



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

Agenda

Meeting of April 9, 2003

10:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of Minutes of March 12, 2003 meeting.

OLD BUSINESS

2. Richard Pelletier, Treasurer, People for a Strong Maine Economy: The Commission considered the 48-Hour Reports of Late Expenditures that were made between October 26-28, 2002, and due between October 28-30, 2002, but were not filed until between October 30 and November 1, two (2) days late. The late filings resulted in a cumulative preliminary penalty determination of \$2,234.58 based upon the application of the statutory formula. Daniel Walker, Esq., appeared on behalf of Mr. Pelletier. Both Attorney Walker and Mr. Pelletier addressed the Commission and acknowledged that the 48-hour reports on the itemized list had been filed late. Mr. Pelletier noted, however, that many of the reports had included estimated amounts of expenditures that exceeded the actual amounts spent because the actual amounts had not been known when the reports were filed. The Commission tabled final consideration of the matter to give Mr. Pelletier an opportunity to provide the actual amounts of the expenditures made and for the staff to recompute the possible penalty amount based on the more accurate figures.
3. Paul Volle, The Christian Coalition of Maine: By letter dated October 30, 2002, Brenda Broder, Westbrook Citizens for Equal Rights, filed a formal complaint regarding Paul Volle's and/or The Christian Coalition of Maine's failure to register and report financial activities based upon various advertisements (e.g., *The American Journal*) and signs. By e-mail dated January 6, 2003, Mr. Volle requested the Commission to table this item because he and his attorneys had not been able to arrive at a definitive plan of action due to the holidays, traveling, and health reasons. The Commission voted unanimously to table further consideration of the matter until the next meeting. By letter dated January 28, 2003, Paul Volle offered a formal response to Brenda Broder's complaint.
4. Hon. Michael McAlevey: The Commission considered the 6-Day Pre-General Election Report that was due on October 30, 2002, and filed on November 3, 2002, 4 days late, resulting in a preliminary penalty determination of \$1,929.12 based upon the application of the statutory formula. A telephone request from Senator McAlevey's wife on his behalf to Mr. Hain before the January meeting began requested the matter be tabled due to Senator McAlevey's illness. The



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Commission voted unanimously to table further consideration of the matter until the next meeting.

5. William E. Nickerson; Treasurer, Fleet National Bank Political Action Committee: The Commission considered Mr. Nickerson's letter of November 27, 2002, in response to the question whether there had been a possible expenditure limit violation as a result of a \$300 contribution to the Cianchette campaign in late October following a \$500 contribution earlier that month, both during the general election period. Mr. Nickerson explained that the \$300 contribution had been made for the purpose of retiring primary election campaign debt and not for the general election campaign. Following brief discussion, Mr. Donnelly moved, Mr. Ketterer seconded, and Members voted unanimously to table further consideration until the next meeting pending preparation of a legal opinion by Counsel Gardiner on the application of the *Collins vs. Commission* case to these facts.

NEW BUSINESS

6. Commission Penalty Determinations:
- A. Hon. Joan Bryant – Deschenes:
42-Day-Post General Report
Due 12/17/02; filed 1/15/03; 29 days late
Penalty: \$2,811.55
7. Request for Commission Determinations:
- A. John Larouche:
December Monthly Lobbyist Report
Due 01/15/03; Filed 03/14/03
Penalty: \$200.00
- B. John Larouche:
January Monthly Lobbyist Report
Due 02/15/03; Filed 03/14/03
Penalty: \$100.00
- C. John Larouche:
Lobbyist Registration Report
Due 01/13/03; Filed 03/14/03
Penalty: \$600.00
- D. Jim Nicholas; Treasurer, Portland City Committee:
Party January Quarterly Campaign Finance Report
Due 01/15/03; Filed 02/06/03; 22 days late
Penalty: \$500.00
- E. Lisa Varela; Treasurer, Westbrook Citizens for Equal Rights:
42-Day-Post General Report

Due 12/17/02; filed 1/15/03; 29 days late
Penalty: \$2,352.19

F. Bonnie Buckmore; Consumers for Affordable Health Care:

Annual Lobby Disclosure Report
Due 12/30/02; Filed 01/07/03;
Penalty \$200.00

G. Mary Freeman; Maine People's Alliance:

Annual Lobby Disclosure Report
Due 12/30/02; Filed 01/06/03;
Penalty \$200.00

8. Maine Clean Election Act Issues:

A. John Henderson:

The campaign expenditures exceeded MCEA distribution by \$32.74 due to an accounting error.

B. James Mitchell: Candidate James P. Dunleavy incurred legal expenses during the 2002 campaign. Are legal fees incurred to respond to ethical misconduct allegations appropriate expenditures for the MCE funds?

C. William Dobrowolski; Deputy Treasurer; Strimling for Senate:

Strimling's employer Portland West incurred legal expenses during the 2002 campaign in relationship to the Hatch Act. Are the employer's legal fees appropriate expenditures for the MCE funds?

9. Request for Commission interpretation or action:

A. Representative Trahan: Rep. Trahan would like to know if he can help his local school district by soliciting funds from area businesses for school books while he is in session.

B. Robert Marks; president of Land Association of Washington: Request for an investigation concerning the registration of a Political Action Committee, Rights Association of Washington (RAW).

C. List of non-filers for the 42-Day Post General Report.

10. Other: Miscellaneous as needed.

11. Executive Session: If necessary.

ADJOURNMENT