



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

To: Commissioners
From: Martha Currier, Assistant Director
Date: August 21, 2024
Re: Friends of Maine Hospitals – Waiver Request

During the last 13 days before an election, registered PACs must file special campaign finance reports (within 24 hours) of large transactions that would not otherwise be publicly disclosed until after the election. On June 7, 2024, Friends of Maine Hospitals (the “PAC”) made a \$1,000 expenditure and was required to file a 24-Hour Report by June 8 but did not do so until July 23. The PAC has requested a waiver of the \$900 preliminary penalty.

LEGAL REQUIREMENTS

24-Hour Reports. During the 13 days before an election PACs are required to report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made within 24 hours. 21-A M.R.S. § 1059(2)(E). If the PAC is late in filing the 24-hour report, the statutory amount of the preliminary penalty is determined by the amount of the transaction, the number of prior violations within a two-year period, and the number of days late. 21-A M.R.S. § 1062-A(3). The Commission may grant a full or partial waiver if it determines that the report was late due to mitigating circumstances defined in statute or is disproportionately high relative to certain factors. 21-A M.R.S. § 1062-A(2).

Treasurer Duties. The treasurer of the committee shall ensure that the committee files and amends the committee’s registration, files complete and accurate financial reports with the commission and maintains the committee’s records as required by this chapter and the commission’s rules. The treasurer is responsible for the committee’s performance of these duties regardless of whether the treasurer has delegated administrative tasks related to these duties to another individual. 21-A M.R.S. § 1054-A(1).

DISCUSSION AND STAFF RECOMMENDATION

On June 7, 2024, the PAC made an expenditure of \$1,000, which required them to file a 24-Hour Report on June 8. Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$900:

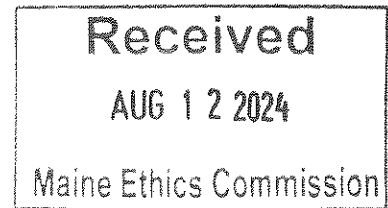
Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
24-Hour Report	\$1,000	6/8/2024	45	2%	\$900

PAC Treasurer, Jeffrey Austin, seeks a waiver on behalf of the PAC for three reasons: the inexperience of the person assigned to file the reports, Mr. Joshua Snowman; the fine is excessive; and the minimal amount of harm done to the public based on the purpose of the expenditure.

Commission staff only partially accept the PAC's rationale for a reduction in that the statutory matrix for the penalty resulted in a high amount based on the public harm in this case. Mr. Austin has been the treasurer of record for this PAC since November 2012, and this is his 7th election cycle. As treasurer, he has received correspondence from Commission staff including a May 28, 2024 email sent to all PACs outlining the 24-hour and independent expenditure reporting obligations for the June 2024 primary election. As noted in the legal requirements section above, the treasurer is responsible for the filing of all reports, regardless of whether they have been delegated to another.

Commission staff do not believe the PAC had any intent to deceive the public and submit that this error was likely an administrative oversight; however, even oversight errors may result in penalties. Violations of the 24-hour reporting requirements can be serious matters, as these reports play an important role in informing the electorate about how money is changing hands in the critical days just before an election. The expenditure subject to this penalty was for a golf tournament held by another PAC. The law does not differentiate between what reporting errors constitute a mitigating circumstance, and instead leaves those decisions to the Commissioners.

Since April 2018, the Commission has generally assessed a final penalty of \$750 or more for routine, unintentional violations, with some reductions for good cause. Given the circumstances described in this memo, Commission staff recommend that this penalty be reduced to \$500.



August 08, 2024

Martha Currier
Assistant Director
State of Maine
Commission of Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333-0135

Re: Appeal of Fine for Late Filing of 24-Hour Report

Dear Ms. Currier:

We would like to appeal the penalty assessed to Friends of Maine Hospitals PAC for the 24 Hour Report for the expenditure made on June 7, 2024, due to the following reasons:

1. Inexperience of preparer. This is our Senior Accountant's first election season as he began employment with MHA last year. He was not aware of the 24-Hour rule with expenditures. He did, however, file the 24-hour report immediately after the notification of late filing showed on the state website after he filed the quarterly report.
2. Excess amount of fine. Even though the 24-hour report was significantly late, a \$900 fine for a \$1,000 contribution seems excessive.
3. Level of harm to the public. The contribution was for the sponsorship of a foursome for a golf tournament. The harm to the public for lack of disclosure of an expenditure such as this seems to be minimal.

We appreciate your time in considering this appeal. Feel free to reach out for any further information you require in considering this appeal.

Sincerely,

Jeffrey Austin
Treasurer



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	
FRIENDS OF MAINE HOSPITALS 33 Fuller Road Augusta, ME 04330 PHONE:(207) 622-4794 EMAIL: JAUSTIN@THEMHA.ORG		JEFFREY AUSTIN 33 Fuller Road Augusta, ME 04330 PHONE: EMAIL: JAUSTIN@THEMHA.ORG	
REPORT	DUE DATE	REPORTING PERIOD	
24-Hour Report of Expenditures	06/08/2024	06/07/2024-06/07/2024	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$1,000.00
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: JOSHUA A SNOWMAN
REPORT FILED ON: 7/23/2024 11:28:27 AM
LAST MODIFIED:
COMMITTEE ID: 266

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
6/7/2024	Maine Senate Republicans PO BOX 1 AUGUSTA, ME, 04332	Maine Senate Republican Golf Tournament	EVT	\$1,000.00
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$1,000.00

BCC Distribution List for May 28, 2024 Email

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From: Currier, Martha

Sent: Tuesday, May 28, 2024 10:36 AM

Subject: Ethics Reporting Notice: 24-Hour and 1 Day-Day Reporting Periods

Importance: High

You're receiving this message because you are affiliated with a Maine [PAC](#), [BQC](#), or [party committee](#).

The June Primary is right around the corner and that means that you have two additional reporting responsibilities with the Maine Ethics Commission.

From tomorrow May 29 through June 10 please keep in mind the following reporting requirements:

24 Hour Reporting Period:

- **ANY contribution or loan of \$5,000 or more**
- **ANY expenditure or debt of \$1,000 or more**
- **MUST be reported within 24 hours of the transaction occurring**

1-Day Independent Expenditure Reporting Period:

- **ANY single expenditure of more than \$250 per candidate**
- **MUST be reported on an Independent Expenditure Report within ONE DAY of the expenditure occurring.**

To file these reports you must:

- (1) add the triggering transactions into the eFiling system; then the system will
- (2) generate the report; that you
- (3) need to file.

Remember, you must add the transaction **and** file the report for your filing responsibilities to be met.

Bonus – independent expenditures no longer require a signed affidavit to be submitted to the Commission due to a 2023 change in the law.

Please contact me if you have any questions.

Martha

Martha Currier

Assistant Director

Maine Ethics Commission

135 State House Station | Augusta, ME 04333

(207) 287-3024 (direct) | (207) 287-4179 (main)

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

July 25, 2024

Mr. Jeffrey Austin, Treasurer
Friends of Maine Hospitals
33 Fuller Road
Augusta, ME 04330

Re: Late Filing of 24-Hour Report

Dear Mr. Austin:

The Commission staff has made a finding that the Friends of Maine Hospitals PAC was late in filing its 24-Hour Report for the expenditures it made on June 7, 2024. The report was due by 11:59 p.m. on June 8, 2024, but was not filed until July 23, 2024. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S. § 1062-A). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the history of violations from the committee, the Commission staff has determined a penalty of \$900 is owed.

The committee 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; it must be in writing and contain a full explanation of the reasons the committee filed late. Upon receipt, staff will schedule your appeal for the next public meeting of the Commission.

The Commission may waive the penalty 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 the committee made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Sincerely,

A handwritten signature in blue ink that reads "Martha Currier".

Martha Currier
Assistant Director

Committee Name: Friends of Maine Hospitals

Prior Violations: 0

Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
24-Hour Report	\$1,000	6/8/2024	45	2%	\$900

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 2%

For the second violation, 4%

For the third and each subsequent violation, 6%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

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

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.

Commission Penalty Decisions - PACs, BQCs, Party Committees (2018 - present)

Committee Name	Requested Waivers of Late-Filing Penalties	Preliminary Penalty	Final Penalty	Commission Meeting Date
Waiver Requests				
Maine United Auto Workers PAC	Late January Quarterly	\$400.00	\$400.00	04/25/18
Maine Health Care Assoc. PAC	Late 24-Hour Report	\$2,760.00	\$500.00	08/29/18
Fecteau Leadership PAC	Late 24-Hour Report	\$400.00	\$400.00	08/29/18
New Mainers PAC	Late 24-Hour Report	\$10,000.00	\$1,000.00	03/06/19
Senate Democratic Campaign Committee	Late January Quarterly	\$1,010.50	\$750.00	04/24/19
Unite Portland PAC (<i>Municipal</i>)	Late IE Report	\$5,000.00	\$1,250.00	12/18/19
Unite Portland PAC (<i>Municipal</i>)	Late IE Report	\$2,052.16	\$750.00	12/18/19
Women's Leadership Fund PAC	Late IE Report	\$100.00	\$50.00	08/11/20
Maine Truck PAC	Late 24-Hour Report	\$2,203.08	\$500.00	10/16/20
Revive Hometown Maine PAC	Late October Quarterly	\$510.00	\$250.00	10/30/20
Mainers for Health and Parental Rights	Late 24-Hour Report	\$980.00	\$750.00	01/27/21
Kittery Democratic Committee	Late 11-Day Pre-General Report	\$500.00	\$100.00	02/24/21
Madison Republican Committee of Maine	Late 11-Day Pre-General Report	\$500.00	\$100.00	02/24/21
York Town Republican Committee	Late 11-Day Pre-General Report	\$500.00	\$100.00	02/24/21
Energy PAC for Maine	Late 24-Hour Report	\$8,840.00	\$750.00	03/31/21
Protect Maine Elections	Late Initial Report	\$1,004.00	\$750.00	10/29/21
Mainers for Local Power PAC	Late 24-Hour Report	\$300,000.00	\$25,000.00	02/28/22
Mainers for Local Power PAC	Late 24-Hour Report	\$98,500.00	\$10,000.00	02/28/22
No on 3: Right to Food is Wrong for Maine	Late 24-Hour Report (3)	\$932.00	\$300.00	02/28/22
Piscataquis County Republican Committee	Late January Semiannual Report	\$500.00	\$100.00	03/30/22
Waldo County Democratic Committee	2022 July Semiannual Report	\$181.21	\$60.40	09/28/22
Lincoln County Republican Committee	2022 July Semiannual Report	\$500.00	\$100.00	09/28/22
American Leadership Committee-Maine PAC	Late IE report Oct. Quarterly Report	\$679.88	\$679.88	11/30/22
Planned Parenthood Maine Action Fund	Late IE report	\$2,433.60	\$750.00	11/30/22
We the People PAC	Late IE report	\$5,000.00	\$1,000.00	11/30/22
We the People PAC	Late IE report	\$99.96	\$99.96	11/30/22
Steve LaFreniere	Late IE Report	\$1,090.00	\$200.00	12/21/22
York Voter Alliance	Late IE report	\$672.61	\$200.00	12/21/22
Androscoggin County Democratic Committee	Late 11-Day Pre-General Report	\$99.94	\$99.94	12/21/22
Aroostook County Republican Committee	Late 11-Day Pre-General Report	\$500.00	\$100.00	01/30/23
Aroostook County Republican Committee	Late 24-Hour Report	\$120.00	\$120.00	01/30/23
Maine AFL-CIO Committee on Political Education PAC	Late 24-Hour Report	\$4,860.00	\$750.00	02/28/23
Maine United Auto Workers Council PAC	Two Late 24-Hour Reports	\$4,900.00	\$1,000.00	02/28/23
American Leadership Committee-Maine PAC	Late 42-Day Post-General Report	\$55,654.00	\$2,500.00	05/31/23
We the People PAC	Late 11 day Pre-special election report	\$1,147.50	\$400.00	08/23/23
Star City PAC	Late 11 day Pre-special election report	\$370.50	\$150.00	08/23/23

Late Major Contributor Decisions				
Committee Name	Violation	Preliminary Penalty	Final Penalty	Commission Meeting Date
Waiver requests				
Mainers for Local Power PAC	Late Major Contributor (2)	\$53,431.15	\$2,500.00	03/10/20
Maine Street Solutions - Protect Schools BQC	Late Major Contributor	\$25,000.00	\$2,000.00	05/27/20
Clean Energy Matters PAC	Late Major Contributor Notice	\$50,000.00	\$2,500.00	03/31/21
We the People PAC	Late Major Contributor Notice	\$11,500.00	\$2,500.00	05/26/21
Mainers for Local Power PAC	Late Major Contributor Notice	\$13,786.32	\$2,500.00	08/23/21
Maine Energy Progress	Late Major Contributor Notice	\$25,768.87	\$3,000.00	11/29/23
Dorman Products	Late Major Contributor Report	\$15,000	\$5,000.00	11/29/23
Maine Automotive Right to Repair	Late Major Contributor Notices (6)	\$240,000.00	\$35,000.00	11/29/23
Genuine Parts Company	Late Major Contributor Report	\$50,000.00	\$5,000.00	01/31/24
Our Power	Two Late Major Contributor Notices	\$28,155	\$6,000.00	02/27/24
Citizens for a Bright Future	Late Registration, late filing, lack of disclaimer	\$3,866	\$300.00	05/29/24
Planned Parenthood Maine Action Fund	Late IE Report	\$734	\$400.00	05/29/24
Bangor Fire Fighters PAC Fund	Late to update their registration	\$250.00	\$0.00	05/29/24
Other Enforcement Decisions - Committees				
Committee Name	Violation	Preliminary Penalty	Final Penalty	Commission Meeting Date
Other Violations				
Sara Gideon Leadership PAC	Contributions Made in Name of Another		\$500.00	10/30/19
Working Families PAC	Failure to file 2020 October Quarterly; 11-Day Pre-General, 42-Day Post-General, and 2021 January Quarterly and April Quarterly campaign finance reports		\$3,750.00	05/26/21
Mainers for Fair Laws BQC	Missing Disclaimers in television ads		\$2,500.00	09/29/21
Working Families PAC	Over the limit contribution to Diane Russell senate campaign		\$285.00	09/29/21
American Leadership Committee-Maine PAC	Missing top three donors		\$10,000.00	11/30/22
Building the Maine House	Late 11-day Pre-Primary Report		\$0.00	07/24/24

**Memo to Commissioners re: Friends of Maine Hospitals PAC Waiver Request –
Text of Legal Authority Cited in Memo in order Referenced**

21-A M.R.S. § 1059(2)(E)

Chapter 13: Campaign Finance Reports

§ 1059. Report; filing requirements

2. Reporting schedule. A committee shall file reports according to the following schedule.

E. If a committee is required to file a report 11 days before an election pursuant to paragraph B or C, the committee shall report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The 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.

21-A M.R.S. § 1062-A(3)

Chapter 13: Campaign Finance Reports

§ 1062-A. Failure to file on time

3. 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 calendar 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.

21-A M.R.S. § 1062-A(2)

Chapter 13: Campaign Finance Reports

§ 1062-A. Failure to file on time

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 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to 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 of the committee treasurer 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; or
- C. 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.

21-A M.R.S. § 1054-A(1)

Chapter 13: Campaign Finance Reports

§ 1054-A. Duties and liabilities of the treasurer, principal officer and primary decision maker of committees

1. Duties of the treasurer. The treasurer of the committee shall ensure that the committee files and amends the committee’s registration, files complete and accurate financial reports with the commission and maintains the committee’s records as required by this chapter and the commission’s rules. The treasurer is responsible for the committee’s performance of these duties regardless of whether the treasurer has delegated administrative tasks related to these duties to another individual.