



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

To: Commissioners
From: Jonathan Wayne, Executive Director
Date: December 6, 2024
Re: Complaint on Communications Opposing Bar Harbor Referendum

On November 5, 2024, the town of Bar Harbor held a referendum on a local ordinance that would increase the number of passengers per day that could disembark from cruise ships and would give the Town Council greater control to regulate the number of disembarking passengers. The referendum would have nullified a law enacted two years ago by Bar Harbor voters that capped the number of passengers at 1,000 per day. The Commission received a complaint from Kristi Bond concerning a number of communications opposing the referendum. Ms. Bond stated: “We do not see evidence of proper legal disclaimer indicating their status as a coordinated campaign under Maine ethics rules.” Paid communications (*e.g.*, ads or signs) costing more than \$500 expressly advocating for or against a referendum must include the name and the address of the person(s) who made or financed the expenditures for the communications.

The Commission staff gathered preliminary information concerning the communications in Ms. Bond’s complaint and identified the spenders. Two communications were paid for by a “loose” group of individuals who met on Sundays. Two other communications were paid for by individuals acting independently. We recommend taking no further action because the communications costing more than \$500 accurately identified the people who paid for the communications. It appears that none of the spenders met the \$5,000 contribution/spending threshold to require registration with the Commission as a ballot question committee.

FILING REQUIREMENTS

Disclaimer requirements for paid communications. Paid communications (*e.g.*, ads or signs) costing more than \$500 expressly advocating for or against a referendum must include the name and the address of the person(s) who paid for the communication. 21-A M.R.S. § 1055-A.

Registration and financial reporting as a ballot question committee. A ballot question committee is defined as a person (either an individual or organization) that receives contributions or makes expenditures of more than \$5,000 for the purpose of initiating or influencing a ballot

question campaign. 21-A M.R.S. § 1052(2-A). Once a ballot question committee raises or spends more than \$5,000 to influence a referendum, the committee must register with the Commission and file campaign finance reports. 21-A M.R.S. §§ 1052-A(1)(A-1) & 1059.

Preliminary Investigation by Commission Staff

In response to letters sent by the Commission staff, we received information from two opponents of the referendum.

Information from Peter Scott. Peter Scott responded through a November 20, 2024 letter (attached) and he consented to an interview on December 3, 2024, summarized as follows:

A loose, disorganized group of 10-12 people met on Sundays to oppose the referendum. Although Mr. Scott was not involved in some of the earlier meetings, his understanding is that different people volunteered to take on projects to oppose the referendum. Two of the active members were Carol Chappell and Jackie Levesque. Their group did not go by a name. Because of his professional background, Mr. Scott consulted with the group on legal issues relating to contracts between the town and cruise lines.

An existing nonprofit, Friends of Frenchman Bay, wanted to keep the passenger maximum at 1,000 per day. It made two donations to Mr. Scott's group totaling \$4,000. One member of the group, Jake Jagel, used a portion of the money for a mailing which he organized. He paid the vendor directly using these funds. The money was also used for two orders of yard signs that were designed by Jackie Levesque and Carol Chappell. These signs had an aqua background and were not included in Ms. Bond's complaint. Ms. Levesque found an inexpensive company on the internet to make the signs.

Helena Raymond put together a free website using wix.com. She arranged for a QR code that was free for a certain time period that could be used in communications to guide the public to the website. It was necessary to pay for a small fee (around \$119) to extend the use of the QR code. Mr. Scott believes that Carol Chappell reimbursed Helena Raymond for that expense.

After Kristi Bond filed her complaint with our office, a local news headline in Bar Harbor stated that the Chappell/Levesque/Jagel/Scott group was “in violation.” Mr. Scott encouraged the group to register as a ballot question committee even though there was some ambiguity as to how to apply the law. With some reluctance, the group was persuaded this was the best way to clear their name and avoid any tarnishing of their reputations that could hurt their involvement in these issues in the future. They chose the name Association to Preserve and Protect Local Neighborhoods. The group filed a registration and initial campaign finance report.

Another resident, Norene Hunter, had initiated and paid for a half-page newspaper ad opposing the referendum after becoming incensed by some of the pro-referendum advertising. She was not part of the group that included Carol Chappell, Jackie Levesque, Jake Jagel and Peter Scott. Norene Hunter’s effort was independent. She conceived of the ad and wrote the language. The only collaboration was that she talked to Peter Scott about the second paragraph of the ad (concerning town contracts) to make sure the description was accurate.

Information from Charles Sidman. Mr. Sidman responded by email on November 18, 2024. In his response (attached), he stated he had not received or spent any money to oppose the referendum. He added:

As far as I am aware, there was and is no organized or centrally directed committee or campaign opposing question #4, only diverse citizens in our community who spoke informally with each other, on multiple occasions and in different combinations, and then took individual actions, using their own funds, to express their opposition. I do not believe that anyone spent over the \$5,000 that would have required registration as a BQC.

I later called Mr. Sidman to ask if he knew who was responsible for yellow yard signs displaying the slogan “Keep the Cap” that were included in Ms. Bond’s complaint. Mr. Sidman said he had seen the signs and expressed “there were not too many, maybe one or two dozen.” He said he would check his email because he was in touch with others who opposed the referendum. On December 2, 2024, he sent me an email (attached) stating the following:

In response to your email below, I have looked into my files and located the following from the party responsible for the yellow signs:

“Hi Charlie,

I ordered 15 signs from signs on the cheap. They should be delivered sometime in the next few days. I spent just over \$300. I will be placing the signs around Bar Harbor after 24 September to be in compliance with Bar Harbor regulations. Below is a link to what the sign will look like. I ordered stickers which are 2” in diameter to place on the signs. The stickers will have the information required by the town, including the name of the responsible entity, along with an address and the date of initial placement.

Regards,”

According to the information which Mr. Sidman said he received, the cost of the yellow “Keep the Cap” signs was “just over \$300.” Mr. Sidman did not identify who purchased the signs. The email also makes reference to a 2-inch sticker that would include all the information required for lawn signs under campaign finance and Department of Transportation requirements (name, address, posting dates, *etc.*). The stickers are not visible in the photograph of one side of these yellow signs that was provided by the complainant.

Analysis by Commission Staff

Disclaimer Requirements for Paid Communications

Commission staff recommends taking no action with respect to disclaimer requirements. As shown in the chart below, all communications costing more than \$500 included the name of the person who made the expenditure for the communication. The communications numbered 1 and 2 are not fully compliant because they do not contain that person’s address. The Commission has the discretion to find those two communications in violation due to the missing address. If the Commission wishes to find a violation, the staff recommends no penalty because the communications identify the spenders (Jake Jagel and Jackie Levesque) which is more critical.

	Communication	Spender	Identifying info in communication	Compliance
1	Mailing (\$2,829.35)	Jake Jagel (with money donated by Friends of Frenchman Bay)	Paid for by Jake Jagel (printed in the gray vertical margin on outside of mailing; Mr. Scott provided a photograph of the mailing showing the disclaimer statement; the statement is cut off in the photograph included in the complaint)	Partially compliant: includes Mr. Jagel's name but no address
2	Aqua-colored signs (\$947.23)	Jackie Levesque (with money donated by Friends of Frenchman Bay)	Jackie Levesque BHBhomerule@gmail.com Sept 25-Nov 6, 2025	Partially compliant: includes Ms. Levesque's name but no address
3	Facebook (\$0)	No expenditure	vote no on article 4 bar harbor	Not required (no cost)
4	Website on wix.com (\$0)	No expenditure	votenoona4barharbor@gmail.com	Not required (no cost)
5	Newspaper ad (\$1,189.25)	Norene Hunter	Paid for by: Norene Hunter, PO Box 412, Bar Harbor, ME 207-801-0698	Fully compliant
6	Yellow "Keep the Cap" signs (cost said to be "just over \$300")	Unknown	Not verified. Photos provided by Kristi Bond show only one side of the sign.	Apparently compliant (claimed cost is less than \$500)

Compliance with Requirements for Ballot Question Committee Registration and Reporting

Under 21-A M.R.S. § 1052(2-A), a ballot question committee is defined as "a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate." The term person is defined as "an individual, committee, firm, partnership, corporation, association or organization." 21-A M.R.S. § 1001(3).

As described to me by Peter Scott during the December 3, 2024 interview, he was part of an association of people who met on Sundays and received contributions and made expenditures for the purpose of opposing the Bar Harbor referendum. The association included Carol Chappell, Jackie Levesque, Jake Jagel, Mr. Scott and others. The group received two donations from Friends of Frenchman Bay, which they used to pay for a mailing and two orders of signs.

In addition, one member paid \$119.97 for an internet cost (extending the use of a QR code) and was later reimbursed by Carol Chappell.

The question of whether their association was required to register as a ballot question committee rests on whether they received more than \$5,000 in contributions or made more than \$5,000 in expenditures for the purpose of opposing the referendum. Recognizing that people may apply the statutory definition of contribution differently, based on the information provided by Mr. Scott, my view is that the Chappell/Levesque/Jagel/Scott group received three contributions as defined by 21-A M.R.S. 1052(3)(A). Roughly, “contribution” is defined as a gift of money or anything of value made to or received by a committee for the purpose of initiating or influencing a campaign:

Date	Contributor	Amount/Value	Description
9/23/2024	Friends of Frenchman’s Bay	\$3,000.00	Monetary donation
10/2/2024	Friends of Frenchman’s Bay	\$1,000.00	Monetary donation
11/2/2024	Carol Chappell	\$119.97	In-kind (extension of QR code linking to wix.com website)
Total		\$3,119.97	

The group made four expenditures:

Date	Payee	Amount	Description
9/23/2024	DownEast Graphics and Printing, Inc.	\$1,779.26	Mailing
10/2/2024	DownEast Graphics and Printing, Inc.	\$1,050.09	Mailing
9/19/2024	Signs on the Cheap	\$599.08	Signs (aqua)
10/8/2024	Signs on the Cheap	\$348.15	Signs (aqua)
Total		\$3,776.58	

In Mr. Scott’s letter, he states that his group slightly exceeded the \$5,000 contribution and expenditure thresholds as shown in the campaign finance report his association filed under the name Association to Preserve and Protect Local Neighborhoods (APPLN), attached. That is because, “from an abundance of caution,” APPLN included in the financial report the \$1,189.25

payment made by Norene Hunter to the Ellsworth American for a half-page ad. APPLN reported Ms. Hunter's payment as both an in-kind contribution to APPLN and an expenditure by APPLN.

My own view is that both of these transactions may constitute over-reporting. According to Mr. Scott, Norene Hunter was not part of Mr. Scott's group that met on Sundays. Ms. Hunter independently decided on her own to pay for a newspaper advertisement. She paid for the ad and wrote the language for the ad. Her only collaboration with Mr. Scott's group was tangential: speaking to Mr. Scott to make sure the language of the second paragraph was technically correct.

My recommended application of the law is that Ms. Hunter should not be viewed as part of the Chappell/Leveque/Jagel/Scott association. Also, the evidence suggests her objective was defeating the referendum, not giving something of value to Mr. Scott's group. In other words, she was an independent actor that was pursuing the same goal. I suggesting taking the conservative view that Norene Hunter's payment of \$1,189.25 to the Ellsworth American was not an in-kind contribution to Mr. Scott's group that registered as APPLN.

I view this situation as analogous to the activities of state political parties and party-aligned PACs to get their nominees elected. For example, the House Democratic Campaign Committee and the Maine Democratic Party share at least one common goal: electing Democratic candidates to the Maine House. They may sometimes communicate with each other on strategy or communications. If they were to confer with each other on specific independent expenditure communications to help elect Democratic candidates (mailings, ads, *etc.*), our office would not expect each committee to report the other's expenditures on communications as in-kind contributions.

For the above reasoning, I recommend the view that Mr. Scott's group (registered as APPLN) did not qualify as a ballot question committee because its contributions and expenditures stayed below the \$5,000 threshold. If the Commission takes a different approach and determines that APPLN was required to register as a ballot question committee, staff recommends taking a minimal enforcement action (*e.g.*, asking staff to consider whether APPLN registered late and inviting APPLN to respond to any potential late filing penalty at a subsequent meeting).

Kristi Bond
President
APPLL
PO Box 31
Bar Harbor, Maine 04609

BQC/Campaign Finance inquiry

Martha Currier
Assistant Director
Maine Ethics Commission
Augusta, Maine
ethics@maine.gov

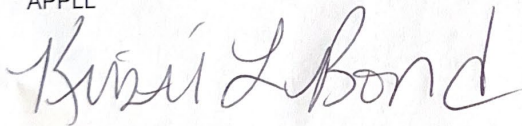
Dear Ms. Currier,
On behalf of the Association to Preserve and Protect Local Livelihoods, and as a resident of Bar Harbor, I would like to file an ethics inquiry into campaign finance and campaign-related activity of a group loosely identified as "No on Article Four."

Their coordinated activities have included lawn signs, social media, website, direct mail postcard. We do not see evidence of proper legal disclaimer indicating their status as a coordinated campaign under Maine ethics rules.

Attached is a folder containing photographic evidence of campaign materials promulgated by this group in advance of the November 5, 2024 election.

Thank you for your attention. Please be in touch should you require any additional information.

Sincerely,
Kristi Bond
President
APPLL

A handwritten signature in dark ink that reads "Kristi Bond". The signature is written in a cursive, flowing style.

Bar Harbor “No on Four”

Non-Conforming Electioneering Materials

November 2024

Submitted by Kristi Bond, President, APPL

Campaign Sign



This site was designed with the **WIX**.com website builder. Create your website today.

[Start Now](#)

Citizens' Initiative (125-77 H).

Vote NO on Article 4

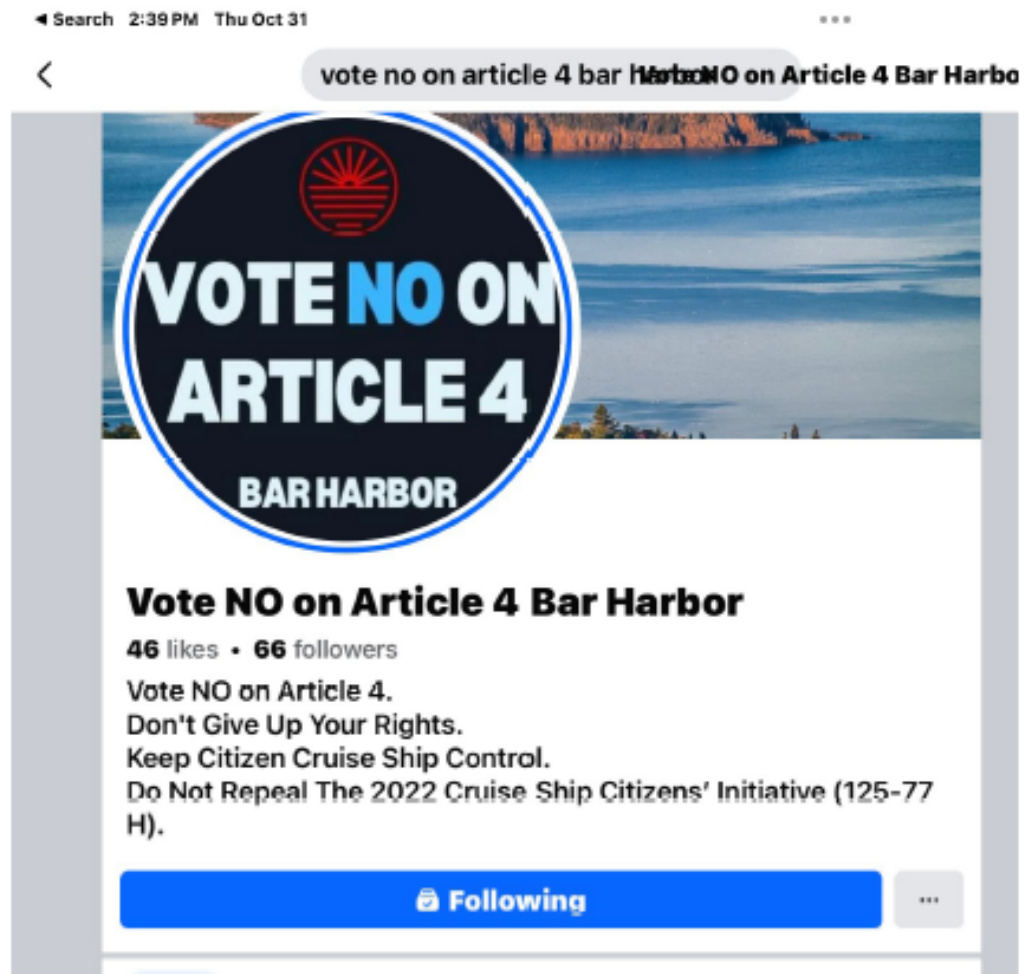


Bar Harbor, ME, USA

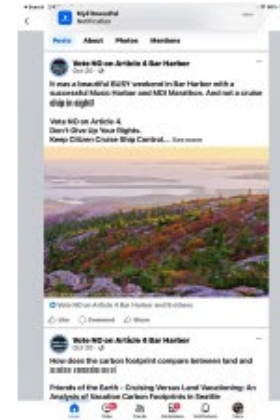
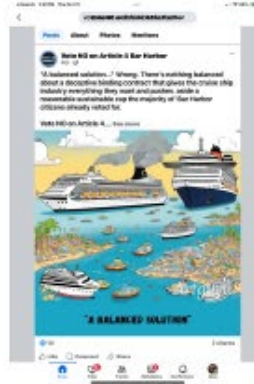
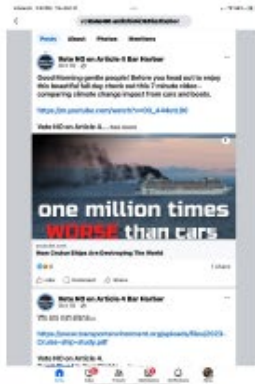
Bar Harbor Photos: Copyright © 2024 Capt. Winston Shaw
Acadia Photography. All Rights Reserved.

votenoona4barharbor@gmail.com

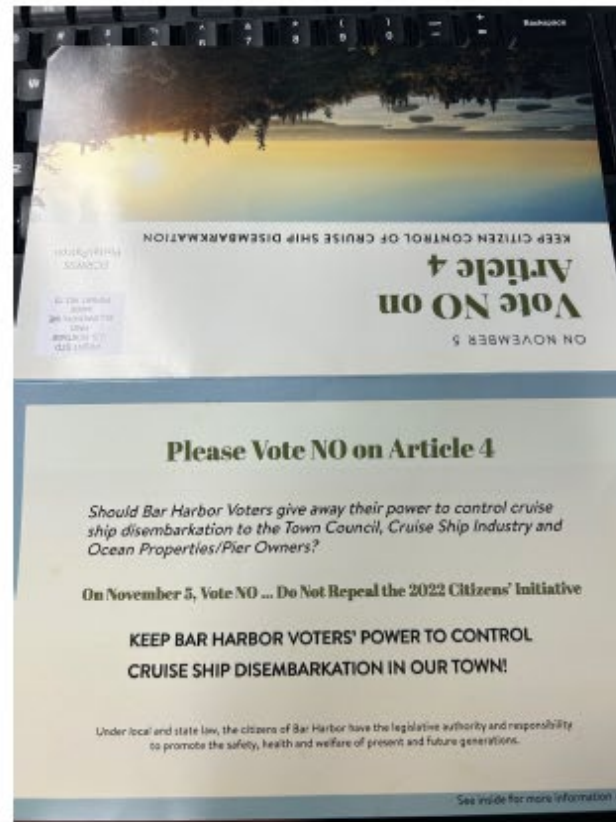
Facebook Page



Social Media Posts – Selection.



Direct Mailer – Sent via US Post to Bar Harbor Residents.



Don't Give Up Your Rights!

VOTE NO ON ARTICLE 4 KEEP CITIZENS CRUISE SHIP CONTROL

Article 4 does NOT simply repeal and replace "permit requirements" within the Land Use Ordinance.

- » Instead, Article 4 would entirely repeal §125-77(H), the section of our Land Use Ordinance (LUO) that was approved by the 2022 Citizens' Initiative setting disembarkation limits at 1000 passengers per day.
- » Article 4 would replace our Citizens' Initiative with Chapter 50, a new ordinance controlled by Town Council, not Bar Harbor voters
- » Daily passenger caps of 3200+ in Chapter 50 would more than TRIPLE the 1000 daily cap approved by the voters. Bigger ships and many more daily passengers mean more congestion and more pollution of our air and Frenchman Bay.

Under current law, ONLY Bar Harbor voters have the power to control disembarkation limits.

- » The Citizens' Initiative, approved only two years ago, gives Bar Harbor voters control over cruise ship disembarkation, including permit requirements and daily passenger caps.
- » The legality of the Citizens' Initiative has been validated in a major federal court victory.
- » Our Town Attorney supports the Chapter 52 rules that enforce the Citizens' Initiative: *"To be very clear, our opinion was and remains, that Chapter 52 is lawful, enforceable and legally defensible ... and we are prepared to do that."**

Article 4 would give control to the Town Council, Cruise Lines and Pier Owners through binding contracts.

- » Passenger caps could not be changed *without the written agreement of the Cruise Lines.*
- » The Town could not alter or supersede the terms and conditions in the Pier Owners contract, whether by the Town Council or by Town Meeting, *without the written agreement of the Pier Owners.*
- » If Town Council decided to terminate contracts, this could not go into effect until November 2029. *No action would mean "automatic renewal" of these contracts indefinitely.*

Prevent Chapter 50's Cruise Lines & Pier Owner contracts from going into effect

Protect air quality and the waters and beauty of Frenchman Bay

Protect Bar Harbor Voters' Right to Control Cruise Ship Disembarkation

Please VOTE NO on Article 4 !

**Town Council Public Hearing, 9/27/2024 at timestamp 2:56:07 of the video stream.*

Paid Advertising

in victory limiting Juneau Alaska's spending fees on passenger-related rather than vessel-

contract with Cruise Ships and Pier Opera- effect for **at least 5 years**. Do not give your cruise lines, the pier owners, and whomever own Council in the future.

erned citizen, Norene Hunter

- Citizen voter control matters. Our Initiative was validated in 2024 by Federal District Court Judge Walker in a major federal victory. He stated the Citizens' Initiative is a lawful exercise of home rule authority under the Maine Constitution. Safeguard

Scan this QR code for more information.



Paid for by: Norene Hunter, PO Box 412, Bar Harbor, ME 04609 207-801-0698



The ribbon is cut Oct. 30 for the new interfaith chapel at Mount Desert Island Hospital.

MDI Hospital completes remodel of Interfaith Chapel

BAR HARBOR — Mount Desert Island Hospital has completed the remodel of its interfaith chapel, located on the second floor of the hospital building.

The chapel, which was designed by the hospital's architecture firm, features a modern design with a vaulted ceiling and large windows. It is a space for people of all faiths to gather for worship and reflection.

The project was made possible through the efforts of the hospital's board of trustees and the community. The chapel is a testament to the hospital's commitment to providing a space for spiritual care and support for its patients and staff.

Hospital receives \$10,000 grant from Maine Council on Aging

BAR HARBOR — Mount Desert Island Hospital has received a \$10,000 grant from the Maine Council on Aging to support its efforts to provide care for older adults.

The grant will be used to fund a variety of programs, including a home care program and a day program for older adults. The hospital is committed to providing high-quality care for all patients, regardless of age.

The hospital is a member of the Maine Council on Aging and is committed to working closely with the council to address the needs of older adults in the community.



MDI Hospital has been awarded \$10,000 to support the MDI MDI Community Health Needs Assessment.

VOTE NO ON 4

VOTE NO ON ARTICLE 4 KEEP CITIZEN CRUISE SHIP CONTROL

VOTE NO ON 4

- Retaining local control of cruise ship disembarkation in Bar Harbor will allow us - the townspeople - the right to decide how much is too much. We have ONLY THIS ONE OPPORTUNITY to hold on to local/citizen control over cruise ship visitation in our town.
- The Cruise Ship contracts give Cruise Lines the right to review and consent to the Town's expenditure of Cruise line revenues. The Town's future spending of Cruise line revenues is likely to be severely restricted following the Cruise Line's 2018 court victory limiting Juneau Alaska's spending of cruise ship fees on passenger-related rather than vessel-related services.
- The Chapter 50 contract with Cruise Ships and Pier Operator would be in effect for **at least 5 years**. Do not give your power to the cruise lines, the pier owners, and whomever should sit on Town Council in the future.

VOTE NO ON 4

- Limiting mass cruise ship tourism will protect the health, community, and environment of Bar Harbor and Frenchman Bay for generations to come.
- Bigger ships and more daily passengers mean crowding in our streets and fouling of our air and the waters of Frenchman Bay.

VOTE NO ON 4

- Citizen voter control matters. Our Citizens' Initiative was validated in 2024 by Federal District Court Judge Walker in a major federal court victory. He stated the Citizens' Initiative was a lawful exercise of home rule authority under the Maine Constitution. Safeguard this victory.

A concerned citizen, Norene Hunter

Scan this QR code for more information.



Privacy - Terms

Paid for by: Norene Hunter, PO Box 412, Bar Harbor, ME 04609 207-801-0698



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

By Email Only

November 18, 2024

Mr. Peter Scott, Esq.
Association to Preserve and Protect Local Neighborhoods BQC (APPLN)
pscottjd@yahoo.com

Dear Mr. Scott,

Thank you for your call today and submission of the APPLN BQC registration paperwork. Please have the BQC file the Initial Campaign Finance Report that covers all campaign finance activity through the date it exceeded the \$5,000 registration threshold on November 2. Since penalties accrue daily, please file the report as soon as possible.

I have attached the complaint our office received regarding the recent referendum question to repeal the limit of daily cruise ship passengers in Bar Harbor. One of the roles of the Ethics Commission is to enforce Maine's campaign finance laws, which provide voters with information about who is influencing them in elections. Specifically, Maine law requires groups who raise or spend more than \$5,000 on referendums in municipalities of fewer than 15,000 people to file reports with the Commission. [21-A M.R.S. § 1053-A](#). Additionally, any communications costing more than \$500 that expressly advocate for or against a referendum requires a disclaimer as to who made it. [21-A M.R.S. § 1055-A](#).

The Commission meets next on Wednesday, December 18, 2024 at 9:00 a.m. and will discuss this complaint. Assuming APPLN files their report soon, they could also consider any late filing penalties if you seek a waiver of them. In the meantime, we would appreciate a written response from you regarding the following:

- Based on the complaint, which communications did APPLN distribute?
- Were there others that are not included in this complaint? Will they be filed with your campaign finance report?
- Did you send the direct mail to residents? If yes, why is there no disclaimer?
- Any other information that you deem relevant to this complaint.

Please provide the requested information to me via email at martha.currier@maine.gov by Monday, November 25, 2024.

Sincerely,

Martha Currier
Assistant Director

From: [Peter Scott](#)
To: [Currier, Martha](#)
Cc: jlevesque56@gmail.com; cmchappell123@gmail.com
Subject: Re: Ethics Complaint - Response Requested
Date: Monday, November 18, 2024 4:16:20 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Martha,

Thank you for your time on the phone earlier today, and for forwarding the complaint. After a quick review of the materials within the complaint, I should point out that the person or persons responsible for the yellow yard signs have no affiliation with the APPLN BQC.

As I mentioned the newspaper ad was certainly one element that caused the \$5,000 cap to be slightly exceeded. Unlike other expenditures and work product of the group, this expenditure was different in that it was spearheaded solely by its author, working independently, with the only connection to persons affiliated with the BQC being that my contact information was solicited and obtained, and I assisted in clarifying a technical paragraph within the text.

I trust that as part of the inquiry we can work with staff to examine this limited involvement to determine whether this requires the inclusion of that expense within the \$5,000 threshold. Out of an abundance of caution we have determined that it would be best at this time to include that specific expense, while reserving the right to discuss its inclusion at a later time.

We will file the initial expense report as soon as possible.

Thank you again for your assistance in this process.

Peter Scott

On Monday, November 18, 2024 at 03:38:01 PM EST, Currier, Martha
<martha.currier@maine.gov> wrote:

Peter,

As discussed, please find attached a letter requesting information from the campaign and the complaint filed against No on 4.

Thank you in advance for any information you can provide, in addition to filing your Initial Campaign Finance Report as soon as possible.

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

Via email

November 20, 2024

Ms. Martha Currier
Assistant Director
Commission on Maine Governmental Ethics
and Election Practices

Dear Ms. Currier,

This letter responds to the questions within your November 18th letter. Please note that APPLN has filed the Initial Campaign Finance Report yesterday; it is comprehensive, covering all contributions and expenditures to the best of our knowledge.

It is worth noting that the group whose activities constituted a BQC conducted no fundraising activity, had no staff, had no paid consultants or attorneys and had a highly decentralized and ad-hoc decision making process based on the particular task at hand. These factors were both a strength of the group and the cause of its expenditures and contribution (direct and in-kind) crossing the \$5,000 threshold.

Communications distributed by APPLN

Persons associated with APPLN had varying degrees of involvement in three communications that involved expenditures –

- Yard signs ordered and paid for in two separate orders (Sept. 19 and Oct. 8)
- The mailing that was paid for on Oct. 9 and 10
- The advertisement that appeared in the *Mount Desert Islander* on October 31st.

It is important to note that at the time the yard signs and mailer expenses were paid, expenses remained well under the \$5,000 threshold and no BQC existed at that time.

Additionally, persons affiliated with APPLN were responsible for the No on 4 website and Facebook posts; these involved no expenditures and to our understanding required no disclaimers per 21-A M.R.S. §1055-A. The yellow yard sign pictured in the complaint was not the responsibility of this group.

In summary, the mailer, yard signs (but not the yellow signs noted in the complaint), newspaper advertisement and electronic communications comprised the sum total of communications of the group that became APPLN.

Ms. Martha Currier
November 20, 2024
Page 2

Direct Mail

The direct mail sent to Bar Harbor residents was the responsibility of long-time Bar Harbor residents Jake Jagel (age 93) and his wife Dessa Dancy. Their expenditure is reported in the initial financial disclosure, as is the sum of \$4,000 of contributions from Friends of Frenchman's Bay that provided funding for the direct mail and the yard signs. The mailer had the words "Paid for by Jake Jagel" on one side, as seen from the photograph I provided yesterday. Again, at the time that this mailer was sent, there was no BQC to identify, as neither expenditures nor contributions approached the \$5,000 threshold of 21-A M.R.S. §1053-A, nor was this level of expense or contributions anticipated at that time.

The Newspaper Ad

We have listed the \$1,189.25 cost of the newspaper ad as an in-kind contribution, although this communication was conceived and implemented outside of the group of persons responsible for all other content. Stated another way, the ad's author was not a member of the loosely-knit group that developed the yard signs, mailer or website. However the author did solicit the group's assistance in reviewing her ad, and paid for the ad from personal funds. The group's involvement in the ad was simply to clarify the draft's 2nd paragraph (which dealt with cruise line litigation and the U.S. Constitution's tonnage clause) and to provide a QR code that linked the ad to the group's No on 4 website. We have characterized the expenditure related to this ad as an in-kind contribution from an abundance of caution and would be pleased to provide any additional details of this limited interaction.

In conclusion, we regret slightly exceeding the \$5,000 contribution / expenditure limit that requires filing as a BQC, and have acted as quickly as possible to gather facts and file the required reports.

I trust that this is helpful and responsive to your questions. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Peter T. Scott". The signature is written in a cursive, flowing style with a large initial "P" and a long, sweeping underline.

Peter Scott

This November 5th

Submitted by
Peter Scott

**Vote NO on
Article 4** 
**KEEP Voter Control Over
Cruise Ships.**

Do Not Repeal 125-77 H.

Please Vote NO on Article 4

Submitted by
Peter Scott

Should Bar Harbor Voters give away their power to control cruise ship disembarkation to the Town Council, Cruise Ship Industry and Ocean Properties/Pier Owners?

On November 3, Vote NO ... Do Not Repeal the 2022 Citizens' Initiative

**KEEP BAR HARBOR VOTERS' POWER TO CONTROL
CRUISE SHIP DISEMBARKATION IN OUR TOWN!**

Under local and state law, the citizens of Bar Harbor have the legislative authority and responsibility to promote the safety, health and welfare of present and future generations.



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 REGISTRATION: BALLOT QUESTION COMMITTEE

COMMITTEE INFORMATION	
Association to Preserve and Protect Local Neighborhoods 5 Higgins Terrace Bar Harbor, ME 04609	Phone: (207) 664-9549 Fax: Email: no4appln@gmail.com Web:
TREASURER INFORMATION	
Ms. Jacqueline Levesque 14 Glen Mary Road Bar Harbor, ME 04609	Public: (207) 801-8125 Fax: Email: jlevesque56@gmail.com
PRINCIPAL OFFICER INFORMATION	
Carol Chappell Principal Officer 5 Higgins Terrace Bar Harbor, ME 04609	Public: (207) 664-9549 Email: cmchappell123@gmail.com
PRIMARY FUNDRAISERS AND DECISION MAKERS	
FORM OF ORGANIZATION	
STATEMENT OF SUPPORT OR OPPOSITION	
OPPOSE	Article 4 - LAND USE ORDINANCE AMENDMENT – Cruise Ship Disembarkation– This amendment would repeal § 125-77 H., which requires a written permit from the Code Enforcement Officer for the disembarkation of persons from cruise ships on, over, or across any property located within the Town of Bar Harbor, and explain that such uses will upon repeal be governed by Chapter 50: Reservation and Disembarkation Licensing.
CERTIFICATION	
I, Ms. Jacqueline Levesque, certify that the information in this registration is true, accurate, and complete.	
SIGNATURE	Date: November 18, 2024

Filed Date: 11/18/2024

Amended Date:

BQC Registration



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 CAMPAIGN FINANCE REPORT

FOR BALLOT QUESTION COMMITTEES

COMMITTEE		TREASURER
Association to Preserve and Protect Local Neighborhoods 5 Higgins Terrace Bar Harbor, ME 04609 PHONE:(207) 664-9549 EMAIL: no4appln@gmail.com		Ms. Jacqueline Levesque 14 Glen Mary Road Bar Harbor, ME 04609 PHONE:(207) 801-8125 EMAIL: jlevesque56@gmail.com
REPORT	DUE DATE	REPORTING PERIOD
Initial Financial Report	11/16/2024	01/01/2024 - 11/16/2024

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$4,000.00	\$4,000.00
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$4,000.00	\$4,000.00
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$5,085.80	\$5,085.80
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$5,085.80	\$5,085.80
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$4,000.00	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$5,085.80	
11. CASH BALANCE AT END OF PERIOD	(\$1,085.80)	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$1,189.25	\$1,189.25
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, Jacqueline Levesque, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Jacqueline Levesque
REPORT FILED ON: 11/19/2024 3:11:52 PM
LAST MODIFIED:
COMMITTEE ID: 505834

SCHEDULE A CASH CONTRIBUTIONS

- 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.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

1 = Individual

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
9/23/2024	Friends of Frenchman's Bay PO BOX 53 HANCOCK, ME, 04640	Check payable to Jake Jagel and Dessa Dancy	4	\$3,000.00
10/2/2024	Friends of Frenchman's Bay PO BOX 53 HANCOCK, ME, 04640	Check payable to Jake Jagel & Dessa Dancy (husband and wife)	4	\$1,000.00
TOTAL CASH CONTRIBUTIONS				\$4,000.00

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

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	EMPLOYER AND OCCUPATION	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE	AMOUNT
10/31/2024	Norene Hunter PO Box 412 Bar Harbor, ME, 04609	retired Retired	Paid for newspaper ad/editorial	1	\$1,189.25
TOTAL IN-KIND CONTRIBUTIONS					\$1,189.25

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

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 (bean 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		TYPE	AMOUNT
9/19/2024	Signs on the Cheap (signsonthecheap.com) 11525 Hollow Drive Austin, TX, 78758	Advocated a No Vote on Article 4 PAYMENT OF \$599.08 TO OPPOSE: Article 4 - LAND USE ORDINANCE AMENDMENT – Cruise Ship Disembarkation– This amendment would repeal § 125-77 H., which requires a written permit from the Code Enforcement Officer for the disembarkation of persons from cruise ships on, over, or across any property located within the Town of Bar Harbor, and explain that such uses will upon repeal be governed by Chapter 50: Reservation and Disembarkation Licensing.		LIT	\$599.08
10/8/2024	Signs on the Cheap (signsonthecheap.com) 11525 Hollow Drive Austin, TX, 78758	Signs advocated a No Vote on Article 4 PAYMENT OF \$348.15 TO OPPOSE: Article 4 - LAND USE ORDINANCE AMENDMENT – Cruise Ship Disembarkation– This amendment would repeal § 125-77 H., which requires a written permit from the Code Enforcement Officer for the disembarkation of persons from cruise ships on, over, or across any property located within the Town of Bar Harbor, and explain that such uses will upon repeal be governed by Chapter 50: Reservation and Disembarkation Licensing.		LIT	\$348.15

10/9/2024	DownEast Graphics & Printing Inc. 477 Washington Junction Rd Ellsworth, ME, 04605	Advocated a No Vote on Article 4 PAYMENT OF \$1,779.26 TO OPPOSE: Article 4 - LAND USE ORDINANCE AMENDMENT – Cruise Ship Disembarkation– This amendment would repeal § 125-77 H., which requires a written permit from the Code Enforcement Officer for the disembarkation of persons from cruise ships on, over, or across any property located within the Town of Bar Harbor, and explain that such uses will upon repeal be governed by Chapter 50: Reservation and Disembarkation Licensing.	MHS	\$1,779.26
10/10/2024	DownEast Graphics & Printing Inc. 477 Washington Junction Rd Ellsworth, ME, 04605	Mailer advocating a NO vote on Article 4 PAYMENT OF \$1,050.09 TO OPPOSE: Article 4 - LAND USE ORDINANCE AMENDMENT – Cruise Ship Disembarkation– This amendment would repeal § 125-77 H., which requires a written permit from the Code Enforcement Officer for the disembarkation of persons from cruise ships on, over, or across any property located within the Town of Bar Harbor, and explain that such uses will upon repeal be governed by Chapter 50: Reservation and Disembarkation Licensing.	MHS	\$1,050.09
10/31/2024	Ellsworth American 1 Printing House Square Ellsworth, ME, 04605	Paid editorial advocated a No Vote on Article 4 PAYMENT OF \$1,189.25 TO OPPOSE: Article 4 - LAND USE ORDINANCE AMENDMENT – Cruise Ship Disembarkation– This amendment would repeal § 125-77 H., which requires a written permit from the Code Enforcement Officer for the disembarkation of persons from cruise ships on, over, or across any property located within the Town of Bar Harbor, and explain that such uses will upon repeal be governed by Chapter 50: Reservation and Disembarkation Licensing.	NEW	\$1,189.25
11/2/2024	QRFY.com Avinguda de Cerdanyola, 75, 1º, 08172 Sant Cugat del Vallès, Barcelona, España.)ee above Barcelona SPAIN, ME, 04609	QR Code extension after 7 day free trial allowed newspaper ad's QR code to continue its link to website	WEB	\$119.97
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$5,085.80



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

By Email Only

November 18, 2024

Mr. Charles Sidman
csidman@prexar.com

Dear Mr. Sidman,

The Ethics Commission received the attached complaint regarding the recent referendum question to repeal the limit of daily cruise ship passengers in Bar Harbor. Based on the response you provided to our office regarding an article in *The Bar Harbor Story* this weekend, we are reaching out to you for more information about your knowledge of the money raised and spent to support the No on 4 effort.

One of the roles of the Ethics Commission is to enforce Maine's campaign finance laws, which provide voters with information about who is influencing them in elections. Specifically, Maine law requires groups who raise or spend more than \$5,000 on referendums in municipalities of fewer than 15,000 people to file reports with the Commission. [21-A M.R.S. § 1053-A](#). Additionally, any communications costing more than \$500 that expressly advocate for or against a referendum requires a disclaimer as to who made it. [21-A M.R.S. § 1055-A](#).

The Commission has a meeting on Wednesday, December 18, 2024 at 9:00 a.m. that will include a discussion of this complaint. In the meantime, we would appreciate a written response from you regarding the following:

- Did you raise or spend any money to oppose question 4?
- If so, please provide a list of the expenditures, dates, and amounts spent on the November 2024 referendum to date.
- Did you create the Keep the Cap yellow yard signs? If yes, why is there no disclaimer on the sign?
- Did you distribute any other communications to voters regarding question 4? If so, what were they and how much was spent on them?
- Any other information that you deem relevant to this complaint.

Please provide the requested information to me via email at martha.currier@maine.gov by Monday, November 25, 2024.

Sincerely,

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

Martha Currier
Assistant Director

From: [Charles Sidman](#)
To: [Currier, Martha](#)
Subject: FW: Ethics Complaint - No on 4
Date: Monday, November 18, 2024 4:35:15 PM
Attachments: [Bond Complaint Re No on 4.pdf](#)
[Sidman Request for Information.pdf](#)
Importance: High

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Martha,

Thank you for your email below. As far as I know, everyone who campaigned against recent Bar Harbor ballot question #4 was aware of and complied with Maine's BQC rules as published in your 2023 guidance booklet. In response to your specific questions to me in the attached letter:

- I myself neither raised nor spent any money to oppose recent ballot question #4.
- Please see above.
- I had no part in creating the yellow yard signs, and cannot say if they carried the required author disclaimer or not.
- I have written many oped pieces in the MDIslander and Bar Harbor Story, and letters to the Town Council, on these issues over recent years, none of which were paid for. I did purchase a campaign ad in the Islander this past May that briefly mentioned cruise ships in connection with my (spectacularly unsuccessful) candidacy for the Town Council, but this was before there was a ballot question #4.
- As far as I am aware, there was and is no organized or centrally directed committee or campaign opposing question #4, only diverse citizens in our community who spoke informally with each other, on multiple occasions and in different combinations, and then took individual actions, using their own funds, to express their opposition. I do not believe that anyone spent over the \$5,000 that would have required registration as a BQC.

In conclusion, I hope that these responses are helpful, and remain available at your disposal.

Sincerely,

Charlie

Charles Sidman
Bar Harbor

207-288-0428

From: "Currier, Martha" <Martha.Currier@maine.gov>

Date: Monday, November 18, 2024 at 3:15 PM

To: "csidman@prexar.com" <csidman@prexar.com>

Subject: Ethics Complaint - No on 4

Mr. Sidman,

Thank you for copying our office on your email to The Bar Harbor Story this weekend. I have attached the complaint that generated the piece.

Also attached is a letter requesting information regarding your knowledge of expenditures made in this campaign.

Thank you in advance for any information you can provide.

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

21-A M.R.S. § 1001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

...

3. Person. "Person" means an individual, committee, firm, partnership, corporation, association or organization.

21-A M.R.S. § 1052. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings: ...

2-A. Ballot question committee. "Ballot question committee" means a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate. The term "ballot question committee" does not include a political action committee or an exempt donor.

3. Contribution. "Contribution" includes:

A. A gift, subscription, loan, advance or deposit of money or anything of value made to or received by a committee for the purpose of initiating or influencing a campaign, including but not limited to:

- (1) Funds that the contributor specified were given, in whole or in part, in connection with a campaign;
- (2) Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically, in whole or in part, for the purpose of initiating or influencing a campaign; and
- (3) Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating or influencing a campaign when viewed in the context of the contribution and the recipient committee's activities regarding a campaign;

A-1. Any funds deposited or transferred into the campaign account described in section 1054;

B. A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make a contribution to a committee;

C. Any funds received by a committee that are to be transferred to any candidate, committee, campaign or organization for the purpose of initiating or influencing a campaign; or

D. The payment, by any person or organization, of compensation for the personal services of other persons provided to a committee that is used by the committee to initiate or influence a campaign.

"Contribution" does not include a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business.

4. Expenditure. The term "expenditure":

A. Includes:

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of initiating or influencing a campaign;
- (1-A) Any purchase, payment, distribution, loan, advance, deposit or gift of money made from the campaign account described in section 1054;
- (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in this paragraph; and
- (3) The transfer of funds by a political action committee to another candidate or political committee; and

B. Does not include:

- (1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical

publication, unless these facilities are owned or controlled by any political party, political committee, candidate or the spouse or domestic partner of a candidate;

(2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed \$250 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by a political action committee that volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election;

(6) Any communication by a committee that is not made for the purpose of influencing the nomination or election of any person to state or county office; and

(7) Any payments to initiate a people's veto referendum or the direct initiative of legislation made prior to the submission of an application to the Department of the Secretary of State as provided in section 901.

§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. A digital communication costing more than \$500 that includes a link to a publicly accessible website expressly advocating for or against an initiative or referendum that is on the ballot must clearly and conspicuously state the name of the person who made or financed the expenditure, unless the digital communication is excluded under subsection 2. 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.