



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

To: Commission
From: Michael Dunn, Esq., Political Committee and Lobbyist Registrar
Date: May 20, 2020
Re: Request for Waiver of Late-Filing Penalty by Maine Street Solutions – Protect Schools

Under 21-A M.R.S. § 1060-A, a major contributor is an organization that contributes more than \$100,000 in aggregate to a political action committee (“PAC”) or ballot question committee (“BQC”) to influence a citizen initiative or people’s veto referendum. The recipient PAC or BQC is required to provide a written notice to the major contributor advising them that it is required to file a report with the Commission within five days of receiving more than \$100,000 in contributions from the contributor.

Maine Street Solutions – Protect Schools (the “Committee”) registered as a BQC on January 15, 2020, in opposition to the Yes on 1 campaign to repeal certain immunization requirements for public school attendance. On February 5, 2020,¹ the Committee received a \$250,000 contribution from Pfizer, Inc. (“Pfizer”) and emailed the Major Contributor Notice to Pfizer on February 11, 2020. On February 20, 2020, Commission staff mailed notice of the preliminary penalty of \$25,000 to the Committee. The election occurred on March 3, 2020. The Committee requested a waiver of the \$25,000 preliminary penalty for the late notice on March 9, 2020.

LEGAL REQUIREMENTS

Major Contributor Requirements

A person, other than an individual, 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 a people’s veto referendum campaign or a direct initiative campaign is considered a “major contributor.” 21-A M.R.S. § 1060-A(1)(B).

¹ The Major Contributor Report lists the contribution as January 29, 2020. Pfizer mailed a check to the Committee, which was received on February 5, 2020.

The recipient committee shall provide written notice to the major contributor within five (5) days of receiving more than \$100,000 on a form prescribed by the Commission. Id. at (2). After the major contributor receives the written notice from the recipient committee, the major contributor shall file a report on or before the next regularly scheduled PAC filing deadline under 21-A M.R.S. § 1059(2).

The Commission may assess a civil penalty against a major contributor that does not file a timely report. Id. at (5). The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Id. If the recipient committee fails to provide timely notice, the Commission may assess a penalty against that committee. Id.

DISCUSSION AND STAFF RECOMMENDATIONS

On January 29, 2020, Pfizer mailed a check of \$250,000 to the Committee, which was received on February 5, 2020. The deadline for the Committee to provide written notice to Pfizer of their obligations was February 10, 2020. The Notice was sent on February 11, 2020. Pfizer filed its Major Contributor report on February 18, 2020. Pfizer's report was not delayed due the Committee's late Notice. On February 20, 2020, Commission staff mailed the Committee notice of the preliminary penalty of \$25,000 (10% of the total contribution). 21-A M.R.S. § 1060-A(5). On March 9, 2020, the Committee requested a waiver of the penalty, explaining that they believed the five (5) day deadline meant business days and not calendar days. The Committee also asserts that they followed the PAC and BQC Guidebook and worked closely with Commission staff to ensure correct reporting.

Commission staff recommends a reduction of the \$25,000 preliminary penalty. In March 2020, the Commission considered a request by Mainers for Local Power for not providing a notice to a major contributor. The Commission reduced the penalty to \$2,500. Request for Waiver of Penalty – Mainers for Local Power (Me. Ethics Comm. March 10, 2020) (Approval of Minutes Pending).

Here, the Committee has put forward several mitigating factors, which support a further reduction. The notice to Pfizer was only one day late and did not result in a delay of Pfizer's Major Contributor Report. The Commission staff believes the Committee's explanation that they interpreted § 1060-A(2) to mean business days instead of calendar days and that there was no intent to deceive the public.² The financial activity is less than half of the amount at issue in Mainers for Local Power. For these reasons, we believe the Commission should assess a penalty that is significant but less than the \$2,500.

Major Contributors and the recipient committees have a significant opportunity to influence Maine elections and should be held to a high standard. In Mainers for Local Power, the Commission fined the committee \$2,500 for the late notice to its Major Contributor, which resulted in a delayed Major Contributor Report due date (moving from the January Quarterly to the April Quarterly). Here, regardless of if the Committee mailed the Notice on February 10th or February 11th, the Major Contributor Report would still have been due on the same day and was filed timely by Pfizer. The public harm caused by the Committee being one day late is minimal.

Accordingly, Commission staff recommends that the waiver request be granted, in part. The Commission should impose a penalty of \$2,000 for the late Notice from Maine Street Solutions – Protect Schools to Pfizer, Inc. Like in Mainers for Local Power, the Commission should limit this precedent to Late Notices to Major Contributors. The appropriate penalty for late Reports should be kept open for future determination.

Thank you for your attention to this matter.

² Since your March 10, 2020 meeting, the Commission reorganized how forms and guides are displayed on the Commission's website. The Major Contributor information is now on the PAC & BQC webpage. ETH – 13.

21-A M.R.S. § 1060-A

Current with the First Regular Session, the First Special Session, Chapters 533-678 of the Second Regular Session of the 129th Maine Legislature.

Maine Revised Statutes Annotated by LexisNexis® > Title 21-A. Elections (Chs. 1 — 15) > Chapter 13. Campaign Reports and Finances (Subchs. 1 — 5) > Subchapter 4. Reports by Political Action Committees (§§ 1051 — 1063)

§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.

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.

B. “Major contributor” means a person, other than an individual, 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.

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.

...

5. Noncompliance. The commission may assess a civil penalty against a major contributor that does not file a timely report required under this section. The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Within 14 calendar days of receiving notice of the preliminary penalty from the commission, the major contributor may request that the penalty be waived in full or in part. In considering a request for a waiver, the commission shall consider, among other things, any lack of notice to the major contributor of the reporting requirement, the number of days that the report was filed late and the amount of the contributions required to be reported. A major contributor requesting a determination may either appear in person or designate a representative to appear on the major contributor's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subsection must be sent to the major contributor. If a determination is not requested, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the major contributor. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. The commission may assess a civil penalty in the same amount against a recipient committee that has not provided written notice of the reporting requirements to the major contributor as required by subsection 2, using the same procedures as set out in this subsection for penalties against the major contributor.

FEB 11 2020



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 Mail: 135 State House Station, Augusta, Maine 04333
 Office: 45 Memorial Circle, 2nd floor, Augusta, Maine

Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

NOTICE TO MAJOR CONTRIBUTOR

MAJOR CONTRIBUTOR ORGANIZATION INFORMATION <i>(Completed by Recipient PAC/BQC)</i>	
MAJOR CONTRIBUTOR ORGANIZATION NAME	
RECIPIENT COMMITTEE NAME MAINE STREET SOLUTIONS - PROTECT SCHOOLS	
BALLOT QUESTION SUPPORTED/OPOSED OPPOSE QUESTION 1	
DATE OF FIRST CONTRIBUTION TO RECIPIENT COMMITTEE	DATE CONTRIBUTIONS RECEIVED EXCEEDED \$100,000
DATE NOTICE MAILED	

Your organization is receiving this notice because it has given to this committee more than \$100,000 in the aggregate since December 13, 2018 for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. (21-A M.R.S.A. §1060-A)

Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date based on the date your organization receives this notice. 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 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.

Name of Report:	If the Notice is received between:	The Report is due on or before:
2019 January Quarterly	December 13, 2018 — December 31, 2018	January 15, 2019
2019 April Quarterly	January 1, 2019 — March 31, 2019	April 10, 2019
2019 July Quarterly	April 1, 2019 — June 30, 2019	July 15, 2019
2019 October Quarterly	July 1, 2019 — September 30, 2019	October 7, 2019
2020 January Quarterly	October 1, 2019 — December 31, 2019	January 15, 2020
2019 November 2-Day Report	October 23, 2019 — November 4, 2019	Within 2 business days of receiving notice.



MAJOR CONTRIBUTOR REPORT

2020 Election

Pursuant to 21-A M.R.S.A. §1060-A, any person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or a political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign must file this report with the Maine Ethics Commission before the next regularly scheduled filing deadline (see schedule below) or within two business days if a "Notice to Major Contributor" form is received during the last 13 days before an election.

NAME OF REPORT:	REPORT DUE ON OR BEFORE:	NOTICE RECEIVED:
<input type="checkbox"/> April Quarterly Report	April 10, 2020	January 1 - March 31, 2020
<input type="checkbox"/> 11-Day Pre-Primary Report	May 29, 2020	April 1 - May 26, 2020
<input type="checkbox"/> Primary Election 2-Day Report	Within 2 business days after receipt of notice.	May 27 - June 9, 2020
<input type="checkbox"/> 42-Day Post-Primary Report	July 21, 2020	June 10 - July 14, 2020
<input type="checkbox"/> October Quarterly Report	October 5, 2020	July 15 - September 30, 2020
<input type="checkbox"/> 11-Day Pre-General Report	October 23, 2020	October 1 - October 20, 2020
<input type="checkbox"/> 2020 General Election 2-Day Report	Within 2 business days after receipt of notice.	October 21 - November 3, 2020
<input type="checkbox"/> 42-Day Post-General Report	December 15, 2020	November 4, - December 8, 2020
<input type="checkbox"/> January Quarterly Report	January 15, 2021	December 9 - December 31, 2020

ORGANIZATION INFORMATION

ORGANIZATION NAME: **PFIZER, INC**

MAILING ADDRESS: **235 E. 42nd ST.**

CITY, STATE, ZIP CODE: **NEW YORK, NEW YORK 10017**

RESPONSIBLE OFFICER NAME AND POSITION: **LISA COEN SENIOR DIRECTOR, U.S. PUBLIC AFFAIRS**

FORM OF ORGANIZATION AND PURPOSE: **CORPORATION, PHARMACEUTICAL MANUFACTURER**

PHONE: **202 624 7519**

EMAIL: **lisa.coen@pfizer.com**

TAX STATUS

Does this Organization currently have a tax-exempt status with the Internal Revenue Service? Yes No

If Yes, under what section of the tax code does it claim exemption?

Please list all jurisdictions with which this Organization files campaign finance reports:
CALIFORNIA, GEORGIA, HAWAII, NEBRASKA

RECIPIENT INFORMATION

NAME OF RECIPIENT

MAINE STREET SOLUTIONS - PROTECT SCHOOLS

MAILING ADDRESS OF RECIPIENT

45 MEMORIAL CR. AUGUSTA, ME 04330

DATE OF FIRST CONTRIBUTION TO RECIPIENT

1/29/2020

TOTAL AMOUNT GIVEN TO RECIPIENT TO DATE

\$250,000.00

ITEMIZED CONTRIBUTIONS GIVEN TO RECIPIENT COMMITTEE TO DATE

(If additional space is needed, continue on the "Schedule B-MC-2" Worksheet)

Date	Type of Contribution <small>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</small>	Amount
1/29/20	CASH	\$250,000.00

ORGANIZATION SOURCE OF FUNDS

- Please provide the names of the five largest sources of funds received by this Organization during the period beginning six months prior to the first contribution this Organization made to the recipient ballot question committee or political action committee.
- Do not include the names of sources of funds that are restricted to purposes unrelated to a direct initiative or people's veto referendum campaign.

1.

N/A

2.

PLEASE SEE PFIZER'S SEC 10K FILING AT THIS URL:

3.

<http://investors.pfizer.com/financials/annual-reports/default.aspx>

4.

5.

CERTIFICATION OF RECEIPT OF CONTRIBUTIONS TO INFLUENCE A MAINE BALLOT QUESTION

Has this Organization received contributions, in whole or in part, for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign in Maine?

- Yes (If so, complete and attach the "Contributions Received to Influence Maine Ballot Question" Worksheet)
- No

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.



Signature of Responsible Officer of Organization

February 18, 2020

Date



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

2020 CAMPAIGN FINANCE REPORT FOR BALLOT QUESTION COMMITTEES

COMMITTEE		TREASURER	
Maine Street Solutions - Protect Schools 45 Memorial Circle Augusta, ME, 04989 PHONE:(207) 622-7432 EMAIL: rreynolds@mainestreetolutions.com		Mr. Jay Nutting 45 Memorial Circle Augusta, ME, 04989 PHONE:(207) 622-7432 EMAIL: nosend.Jnutting@mainestreetolutions.com	
REPORT	DUE DATE	REPORTING PERIOD	
11-Day Pre-Election Report	02/21/2020	01/01/2020 - 02/18/2020	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$604,999.00	\$604,999.00
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$604,999.00	\$604,999.00
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$429,651.00	\$429,651.00
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$429,651.00	\$429,651.00
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$604,999.00	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$429,651.00	
11. CASH BALANCE AT END OF PERIOD	\$175,348.00	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: Jay Nutting
 REPORT FILED ON: 2/21/2020 5:55:36 PM
 LAST MODIFIED:
 COMMITTEE ID: 356338

**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 | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
| 4 = Nonprofit Organization | 12 = Contributors giving \$50 or less |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
2/5/2020	Maine Association of Psychiatric Physicians 30 Association Drive Manchester, ME, 04351	contribution	3	\$1,000.00
2/5/2020	Pfizer 949 Shady Grove Road Memphis, TN, 38120	Contribution	3	\$250,000.00
2/7/2020	Merck Sharp and Dohme 2000 Galloping Hill Rd Kenilworth, NJ, 07033	Contribution	3	\$250,000.00
2/11/2020	Maine Chapter AAP 30 Association Drive Manchester, ME, 04351	Contribution	3	\$4,999.00
2/12/2020	Maine Urological Association PO Box 190 Manchester, ME, 04351	Contribution	3	\$1,000.00
2/13/2020	Biotechnology Innovation Organization 201 Maryland Avenue SW, Suite 900 Washington, DC, 20024	Contribution	3	\$98,000.00
TOTAL CASH CONTRIBUTIONS				\$604,999.00



February 20, 2020

Robert Reynolds
Maine Street Solutions
45 Memorial Circle
Augusta, ME, 04989

Re: Late Major Contributor Notice – Maine Street Solutions – Protect Schools

Dear Mr. Reynolds:

The Commission staff has made a preliminary finding that Maine Street Solutions – Protect Schools (“the PAC”) was late in submitting a Notice to a Major Contributor as required by 21-A M.R.S. § 1060-A(2). The PAC was required to provide notice to Pfizer, Inc. (“Pfizer”) by 11:59 p.m. on 02/10/2020 that Pfizer was required to file a major contributor report with the Commission. The Notice, however, was not sent to Pfizer until 02/11/2020. Under the Commission’s statutes, the late Notice triggers an enforcement process. (21-A M.R.S. §§ 1060-A & 1062). Based on the amount of the reported financial activity and the statutory 10% penalty, the Commission staff has determined that the preliminary penalty for the late notice is \$25,000.

The PAC may request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC did not provide the Notice to Pfizer by 02/10/2020. Upon receiving your request, the Commission staff will schedule your request for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the Notice was late due to, among other things, (1) the number of days that the report was filed late, and (2) the amount of the contributions required to be reported.

Please call me at (207) 287-4709 or send me an email at michael.dunn@maine.gov if you have questions.

Sincerely,

Michael J. Dunn

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

PAYMENT RECEIPT
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Robert Reynolds
Maine Street Solutions
45 Memorial Circle
Augusta, ME, 04989

Violation: Late Major Contributor Notice
Amount Due: \$25,000



Verrill

Received

MAR 06 2020

Maine Ethics Commission

Mr. Michael Dunn
Maine Ethics Commission

March 6, 2020

Dear Mr. Dunn:

Maine Street Solutions, LLC – Protect School (“BQC”) requests a waiver of the preliminary penalties set out in your letters dated February 20, 2020. The proposed penalties total \$25,000.

The BQC has endeavored to work closely with the Ethics Commission on a regular, in person, basis to comply with all applicable reporting requirements. As you know, we support the work of the Commission and the intention of the law, and have worked to comply completely and be transparent and timely to meet all of our reporting requirements.

The specific grievance cited by the Commission is that the BQC was one business day late in sending Pfizer notice that they are required to file a major contributor report with the Commission. The Commission accurately states that the BQC was required to provide notice due to Pfizer on 02/10/2020 but was sent the notice on 02/11/2020. We stipulate that the facts as presented by the Commission are accurate, but ask for a reconsideration of the penalty assessed.

The requirements for notice to major contributors, 21-A M.R.S. sec. 1060-A(2), states, “**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.”

We read the required notice provision to be within 5 business days. We now recognize that the requirement is to provide notice to a major donor within 5 calendar days. Upon rereading the statute, we recognize our error.

The BQC mistakenly followed the Guidebook for Political Action Committees and Ballot Question Committees, as posted on the Commissions website. In addition, we regularly conferred with Commission staff for further guidance. Our goal has always been to remain fully compliant and transparent. Unfortunately, the new Notice to Major Contributor requirement is

not captured by the Guidebook, nor do the relevant forms appear with the other forms designated for PACs on the Commission website under the “Forms for PACs” tab, and that are referenced in the Committee’s acceptance letter to the BQC. While guidance is available in the “Other Forms” section of the website, that did not come to our attention at the time.

As you know, the BQC made notice to Pfizer as soon as we became aware of our obligation. The one-day delay made no substantive impact on the conduct of the campaigns and did not unduly prevent notice to the public. Pfizer’s contribution to the BQC was widely reported on well in advance of election day, see <https://www.newscentermaine.com/article/news/local/as-seen-on-tv/campaign-funding-for-question-one-peoples-veto-referendum-of-vaccine-exemptions-bill/97-1669b075-9089-4c19-a0a9-a0e9d224e9e9>, <https://www.wmtw.com/article/campaign-to-defeat-march-3-ballot-question-1-leads-in-financing/31066159>, <https://www.statnews.com/2020/02/28/anti-vaccine-activists-big-pharma-maine/>. Indeed, even before the Pfizer contribution, Yes on 1 made the involvement of pharmaceutical contributions central to their campaign, see <https://www.rejectbigpharma.com/>, campaign website; <https://www.centralmaine.com/2020/01/21/reject-big-pharma-vote-yes-on-1> posted January 21, 2020; <https://bangordailynews.com/2020/02/08/opinion/contributors/question-1-is-about-protecting-lives-not-big-pharma/>, posted February 8, 2020. Additionally, in on-the-record statements to the Bangor Daily News, the BQC released information well before the required reporting deadlines or requirements. “The donors behind the effort don’t have to be disclosed until later this month, but **Bobby Reynolds**, a spokesman for the political committee linked to Maine Street Solutions, the consulting firm behind the ads, said the group was funded largely by health care groups and vaccine manufacturers. It is one of two committees fighting the referendum.” <https://bangordailynews.com/2020/02/10/politics/daily-brief/pharmaceutical-companies-emerge-to-help-put-ads-backing-maine-vaccine-law-on-tv/>

The one-day delay did not undermine the public’s lawful right to know.

The BQC acknowledges its missteps, and has corrected them. In doing so, the BQC has continued to consult with Commission staff to ensure it provides the information expected by the. At no time did the BQC intend to conceal or avoid the disclosure of its Major Contributors’ identity. To the best of our knowledge, we have successfully filed all of our reports in a timely and complete manner.

Accordingly, we request a waiver of the proposed penalty. We believe there was no harm of any kind to the public’s need to have information about major contributors in advance of any actual voting. The absence of harm to the public weighs heavily in favor of a waiver of the proposed penalty, particularly in light of the newness of the major contributor provision.

We recognize that the Commission’s reporting requirements are vital to transparency and disclosure, and the importance of the concerns that gave rise to the addition of the major contributor provisions. Although we believe that given the newness of the statute and lack of harm to the public no penalty is appropriate, should the Commission determine that some penalty might be appropriate, the most relevant precedent to look to here would be the penalties the Commission has imposed for late-filed reports. Those penalties typically are \$750. Since the two notices here were essentially not timely given at roughly the same time and for the same reason, and the second one was delayed

because of a family medical emergency, we respectfully request a reduction of the preliminary penalty, if one must be imposed, to \$750.

I'd be happy to answer any questions or provide further information if that would be helpful.

Sincerely,

A handwritten signature in cursive script that reads "Michael V. Saxl" followed by the initials "KAT" in a slightly different style.

Michael V. Saxl



Committees

State and Local Party
Committees

Political Action Committees

Ballot Question Committees

Forms and Guides for
BQCs

Municipal PACs and BQCs

Forms and Guides for BQCs

Registration

- [BQC Registration](#)
- [Termination Notice for PACs & BQCs](#)

Campaign Finance

- [2020 PAC & BQC Filing Schedule](#)
- [2020 PAC & BQC Campaign Finance Report](#)
- [2020 24-Hour Report](#)

Guides

- [2017 Guidebook for Political Action Committees & Ballot Question Committees](#) (PDF)
- [Guidance on Reporting as a Ballot Question Committee](#) (PDF)

Major Contributors

- [Notice to Major Contributors](#) (PDF)
- [Major Contributor Report](#) (PDF)
- [Major Contributor FAQ](#) (PDF)