

Agenda

Item #2



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

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: September 21, 2010

Re: Complaint against Aroostook County Sheriff James P. Madore

On September 9, 2010, the Commission on Governmental Ethics and Election received the attached complaint against James P. Madore, the Sheriff for Aroostook County. The complaint alleges that Mr. Madore has used county-owned property and county employees to promote his re-election.

The Commission staff and counsel believe the complaint is outside the jurisdiction of the Commission. The Commission is the campaign finance disclosure agency for the State of Maine and administers the Maine Clean Election Act. (Title 21-A, Chapters 13 and 14) The agency also has authority to investigate complaints of limited legislative ethics issues (conflicts of interest, undue influence, etc.). (Title 1, Chapter 25) The Commission has no jurisdiction over the professional ethics of county or municipal officers or over misuse of public property for political purposes.

So, pursuant to Chapter 1, Section 4(4) of the Commission's rules (attached), the Commission staff has returned the complaint today to the Aroostook County Republican Committee. The complaint was also addressed to the District Attorney for Aroostook County and the County Commissioners, and was copied to the Office of the State Attorney General.

In our view, this matter requires no action by you, but we are required to notify you of our decision pursuant to the Commission's rule.

- E. **Request for Waiver of Nonsession Reporting Requirement.** A lobbyist may request a waiver of the monthly nonsession reporting requirement set forth in 3 M.R.S.A. §317(4) if the lobbyist does not expect to be engaged in lobbying when the Legislature is not in session. The Director is authorized to provisionally grant such waivers pending approval by the Commission. Provisional waivers may be granted only where a request is properly filed, the statement properly completed, and where there is no apparent reason to doubt the statement is true. During the period in which the waiver is effective, reports will not be required. If lobbying is resumed during the period for which the waiver was granted, the lobbyist must file a monthly disclosure report for the month or months lobbying was conducted.
- F. **Faxing Duly Executed Lobbyist Registration, Reports.** Any registration or report required by 3 M.R.S.A. chapter 15 may be provisionally filed by transmission of a facsimile copy of the duly executed report to the Commission, provided that the original of the same report is received by the Commission within 5 calendar days thereafter.
4. **Matters Outside the Commission's Jurisdiction.** If the Director and Counsel are in agreement that the subject matter of a request for an investigation is clearly outside the jurisdiction of the Commission, the staff may forward the request to the appropriate authority or return it to the person who made the request, provided that the staff notifies the Commission members of the action at the next Commission meeting.

SECTION 5. FACT FINDING AND INVESTIGATIONS

1. **Before Commission Meeting.** With respect to any inquiry, complaint, or request for Commission action properly filed in accordance with the preceding section, or any potential violation that comes to the attention of Commission staff through an audit or review of reports, the Director may conduct such preliminary fact finding as is deemed prudent and desirable. When the Director and Counsel find a basis for a preliminary investigation, they will recommend such steps to the Chair as necessary. The Chair is authorized to issue subpoenas in the name of the Commission to compel the attendance of witnesses or the production of records, documents or other evidence when the Chair and the Commission's Counsel are in agreement that the testimony or evidence sought by the subpoena is necessary to disposition of the matter; and to issue any subpoena in the name of the Commission on behalf of any person having a statutory right to an agency subpoena. Consultations between the Commission and its Counsel concerning an investigation (including the issuance of subpoenas) where premature public knowledge of the investigation would place the Commission or another investigatory office at a substantial disadvantage may be held in executive session pursuant to 1 M.R.S.A. §§ 405(6)(E), 1005, and 1013(3). Any oral testimony compelled by a subpoena issued by this provision will be presented to the Commission or its staff. When a matter is ready for presentation to the Commission, the Director, in consultation with Counsel, will prepare a summary of findings and recommendations for inclusion on the agenda.



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

September 21, 2010

Zachary E. Smith, Chair
Aroostook County Republican Committee
P.O. Box 28
Presque Isle, Maine 04769

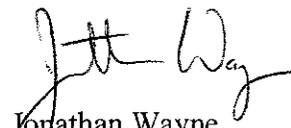
Dear Mr. Smith:

I write in response to your complaint against Aroostook County Sheriff James P. Madore alleging misuse of county property and employees for political purposes.

The Commission's Counsel and I have reviewed your complaint. We believe the allegations do not fall within the jurisdiction of the Commission. The Commission is the campaign finance disclosure agency for the State of Maine and administers the Maine Clean Election Act. (Title 21-A, Chapters 13 and 14) The agency also has authority to investigate complaints of limited legislative ethics issues (conflicts of interest, undue influence, etc.). (Title 1, Chapter 25) The Commission has no jurisdiction over the professional ethics of county or municipal officers or over misuse of public property for political purposes.

Therefore, the staff of the Commission is returning the complaint to you, pursuant to Chapter 1, Section 4(4) of the Commission rules. I will be notifying the Commissioners of the staff's handling of the complaint at their meeting on September 30, 2010. If you have any questions, please feel free to call me at 287-4179 or to e-mail me at Jonathan.Wayne@maine.gov.

Sincerely,


Jonathan Wayne
Executive Director

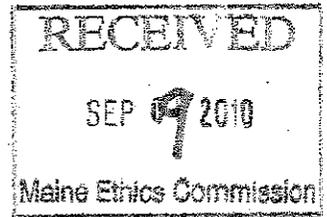
cc: Aroostook County Sheriff James P. Madore

Aroostook County Republican Committee

P.O. Box 28, Presque Isle, Maine 04769

info@aroostookecountygop.us

September 3, 2010



CERTIFIED MAIL

Maine Ethics Commission
45 Memorial Circle
Augusta, ME 04330

Neal Adams, District Attorney
144 Sweden Street
Caribou, Maine 04736

Paul J. Underwood, County Commissioner
144 Sweden Street
Caribou, Maine 04736

Norman L. Fournier, County Commissioner
144 Sweden Street
Caribou, Maine 04736

Paul J. Adams, County Commissioner
144 Sweden Street
Caribou, Maine 04736

Dear Sirs:

Please consider this correspondence a formal complaint against Aroostook County incumbent candidate Sheriff James P. Madore for misuse of County owned property, resources and employees. Specifically, candidate Sheriff Madore is using County taxpayer dollars for his personal enrichment and financial gain by running a "Re-Elect James P. Madore for Sheriff" campaign using public property, public equipment, public resources and public employees.

Please refer to Exhibits "A" thru "D" attached hereto. Exhibit "A" sets forth the physical address of the Aroostook County Sheriff's Office, 25 School Street, Suite 216, Houlton, Maine, as incumbent candidate Sheriff James Madore's campaign headquarters.

Exhibit "B" sets forth the Aroostook County Sheriff's Office telephone number, 207-532-3471, as incumbent candidate Sheriff James Madore's campaign telephone number.

Exhibits "A" and "B" imply incumbent candidate Sheriff James Madore uses County employees at the Aroostook County Sheriff's Office for campaign purposes to take phone calls, handle walk-ins, receive mail and the like.

Exhibit "C" sets forth incumbent candidate Sheriff James Madore's use of County owned vehicles as transportation for campaign purposes.

Exhibits "D" sets forth incumbent candidate Sheriff James Madore's use of County owned vehicles to distribute campaign materials.

Sheriff James Madore's practices raise a disturbing question. Why are County employees performing campaign work while on the job, being paid to campaign with taxpayer dollars, using taxpayer vehicles, property, real estate and County paid employees? Unethical campaign practices of County employees, and especially that of the Aroostook County Sheriff, the highest law enforcement officer in Aroostook County, is incomprehensible.

In July, 2008, Twelve indictments were handed down in a Pennsylvania court of law for illicit use of public funds for political campaigning, referred to as "Bonusgate". The Twelve faced charges of theft, criminal conspiracy and conflict of interest for using taxpayer dollars, public property, public equipment and public employees for campaign purposes. The unethical campaign practices of incumbent candidate Sheriff James Madore should be dealt with in like manner.

To run for a political position today, a candidate must raise a tremendous amount of campaign funds and resources. Candidates work hard and trying to raise funds in the County's presently poor economic climate is nearly impossible. For an incumbent candidate to use taxpayer resources for campaign purposes is unethical, a conflict of interest and puts other candidates at a less than fair disadvantage. Clearly, it is the intent of incumbent candidate Sheriff James Madore to get an upper hand against an opponent, at the expense of the Aroostook County taxpayers.

I request the unethical campaign actions of Sheriff James P. Madore be addressed expeditiously and to the fullest extent of the law.

Very truly yours,



207-0457
ZACHARY E. SMITH, Chairman
Aroostook County Republican Committee

Enclosures

cc: Maine Attorney General's Office (w/enc.)
Maine Ethics Commission (w/enc.)
Maine Heritage Policy Center (w/enc.)

Search



Re-Elect James P. MADORE for SHERIFF

Like

Wall Info Discussions Links Photos

Add to My Page's Favorites
Suggest to Friends

Information

Country: United States
Current Office: Aroostook Sheriff
Office: Aroostook Sheriff
State: Maine
Party: Democrat

Basic Info

Country: United States
Current Office: Aroostook Sheriff
Office: Aroostook Sheriff
State: Maine
Party: Democrat

Detailed Info

Birthday: May 11
Hometown: Madawaska
Work Info: Employer: County of Aroostook
Position: Sheriff
Time Period: April 2001 - Present

Education Info

College: UMFK Criminal Justice
High School: Ft. Kent Community High School '70

7 Friends Like This

6 of 7 Friends See All



Paula Dubay Graves



Fred Thomas



Lola Willette



Jason Gayne



Danny Gahagan



Jennifer Perreault

Contact Info

Email: sheriff@aroostook.me.us
Phone: 207-532-3471
Cell: 207-538-6192
Location: 25 School St., Suite 216 Houlton, ME, 04730

456 People Like This



Ross McQuade



Joey Seeley



Kris Malmborg



Beth Brann

Exhibit "A"

Chat (9)

No one has added fan videos.
Add Videos.

Create a Page
Report Page



Ross E. Gatcomb III Hello James hope all is well with you and the family. Send up one of your signs so I can plant it on my lawn. Rosco P.
August 31 at 7:01am · Comment · Like · Flag



Re-Elect James P. MADORE for SHERIFF OK.....so, if you are within the Houlton city limits, political signs may not be displayed.....even on private property. Ordinance in effect. I am now on a first name basis with the Code Enforcement Officer, haha! Thanks for all your support! :<)
August 31 at 3:12am · Comment · Like

Rachel Mersereau Sperrey, Andy Beaulieu, Bob Marquis and 6 others like this.

View all 8 comments



Tami Cote I guess I better say not that anyone "should" do this...just sayin, I don't think it is an ordinance that could possibly be enforced
August 31 at 4:30am · Flag



Lola Willette Tami..you are too funny!!!
August 31 at 4:44am · Flag



Timothy J. Embelton We sent Forrest a note,we would like a sign for our lawn.Doing a GREAT job.Keep up the good work for a couple more years.
August 30 at 1:17am · Comment · Like · Flag



Re-Elect James P. MADORE for SHERIFF Linda is on the campaign trail.....what do you think??



August 29 at 5:16pm · Comment · Like

Michelle McQuarrie Cross, J Gilbert Roy, Redd Beard and 14 others like this.

View all 12 comments



Ryan Doughty that's awesome
August 30 at 3:01pm · Flag



J Gilbert Roy way to go LINDA
August 31 at 4:54am · Flag



Craig Clossey I'm out of signs again!
August 28 at 4:08pm · Comment · Like · Flag

Jan Palmer likes this.



Thomas C. King You haven't put one on my lawn yet, brother from another mother.
August 28 at 4:10pm · Flag



Jeff Potter I want one
August 28 at 5:27pm · Flag



Kristy R. Miffett I would love to have a lawn sign!!!
August 26 at 9:10am · Comment · Like · Flag



Samantha Equality White hey! when's the next time someone will be in the Presque Isle area with signs? I desperately want one! :D
August 23 at 8:38am · Comment · Like · Flag

Re-Elect James P. MADORE for SHERIFF I spoke with the Presque Isle DAV (disabled American Veteran's) group at their annual picnic yesterday at Skopan lake. Great day and great hospitality. Told them about my background and the Sheriff's Office. I was asked for lawn signs before leaving. (I believe much support was gained)

August 23 at 3:02am · Comment · Like

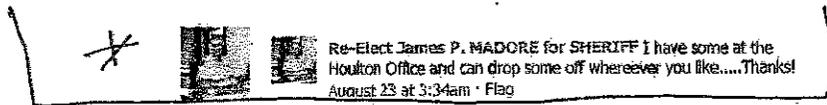
John Wazo, Paul Theriault, Lisa Higgins Dow and 25 others like this.



Mark Sperrey I want a lawn sign!! Can I get one at your office??
August 23 at 3:10am · Flag



Brian McQuarrie Me too
August 23 at 3:12am · Flag



Re-Elect James P. MADORE for SHERIFF I have some at the Houlton Office and can drop some off wherever you like.....Thanks!
August 23 at 3:34am · Flag

Kinny Cortheil I'd like to put one out as well!
August 23 at 4:49am · Flag

Brent Rafford You have me and my families vote
August 23 at 5:28am · Flag

Craig Clossey I need more signs!
August 23 at 5:55am · Flag

Sue Norm Hillegass we need signs in madawaska
August 23 at 7:01am · Flag

Bert Murphy I'd like a sign
August 23 at 9:50am · Flag

Jane Ouellette Jandreau: Good luck Jim
August 23 at 11:39am · Flag

Brian MacMaster I live in Kennebec County, but I'll put up a sign!
August 23 at 2:46pm · Flag

Darrell Crandall I had signs, but because I live in Houlton I don't have the legal right to exercise my right to free speech. Maybe we should rename Market Square... "Red Square."
August 23 at 6:21pm · Flag

Brian MacMaster Very likely unconstitutional.
August 23 at 6:24pm · Flag

Darrell Crandall Agreed...but I was too preoccupied to fight the fight last week when they dug their heels in. Also - the way the ordinance is written the fine is levied against the candidate. I did not want to be cavalier with the Sheriff's checkbook.
August 23 at 6:26pm · 1 person · Flag

Redd Beard Get me a sign and I'll post it in the yard!!!! Best of luck Sheriff!
August 24 at 5:11pm · Flag

Marjorie Deschaine We're pulling for you Jim, you have our votes & friendship always!
August 24 at 6:46pm · Flag

Jo Madore =)
August 25 at 1:49pm · Flag

Re-Elect James P. MADORE for SHERIFF Chief Deputy Clossey and Sheriff Madore participated in the 2010 Washburn August Fest parade. Many campaign cards handed out with 100% positive comments. Thanks for all the support!! :-)
August 22 at 4:07am · Comment · Like

Tina Frederick Bradley, Ann Lausier Pelletier, Jan Palmer and 13 others like this.

[View all 4 comments](#)

Jim McCarty I WANT A SIGN TO PUT IN MY YARD TO SHOW MY SUPPORT FOR HIM!
August 22 at 6:23am · Flag

Kathy McCarty sorry I missed ya. I was at the back of the parade on an ATV. And yes, great crowd
August 22 at 6:29am · Flag

Sandy Desjardins Cyr Best of luck Jim:) This county is richly blessed to have such a wonderful man as Sheriff!
Thank you for serving!
August 16 at 4:43am · Comment · Like · Flag

Daniel Robertson and Barbara Harvey like this.

Barbara Harvey I agree, good luck!
August 16 at 10:45am · Flag

Re-Elect James P. MADORE for SHERIFF On Sunday Sheriff Madore and Deputies participated in the Island Falls parade. A perfect day, sun and breeze. Thank you to Chief Deputy Clossey, Lt. Darrell Crandall, and Deputy Palmer for their participation

Email

Keep me logged in

Sign Up

Re-Elect James P. MADORE for SHERIFF is on Facebook

Sign up for Facebook to connect with Re-Elect James P. MADORE for SHERIFF.



Re-Elect James P. MADORE for SHERIFF

Like

Wall Info Discussions Links Photos

Basic Info

Country: United States

Current Office

Office: Aroostook Sheriff

State: Maine

Party: Democrat

Detailed Info

Birthday: May 11

Hometown: Madawaska

Work Info

Employer: County of Aroostook

Position: Sheriff

Time Period: April 2001 - Present

Education Info

College: UMFK
Criminal Justice

High School: Ft. Kent Community High School '70

Contact Info

Email: sheriff@aroostook.me.us

Phone: 207-532-3471

Cell: 207-538-6192

Location: 25 School St., Suite 215
Houlton, ME, 04730

Information

Country:
United States

Current Office
Office:
Aroostook Sheriff

State:
Maine

Party:
Democrat

489 People Like This



Chad Fuller



Mike Smith



Blake Hatt



Lee Oliver



Naldo
Gagnon



Shawn
Madore

Photos

2 of 4 albums

See All



Wall Photos
Updated last
Sunday



Duck Tour -
FBINA Boston
2010

Exhibit "B"

Email Password

Keep me logged in [Forgot your password?](#)

[Sign Up](#) Facebook helps you connect and share with the people in your life.

Re-Elect James P. MADORE for SHERIFF's Photos Wall Photos

Photo 1 of 10 [Back to Album](#) · [Re-Elect James P. MADORE for SHERIFF's Photos](#) · [Re-Elect James P. MADORE for SHERIFF's Profile](#)

[Previous](#) [Next](#)



* Fort Fairfield Potato Blossom Parade 2010. Chief Deputy Clossey, Sgt. Shawn Gillen, Deputy Vance Palmer and I participated. Uniforms and Equipment looked outstanding. Chief Deputy and Sheriff handed out Re-Elect cards while walking alongside shining cruisers. We gathered up much support.

From the album:
Wall Photos by Re-Elect James P. MADORE for SHERIFF

Added July 18 · [Comment](#) · [Like](#)

Ryan Rackliffe, Jan Palmer, Jen Pelletier-Mazo and 30 others like this.

-  **Mike Murphy** Looking sharp, gentlemen.
July 18 at 6:05am · [Flag](#)
-  **Kirk Guerrette** Good luck Jim.
July 18 at 9:12am · [Flag](#)
-  **Cecil Hafford** I could have walked behind with a sign on me saying "look what'll happen if Jim isn't elected", can anyone say unanimous.
July 18 at 1:25pm · [Flag](#)
-  **Don Gibson** Go get 'em Sheriff
July 18 at 1:38pm · [Flag](#)
-  **Gail Margie Beaupre** You've got our support. Also thank you to you and your wife for your sincere condolences. It means so much to us.
July 21 at 8:24pm · [Flag](#)

Exhibit "C"

Email Password

Keep me logged in [Forgot your password?](#)

[Sign Up](#) Facebook helps you connect and share with the people in your life.

Re-Elect James P. MADORE for SHERIFF's Photos - Wall Photos

Photo 2 of 10 [Back to Album](#) [Re-Elect James P. MADORE for SHERIFF's Photos](#) [Re-Elect James P. MADORE for SHERIFF's Profile](#)

[Previous](#) [Next](#)



Another Potato Blossom parade pic.....Sheriff and cruiser....

From the album:
Wall Photos by Re-Elect James P. MADORE for SHERIFF

Added July 19 · [Comment](#) · [Like](#)

Ryan Rackliffe, Ian Palmer, Gayle Pelletier and 11 others like this.

-  **Norma Michaud** What a Handsome Devil! hehehehe
July 19 at 4:29am · [Flag](#)
-  **Re-Elect James P. MADORE for SHERIFF** What do you mean hehehehe??
July 19 at 4:29am · [Flag](#)
-  **Norma Michaud** OK, STUD MUFFIN...A great photo! :-> Have great day!
July 19 at 4:36am · [Flag](#)
-  **Des McQuarrie** Hahahahal :)
July 19 at 4:37am · [Flag](#)
-  **Kai Full Tilt Libby** looking sharp!
July 19 at 5:29am · 1 person · [Flag](#)
-  **Butch Asselin** I like that bike!!
July 19 at 5:44am · [Flag](#)
-  **Lisa Higgins Dow** Wish I could vote for you Jim!
July 19 at 6:30pm · [Flag](#)
-  **Kai Full Tilt Libby** thanks Butch, he would let you have one too!
July 20 at 5:12am · [Flag](#)

Email Password

Keep me logged in [Forgot your password?](#)

Facebook helps you connect and share with the people in your life.

Re-Elect James P. MADORE for SHERIFF's Photos - Wall Photos

Photo 9 of 10 [Back to Album](#) · [Re-Elect James P. MADORE for SHERIFF's Photos](#) · [Re-Elect James P. MADORE for SHERIFF's Profile](#)

[Previous](#) [Next](#)



On Sunday Sheriff Madore and Deputies participated in the Island Falls parade. A perfect day, sun and breeze. Thank you to Chief Deputy Cossy, Lt. Darrell Crandall, and Deputy Palmer for their participation

From the album:
Wall Photos by Re-Elect James P. MADORE for SHERIFF

Added August 11 · [Comment](#) · [Like](#)

Darf Snosrap, Scott Madore, Jim McCarty and 13 others like this.

Patricia Mahos good luck jim praying for u part
August 11 at 5:47pm · [Flag](#)

AFFIDAVIT

I, Thomas Donahue, hereby depose and say:

1. My name is Thomas Donahue and I reside in Hammond, County of Aroostook and State of Maine.
2. That I am a member of the Presque Isle, Maine, Chapter of the Disabled American Veterans (hereinafter "DAV").
3. That on August 22, 2010, I attended a meeting of the Presque Isle, Maine, Chapter of the DAV.
4. That Aroostook County Sheriff James P. Madore was a guest speaker at the aforementioned August 22, 2010, DAV meeting.
5. That Aroostook County Sheriff James P. Madore stated at aforesaid August 22, 2010, DAV meeting that he was a 2010 incumbent candidate for Aroostook County Sheriff.
6. That incumbent candidate Aroostook County Sheriff James P. Madore arrived at the above mentioned August 22, 2010 DAV meeting driving an automobile owned by the Aroostook County Sheriff's Department.
7. That I observed incumbent candidate Aroostook County Sheriff James P. Madore distribute campaign literature, specifically, campaign lawn signs "Re-Elect James P. Madore Sheriff", from the trunk of the aforementioned Aroostook County Sheriff's Department automobile.

Further, your affiant sayeth not.

September 3, 2010


 THOMAS DONAHUE

STATE OF MAINE
AROOSTOOK, ss.

Sworn and subscribed before me this 3rd day of September, 2010

Before me,

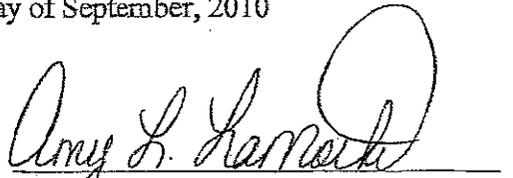

 NOTARY PUBLIC
 Type or Print: Amy L. Lamothe
 My Commission Expires: 10-27-13

Exhibit "D"

AFFIDAVIT

I, Kelley Donahue, hereby depose and say:

1. My name is Kelley Donahue and I reside in Hammond, County of Aroostook and State of Maine.

2. That I am a member of the Ladies Auxiliary of the Veterans of Foreign War, Presque Isle Maine.

3. That on August 22, 2010, I attended a meeting of the Ladies Auxiliary of Veterans of Foreign War.

4. That Aroostook County Sheriff James P. Madore was a guest speaker at the aforementioned August 22, 2010, meeting of the Ladies Auxiliary of Veterans of Foreign War.

~~5. That Aroostook County Sheriff James P. Madore stated at aforesaid August 22, 2010, meeting of the Ladies Auxiliary of Veterans of Foreign War that he was a 2010 incumbent candidate for Aroostook County Sheriff.~~ *HD 9-3-2010*

6. That incumbent candidate Aroostook County Sheriff James P. Madore arrived at the above mentioned August 22, 2010 meeting of the Ladies Auxiliary of Veterans of Foreign War driving an automobile owned by the Aroostook County Sheriff's Department.

7. That I observed incumbent candidate Aroostook County Sheriff James P. Madore distribute campaign literature, specifically, campaign lawn signs "Re-Elect James P. Madore Sheriff", from the trunk of the aforementioned Aroostook County Sheriff's Department automobile.

Further, your affiant sayeth not.

September 3, 2010

Kelley Donahue
KELLEY DONAHUE

STATE OF MAINE
AROOSTOOK, ss.

Sworn and subscribed before me this 3rd day of September, 2010

Before me,

Amy L. Lamothe
NOTARY PUBLIC
Type or Print: *Amy L. Lamothe*
My Commission Expires: *10-27-13*