



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

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**February 13<sup>th</sup>, 2002**

Minutes of the February 13<sup>th</sup>, 2002, meeting of the Commission on Governmental Ethics and Election Practices held in the Commission (MLRB) Hearing Room, 242 State Street, Augusta, Maine.

Present: Chair Peter B. Webster; Members Hon. Michael Carpenter, Dr. Linda Cronkhite and Hon. Harriet P. Henry (telephonically); Director William C. Hain, III; Counsel Phyllis Gardiner, Esq.; Commission Assistant Kendra Danforth; and Candidate Registrar Diana True.

Chair Webster called the meeting to order at 10:37 a.m. The Commission considered items on the published agenda as follows:

**Agenda Item #5: Kim Crichton, Public Affairs Director, ME, Lobbyist for Planned Parenthood of Northern New England; Late Lobbyist Monthly Disclosure Reports**

The Commission considered the late filings of Ms. Crichton's September 2001 and October 2001 lobbyist monthly disclosure reports. Ms. Crichton appeared personally in support of her request for waiver letter dated January 15<sup>th</sup>, 2002. Mr. Carpenter moved, Ms. Cronkhite seconded and, following discussion, the Commission voted unanimously to assess a \$100 penalty for each of the two late monthly reports (\$200 total).

**Agenda Item #11: Senator Mary E. Small, Senate Republican Leader, Letter of February 12<sup>th</sup>, 2002**

Senator Small requested the Commission to provide an advisory opinion clarifying the meaning of 1 M.R.S.A. §1015(3). The provision prohibits legislators from soliciting or accepting contributions from lobbyists or lobbyists' employers while the Legislature is convened. It also prohibits lobbyists and lobbyist employers from making contributions to legislators while the Legislature is convened. Senator Small raised the question in the context of a contribution solicitation by the Senate Democratic Campaign Committee (SDCC), a political action committee whose principal officers are two incumbent Senators that three lobbyists received while the Legislature is convened. In addition to the clarification, Senator Small requested answers to other specific questions in the context of an ongoing special election campaign to fill a Senate vacancy.

Senator Small addressed the Commission and summarized her concerns presented in detail in her February 12<sup>th</sup> letter. She expressed particular concern for the lack of understanding of the rules

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regarding fundraising for a special election while the Legislature is convened. Mr. Hain explained the current situation regarding candidates in the special election and their status with respect to public versus private campaign financing. Mr. Carpenter expressed concern for whether a reader would know that the solicitation in question related to the special election, referring to the exception to the solicitation provision for fundraising "relating to" a special election. Mr. Hain noted the lack of time after receipt of Senator Small's letter the morning of the Commission meeting to contact representatives of the SDCC. He suggested that the Committee be contacted to solicit their response to Senator Small's letter.

After further discussion, Members concluded that the SDCC should be provided a copy of Senator Small's letter and requested to address the questions presented. By unanimous agreement of Members and the parties present, the Commission decided to confer telephonically on Friday, February 15<sup>th</sup>, 2002, with all interested parties participating, to address any response the SDCC may provide to Senator Small's questions. Mr. Hain was directed to telefax a copy of Senator Small's letter to the SDCC and any other interested parties and to arrange a telephonic Commission meeting on Friday, February 15<sup>th</sup>, to address and resolve all questions raised by Senator Small's letter.

### **Agenda Item #3: Maine Clean Election Act Rules Amendment**

The Commission considered public comments on proposed amendments to Maine Clean Election Act rules. Mr. Douglas Clopp from the Maine Citizen Leadership Fund addressed the Commission regarding his letters dated January 22<sup>nd</sup> and 23<sup>rd</sup>, 2002, providing written comments on the Commission's proposed rule amendments. Mr. Clopp reiterated the points made in the letter addressing the Chapter 3 proposed amendments and responded to Commission questions. Following discussion, Ms. Cronkhite moved, Mr. Carpenter seconded, and the Commission unanimously voted to provisionally adopt the rule amendments for submission to the Joint Standing Committee on Legal and Veterans' Affairs as a major substantive rule in accordance with 21A M.R.S.A. §1126.

### **Agenda Item #1: Ratification of Minutes**

Mr. Carpenter moved, Ms. Cronkhite seconded, and Members voted unanimously to accept the minutes of the December 12<sup>th</sup>, 2001 meeting as submitted.

### **Agenda Item #2: David C. Ireland**

Mr. Hain reviewed the status of correspondence between the Commission staff and Mr. Ireland regarding Mr. Ireland's request for an extended reimbursement and penalty payment arrangement. Mr. Ireland had requested a longer payment period with smaller periodic payments than seemed warranted under the circumstances. Mr. Hain had requested Mr. Ireland to provide financial disclosure information of the type routinely requested for similar judicial proceedings. Mr. Ireland had provided only a small portion of the requested information. Following discussion, Mr. Carpenter moved, Judge Henry seconded, and Members voted unanimously to suspend or revoke discussions with Mr. Ireland regarding any periodic payment arrangement and



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to refer the matter to the Attorney General for collection under the appropriate statutory authority.

**Agenda Item #4A: David Siegel, Executive Director, Lobbyist for Maine Innkeepers Association; Late Joint Lobbyist/Employer Annual Report**

The Commission considered the late filing of Mr. Siegel's 2001 annual lobbyist disclosure report with specific reference to Mr. Siegel's letter dated January 2<sup>nd</sup>, 2002. Mr. Carpenter moved, Ms. Cronkhite seconded and, following discussion, Commission Members voted unanimously to assess a \$100 penalty for the late filing of the annual report.

**Agenda Item #4B: Lori K. Gramlich, MSW, Public Affairs Director, Lobbyist for Dirigo Alliance; Late Joint Lobbyist/Employer Annual Report**

The Commission considered the late filing of Ms. Gramlich's 2001 annual lobbyist disclosure report with specific reference to her letter dated January 2<sup>nd</sup>, 2002. Mr. Carpenter moved, Ms. Cronkhite seconded and, following discussion, Commission Members voted unanimously to assess a \$100 penalty for the late filing of the annual report.

**Agenda Item #4C: Martha F. H. Mayo, Lobbyist for Workers' Compensation Coordinating Council; Late Joint Lobbyist/Employer Annual Report**

The Commission considered the late filing of Ms. Mayo's 2001 annual lobbyist disclosure report with specific reference to her letter dated January 4<sup>th</sup>, 2002. Mr. Carpenter moved, Ms. Cronkhite seconded and, following discussion, Commission Members voted unanimously to assess a \$100 penalty for the late filing of the annual report.

**Agenda Item #4D: Brenda Gallant, Lobbyist for Long-Term Care Ombudsman Program; Late Joint Lobbyist/Employer Annual Report**

The Commission considered the late filing of Ms. Gallant's 2001 annual lobbyist disclosure report. Mr. Carpenter moved, Ms. Cronkhite seconded and, following discussion, Commission Members voted unanimously to assess a \$100 penalty for the late filing of the annual report.

**Agenda Items #4E & 4F: Public Affairs Group, Lobbyist for Alliance of Automobile Manufacturers, Inc. and Telephone Association of Maine; Late Joint Lobbyist/Employer Annual Reports**

The Commission considered the late filing of Public Affairs Group's 2001 annual lobbyist disclosure report for each of the represented employers. Mr. Carpenter moved, Ms. Cronkhite seconded and, following discussion, Commission Members voted unanimously to assess a \$100 penalty for the late filing of each of the annual reports (\$200 total).



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**Agenda Item #6: Hon. David L. Tobin**

By letter dated January 24<sup>th</sup>, 2002, Representative Tobin requested a waiver for Maine Clean Election Act (MCEA) qualifying contributions he had accepted before filing the required Declaration of Intent. As a first time MCEA candidate, he had signed a Declaration of Intent Concerning Voluntary Expenditure Limits in the appropriate block indicating his intent to become a MCEA candidate believing that to be the Declaration of Intent he was required to file before collecting qualifying contributions. Following brief discussion, Judge Henry moved, Mr. Carpenter seconded, and Commission Members voted unanimously to grant the requested waiver based upon Representative Tobin's *bona fide* effort to comply with the MCEA requirements.

**Agenda Item #7: "Identification of Designated Push Polling Agent" Form Approval**

Mr. Hain reviewed the statutory basis for the form's requirements. The Commission discussed the desirability of including on the form the identification of the person who authorized and/or paid to have the poll conducted. Following that discussion, Mr. Carpenter moved, Ms. Cronkhite seconded, and Commission Members voted unanimously to approve the form's adoption for use in the 2002 elections, subject to being revised to include the identification of the person or organization paying for or authorizing the conduct of the poll.

**Agenda Item #8: Internet Use Policy Statement**

The Commission considered the proposed policy statement regarding Internet use under Maine's campaign finance and reporting laws. Following brief discussion, Mr. Carpenter moved, Ms. Cronkhite seconded, and Commission Member voted unanimously to approve the draft statement as the Commission's present, informal position pending final adoption by the FEC of its proposed rule, subject to possible future formal adoption through public rulemaking.

**Agenda Item #9: Maine Green Independent Party**

By letter dated January 12<sup>th</sup>, 2002, to the Attorney General, the Maine Green Independent Party filed a grievance against the Commission for the penalty previously assessed against the party for the late filing of a campaign finance report. Since this matter was presented to the Commission for information only, no action was required.

**Agenda Item #10: Commission Staff Personnel**

Mr. Hain introduced the new Commission Assistant, Ms. Kendra Danforth, who was present and recording the meeting.

**Agenda Item #11: Other; Statuts of Gubernatorial Appointments of New Commission Members**

Chair Webster inquired about the status of the Governor's appointment of new Commission Members. Mr. Hain reported that he had been informed that the Legislative leadership had

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submitted the requisite five lists of names to the Governor's office, but the Governor's office had not yet announced any selections. The Governor has until March 15<sup>th</sup>, 2002, to nominate new Commission Members. Chair Webster said he would contact the Governor's office to try to determine the status of the replacement process for future planning purposes. Chair Webster also expressed his appreciation to the other Commission Members for their continued service to the Commission and the people of Maine since the enactment of LD1809.

Counsel Gardiner informed the Commission that Attorney Kurt Adams, on behalf of the Senate Democratic Campaign Committee, would provide the Commission with a response to Senator Small's letter regarding the solicitation and acceptance of contributions between Legislators and lobbyists and their employers when the Legislature is convened. In anticipation of receiving that letter on Thursday, February 14<sup>th</sup>, 2002, the Commission scheduled a telephone meeting at 10:00 a.m., Friday, February 15<sup>th</sup>, 2002, to conclude deliberation of Senator Small's request.

There being no further business, on motion and unanimous vote, the Commission adjourned at 12:15 p.m.

Respectfully submitted,

William C. Hain, III  
Director