



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

Agenda

Meeting of August 10, 2005

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of the April 8, May 10, and June 8, 2005 meetings

NEW BUSINESS

2. Overspending of MCEA Funds/John Linscott

John Linscott was the Republican candidate for House District #116 in the 2004 elections. On June 8, 2005, the Commission assessed a \$35.72 penalty against him for violating the Maine Clean Election Act by contributing \$35.72 in personal funds to his campaign and spending those funds. The Commission staff believed he did not wish to address the Commission regarding the proposed penalty. Mr. Linscott replied to the penalty with a letter dated June 14, 2005, and wishes to address the Commission regarding the violation and penalty.

3. Proposed Policies on Travel, Lodging, and Meals by MCEA Candidates

At the July 13 meeting, the Commission requested that the staff propose policies on the use of Maine Clean Election Act funds for travel, lodging, and meals.

4. Proposed Assessment of Civil Penalty against John Fink

John Fink was a candidate for House of Representatives in the 2002 elections. Because his campaign had a surplus of \$1,204.17 following the 2002 general election, he has been required to file semiannual campaign finance reports every January 15th and July 15th beginning in July 2003. He has not filed any semiannual reports and the Commission referred him to the Attorney General in November 2003. Mr. Fink has agreed by telephone with a proposal by the Commission staff that his 2002 campaign would forfeit to the Commission the entire balance of \$1,204.17 as a civil penalty, which will eliminate the need to file future campaign finance reports. *Staff recommendation: the staff recommends assessing two penalties totaling \$1,204.17 for the late filing of the January 17, 2005 and July 15, 2005 reports.*

5. Request for Waiver of Late-Filing Penalty/Thomas Kane

Thomas Kane is a registered lobbyist for Maine Health. He filed the monthly lobbyist report due July 15, 2005 six days late on July 21. He has written a letter requesting a waiver of the penalty because he became seriously ill with food poisoning on July 10 and

was “out for a week.” The state statute allows the Commission to waive late-filing penalties against lobbyists due to mitigating circumstances but does not define them. *Staff recommendation: the staff recommends against a waiver because the illness occurred five days before the filing deadline and the form required little information from Mr. Kane.*

6. Referral to Attorney General/Matthew Gagnon

Matthew Gagnon was the Republican candidate for House District #14 in the 2004 elections. On April 8, 2005, the Ethics Commission assessed a total penalty of \$150 for the late filing of his 42-day post-primary and 6-day pre-general reports after considering Mr. Gagnon’s request for a waiver of the penalty. On April 12, 2005, the Commission staff sent a formal determination requesting payment within 30 days. Under 21-A M.R.S.A. §1020-A(10), thirty days after issuing a notice of penalty the Commission “shall” report to the Maine State Attorney General the name of any person who has failed to pay the full amount of a civil penalty. On July 6, 2005, the Commission staff sent Mr. Gagnon a final notice that the staff would recommend referring him to the Attorney General for collection of the unpaid penalty. The Commission staff has left messages for Mr. Gagnon at his residence. *Staff recommendation: the Commission staff recommends referring Mr. Gagnon to the State Attorney General for collection of the civil penalty.*

7. Referral to Attorney General/Christopher M. McCarthy

At its May 11, 2005 meeting, the Ethics Commission assessed civil penalties totaling \$8,967.85 against candidate Christopher M. McCarthy for filing the October 27, 2004 and December 14, 2004 campaign finance reports late, and for failing to return \$845.72 in unspent Maine Clean Election Act funds by December 14, 2004. At its July 13, 2005 meeting, the Commission declined to reconsider the penalty. On July 13, the staff mailed a letter to Mr. McCarthy proposing a \$400-per-month payment plan with an initial payment by August 1. Since then, the staff has left Mr. McCarthy voicemail messages and written him a letter inquiring whether he would agree to a payment plan, but he has not responded. *Staff recommendation: the staff requests authorization to send a final letter to Mr. McCarthy, and if no response is received by August 31, to refer him to the Attorney General for collection of the civil penalties.*

8. Vacancy on Ethics Commission

The position on the Commission formerly held by Terrence J. MacTaggart has been vacant since April 2005. Dr. MacTaggart’s term expired in October 2003 and he had been serving as a holdover member. The staff seeks guidance on what steps the Commission staff should take to encourage filling the vacancy.

Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT