



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

To: Commissioners
From: Erin Gordon, Candidate Registrar
Date: February 19, 2025
Re: Request by Laura Supica for Waiver of Late-Filing Penalty for 24-Hour Report

Representative Laura Supica was a traditionally financed candidate for House District 22 in 2024. Candidates who make any single expenditure of \$1,000 or more in the last 13 days before an election must disclose it within one day by filing a “24-Hour Report.” The statutory definition of expenditure includes making a contract, promise or agreement to make a payment to influence a candidate election. Commission staff’s written guidance is clear that if candidates enter into an unpaid debt or obligation of \$1,000 or more during the last 13 days before an election, it must be disclosed in a 24-Hour Report.

On January 22, 2025, while making amendments to the previously filed 42-Day Post-General Report, Rep. Supica’s treasurer, Sarah Nichols, entered an October 25, 2024 expenditure of \$1,101.41 to Print Bangor for printing and postage. Commission staff believes that October 25th is the date that a consultant working for Rep. Supica ordered or contracted with Print Bangor for a final mailer. The campaign should have filed a 24-Hour Report by the end of day, October 26, but it was not filed until January 22. The preliminary penalty for the late report is \$1,938.64 and Rep. Supica is seeking a waiver of the penalty.

LEGAL REQUIREMENTS

Candidates must file 24-Hour Reports with the Commission during the 13 days prior to an election if they receive a contribution or loan or make an expenditure or incur a debt of \$1,000 or more. 21-A M.R.S. § 1017(3-A)(C). The statutory definition of expenditure includes a “contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure.” 21-A M.R.S. § 1012(3)(A)(2). Under the Commission’s rules, placing an order for a service or accepting delivery of a service is an expenditure that must be reported as an unpaid debt if the service has not been paid for. 94-270 C.M.R. ch. 1, § 7(3).

If the candidate is late filing a 24-Hour Report, the Commission staff calculates a preliminary penalty which is determined by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. 21-A M.R.S. § 1020-A(4-A). The Commission may waive the preliminary penalty in whole or in part under 21-A M.R.S. § 1020-A(2).

DISCUSSION

On October 22, the day before the start of the 13-day period for filing 24-Hour Reports, Candidate Registrar Erin Gordon sent an email titled “Starts tomorrow: 24-Hour Reporting Period” to all candidates in the general election advising them of the reporting requirements. The email opened with guidelines for what types of transactions would trigger reporting and instructions on how to file it.

In the opinion of the Commission staff, Rep. Supica should have reported the debt/expenditure to Print Bangor in a 24-Hour Report on October 26, 2024. Instead, the \$1,101.41 transaction with Print Bangor was not disclosed to the public until January 22, 2025, approximately 2½ months after the general election.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount of \$1,938.64 is calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
24-Hour Report	10/26/24	\$1,101.41	2%	88	\$1,938.64

According to the waiver request, Rep. Supica had contracted her mailers with a third party and was not aware of the mailer’s date until she found the invoice in January, which had been mislaid. She requests a full or partial waiver of the preliminary penalty.

STAFF RECOMMENDATION

The Commission staff do their utmost to provide candidates with clearly worded guidance and reminders to help them avoid common campaign finance reporting pitfalls, such as late-filed reports. The October 22 email was meant to serve as a reminder of information already available to candidates in the 2024 Candidate Guidebook and the 2024 filing schedule. There is also a red

warning banner on the candidate's home page in their campaign finance account for the entire 24-Hour reporting period.

During 2018-2024, the Commission has waived late-filing penalties against candidates downward to a range of \$300 - \$350 with some further reductions for good cause, for example:

- from \$1,573.52 to \$350 - late 24-Hour Report by Ronald Russell (01/30/23)
- from \$1,945.30 to \$350 - late 24-Hour Report by Reagan Paul (01/30/23)
- from \$3,680.00 to \$350 - late 24-Hour Report by Neil MacLean, Jr. (01/30/23)
- from \$2,707.62 to \$300 – late 24-Hour Report by Steven Bishop (01/29/25)
- from \$1,275.55 to \$300 – late 24-Hour Report by Walter Runte (01/29/25)

A summary of candidate penalty decisions by the Commission since 2018 is attached.

The Commission staff recommend reducing Rep. Supica's penalty to \$300. None of the mitigating circumstances listed in 21-A M.R.S. § 1020-A(2) are present in this matter, but the preliminary penalty of \$1,938.64 is disproportionately high to the degree of public harm. The Commission regularly finds a violation and assesses a penalty even when a candidate has failed to file a campaign finance report for good faith reasons in order to underscore the importance of filing reports on time. Balancing the lack of mitigating circumstances set out in 21-A M.R.S. § 1020-A(2), the clear notice to candidates to file 24-Hour Reports, and the proportionality factors of public harm and level of experience, we believe \$300 is an appropriate penalty for this violation.

To whom it may concern,

I am requesting a partial waiver of my penalty for my late-filed 24-Hour Report. This was the first campaign for state house I underwent as a traditional candidate. I was fortunate to have a new treasurer step up to help after my previous treasurer stood down during the campaign, and I contracted with a company to support in my campaign in an effort to take some work off my plate. Part of their job was designing and placing orders for mailers. In this new way of campaigning I personally failed to keep track of the orders being placed by 3rd parties as it was my responsibility to pay invoices placed by them with my campaign account. In this case specifically the last mailer that was placed at a local print shop. I became aware of it in Jan after I took time off for the holidays and visited family out west. The print shop had emailed me the bill previously but I missed in the shuffle of emails I received. I took steps to pay it as soon as I realized it was past due and could get to the shop as I was not able to pay online with the paypal link. It was not my intent to deceive the public but the result was information not being disclosed in a timely manner. I understand that the large penalty is important as a deterrent by ethics so people take filing seriously and stay on top of all communications. I do not make much income and I am not able to pay the amount in full and ask for a partial waiver of fees. I appreciate your review of this matter and taking my circumstances into account.

Thank you for your time,

-Laura



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

January 29, 2025

Laura Supica
34 Highland Avenue
Bangor, Maine 04401

Re: Notice of Violation and Penalty for Late-Filed 24-Hour Report

Dear Ms. Supica:

You were required to file a 24-Hour Report on October 26, 2024 by 11:59 p.m. (21-A M.R.S. § 1017 (3-A)(C)), but the report was not filed until January 22, 2025. Under the Commission's statutes, the late filing of a report triggers an enforcement process (21-A M.R.S. § 1020-A(4-A)). The Commission staff has made a preliminary finding of violation and determined the preliminary penalty for filing the report late is \$1,938.64. Please see the next page for the penalty calculation.

You may request the Commission waive the penalty in whole or in part or find there was no violation. *The request 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 report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

The Commission may waive or reduce the penalty or find there was no violation if it determines the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. (21-A M.R.S. § 1020-A(2)) The Commission may also consider whether the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff, or the harm to the public caused by the late disclosure.

The staff requests you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact me at (207) 287-3651 or erin.gordon@maine.gov if you have any questions.

Sincerely,

Erin Gordon
Candidate Registrar

Penalty Calculation

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$25 is automatically waived.

How Your Penalty Was Calculated

Filer: Laura Supica			
Late-Filed Report: 24-Hour Report			
Contributions	\$0	Penalty Base Amount	\$1,101.41
Expenditures	\$1,101.41	Percentage	2%
Due Date	10/26/2024	Daily Accrual Rate	\$22.03
Date Filed	01/22/2025	Days Late	88
Previous Violations	0	Your Total Penalty	\$1,938.64

Payment Statement and Payment Options

From: Laura Supica

Penalty Amount: \$1,938.64

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties.



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

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2024 CAMPAIGN YEAR

COMMITTEE		TREASURER
Ms. Laura Danielle Supica 34 HIGHLAND AVE BANGOR, ME 04401 PHONE:(207) 717-5702 EMAIL: Laurad.supica@gmail.com		Sarah Nichols 80 Mount Hope Ave Bangor, ME 04401 PHONE:(207) 991-1531 EMAIL: sarah.nichols16@gmail.com
REPORT	DUE DATE	REPORTING PERIOD
24-Hour Report of Contributions and Expenditures	10/26/2024	10/25/2024-10/25/2024

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$1,101.41
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: Sarah Nichols
REPORT FILED ON: 1/22/2025 3:52:42 PM
LAST MODIFIED:
COMMITTEE ID: 487387

24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
CNS Campaign consultants CON Contribution to other candidate, party, committee EQP Equipment (office machines, furniture, cell phones, etc.) FND Fundraising events FOD Food for campaign events, volunteers LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.) MHS Mail house (all services purchased) OFF Office rent, utilities, phone and internet services, supplies OTH Other PHO Phone banks, automated telephone calls	POL Polling and survey research POS Postage for U.S. Mail and mail box fees PRO Other professional services PRT Print media ads only (newspapers, magazines, etc.) RAD Radio ads, production costs SAL Campaign workers' salaries and personnel costs TRV Travel (fuel, mileage, lodging, etc.) TVN TV or cable ads, production costs WEB Website design, registration, hosting, maintenance, etc.			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/25/2024	Print Bangor 80 Central Street Bangor, ME, 04401	Clincher Cards and the postage for the mailing	MHS	\$1,101.41
TOTAL EXPENDITURES FOR CANDIDATE:				\$1,101.41

From:
Bcc:

Gordon, Erin

"higginschelsie@gmail.com"; "goffaroostook@hotmail.com"; "4nomore2007@gmail.com";
"daisvjordan322@gmail.com"; "dougkimmel@myfairpoint.net"; "micmacmkt@msn.com";
"lesleyastone@mac.com"; "simmonsforregisterofprobate@gmail.com"; "bangorbob@aol.com";
"tim@dysarts.com"; "michaela@cabotlegalservices.com"; "southatkinson@yahoo.com";
"cayfordlaw@myfairpoint.net"; "Cinannj@gmail.com"; "kevin.kelley.423@gmail.com"; "jefftrafton@gmail.com";
"mike@sherrardagency.com"; "peter.a.johnson1001@gmail.com"; "NORDDUMAINE@GMAIL.COM";
"aprilnesbitt32@gmail.com"; "cathyqf78@gmail.com"; "julietteprobate@gmail.com"; "southernbelle@rivah.net";
"rebeblake@gmail.com"; "ssamd@icloud.com"; "paulp@paradishardware.com"; "allenedjuand@aol.com";
"hyndforknoxcountydistrict2@gmail.com"; "marcrescue@aol.com"; "pagegvp@gmail.com";
"RENEE.STUPAK68@GMAIL.COM"; "hilari.simmons@gmail.com"; "dtremble01@gmail.com";
"cary@sutherlandweston.com"; "andre@andrecushing.com"; "ben@cabotlegalservices.com";
"gerald@austinlawmaine.com"; "commissionertorbett@gmail.com"; "stamps@beeline-online.net";
"robertsezak@gmail.com"; "caringhandsinyourhome@hotmail.com"; "cypjoseph50@gmail.com";
"tanya.l.belanger@somersetcounty-me.org"; "swpeavey@hotmail.com"; "alan4waldo@gmail.com";
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"rhodesmatthew431@gmail.com"; "billyhoward207@yahoo.com"; "cammisgram78@hotmail.com";
"joejoe.sleeper@gmail.com"; "rushalane4@gmail.com"; "tom.gagnon@hotmail.com";
"brownell.kristyn@gmail.com"; "TSMITH@MAINEFIRE.NET"; "bonevans95@earthlink.net";
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"michelle@stonegunshop.com"; "vmclaughlin77@gmail.com"; "suebernard70@gmail.com";
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"craighickman@rocketmail.com"; "sbmcd17@gmail.com"; "raegan.larochelle@gmail.com";
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"ronrussell713@gmail.com"; "Steve@Bishopforus.com"; "danioh2121@gmail.com"; "patjude2268@gmail.com";
"ambureen@gmail.com"; "reda.edelman@gmail.com"; "lapointefor21@gmail.com"; "Laurad.supica@gmail.com";
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"persevere@myfairpoint.net"; "jwhitegunsmithing@gmail.com"; "miamifins84@gmail.com";
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"reaganformaine@gmail.com"; "ellisforhouse38@gmail.com"; "benjaminhymesdistrict38@gmail.com";
"jan.dodge@yahoo.com"; "stephenj@slouch.org"; "mray41693@gmail.com";
"mclaughlinforddistrict40@gmail.com"; "vdoudera@gmail.com"; "Craymond1995@gmail.com";
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"jstonejstone207@gmail.com"; "abden1971@gmail.com"; "info@lydiacrafts.com"; "mldax@aol.com";
"waynefarrin@gmail.com"; "edpole47@gmail.com"; "hbstover112@gmail.com"; "bill.hunt.me48@gmail.com";
"aheplerwoolwich@gmail.com"; "ecnivnworb@gmail.com"; "sinclairforhouse@gmail.com";
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 "bouchardjohnm@gmail.com"; "lfoley0@gmail.com"; "michaellook501@hotmail.com"; "mimhall57@gmail.com";
 "brad.bamford@yahoo.com"; "billybob518709@msn.com"; "astephensme@gmail.com";
 "jlwalexander96@gmail.com"; "eliza.oldach@gmail.com"; "deerisle16@icloud.com"; "jellisonswans@yahoo.com";
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 "jenn@tbb.biz"; "Carajpelletier@gmail.com"; "essex103@aol.com"; "tinalbelanger@gmail.com";
 "Chris@chrispeary.com"; "barb@cyrassociates.me"; "Wshinwells7@gmail.com"; "aaron.wilde.154@gmail.com";
 "daviddesisles@gmail.com"; "becky3co@gmail.com"; "tomcasey7490@gmail.com"; "dilljim@yahoo.com";
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 "bruce@mainebarkers.com"; "johnfredyork@yahoo.com"; "katkinkead@gmail.com";
 "john@skifarelloneschile.com"; "blake.morrison87@gmail.com"; "debraplowman@cs.com";
 "ryan@rhafener.com"; "scottmislerpsyd@gmail.com"; "kelly@reagan.com"; "queensvictoria@gmail.com";
 "gabriellehymespt@yahoo.com"; "kyoung2199@gmail.com"; "maplenut4@gmail.com"; "barbaragould@gwi.net";
 "mclaughlinforddistrict40@gmail.com"; "knitsbyxomom@gmail.com"; "Lindseyraymond6@gmail.com";
 "jamesfitz@verizon.net"; "joenacho84@gmail.com"; "tedmatlack1@gmail.com"; "jonrobshaw@gmail.com";
 "cheney970@aol.com"; "meinersmann@gmail.com"; "mjberger133@gmail.com";
 "boucher.matthew@gmail.com"; "ccaeg5@gmail.com"; "ka1rm@aol.com"; "jim.f.amaral@gmail.com";
 "murtiviergrover@hotmail.com"; "breannadavis361@gmail.com"; "danzajdel@yahoo.com";
 "durfodd@comcast.net"; "jireno521@gmail.com"; "petermacdonaldblachly@gmail.com";
 "osmom3@outlook.com"; "JackRyanMcGrath@gmail.com"; "marie_rice2000@yahoo.com";
 "murph.ra@gmail.com"; "DAJU2@GWI.NET"; "paultunkle@gmail.com"; "drkelly91@yahoo.com";
 "STILO@AOL.COM"; "bwilliams54@gmail.com"; "michaelatoisel@gmail.com"; "phil_wiseman@yahoo.com";
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 "dgetchell43@gmail.com"; "paul_castonguay@yahoo.com"; "marcus.emerson.foraugusta@gmail.com";
 "betsypohl23@gmail.com"; "Shelleyrudnicki@gmail.com"; "mattpitcher@hotmail.com";
 "lcorriveau3@outlook.com"; "wsvd162@gmail.com"; "carguy20011@yahoo.com"; "jillfaloona@yahoo.com";
 "pflynn@cbplourde.com"; "pbatheart@gmail.com"; "msgmal56@gmail.com"; "david.johnson.jr@gmail.com";
 "shelleyrudnicki@gmail.com"; "nodfarm48@gmail.com"; "townfam@roadrunner.com"; "71mytoy@gmail.com";
 "youbette@me.com"; "Jeffcarmichael65@gmail.com"; "evaneegehen@outlook.com";
 "grammydarlene428@yahoo.com"; "sherriegrays@rocketmail.com"; "6121ap@gmail.com";
 "jack.ducharme58@gmail.com"; "lizformaine@gmail.com"; "barnesbarbara414@gmail.com";
 "dulcboat@gmail.com"; "spratt0727@gmail.com"; "matthewsmith49@icloud.com"; "tkjcullenberg@gmail.com";
 "douel529@gmail.com"; "kas1@fairpoint.net"

Subject: Starts tomorrow: 24-Hour Reporting Period
Date: Tuesday, October 22, 2024 2:14:00 PM

Good afternoon candidates and treasurers,

This email is to remind you that the 24-Hour Reporting Period begins **Wednesday, October 23 and ends on Monday, November 4**. During the 24-Hour Reporting Period, any transactions in the following list must be reported within 24 hours on the Commission's eFiling website:

- Any single contribution of \$1,000 or more
- Any single loan of \$1,000 or more
- Any single expenditure of \$1,000 or more
- Any single unpaid debt or unpaid order of \$1,000 or more
 - This is regardless of whether you have an invoice or have made a payment on a purchase. If you agree to or place an order with a vendor that is, or may be, \$1,000 or more, you are required to report it as a debt on a 24-Hour Report during the 24-Hour Reporting Period

To file a 24-Hour Report, you must log on to the eFiling website and enter the transaction. The system will create a 24-Hour Report for you to file. The report must then be completely filed - just entering the transaction will not meet the filing requirements. **Remember, MCEA candidates:** although you can enter the transaction, only your treasurer can file the report.

Please let me know if you have any questions.

Erin Gordon

Candidate Registrar

Maine Ethics Commission

(207) 287-3651 | www.maine.gov/ethics

135 State House Station, Augusta, ME 04333-0135

45 Memorial Circle, Augusta, ME

§ 1012. Definitions

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3. Expenditure. The term “expenditure:”

A. Includes:

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;
- (3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and
- (4) A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and

21-A M.R.S. § 1017 Reports by candidates

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3-A. Other candidates. A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year in which an election for the candidate’s particular office is not scheduled, when any candidate or candidate’s political committee has received contributions in excess of \$500 or made or authorized expenditures in excess of \$500, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

B. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 14th day before the election.

C. If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, “overhead expenses” includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

D. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

D-1. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which an election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office, unless required by the municipality. Certified candidates and participating candidates, as defined under section 1122, subsections 1 and 6, respectively, are not required to file a report on the 42nd day before a primary election pursuant to this section.

E. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$100 shown in the reports described in paragraph D must be reported as provided by this paragraph. The treasurer of a candidate with a surplus or deficit in excess of \$100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State’s fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

F. Reports with respect to a candidate who seeks nomination by petition must be filed on the same dates that reports must be filed by a candidate for the same office who seeks that nomination by primary election.

21-A M.R.S. § 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$100. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure

requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B. An error by the commission staff;
- C. Failure to receive notice of the filing deadline; or
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 2%;
- B. For the 2nd violation, 4%; and
- C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$25 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

- A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017,

subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B.

6. Request for a commission determination. If the commission staff finds that a candidate or political committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the candidate or political committee within 3 business days following the filing deadline informing the candidate or political committee that a report was not received. If a candidate or a political committee files a report required under this subchapter late, a notice of preliminary penalty must be sent to the candidate or political committee whose registration or campaign finance report was not received by 11:59 p.m. on the deadline date, informing the candidate or political committee of the staff finding of violation and preliminary penalty calculated under subsection 4-A and providing the candidate or political committee with an opportunity to request a determination by the commission. Any request for a determination must be made within 14 calendar days of receipt of the commission's notice. A candidate or political committee requesting a determination may either appear in person or designate a representative to appear on the candidate's or political committee's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. 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.

7. Final notice of penalty. If a determination has been requested by the candidate or political committee and made by the commission, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate and the political committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the candidate and treasurer. A detailed summary of all notices must be provided to the commission.

8. Failure to file report. The commission shall notify a candidate who has failed to file a report required by this subchapter, in writing, informing the candidate of the requirement to file a report. The notice must be sent by certified mail. If a candidate fails to file a report after 2 notices have been sent by the commission, the commission shall send a final notice by certified mail informing the candidate of the requirement to file and that the matter may be referred to the Attorney General for criminal prosecution. A candidate who fails to file a report as required by this subchapter after the commission has sent the notices required by this subsection is guilty of a Class E crime.

8-A. Penalties for failure to file report. The penalty for failure to file a report required under this subchapter may not exceed the maximum penalties as provided in subsection 5-A.

9. List of late-filing candidates. The commission shall prepare a list of the names of candidates who are late in filing a report required under section 1017, subsection 2, paragraph C or D or section 1017, subsection 3-A, paragraph B or C within 30 days of the date of the election and shall make that list available for public inspection.

10. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

Chapter 1: PROCEDURES

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SECTION 7. EXPENDITURES

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3. Reporting Debts and Unpaid Obligations

- A. The following events constitute expenditures, even if the payment for a good or service has not been made at the time of the event:
 - (1) The placement of an order for a good or service;
 - (2) The signing of a contract for a good or service;
 - (3) The acceptance of the delivery of a good or the performance of a service by a vendor; or
 - (4) A promise or an agreement (including an implied one) that a payment will be made in exchange for a good or service.
- B. For reporting purposes, the expenditures listed in paragraph A are designated as debts or obligations prior to payment for the goods or services being made.
- C. If a person required to file a campaign finance report has a debt or obligation which remains unpaid at the end of the report period, the person shall report the date, amount, vendor, and purpose of the debt or obligation. If the exact amount is not known, the person filing the report shall report an estimate of the amount (preferably obtained in a written statement from the vendor).
- D. If a debt or obligation occurs in the same report period as a payment for that debt or obligation, the person filing the report will report only the payment, not the debt or obligation.
- E. A candidate or committee is not required to report a payment for a good or service in a 24-Hour Report, if the candidate or committee reported a debt for that good or service in the last regularly scheduled campaign finance report.

**Commission Penalty Decisions - Candidates
(2018 - present)**

Candidate	Late Report/Other Violation	Preliminary Penalty	Final Penalty	Commission Meeting Date
Legislative and County candidates				
James Boyle	Late January Semiannual Report	\$1,000.00	\$500.00	03/28/18
Diane Russell	Substantially Non-Compliant January Semiannual		\$100.00	05/30/18
Diane Russell	Substantially Non-Compliant 42-Day Pre-Primary		\$200.00	05/30/18
Ian Schwartz	Late 24-Hour Report	\$384.37	\$300.00	08/29/18
Danny Costain	Late 24-Hour Report	\$2,991.36	\$300.00	08/29/18
Jeffrey Slocum	Late July Semiannual	\$112.00	\$112.00	08/29/18
Mark Lawrence	11-Day Pre-Primary (not compliant)	\$1,739.73	\$400.00	09/26/18
John Tuttle, Jr.	Late 42-Day Post Primary	\$432.00	\$250.00	09/26/18
Dana Dow	Late 24-Hour Report	\$115.93	\$115.93	11/28/18
Jan Collins	Late 24-Hour Report	\$2,565.38	\$300.00	12/19/18
Cynthia Soma-Hernandez	Commingling of funds		\$100.00	12/19/18
John Clark	MCEA Violation-Contributions after Certification		\$250.00	03/06/19
Cathleen Nichols	Late 24-Hour Report	\$3,744.00	\$400.00	03/06/19
James LaBrecque	Late 42-Day Post General	\$235.03	\$235.03	03/06/19
Mark Remick	Late 24-Hour Report (2)	\$2,011.85	\$400.00	03/06/19
Stephen Ball	Commingling of funds waived since he returned \$115 of MCEA funds		\$100.00	06/04/19
Philip Spiller (<i>Municipal</i>)	Late 24-Hour Report (3)	\$2,395.28	\$900.00	12/18/19
Edward Cohen	Failure to Register		\$100.00	05/27/20
Mark Lawrence	Late 42-Day Post Primary	\$529.50	\$350.00	10/16/20
Brian Redmond	Late 42-Day Post Primary	\$84.00	\$84.00	10/16/20
Mark Andre	Late 42-Day Post Primary	\$132.00	\$132.00	10/16/20
Jeffrey Pierce	Late 42-Day Pre-General	\$40.37	\$40.37	10/30/20
Steve Collins	No Disclaimer on Signs		\$200.00	12/18/20
Troy Jackson	Late 24-Hour Report	\$50.00	\$50.00	01/27/21
Scott Gaiason	Late 11-Day Pre-General Report	\$109.54	\$109.54	01/27/21
William Guerrette	No Disclaimer on Signs		\$0.00	03/08/21
Robyn Stanicki	Late July Semiannual Report	\$637.50	\$250.00	10/29/21
Howard Patten	Failure to Register		\$100.00	04/27/22
Timothy Keenan	Failure to Register		\$100.00	04/27/22
John V. Chambers	Late 42-Day Post Primary	\$34.90	\$34.90	09/28/22
Benjamin J. Meiklejohn	Late 42-Day Post Primary	\$18.03	\$18.03	09/28/22
Nancy Piche	Failure to File SOSOI		\$100.00	09/28/22
Timothy Keenan	Failure to File SOSOI		\$100.00	09/28/22
Daniel Merrill	Failure to File SOSOI		\$100.00	09/28/22
Susan Bernard	No Disclaimer on mailing		\$75.00	10/26/22
Danielle Fienberg	Late 11-Day Pre-General Report	\$368.12	\$300.00	11/30/22
Stephen Hanrahan	Late 24-Hour Report	\$423.54	\$300.00	11/30/22
David Thurston	Late 11-Day Pre-General Report	\$139.82	\$100.00	11/30/22
Scott Gaisaon	Substantially Non-Compliant 11-Day Pre-General Report	\$135.43	\$135.43	11/30/22

Matthea Daughtry	Late 11-Day Pre-General Report	\$658.21	\$150.00	12/21/22
Robert McCarthy	Late 24-Hour Report	\$308.09	\$300.00	12/21/22
Ronald Russell	Late 24-Hour Report	\$1,573.52	\$350.00	01/30/23
Reagan Paul	Late 24-Hour Report	\$1,945.30	\$350.00	01/30/23
Neil MacLean, Jr.	Late 24-Hour Report	\$3,680.00	\$350.00	01/30/23
Sharri MacDonald	Substantially Non-Compliant Pre-General Report	\$962.47	\$150.00	01/30/23
Sharri MacDonald	Substantially Non-Compliant Pre-General Report	\$293.40	\$50.00	01/30/23
Frank Roma	MCEA Overspending		\$200.00	01/30/23
Joseph Galletta	Late registration	\$100.00	\$100.00	05/29/24
John DeVeau	2 Late Semiannual Reports		\$200.00	09/25/24
Richard Cyr	Late 42-Day Pre-General Report	\$498.50	\$300.00	10/30/24
Flavia DeBrito	Late 42-Day Pre-General Report	\$64.90	\$64.90	10/30/24
Scott Cyrway	Late 24-Hour Report	\$43.98	\$43.98	12/18/24
Leo Kenney	Late 11-Day Pre-Primary	\$835.37	\$300.00	12/18/24
Kevin Freeman	Late 11-Day Pre-Primary	\$184.43	\$184.43	12/18/24
Rogert Albert	2 Late 24-Hour Reports	\$400.00	\$400.00	01/29/25
Steven Bishop	Late 24-Hour Report	\$300.00	\$300.00	01/29/25
Walter Runte	Late 24-Hour Report	\$300.00	\$300.00	01/29/25
Joseph Rafferty, Jr.	Late 24-Hour Report	\$300.00	\$300.00	01/29/25
Joe Boyd	Late 24-Hour Report	\$300.00	\$300.00	01/29/25
Reda Edelman	Late 24-Hour Report	\$300.00	\$300.00	01/29/25
Candidates for Governor				
Mark Eves	Late 24-Hour Report (2)	\$1,378.70	\$500.00	09/26/18
Paul R. LePage	Late 42-Day Pre-Primary	\$9,091.83	\$3,000.00	06/22/22
Ethan Alcorn	Late 42-Day Pre-Primary	\$200.00	\$200.00	06/22/22