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COMMENTS of Suzanne Goucher, President & CEO, Maine Association of Broadcasters, concerning a rulemaking concerning the news exemption from campaign finance regulation

Submitted to the Maine Commission on Governmental Ethics and Election Practices

In this rulemaking proceeding, the Commission asks for comments on the following three topics, each of which will be addressed in turn.

(1) If a broadcast station or publication were owned by a candidate or an immediate family member of the candidate, should the costs of news stories or editorials be exempt if they relate to election races other than the one in which the candidate-owner is running?

Yes. It would be unreasonable to expect that a broadcast station, e.g., with a long history of news coverage of elections should suddenly be subject to a “news blackout” on all candidate races simply because a principal of the station is involved in one particular race.

(2) Should the Commission adopt a rule similar to the attached Federal Election Commission (FEC) rule that the costs of bona fide news stories are exempt if they are part of a pattern of campaign-related news accounts that provides reasonably equal coverage to all candidates in the race?

Yes.

(3) Can the Commission’s rule interpret the statutory phrase “broadcast station” to exempt cable television operators, programmers and producers (as the FEC has)?

Yes, the Commission can and should interpret “broadcast station” to mean other purveyors or distributors of video programming. Further, the Commission should seek, in the next legislative session, to amend sections of statute referring to the duties and obligations of “broadcast stations” to clarify that those duties and obligations also extend to cable television.

The Maine Association of Broadcasters appreciates the opportunity to comment in this matter.

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