



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

To: Commissioners
From: Emma Burke, Political Committee & Lobbyist Registrar
Date: November 15, 2023
Re: Waiver Request by Maine Automotive Right to Repair Committee for Penalties Due to Late Submitted Notices to Major Contributors

Maine Automotive Right to Repair Committee (MARTR) was required to submit six Notices to Major Contributors to its Major Contributors and the Commission throughout the summer and autumn of 2023 within five days of the contributors exceeding \$100,000 in total contributions. Instead, MARTR exceeded the five day notification window for five of its six major contributors, and all six for the Commission's copy of the Notice. The preliminary penalties for these six late Notices total \$240,000. MARTR requests a waiver of the penalties.

LEGAL REQUIREMENTS

When a person, other than an individual, makes contributions aggregating in excess of \$100,000 to a ballot question committee (BQC) for the purpose of initiating or influencing a people's veto referendum campaign or a direct initiative campaign, they are considered a Major Contributor. 21-A M.R.S. § 1060-A(1)(B). The recipient BQC shall provide written notice to the Major Contributor and the Commission within five days of receiving more than \$100,000 on a form prescribed by the Commission. 21-A M.R.S. § 1060-A(2). After the Major Contributor receives the written notice from the recipient BQC, it shall file a report (21-A M.R.S. § 1060-A(2)) on or before the next regularly scheduled BQC filing deadline under 21-A M.R.S. § 1059(2).

If a recipient BQC fails to provide timely notice, the Commission may assess a penalty against it. The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. 21-A M.R.S. § 1060-A(5).

DISCUSSION

MARTR registered as a BQC on September 30, 2022 to support Question 4 on the November 2023 ballot. As of the writing of this memo, it has raised \$3,851,225 and spent \$3,679,068.97.

During its campaign, MARTR received contributions in excess of \$100,000 from seven sources, making the sources Major Contributors. The Major Contributors are, in alphabetical order: Autozone, Advance Auto Parts, Clarios, Coalition for Automotive Repair Equality (CFARE), Dorman Products, Genuine Parts Company, and O'Reilly Auto Parts. As part of Major Contributor reporting, the recipient BQC is required to send a Notice to Major Contributor within five days of the \$100,000 being exceeded and submit a copy to the Commission. For six of its seven Major Contributors, MARTR did not send the Notice within five days, and for all seven, the Notice was not submitted to the Commission within the five days. CFARE's Major Contributor Report and Notice are not part of these penalty proceedings but will be discussed.

The chart below displays all the information related to each Major Contributor and the resulting 10% preliminary penalty assigned to MARTR due to the late submission of the copy of the Notice to the Commission.

Major Contributor	Triggering Contribution	Exceeded \$100K	Notice Due	Contributor Notice Sent	Commission Notice Sent	Preliminary Penalty
Autozone	\$500,000	08/02/23	08/07/23	08/17/23	10/05/23	\$50,000
Advance	\$500,000	08/17/23	08/22/23	08/17/23	10/05/23	\$50,000
Clarios	\$250,000	07/12/23	07/17/23	08/16/23	10/05/23	\$25,000
Dorman	\$150,000	05/05/23	05/10/23	08/17/23	10/23/23	\$15,000
Genuine	\$500,000	09/01/23	09/06/23	09/27/23	10/05/23	\$50,000
O'Reilly	\$500,000	08/04/23	08/09/23	08/16/23	10/05/23	\$50,000
Totals	\$2,400,000			5 late	6 late	\$240,000

In its waiver request, MARTR provides multiple reasons for its late submissions of Notices to Major Contributors and its misunderstandings surrounding the process.

1. MARTR had its first Major Contributor in October 2022, CFARE. At the time, MARTR argues, its treasurer Jennifer Bonarrigo was unaware of the Major Contributor reporting requirements. When she became aware of the requirements on November 18, 2022, she emailed Political Committee & Lobbyist Registrar Emma Burke. They communicated extensively over several weeks, with Ms. Bonarrigo originally submitting the Major

Contributor Report for CFARE on November 29, 2022, and then a corrected version on December 20, 2022, the deadline for the 42-Day Post-General Report. Ms. Burke, MARTR claims, did not, during these discussions, tell Ms. Bonarrigo about the requirement to send the Notice to Major Contributor as well as to the Commission, resulting in Ms. Bonarrigo being under the impression she was meeting all of the Major Contributor requirements, and Notices were due the same day as the Major Contributor Reports themselves.

2. MARTR also contends the following publications do not explicitly note a deadline requirement for the submission of Notices, thus creating more confusion for Ms. Bonarrigo in her attempts to follow the Major Contributor requirements correctly.
 - a. The BQC Guidebook
 - b. The Notice to Major Contributor Form
 - c. The Major Contributor FAQ page on the Commission’s website
3. MARTR explains Ms. Bonarrigo reviewed the BQC page on the Commission’s website, and was unaware of the Other Political Activity page, where Major Contributor requirements and reporting are discussed.

MARTR requests a reduction of total penalties to \$15,000, a total of \$2,500 per late Notice, as that would be consistent with previous late Notice violation penalty reductions. MARTR notes all the contributions included on Major Contributor Reports were correctly reported in their regular campaign finance reports, thus reducing any public harm, and Ms. Bonarrigo relied on Ms. Burke’s advice from November 2022, and the published information from the Commission, which led her to misunderstand the requirements to the send the Notice to the Major Contributors and the Commission within five days.

STAFF RECOMMENDATION

Major Contributor Reports are not commonly filed with the Commission, as high-fundraising BQCs are not a yearly occurrence. However, any BQC and its principal officer, treasurer, and any other involved individuals are expected to take the time to educate themselves on all aspects of campaign finance reporting, including Major Contributor reporting. Regarding MARTR, its treasurer, Ms. Bonarrigo, is a CPA, and Mark Gallagher, an individual who has been working with it, is a non-attorney “campaign expert” at Drummond Woodsum and has been a recent BQC treasurer in Maine.

For purposes of clarity, this memo will respond specifically to each of the claims MARTR notes in its waiver request.

1. It is true during the specific discussions Ms. Burke and Ms. Bonarrigo had regarding CFARE's Major Contributor Report, Ms. Burke did not request MARTR submit a Notice to Major Contributor and did not penalize it for failing to submit one. This most likely occurred for several reasons, namely: it was not the focus of the discussions (the content of the Major Contributor Report), Ms. Burke was still relatively new in the Political Committee & Lobbyist Registrar role after being promoted in May 2022, and she had been significantly ill around the Thanksgiving holiday, creating multi-day gaps in her ability to reply to Ms. Bonarrigo's emails. However, Ms. Burke, Ms. Bonarrigo, and Mr. Gallagher had long telephone conversations in September 2022 around the time of MARTR's registration and discussed all elements of Major Contributor reporting. The Commission staff do not believe Ms. Burke's omission in discussing the Notice to Major Contributor with Ms. Bonarrigo in emails in November 2022 is significant enough to warrant a complete misunderstanding of the requirement.
2. The Commission staff disagree with MARTR's claims about the lack of specificity in Commission publications.
 - a. The 2023 BQC Guidebook states on page 16: "Once a person becomes a major contributor the BQC must provide written notice to them within five (5) calendar days of their obligation to file a Major Contributor Report...When a major contributor notice is sent, a copy must also be provided to the Commission."
 - b. The second page of the Notice to Major Contributor Form contains instructions on Major Contributor reporting, including the language (with original formatting): "*Timing of Notice.* The recipient committee must notify the Major Contributor within 5 days of having received contributions from the Major Contributor exceeding the \$100,000 threshold." And: "*Providing a Copy to the Commission.* The recipient committee is also required to deliver a copy of the notice to the Commission."
 - c. The Major Contributor FAQ contains the following sections and language (with original formatting): "**Who is responsible for notifying the Major Contributor of the reporting requirement?** The committee that received the contributions is

responsible for sending a written notice to the Contributor explaining the reporting requirement. The recipient committee must also copy the Commission on the notification. **When does the recipient committee have to notify the Contributor?** The recipient committee must notify the Contributor within 5 days of having received contributions from the Contributor exceeding the \$100,000 threshold.”

3. When Ms. Burke and Ms. Bonarrigo began emailing about Major Contributor requirements in November 2022, Ms. Burke emailed Ms. Bonarrigo a link to the specific Major Contributor Report page under the Other Political Activity section on the Commission’s website. This email was sent on November 18, 2023 at 4:31 p.m., thus Ms. Bonarrigo should have been aware of the page’s existence and it being a separate page from the BQC information.

The Commission staff are unconvinced MARTR did not have the ability to understand the five-day notification window and the requirement to send a copy of the Notice to the Commission. MARTR had plenty of experience and expertise, as it has a professional accountant in Ms. Bonarrigo and a prior BQC treasurer in Mr. Gallagher. It had access to clear guidance, information, and instructions in the publications it incorrectly claims are not specific. The Commission staff also believe MARTR places too much emphasis on the emailed guidance from Ms. Burke in November 2022 as reasons for such a significant penalty reduction. In Ms. Burke’s experience, Ms. Bonarrigo, Mr. Gallagher, and the rest of the MARTR team were excellent at reading and interpreting statute, and even discovered a missing subsection in the Commission’s published PDFs of statute in the Major Contributor reporting section.

It is true MARTR reported all its Major Contributor’s donations in regular campaign finance reports, but those are not the requirements it is being penalized for missing, and interested members of the press and the public know to look for Major Contributor Reports as a simple way of determining who is funding ballot initiatives in Maine, rather than wading through thousands of transactions on the Commission’s eFiling site. Late Notices lead to late Major Contributor Reports, as is what happened to Dorman Products and Genuine Auto Parts and are an integral part of Major Contributor reporting. Overall, the Commission staff are not persuaded to suggest a penalty reduction as substantial as the one MARTR requests.

For Major Contributor penalties for late submitted Notices, the Commission shall consider:

- (1) Whether, as a result of the late notice, the due date for a report required by this subchapter is later than if a timely notice had been received;
- (2) Whether the recipient committee made a bona fide effort to provide notice to the major contributors;
- (3) The amount of the contributions required to be reported; and
- (4) Other relevant factors (21-A M.R.S. § 1060-A(6))

The Commission receives relatively few penalty waiver requests for late Major Contributor Reports or Notices, with the most recent being in 2021. For those penalties, which ranged from about \$10,000 to \$50,000, all were reduced to \$2,000 - \$2,500. (One of those penalized committees, Mainers for Local Power, replaced their treasurer Vivian Mikhail with Mr. Gallagher less than a year after being penalized for failing to submit two Notices to Major Contributor). At that time, Major Contributor reporting had only been in effect for two years, and suggesting penalties reflective of the recent, significant addition in filing responsibilities was fair. However, Major Contributor reporting has now been required for five years, and should be standard practice for BQCs. Therefore, the Commission staff recommend increasing the baseline penalty to \$5,000 for late Major Contributor Notices and Reports with some adjustments upward or downward to reflect the amount of financial activity at stake, the degree of diligence of the late filer, and other factors. Penalties are also intended to serve as deterrent for future violations, and when previous penalties have not had that effect, it signifies a penalty increase may be due.

Looking at each of MARTR's late submitted Notices as a separate penalty, the Commission staff suggest a base penalty of \$5,000 for the penalty related to Advance, as the Notice was sent to the Major Contributor on time, and an increase of the base penalty to \$10,000 for the other five penalties due to their extreme lateness, and in two cases (Genuine and Dorman), possibly causing the Major Contributor Reports to be filed late. There is also no sufficient reason given why MARTR's Notices were not sent to the Commission until upwards of 50 days after they have been sent to the Major Contributors when the instructions on the Notice clearly explain the need to do so.

With all of these factors being considered, the Commission staff recommend MARTR's total penalty of \$240,000 be reduced to \$55,000, a reduction of 75%, according to the following chart:

Major Contributor	Triggering Contribution	Exceeded \$100K	Notice Due	Contributor Notice Late	Commission Notice Late	Preliminary Penalty	Suggested Penalty
Autozone	\$500,000	08/02/23	08/07/23	10 days	60 days	\$50,000	\$10,000
Advance	\$500,000	08/17/23	08/22/23	0 days	45 days	\$50,000	\$5,000
Clarios	\$250,000	07/12/23	07/17/23	31 days	81 days	\$25,000	\$5,000
Dorman	\$150,000	05/05/23	05/10/23	100 days	167 days	\$15,000	\$10,000
Genuine	\$500,000	09/01/23	09/06/23	21 days	30 days	\$50,000	\$10,000
O'Reilly	\$500,000	08/04/23	08/09/23	7 days	58 days	\$50,000	\$10,000
Totals	\$2,400,000					\$240,000	\$50,000

Via Email only (emma.burke@maine.gov)

November 3, 2023

Emma Burke
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

RE: Maine Automotive Right to Repair/Late-filed Major
Contributor Notices

Dear Ms. Burke,

This firm represents Maine Automotive Right to Repair Committee (“Maine Automotive Right to Repair” or the “BQC”) with respect to the above-referenced matter. I write in response to your letter dated October 26, 2023 (which replaces and updates your letter dated October 11, 2023).

Based on your October 26, 2023 letter, Commission staff finds Major Contributor Notice requirement violations by Maine Automotive Right to Repair with respect to six Major Contributors. My client acknowledges and regrets that it inadvertently filed late notices, as set forth in your letter, based on a misunderstanding of applicable requirements following consultation with Commission staff and review of Commission guidance. We provide this explanation, and the below further detailed summary of events, not as an excuse or to assign blame, but to explain what occurred and to demonstrate the good faith, bona fide efforts Maine Automotive Right to Repair has made to comply with the Major Contributor requirements.

December 2022 Filing

The circumstances that led to Maine Automotive Right to Repair’s inadvertent late notices stem from a misunderstanding following the BQC’s first Major Contributor filing in 2022. In October 2022, Maine Automotive Right to Repair received its first contribution that triggered the Major Contributor requirement from Coalition for Automotive Repair Equality (“CARE”). Jennifer Bonarrigo, the treasurer for Maine Automotive Right to Repair, had not previously been involved in a Maine-based ballot question and was unaware of the applicable Major Contributor requirements. About 30 days after the CARE donation was made, Ms. Bonarrigo learned that there was a reporting requirement for Major Contributors and emailed you that day, November 18, 2022, requesting to discuss the requirements. You initially responded that day and provided some information about the Major Contributor Report, in response to which Ms. Bonarrigo requested a call to discuss questions she had. Due to the Thanksgiving holiday, and you subsequently being out sick, there was a delay in scheduling that discussion. In the meantime, Ms. Bonarrigo had sent CARE the Major Contributor Report on November 28, 2022 and had emailed a copy of that Report to you on November 29, 2022 for purposes of discussion. On

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December 6, 2022 you emailed Ms. Bonarrigo in response to her questions and you engaged in some further email exchange. In particular, you provided the following information:

Basically, major contributor reports need to align with regularly scheduled campaign finance reports. Essentially I was trying to confirm with you that you want this major contributor report to go along with your 42-Day Post-General Report, that is due by December 20th. Most reports I have seen come in, for whatever reason, have had the matching campaign finance report circled or acknowledged somehow. I realize we don't ask people to do that – I just think because I was used to seeing it like that I was expecting it. Again, sorry for any confusion caused!"

Based on that email response, Ms. Bonarrigo incorrectly understood that the only Major Contributor filing requirement was that Reports were due to be filed with the Commission by the next regular financial report deadline, (which, with respect to the CARE donation, was December 20, 2022). Ms. Bonarrigo also asked you at that time whether she should send a copy of the final, corrected CARE Major Contributor Report with a copy of the BQC's 42-day post-election report, and you confirmed she should do so. At that time Ms. Bonarrigo was unaware that, within 5 days of the donation, the BQC was required to send the Major Contributor *Notice* to the donor with a copy to the Commission, neither of which came up in discussion with you about the Major Contributor requirements. After Ms. Bonarrigo submitted the Major Contributor Report for CARE on December 20, 2022, she did not hear anything from the Commission about that donation, or about the Major Contributor *Notice* not being filed with the Commission or sent to the donor, and, therefore, believed she had met the applicable Major Contributor requirements. Ms. Bonarrigo did later become aware that a Notice was required, but, as described below, believed the only Notice deadline was that it be filed with the Commission at the same time as the Report.

Other factors contributing to Maine Automotive Right to Repair's Misunderstanding

Together with the above-described initial experience filing a Major Contributor Report, the following Commission resources also contributed to Maine Automotive Right to Repair's misunderstanding of the Notice requirements. While Maine Automotive Right to Repair appreciates that the Commission may still be fine tuning and updating its guidance and documents as it implements the relatively new Major Contributor requirements, it notes that none of the below guidance documents explicitly state that the Notice is due to the Commission within 5 days of the donation:

- The Ballot Question Guidebook provided by the Commission does not provide an explicit deadline for providing a copy of the Notice to the Commission, but does reference the deadline for filing the Report;
- The Major Contributor Notice form refers to when the Report is due, but does not include a separate deadline for providing a copy of the Notice to the Commission, which Ms. Bonarrigo assumed was the same date as the Report.

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- The “Major Contributor Frequently Asked Questions” does not include any deadline for providing the Notice to the Commission, which Ms. Bonarrigo continued to assume was the same date the Report was due to be filed.

Additionally, Ms. Bonarrigo visited the Ballot Question Committee page on the Commission’s website, which does not mention Major Contributor reports. Ms. Bonarrigo was unaware that there was additional information about those requirements under the “Other Political Activity” link and, therefore, believed there was no other Ballot Question Committee information on the website.

Ms. Bonarrigo therefore relied on her experience with filing the CARE Major Contributor Report and her assumption that the Notice was required to be filed with the Commission at the same time as the Report. Because Notices were not discussed when Ms. Bonarrigo discussed the CARE filing with the Commission at the end of 2022, and because the Commission had never raised any concerns about the CARE Report filing, Ms. Bonarrigo inadvertently overlooked the requirement that the BQC send the Notice to the donor within 5 days of the donation and was unaware of that requirement.

Appeal and request for penalty waiver

Although it acknowledges it has made inadvertent errors, Maine Automotive Right to Repair has made good faith, bona fide efforts to comply with the Major Contributor requirements. Ms. Bonarrigo repeatedly reached out for guidance from the Commission and sincerely believed she was following that guidance and the applicable requirements. Maine Automotive Right to Repair appreciates the amount of engagement from the Commission on the BQC’s questions related to these requirements (including the Commission’s acknowledgement in August 2023 that it had misstated the applicability of obligations to disclose a Major Contributor’s 5 largest funding sources under 21-A M.R.S.A. §1060-A(4)(E), which the Commission indicated it would correct in its guidance documents).

Maine Automotive Right to Repair only learned of its mistakes when it received your October 5, 2023 email following its submissions that day of five of the Major Contributor Notices at issue. In preparing to respond to the October 11, 2023 letter, Maine Automotive Right to Repair discovered its additional error with respect to the Dorman Products Notice. Ms. Bonarrigo had provided the Notice to Dorman Products around the same time (August 17, 2023) that she provided notice to the other contributors. She did not hear back from Dorman in response and overlooked providing a copy of the Dorman Notice to the Commission at the time she submitted the other Notices on October 5, 2023. Upon discovering this error, she submitted the Dorman Products Notice to the Commission on October 23, 2023.

Maine Automotive Right to Repair’s position regarding its misunderstanding of the requirements is supported by the fact that only two of the six Notices at issue were timely provided to the contributor and that it filed five Notices with the Commission on the same day that it filed the Major Contributor Reports (and October quarterly report). Maine Automotive Right to Repair misunderstood the requirements, but did endeavor in good faith to comply with them.

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Additionally, each of the six Major Contributor donations was correctly listed in the quarterly financial reporting of the BQC (including the Dorman contribution which was included in the July 17, 2023 report). As such, there was no harm to the public from the late-filed notices because the donations were timely and properly included in the public financial reports.

For these reasons, Maine Automotive Right to Repair formally appeals the fines set forth in the October 26, 2023 letter and respectfully requests that the penalty be reduced to \$2,500 for each violation, for a total penalty of \$15,000, which I understand is consistent with penalties previously assigned by the Commission for such violations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adrienne E. Fouts", with a long horizontal flourish extending to the right.

Adrienne E. Fouts



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

October 26, 2023

Maine Automotive Right to Repair Committee
 Attn: Jennifer Bonarrigo
 45 Braintree Hill Park, Suite 202
 Braintree, Massachusetts 02184

Re: Late Submission of Six Major Contributors Notices - **Updated**

Dear Ms. Bonarrigo:

This letter replaces the one dated October 10, 2023 from this office regarding the late submission of Major Contributor Notices as required under Maine law. The preliminary finding is Maine Automotive Right to Repair Committee (“the BQC”) was late in submitting **six** Notices to a Major Contributor as required by 21-A M.R.S. § 1060-A(2). Once a committee receives more than \$100,000 from a contributor for the purpose of initiating or influencing a ballot question, the committee must provide written Notice to the “major contributor” it is required to file a Major Contributor Report with the Commission and submit a copy of that Notice to the Commission. It appears the BQC was late in sending **five** of these notices to its major contributors, and was late in submitting **six** copies to the Commission:

Major Contributor	Exceeded \$100K	Notice Due	Notice sent to Contributor	Notice sent to Commission
Autozone Parts, Inc.	08/02/2023	08/07/2023	08/17/2023	10/05/2023
Advance Auto Parts	08/17/2023	08/22/2023	08/17/2023	10/05/2023
Clarios LLC	07/12/2023	07/17/2023 (prev. 08/17/2023)	08/16/2023	10/05/2023
Dorman Products	05/05/2023	05/10/2023	08/17/2023	10/23/2023
Genuine Parts Company	09/01/2023	09/06/2023	09/27/2023 (orig. 09/01/2023)	10/05/2023
O'Reilly Auto Parts	08/04/2023	08/09/2023	08/16/2023	10/05/2023

Under Maine law, late Notices trigger an enforcement process (21-A M.R.S. §§ 1060-A & 1062). Based on the amount of reported financial activity and a 10% penalty, the Commission staff has calculated preliminary penalties totaling **\$240,000** are owed. The law does not allow for two penalties if the same Notice was submitted late to both the Major Contributor and the Commission.

Major Contributor	Amount Contributed	Contributor Notice Late?	Commission Notice Late?	Penalty (10%) Amount
Autozone Parts, Inc.	\$500,000	Yes	Yes	\$50,000
Advance Auto Parts	\$500,000	No	Yes	\$50,000
Clarios LLC	\$250,000	Yes	Yes	\$25,000
Dorman Products	\$150,000	Yes	Yes	\$15,000 (new penalty)
Genuine Parts Company	\$500,000	Yes (orig. No)	Yes	\$50,000
O'Reilly Auto Parts	\$500,000	Yes	Yes	\$50,000

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
 WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

The BQC may request the Commission consider a waiver of the penalty. The request must be made within 14 calendar days of your receipt of this notice, be in writing and contain a full explanation of the reasons the BQC submitted the Notices late and it will then be scheduled for consideration at an upcoming Commission meeting.

The Commission shall consider the following factors in regards the BQC's waiver request: the due date for a report, whether the recipient BQC made a bona fide effort to provide notice to the major contributors, the amount of the contributions required to be reported, and any other relevant factors (21-A M.R.S. § 1060-A(6)(A)).

Please contact me at (207) 287-4709 or emma.burke@maine.gov with questions.

Sincerely,



Emma Burke
Political Committee & Lobbyist Registrar

*Maximum Penalties Notification
21-A M.R.S. § 1060-A - \$50,000 for late Notices to Major Contributors and Major Contributor Reports*



Notice to a Major Contributor

Please refer to the last page for instructions and filing schedule.

Your organization is receiving this notice because it has contributed to this committee more than \$100,000 in the aggregate for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. 21-A M.R.S. § 1060-A. Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date, which is based on the date your organization receives this notice (please see the filing chart below). Your organization may obtain the report at the following website (www.maine.gov/ethics), or by contacting the Maine Ethics Commission directly at (207) 287-4179. Maine election law provides for civil penalties for failing to comply with the major contributor reporting law. Please contact the Maine Ethics Commission directly if you have questions regarding your reporting obligations.

Major Contributor Organization Information (Completed by Recipient PAC/BQC)		
Major Contributor Organization name ADVANCE AUTO PARTS		
Recipient Committee Name MAINE AUTOMOTIVE RIGHT TO REPAIR COMMITTEE		
Ballot Question Supported/Opposed An Act Regarding Automotive Right to Repair Supported <input checked="" type="checkbox"/> Opposed <input type="checkbox"/>		
Date of First Contribution to Recipient Committee 08/17/2023	Date Contribution(s) Received Exceeded \$100,000 08/17/2023	
Date Notice Mailed 08/17/2023		
Regular Reporting Deadlines		
Name of Report	Filing Deadline	If the Notice is received between:
April Quarterly Report	April 10, 2023	January 1 – March 31, 2023
July Quarterly Report	July 17, 2023	April 1 – June 30, 2023
42-Day Pre-Election Report	September 26, 2023	July 1 – September 19, 2023
11-Day Pre-Election Report	October 27, 2023	September 20 – October 24, 2023
January Quarterly Report	January 16, 2024	October 25 – December 31, 2023
Deadline - Last 13 Days before an Election		
Name of Report:	If the Notice is received between:	The Report is due on or before:
2-Day Election Report	During the last 13 days before an election	Within 2 business days of receiving notice.
NOTE: if the Notice is receiving during the last 13 days before a primary, general, or special election then the Report is due within 2 business days and not by the due date of a Regular Finance Report.		

Instructions and Definitions for providing Notice to a Major Contributor

Major Contributor, defined. A Major Contributor is a person (a business, organization, association, etc., but not an individual) that gives more than \$100,000 in the aggregate to a political action committee or ballot question committee for the purpose of initiating or influencing a people's veto or citizen initiative.

Contribution, defined. Funds or anything of value that is given to a committee to initiate or influence a people's veto or citizen initiative.

Single Filing. The obligation to provide Notice to a Major Contributor and their obligation to file a Major Contributor Report occurs only once per ballot question. For example, if the Major Contributor had previously filed a report because it exceeded the \$100,000 threshold and then subsequently provided an additional \$100,001 to the recipient committee for the same initiative, a second notice/report is not required.

Ballot Questions. The \$100,000 threshold applies per ballot question. A Major Contributor could give the same recipient committee \$75,000 for one ballot question and an additional \$75,000 for a different ballot question without being required to file a Major Contributor Report. If, however, the Major Contributor was required to file a report for one ballot question and then contributes over \$100,000 for another ballot question, then the recipient committee must provide notice to the Major Contributor a second time.

Timing of Notice. The recipient committee must notify the Major Contributor within 5 days of having received contributions from the Major Contributor exceeding the \$100,000 threshold. If the threshold is exceeded within 13 days before an election, then the committee must notify the Major Contributor in writing within 24 hours.

Service. The recipient committee may send the Notice by mail, email, or fax to the Major Contributor. A copy of the Notice and proof of service should be retained by the Recipient Committee. The Commission staff recommends that if the Notice is mailed, the committee use certified rather than regular mail.

Providing a Copy to the Commission. The recipient committee is also required to deliver a copy of the notice to the Commission.

Penalties. If the recipient committee fails to provide timely notice to the Major Contributor, then the recipient committee may be liable for a penalty of 10% of the total contributions from the Contributor up to a maximum of \$50,000.



Notice to a Major Contributor

Please refer to the last page for instructions and filing schedule.

Your organization is receiving this notice because it has contributed to this committee more than \$100,000 in the aggregate for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. 21-A M.R.S. § 1060-A. Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date, which is based on the date your organization receives this notice (please see the filing chart below). Your organization may obtain the report at the following website (www.maine.gov/ethics), or by contacting the Maine Ethics Commission directly at (207) 287-4179. Maine election law provides for civil penalties for failing to comply with the major contributor reporting law. Please contact the Maine Ethics Commission directly if you have questions regarding your reporting obligations.

Major Contributor Organization Information (Completed by Recipient PAC/BQC)		
Major Contributor Organization name AUTOZONE		
Recipient Committee Name MAINE AUTOMOTIVE RIGHT TO REPAIR COMMITTEE		
Ballot Question Supported/Opposed An Act Regarding Automotive Right to Repair Supported <input checked="" type="checkbox"/> Opposed <input type="checkbox"/>		
Date of First Contribution to Recipient Committee 08/02/2023	Date Contribution(s) Received Exceeded \$100,000 08/02/2023	
Date Notice Mailed 08/17/2023		
Regular Reporting Deadlines		
Name of Report	Filing Deadline	If the Notice is received between:
April Quarterly Report	April 10, 2023	January 1 – March 31, 2023
July Quarterly Report	July 17, 2023	April 1 – June 30, 2023
42-Day Pre-Election Report	September 26, 2023	July 1 – September 19, 2023
11-Day Pre-Election Report	October 27, 2023	September 20 – October 24, 2023
January Quarterly Report	January 16, 2024	October 25 – December 31, 2023
Deadline - Last 13 Days before an Election		
Name of Report:	If the Notice is received between:	The Report is due on or before:
2-Day Election Report	During the last 13 days before an election	Within 2 business days of receiving notice.
NOTE: if the Notice is receiving during the last 13 days before a primary, general, or special election then the Report is due within 2 business days and not by the due date of a Regular Finance Report.		

Instructions and Definitions for providing Notice to a Major Contributor

Major Contributor, defined. A Major Contributor is a person (a business, organization, association, etc., but not an individual) that gives more than \$100,000 in the aggregate to a political action committee or ballot question committee for the purpose of initiating or influencing a people's veto or citizen initiative.

Contribution, defined. Funds or anything of value that is given to a committee to initiate or influence a people's veto or citizen initiative.

Single Filing. The obligation to provide Notice to a Major Contributor and their obligation to file a Major Contributor Report occurs only once per ballot question. For example, if the Major Contributor had previously filed a report because it exceeded the \$100,000 threshold and then subsequently provided an additional \$100,001 to the recipient committee for the same initiative, a second notice/report is not required.

Ballot Questions. The \$100,000 threshold applies per ballot question. A Major Contributor could give the same recipient committee \$75,000 for one ballot question and an additional \$75,000 for a different ballot question without being required to file a Major Contributor Report. If, however, the Major Contributor was required to file a report for one ballot question and then contributes over \$100,000 for another ballot question, then the recipient committee must provide notice to the Major Contributor a second time.

Timing of Notice. The recipient committee must notify the Major Contributor within 5 days of having received contributions from the Major Contributor exceeding the \$100,000 threshold. If the threshold is exceeded within 13 days before an election, then the committee must notify the Major Contributor in writing within 24 hours.

Service. The recipient committee may send the Notice by mail, email, or fax to the Major Contributor. A copy of the Notice and proof of service should be retained by the Recipient Committee. The Commission staff recommends that if the Notice is mailed, the committee use certified rather than regular mail.

Providing a Copy to the Commission. The recipient committee is also required to deliver a copy of the notice to the Commission.

Penalties. If the recipient committee fails to provide timely notice to the Major Contributor, then the recipient committee may be liable for a penalty of 10% of the total contributions from the Contributor up to a maximum of \$50,000.



Notice to a Major Contributor

Please refer to the last page for instructions and filing schedule.

Your organization is receiving this notice because it has contributed to this committee more than \$100,000 in the aggregate for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. 21-A M.R.S. § 1060-A. Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date, which is based on the date your organization receives this notice (please see the filing chart below). Your organization may obtain the report at the following website (www.maine.gov/ethics), or by contacting the Maine Ethics Commission directly at (207) 287-4179. Maine election law provides for civil penalties for failing to comply with the major contributor reporting law. Please contact the Maine Ethics Commission directly if you have questions regarding your reporting obligations.

Major Contributor Organization Information (Completed by Recipient PAC/BQC)		
Major Contributor Organization name CLARIOS LLC		
Recipient Committee Name MAINE AUTOMOTIVE RIGHT TO REPAIR COMMITTEE		
Ballot Question Supported/Opposed An Act Regarding Automotive Right to Repair Supported <input checked="" type="checkbox"/> Opposed <input type="checkbox"/>		
Date of First Contribution to Recipient Committee 07/12/2023	Date Contribution(s) Received Exceeded \$100,000 07/12/2023	
Date Notice Mailed 08/16/2023		
Regular Reporting Deadlines		
Name of Report	Filing Deadline	If the Notice is received between:
April Quarterly Report	April 10, 2023	January 1 – March 31, 2023
July Quarterly Report	July 17, 2023	April 1 – June 30, 2023
42-Day Pre-Election Report	September 26, 2023	July 1 – September 19, 2023
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Deadline - Last 13 Days before an Election		
Name of Report:	If the Notice is received between:	The Report is due on or before:
2-Day Election Report	During the last 13 days before an election	Within 2 business days of receiving notice.
NOTE: if the Notice is receiving during the last 13 days before a primary, general, or special election then the Report is due within 2 business days and not by the due date of a Regular Finance Report.		



Notice to a Major Contributor

Please refer to the last page for instructions and filing schedule.

Your organization is receiving this notice because it has contributed to this committee more than \$100,000 in the aggregate for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. 21-A M.R.S. § 1060-A. Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date, which is based on the date your organization receives this notice (please see the filing chart below). Your organization may obtain the report at the following website (www.maine.gov/ethics), or by contacting the Maine Ethics Commission directly at (207) 287-4179. Maine election law provides for civil penalties for failing to comply with the major contributor reporting law. Please contact the Maine Ethics Commission directly if you have questions regarding your reporting obligations.

Major Contributor Organization Information (Completed by Recipient PAC/BQC)		
Major Contributor Organization name DORMAN PRODUCTS		
Recipient Committee Name MAINE AUTOMOTIVE RIGHT TO REPAIR COMMITTEE		
Ballot Question Supported/Opposed An Act Regarding Automotive Right to Repair Supported <input checked="" type="checkbox"/> Opposed <input type="checkbox"/>		
Date of First Contribution to Recipient Committee 05/05/2023	Date Contribution(s) Received Exceeded \$100,000 05/05/2023	
Date Notice Mailed 08/17/2023		
Regular Reporting Deadlines		
Name of Report	Filing Deadline	If the Notice is received between:
April Quarterly Report	April 10, 2023	January 1 – March 31, 2023
July Quarterly Report	July 17, 2023	April 1 – June 30, 2023
42-Day Pre-Election Report	September 26, 2023	July 1 – September 19, 2023
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Notice to a Major Contributor

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Your organization is receiving this notice because it has contributed to this committee more than \$100,000 in the aggregate for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. 21-A M.R.S. § 1060-A. Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date, which is based on the date your organization receives this notice (please see the filing chart below). Your organization may obtain the report at the following website (www.maine.gov/ethics), or by contacting the Maine Ethics Commission directly at (207) 287-4179. Maine election law provides for civil penalties for failing to comply with the major contributor reporting law. Please contact the Maine Ethics Commission directly if you have questions regarding your reporting obligations.

Major Contributor Organization Information (Completed by Recipient PAC/BQC)		
Major Contributor Organization name GENUINE PARTS COMPANY		
Recipient Committee Name MAINE AUTOMOTIVE RIGHT TO REPAIR COMMITTEE		
Ballot Question Supported/Opposed An Act Regarding Automotive Right to Repair Supported <input checked="" type="checkbox"/> Opposed <input type="checkbox"/>		
Date of First Contribution to Recipient Committee 09/01/2023	Date Contribution(s) Received Exceeded \$100,000 09/01/2023	
Date Notice Mailed 09/01/2023		
Regular Reporting Deadlines		
Name of Report	Filing Deadline	If the Notice is received between:
April Quarterly Report	April 10, 2023	January 1 – March 31, 2023
July Quarterly Report	July 17, 2023	April 1 – June 30, 2023
42-Day Pre-Election Report	September 26, 2023	July 1 – September 19, 2023
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2-Day Election Report	During the last 13 days before an election	Within 2 business days of receiving notice.
NOTE: if the Notice is receiving during the last 13 days before a primary, general, or special election then the Report is due within 2 business days and not by the due date of a Regular Finance Report.		

Instructions and Definitions for providing Notice to a Major Contributor

Major Contributor, defined. A Major Contributor is a person (a business, organization, association, etc., but not an individual) that gives more than \$100,000 in the aggregate to a political action committee or ballot question committee for the purpose of initiating or influencing a people's veto or citizen initiative.

Contribution, defined. Funds or anything of value that is given to a committee to initiate or influence a people's veto or citizen initiative.

Single Filing. The obligation to provide Notice to a Major Contributor and their obligation to file a Major Contributor Report occurs only once per ballot question. For example, if the Major Contributor had previously filed a report because it exceeded the \$100,000 threshold and then subsequently provided an additional \$100,001 to the recipient committee for the same initiative, a second notice/report is not required.

Ballot Questions. The \$100,000 threshold applies per ballot question. A Major Contributor could give the same recipient committee \$75,000 for one ballot question and an additional \$75,000 for a different ballot question without being required to file a Major Contributor Report. If, however, the Major Contributor was required to file a report for one ballot question and then contributes over \$100,000 for another ballot question, then the recipient committee must provide notice to the Major Contributor a second time.

Timing of Notice. The recipient committee must notify the Major Contributor within 5 days of having received contributions from the Major Contributor exceeding the \$100,000 threshold. If the threshold is exceeded within 13 days before an election, then the committee must notify the Major Contributor in writing within 24 hours.

Service. The recipient committee may send the Notice by mail, email, or fax to the Major Contributor. A copy of the Notice and proof of service should be retained by the Recipient Committee. The Commission staff recommends that if the Notice is mailed, the committee use certified rather than regular mail.

Providing a Copy to the Commission. The recipient committee is also required to deliver a copy of the notice to the Commission.

Penalties. If the recipient committee fails to provide timely notice to the Major Contributor, then the recipient committee may be liable for a penalty of 10% of the total contributions from the Contributor up to a maximum of \$50,000.



Notice to a Major Contributor

Please refer to the last page for instructions and filing schedule.

Your organization is receiving this notice because it has contributed to this committee more than \$100,000 in the aggregate for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. 21-A M.R.S. § 1060-A. Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date, which is based on the date your organization receives this notice (please see the filing chart below). Your organization may obtain the report at the following website (www.maine.gov/ethics), or by contacting the Maine Ethics Commission directly at (207) 287-4179. Maine election law provides for civil penalties for failing to comply with the major contributor reporting law. Please contact the Maine Ethics Commission directly if you have questions regarding your reporting obligations.

Major Contributor Organization Information <i>(Completed by Recipient PAC/BQC)</i>	
Major Contributor Organization name	
Recipient Committee Name	
Ballot Question Supported/Opposed	
	Supported Opposed
Date of First Contribution to Recipient Committee	Date Contribution(s) Received Exceeded \$100,000
Date Notice Mailed	

Regular Reporting Deadlines		
Name of Report	Filing Deadline	If the Notice is received between:
April Quarterly Report	April 10, 2023	January 1 – March 31, 2023
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Instructions and Definitions for providing Notice to a Major Contributor

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Contribution, defined. Funds or anything of value that is given to a committee to initiate or influence a people's veto or citizen initiative.

Single Filing. The obligation to provide Notice to a Major Contributor and their obligation to file a Major Contributor Report occurs only once per ballot question. For example, if the Major Contributor had previously filed a report because it exceeded the \$100,000 threshold and then subsequently provided an additional \$100,001 to the recipient committee for the same initiative, a second notice/report is not required.

Ballot Questions. The \$100,000 threshold applies per ballot question. A Major Contributor could give the same recipient committee \$75,000 for one ballot question and an additional \$75,000 for a different ballot question without being required to file a Major Contributor Report. If, however, the Major Contributor was required to file a report for one ballot question and then contributes over \$100,000 for another ballot question, then the recipient committee must provide notice to the Major Contributor a second time.

Timing of Notice. The recipient committee must notify the Major Contributor within 5 days of having received contributions from the Major Contributor exceeding the \$100,000 threshold. If the threshold is exceeded within 13 days before an election, then the committee must notify the Major Contributor in writing within 24 hours.

Service. The recipient committee may send the Notice by mail, email, or fax to the Major Contributor. A copy of the Notice and proof of service should be retained by the Recipient Committee. The Commission staff recommends that if the Notice is mailed, the committee use certified rather than regular mail.

Providing a Copy to the Commission. The recipient committee is also required to deliver a copy of the notice to the Commission.

Penalties. If the recipient committee fails to provide timely notice to the Major Contributor, then the recipient committee may be liable for a penalty of 10% of the total contributions from the Contributor up to a maximum of \$50,000.

§1060-A. Campaign for direct initiative or people's veto; reporting by major contributors

This section governs the reporting of contributions aggregating in excess of \$100,000 for the purpose of initiating or influencing a campaign for a people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17 or a direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18. [PL 2017, c. 418, §4 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Contribution" has the same meaning as set out in section 1052, subsection 3 and also includes but is not limited to:

- (1) Funds or anything of value that the contributor specified were given in connection with a campaign for a people's veto referendum or direct initiative campaign;
- (2) Funds or anything of value provided in response to a solicitation that would lead the contributor to believe that the contribution would be used specifically for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign; and
- (3) Funds or anything of value that can be reasonably determined to have been provided by the contributor for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign when viewed in the context of the contribution and the recipient committee's activities during the campaign. [PL 2017, c. 418, §4 (NEW).]

B. "Major contributor" means a person, other than an individual or a committee, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people's veto referendum campaign or any one direct initiative campaign. [PL 2021, c. 530, §2 (AMD).]
[PL 2021, c. 530, §2 (AMD).]

2. Notice to major contributor. Within 5 days of receiving more than \$100,000 in the aggregate from a major contributor, the recipient committee shall provide written notice to the major contributor of the reporting requirement under this section and shall submit a copy of the notice to the commission. If the \$100,000 aggregate amount is exceeded as a result of a contribution received during the last 13 days before an election, the recipient committee shall, within 24 hours of receiving the contribution, provide written notice of the reporting requirement to the major contributor and submit a copy of the notice to the commission. The commission shall prepare a sample written notice for this purpose. [PL 2017, c. 418, §4 (NEW).]

3. Required reports. A major contributor shall file a report containing the information required in subsection 4 on or before the next regularly scheduled filing deadline under section 1059, subsection 2 occurring after the major contributor receives notice of the reporting requirement. If a major contributor has received a notice from a recipient committee or the commission during the last 13 days before an election as required under subsection 2, the major contributor shall file a report within 2 business days of receiving notice from the recipient committee or commission. The commission shall prescribe and prepare forms for these reports and may require major contributors to file reports electronically. [PL 2017, c. 418, §4 (NEW).]

4. Content. In the reports required under subsection 3, a major contributor shall provide:

- A. The name of and relevant contact information for the major contributor and the name of a responsible officer of the major contributor; [PL 2017, c. 418, §4 (NEW).]
- B. The form of organization and purpose of the major contributor; [PL 2017, c. 418, §4 (NEW).]

C. The amount and date of each contribution from the major contributor to the recipient committee; [PL 2017, c. 418, §4 (NEW).]

D. A certification that the major contributor has not received contributions, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in this State or, if the major contributor has received such contributions, the dates, sources and amounts of any such contributions; [PL 2017, c. 418, §4 (NEW).]

E. The names of the 5 largest sources of funds received by the major contributor during the period beginning 6 months prior to the first contribution made to the recipient committee and ending on the date of the filing of the report. This paragraph does not apply to funds received by the major contributor:

(1) That are restricted to purposes that are unrelated to a people's veto referendum or direct initiative campaign in the State;

(2) In the ordinary course of the major contributor's regular trade or business or as investment income; or

(3) If the source of the funds provided no more than \$5,000 to the major contributor during the relevant period of time; and [PL 2021, c. 530, §3 (RPR).]

F. A statement indicating whether the major contributor is exempt from taxation under the United States Internal Revenue Code of 1986 and a list of any governmental jurisdictions within the United States in which the major contributor has filed campaign finance reports during the previous 12 months. [PL 2017, c. 418, §4 (NEW).]

The commission may require by rule additional information to be reported consistent with this subsection to facilitate disclosure to citizens of this State of financial activity conducted for the purpose of influencing elections in this State.

[PL 2021, c. 530, §3 (AMD).]

5. Noncompliance. The commission may assess a civil penalty against a person that does not comply with the requirements of this section. The preliminary penalty is 10% of the total contributions required to be reported or \$50,000, whichever is less, for:

A. A recipient committee that fails to provide timely notice to a major contributor under subsection 2; [PL 2021, c. 530, §4 (NEW).]

B. A recipient committee that fails to provide a copy of the notice to the commission under subsection 2. If the commission assesses a penalty under paragraph A, the commission may not also assess a penalty under this paragraph; and [PL 2021, c. 530, §4 (NEW).]

C. A major contributor that fails to file a timely report required under this section or that files a report that does not substantially conform to the disclosure requirements of this section or rules adopted under this section. [PL 2021, c. 530, §4 (NEW).]

[PL 2021, c. 530, §4 (RPR).]

6. Waiver request; final penalty. Not later than the 14th calendar day after the date the person receives notice of the preliminary penalty from the commission under subsection 5, the person may request a waiver of the penalty in full or in part. In considering a request for a waiver under this subsection, the commission shall consider:

A. For violations under subsection 5, paragraphs A and B:

(1) Whether, as a result of the late notice, the due date for a report required by this subchapter is later than if a timely notice had been received;

(2) Whether the recipient committee made a bona fide effort to provide notice to the major contributors;

- (3) The amount of the contributions required to be reported; and
 - (4) Other relevant factors; and [PL 2021, c. 530, §5 (NEW).]
- B. For violations under subsection 5, paragraph C:
- (1) The failure of the recipient committee to provide notice of the reporting requirement to the major contributor;
 - (2) The number of days the report is late;
 - (3) The amount of the contributions required to be reported; and
 - (4) Other relevant factors. [PL 2021, c. 530, §5 (NEW).]

A person requesting a determination on a waiver may either appear in person or designate a representative to appear on the person's behalf or may submit a sworn statement explaining the mitigating circumstances for consideration by the commission. After a commission meeting, the commission shall mail notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subsection to the person against whom the commission is assessing the penalty. If the person against whom the commission is assessing the penalty does not request a waiver, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the person against whom the commission is assessing the penalty. A final determination by the commission on a waiver may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. [PL 2021, c. 530, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 418, §4 (NEW). PL 2021, c. 530, §§2-5 (AMD).

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