



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

To: Commission
From: Michael J. Dunn, Esq., Political Committee Registrar
Date: 08/12/2021
Re: Mainers for Local Power – Waiver Request (Late Major Contributor Notice)

Mainers for Local Power (the “PAC”) is a political action committee whose founding organizations are Vistra Energy Corp. (“Vistra”) and Calpine Corporation (“Calpine”), two Texas based energy companies. The PAC registered with the Commission on 12/19/2019 to support a ballot initiative to direct the Public Utilities Commission to reject the NECEC electrical power transmission line through western Maine (“NECEC I”). On or about 08/13/2020, the Maine Law Court concluded “that the Superior Court erred by dismissing the declaratory judgment count of the complaint, and we therefore vacate that portion of the judgment and remand the matter for the Superior Court to enter a declaratory judgment that the initiative fails to meet the constitutional requirements for inclusion on the ballot because it exceeds the scope of the people's legislative powers conferred by article IV, part 3, section 18 of the Maine Constitution.” Avangrid Networks, Inc. v. Sec'y of State, 2020 ME 109, ¶ 2. On 09/16/2020, proponents of NECEC I submitted a new initiative to the Secretary of State, requiring Legislative approval of certain transmission lines in the upper Kennebec region (“NECEC II”).

On 01/15/2021, the PAC received over \$100,000 from Calpine since 09/16/2020. ETH. 8-11. On 02/12/2021¹, the PAC also received over \$100,000 from Vistra since 09/16/2020. ETH. 8-11. On May 21, 2021, Commission staff made a preliminary finding that the PAC was required to provide Calpine with notice of its Major Contributor obligations by 01/20/2021 and Vistra with notice by 02/17/2021. ETH. 3-6. The Commission staff sent the PAC notice of preliminary

¹ On 08/13/2021, the Commission staff received an email from Vivian Mikhail, Esq. indicating that the PAC had misreported the contributions from Vistra Energy Corp and that it cleared the \$100,000 threshold on August 10, 2021. The Commission staff reviewed the amended contributions (through June 30, 2021), which reflects these corrections. Commission staff credits this representation based on the PAC’s history of compliance and forthcomingness with errors. Due to the timing of this acknowledgment; this memorandum proceeds with the assumption of two violations. The Commission staff would still recommend a total penalty of \$2,500, even if the Vistra penalty is waived/no violation.

penalties of \$13,786.32 for the late notice to Calpine and an additional \$13,511.88 for the late notice to Vistra (totaling \$27,298.20).

On 06/04/2021, the PAC filed a timely request for waiver. ETH 1-7. The PAC acknowledges its mistake and agrees with the Commission's decision in Clean Energy Matters. The PAC requests that its two violations be treated as one, consistent with Commission precedent, and that the penalty be reduced to 5% of the preliminary penalty (\$690) citing the Clean Energy Matters case.

LEGAL REQUIREMENTS

Major Contributor Requirements

A person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing a people's veto referendum campaign or a direct initiative campaign is considered a "major contributor." 21-A M.R.S. § 1060-A(1)(B). The recipient committee shall provide written notice to the major contributor within five (5) days of receiving more than \$100,000 on a form prescribed by the Commission. Id. at (2). After the major contributor receives the written notice from the recipient committee, the major contributor shall file a report on or before the next regularly scheduled PAC filing deadline under 21-A M.R.S. § 1059(2).

The Commission may assess a civil penalty against a major contributor that does not file a timely report. Id. at (5). The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Id. If the recipient committee fails to provide timely notice, the Commission may assess a penalty against that committee. Id.

DISCUSSION AND STAFF RECOMMENDATION

Based on the statutory formula for calculating late-filed report penalties, the preliminary penalties against the PAC for not providing timely notices to Vistra and Calpine total \$27,298.20, calculated as follows:

Report	Date Due	Financial Activity	Penalty Rate	Days Late²	Preliminary Penalty
Major Contributor Notice – Calpine	01/20/2021	\$137,863.20	10%	135	\$13,786.32
Major Contributor Notice – Vistra	02/17/2021	\$135,118.80	10%	107	\$13,511.88

The PAC requests that the Commission partially waive these penalties because the case is analogous to Clean Energy Matter’s waiver request (decided 03/31/2021) and that the two violations should be treated as one violation because they both resulted from the same misapplication of law. The Commission staff agrees with the PAC on both contentions; and would only disagree on the recommended penalty amount.

In the Clean Energy Matters case (03/31/2021), the PAC received a contribution from Avangrid totaling \$813,000 to influence NECEC II, which was submitted to the Secretary of State on 09/16/2021. Avangrid had previously filed a Major Contributor Report under NECEC I. The PAC argued that because it was the same contributor and recipient committee that no second report was due. The Commission rejected that argument, relying on the definition of major contributor. 21-A M.R.S. § 1060-A(2). The Commission imposed a penalty of \$2,500. In making that decision, the Commission opined that this was a unique situation (having two initiatives based on the same subject-matter), and that it was understandable how a PAC would miss this requirement. The Commission weighed that against the importance of these reports being filed on time because they disclose donors who are heavily involved in reporting activity.

The Commission staff recommends that the Commission treat the two cases similarly. Here, both Calpine and Vistra had filed a Major Contributor Report under NECEC I, and the PAC was unaware of the requirement to provide notice for NECEC II. There was no intent to deceive the public and the organization promptly filed after being alerted to the problem. For these reasons the Commission staff recommends that the Commission find this case analogous to the Clean Energy Matters case and find that Mainers for Local Power failed to provide timely notice to both Calpine and Vistra. 21-A M.R.S. § 1060-A(2).

² As of 06/04/2021.

The Commission has often held that when a single mistake/misunderstanding results in multiple violations the Commission will treat those instances as one violation because they were caused by a common nexus. Mainers For Local Power Waiver Request (03/10/2020) (Late notices were given to two major contributors, Calpine and Vistra, because the PAC was unaware of the requirement under NECEC I. The Commission imposed a \$2,500 penalty penalty); Jon Courtney Waiver Request (a lobbyist thought that he had filed monthly reports for two clients, but hadn't the Commission imposed one \$50 penalty). The Commission staff recommends that the Commission treat the late notices to Calpine and Vistra as a single violation because both violations were the result of a misunderstanding of 21-A M.R.S. § 1060-A.

The Commission staff disagrees with the PAC's contention that the penalty should be \$690. ETH. 2. The PAC argues that because the CEM violation was reduced to 5% of the preliminary penalty that the same 5% reduction should apply here. ETH. 2. The Commission staff recognizes the logic in using a percentage reduction; however, the Commission has never adopted that approach. At its July 2021 meeting, the Commission even considered whether it should reevaluate its penalty practices. The Commission opted to continue using a final-result approach because of its easy straightforward application and clarity for the public.

Accordingly, the Commission staff recommends that the Commission find that Mainers for Local Power violated 21-A M.R.S. § 1060-A(2) by failing to provide timely notice to Calpine and Vistra. The Commission staff further recommends that the Commission treat this as a single violation and impose a \$2,500 penalty against Mainers for Local Power.

Thank you for your attention in this matter.

June 4, 2021

Via Email and U.S. Mail

Michael J. Dunn, Esq
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

Re: Mainers for Local Power Request for Waiver

Dear Mr. Dunn:

This is in response to your letter of May 21, 2021, alleging a failure by Mainers for Local Power to file Notices to a Major Contributor to Vistra Corp. and Calpine Corp. Although the dates identified in your letter that triggered the requirement vary slightly, the statutory penalties in each case are roughly the same (\$13, 511.88 and \$13,786.32 respectively).

Mainers for Local Power hereby requests a waiver of these proposed penalties. The identical issue arose in the recent case of Clean Energy Matters. There, as here, given the close relationship between the first CMP Corridor referendum and the current one, there existed a real possibility for confusion over the filing requirements. The Commission determined nonetheless that, despite their overlap, these two referenda should be treated as two separate referenda requiring a new notice. Mainers for Local Power accepts that decision and will not repeat the arguments the Commission previously considered in that case.

For the same reasons as in that case, however, Mainers for Local Power requests that the penalty be reduced on the same basis here as it was there. The CEM penalty was reduced from \$50,000 to \$2500, or 5% of the statutory penalty. Although there are technically two failures to file notices in this case, we believe that, in keeping with past Commission practice, these should

June 4, 2021

Page 2

be consolidated and treated as a single violation. Applying the reduction used in the CEM case to the statutory penalty here would result in a penalty of \$690 ($\$13,786.32 \times 5\%$) for the failure to file the Calpine major contributor notice, the first and higher of the two.¹

Thank you for your attention to this matter and I would be happy to provide the Commission with any additional information it requires.

Sincerely,

/s/ James T. Kilbreth

James T. Kilbreth

JTK/sab

cc: Vivian Mikhail (Via Email)

¹ In the course of reviewing its reports in connection with the notice of May 21, Mainers for Local Power discovered some errors in its attribution of in-kind contributions that it will be correcting in amended reports. The corrected reports will show that Calpine did not hit the \$100,000 in the aggregate mark until February 28, but that correction is immaterial to the issues here.



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

May 21, 2021

Vivian Mikhail, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Re: Late Major Contributor Notice – Calpine Corp.

Dear Vivian:

The Commission staff has made a preliminary finding that Mainers for Local Power (“the PAC”) was late in filing a Notice to a Major Contributor. The notice was due by 11:59 p.m. on 01/20/2021, but has not been filed. Under the Commission’s statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. §§ 1060-A, 1062). Based on the amount of the financial activity in the report and the statutory 10% penalty, the Commission staff has determined that a penalty of \$13,786.32 is owed.

The PAC may make a written request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the Notice was late due to, among other things, (1) the number of days that the report was filed late, and (2) the amount of the contributions required to be reported.

Please call me at (207) 287-4709 or send me an email at michael.dunn@maine.gov if you have questions.

Sincerely,

Michael J. Dunn

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar

PAYMENT RECEIPT
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Vivian Mikhail, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Violation: Late Major Contributor Notice
Amount Due: \$13,786.32



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

May 21, 2021

Vivian Mikhail, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Re: Late Major Contributor Notice – Vistra Energy Corp.

Dear Vivian:

The Commission staff has made a preliminary finding that Mainers for Local Power (“the PAC”) was late in filing a Notice to a Major Contributor. The notice was due by 11:59 p.m. on 02/17/2021, but has not been filed. Under the Commission’s statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. §§ 1060-A, 1062). Based on the amount of the financial activity in the report and the statutory 10% penalty, the Commission staff has determined that a penalty of \$13,511.88 is owed.

The PAC may make a written request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the Notice was late due to, among other things, (1) the number of days that the report was filed late, and (2) the amount of the contributions required to be reported.

Please call me at (207) 287-4709 or send me an email at michael.dunn@maine.gov if you have questions.

Sincerely,

Michael J. Dunn

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar

PAYMENT RECEIPT
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Vivian Mikhail, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Violation: Late Major Contributor Notice – Vistra Energy Corp.
Amount Due: \$13,511.88



Commission on Governmental Ethics and Election Practices
 Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
 Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2021 CAMPAIGN FINANCE REPORT

FOR POLITICAL ACTION COMMITTEES

COMMITTEE		TREASURER	
Mainers for Local Power 84 Marginal Way Portland, ME 04101-2480 PHONE:(207) 253-0536 EMAIL: vmikhail@dwmlaw.com		Vivian Mikhail 84 Marginal Way Portland, ME 04101-2480 PHONE: EMAIL: vmikhail@dwmlaw.com	
REPORT	DUE DATE	REPORTING PERIOD	
Committee April Quarterly	04/12/2021	01/01/2021 - 03/31/2021	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$1,316,000.00	\$1,316,000.00
2. OTHER CASH RECEIPTS (INTEREST, ETC.)	\$34,600.00	\$34,600.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS (LINE 1 + 2 + 3)	\$1,350,600.00	\$1,350,600.00
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$2,035,306.60	\$2,035,306.60
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$90,000.00	\$90,000.00
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$2,125,306.60	\$2,125,306.60
CASH SUMMARY		
9. CASH BALANCE AT BEGINNING OF PERIOD	\$2,252,980.79	
10. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$1,350,600.00	
11. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 8)	\$2,125,306.60	
12. CASH BALANCE AT END OF PERIOD	\$1,478,274.19	
OTHER ACTIVITY		
13. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$100,141.38	\$100,141.38
14. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
15. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

I, Vivian Mikhail, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Vivian Mikhail
 REPORT FILED ON: 4/12/2021 4:36:14 PM
 LAST MODIFIED:
 COMMITTEE ID: 356331

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
| 4 = Nonprofit Organization | 12 = Contributors giving \$50 or less |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
1/8/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002	Cash contribution	3	\$58,000.00
1/8/2021	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408	Cash contribution	3	\$1,200,000.00
2/12/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039	Cash contribution	3	\$58,000.00
TOTAL CASH CONTRIBUTIONS				\$1,316,000.00

**SCHEDULE A - 1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a candidate received at no cost or at a cost less than the fair market value. they include all goods and services purchased for the campaign by the candidate or supporters if the campaign does not expect to reimburse the candidate or supporter. These contributions may come from the candidate, candidate's family, supporters, PACs, party committees, or other entities.
- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- In-kind contributions of \$50 or less can be added together and reported as a lump sum.
- If the candidate received a discount on goods and services, the amount of the discount must be reported as an in-kind contribution.
- Total contributions (cash and in-kind) from the same source (except the candidate and candidate's spouse or domestic partner) may NOT exceed \$350 in any election for the legislative candidates, \$750 for county candidates, or \$1500 for gubernatorial candidates. For party candidates, the primary and general elections are considered separate election. For non-party candidates, there is only one election, the general election.

1 = Individual

9 = Candidate / Candidate Committee

2 = Candidate/ Spouse/ Domestic Partner

10 = General Treasury Transfer

3 = Commercial Source

11 = Transfer from Previous Campaign

4 = Nonprofit Organization

12 = Contributors giving \$50 or less

5 = Political Action Committee

13 = Contributors giving \$100 or less

6 = Political Party Committee

14 = Contributors giving \$200 or less

7 = Ballot Question Committee

15 = MCEA Payment

8 = Other Candidate/ Candidate Committee

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	EMPLOYER AND OCCUPATION	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE	AMOUNT
1/15/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 3 hours (1/1-1/15/2021)	3	\$283.23
1/15/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 73.6 hrs (1/1-1/15/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Vistra	3	\$11,899.75
1/15/2021	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: 0.5 hour (1/1-1/15/2021)	3	\$75.00
1/15/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 73.6 hrs (1/1-1/15/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Calpine	3	\$11,899.75
1/31/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 3 hours (1/61-1/31/2021)	3	\$283.23

1/31/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 42.1 hrs (1/16-1/31/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Vistra	3	\$6,871.25
1/31/2021	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: .5 hour (1/16-1/31/2021)	3	\$75.00
1/31/2021	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Legal services: 2.5 hours (1/16-1/31/2021)	3	\$375.00
1/31/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting services: 2.5 hours (1/16-1/31/2021)	3	\$225.00
1/31/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 42.1 hrs (1/16-1/31/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Calpine	3	\$6,871.25
2/15/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 3 hours (2/1-2/15/2021)	3	\$283.23
2/15/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 26.5 hrs (2/1-2/15/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Vistra	3	\$4,403.00
2/15/2021	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: 0.5 hour (2/1-2/15/2021)	3	\$75.00
2/15/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting services: 4 hours (2/1-2/15/2021)	3	\$697.50
2/15/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 26.5 hrs (2/1-2/15/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Calpine	3	\$4,403.00
2/28/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 3 hours (2/16-2/28/2021)	3	\$283.23
2/28/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 49 hrs (2/16-2/28/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Vistra	3	\$8,085.75
2/28/2021	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: 0.5 hour (2/16-2/28/2021)	3	\$75.00
2/28/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting services: 3 hours (2/16-2/28/2021)	3	\$270.00

2/28/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 49 hrs (2/16-2/28/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Calpine	3	\$8,085.75
3/15/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 3 hours (3/1-3/15/2021)	3	\$283.23
3/15/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 63.1 (3/1-3/15/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Vistra	3	\$10,467.50
3/15/2021	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: 1.5 hours (3/1-3/15/2021)	3	\$225.00
3/15/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting services: 5 hours (3/1-3/15/2021)	3	\$450.00
3/15/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 63.1 (3/1-3/15/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Calpine	3	\$10,467.50
3/31/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting services: 3 hours (3/16-3/31/2021)	3	\$283.23
3/31/2021	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 35.1 (3/16-3/31/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Vistra	3	\$5,795.00
3/31/2021	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Consulting services: 1.0 hour (3/16-3/31/2021)	3	\$150.00
3/31/2021	NextEra Energy Resources, LLC 700 Universe Boulevard Juno Beach, FL, 33408		Legal services: 3.5 hours (3/16-3/31/2021)	3	\$525.00
3/31/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting services: 2 hours (3/16-3/31/2021)	3	\$180.00
3/31/2021	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 35.1 (3/16-3/31/21) incl. svcs. of DW; \$ amt.=50% total value of contribution shared w/Calpine	3	\$5,795.00
TOTAL IN-KIND CONTRIBUTIONS					\$100,141.38

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
1/4/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$25.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$25.00
1/4/2021	Revolution Field Strategies 3000 K St NW STE 320 20007 Washington, DC, DC, 20007	Canvassing/signature gathering services for ballot initiative PAYMENT OF \$581,647.84 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$581,647.84
1/6/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$15.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$15.00

1/8/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$15.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$15.00
1/8/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$6.95 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$6.95
1/12/2021	Fredette Dion, LLC 155 Gray Road, Suite 2 Falmouth, ME, 04105	Consulting services PAYMENT OF \$7,500.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$7,500.00
1/13/2021	Pineau Policy Associates LLC PO BOX 2247 AUGUSTA, ME, 04338	Consulting services PAYMENT OF \$6,000.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$6,000.00
1/14/2021	Bernstein Shur 100 Middle Street Portland, ME, 04101	Consulting services PAYMENT OF \$20,000.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$20,000.00

1/19/2021	Krysta West 13 Fogg Road Readfield, ME, 04355	Consulting services PAYMENT OF \$8,628.06 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$8,628.06
1/20/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$25.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$25.00
1/20/2021	Revolution Field Strategies 3000 K St NW STE 320 20007 Washington, DC, DC, 20007	Canvassing/signature gathering services for ballot initiative PAYMENT OF \$581,647.84 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$581,647.84
2/9/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$6.95 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$6.95
2/12/2021	Beacon Research 6 Beacon Street, Suite 312 Boston, MA, 02108	Phone polling 1/7-1/10/2021 PAYMENT OF \$35,000.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	POL	\$35,000.00

2/12/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$25.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$25.00
2/16/2021	Drummond Woodsum Strategic Consulting 84 Marginal Way, 6th Floor Portland, ME, 04101-2480	Consulting services PAYMENT OF \$14,437.94 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$14,437.94
2/18/2021	Krysta West 13 Fogg Road Readfield, ME, 04355	Consulting services PAYMENT OF \$8,881.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$8,881.00
2/20/2021	Frame Media Strategies LLC c/o Milliken Perkins & Brunelle 452 Roosevelt Trail Windham, ME, 04062	Internet radio ad production PAYMENT OF \$4,500.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	RAD	\$4,500.00
2/20/2021	Frame Media Strategies LLC c/o Milliken Perkins & Brunelle 452 Roosevelt Trail Windham, ME, 04062	Cable ad production PAYMENT OF \$25,508.95 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	TVN	\$25,508.95

2/26/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$25.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$25.00
3/3/2021	Bernstein Shur 100 Middle Street Portland, ME, 04101	Consulting services PAYMENT OF \$20,000.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$20,000.00
3/4/2021	Fredette Dion, LLC 155 Gray Road, Suite 2 Falmouth, ME, 04105	Consulting services PAYMENT OF \$7,500.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$7,500.00
3/9/2021	Baxter Law, LLC PO Box 5359 Augusta, ME, 04332	Consulting services PAYMENT OF \$6,200.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$6,200.00
3/9/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fee PAYMENT OF \$6.95 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$6.95

3/10/2021	Drummond Woodsum Strategic Consulting 84 Marginal Way, 6th Floor Portland, ME, 04101-2480	Consulting services PAYMENT OF \$14,042.50 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$14,042.50
3/15/2021	Pineau Policy Associates LLC PO BOX 2247 AUGUSTA, ME, 04338	Consulting services PAYMENT OF \$6,000.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$6,000.00
3/17/2021	Buying Time, LLC 650 Massachusetts Avenue, NW Suite 210 Washington, DC, 20001	Media buy PAYMENT OF \$591,925.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	TVN	\$591,925.00
3/17/2021	Frame Media Strategies LLC c/o Milliken Perkins & Brunelle 452 Roosevelt Trail Windham, ME, 04062	Online ad production and placement PAYMENT OF \$87,365.76 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	ONL	\$87,365.76
3/17/2021	Gorham Savings Bank 71 Marginal Way Portland, ME, 04101	Bank fees PAYMENT OF \$50.00 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	OTH	\$50.00

3/23/2021	Krysta West 13 Fogg Road Readfield, ME, 04355	Consulting services PAYMENT OF \$8,320.86 TO SUPPORT: An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region	PER	\$8,320.86
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$2,035,306.60

**SCHEDULE B-1
OPERATING EXPENDITURES**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
1/12/2021	No CMP Corridor P.O. Box 471 Farmington, ME, 04938	PAC contribution	CON	\$90,000.00
TOTAL OPERATING EXPENDITURES				\$90,000.00



MAJOR CONTRIBUTOR REPORT

2020 Election

Pursuant to 21-A M.R.S.A. §1060-A, any person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or a political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign must file this report with the Maine Ethics Commission before the next regularly scheduled filing deadline (see schedule below) or within two business days if a "Notice to Major Contributor" form is received during the last 13 days before an election.

NAME OF REPORT:	REPORT DUE ON OR BEFORE:	NOTICE RECEIVED:
<input type="checkbox"/> April Quarterly Report	April 10, 2020	January 1 - March 31, 2020
<input type="checkbox"/> 11-Day Pre-Primary Report	May 29, 2020	April 1 - May 26, 2020
<input type="checkbox"/> Primary Election 2-Day Report	Within 2 business days after receipt of notice.	May 27 - June 9, 2020
<input type="checkbox"/> 42-Day Post-Primary Report	July 21, 2020	June 10 - July 14, 2020
<input type="checkbox"/> October Quarterly Report	October 5, 2020	July 15 - September 30, 2020
<input type="checkbox"/> 11-Day Pre-General Report	October 23, 2020	October 1 - October 20, 2020
<input type="checkbox"/> 2020 General Election 2-Day Report	Within 2 business days after receipt of notice.	October 21 - November 3, 2020
<input type="checkbox"/> 42-Day Post-General Report	December 15, 2020	November 4, - December 8, 2020
<input type="checkbox"/> January Quarterly Report	January 15, 2021	December 9 - December 31, 2020

ORGANIZATION INFORMATION

ORGANIZATION NAME Calpine Corp.		PHONE (207) 671-1621
MAILING ADDRESS 717 Texas Avenue		EMAIL john.flumerfelt@calpine.com
CITY, STATE, ZIP CODE Houston, TX 77002		
RESPONSIBLE OFFICER NAME AND POSITION John Flumerfelt, Director of Government and Regulatory Affairs		
FORM OF ORGANIZATION AND PURPOSE Corporation, Commercial		

TAX STATUS

Does this Organization currently have a tax-exempt status with the Internal Revenue Service? Yes No

If Yes, under what section of the tax code does it claim exemption?

Please list all jurisdictions with which this Organization files campaign finance reports:

RECIPIENT INFORMATION

NAME OF RECIPIENT Mainers for Local Power

MAILING ADDRESS OF RECIPIENT 84 Marginal Way, Portland, ME 04101

DATE OF FIRST CONTRIBUTION TO RECIPIENT December 19, 2019

TOTAL AMOUNT GIVEN TO RECIPIENT TO DATE \$110,287.07

ITEMIZED CONTRIBUTIONS GIVEN TO RECIPIENT COMMITTEE TO DATE

(If additional space is needed, continue on the "Schedule B-MC-1" Worksheet)

Date	Type of Contribution (e.g., cash or in-kind. If in-kind, describe goods or services given.)	Amount
12/19/2019	Cash	\$100,000.00
12/19/2019	In-kind: legal services	\$5,863.50
12/19/2019	In-kind: consulting	\$1,634.18
12/19/2019	In-kind: consulting	\$377.64

ORGANIZATION SOURCE OF FUNDS

- Please provide the names of the five largest sources of funds received by this Organization during the period beginning six months prior to the first contribution this Organization made to the recipient ballot question committee or political action committee.
- Do not include the names of sources of funds that are restricted to purposes unrelated to a direct initiative or people's veto referendum campaign.

1. N/A
- 2.
- 3.
- 4.
- 5.

CERTIFICATION OF RECEIPT OF CONTRIBUTIONS TO INFLUENCE A MAINE BALLOT QUESTION

Has this Organization received contributions, in whole or in part, for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign in Maine?

Yes (If so, complete and attach the "Contributions Received to Influence Maine Ballot Question" Worksheet)

No

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Signature of Responsible Officer of Organization

1-22-2020
Date



FEB 07 2020

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta ME, 04333

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

MAJOR CONTRIBUTOR REPORT

2020 Election

Pursuant to 21-A M.R.S.A. §1060-A, any person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or a political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign must file this report with the Maine Ethics Commission before the next regularly scheduled filing deadline (see schedule below) or within two business days if a "Notice to Major Contributor" form is received during the last 13 days before an election.

Table with 3 columns: NAME OF REPORT, REPORT DUE ON OR BEFORE, NOTICE RECEIVED. Lists various report types and their corresponding deadlines.

ORGANIZATION INFORMATION

Organization Name: Vistra Energy Corp.
Mailing Address: 6555 Sierra Drive
City, State, Zip Code: Irving, TX 75039
Phone: (202) 577-6310
Email: andrew.weinstein@vistraenergy.com
Responsible Officer Name and Position: Andrew Weinstein, Counsel
Form of Organization and Purpose: Corporate, Commercial

TAX STATUS

Does this Organization currently have a tax-exempt status with the Internal Revenue Service? [X] No
If Yes, under what section of the tax code does it claim exemption? N/A

Please list all jurisdictions with which this Organization files campaign finance reports:
Illinois - Illinois State Board of Election, Federal PACs may exercise their "federal filing option" and once they file a Statement of Organization (Form D1) they are not obligated to file future disclosure report as long as they are filing FEC report.
Maryland - State Board of Elections, Campaign Finance Report
Texas - Texas Ethics Commission, Form MPAC
Ohio - Secretary of State, FEC Form 3X (Ohio activity only)
Pennsylvania - Bureau of Commissions, Elections and Legislation, Division of Campaign Finance and Lobbying Disclosure, Campaign Finance Report, Form DSEB-502
Federal - Federal Election Commission, Form 3X
U.S. Congress - LD-203 (this is a lobbying disclosure but we also have to include PAC contributions)

RECIPIENT INFORMATION

NAME OF RECIPIENT Mainers for Local Power

MAILING ADDRESS OF RECIPIENT 84 Marginal Way, Suite 600, Portland, ME 04101

DATE OF FIRST CONTRIBUTION TO RECIPIENT December 19, 2019

TOTAL AMOUNT GIVEN TO RECIPIENT TO DATE \$287,707.43

ITEMIZED CONTRIBUTIONS GIVEN TO RECIPIENT COMMITTEE TO DATE
(if additional space is needed, continue on the "Schedule B-MC-2" Worksheet)

Date	Type of Contribution (e.g., cash or in-kind. If in-kind, describe goods or services given.)	Amount
12/19/2019	In-kind: legal services	\$5,863.50
12/19/2019	In-kind: consulting services	\$1,634.18
12/31/2019	In-kind: legal services	\$453.75
12/31/2019	In-kind: consulting services	\$1,958.00

ORGANIZATION SOURCE OF FUNDS

- Please provide the names of the five largest sources of funds received by this Organization during the period beginning six months prior to the first contribution this Organization made to the recipient ballot question committee or political action committee.
- Do not include the names of sources of funds that are restricted to purposes unrelated to a direct initiative or people's veto referendum campaign.

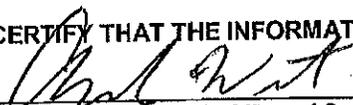
1. The source of funds for our organization is revenue earned from our power generation assets' participation in the organized wholesale power markets across the U.S., and competitive retail electricity sales in those same markets. For additional information, we have attached our company's most recent 10-K that was filed at the U.S. Securities and Exchange Commission. (https://s21.q4cdn.com/410616722/files/doc_financials/quarterly/2018/q4/vistra-q42018-10K.pdf)

CERTIFICATION OF RECEIPT OF CONTRIBUTIONS TO INFLUENCE A MAINE BALLOT QUESTION

Has this Organization received contributions, in whole or in part, for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign in Maine?

- Yes (if so, complete and attach the "Contributions Received to Influence Maine Ballot Question" Worksheet)
- No

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.



Signature of Responsible Officer of Organization

2/2/2020
Date



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

Minutes of the March 31, 2021 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William A. Lee III, Esq., Chair; David R. Hastings, Esq.; Meri N. Lowry; Dennis R. Marble; and William J. Schneider, Esq.

Staff: Jonathan Wayne, Executive Director; Jon Bolton, Assistant Attorney General; and Michael Dunn, Political Committee and Lobbyist Registrar

Commissioner Lee convened the meeting at 9:06 a.m. The meeting was livestreamed via YouTube. The Commission considered the following items:

4. Late Notice to Major Contributor by Clean Energy Matters PAC

Mr. Wayne said Clean Energy Matters PAC registered with the Commission in 2019 to support the New England Clean Energy Connect (NECEC) transmission project and oppose the first ballot initiative to reject NECEC, which was ultimately removed from the November 3, 2020 ballot. In September 2020, a new ballot initiative opposing NECEC was created and the PAC updated its registration on December 15, 2020 to reflect its opposition to the second ballot initiative. On November 18, 2020, the PAC received a contribution of \$813,000 from Avangrid. The PAC was required to provide Avangrid with notice of its major contributor reporting obligations by November 23. On January 26, 2021 Avangrid voluntarily filed a Major Contributor Report, but without waiving its argument that one was never required. The preliminary penalty was \$50,000. The PAC filed a waiver request because Avangrid had already filed a Major Contributor Report and it did not believe a second report was statutorily required.

Mr. Wayne said the Commission staff disagreed with the PAC's argument because some PACs exist for years and are involved in different initiatives over time. He said the Commission staff was concerned about precedent if the PAC's argument was accepted. If a donor made a \$100,000 contribution to a PAC to influence a citizen initiative, and a year or two later made another \$100,000 contribution to the same PAC for a different citizen initiative, that donor should file a Major Contributor Report after both contributions to provide the public with information about the donor and the citizen initiative. The Commission staff disagreed with the PAC's argument that it was

required to provide only one notice to the major contributor and only one Major Contributor Report was required.

Mr. Lee asked if Mr. Wayne was relying on § 1060-A(1)(B). Mr. Wayne said he was. Based on the statutory language, an entity was a major contributor for a particular ballot question. Mr. Lee asked whether the public was harmed by the lateness of the second Major Contributor Report filed by Avangrid. Mr. Wayne said he believe there was public harm. He said the major contributor was required to certify that it had not received contributions for the purpose of influencing a ballot question; the major contributor was acknowledging it was not acting like a PAC or BQC. He said there could be differences between Major Contributor Reports filed by the same contributor but at different times.

Ms. Lowry said the practical impact of this was that if someone were looking for contributions related to the new NECEC citizen initiative, they would not find that information because the only Major Contributor Report available was related to the original NECEC citizen initiative. Ms. Lowry referred to Mr. Wayne's testimony in support of the major contributor legislation and said it highlighted that this was a chance to see what was behind these large contributions and why these disclosures were necessary.

Mr. Hastings asked if he went on the Commission's website to look at the ballot questions, were the two NECEC initiatives listed separately so he would not be able to see the filings for the initial NECEC initiative by looking at the second NECEC initiative. Mr. Dunn said that was correct. He said if a person clicked on the second initiative, they would see a list of the committees involved in the initiative, but they would not see the filings related to the first NECEC initiative unless they clicked on one of the committees.

Newell Augur, Esq., appeared before the Commission on behalf of Clean Energy Matters PAC. He said the language in § 1060-A did not require a committee to send a second major contributor notice if they had sent an initial notice. He said the way to correct this would be to amend the definition of "major contributor." That would have clarified that, in this instance, Clean Energy Matters had an obligation to send a second notice to Avangrid when it received a contribution in support of a second direct initiative. Mr. Augur said the issue was whether there was a legal requirement for the PAC to send a second major contributor notice if that major contributor had already filed a Major Contributor Report; he did not believe the statute required this.

Mr. Hastings said that, after looking at § 1060-A(2), he could understand some of the confusion, but subsection (1)(B) answered the question by defining what a major contributor was: a person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people's veto referendum campaign or any one direct initiative campaign. He asked if Mr. Augur was suggesting that the Commissioners should read this to mean that once someone became a major contributor for one campaign, they were a major contributor for life and would never have to file another report. He believed it referred to each initiative campaign and each people's veto referendum.

Mr. Schneider said he did not see a conflict between subsection (1)(B) and subsection (2). An organization became a major contributor when it donated more than \$100,000 to influence one ballot question. It became a major donor again when it donated more than \$100,000 to influence a different ballot question. Ms. Lowry said the introductory language leading into the definitions made the intent of the statute clear. She believed it turned the requirements inside out to suggest that the disclosure requirement was satisfied with a one-time filing for all campaigns.

Ms. Lowry said the introductory language leading into the definitions made the intent of the statute clear. She believed it turned the requirements inside out to suggest that the disclosure requirement was satisfied with a one-time filing for all campaigns. Mr. Schneider asked if an organization donated \$100,000 to three different committees related to one initiative, all three committees would be required to provide notice to the major contributor. Mr. Wayne said that was correct. Mr. Bolton said it was the Commission's job to interpret the statute and decide its meaning. He said he believed the court would give deference to that interpretation. He said he agreed with Mr. Schneider's interpretation that each time there was a contribution to a new ballot initiative, the entity became a major contributor again and a new report was needed. He said he believed the Commission staff's interpretation was reasonable.

Mr. Lee made a motion to find a violation of Title 21-A, § 1060-A(2) when Clean Energy Matters failed to give notice within five days of receiving the \$813,000 contribution from Avangrid, which occurred on November 18, 2020. Mr. Hastings seconded the motion. Motion passed 5-0.

Mr. Lee said the statute stated the Commission could consider “other things” when determining a penalty and asked Mr. Bolton what were the “other things.” Mr. Bolton said he would interpret that as a broad authorization to consider factors that are germane to the matter under consideration.

Mr. Lee said he believed there was limited harm to the public and he would be willing to consider a lower penalty than the \$5,000 recommended by the Commission staff. Mr. Schneider said he agreed with the Chair, this was a unique situation and suggested a penalty of \$2,500. Ms. Lowry said she would not agree to a penalty lower than \$2,500 but she believed the penalty should be higher.

Mr. Lee made a motion to reduce the statutorily calculated penalty of \$50,000 to \$2,500. Mr. Schneider seconded the motion. Motion passed 5-0.

Title 21-A Maine Revised Statutes

§1060-A. Campaign for direct initiative or people’s veto; reporting by major contributors

This section governs the reporting of contributions aggregating in excess of \$100,000 for the purpose of initiating or influencing a campaign for a people’s veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17 or a direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Contribution” has the same meaning as set out in section 1052, subsection 3 and also includes but is not limited to:

- (1) Funds or anything of value that the contributor specified were given in connection with a campaign for a people’s veto referendum or direct initiative campaign;
- (2) Funds or anything of value provided in response to a solicitation that would lead the contributor to believe that the contribution would be used specifically for the purpose of initiating or influencing a people’s veto referendum or direct initiative campaign; and
- (3) Funds or anything of value that can be reasonably determined to have been provided by the contributor for the purpose of initiating or influencing a people’s veto referendum or direct initiative campaign when viewed in the context of the contribution and the recipient committee’s activities during the campaign.

B. “Major contributor” means a person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people’s veto referendum campaign or any one direct initiative campaign.

2. Notice to major contributor. Within 5 days of receiving more than \$100,000 in the aggregate from a major contributor, the recipient committee shall provide written notice to the major contributor of the reporting requirement under this section and shall submit a copy of the notice to the commission. If the \$100,000 aggregate amount is exceeded as a result of a contribution received during the last 13 days before an election, the recipient committee shall, within 24 hours of receiving the contribution, provide written notice of the reporting requirement to the major contributor and submit a copy of the notice to the commission. The commission shall prepare a sample written notice for this purpose.

3. Required reports. A major contributor shall file a report containing the information required in subsection 4 on or before the next regularly scheduled filing deadline under section 1059, subsection 2 occurring after the major contributor receives notice of the reporting requirement. If a major contributor has received a notice from a recipient committee or the commission during the last 13 days before an election as required under subsection 2, the major contributor shall file a report within 2 business days of receiving notice from the recipient committee or commission. The

commission shall prescribe and prepare forms for these reports and may require major contributors to file reports electronically.

4. Content. In the reports required under subsection 3, a major contributor shall provide:

- A.** The name of and relevant contact information for the major contributor and the name of a responsible officer of the major contributor;
- B.** The form of organization and purpose of the major contributor;
- C.** The amount and date of each contribution from the major contributor to the recipient committee;
- D.** A certification that the major contributor has not received contributions, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in this State or, if the major contributor has received such contributions, the dates, sources and amounts of any such contributions;
- E.** The names of the 5 largest sources of funds received by the major contributor during the period beginning 6 months prior to the first contribution made to the recipient committee and ending on the date of the filing of the report. This paragraph does not apply to funds received by the major contributor that are restricted to purposes that are unrelated to a people's veto referendum or direct initiative campaign in the State; and
- F.** A statement indicating whether the major contributor is exempt from taxation under the United States Internal Revenue Code of 1986 and a list of any governmental jurisdictions within the United States in which the major contributor has filed campaign finance reports during the previous 12 months.

The commission may require by rule additional information to be reported consistent with this subsection to facilitate disclosure to citizens of this State of financial activity conducted for the purpose of influencing elections in this State.

5. Noncompliance. The commission may assess a civil penalty against a major contributor that does not file a timely report required under this section. The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Within 14 calendar days of receiving notice of the preliminary penalty from the commission, the major contributor may request that the penalty be waived in full or in part. In considering a request for a waiver, the commission shall consider, among other things, any lack of notice to the major contributor of the reporting requirement, the number of days that the report was filed late and the amount of the contributions required to be reported. A major contributor requesting a determination may either appear in person or designate a representative to appear on the major contributor's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subsection must be sent to the major contributor. If a determination is not requested, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the major contributor. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. The commission may assess a civil penalty in the same amount against a recipient committee that has not provided written notice of the reporting requirements to the major contributor as required by subsection 2, using the same procedures as set out in this subsection for penalties against the major contributor.



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

**Testimony of Jonathan Wayne, Executive Director of the
Commission on Governmental Ethics and Election Practices
before the Joint Standing Committee on Veterans and Legal Affairs
March 20, 2018**

Senator Mason, Representative Luchini, and distinguished members of the committee: my name is Jonathan Wayne, and I am the Executive Director of the Maine Commission on Governmental Ethics and Election Practices. Thank you for the opportunity to testify concerning **L.D. 1865**. I am going to testify concerning section 7, which is a proposal to shed light on organizations contributing more than \$100,000 to Maine-based PACs and ballot question committees (BQCs). Last year, the Ethics Commission made a similar proposal in L.D. 1480, but it was heard too late in the session to be given serious consideration.

In Maine, PACs and BQCs may receive unlimited amounts from their contributors. Many of the largest contributors influencing ballot questions are non-profit organizations based outside of Maine that seek to influence public policy in different states. In some cases, Mainers may have heard of these organizations (*e.g.*, the NRA or the National Education Association), but others are far from household names. L.D. 1865 would provide one more layer of reporting to give members of the Maine public a fighting chance to understand who these contributors are, by requiring them to file a one-time report with the Commission.

The scope of organizations affected by this proposal would be narrow. LD 1865 (§ 7) only covers organizations that have contributed more than \$100,000 to a

Maine PAC or BQC for purposes of influencing a ballot question. In some years, this could be as many as two dozen organizations – most of them from outside of Maine.

To provide you with a general idea of the types of organizations that might be affected if this proposal were enacted, I have attached a chart of contributors that gave cash and in-kind contributions to PACs or BQCs totaling more than \$100,000 in 2016 or 2017 for purpose of influencing a ballot question.

I have also attached a summary of the types of information the major contributor would have to report about themselves: basic contact information about the organization and a responsible officer, as well as the type of organization and a description of its purpose. The major contributor would need to disclose the five largest sources of funds.

The organization would also certify that it had not raised money for the purpose of influencing Maine elections (if true). This would function as a verification that the organization is exempt from registering as a PAC or BQC in Maine. While this statement is not a 100% guarantee, it would provide more assurance than the State and its citizens currently receive under Maine law.

Thank you for your consideration of this testimony.



NOTICE TO MAJOR CONTRIBUTOR

2021 Election

Your organization is receiving this notice because it has given to this committee more than \$100,000 in the aggregate for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. (21-A M.R.S.A. §1060-A)

Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date based on the date your organization receives this notice (please see the filing chart below). Your organization may obtain the report at the following website (www.maine.gov/ethics), or by contacting the Maine Ethics Commission directly at (207)-287-4179. Maine election law provides for civil penalties for failing to comply with the major contributor reporting law. Please contact the Maine Ethics Commission directly if you have questions regarding your reporting obligations.

MAJOR CONTRIBUTOR ORGANIZATION INFORMATION

(Completed by Recipient PAC/BQC)

MAJOR CONTRIBUTOR ORGANIZATION NAME

RECIPIENT COMMITTEE NAME

BALLOT QUESTION SUPPORTED/OPOSED

DATE OF FIRST CONTRIBUTION TO RECIPIENT COMMITTEE

DATE CONTRIBUTIONS RECEIVED EXCEEDED \$100,000

DATE NOTICE MAILED

NAME OF REPORT:

THE REPORT IS DUE ON OR BEFORE:

NOTICE RECEIVED:

April Quarterly Report

April 12, 2021

January 1 - March 31, 2021

July Quarterly Report

July 15, 2021

April 1 - June 30, 2021

October Quarterly Report

October 5, 2021

July 1 - September 30, 2021

January Quarterly Report

January 18, 2022

October 1 - December 31, 2021