, except that it will give priority to those candidates who are in a contested primary election.
 3. **Unspent Seed Money.** In order to distribute funds expeditiously, the Commission will deduct from the initial distribution from the Fund to a certified candidate an amount equal to the amount of unspent seed money reported by that candidate.
 4. **Certification.** The Commission will certify a candidate as a Maine Clean Election Act candidate upon the participating candidate's satisfaction of the requirements of the Act [§1125] and this chapter.
 5. **Appeals.** Any appeals challenging a certification decision by the Commission must be in accordance with the Act [§1125(14)].

SECTION 4. FUND ADMINISTRATION

1. **Coordination with State Agencies.** The Commission will coordinate with the Office of the Controller and other relevant State agencies to ensure the use of timely and accurate information regarding the status of the Fund.
2. **Publication of Fund Revenue Estimates.** By September 1st preceding each election year, the Commission will publish an estimate of revenue in the Fund available for distribution to certified candidates during the upcoming year's election. The Commission will update the estimate of available revenue in the Fund after April 15th of an election year and again within 30 days after the primary election in an election year.
3. **Computation of Disbursement Amounts.** By July 1, 1999, and at least every 4 years after that date, the Commission will determine the amount of revenue to be distributed to certified candidates based on the type of election and office in accordance with the Act [§1125(8)].
4. **Authorizing Contributions due to Shortfall in the Fund.**
 - A. **Authorization by Commission to accept contributions.** If the Commission determines that the revenues in the Fund may be insufficient to make payments under section 1125 of the Act, the Commission may reduce payments of public campaign funds to certified candidates and permit them to accept and spend contributions in accordance with the Act [§1125(13)].
 - B. **Limitations on permitted contributions.** If permitted to accept contributions, a certified candidate may not accept a contribution in cash or in-kind from any contributor, including the candidate and the candidate's spouse or domestic partner, that exceeds \$750 per election for gubernatorial candidates and \$350 per election for State Senate and State House candidates. A candidate may not solicit or receive any funds in the form of a loan with a promise or expectation that the funds will be repaid to the contributor. If a contributor made a seed money contribution to a candidate, the amount of the seed money contribution shall count toward the contribution limit for the primary election. For a replacement candidate or candidate in a special election, a seed money contribution shall count toward the contribution limit for the election in which the candidate is running.
 - C. **Apportioning reductions in public funds payments.** Upon determining the amount of the projected shortfall, the Commission shall then determine the amount and apportionment of the reductions in payments to certified candidates.
 - D. **Campaign contributions to replace matching funds.** *[Repealed]*
 - E. **Written notice to candidates.** The Commission shall notify participating and certified candidates in writing of any projected shortfall in the Fund and specify timelines and procedures for compliance with this subsection in the event of a shortfall.
 - F. **Procedures for candidates.** The candidate shall deposit any authorized contributions into the campaign account into which Maine Clean Election Act funds have been deposited, except funds which must be deposited in a separate account under paragraph D. The candidate shall disclose all contributions

received in regular campaign finance reports. The Commission's expenditure guidelines for Maine Clean Election Act funds apply to the spending of the contributions authorized under this subsection.

- G. **Disposing of surplus campaign funds.** After the election, the candidate must return any surplus campaign funds which the candidate was authorized to spend to the Commission upon the filing of the 42-day post-election report except for any money retained for purposes of an audit by the Commission pursuant to section 7, subsection 2(B). If the candidate has collected campaign contributions which the candidate was not authorized to spend, the candidate may dispose of those funds within 60 days after the election by returning them to the contributors, donating them to the Maine Clean Election Fund, or by making an unrestricted gift to the State. All expenditures of surplus campaign funds must be disclosed in campaign finance reports in accordance with 21-A M.R.S.A. § 1017.
- H. **Effect of fundraising on matching funds calculation.** *[Repealed]*

SECTION 5. DISTRIBUTION OF FUNDS TO CERTIFIED CANDIDATES

1. Fund Distribution

- A. **Establishment of Account.** Upon the certification of a participating candidate, the Commission will establish an account with the Office of the Controller, or such other State agency as appropriate, for that certified candidate. The account will contain sufficient information to enable the distribution of revenues from the Fund to certified candidates by the most expeditious means practicable that ensures accountability and safeguards the integrity of the Fund.
- B. **Manner of Distribution of Fund.** The Commission will authorize distribution of revenues from the Fund to certified candidates in accordance with the time schedule specified in the Act [§1125(7)] by the most expeditious means practicable that ensures accountability and safeguards the integrity of the Fund. Such means may include, but are not limited to:
- (1) checks payable to the certified candidate or the certified candidate's political committee; or
 - (2) electronic fund transfers to the certified candidate's or the certified candidate's political committee's campaign finance account.
- C. **Coordination with Other State Agencies.** The Commission will coordinate with the Office of the Controller and other relevant State agencies to implement a mechanism for the distribution of Fund revenues to certified candidates that is expeditious, ensures public accountability, and safeguards the integrity of the Fund.

SECTION 6. LIMITATIONS ON CAMPAIGN EXPENSES

A certified candidate must:

1. limit the candidate's campaign expenditures and obligations to the applicable Clean Election Act Fund distribution amounts;
2. not accept any contributions unless specifically authorized in writing to do so by the Commission in accordance with the Act [§1125(2) and §1125(13)];
3. use revenues distributed from the Fund only for campaign-related purposes as outlined in guidelines published by the Commission, and not for personal or any other use;
4. not use revenues distributed from the Fund to purchase goods to sell for profit;
5. not spend more than the following amounts of Fund revenues on post-election parties, thank you notes, or advertising to thank supporters or voters:
 - A. \$250 for a candidate for the State House of Representatives;
 - B. \$750 for a candidate for the State Senate; and
 - C. \$2,500 by a gubernatorial candidate.

The candidate may also use his or her personal funds for these purposes; and

6. not use revenues distributed from the Fund for the payment of fines, forfeitures, or civil penalties, or for the defense of any enforcement action of the Commission.

SECTION 7. RECORD KEEPING AND REPORTING

1. **Record Keeping by Participating and Certified Candidates.** Participating and certified candidates and their treasurers must comply with applicable record keeping requirements set forth in Title 21-A, chapter 13, subchapter II [§1016], and chapter 14 [§1125(12-A)]. Failure to keep or produce the records required under Title 21-A and these rules is a violation of the Act for which the Commission may impose a penalty. The Commission may also require the return of funds for expenditures lacking supporting documentation if a candidate or treasurer is found in violation of the record keeping requirements. The candidate or the treasurer shall have an opportunity to be heard prior to any Commission decision imposing a penalty or requiring the return of funds under this section. In addition to these specific actions, the Commission may also take any other action authorized under Title 21-A.
 - A. **Fiduciary Responsibility for Funds.** All funds provided to a certified candidate or to a candidate's authorized political committee must be segregated from, and may not be commingled with, any other funds, other than unspent seed money.
 - B. **Meal Expenses.** A candidate or treasurer must obtain and keep a record for each meal expenditure of more than \$50. The record must include itemized bills for the meals, the names of all participants in the meals, the relationship of each participant to the campaign, and the specific, campaign-related purpose of each meal.

- C. **Vehicle Travel Expenses.** If a campaign uses public campaign funds to reimburse the candidate or another individual for their vehicle travel, the candidate or treasurer must obtain and keep a record of vehicle travel expenses for which reimbursements are made.
- (1) **Amount of reimbursement.** Reimbursement may not exceed the standard mileage rate prescribed for employees of the State of Maine for the year in which the election occurs. A candidate may be reimbursed for vehicle travel expenses at a rate less than the standard mileage rate. A candidate may also reimburse a volunteer for vehicle travel expenses at a rate less than the standard mileage rate as long as the difference does not exceed \$100 per volunteer per election.
 - (2) **Contents of record.** For each trip for which reimbursement is made, a record must be maintained showing the dates of travel, the number of miles traveled, the origination (if different than the residence of the person reimbursed), destination and purpose of the travel, and the total amount claimed for reimbursement. The record should contain an affirmation by the person being reimbursed that it is an accurate record of the dates, purpose, and distance of the campaign travel. The person seeking the reimbursement must have recorded the details of the campaign travel contemporaneously with the travel or within two calendar days afterward.
 - (3) **Penalties for non-compliance.** The Commission may disallow any vehicle travel reimbursements for which the candidate or the treasurer cannot produce a record maintained in accordance with this Rule and may require the campaign to repay the amount of the reimbursement to the Maine Clean Election Fund. The Commission may also assess a penalty pursuant 21-A M.R.S.A. §1127(1) if a campaign reimburses travel expenses without having kept a record that is fully compliant with the requirements of this Rule.
2. **Reporting by Participating and Certified Candidates**
- A. **General.** Participating and certified candidates must comply with applicable reporting requirements set forth in Title 21-A, chapter 13, subchapter II [§1017].
 - B. **Return of Unspent Fund Revenues.** Unspent Fund revenues shall be returned to the Fund as follows:
 - (1) **Unauthorized Matching Funds.** *[Repealed]*
 - (2) **Unspent Fund Revenues for Unsuccessful Primary Election Candidates.** Upon the filing of the 42-day post-primary election report for a primary election in which a certified candidate was defeated, that candidate must return all unspent Fund revenues to the Commission by check or money order payable to the Fund, except that a gubernatorial

candidate may be allowed to reserve up to \$2,000 in order to defray expenses associated with an audit by the Commission.

- (2-A) **Unspent Matching Funds for Successful Primary Election Candidates.** *[Repealed]*
 - (3) **Unspent Fund Revenues for All General and Special Election Candidates.** Upon the filing of the 42-day post-election report for a general or special election, all candidates must return all unspent Fund revenues to the Commission by check or money order payable to the Fund, except that a gubernatorial candidate may be allowed to reserve up to \$3,500 in order to defray expenses associated with an audit by the Commission.
- C. **Liquidation of Property and Equipment.** Property and equipment that is not exclusive to use in a campaign (e.g., computers and associated equipment, etc.) that has been purchased with Maine Clean Election Act funds loses its campaign-related purpose following the election. Such property and equipment purchased for \$50 or more must be liquidated at its fair market value and the proceeds thereof reimbursed to the Maine Clean Election Fund as unspent fund revenues in accordance with the schedule in paragraph B above. Candidates may not return unsold property or equipment to the Commission.
- (1) The liquidation of campaign property and equipment may be done by sale to another person or purchase by the candidate.
 - (2) Liquidation must be at the fair market value of the property or equipment at the time of disposition. Fair market value is determined by what is fair, economic, just, equitable, and reasonable under normal market conditions based upon the value of items of similar description, age, and condition as determined by acceptable evidence of value. A campaign's sale of property or equipment through an on-line commercial auction shall be considered by the Commission as a factor in favor of determining that the campaign has recovered the fair market value of the property or equipment.
 - (3) If the campaign sells the property or equipment to the candidate or a member of the candidate's immediate family or campaign staff, the campaign must receive at least 75% of the original purchase price.

SECTION 8. RECOUNTS, VACANCIES, WRITE-IN CANDIDATES, SPECIAL ELECTIONS

- 1. **Recounts.** After a primary election, if there is a recount governed by Title 21- A, chapter 9, subchapter III, article III [§737-A], and either the leading candidate or the 2nd-place candidate is a certified candidate, the following provisions will apply:
 - A. If the margin between the leading candidate and the 2nd-place candidate is less than 1% of the total number of votes cast in that race and a recount is presumed necessary, the certified candidate immediately must halt the expenditure of revenues disbursed to the candidate from the Fund upon receiving notice of the recount until the recount is complete.

- B. If the recount results in a changed winner, the certified candidate who originally received the disbursement must return any unspent distributions from the Fund to the Commission, payable to the Fund. If the new winner is a certified candidate, the Commission will distribute the applicable disbursement amount to the candidate.
- C. If the margin between the leading candidate and 2nd-place candidate is 1% or greater of the total number of votes cast in that race and the 2nd-place candidate requests a recount, the leading candidate, if a certified candidate, is not required to freeze expenditures of the disbursement.
- D. If the recount results in a changed winner, the certified candidate must return any unspent distributions from the Fund to the Commission, payable to the Fund. If the new winner is a certified candidate, the Commission will distribute the applicable disbursement amount to the candidate.

2. **Death, Withdrawal, or Disqualification of a Candidate During Campaign**

- A. **Death, Withdrawal, or Disqualification Before Primary Election.** If a candidate dies, withdraws, or is disqualified before the primary election, the Commission will establish a qualifying period during which any replacement candidate may become a participating candidate, collect qualifying contributions, and apply to become a certified candidate.
- B. **Death, Withdrawal, or Disqualification After the Primary Election and before 5:00 p.m. on the 2nd Monday in July Preceding the General Election.** If a candidate dies, withdraws, or is disqualified before 5:00 p.m. on the 2nd Monday in July preceding the general election, any replacement candidate will have a qualifying period from the time of the candidate's nomination until 30 days after the 4th Monday in July as a participating candidate to collect qualifying contributions and request certification.
- C. **Death, Withdrawal, or Disqualification after 5:00 p.m. on the 2nd Monday in July Preceding the General Election.** If a candidate dies, withdraws, or is disqualified after 5:00 p.m. on the 2nd Monday in July preceding the general election, the Commission will establish a qualifying period during which any replacement candidate may become a participating candidate, collect qualifying contributions, and apply to become a certified candidate.
- D. **Replacement Candidates Who Are Participating Candidates.** Any replacement candidate choosing to become a participating candidate must otherwise comply with the requirements of this chapter and the Act including, but not limited to, seed money limits and qualifying contribution requirements. The Commission will notify any replacement candidates of the opportunity to participate in the Act and the procedures for compliance with this chapter during a special election.

3. **Write-In Candidates**

- A. Write-in candidates are subject to the registration requirements of Title 21-A M.R.S.A. §1013-A and the campaign finance reporting requirements of §1017, as

soon as they qualify as a nominee pursuant to 21-A M.R.S.A §723, file a declaration of write-on candidacy with the Secretary of State pursuant to 21-A M.R.S.A. §722-A, or receive contributions or make expenditures with the intent of qualifying as a candidate in the primary or general election, whichever first occurs.

- B. Write-in candidates may not participate in the Maine Clean Election Act, except as provided in paragraph C.
- C. A write-in candidate in a primary election who becomes a party's nominee may participate in the Maine Clean Election Act for the general election. The Commission will establish a qualifying period during which the candidate may become a participating candidate, collect qualifying contributions, and apply to become a certified candidate.
- D. A candidate who is participating in the Maine Clean Election Act and who has no opponent listed on the ballot will be presumed to be in an uncontested election even if there are one or more individuals running as write-in candidates. The participating candidate may rebut this presumption by presenting evidence to the Commission that the write-in opponent(s) received or spent substantial campaign funds. Based upon the evidence presented, the Commission may make a determination that it is a "contested election" and make a distribution of public funds to the participating candidate on that basis.

4. **Special Election When One or More Candidates Desire to Become Certified Candidates.** If a vacancy occurs in the office of Governor, Senator, or Representative because an incumbent dies, resigns, becomes disqualified, or changes residence to another electoral division, and a special election will be held to fill the vacant office, the following provisions apply:

- A. The Commission, in consultation with the Secretary of State, will establish a qualifying period during which any candidate in a special election may decide to become a participating candidate, collect qualifying contributions, and apply to become a certified candidate; and
- B. Any candidate in a special election must otherwise comply with the requirements of this chapter and the Act including, but not limited to, seed money limits and qualifying contribution requirements. The Commission will notify any candidates of the opportunity to participate in the Act and the procedures for compliance with this chapter during a special election.

5. **Return of Unspent Fund Revenues.** Any time a certified candidate withdraws, is disqualified, or dies before an election, the candidate or the candidate's agent must return to the Commission all unspent amounts distributed to the candidate by check or money order payable to the fund, within 2 weeks of the termination of the candidacy.

STATUTORY AUTHORITY: 1 M.R.S.A. §1003(1); 21-A M.R.S.A. §1126.

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July 11, 2012 – filing 2012-166

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Chapter 375: MAINE ADMINISTRATIVE PROCEDURE ACT

Subchapter 4: ADJUDICATORY PROCEEDINGS

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§9051. SCOPE

1. Adjudicatory proceeding. In any adjudicatory proceedings, except those proceedings involving correctional facilities, the Workers' Compensation Board, the Maine Motor Vehicle Franchise Board or the State Parole Board, the procedures of this subchapter apply.

[2005, c. 61, §1 (AMD) .]

2. Hearing. Unless a hearing is required by statute, the requirements of this subchapter, except the notice provisions of section 9052, subsection 1, shall not apply until a request for a hearing is made under section 9052, subsection 1, paragraph A, or a hearing is set by the agency.

[1977, c. 551, §3 (NEW) .]

3. Filing and service. The filing of any submission in any adjudicatory proceeding or the service of any paper on a party to an adjudicatory proceeding is complete:

A. Upon an agency when the agency receives the submission or the paper by mail, in-hand delivery or any other means specified by the agency; or [1989, c. 297, §2 (NEW) .]

B. Upon a party upon mailing of the paper to the party or the party's attorney, upon in-hand delivery to the recipient or by delivery to the recipient's office. [1989, c. 297, §2 (NEW) .]

[1989, c. 297, §2 (NEW) .]

SECTION HISTORY

1977, c. 551, §3 (NEW). 1977, c. 616, §1 (AMD). 1977, c. 694, §§35-A (AMD). 1979, c. 127, §39 (AMD). 1989, c. 297, §2 (AMD). 1991, c. 885, §D2 (AMD). 2005, c. 61, §1 (AMD).

§9051-A. NOTICE OF ENVIRONMENTAL AGENCY ADJUDICATORY PROCEEDINGS

Whenever adjudicatory hearings are held by the Department of Agriculture, Conservation and Forestry, the Department of Environmental Protection and the Board of Pesticides Control, the hearings shall be held in accordance with the provisions of this section. [1987, c. 653, §1 (NEW); 2011, c. 657, Pt. W, §5 (REV).]

1. Notice of opportunity for hearing; license applications with substantial public interest. When the applicable law or the Constitution of Maine requires that an opportunity for a hearing be provided or an agency deems in any proceeding that a substantial public interest is involved, notice shall be given as follows.

A. Notice of the pending license application shall be provided 30 days next prior to the date of the expected date of an agency decision. Notice shall be provided by mail to:

(1) The person or persons whose legal rights, duties or privileges are at issue;

- (2) The municipality or municipalities affected by the license application, as determined by the agency or board to the best of its ability;
- (3) The county, if the affected locality as determined by the agency or board to the best of its ability is an unorganized territory;
- (4) The Legislators of the geographic area or areas affected by the issue; and
- (5) Persons who have made timely requests to be notified of an agency deliberation of a specific license application.

Interested persons may prepare and submit evidence and argument to the agency and request a hearing on the issue. [1987, c. 653, §1 (NEW) .]

[1987, c. 653, §1 (NEW) .]

2. Hearing required. When a hearing is required by the Constitution of Maine, the applicable law or by agency regulation or has been requested pursuant to subsection 1, notice of the hearing shall be provided 30 days next prior to the scheduled initial hearing.

A. The notice shall be provided by mail to:

- (1) The person or persons whose legal rights, duties or privileges are at issue;
- (2) The municipality or municipalities affected by the license application, as determined by the agency or board to the best of its ability;
- (3) The county, if the affected locality as determined by the agency or board to the best of its ability is an unorganized territory;
- (4) The Legislators of the geographic area or areas affected by the issue;
- (5) Intervenors;
- (6) Persons who have made timely requests to be notified of a specific hearing; and
- (7) Persons who have filed a written request, within the calendar year, to be notified of hearings.

In the event that new hearings on a pending license application or an existing license are required, notice shall be provided 30 days next prior to the scheduled hearing as herein provided. When hearings are continued with respect to a license application, this 30 days' notice shall not apply. [1987, c. 653, §1 (NEW) .]

[1987, c. 653, §1 (NEW) .]

3. Notice to the public. Notice to the public must be given by:

A. Publication twice in a newspaper of general circulation in the area of the proposed activity and in areas affected by the license application as determined by the agency or board to the best of its ability.

- (1) Notice must be published in plain and clear English that can be readily understood by the general public.
- (2) The notice must be published in the legal notices section in a form readily noticeable by the general public.
- (3) With respect to notice of an opportunity for a hearing pursuant to subsection 1, the date of the first publication must be 30 days next prior to the date of the expected agency decision on the license application.

(4) With respect to notice of a hearing pursuant to subsection 2, the date of the first publication must be 30 days next prior to the hearing.

(5) With respect to notice of an opportunity for a hearing pursuant to subsection 1, the date of the 2nd publication must be at least 7 days and no more than 13 days before the date of the expected agency decision on the license application.

(6) With respect to notice of an opportunity for a hearing pursuant to subsection 2, the date of the 2nd publication must be at least 7 days and no more than 13 days before the date of the hearing. [2013, c. 300, §2 (AMD).]

B. [2013, c. 300, §2 (RP).]

C. [2013, c. 300, §2 (RP).]

[2013, c. 300, §2 (AMD) .]

SECTION HISTORY

1987, c. 653, §1 (NEW). 2011, c. 657, Pt. W, §5 (REV). 2013, c. 300, §2 (AMD).

§9052. NOTICE

1. Notice of hearing. When the applicable statute or constitutional law requires that an opportunity for hearing shall be provided, notice shall be given as follows:

A. To the person or persons whose legal rights, duties or privileges are at issue, by regular mail, sufficiently in advance of the anticipated time of the decision to afford an adequate opportunity to prepare and submit evidence and argument, and to request a hearing if so desired; and [1977, c. 551, §3 (NEW).]

B. In any proceeding deemed by the agency to involve the determination of issues of substantial public interest, to the public sufficiently in advance of the anticipated time of the decision to afford interested persons an adequate opportunity to prepare and submit evidence and argument, and to request a hearing if so desired. [1977, c. 551, §3 (NEW).]

[1977, c. 551, §3 (NEW) .]

2. Hearing required. When a hearing is required by the applicable statute or by agency regulation, or has been requested pursuant to subsection 1, paragraph A, or has been set in an exercise of the agency's discretion, notice shall be given as follows:

A. To the person or persons whose legal rights, duties or privileges are at issue, by regular mail, sufficiently in advance of the hearing date to afford an adequate opportunity to prepare and submit evidence and argument; and [1977, c. 551, §3 (NEW).]

B. In any proceeding deemed by the agency to involve the determination of issues of substantial public interest, to the public sufficiently in advance of the hearing date to afford interested persons an adequate opportunity to prepare and submit evidence and argument and to petition to intervene pursuant to section 9054. [1977, c. 551, §3 (NEW).]

[1977, c. 551, §3 (NEW) .]

3. Notice to the public. Notice to the public shall be given:

- A. By publication, at least twice in a newspaper of general circulation in the area of the state affected; [1977, c. 551, §3 (NEW) .]
- B. By publication in any other trade, industry, professional or interest group publication which the agency deems effective in reaching persons who would be entitled to intervene as of right under section 9054, subsection 1; and [1977, c. 551, §3 (NEW) .]
- C. In any other manner deemed appropriate by the agency. [1977, c. 551, §3 (NEW) .]

4. Notice. Notice shall consist of:

- A. A statement of the legal authority and jurisdiction under which the proceeding is being conducted; [1977, c. 551, §3 (NEW) .]
- B. A reference to the particular substantive statutory and rule provisions involved; [1977, c. 551, §3 (NEW) .]
- C. A short and plain statement of the nature and purpose of the proceeding and of the matters asserted; [1977, c. 551, §3 (NEW) .]
- D. A statement of the time and place of the hearing, or the time within which a hearing may be requested; [1977, c. 551, §3 (NEW) .]
- E. A statement of the manner and time within which evidence and argument may be submitted to the agency for consideration, whether or not a hearing has been set; and [1977, c. 551, §3 (NEW) .]
- F. When a hearing has been set, a statement of the manner and time within which applications for intervention under section 9054 may be filed. [1977, c. 551, §3 (NEW) .]

[1977, c. 551, §3 (NEW) .]

5. Cancellation or change of hearing. If a scheduled hearing is cancelled or postponed to a later date, the agency shall provide timely notice to the persons described in section 9051 and, if applicable, to the persons and localities listed in section 9051-A and other persons the agency is required to notify or customarily notifies of hearings.

[1987, c. 653, §2 (NEW) .]

SECTION HISTORY

1977, c. 551, §3 (NEW). 1987, c. 653, §2 (AMD) .

§9052-A. HOLDING OF HEARINGS

Whenever an agency, including environmental agencies, holds a hearing pursuant to this subchapter, the agency shall strive to hold a hearing in the area or areas of the State which are significantly affected by the license application or which are concerned about the issue. [1987, c. 653, §3 (NEW).]

SECTION HISTORY
1987, c. 653, §3 (NEW).

§9053. DISPOSITION WITHOUT FULL HEARING

Unless otherwise provided by law, agencies may: [1977, c. 551, §3 (NEW).]

1. Responsibility. Place on any party the responsibility of requesting a hearing if the agency notifies him in writing of his right to a hearing, and of his responsibility to request the hearing;

[1977, c. 551, §3 (NEW) .]

2. Stipulation, settlement, consent order. Make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement or consent order;

[1977, c. 551, §3 (NEW) .]

3. Default. Make informal disposition of any adjudicatory proceeding by default, provided that notice has been given that failure to take required action may result in default, and further provided that any such default may be set aside by the agency for good cause shown; and

[1977, c. 551, §3 (NEW) .]

4. Issues limited. Limit the issues to be heard or vary any procedure prescribed by agency rule or this subchapter if the parties and the agency agree to such limitation or variation, or if no prejudice to any party will result.

[1977, c. 551, §3 (NEW) .]

SECTION HISTORY
1977, c. 551, §3 (NEW).

§9054. PUBLIC PARTICIPATION

1. Intervention. On timely application made pursuant to agency rules, the agency conducting the proceedings shall allow any person showing that he is nor may be, or is a member of a class which is or may be, substantially and directly affected by the proceeding, or any other agency of federal, state or local government, to intervene as a party to the proceeding.

[1977, c. 551, §3 (NEW) .]

2. Intervention; interested person. The agency may, by order, allow any other interested person to intervene and participate as a full or limited party to the proceeding. This subsection shall not be construed to limit public participation in the proceeding in any other capacity.

[1977, c. 551, §3 (NEW) .]

3. Participation limited or denied. When participation of any person is limited or denied, the agency shall include in the record an entry to that effect and the reasons therefor.

[1977, c. 551, §3 (NEW) .]

4. Consolidation of presentations. Where appropriate, the agency may require consolidation of presentations of evidence and argument by members of a class entitled to intervene under subsection 1, or by persons allowed to intervene under subsection 2.

[1977, c. 551, §3 (NEW) .]

5. Participation. The agency shall allow any of its staff to appear and participate in any adjudicatory proceeding.

[1977, c. 551, §3 (NEW) .]

SECTION HISTORY

1977, c. 551, §3 (NEW) .

§9055. EX PARTE COMMUNICATIONS; SEPARATION OF FUNCTIONS

1. Communication prohibited. In any adjudicatory proceeding, no agency members authorized to take final action or presiding officers designated by the agency to make findings of fact and conclusions of law may communicate directly or indirectly in connection with any issue of fact, law or procedure, with any party or other persons legally interested in the outcome of the proceeding, except upon notice and opportunity for all parties to participate.

[1985, c. 506, Pt. A, §5 (AMD) .]

2. Communication permitted. This section shall not prohibit any agency member or other presiding officer described in subsection 1 from:

A. Communicating in any respect with other members of the agency or other presiding officers; or [1977, c. 551, §3 (NEW) .]

B. Having the aid or advice of those members of his own agency staff, counsel or consultants retained by the agency who have not participated and will not participate in the adjudicatory proceeding in an advocate capacity. [1979, c. 425, §11 (AMD).]

[1979, c. 425, §11 (AMD) .]

SECTION HISTORY

1977, c. 551, §3 (NEW). 1979, c. 425, §11 (AMD). 1985, c. 506, SA5 (AMD).

§9056. OPPORTUNITY TO BE HEARD

1. Opportunity for hearing. The opportunity for hearing in an adjudicatory proceeding shall be afforded without undue delay.

[1977, c. 551, §3 (NEW) .]

2. Rights. Unless limited by stipulation under section 9053, subsection 4, or by agency order pursuant to section 9054, subsections 2 or 4, or unless otherwise limited by the agency to prevent repetition or unreasonable delay in proceedings, every party shall have the right to present evidence and arguments on all issues, and at any hearing to call and examine witnesses and to make oral cross-examination of any person present and testifying.

[1977, c. 551, §3 (NEW) .]

SECTION HISTORY

1977, c. 551, §3 (NEW).

§9057. EVIDENCE

1. Rules of privilege. Unless otherwise provided by statute, agencies need not observe the rules of evidence observed by courts, but shall observe the rules of privilege recognized by law.

[1977, c. 551, §3 (NEW) .]

2. Evidence. Evidence shall be admitted if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Agencies may exclude irrelevant or unduly repetitious evidence.

[1977, c. 551, §3 (NEW) .]

3. Witnesses. All witnesses shall be sworn.

[1977, c. 551, §3 (NEW) .]

4. Prefiling testimony. Subject to these requirements, an agency may, for the purposes of expediting adjudicatory proceedings, require procedures for the prefiling of all or part of the

testimony of any witness in written form. Every such witness shall be subject to oral cross-examination.

[1977, c. 551, §3 (NEW) .]

5. Written evidence; exception. No sworn written evidence shall be admitted unless the author is available for cross-examination or subject to subpoena, except for good cause shown.

[1977, c. 551, §23 (NEW) .]

6. Confidential information. Information may be disclosed that is confidential pursuant to Title 22, chapters 958-A and 1071 and sections 7703 and 1828; Title 24, section 2506; and Title 34-A, except for information, the disclosure of which is absolutely prohibited under Title 34-A, section 1216. Disclosure may be only for the determination of issues involving unemployment compensation proceedings relating to a state employee, state agency personnel actions and professional or occupational board licensure, certification or registration.

A. For the purpose of this subsection, "hearing officer" means presiding officer, judge, board chair, arbitrator or any other person considered responsible for conducting a proceeding or hearing subject to this subsection. In the case of the Civil Service Appeals Board, the presiding officer is the entire board. "Employees of the agency" means employees of a state agency or department or members, agents or employees of a board who are directly related to and whose official duties involve the matter at issue. [2003, c. 205, §1 (AMD) .]

B. The confidential information disclosed pursuant to this subsection is subject to the following limitations:

- (1) The hearing officer determines that introduction of the confidential information is necessary for the determination of an issue before the hearing officer;
- (2) During the introduction of confidential information, the proceeding is open only to the hearing officer, employees of the agency, parties, parties' representatives, counsel of record and the witness testifying regarding the information, and access to the information is limited to these people. Disclosure is limited to information directly related to the matter at issue;
- (3) Witnesses are sequestered during the introduction of confidential information, except when offering testimony at the proceeding;
- (4) The names or identities of reporters of confidential information or of other persons may not be disclosed, except when disclosure is determined necessary and relevant by the hearing officer; and
- (5) After hearing, the confidential information is sealed within the record and may not be further disclosed, except upon order of court. [1997, c. 271, §1 (AMD) .]

[2003, c. 205, §1 (AMD) .]

SECTION HISTORY

1977, c. 551, §3 (NEW). 1987, c. 714, §1 (AMD). 1989, c. 175, §1 (AMD). 1997, c. 271, §1 (AMD). 2003, c. 205, §1 (AMD).

§9058. OFFICIAL NOTICE

1. Official notice. Agencies may take official notice of any facts of which judicial notice could be taken, and in addition may take official notice of general, technical or scientific matters within their specialized knowledge and of statutes, regulations and nonconfidential agency records. Parties shall be notified of the material so noticed, and they shall be afforded an opportunity to contest the substance or materiality of the facts noticed.

[1977, c. 551, §3 (NEW) .]

2. Facts. Facts officially noticed shall be included and indicated as such in the record.

[1977, c. 551, §3 (NEW) .]

3. Evaluation of evidence. Notwithstanding the foregoing, agencies may utilize their experience, technical competence and specialized knowledge in the evaluation of the evidence presented to them.

[1977, c. 551, §3 (NEW) .]

SECTION HISTORY

1977, c. 551, §3 (NEW) .

§9059. RECORD

1. Record. In an adjudicatory proceeding, the agency shall make a record consisting of:

A. All applications, pleadings, motions, preliminary and interlocutory rulings and orders; [1977, c. 551, §3 (NEW) .]

B. Evidence received or considered; [1977, c. 551, §3 (NEW) .]

C. A statement of facts officially noticed; [1977, c. 551, §3 (NEW) .]

D. Offers of proof, objections and rulings thereon; [1977, c. 551, §3 (NEW) .]

E. Proposed findings and exceptions, if any; [1977, c. 551, §3 (NEW) .]

F. The recommended decision, opinion or report, if any, by the presiding officer; [1977, c. 551, §3 (NEW) .]

G. The decision of the agency; and [1977, c. 551, §3 (NEW) .]

H. All staff memoranda submitted to the members of the agency or other presiding officers by agency staff in connection with their consideration of the case, except memoranda of counsel to the agency. [1977, c. 551, §3 (NEW) .]

[1977, c. 551, §3 (NEW) .]

2. Hearings recorded. The agency shall record all hearings in a form susceptible to transcription. Portions of the record as required and specified in subsection 1 may be included in

the recording. The agency shall transcribe the recording when necessary for the prosecution of an appeal.

[1977, c. 551, §3 (NEW) .]

3. Record; copies. The agency shall make a copy of the record, including recordings made pursuant to subsection 2, available at its principal place of operation, for inspection by any person during normal business hours; and shall make copies of the record, copies of recordings or transcriptions of recordings available to any person at actual cost. Notwithstanding the provisions of this subsection, the agency shall withhold, obliterate or otherwise prevent the dissemination of any portions of the record which are made confidential by state or federal statute, but shall do so in the least restrictive manner feasible.

[1977, c. 551, §3 (NEW) .]

4. Decision on the record. All material, including records, reports and documents in the possession of the agency, of which it desires to avail itself as evidence in making a decision, shall be offered and made a part of the record and no other factual information or evidence shall be considered in rendering a decision.

[1977, c. 551, §3 (NEW) .]

5. Documentary evidence. Documentary evidence may be incorporated in the record by reference when the materials so incorporated are made available for examination by the parties before being received in evidence.

[1977, c. 551, §3 (NEW) .]

SECTION HISTORY
1977, c. 551, §3 (NEW) .

§9060. SUBPOENAS AND DISCOVERY

1. Proceedings. In any adjudicatory proceeding for which the agency, by independent statute, has authority to issue subpoenas, any party shall be entitled as of right to their issuance in the name of the agency to require the attendance and testimony of witnesses and the production of any evidence relating to any issue of fact in the proceeding.

In any proceeding in which the conducting agency lacks independent authority to issue subpoenas, any party may request the issuance of a subpoena by the agency, and the agency is hereby authorized to issue the same if it first obtains the approval of the Attorney General or of any deputy attorney general. Such approval shall be given when the testimony or evidence sought is relevant to any issue of fact in the proceeding.

When properly authorized, subpoenas may be issued by the agency or by any person designated by the agency for that purpose, in accordance with the following provisions:

A. The agency may prescribe the form of subpoena, but it shall adhere, insofar as practicable, to the form used in civil cases before the courts. Witnesses shall be subpoenaed only within the territorial limits and in the same manner as witnesses in civil cases before the courts, unless another territory or manner is provided by law. Witnesses subpoenaed shall be paid

the same fees for attendance and travel as in civil cases before the courts. Such fees shall be paid by the party requesting the subpoena. [1977, c. 551, §3 (NEW).]

B. Any subpoena issued shall show on its face the name and address of the party at whose request it was issued. [1977, c. 551, §3 (NEW).]

C. Any witness subpoenaed may petition the agency to vacate or modify a subpoena issued in its name. The agency shall give prompt notice to the party who requested issuance of the subpoena. After such investigation as the agency considers appropriate, it may grant the petition in whole or in part upon a finding that the testimony or the evidence whose production is required does not relate with reasonable directness to any matter in question, or that a subpoena for the attendance of a witness or the production of evidence is unreasonable or oppressive or has not been issued a reasonable period in advance of the time when the evidence is requested. [1977, c. 551, §3 (NEW).]

D. Failure to comply with a subpoena lawfully issued in the name of the agency and not revoked or modified by the agency as provided in this section shall be punishable as for contempt of court. [1977, c. 694, §36 (AMD).]

[1977, c. 694, §36 (AMD) .]

2. Adoption of rules. Each agency having power to conduct adjudicatory proceedings may adopt rules providing for discovery to the extent and in the manner appropriate to its proceeding.

[1977, c. 551, §3 (NEW) .]

SECTION HISTORY

1977, c. 551, §3 (NEW). 1977, c. 694, §36 (AMD).

§9061. DECISIONS

Every agency decision made at the conclusion of an adjudicatory proceeding shall be in writing or stated in the record, and shall include findings of fact sufficient to apprise the parties and any interested member of the public of the basis for the decision. A copy of the decision shall be delivered or promptly mailed to each party to the proceeding or his representative of record. Written notice of the party's rights to review or appeal of the decision within the agency or review of the decision by the courts, as the case may be, and of the action required and the time within which such action must be taken in order to exercise the right of review or appeal, shall be given to each party with the decision. [1977, c. 551, §3 (NEW).]

The agency shall maintain a record of the vote of each member of the agency with respect to the agency decision. [1977, c. 551, §3 (NEW).]

SECTION HISTORY

1977, c. 551, §3 (NEW).

§9062. PRESIDING OFFICERS

1. Presiding officer. An agency may authorize any agency member, employee or agent to act as presiding officer in any hearing.

[1977, c. 551, §3 (NEW) .]

2. Substitute officer. Whenever a presiding officer is disqualified or it becomes impracticable for him to continue the hearing, another presiding officer may be assigned to continue with the hearing; provided that, if it is shown substantial prejudice to any party will thereby result, the substitute officer shall commence the hearing anew.

[1977, c. 551, §3 (NEW) .]

3. Presiding officer; duties. Subject to rules or limitations imposed by the agency, presiding officers may:

A. Administer oaths and affirmations; [1977, c. 551, §3 (NEW) .]

B. Rule on the admissibility of evidence; [1977, c. 551, §3 (NEW) .]

C. Regulate the course of the hearing, set the time and place for continued hearings, and fix the time for filing of evidence, briefs and other written submissions; and [1977, c. 551, §3 (NEW) .]

D. Take other action authorized by statute or agency rule consistent with this subchapter. [1977, c. 551, §3 (NEW) .]

[1977, c. 551, §3 (NEW) .]

4. Report. In the event that the presiding officer prepares any report or proposed findings for the agency, the report or findings shall be in writing. A copy of the report or findings shall be provided to each party and an opportunity shall be provided for response or exceptions to be filed by each party.

[1977, c. 551, §3 (NEW) .]

SECTION HISTORY

1977, c. 551, §3 (NEW) .

§9063. BIAS OF PRESIDING OFFICER OR AGENCY MEMBER

1. **Hearings; impartial.** Hearings shall be conducted in an impartial manner. Upon the filing in good faith by a party of a timely charge of bias or of personal or financial interest, direct or indirect, of a presiding officer or agency member in the proceeding requesting that that person disqualify himself, that person shall determine the matter as a part of the record.

[1977, c. 551, §3 (NEW) .]

2. **Counsel.** Notwithstanding section 9055, the person involved may consult with private counsel concerning the charge.

[1977, c. 551, §3 (NEW) .]

SECTION HISTORY
1977, c. 551, §3 (NEW) .

§9064. ENFORCEMENT

The agency shall be entitled to enforce its order in the courts by way of injunction or other appropriate legal remedy. [1977, c. 551, §3 (NEW) .]

SECTION HISTORY
1977, c. 551, §3 (NEW) .