



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

June 26, 2008

By E-Mail and Regular Mail

Melissa Walsh Innes
400 East Elm Street
Yarmouth, ME 04096

Dear Ms. Innes:

As we just discussed by telephone, we received the attached request for an investigation from your primary election opponent, Kimberly A. McLaughlin. She alleges that actions by you or your campaign violated the Code of Fair Campaign Practices. I have attached a copy of the code which you signed.

The members of the Maine Ethics Commission will be meeting tomorrow at 9:00 a.m. As I explained to you and to Ms. McLaughlin, the Commission is already scheduled to consider its jurisdiction over complaints of violations of the Code. I will be bringing up Ms. McLaughlin's request with them for guidance on whether they wish to consider it.

You responded that it is unlikely that you can attend tomorrow's meeting, and that if you are required to respond you will need additional time to prepare a written response. You also stated that you understand that Ms. McLaughlin may be at the meeting and may wish to speak to the Commission members about the specifics of the request or the Commission's jurisdiction to consider it.

Following the meeting, I will contact you to advise you on the status of Ms. McLaughlin's request. Thank you very much.

Sincerely,

Jonathan Wayne
Executive Director

cc: Kimberly McLaughlin (by e-mail and regular mail)
Commission Members and Counsel

RECEIVED

JUN 26 2008

VIA FAX: 207-287-6775**Number of Pages: 11**

MAINE ETHICS COMMISSION

Jonathan Wayne, Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine, 04333

June 26, 2008

**RE: Primary Race State Representative
District 107- Yarmouth**

Mr. Wayne:

I am writing to request investigation and findings surrounding ongoing conduct by the campaign to elect Melissa Walsh Innes, and/or candidate Melissa Walsh Innes, my opponent and Clean Election Candidate. The conduct outlined herein appears to violate the letter and/or spirit of the Maine Code of Fair Campaign Practice, the MCEA and may violate other civil laws and rules surrounding campaigns elections and campaign conduct.

Included in this transmission are the electronic mail transmissions and respective Yarmouth School District 'Internet Acceptable Use Policy' referenced herein.

Conduct in question includes:

(1) Misuse of school property, potentially to be determined misuse of state property*, to solicit support for a political campaign:

- Electronic mail transmitted no fewer than two times by Ms. Innes via the 'yarmouthk.12' address, and transmitted to the staff 'yarmouthk.12' 'blast' list throughout the school district, soliciting support, and ongoing communication surrounding such support, via the 'yarmouthk.12' electronic mail system.
- Upon learning that the matter was brought to the attention of the appropriate authority, Ms. Innes sent an electronic mail transmission to Ms. McLaughlin chastising the reporting of the violation to The Superintendent, the individual, according to the Acceptable Use Policy, responsible for implementation of said policy. Ms. Innes' response appears to reflect a clear failure to acknowledge the ethical impropriety and violation of school policy.

*The Yarmouth school district is partially funded by the state, raising the question of misuse of state property. It appears that case law has determined a school employee is a state employee based upon contributions made to the Maine State Retirement System on the employees' behalf.

(2) Defaming a candidate by misrepresenting facts to create doubts as to the morality of the candidate:

- Anonymous telephonic contacts accusing Ms. McLaughlin of 'saying things that are not true about her credentials'.

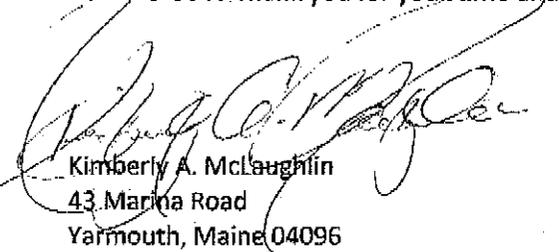
(3) Unauthorized removal of campaign signage from public roadways:

- Numerous 'McLaughlin' signs removed and never recovered throughout district 107. In one instance, a 'McLaughlin' sign was removed and replaced by the 'Innes' sign. Ms. McLaughlin brought this to Ms. Innes' attention in the presence of Mr. Richard Woodbury. Ms. Innes responded outside the code of conduct consistent with the best Maine and American traditions, and refused to remove the Innes sign to allow Ms. McLaughlin to replace the missing sign with a new sign.

(4) Unauthorized removal and placement of campaign signage from private property; Malicious actions to establish and exploit doubts as to the character, ethics and morality of a candidate

- The McLaughlin campaign signs were numbered and logged as to placement. Signs were removed from private property and never recovered. Sign number 111, one of the many signs removed without authorization from its designated location, and the only one of such signs recovered, was found placed directly in front of the sign reading 'Sacred Heart Catholic Church', outlining times of worship. This sign was placed on the front lawn of the church on Main Street in Yarmouth.

I would be pleased to address any questions you may have and may be reached via mobile phone at 207-749-3846. Thank you for your time and attention.



Kimberly A. McLaughlin
43 Marina Road
Yarmouth, Maine 04096

Kimberly A. McLaughlin

From: "Melissa Walsh Innes" <melissainnes@verizon.net>
To: "Kimberly A. McLaughlin" <kmclaugh@maine.rr.com>
Sent: Tuesday, June 17, 2008 9:48 PM
Subject:

Kimberly,

I want you to know that I spoke with Ken Murphy this afternoon., during which he detailed the conversation that you had with him. I understand that you have attributed the current vote count to two emails that I sent to my co-workers. I honestly cannot guess what would have motivated you to go to my employer about this issue and what outcome you thought would have come from this.

It's clear from your statements in print and on television that you expected to win this election and are very disappointed with the results. However, I ask that at least until the recount, you show some discretion. Talking to my employer about emails between me and my coworkers will not impact the recount, nor does it reflect well on you or the 485 voters apiece who voted for each of us.

Please contact me directly with any other concerns you may have.

Melissa

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.4.0/1507 - Release Date: 6/18/2008 7:09 AM

Kimberly A. McLaughlin

From: [REDACTED]
To: <kmclaugh@maine.rr.com>
Sent: Sunday, June 15, 2008 2:01 PM
Subject: Fw: your request

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Wednesday, June 11, 2008 5:26 PM
Subject: your request

Message one

THIS CAME TO OUR STAFF ONLY MAILBOX.

Begin forwarded message:
From: <deleted by request of the sender>
Date: June 11, 2008 9:36:33 AM EDT
[REDACTED]
Subject: Fwd: Vote update

----- Original Message -----

Hello,

To all of you Democratic or Independent Yarmouth citizens, please consider voting for me as your Democratic nominee tomorrow for State Representative. I will be at the polls all day to greet folks. Those of you who are enrolled Independent can switch over today or tomorrow at the polls to vote Democratic if you'd like. Thanks, and happy voting!

Melissa Walsh Innes
Rowe School

Message Two

THIS CAME TO THE STAFF ONLY MAILBOX.

Begin forwarded message:

From: <deleted by request of the sender>
Date: June 11, 2008 9:37:26 AM EDT
To: [REDACTED]
Subject: Fwd: House Candidate in your midst

----- Original Message -----

Hello All,

For those that haven't heard, I am running for Dick Woodbury's open seat in the State House here in Yarmouth (I'm Melissa Walsh Innes, Ed Tech at Rowe). I am very excited about my campaign, and wanted to let any Yarmouth residents know about it and hope for your vote on June 10th (primary - I've got competition!). My background in social work has led me to my passion to be a great advocate for people in need. I am also passionate about working with our youth and maintaining our wonderful natural resources. I have 250 wonderfully purple yard signs coming soon, and would LOVE to display one of them on your Yarmouth lawn. Please reply and let me know if you would be into that (they are free for you, and you wouldn't have to do anything). Also, if anyone wants to get in on the planning and implementing of a primary campaign, call me now (any former campaign managers out there?!?!). Thanks!

Melissa
846-3877

In addition, there is a third that was sent to the sender directly. Not through th
THIS CAME TO MY HOME E-MAIL NOT MY SCHOOL E-MAIL. NOT SURE HOW SHE GOT THESE NAMES.

Begin forwarded message:

From: "Melissa Walsh Innes" <melissainnes@verizon.net>
Date: June 8, 2008 9:41:29 AM EDT
To: deleted

Subject: Vote Tuesday!

Hello,

For those of you who missed the Democratic Candidate's Forum last Monday evening, I have included my opening words that include why I am running to be your Democratic choice for State Representative, as well as my highest priorities. Also, a BIG reminder to those of you who are not enrolled in the Democratic party (Independent). If you are planning on voting for me, you need to fill out a new voter registration card on Monday (at Town Hall) or Tuesday (at the polls) to switch over for the vote. You can switch back to unenrolled at the end of the summer before the general election. Thank you for reading, and I look forward to seeing you at the polls on Tuesday. Have a wonderful day!

Melissa Walsh Innes, Candidate for State Representative

Introduction/Background/Why Running?:

First, a few things about me personally:

* I am a proud, 4th generation Mainer who grew up in Pownal. I have family living in all of the towns in this area, including Yarmouth, Pownal, Freeport, Durham, Cumberland, and North Yarmouth. I have been part of this community my entire life and know it very well.

* My husband Shawn and I have lived in Yarmouth since 1995. We have 3 daughters, Molly, Clare, and Sophie currently attending Yarmouth schools.

* Although I am firmly against the unnecessary war in Iraq, I am proud and deeply moved by the courage and sacrifice of our women and men in uniform. I come from a family of veterans, and my husband Shawn

is a veteran of the US Navy.

* I am the first in my family to complete a 4 year college. I put myself through school, working full-time, and earned a degree in Social Work at USM.

My professional background includes:

- * Being a Licensed Maine Social Worker
- * A Certified Polarity Therapist
- * A Case Manager and Crisis Worker for adults with mental illness
- * A Family Reunification/Foster Care Worker
- * An Alzheimer's Program Director
- * And an owner/operator of the small business Breathing Space Organizing.
- * I currently work with children at Rowe School.

I am particularly excited about my community involvement.

At present, I chair the Yarmouth Energy Savers Committee. I am the new chair of the Faith In Action Council at the First Universalist Church. I volunteer as a Sunday school teacher, I lead a multi-age youth activism group, volunteer at the Yarmouth Community Garden, and in our schools.

Before I tell you why I am running for State Representative, let me tell you why I am not running...

I am not running to be a professional politician.

I am not running to push forward an agenda that doesn't match yours.

I am not running to have my vote influenced by lobbyists and corporations.

This weekend, I was in Augusta as a Yarmouth Delegate to the Maine Democratic Convention. I came away even more inspired and motivated to participate in our Democracy. The Democratic Party is definitely the party of optimism.

Finally, here are some of my core beliefs.

I believe in equal rights for everyone.

I believe in strong State and local support for our public education system, where every child has the same access to a quality education.

I believe that our elders deserve our love, care, and respect. I believe that individual and family choice should be the primary guide for how we choose to live our final years.

I believe we have a moral responsibility to provide universal health care.

I believe that global warming is real, and I believe that Maine is poised to be a leader in energy conservation, sustainability, and alternative energy production. I will introduce and support legislation to make Maine a sustainable energy leader and resource for others.

Finally, I believe that one of the most enduring ways of bringing meaning to one's life is in the service of others.

Platform/Maine's Challenges/Highest Priorities:

Maine is a wonderful place to live. As much as we appreciate all Maine has to offer, there are still many challenges to keep us busy.

Here are some of the challenges we are currently facing, and my highest priorities.

Heating Fuel. The current cost of fuel for our homes is staggering. Homeowners in Maine now have to decide whether to set up a pre-paid plan with their oil dealer at rates over \$4.50 or to see what happens next year. That decision is only for our citizens who have money to pay upfront. For a home that averages 1000 gallons of oil per heating season, that adds up to a whopping \$4500. to heat their home next year. What will happen when the money runs out and their oil tank runs dry? Maine needs to be prepared with a plan to deal with this now, not waiting until the calls from Mainers start coming in for help next winter. Maine has some of the oldest housing stock in the country, and most of our older houses need an immediate insulation upgrade so that the heat we are purchasing is not flying out the cracks and walls. Investing big now in winterizing our homes would lead to huge savings in yearly energy costs.

Healthcare. Until we can say that everyone in our country, starting here in Maine, has healthcare, we are failing. Healthcare is a right, just like public education, police and fire services. Healthy people lead more productive lives, engaging in their communities more and attaining higher education. If we had universal healthcare, our small businesses could focus more on quality products, and quality pay for their employees. As your Representative, I would work hard on bringing healthcare to all.

Childhood Poverty. Over 20% of Maine children under age 5 live in poverty. This number is growing, and it is alarming. We may feel that we are isolated here in Yarmouth from poverty, but that is not the case. I recently brought children from the Earth Savers Club shopping to Hannaford to shop for groceries for a local food bank. When we called St. Bart's, we were told that they had seven families from Yarmouth that needed food help every week. Many people are unaware that there are children here in Yarmouth without enough food, and thousands of children throughout Maine. We need to help these children.

Our planet is changing rapidly, and we need to be prepared to change the way we have been doing things. We have to make bold changes to our energy supply, and look toward renewable sources such as solar, hydro, tidal power, and others to bring about a more sustainable environment. Maine has already started this work, especially with the success of Efficiency Maine in helping residents and businesses reduce their energy consumption. We should continue to encourage and support this business growth in renewable technologies, which will not only lessen our reliance on fossil fuels, but also bring new "green collar", good-paying jobs to our economy.

These are just some of my priorities. The most important thing is for me to hear what your priorities

imited to hacking activities and creation/uploading of computer viruses; and

Unauthorized Access to Chat Rooms/News Groups - Accessing chat rooms or news groups without specific authorization from the supervising teacher.

No Expectation of Privacy

A school unit retains control, custody and supervision of all computers, networks, and Internet services owned or leased by the school unit. The school unit reserves the right to monitor all computer and Internet activity by students. Students have no expectations of privacy in their use of school computers, including e-mail and stored files.

Compensation for Losses, Costs and/or Damages

A student and/or the student's parent/guardian shall be responsible for compensating the school unit for any losses, costs or damages incurred by the school unit related to violations of policy IJNDB and/or these rules, including

investigation of violations.

School Unit Assumes No Responsibility for Unauthorized Charges, Costs or Illegal Use

A school unit assumes no responsibility for any unauthorized charges made by students including but not limited to credit card charges, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations.

Student Security

A student shall not reveal his/her full name, address, telephone number on the Internet without prior permission from a supervising teacher. Students should never meet people they have contacted through the Internet without parental permission. Students should inform their supervising teacher if they access information or messages that are dangerous, inappropriate or make them uncomfortable in any way.

System Security

A security of the school unit's computers, networks, and Internet services is a high priority. Any user who identifies a security problem must notify the technology coordinator. The user shall not demonstrate the problem to others. Any user who attempts or causes a breach of system security shall have his/her privileges revoked and may be subject to additional disciplinary and/or legal action.

ROSS REFERENCE: EGAAA: Reproduction of copyrighted material

EMPLOYEE COMPUTER AND INTERNET USE: FILE: GCSA

A Yarmouth schools provides computers, networks, and Internet access to support the educational mission of the schools and to enhance the curriculum and learning opportunities for students and school staff.

Employees are to utilize the school unit's computers, networks, and Internet services for school-related purposes and performance of job duties. Incidental personal use of school computers is permitted as long as such use does not interfere with the employee's job duties and performance, with the system operations or other system users. "Incidental personal use" is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures, and rules.

Any employee who violates this policy and/or any rules governing use of the school unit's computers will be subject to disciplinary action, up to and

including discharge. Illegal uses of the school unit's computers will also result in referral to law enforcement authorities.

Yarmouth schools computers remain under the control, custody, and supervision of the school unit. The school unit reserves the right to monitor all computer and Internet activity by employees. **Employees have no expectation of privacy in their use of school computers.**

Superintendent shall be responsible for overseeing the implementation of this policy and the accompanying rules and for advising the Board of the need for any future amendments or revisions to the policy/rules. The Superintendent may develop additional administrative procedures/rules governing the day-to-day management and operations of the school unit's computer system as long as they are consistent with the Board's policy/rules. The Superintendent may delegate specific responsibilities to building principals and others as he/she deems appropriate.

Reference: GCSA-R Employee Computer and Internet Use Rules
DB Student Computer and Internet Use
DB-R Student Computer and Internet Use Rules

OPTED: January 13, 2000

E: GCSA-R

EMPLOYEE COMPUTER AND INTERNET USE RULES

The intent of these Board-level rules is to provide employees with general requirements for utilizing the school unit's computers, networks, and Internet services. The Board rules may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the computer system.

These rules provide general guidelines and examples of prohibited uses for illustrative purposes but do not attempt to state all required or prohibited activities by users. Employees who have questions regarding whether a particular activity or use is acceptable should seek further guidance from the technology coordinators.

Failure to comply with Board policy GCSA, these rules and/or other established procedures or rules governing computer use may result in disciplinary action, up to and including discharge. Illegal uses of the school unit's computers will also result in referral to law enforcement authorities.

Access to school computers, networks and Internet services

The level of access that employees have to school unit computers, networks, and Internet services is based upon employee job requirements and needs.

Acceptable Use

Employee access to the school unit's computers, networks, and Internet services is provided for administrative, educational, communication, and research purposes consistent with the school unit's educational mission, curriculum, and instructional goals. General rules and expectations for professional behavior and communication apply to the use of the school unit's computers, networks, and Internet services.

Employees are to utilize the school unit's computers, networks, and Internet services for school-related purposes and performance of job duties. Incidental personal use of school computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations or other system users. "Incidental personal use" is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures, and rules.

Prohibited Use

Each employee is responsible for his/her actions and activities involving school unit computers, networks, and Internet services and for his/her computer files, passwords, and accounts. General examples of unacceptable uses which are expressly prohibited include but are not limited to the following:

Any use that is illegal or in violation of other Board policies, including harassing, discriminatory or threatening communications and behavior, violations of copyright laws, etc.;

Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;

Any inappropriate communications with students or minors;

Any use for private financial gain, or commercial, advertising or solicitation purposes;

Any use as a forum for communicating by e-mail or any other medium with other school users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-school-sponsored organization; to solicit membership in or support of any non-school-sponsored organization; or to raise funds for any non-school-sponsored purpose, whether for-profit or not-for-profit. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from the building principal or other appropriate administrator.

Any communication that represents personal views as those of the school unit or that could be misinterpreted as such;

Downloading or loading software or applications without permission from the system administrator.

Opening or forwarding any e-mail attachments (executable files) from unknown sources and/or that may contain viruses;

Sending mass e-mails to school users or outside parties for school or non-school purposes without the permission of the technology coordinator.

Any malicious use or disruption of the school unit's computers, networks, and Internet services or breach of security features;

Any misuse or damage to the school unit's computer equipment;

Misuse of the computer passwords or accounts (employee or other users);

Any communications that are in violation of generally accepted rules of network etiquette and/or professional conduct;

Any attempt to access unauthorized sites;

Failing to report a known breach of computer security to the system administrator;

Using school computers, networks, and Internet services after such access has been denied or revoked; and

Any attempt to delete, erase, or otherwise conceal any information stored on a school computer that violates these rules.

No Expectation of Privacy

The school unit retains control, custody and supervision of all computers, networks, and Internet services owned or leased by the school unit. The school unit reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of school computers, including e-mail messages and stored files.

Confidentiality of Information

employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential.

Staff Responsibilities to Students

Teachers, staff members, and volunteers who utilize school computers for instructional purposes with students have a duty of care to supervise such use. Teachers, staff members, and volunteers are expected to be familiar with the school unit's policies and rules concerning student computer and Internet use and to enforce them. When, in the course of their duties, employees/volunteers become aware of student violations, they are expected to stop the activity and inform the building principal.

Compensation for Losses, Costs and/or Damages

An employee shall be responsible for any losses, costs or damages incurred by the school unit related to violations of policy GCSA and/or these rules.

School Unit Assumes No Responsibility for Unauthorized Charges, Costs or Illegal Use

A school unit assumes no responsibility for any unauthorized charges made by employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or any illegal use of its computers such as copyright violations.

For Reference: GCSA Employee Computer and Internet Use
IDB Student Computer and Internet Use
IDB-R Student Computer and Internet Use Rules

OPTED: January 13, 2000

[Home Page](#)

101 McCartney Street, Yarmouth, Maine 04096 (207) 846-5586

RECEIVED

2008 Election Year



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
FEB 19 2008
MAINE ETHICS COMMISSION
Mail: 135 State House Station, Augusta, Maine 04333
Office: 242 State Street, Augusta, Maine

Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

2008 MAINE CODE OF FAIR CAMPAIGN PRACTICES
(21-A M.R.S.A. § 1101(2))

I shall conduct my campaign and, to the extent reasonably possible, insist that my supporters conduct themselves, in a manner consistent with the best Maine and American traditions, discussing the issues and presenting my record and policies with sincerity and candor.

I shall uphold the right of every qualified voter to free and equal participation in the election process.

I shall not participate in and I shall condemn defamation of and other attacks on any opposing candidate or party that I do not believe to be truthful, provable and relevant to my campaign.

I shall not use or authorize and I shall condemn material relating to my campaign that falsifies, misrepresents or distorts the facts, including, but not limited to, malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate.

I shall not appeal to and I shall condemn appeals to prejudices based on race, creed, sex or national origin.

I shall not practice and I shall condemn practices that tend to corrupt or undermine the system of free election or that hamper or prevent the free expression of the will of the voters.

I shall promptly and publicly repudiate the support of any individual or group that resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this code.

I, the undersigned candidate for election to public office in the State of Maine, hereby voluntarily endorse, subscribe to and solemnly pledge to conduct my campaign in accordance with the above principles and practices.

2/15/08
Date

Melissa Innes
Candidate's Signature

Representative 107
Office Sought and District

Melissa Walsh Innes
Printed Name