



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

Commission Meeting 09/29/2021
Agenda Item #4

To: Commission
From: Commission Staff
Date: September 22, 2021
Re: Request for Investigation of Mainers for Fair Laws

On September 8, 2021, the Maine Commission on Governmental Ethics and Election Practices (the "Commission") received a request for an investigation (the "Complaint") from Mainers for Local Power, a registered political action committee ("PAC"), alleging that Mainers for Fair Laws had run advertisements to influence the November 2, 2021 election, and had failed to include a disclaimer as required by 21-A M.R.S. § 1055-A. ETH. 1-4. The Complaint alleges that Mainers for Fair Laws purchased broadcast television airtime, on August 23rd, 24th, and 30th, totaling \$778,619. ETH. 1. The Complaint indicates that Mainers for Fair Laws also purchased significant ad space online, but Mainers for Local Power does not know to what extent. ETH. 1. Mainers for Fair Laws reported that it received \$401,104.00 in in-kind contributions from Clean Energy Matters for Media Buy and Web Development. ETH. 22-23. (The \$778,619 referenced in the complaint would have occurred after the report period for the ballot question committee's ("BQC") initial campaign finance report.)

Mainers for Fair Laws registered as a BQC on August 18, 2021, to oppose An Act to Require Legislative Approval of Certain Transmission Lines in the Upper Kennebec Region (NECEC II). This BQC lists Clean Energy Matters, a registered PAC, as its founding organization. Clean Energy Matters lists Central Maine Power Co. and NECEC Transmission, LLC as its founding organizations.

On September 20, 2021, Mainers for Fair Laws provided its initial response to the Commission staff's September 10, 2021 letter. In their response, Mainers for Fair Laws indicates that it spent \$1.6 million on the advertisements. ETH. 9. These advertisements included their name but not the address of the BQC. They contend this was an accidental

oversight, and that they did not intend to omit the address from their advertisements or attempt to conceal their identity. ETH. 10.

LEGAL REQUIREMENTS

Standard for Opening a Requested Investigation

The Election Law authorizes the Commission to receive requests for investigation and to conduct an investigation “if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.”

A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

21-A M.R.S. § 1003(2).

Political Communications to Influence a Ballot Question

When a person makes an expenditure exceeding \$500 to expressly advocate through a publicly accessible site on the internet, the communication must clearly and conspicuously state the name and address of the person who financed the communication(s), unless the name or address would be so small as to be illegible or infeasible. 21-A M.R.S. § 1055-A. The Commission may impose a penalty of no more than \$5,000 for a violation of this section. Id. In assessing this penalty, the Commission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor, and whether the communication conceals or misrepresents the identity of the person who financed it. Id.

Common Nexus of Mistake. The Commission may treat multiple penalties as a single violation and make an appropriate reduction when a single mistake or misapplication of law results in multiple penalties. See, 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 major contributor requirement. The Commission imposed a single \$2,500 penalty penalty); Jonathan Courtney Waiver Request

(10/16/2020) (a lobbyist thought that he had filed monthly reports for two clients, but had not, and the Commission imposed one \$50 penalty).

DISCUSSION AND STAFF RECOMMENDATION

The Complaint alleges that Mainers for Fair Laws ran two advertisements to oppose the NECEC II referendum. ETH. 1-4. On the final screen for both of these advertisements, the disclaimer reads “Paid for by Mainers for Fair Laws” and omits the address of the BQC. ETH. 3-4. The copies of the advertisements provided in the Complaint were run on television but may have also run online. The Commission staff recommends that no further investigation is necessary and that there is sufficient evidence to find that Mainers for Fair Laws violated 21-A M.R.S. § 1055-A by failing to include the address of the BQC on the advertisements.

The Commission has not previously imposed a penalty for a violation of 21-A M.R.S. § 1055-A. In similar cases for expenditures to support/oppose candidates, the Commission has taken a restrained approach. In Request for Investigation – New England Opportunity Project (05/24/2017), the Commission considered a complaint by the Maine Democratic State Committee against the New England Opportunity Project for failing to include the top 3 funder disclaimer on a mailing. The Commission determined that the cost of the mailer was \$4,205.06. The Commission imposed a \$250 penalty but noted that the penalty was lower because the Commission had already imposed a \$700 penalty for an unfiled independent expenditure. In Incomplete Top-Donor Disclosure – Maine Democratic Party (12/08/2016), the Commission imposed a \$500 penalty for failure to include the top 3 funder disclaimer on a television advertisement that cost \$19,161. The Commission noted this was a matter of first impression, and it expected to assess higher penalties in the future.

The first factor for the Commission to consider is how widely the communication was disseminated. 21-A M.R.S. § 1055-A (3). One of the television advertisements ran from August 17th through September 3rd and the second advertisement ran from August 31st through September 3rd. ETH. 9. Mainers for Fair Laws also indicates that a radio advertisement ran from August 26th through September 3rd. The total cost for these

three advertisements is over \$1.6 million. In the opinion of the Commission staff, these three advertisements would be considered widely distributed.

The next two relevant¹ factors are whether the violation was intentional and whether the communication conceals or misrepresents the identity of the person who financed it. 21-A M.R.S. § 1055-A(3). All the advertisements include the “Mainers for Fair Laws” disclosure but omit the address. ETH. 3-4; 9. Upon discovering that the advertisements did not contain their address, the advertisements were removed from circulation until they included the address. The Commission staff accepts that the violation was accidental and that the advertisements do not conceal the identity of the person who financed them. If the intent was to conceal the identity of Mainers for Fair Laws, then it would be unlikely that their name would have been included on the advertisements.

In total, it appears there are three distinct violations, two television advertisements and one radio advertisement that fail to disclose the address of Mainers for Fair Laws. Each violation could result in a penalty of up to \$5,000. The Commission, however, has held that if there is a common mistake that results in multiple violations, the Commission may treat multiple violations as a single violation and reduce the penalty appropriately. Mainers For Local Power Waiver Request (03/10/2020); Jonathan Courtney Waiver Request (10/16/2020). The Commission staff recommends the Commission find a single violation in this matter. It appears that one vendor was retained to produce these advertisements. ETH. 8. The Commission staff does not know if there was a failure to communicate the address requirement to the vendor or if the vendor misunderstood; however, in either case, the error likely had the same nexus.

The Commission staff does not have significant guidance from the Commission on the appropriate penalty range for an incomplete disclaimer of § 1055-A. The penalty for disclaimer violations under other provisions appear to range between \$500-\$900. The comparable precedents include the same mitigating factors as are present here (they were unintentional and did not attempt to hide their identity). However, the advertisements at

¹ There is no claim that the violation occurred as the result of an error by a printer or other paid vendor. Mainers for Fair Laws’ response indicates the address was submitted to the vendor for purposes of reporting information to the National Association of Broadcasters. ETH. 8. The BQC does not appear to contend that it was a vendor error.

issue are among the most widely disseminated of any advertisements in Maine's history. Additionally, the disclaimer is not omitted, only incomplete. A member of the public could locate additional information regarding Mainers for Fair Laws by searching for them online.

The Commission staff would recommend the Commission assess a penalty between \$1,000 and \$1,500 for this violation. This would adequately reflect the public harm for an incomplete disclaimer while accounting for the mitigating circumstances. The Commission staff would be comfortable if the Commission decided to assess a higher or lower penalty than this suggested range.

Thank you for your attention to this matter.

September 8, 2021

Jonathan Wayne
Executive Director
Maine Commission on Governmental Ethics & Election Practices
135 State House Station
Augusta, ME 04333

Dear Mr. Wayne:

On behalf of Mainers for Local Power, I am writing to request that the Commission begin an immediate investigation into the failure of Mainers for Fair Laws (MFL) to comply with disclosure requirements for ballot question committees (BQCs) formed to influence a ballot question. MFL is spending hundreds of thousands of dollars on an elaborate statewide ad campaign, while failing to include its address in its advertisements, as required by Maine law.

Mainers for Fair Laws (MFL) registered as a BQC with the Commission on August 18, 2021.¹ That same day, MFL bought significant cable and broadcast television air-time in the Portland, Bangor and Presque Isle media markets, totaling \$389,344 through August 23rd. Between August 24th and August 30th, MFL made another significant cable and broadcast television ad buy for nearly the same amount, this time totaling \$389,275. The sum of these two ad buys alone is \$778,619. We are providing clips of two of these ads to our electronic filing for the Commission's review.

We understand MFL also had similar significant digital and radio ad buys during this same time-period, though the total cost of these buys are unknown to us.

At least two of MFL's advertisements are in direct violation of Maine's disclosure requirements for political communications to influence ballot committees. 21-A M.R.S. § 1055-A requires that "the communication must clearly and conspicuously state the . . . address of the person who made or financed the expenditure for the communication . . ." See also State of Maine, Commission on Governmental Ethics & Election Practices, *Guidebook for Political Action Committees & Ballot Question Committees*, 30-31 (July 2017, Revised May 2020) ("Maine Election Law also requires disclosure of statements to be on communications expressly advocating for or against a ballot question . . . These disclosure statements must clearly and conspicuously state the name and address of the person (including organizations) who made or financed the expenditure for the communication."). As the Commission can see from the attached

¹ As of the date of this letter, the sole contributor to Mainers for Fair Laws, is Clean Energy Matters (CEM). The two organizations also share the same Principal Officer. CEM's founding organizations are Central Maine Power Company and NECEC Transmission, LLC.

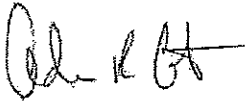
September 8, 2021
Page 2

advertisements, MFL clearly failed to provide such information on at least two of its highly financed advertisements.

We would ask that the Commission investigate this matter to ensure that MFL complies with Maine's disclosure requirements for ballot question committees. If your staff or the Commission require any further supporting documentation with respect to the broadcast and cable television ad buys, please do not hesitate to let me know.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam R. Cote". The signature is fluid and cursive, with a long horizontal stroke at the end.

Adam R. Cote
Counsel to Mainers for Local Power

Video File: Mainers for Fair Laws Video 1 of 2

Video File: Mainers for Fair Laws Video 2 of 2



September 10, 2021

Newell Augur, Esq.
Pierce Atwood LLP
157 Capitol Street
Augusta, ME 04330

Sent via USPS and E-mail

Re: Scheduling Letter – Complaint against Mainers for Fair Laws

Dear Mr. Augur:

As you are aware, the Maine Commission on Governmental Ethics and Election Practices (the “Commission”) received the enclosed complaint from Mainers for Local Power. The Commission staff considers this complaint to be a request to conduct an investigation pursuant to 21-A M.R.S. § 1003. This letter is to provide Mainers for Fair Laws with an opportunity to respond to the request for investigation and to provide any factual information or legal argument that it believes is relevant. At its public meeting on September 29, 2021, the Commission will consider: (1) whether to conduct a formal investigation, and (2) whether, after receiving preliminary information from the parties, a final decision can be made.

Potential Scope of Investigation

The scope of any investigation will be determined by the Commission. An investigation could include the following issues:

- Whether Mainers for Fair Laws spent more than \$500 on advertisements that expressly advocated for or against *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 (“NECEC II”)*.
- Whether those advertisements failed to include the name and address of the person who financed the advertisement; and if so, whether there were mitigating factors for that failure.

Relevant Law

Standard for Initiating an Investigation

The Commission is required to review every request to investigate an alleged violation of campaign finance law and to conduct an “investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.” 21-A M.R.S. § 1003(2).

Definition of Expenditure. The term “expenditure” includes: (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of initiating or influencing a campaign; (2) a contract, promise, or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set for this in this paragraph; and (3) the transfer of funds by a political action committee or another candidate or political committee; but, does not fall within one of the outlined exceptions. 21-A M.R.S. § 1052(4).

Political communications to influence a ballot question. When a person, including an organization, makes an expenditure over \$500 to expressly advocate for or against an initiative or referendum that is on the ballot, the communication must clearly and conspicuously state the name and address of the person who financed the communication. If the name or address would be so small as to be illegible or infeasible because of size or character limitations, then the name and address of the financier do not need to be included on the communication. A violation of this section may result in a penalty of no more than \$5,000. In assessing the penalty, the Commission shall consider, among other things: (1) how widely the communication was disseminated, (2) whether the violation was intention, (3) whether the violation occurred as the result of an error by a third party vendor, (4) whether the communication conceals or misrepresents the identity of the person who financed it. 21-A M.R.S. § 1055-A.

Express Advocacy. In the context of a ballot question election, the Commission staff recommends interpreting “expressly advocate” to refer to phrases such as “vote for,” “vote yes,” “vote against,” “vote no,” “support,” “reject”, or other communications that are “susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate.” See 94-270 C.M.R. ch. 1 § 10(2)(B) (defining “expressly advocate” in the context of a candidate election).

Request for Response

Please submit a written response to the request for investigation by Monday, September 20, 2021. You are welcome to submit any factual information or legal argument you believe would be relevant to the Commission's decision whether to investigate. In addition, please address the following points:

- How much did Mainers for Fair Laws pay for the advertisements referenced in the complaint? When did the payments occur?
- Apart from the advertisements referenced in the complaint, have there been other communications that fail to include the name and address of the person who financed the communications? If so, please provide copies of those advertisements and the total expenditures for those communications.
- Please provide a brief overview of how and when the communications referenced in the complaint were disseminated to the public.

Thank you for your cooperation with this request. I look forward to receiving your response on or before September 20, 2021. Please let me know if you have any questions.

Sincerely,

Michael J. Dunn

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

Enclosures

cc: Adam Cote, Esq. (via email)

September 21, 2021

Michael Dunn
Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Re: Complaint against Mainers for Fair Laws

Dear Michael:

On behalf of Mainers for Fair Laws, please accept this submission in response to your September 10, 2021 letter. We acknowledge that the two television advertisements identified in the complaint you received on September 8, 2021 did not include the address for our ballot question committee. These advertisements contained express advocacy at a cost greater than \$500 and should have included our mailing address. We will pay the appropriate penalty as recommended by the Commission pursuant to 21-A M.R.S. § 1055-A for this mistake.

In advance of recommending a penalty for this oversight, we would ask the Commission Staff to consider the following:

- Both advertisements included the language "Paid for by Mainers for Fair Laws."
- We have been duly registered with the Ethics Commission since August 17, 2021. At all times when the advertisements were aired, our address – P.O. Box 5380, Augusta, ME – and phone number along with the names and addresses of our treasurer and principle officer were posted on the Ethics Commission website and readily available to the public.
- Our staff forwarded our address to the creative agency that produced the advertisements for purposes of reporting information to the National Association of Broadcasters.
- Upon discovering that that the advertisements did not contain our address, we immediately directed the television stations running them to remove them from circulation. The advertisements were not run again until the address was included.
- Concurrent with the dissemination of the advertisements in question, we also commissioned a number of other communications including a door hanger, yard signs, banners, and two direct mail pieces through a different creative agency. Final approval for these communications was submitted to the creative agency beginning on August 19, 2021. All of these communications include our name and address.

(The invoice for the door hangers along with examples of the door hanger, yard sign, banner, and direct mail are included for your review).

There was no intent at any time on the part of our committee to misrepresent the identity of our group or to conceal in any respect that Mainers for Fair Laws was responsible for these advertisements. Indeed, the advertisements included information that would have given any citizen the ability to access our address.

In response to the specific questions you posed, a thirty second television advertisement noted in the complaint filed with your office ("Infrastructure") aired from August 17 until September 3, 2021. This advertisement appeared on broadcast stations throughout the state and on "over the top" television (Roku, Hulu, etc.) at a cost of \$1,370,588. A thirty second television advertisement noted in the complaint filed with your office ("A Lot of Words") aired from August 31 until September 3, 2021. This advertisement appeared on broadcast stations throughout the state and on "over the top" television at a cost of \$259,387.56. A sixty second radio advertisement with a similar message produced by the same creative agency that produced the two advertisements noted above and which did not include our address aired on local stations from August 26 to September 3, 2021 at a cost of \$28,800. (The text of this advertisement is included for your review).

Please do not hesitate to contact me if you need any further information.

A handwritten signature in black ink, appearing to read 'Newell A. Augur', with a long horizontal flourish extending to the right.

Newell A. Augur
Legal Counsel

Script for Radio Advertisement

If you run a business in Maine or work at one, listen up.

This November, it is critical that you read the fine print on Ballot Question 1.

Because if Ballot Question 1 passes, it will give politicians the power to pass retroactive laws.

Retroactive laws allow people and businesses to be penalized for things that happened legally in the past, long before the laws were even on the books.

What's more is it could shut down critical infrastructure projects that are already under way across the state.

That means stopped construction. Failing roads. And lost jobs.

These are just some of the unintended consequences we'd see if Question 1 passes.

That's not only unfair, but it's also potentially dangerous.

Because what Question 1 really says to businesses is: Don't come to Maine. Don't invest in Maine. And don't hire Maine workers.

So vote No on Question 1. And stop retroactive laws.

Paid for by Mainers for Fair Laws.

Check Out This Fine Print

Question 1

Do you want to ban the construction of high-impact electric transmission lines in the Upper Kennebec Region and to **require the Legislature to approve ALL other such projects anywhere in Maine, both retroactively to 2020, and to require the Legislature, retroactively to 2014, to approve by a two-thirds vote such projects using public land?**

YES

NO

Ballot Question 1 is **DECEITFUL** and **DANGEROUS** to Maine

VOTE NO ON QUESTION 1



P.O. Box 5380
Augusta, ME 04332

MFL21009   

PRSRV STD
US POSTAGE
PAID
WFC

Paid for by Mainers for Fair Laws
P.O. Box 5380, Augusta, ME 04332



RETROACTIVE LAWS ARE DECEITFUL AND DANGEROUS.

Ballot Question 1 empowers politicians to make new laws that apply to events that happened legally in the past, setting a dangerous precedent that could harm small businesses, renewable energy, and manufacturing. Now is not the time to create more economic uncertainty. Send a message to our politicians that we only want to move Maine forward.

VOTE NO ON QUESTION 1

ELECTION DAY IS TUESDAY, NOVEMBER 2

MainersForFairLaws.org  [MainersForFairLaws](https://www.facebook.com/MainersForFairLaws)  [@MEforFairLaws](https://twitter.com/MEforFairLaws)

ETH-12



**Ballot Question 1 is
DECEITFUL and DANGEROUS
to Maine.**

Ballot Question 1 empowers politicians to make new laws that apply to events that happened legally in the past, setting a dangerous precedent that could harm small businesses, renewable energy, and manufacturing. Retroactive laws are deceitful and dangerous.

**VOTE NO
ON QUESTION 1**

**MAINERS FOR
FAIR LAWS**

ETH-13



P.O. Box 5380
Augusta, ME 04332

MFL21007

PRSR STD
US POSTAGE
PAID
WFC

Paid for by Mainers for Fair Laws
P.O. Box 5380, Augusta, ME 04332

REWRITING OUR PAST IS A DEAD END FOR OUR FUTURE.

The potential consequences are **unnerving**. The harm that could come to small businesses, renewable energy and manufacturing is real—and avoidable. Now is not the time to create more economic uncertainty. Send a message to our politicians that we only want to move Maine forward.

Read Ballot Question 1 for yourself.

Question 1

Do you want to ban the construction of high-impact electric transmission lines in the Upper Kennebec Region and to **require the Legislature to approve ALL other such projects anywhere in Maine, both retroactively to 2020, and to require the Legislature, retroactively to 2014, to approve by a two-thirds vote such projects using public land?**

YES

NO

Keep this information! Millions of dollars of misinformation will be sent your way about this measure—but the ballot question speaks for itself. Vote No on Question 1 to keep retroactive laws out of Maine.

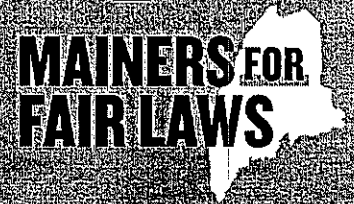
VOTE NO ON QUESTION 1

ELECTION DAY IS TUESDAY, NOVEMBER 2


MainersforFairLaws.org /MainersForFairLaws @MEforFairLaws

EJH-14

**VOTE NO
ON QUESTION 1**



Paid for by Mainers for Fair Laws, P.O. Box 5380, Augusta, ME 04332, ME 1005



**MAINERS FOR
FAIR LAWS**

VOTE NO ON QUESTION 1

Paid for by Mainers for Fair Laws, P.O. Box 5380 Augusta, ME 04332 MF2009

**VOTE NO ON
QUESTION 1**

Paid for by Mainers for Fair Laws, P.O. Box 5380 Augusta, ME 04332 MFL21004 

**SAY NO TO
RETROACTIVE
LAWS**

Paid for by Mainers for Fair Laws, P.O. Box 5380 Augusta, ME 04332 MFL21004 

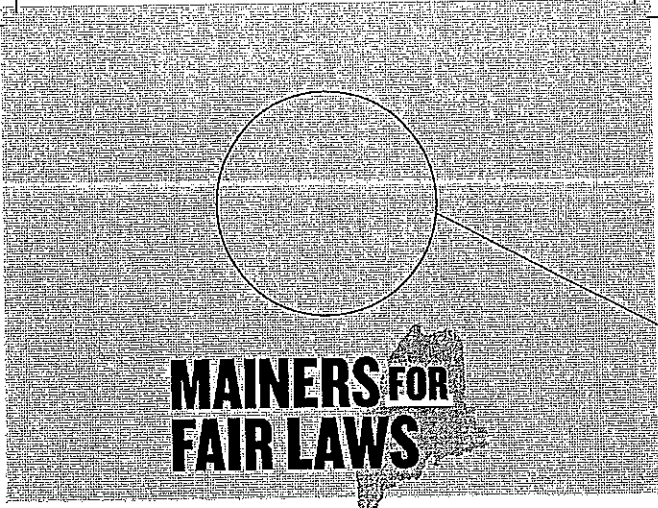


**Ballot question 1
is DECEITFUL
and DANGEROUS
to Maine.**

Ballot question 1 will give politicians the power to make new laws that apply to events in the past and could hurt small businesses, renewable energy, and manufacturing. Retroactive laws are unfair and dangerous.

**VOTE NO
ON QUESTION 1**

**MAINERS FOR
FAIR LAWS**



Read ballot question 1 for yourself.

Question 1

Do you want to ban the construction of high-impact electric transmission lines in the Upper Kennebec Region and to require the Legislature to approve ALL other such projects anywhere in Maine, both retroactively to 2020, and to require the Legislature, retroactively to 2014, to approve by a two-thirds vote such projects using public land?

YES

NO

REWRITING OUR PAST IS A DEAD END FOR OUR FUTURE.

VOTE NO ON QUESTION 1

ELECTION DAY IS TUESDAY, NOVEMBER 2

MainersForFairLaws.org | Facebook: /MainersForFairLaws | Twitter: @MEforFairLaws

Paid for by Mainers for Fair Laws
P.O. Box 5380, Augusta, ME 04332

MBL 21003

ETH-20

billing@wildfirecontact.com
www.wildfirecontact.com



BILL TO
Mainers for Fair Laws

INVOICE # 8327
PROJECT MFL21003
DATE 8/19/2021
DUE DATE 8/19/2021
TERMS Due on Receipt

****Our banking info has changed. Kindly update your records****

DESCRIPTION	AMOUNT
MFL21003 Door Hanger. 80,000 produced and shipped to Maine.	\$13,427.20

Billing Address:

Wildfire Mail
290 Broadway, Suite 132
Metheun, MA 01844

Please process payment via wire or ACH if possible to expedite processing

Wildfire Mail Wire Instructions

Bank: Northwest Bank
5700 University
West Des Moines, IA 50266
Benefactor Name: Wildfire Mail
Account Number: 20766861
Routing Number: 273970682

If you have any questions, please contact billing@wildfirecontact.com or call 563-349-3940



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 BALLOT QUESTION COMMITTEES

COMMITTEE		TREASURER	
Mainers for Fair Laws PO Box 5380 Augusta, ME 04332 PHONE:(207) 629-0542 EMAIL: nissen@capcompliance.com		Melissa Nissen PO Box 5380 Augusta, ME 04332 PHONE:(207) 544-6960 EMAIL: nissen@capcompliance.com	
REPORT	DUE DATE	REPORTING PERIOD	
Initial Financial Report	08/25/2021	01/01/2021 - 08/18/2021	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$0.00	\$0.00
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$0.00	\$0.00
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$0.00	\$0.00
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$0.00	\$0.00
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$0.00	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$0.00	
11. CASH BALANCE AT END OF PERIOD	\$0.00	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$406,371.00	\$406,371.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: Melissa Nissen
 REPORT FILED ON: 8/25/2021 1:30:28 PM
 LAST MODIFIED:
 COMMITTEE ID: 405721

**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
8/16/2021	Clean Energy Matters PO Box 1698 Portland, ME, 04104		Media Buy and Web Development	5	\$401,104.00
8/18/2021	Clean Energy Matters PO Box 1698 Portland, ME, 04104		Staff Time (36 hours)	5	\$5,267.00
TOTAL IN-KIND CONTRIBUTIONS					\$406,371.00

21-A M.R.S. § 1055-A

Current with the 2021 first regular session of the 130th Maine Legislature, and Chapters 1-251 and emergency legislation of the first special session.

§ 1055-A. Political communications to influence a ballot question

1. Communications to influence ballot question elections. Whenever a person makes an expenditure exceeding \$500 expressly advocating through broadcasting stations, cable television systems, prerecorded automated telephone calls or scripted live telephone calls, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, for or against an initiative or referendum that is on the ballot, the communication must clearly and conspicuously state the name and address of the person who made or financed the expenditure for the communication, except that telephone calls must clearly state only the name of the person who made or financed the expenditure for the communication. Telephone surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include the disclosure.

2. Exceptions. The following forms of political communication do not require the name and address of the person who made or financed the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: clothing, envelopes and stationery, small promotional items, tickets to fundraisers and electronic media advertisements where compliance with this section would be impracticable due to size or character limitations and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section. "Small promotional items" includes but is not limited to ashtrays, badges and badge holders, balloons, campaign buttons, coasters, combs, emery boards, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers and swizzle sticks.

3. Enforcement. A violation of this section may result in a penalty of no more than \$5,000. In assessing a penalty, the commission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the communication conceals or misrepresents the identity of the person who financed it.