



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

To: Commissioners

From: Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: August 17, 2016

Re: Request for Waiver of Late-Filing Penalty by the Friends of Maine Hospitals PAC

This is the first of three penalty matters on the agenda for your August 31, 2016 meeting (items four to six) involving PACs that were not aware that they needed to file a 24-Hour Report for large transactions that occurred in the final 13 days before the June 2016 primary election. The preliminary penalties for these three PACs are in a mid-level range (\$1,680 - \$6,721). The staff is recommending that you reduce the penalty for each PAC to \$500.

In the thirteen days before an election, all political action committees, ballot question committees and political parties must file a report within 24 hours of receiving any single contribution of \$5,000 or more or making any expenditure of \$1,000 or more.¹ On June 6, 2016, the Friends of Maine Hospitals PAC (the PAC) made two \$1,000.00 expenditures in the form of contributions to two other PACs. It was required to report these expenditures in a 24-Hour Report by June 7, 2016, but did not do so until July 19, 2016.

¹ Candidates have a similar 24-hour reporting requirement, except with a lower reporting threshold (\$1,000) for contributions.

LEGAL REQUIREMENTS

PACs are required to report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made during the 13 days before an election within 24 hours of that transaction. (21-A M.R.S.A. § 1059(2)(E)) If the PAC is late in filing the 24-Hour Report, the amount of the penalty is set by a formula which takes into consideration the amount of the transaction, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1062-A(3)) The 2015 citizen initiative increased the penalties for late campaign finance reports.

DISCUSSION

On June 6, 2016, the PAC made two \$1,000 expenditures in the form of contributions to the House Democratic Campaign Committee PAC and the Senate Democratic Campaign Committee PAC. These expenditures were not entered into the Commission's e-filing system until July 19th (when the PAC was entering data for the post-primary report due July 26, 2016). This data entry on July 19th triggered the e-filing system to remind the PAC of the late 24-Hour Report. The PAC immediately filed the 24-Hour Report.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount totals \$1,680.00, calculated as follows:

Transactions	Date Due	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
24-Hr Report	06/07/2016	\$2,000.00	2%	32	\$1,680.00

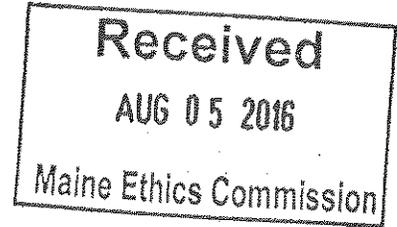
The PAC asks that the Commission waive the penalty because of the inexperience of the treasurer with 24-Hour Reports and because the expenditures did not influence any candidate's nomination in the June 14, 2016 primary election.

STAFF RECOMMENDATION

Violations of the 24-hour reporting requirements can be serious matters. 24-Hour Reports play an important role in informing the electorate about how money is changing hands in the critical days just before an election. That said, the Commission staff believes that the preliminary penalty of \$1,680.00 is disproportionate to the harm to the public resulting from this late filing. The expenditures are just at the \$1,000 threshold for 24-hour reporting and were not made to candidates or for goods or services to influence anyone's nomination in the June 14, 2016 primary election. The contributions were made to two PACs which would also report the receipt of the expenditures. Given these significant mitigating factors, we recommend the Commission impose a penalty of \$500.00.

For context, we have attached a chart showing six decisions by the Commission in 2014 concerning PACs that filed 24-Hour Reports late for the June 2014 primary election. The range of these penalties was \$250 - \$1,000, depending on how much financial activity was reported late. In this matter (and in agenda items five and six), the staff recommends a final penalty of \$500 because in November 2015 Maine voters approved a doubling of late-filing penalties for PACs.

For your reference, we have also attached the 2016 PAC filing schedule posted on the Commission's website, and a sample of a reminder postcard mailed to all PACs a few weeks before the June 14, 2016 primary election. Thank you for your consideration of this memo.



August 2, 2015

Benjamin Dyer
Commission on Governmental Ethics and Elections Practices
135 State house Station
Augusta, Maine 04333-0135

Re: Appeal of Late Filing Penalty

Dear Mr. Dyer,

Please accept this letter as the appeal of the Friends of Maine Hospitals PAC of the penalty that was assessed for which we received notice dated July 27, 2016 (notice attached).

The reason for the penalty was because our staff accountant, Carlene Haggerty, misunderstood the 24-hour reporting rule for \$1,000 contributions. She thought that because Friends of Maine Hospitals does not operate to directly influence a candidate, that the \$1,000 threshold did not apply. Carlene Haggerty has been with the Maine Hospital Association for over 21 years, and while she has not prepared the reports for Friends of Maine Hospitals for the entire time, she has not had to file a 24-hour report in the past.

While inputting the checks written for the 42-Day Post-Primary Report, it came to her attention that a 24-Hour Report needed to be filed. She immediately sent an email to your attention, asking for clarification. She also reached out to me to find out when the checks in question had been delivered, so she could file an accurate report. As soon as she heard from me, she filed the 24-Hour Report.

We apologize for this error and would kindly ask that you grant this appeal. Thank you for your consideration and we would be happy to discuss this with you further.

Yours,

Jeffrey Austin, Treasurer
Friends of Maine Hospitals PAC

33 Fuller Road
Augusta, Maine 04330
207-622-4794
Fax 207-622-3073

The Political Action Committee of Maine Hospital Association



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

July 27, 2016

Jeffrey Austin, Treasurer
Friends of Maine Hospitals PAC
33 Fuller Rd
Augusta, ME 04330

Re: Late Filing of 24-Hour Report

Dear Mr. Austin,

The Commission staff has made a preliminary determination that the Friends of Maine Hospitals PAC (the PAC) was late in filing the 24-Hour Report required for two expenditures made on June 6, 2016. The report was due by 11:59 p.m. on June 7, 2016, but was not filed until July 19, 2016. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3)). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the PAC's history of violations, the commission staff has determined that a penalty of \$1,680.00 is owed. (Please see attached penalty matrix for the calculation).

The PAC may make a written request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Please call me at (207) 287-6221 or send me an email at benjamin.p.dyer@maine.gov if you have questions.

Sincerely,

A handwritten signature in cursive script that reads 'Benjamin P. Dyer'.

Benjamin P. Dyer
Political Committee and Lobbyist Registrar

Enclosure: payment receipt & penalty matrix

Payment Receipt

Mail payment to:

The Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Jeffrey Austin, Treasurer
Friends of Maine Hospitals PAC
33 Fuller Rd
Augusta, ME 04330

Violation: Late 24-hour Report
Amount Due: \$1,680.00

Committee Name: Friends of Maine Hospitals PAC

Report Title: 24-Hour Report

Due Date: June 7, 2016

Previous Violation(s): NA

Filed Date: July 19, 2016

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 2%

For the second violation, 4%

For the third and each subsequent violation, 6%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

Penalty Example:		Your Penalty is calculated as follows:	
The treasurer files the PAC's report two (2) days late. The PAC has not had any previous late violations this biennium. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is			
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	Contributions / Expenditures:	<u>\$2,000.00</u>
		X	
		Percent Prescribed:	<u>2%</u>
X .02	Percent prescribed for first violation		<u>\$40.00</u>
		X	
\$50.00	Two percent of total contributions	Number of days late:	<u>42</u>
X 2	Number of calendar days late		
\$100.00	Total Penalty	Total penalty accrued:	<u>\$1,680.00</u>

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A(4)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late.



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

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2016 CAMPAIGN YEAR

COMMITTEE		TREASURER	
FRIENDS OF MAINE HOSPITALS 33 FULLER ROAD AUGUSTA, ME 04330 PHONE: (207) 622-4794 EMAIL: JAUSTIN@THEMHA.ORG		JEFFREY AUSTIN 33 FULLER ROAD AUGUSTA, ME 04330 EMAIL: JAUSTIN@THEMHA.ORG	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Major Contributions and Expenditures	06/07/2016	06/06/2016 - 06/06/2016	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$2,000.00
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: CARLENE HAGGERTY
REPORT FILED ON: 07/19/2016
LAST MODIFIED: 07/19/2016
PRINTED: 08/08/2016
COMMITTEE ID: 635

24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
<p>CNS Campaign consultants</p> <p>CON Contribution to other candidate, party, committee</p> <p>EQP Equipment (office machines, furniture, cell phones, etc.)</p> <p>FND Fundraising events</p> <p>FOD Food for campaign events, volunteers</p> <p>LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)</p> <p>MHS Mail house (all services purchased)</p> <p>OFF Office rent, utilities, phone and internet services, supplies</p> <p>OTH Other</p> <p>PHO Phone banks, automated telephone calls</p>	<p>POL Polling and survey research</p> <p>POS Postage for U.S. Mail and mail box fees</p> <p>PRO Other professional services</p> <p>PRT Print media ads only (newspapers, magazines, etc.)</p> <p>RAD Radio ads, production costs</p> <p>SAL Campaign workers' salaries and personnel costs</p> <p>TRV Travel (fuel, mileage, lodging, etc.)</p> <p>TVN TV or cable ads, production costs</p> <p>WEB Website design, registration, hosting, maintenance, etc.</p>			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
6/6/2016	HOUSE DEMOCRATIC CAMPAIGN COMMITTEE P.O. BOX 2021 AUGUSTA, ME 04338	CONTRIBUTION TO PAC	CON	\$1,000.00
6/6/2016	SENATE DEMOCRATIC CAMPAIGN COMMITTEE P.O. BOX 2207 AUGUSTA, ME 04338	CONTRIBUTION TO PAC	CON	\$1,000.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$2,000.00

**Penalty Decisions by Commission --
24-Hour Reports filed Late by PACs in 2014 Primary Election**

PAC Name	Circumstances	Financial Activity	# Days Late	Preliminary Penalty	Meeting Date	Final Penalty
Maine Conservation Voters Action Fund	PAC failed to report a \$250,000 contribution and a \$50,000 expenditure because they were not related to a candidate or ballot question in the Primary Election.	\$300,000.00	10	\$32,500.00	6/25/2014	\$1,000.00
Maine Forward	Bank failed to notify PAC of wire transfer receipt.	\$50,000.00	5	\$2,500.00	7/31/2014	\$250.00
Maine Credit Union League-Legislative Action Committee	PAC was not actively participating in the Primary Election and was unaware of 24-hour reporting requirement.	\$4,000.00	49	\$1,960.00	8/27/2014	\$250.00
ActBlue Maine	PAC was unaware of 24-hour reporting period and experienced internal software problems	\$17,468.93	39	\$17,845.49	9/24/2014	\$500.00
Build Maine PAC	PAC did not receive notification of 24-hour reporting period and was unaware that a contribution to another PAC during this period required filing a 24-Hour Report.	\$1,000.00	48	\$480.00	9/24/2014	\$250.00
Citizens for Justice in Maine, Inc.	PAC was unaware of 24-hour reporting period and treasurer was inexperienced	\$5,500.00	46	\$2,530.00	9/24/2014	\$250.00



2016 FILING SCHEDULE

FOR ALL POLITICAL ACTION COMMITTEES, BALLOT QUESTION COMMITTEES AND STATE POLITICAL PARTY COMMITTEES

Primary Election June 14, 2016		General Election November 8, 2016	
TYPE OF REPORT	FILING DEADLINE (11:59 P.M.)	REPORT PERIOD	
April Quarterly	April 11, 2016	January 1 — March 31	
11-Day Pre-Primary	June 3, 2016	April 1 — May 31	
42-Day Post-Primary	July 26, 2016	June 1 — July 19	
October Quarterly	October 5, 2016	July 20 — September 30	
11-Day Pre-General	October 28, 2016	October 1 — October 25	
42-Day Post-General	December 20, 2016	October 26 — December 13	
January Quarterly	January 17, 2017	December 14 — December 31	
<p>NEWLY FORMED POLITICAL ACTION COMMITTEES AND BALLOT QUESTION COMMITTEES: All new committees must file an Initial Report at the time of registration. For PACs, the Initial Report covers all activity from the beginning of the year through the date of registration. For BQCs, the Initial Report covers all activity from the beginning of the campaign through the date of registration.</p>			
24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES			
24-HOUR REPORTING PERIOD		WHAT CONTRIBUTIONS SHOULD BE REPORTED	
The reporting period begins 13 days before an election and runs through the day before the election.		Any <u>single</u> contribution of \$5,000 or more received during the reporting period.	
WHEN TO FILE		WHAT EXPENDITURES SHOULD BE REPORTED	
Within 24 hours, including Saturdays and Sundays, of receiving the contribution or making the expenditure, incurring the obligation, or placing the order. Reports can be filed via the committee's electronic filing website.		Any <u>single</u> expenditure of \$1,000 or more made during the reporting period. Orders placed with or obligations made to vendors for goods or services are considered expenditures at the time the orders or obligations are made. Overhead costs, such as rent, taxes, utilities and some salary payments are not required to be reported.	

IMPORTANT INFORMATION

All regular campaign finance reports are due by 11:59 p.m. on the due date. Committee treasurers must enter the required information and click "File Report" by 11:59 p.m. on the filing deadline.

Commission staff will be available until 5:00 p.m. on all filing deadlines to offer assistance. Failure to seek out timely assistance from staff regarding the filing of reports will not be considered a mitigating circumstance if a report is filed late.

Campaign Finance Report Reminder

Attention all Political Action Committees, Ballot Question Committees and State Party Committees.

**11-Day Pre-Primary Campaign Finance reports are due
by 11:59 p.m. on June 3, 2016.**

The report covers the period between April 1, 2016 and May 31, 2016.

Reports must be filed by the deadline regardless of activity.

Log in at www.mainecampaignfinance.com to file the report.

For all organizations: be aware that 24-Hour reporting requirements for large contributions received and expenditures made begin June 1st and last through June 13th.

Please contact (207) 287-4179 or ethics@maine.gov with questions.

Visit the Ethics Commission website at www.maine.gov/ethics for more information.

21-A M.R.S.A. § 1059. REPORT; FILING REQUIREMENTS

Committees required to register under section 1052-A, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline.

1. Contents; quarterly reports and election year reports.

[2007, c. 443, Pt. A, §35 (RP) .]

2. Reporting schedule. Committees shall file reports according to the following schedule.

A. All committees shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th.

B. General and primary election reports must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

C. Preelection and post-election reports for special elections or ballot measure campaigns must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C.

E. A committee shall report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

3. Report of expenditures made after the 11th day and more than 48 hours before any election.

[1989, c. 504, §§28, 31 (RP) .]

4. Special election reports.

[1989, c. 504, §§28, 31 (RP) .]

5. Electronic filing. Committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

21-A M.R.S.A. § 1062-A. FAILURE TO FILE ON TIME

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

[2013, c. 334, §30 (AMD) .]

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

A. A valid emergency of the committee treasurer determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §9 (AMD).]

B. An error by the commission staff; or [1999, c. 729, §9 (AMD).]

C. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service. [2007, c. 443, Pt. A, §38 (AMD).]

[2009, c. 190, Pt. A, §29 (AMD) .]



3. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%; [1995, c. 483, §21 (NEW).]

B. For the 2nd violation, 3%; and [1995, c. 483, §21 (NEW).]

C. For the 3rd and subsequent violations, 5%. [1995, c. 483, §21 (NEW).]

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

[2007, c. 443, Pt. A, §39 (AMD) .]

4. Maximum penalties. The maximum penalty under this subchapter is \$10,000 for reports required under section 1056-B or section 1059, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late.

[2011, c. 389, §49 (AMD) .]

5. Request for a commission determination. If the commission staff finds that a political action committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the political action committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a political action committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the political action committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

[2013, c. 334, §31 (AMD) .]

6. Final notice of penalty. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the political action committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the principal officer and to the treasurer of the political action committee. A detailed summary of all notices must be provided to the commission.

[2009, c. 302, §9 (AMD) .]

7. List of late-filing committees. The commission shall prepare a list of the names of political action committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

[2007, c. 443, Pt. A, §41 (AMD) .]

8. Failure to file. A person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E crime, except that, if a penalty pursuant to subsection 8-A is assessed and collected by the commission, the State may not prosecute a violation under this subsection.

[2003, c. 628, Pt. A, §8 (AMD) .]

8-A. Penalties for failure to file report. The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059 is \$10,000.

[2009, c. 190, Pt. A, §31 (AMD) .]

9. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

[2009, c. 302, §10 (RPR) .]