



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: September 10, 2024
Re: Maine Labor Climate PAC – Waiver Request

The Maine Labor Climate PAC (the PAC) was required to file a 60-Day Pre-General Independent Expenditure (IE) Report no later than September 6, 2024, but filed the report 2 days late on September 8. The PAC is seeking a waiver of the \$534.44 preliminary penalty.

LEGAL REQUIREMENTS

Any person, party committee, political committee or political action committee that makes any independent expenditure more than \$250 per candidate must file a report 60 days prior to the election that includes all IEs made as of the 61st day before the election. 94-270 C.M.R. Ch. 1 § 10(3)(B)(1). If a person is late in filing the 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 AND STAFF RECOMMENDATION

The PAC registered with the Commission on July 30, 2024. Neither the treasurer nor principal officer have previously filed campaign finance reports with the Commission. All PACs were sent an email on August 30, 2024 with information regarding the upcoming 24-Hour Report and Independent Expenditure Report filing obligations, which included the need to file any IE expenditures between June 11 and September 5 by September 6, 2024. The treasurer and a decision maker of the PAC were on the email distribution list.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$534.44, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
60-Day Pre-General IE Report	9/6/2024	\$13,361.28	2%	2	\$534.44

The PAC seeks a waiver of the penalty because this was an honest mistake that had no ill-intent. They misunderstood the reporting periods and thought they were within the 2-Day IE reporting window, which started on September 6, not the 60-Day Reporting window that covered IEs made thru September 5 with a reporting deadline of September 6.

IE reports are considered essential for public awareness prior to general elections. Without these reports, any interested member of the press, public, or candidate campaigns would need to wade through thousands of transactions on reports covering greater lengths of time, to determine if any candidate supporting or opposing purchases had been made.

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. There have not been many requests for waivers of late IE reports in recent years. However, in instances where the PAC was not clear on their filing obligations, the Commission has reduced, but not eliminated the preliminary penalty. Given the factors in this case, Commission staff recommends reducing the penalty to \$400 because of the committee's inexperience and limited public harm.

September 10th, 2024

TO: Martha Currier, Assistant Director, Maine Ethics Commission

FR: Francis Eanes, Treasurer, Maine Labor Climate PAC

RE: Appeal of Ethics Penalty for Late Report

Dear Martha,

Yesterday our PAC was assessed a penalty for the late submission of an Independent Expenditure report, regarding an expenditure in support of two Maine Senate candidates (Tipping and Curry). On behalf of Maine Labor Climate PAC I am writing to ask that the Commission consider our request to waive or reduce this penalty.

The facts of the case are simple, and we do not contest that our filing was late. However, we ask you to consider that this was an honest mistake, which was not at all intended to mislead or withhold information from the public, and happened in the context of mitigating circumstances. We are a new PAC — formed just 6 weeks ago — with a very small staff of mostly volunteers, and this was our first IE report. We filled out our initial financial report on time, and have been logging PAC contributions as they come in. We were told by colleagues with more experience in Maine's electoral world — and PAC compliance specifically — that the 48-hour period for reporting would start on September 6th, and assumed that this applied to contributions, expenditure, and independent expenditures. If that were the case (and we now understand that it's not!), we thought this September 5 IE would appear on our Committee October Report — covering the period July 31-September 30th, and due October 7th. Somehow we missed that we had to submit a separate/additional IE report for the period *ending* September 5th.

We now recognize our error, and will make every effort to improve internal systems to prevent this confusion from happening going forward. We understand the importance of prompt reporting to ensure electoral transparency, and hope the Commission will see that this was an honest mistake — due to our newness as a PAC — and not at all an attempt to hide important information from the public.

We would be happy to provide additional information or answer further questions. Thank you for your consideration,

Francis Eanes



Treasurer, Maine Labor Climate PAC



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

2024 INDEPENDENT EXPENDITURE REPORT

COMMITTEE		TREASURER	
Maine Labor Climate PAC 565 Congress St, Suite 200 Portland, ME 04101 PHONE: (814) 421-4528 EMAIL: mainelaborclimatepac@gmail.com		Francis Eanes 86 Skillings Corner Road Auburn, ME 04210 PHONE:(814) 421-4528 EMAIL: francis@mainelaborclimate.org	
REPORT	DUE DATE	REPORTING PERIOD	
60-Day Pre-General Independent Expenditure Report	09/06/2024	09/05/2024-09/05/2024	

FINANCIAL ACTIVITY SUMMARY

EXPENDITURES	
Total independent expenditures greater than \$250 per candidate	\$13,361.28
Total independent expenditures of \$250 or less per candidate	\$0.00
Total independent expenditures for all candidates	\$13,361.28

AFFIRMATION

I, Francis Eanes affirm that each of the expenditures listed in this report was made independently of, and not in cooperation, consultation, or concert with, or at the request of suggestion of, the candidate(s) named or in a race affected by any expenditure in the report, the political committee of the candidate(s), or their agents.

Unsworn falsification is a Class D crime. 17-A M.R.S. § 453

REPORT FILED BY: Francis Eanes
REPORT FILED ON: 9/8/2024 10:19:19 PM
LAST MODIFIED:
COMMITTEE ID: 498242
REPORT NUMBER: 35886

**SCHEDULE B-IE-1
CANDIDATE(S) SUPPORTED/OPPOSED**

Expenditure Date	Support / Oppose	Candidate Name	Office	District / County	Payee	Expenditure Amount
9/5/2024	SUPPORT	Michael Tipping	Senator	8	JVA Campaigns, LLC	\$6,238.56
9/5/2024	SUPPORT	Hon. Glenn Chip Curry	Senator	11	JVA Campaigns, LLC	\$7,122.72
Total itemized independent expenditures greater than \$250 per candidate						\$13,361.28
Total unitemized independent expenditures of \$250 or less per candidate						\$0.00
Total independent expenditures for all candidates						\$13,361.28

**SCHEDULE B-IE-2
EXPENDITURES**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (ban suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
Date of expenditure	Payee	Remark	Expenditure type	Net Amount
9/5/2024	JVA Campaigns, LLC 230 E. Town St. Floor 3 Columbus, OH, 43215	Direct mail pieces, including design, printing, and postage	MHS	\$13,361.28
Total Expenditure				\$13,361.28

From: Currier, Martha
Sent: Friday, August 30, 2024 10:05 AM
Cc: Hoefer, Heidi <Heidi.Hoefer@maine.gov>
Subject: Maine Ethics: IE and 24-Hour Reports
Importance: High

hope@abcmaine.org; MTLA@MTLA.ORG; outsourcing@aristotle.com; mdiver@maineenergymarketers.com; JUSTIN@THEMHA.ORG; seanchristophersmith@gmail.com; MEANAPAC@GMAIL.COM; suzanne@mainerealtors.com; MAUREEN@MAINECONSERVATION.ORG; rcaverty@mainecul.org; tcahill@MEDENTAL.ORG; enoyes@maineea.org; SGOGGIN@MAINED.ORG; awesthoff@MEHCA.ORG; LISA@MAINEAGENTS.NET; INFO@EQUALITYMAINE.ORG; superiorfirepower@hotmail.com; moa@maineeyedoctors.org; AMAHAN@MAINEDO.ORG; SGOGGIN@MAINED.COM; MESAHQ@GMAIL.COM; rebecca.clevenger@mseaseiu.org; BPARKE@MMTA.COM; LWEIR@UAW.NET; Bridget@mainepeoplesalliance.org; info@NAIFA-ME.ORG; cmclaughlin.naswme@socialworkers.org; pvfcompliance@nrahq.org; info@mainesdcc.com; david@samofmaine.org; thomas.peaco@maine.edu; IW496@MYFAIRPOINT.NET; ADMINASSIST@MAINEFOREST.ORG; DPARENT1999@YAHOO.COM;

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Maine PAC, BQC and State Party Filers,

The arrival of Labor Day means two very important additional reporting requirements for the 2024 election need to be on your radar – Independent Expenditures and 24-Hour Reports.

Please take particular note of the September 6, 2024 deadline for IEs made between June 11 and September 5.

Independent Expenditures

Paid communications that depict clearly identified candidate(s) must be reported if the expenditure exceeds \$250 per candidate and the communication was made and disseminated independent of the candidate or their committee must be reported on the schedule below:

Report Name	Report Period	Report Due Date
60-Day Pre-General IE Report	June 11 - September 5, 2024	September 6, 2024
2-Day Pre-General IE Report(s)	September 6 - October 22, 2024	Within 2 calendar days of the expenditure
1-Day Pre-General IE Report(s)	October 23 - November 4, 2024	Within 1 calendar day of the expenditure

In order to file an IE you will need to add the triggering transactions to the eFiling system; then the system generates the appropriate report for you to file. Remember, you must add the transaction **and** file the report for your filing responsibilities to be met.

Note: it is no longer required for you to file hard-copy, originally signed and notarized IE affidavits to the Commission. Yahoo!

24-Hour Reports

For the general election, the 24-Hour Reporting Period is **October 23 – November 4**.

These reports are required when a PAC, BQC or Party Committee receives more than \$5,000 from a single source or makes an expenditure of \$1,000 or more during a certain period, and must be reported within 24-hours, including Saturdays, Sundays and holidays. Expenditures include orders places or obligations made to vendors at the time they are made **not** when they are paid.

Only overhead expenditures are exempt from 24-Hour Reports: rent, utility payments, taxes, insurance premiums, payroll, or similarly related recurring expenses.

When you enter transactions during the timeframes below that reflect the above amounts, the eFiling system will automatically create a 24-Hour Report for you to file. The system doesn't recognize the exceptions noted above, so please contact us so we can delete those reports from your homepage. Remember, you must add the transaction **and** file the report for your filing responsibilities to be met.

Questions?

We're here to help and we want to avoid going through the penalty process when reports are filed late. Let's work together to avoid that by contacting us when you've got questions about Maine's campaign finance laws.

I've cc'd the new Lobbyist and Political Registrar, Heidi Hoefler, who started with the Commission earlier this month. While she learns the ropes, feel free to reach out to both of us.

Good luck in the next 66 days!

Martha

Martha Currier

Assistant Director

Maine Ethics Commission

135 State House Station | Augusta, ME 04333

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

martha.currier@maine.gov | www.maine.gov/ethics



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

via Electronic and US Mail

September 9, 2024

Mr. Francis Eanes, Treasurer
Maine Labor Climate PAC
88 Skillings Corner Road
Auburn, ME 04210

Re: Late Filing of Independent Expenditure Report

Dear Mr. Eanes:

The Commission staff has made a finding that the Maine Labor Climate PAC was late in filing its Independent Expenditure Report regarding the communications made to support the state senate campaigns of Mike Tipping and Skip Curry. The report was due by 11:59 p.m. on September 6, 2024, but was not filed until September 8, 2024. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S. § 1020-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 \$534.44 is owed.

If you disagree with this determination, 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.

If you want to pay the penalty, you can do so online at www.maine.gov/ethics by selecting the "Penalty Payment" button, or mail a check payable to "Treasurer, State of Maine" to us at the address above.

Sincerely,

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

Martha Currier
Assistant Director

Committee Name: Maine Labor Climate PAC

Prior Violations: 0

Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
Independent Expenditure Report (Tipping/Curry)	\$13,361.28	9/6/2024	2	2%	\$534.44

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: Maine Labor Climate PAC Waiver Request –
Text of Legal Authority Cited in Memo in order Referenced**

94-270 C.M.R. Ch. 1 § 10(3)(B)(1)

Chapter 1: Procedures

SECTION 10. Reports of Independent Expenditures

3. Reporting Schedules. Independent expenditures in excess of \$250 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following schedule:

B(1) 60-Day Pre-Election Report. A report must be filed by 11:59 p.m. on the 60th day before the election is held and be complete as of the 61st day before the election.

21-A M.R.S. § 1020-A(4-A)

Chapter 13: Campaign Finance Reports

§ 1020-A. Failure to file on time

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.