



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

To: Commissioners
From: Emma Burke, Political Committee & Lobbyist Registrar
Date: February 14, 2023
Re: Request by Maine United Auto Workers PAC Council for Waiver of Late-Filing Penalties
Due to Late 24-Hour Reports

The Maine United Auto Workers PAC Council (UAW) was required to file two 24-Hour Reports no later than November 1 and November 5, 2022. UAW filed both reports on December 22, 47 and 51 days late. The combined preliminary penalties for the late reports total \$4,900. UAW requests a waiver of the penalty.

LEGAL REQUIREMENTS

Any PAC or party committee that makes an expenditure in excess of \$1,000 in the 13 days before an election is held must file a report within 24 hours. 21-A M.R.S. § 1059(E). If a committee is late in filing a campaign finance report, the amount of the penalty is set 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).

DISCUSSION

On August 31, 2022, Political Committee & Lobbyist Registrar Emma Burke emailed a 2022 Fall Filing Guide to all principal officers, treasurers, and filing agents of PACs, party committees, and BQCs outlining the various reports that apply during the election period. Two individuals associated with UAW received this email: principal officer (at the time) Beverley Brakeman and treasurer Lynne Stephenson.

On December 22nd, UAW filed two 24-Hour Reports, which were triggered when they entered transactions for the 42-Day Post-General Report. Both transactions were a \$2,500 donation to the Senate Democratic Campaign Committee (SDCC).

Based on the statutory formula for calculating late-filing penalties, the preliminary penalties amount to \$4,900, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
24-Hour Report	11/01/2022	\$2,500	2%	51	\$2,550
24-Hour Report	11/05/2022	\$2,500	2%	47	\$2,350

UAW’s waiver request from Ms. Stephenson indicates she missed the 24-Hour Reports due to an honest mistake and thought 24-Hour Reports were only required when donations were made to candidates, not to other committees.

STAFF RECOMMENDATION

24-Hour Reports are considered essential for public awareness prior to general elections. Without these reports, hundreds of thousands of dollars of critical fundraising and spending would not be disclosed until after the election. Thus, while committees were required to file October Quarterly Reports on October 5th and the 11-Day Pre-General Reports on October 28th, they were also required to file 24-Hour Reports within the 13 days prior to an election whenever they receive a single contribution of \$5,000 or more or make a single expenditure of \$1,000 or more.

Staff are sympathetic to the exceptionally busy two weeks before a statewide general election. However, Ms. Burke made sure to include Ms. Stephenson on the email sent on August 31st regarding the 2022 Fall Filing Guide, which discussed the 24-hour reporting period. The Filing Guide was also posted prominently on the homepage of the Commission’s website, and 24-Hour Reports are outlined in the Commission’s Committee Guidebook.

Since 2018, when considering requests by PACs and BQCs for waivers of preliminary penalties above \$1,000, the Commission staff has generally been recommending penalty outcomes of *at least* \$750, understanding that the Commission may wish to assess a lower penalty when strong mitigating factors are present. In this instance, Ms. Stephenson is a relatively experienced PAC treasurer, and had access to all the information she needed to know when and how to file 24-Hour Reports. There are similarities between the amount of the donations given to Caucus PACs by both UAW and COPE (Agenda Item # 4), how many days late the reports were, and the amount of the

preliminary penalties. UAW had two late 24-Hour Reports but donated only \$500 more to a Caucus PAC than COPE, and UAW's preliminary penalty is \$40 greater. In an effort to achieve fairness, the Commission staff recommends reducing the penalty to \$1,000, which reflects an amount consistent with the recommendation for COPE, and three penalty decisions by the Commission with regard to Mainers for Health and Parental Rights (January 2021), Energy PAC for Maine (March 2021), and Protect Maine Elections (October 2021), but with an additional \$250 because UAW missed filing two reports on time, instead of one. Thank you for your consideration of this memo.



BRANDON MANCILLA, DIRECTOR
REGION 9A UAW
111 FOUNDERS PLAZA, SUITE 1703
EAST HARTFORD, CT 06108
860.674.0143

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

RAY CURRY, *PRESIDENT* • MARGARET MOCK, *SECRETARY-TREASURER*
VICE-PRESIDENTS: CHUCK BROWNING • MIKE BOOTH • RICH BOYER

February 6, 2023

Attn: Emma Burke
State of Maine
Commission on Governmental Ethics & Election Practices
135 State House Station
Augusta, ME 04333

RE: Maine UAW PAC Council

Dear Emma,

The Maine UAW PAC Council would like to request a waiver of our recently accessed penalty from the two 24 hour reports that were not filed until our 42 day post general report was filed. The lack of filing these reports was an honest mistake. I was under the impression the reports only needed to be filed when a contribution was made directly to a candidate and these 2 contributions were to the Senate Democratic Campaign Committee. We would also appreciate a waiver as we have a past history of filing our reports in a timely manner.

Thank you for your consideration.

Lynne Stephenson
Maine UAW PAC Council



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

December 27, 2022

Lynne Stephenson
Maine United Auto Workers PAC Council
111 Founders Plaza, Suite 1703
East Hartford, Connecticut 06108

Re: Late Filing of Two Maine United Auto Workers PAC Council 24-Hour Reports

Dear Lynne:

The Commission staff has made a finding the Maine United Auto Workers PAC Council was late in filing two 24-Hour campaign finance reports. The reports were due by 11:59 p.m. on November 1, 2022 and November 5, 2022, and but were not filed until December 22, 2022. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1020-A). Based on the amount of financial activity in the reports, the number of calendar days the reports were late, and any history of violations from the committee, the Commission staff has determined a penalty of \$4,900 is owed. (Please see attached penalty matrix for the calculation.)

The committee may make a written request 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 committee 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 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.

Please call (207) 287-4709 or send an email to emma.burke@maine.gov if you have questions.

Sincerely,

Emma Burke
Political Committee & 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."

Lynne Stephenson
Maine United Auto Workers PAC Council
111 Founders Plaza, Suite 1703
East Hartford, Connecticut 06108

Violation: Two Late 24-Hour Reports
Amount Due: \$4,900

Committee Name: Maine United Auto Workers PAC Council

Prior Violations: 0

Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
24-Hour Report	\$2,500	11/01/2022	51	2%	\$2,550
24-Hour Report	\$2,500	11/05/2022	47	2%	\$2,350

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.

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1020-A(5-A)

\$5,000 for 24-Hour Reports, except if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late.



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

2022 CAMPAIGN YEAR

COMMITTEE		TREASURER	
MAINE UNITED AUTO WORKERS PAC COUNCIL 111 FOUNDERS PLAZA, SUITE 1703 EAST HARTFORD, CT 06108 PHONE:(860) 674-0143 EMAIL: LWEIR@UAW.NET		Lynne Stephenson 111 FOUNDERS PLAZA, SUITE 1703 EAST HARTFORD, CT 06108 PHONE:(860) 674-0143 EMAIL: LWEIR@UAW.NET	
REPORT	DUE DATE	REPORTING PERIOD	
24-Hour Report of Contributions and Expenditures	11/01/2022	10/31/2022-10/31/2022	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$2,500.00
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: Lynne Stephenson
REPORT FILED ON: 12/22/2022 4:46:59 PM
LAST MODIFIED:
COMMITTEE ID: 319

24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
<p>CNS Campaign consultants</p> <p>CON Contribution to other candidate, party, committee</p> <p>EQP Equipment (office machines, furniture, cell phones, etc.)</p> <p>FND Fundraising events</p> <p>FOD Food for campaign events, volunteers</p> <p>LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)</p> <p>MHS Mail house (all services purchased)</p> <p>OFF Office rent, utilities, phone and internet services, supplies</p> <p>OTH Other</p> <p>PHO Phone banks, automated telephone calls</p>	<p>POL Polling and survey research</p> <p>POS Postage for U.S. Mail and mail box fees</p> <p>PRO Other professional services</p> <p>PRT Print media ads only (newspapers, magazines, etc.)</p> <p>RAD Radio ads, production costs</p> <p>SAL Campaign workers' salaries and personnel costs</p> <p>TRV Travel (fuel, mileage, lodging, etc.)</p> <p>TVN TV or cable ads, production costs</p> <p>WEB Website design, registration, hosting, maintenance, etc.</p>			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/31/2022	SENATE DEMOCRATIC CAMPAIGN COMMITTEE P.O. BOX 2207 AUGUSTA, ME, 04338	Contribution	CON	\$2,500.00
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$2,500.00



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

2022 CAMPAIGN YEAR

COMMITTEE		TREASURER	
MAINE UNITED AUTO WORKERS PAC COUNCIL 111 FOUNDERS PLAZA, SUITE 1703 EAST HARTFORD, CT 06108 PHONE:(860) 674-0143 EMAIL: LWEIR@UAW.NET		Lynne Stephenson 111 FOUNDERS PLAZA, SUITE 1703 EAST HARTFORD, CT 06108 PHONE:(860) 674-0143 EMAIL: LWEIR@UAW.NET	
REPORT	DUE DATE	REPORTING PERIOD	
24-Hour Report of Contributions and Expenditures	11/05/2022	11/04/2022-11/04/2022	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$2,500.00
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: Lynne Stephenson
REPORT FILED ON: 12/22/2022 4:47:21 PM
LAST MODIFIED:
COMMITTEE ID: 319

24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
<p>CNS Campaign consultants</p> <p>CON Contribution to other candidate, party, committee</p> <p>EQP Equipment (office machines, furniture, cell phones, etc.)</p> <p>FND Fundraising events</p> <p>FOD Food for campaign events, volunteers</p> <p>LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)</p> <p>MHS Mail house (all services purchased)</p> <p>OFF Office rent, utilities, phone and internet services, supplies</p> <p>OTH Other</p> <p>PHO Phone banks, automated telephone calls</p>	<p>POL Polling and survey research</p> <p>POS Postage for U.S. Mail and mail box fees</p> <p>PRO Other professional services</p> <p>PRT Print media ads only (newspapers, magazines, etc.)</p> <p>RAD Radio ads, production costs</p> <p>SAL Campaign workers' salaries and personnel costs</p> <p>TRV Travel (fuel, mileage, lodging, etc.)</p> <p>TVN TV or cable ads, production costs</p> <p>WEB Website design, registration, hosting, maintenance, etc.</p>			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
11/4/2022	SENATE DEMOCRATIC CAMPAIGN COMMITTEE P.O. BOX 2207 AUGUSTA, ME, 04338	Contribution	CON	\$2,500.00
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$2,500.00

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
Waiver Requests				
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
Waiver Requests				
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
Waiver Requests				
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
Waiver Requests				
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
Waiver Requests				
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

Late Major Contributor Decisions (2020 - present)				
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
Other Enforcement Decisions - Committees (2018 - present)				
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

§1059. Report; filing requirements

A committee required to register under section 1052-A or 1053-B shall file an initial campaign finance report within 7 days of registration or within 14 days of having been required to register, whichever comes first, and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline. [PL 2021, c. 217, §10 (AMD).]

1. Contents; quarterly reports and election year reports.
[PL 2007, c. 443, Pt. A, §35 (RP).]

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

A. A committee shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th. [PL 2019, c. 323, §24 (AMD).]

B. During any year in which primary and general elections are held, a committee shall file primary and general election reports in addition to the reports required under paragraph A:

- (1) On the 11th day before the date on which the election is held, which must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held, which must be complete as of the 35th day after that date.

A committee shall file primary and general election reports even if the committee did not engage in financial activity to influence the primary or general election. [PL 2019, c. 323, §24 (AMD).]

C. In any election year other than a year described in paragraph B, if a committee has received contributions or made expenditures for the purpose of influencing a ballot question election, a special election or a municipal candidate or referendum election subject to Title 30-A, section 2502, the committee shall file preelection and post-election reports:

- (1) On the 11th day before the date on which the election is held, which must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held, which must be complete as of the 35th day after that date. [PL 2019, c. 323, §24 (AMD).]

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [PL 1991, c. 839, §29 (RPR).]

→ 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. [PL 2019, c. 323, §24 (AMD).]

§1062-A. Failure to file on time

1. Registration. A political action committee required to register under section 1052-A, 1053-A or 1053-B or a ballot question committee required to register under section 1053-A or 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff. [PL 2019, c. 563, §18 (AMD).]

→ **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; [PL 1999, c. 729, §9 (AMD).]

B. An error by the commission staff; or [PL 1999, c. 729, §9 (AMD).]

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. [PL 2007, c. 443, Pt. A, §38 (AMD).]

[PL 2009, c. 190, Pt. A, §29 (AMD).]

→ **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%; [IB 2015, c. 1, §9 (AMD).]

B. For the 2nd violation, 4%; and [IB 2015, c. 1, §9 (AMD).]

C. For the 3rd and subsequent violations, 6%. [IB 2015, c. 1, §9 (AMD).]

Any penalty of less than \$10 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.

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

[IB 2015, c. 1, §9 (AMD).]

4. Maximum penalties. The maximum penalty under this subchapter is \$10,000 for reports required under section 1053-A, 1056-B or 1059, 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.

[PL 2019, c. 563, §19 (AMD).]

5. Request for a commission determination. If the commission staff finds that a committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer'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.

[PL 2019, c. 563, §20 (AMD).]

6. Final notice of penalty. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the 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 principal officer and to the treasurer of the committee. A detailed summary of all notices must be provided to the commission.

[PL 2019, c. 563, §21 (AMD).]

7. List of late-filing committees. The commission shall prepare a list of the names of committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

[PL 2019, c. 563, §22 (AMD).]

8. Failure to file. A person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E crime, except that, if a penalty pursuant to subsection 8-A is assessed and collected by the commission, the State may not prosecute a violation under this subsection.

[PL 2003, c. 628, Pt. A, §8 (AMD).]

8-A. Penalties for failure to file report. The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059 is \$10,000 or the amount of financial activity not reported, whichever is greater.

[IB 2015, c. 1, §11 (AMD).]

9. 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.

[PL 2009, c. 302, §10 (RPR).]

SECTION HISTORY

PL 1995, c. 483, §21 (NEW). PL 1999, c. 426, §34 (AMD). PL 1999, c. 729, §9 (AMD). PL 2003, c. 628, §§A7-9 (AMD). PL 2007, c. 443, Pt. A, §§38-41 (AMD). PL 2009, c. 190, Pt. A, §§28-31 (AMD). PL 2009, c. 302, §§8-10 (AMD). PL 2011, c. 389, §49 (AMD). PL 2013, c.