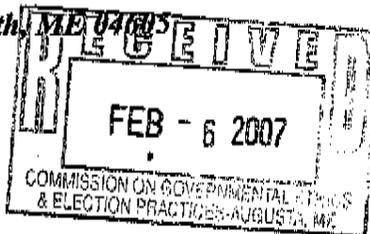


Agenda

Item #9

Hancock County Democratic Committee**PO Box 1414****Ellsworth, ME 04605**

February 4, 2007

Ms. Martha Demeritt
Party Registrar
Commission on Governmental Ethics & Election Practices
135 State House Station
Augusta, ME 04333-0135

Dear Ms. Demeritt,

I would like to file a request for a final determination by the Commission on Governmental Ethics and Election Practices concerning the \$176.67 penalty assessed because our January Semiannual report was filed 2 hours late.

As I explained on the telephone, I live in a very rural area (Corea) and have only Internet dial-up service with a frequently noisy and sometimes-defective telephone line. The service was very sporadic that day and I was not able to file the report until 7:18 PM. I understand that I was late and that I should have perhaps started earlier, but I feel that the penalty assessed (\$176.67) was a little steep for a 2-hour delay. I would like to request that the fine be waived or else reduced to a more reasonable amount.

Please accept my appreciation for taking this request under consideration.

Sincerely,

Sally A. Crowley
Treasurer, HCDC



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

January 18, 2007

Sally Crowley, Treasurer
Hancock County Democratic Committee
P.O. Box 1414
Ellsworth, ME 04605

Dear Ms. Crowley:

Our records show that your committee's January Semiannual report, due on 1/16/07 by 5:00 p.m. was filed on 1/16/07 at 7:18:22 p.m.. State law [21-A M.R.S.A. §1020-A] requires that a penalty be assessed for late reports based on the amount of financial activity conducted during the filing period, the number of calendar days a report is filed late, and the party committee's filing record. Based on the prescribed statutory formula, the preliminary determination of the penalty for the late filing of your campaign finance report would be \$176.67. Please refer to the enclosed penalty matrix for more details on how the penalty is computed. If you agree with this preliminary determination of the amount of the penalty, you may use the enclosed billing statement to pay that penalty.

If you have a reason for filing late, you may request a final determination by the Commission on Governmental Ethics and Election Practices. Any request for a Commission determination must be made within 10 calendar days of receipt of this certified U.S. mail notice, beginning on the day you sign for receipt of this notice of the proposed penalty. If this certified letter has been refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter.

Upon receipt of your request for a Commission determination, we will schedule you to appear at the next scheduled Commission meeting and notify you of the date and time of that meeting. You or a person you designate may then appear personally before the Commission; or, you may send a written statement for the Commission's consideration. If you elect to send a statement, it must be notarized and must contain a full explanation of the reason you filed late. Statements should be sent to the address shown on this letterhead. The Commission will notify you of the disposition of your case within 10 days after its determination.

The Commission may waive penalties for late reports only in cases where tardiness is due to mitigating circumstances. The law defines "mitigating circumstances" as: 1) a valid personal emergency of the committee treasurer, such as a personal illness or death in the immediate family; 2) an error by the Commission staff; 3) failure to receive notice of the filing deadline; or 4) 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.

Sincerely,

Martha Demeritt
Party Registrar

Encl: Penalty Matrix & Billing Statement

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS



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

January 18, 2007

Sally Crowley, Treasurer
 Hancock County Democratic Committee
 P.O. Box 1414
 Ellsworth, ME 04605

The Commission on Governmental Ethics and Election Practices has made a preliminary determination that a penalty of \$176.67 applies for the late filing of your January Semiannual report. If you agree with this determination, please make your check or money order payable to "Treasurer, State of Maine," and send it, along with the bottom half of this letter, to the **Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333** within 30 days of the date noted above. Please see the instructions included in the attached letter if you would like to request a formal Commission determination of any penalty to be assessed in this case.

FAILURE TO PAY THE FULL AMOUNT OF THIS PENALTY IS A CIVIL VIOLATION.
 Pursuant to 21-A M.R.S.A. § 1020-A(10), the Commission is required to report to the Attorney General the name of any political committee that fails to pay the full amount of any penalty.

Please direct any questions you may have about this matter to the Commission at 287-6221.

Cut Along Dotted Line

To: Commission on Governmental Ethics and Election Practices
 135 State House Station
 Augusta, Maine 04333

For Office Use Only Account: CGEEP Fund: 014 Appr: 02
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From: Sally Crowley, Treasurer
 Hancock County Democratic Committee

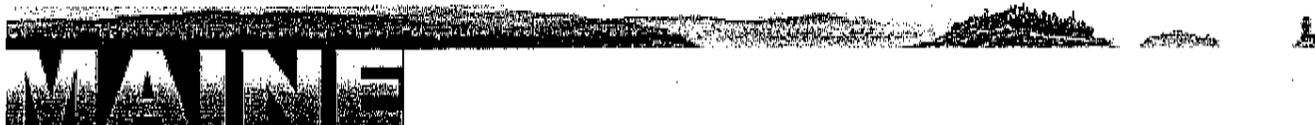
Re: Penalty for late filing of a January Semiannual campaign finance report (\$176.67)

Amount Enclosed: \$ _____

Check/M.O. No.: # _____

Please Make Check/M.O. Payable to Treasurer, State of Maine

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
 WEBSITE: WWW.MAINE.GOV/ETHICS



Welcome to the Campaign Finance Electronic Filing System Site

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[Help](#)
[Logout](#)
[Change Password](#)
[Admin Page](#)

1/17/2007

Home Page for Hancock County Democratic Committee

CAMPAIGN YEAR

REPORT TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	STATUS	LAST MODIFIED	
LOCAL -- July Semiannual	1/1/2006 to 6/30/2006	7/17/2006	7/14/2006	Filed	7/14/2006	Print
LOCAL -- Pre-Election	7/1/2006 to 10/22/2006	10/27/2006	10/27/2006 11:10:24 AM	Filed	10/27/2006 11:10:24 AM	Print
LOCAL -- January Semiannual	10/23/2006 to 12/31/2006	1/16/2007	1/16/2007 7:18:22 PM	Filed	1/16/2007 7:18:22 PM	Print
State -- April Quarterly	1/6/2006 to 3/31/2006	4/10/2006				
State -- 6-Day Pre-Primary	4/1/2006 to 6/1/2006	6/7/2006				
State -- 42-Day Post-Primary	6/2/2006 to 7/18/2006	7/25/2006				
State -- October Quarterly	7/19/2006 to 9/30/2006	10/10/2006				
State -- 6-Day Pre-General	10/1/2006 to 10/26/2006	11/1/2006				
State -- 42-Day Post-General	10/27/2006 to 12/12/2006	12/19/2006				
State -- January Quarterly	12/13/2006 to 1/5/2007	1/16/2007				

24-Hr Reports of Late Contributions or Expenditures N/A MULTIPLE

Please click on the following buttons to Download schedule informations in excel format.

January Semiannual
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
CONTRIBUTION/EXPENDITURE PENALTY MATRIX
LATE PARTY COMMITTEE REPORTS

21-A M.R.S.A. Section 1020-A

A campaign finance report is timely filed when a properly signed copy of the report, substantially conforming to the disclosure requirements, is received by the Commission before 5 p.m. on the date it is due. A penalty begins to accrue after 5:00 p.m. on the day the report is due. Penalties are based on 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, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

Example: The party committee treasurer files the report two calendar days late. The committee has not had any previous late filings in the past 2 years. The committee reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater of the amount of total contributions received or expenditures made during the filing period.

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

x 2 Number of calendar days late

\$50.00 Total penalty Commission may assess

PARTY COMMITTEE

Your penalty is calculated as follows:

Contributions/Expenditures \$ 17667.87

Percent prescribed X 1%

\$ 176.67

Number of days late X 1

Total penalty accrued \$ 176.67

Maximum penalty \$ 176.67

A penalty begins to accrue at 5:00 p.m. on the day the report is due.

Any penalty of less than \$5 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:

State Party Committee: \$5,000
 Municipal, District, & County Committees \$500

Title 21-A, §1020-A, Failure to file on time

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The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office CANNOT perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

§1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1. [1995, c. 483, §15 (new).]

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission before 5 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or 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 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, §5 (amd).]

B. An error by the commission staff; [1999, c. 729, §5 (amd).]

C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (amd).]

D. 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. [1999, c. 729, §5 (new).]
[2003, c. 628, Pt. A, §3 (amd).]

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty. [1995, c. 625, Pt. B, §5 (amd).]

4. Basis for penalties.
[2001, c. 470, §7 (amd); T. 21-A, §1020-A, sub-§4 (rp).]

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter, except for accelerated campaign finance reports required pursuant to section 1017, subsection 3-B, 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%; [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]

B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]