



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

To: Commission
From: Jonathan Wayne, Executive Director
Date: May 13, 2020
Re: Materials for the May 22, 2020 Meeting

The Commission staff has enclosed the written materials for your May 22, 2020 meeting concerning the investigation of Stop the Corridor (“STC”). These materials include documents that you have previously reviewed and several new documents for your consideration.

Confidential materials. Please note that some of the materials for this meeting are investigative working papers, which have been marked confidential pursuant to 21-A M.R.S. § 1003(3-A). These include:

- A memorandum (05/01/2020) from the Commission staff, which contains four specific questions on which we would appreciate your guidance;
- A letter-memorandum from James G. Monteleone, Esq. (05/12/2020), counsel for STC; and
- Sixteen pages of confidential records submitted by STC.

Other new materials. I have also enclosed:

- A memorandum (05/01/2020) from the Commission staff, which provides additional background information for the May 22, 2020 meeting without reference to confidential information;
- a May 1st scheduling letter;
- a letter-memorandum (05/13/2020) from Newell A. Augur, Esq., counsel for Clean Energy Matters; and
- correspondence from me dated today (05/13/2020) to Mr. Monteleone reiterating our interest in unredacted transactions and updated financial information.

After these new materials, your packet contains the meeting materials for your consideration of this item at the March 10 meeting.

I would like to offer two comments on the letters received yesterday. First, in Mr. Monteleone's letter (at p. 3), he suggests it is unnecessary for the Commission staff to examine STC's expenditures because STC has already conceded that it made expenditures in excess of \$1,500 to promote the petitioning for the ballot question. We will defer to your judgment but there are two rationales for further examining STC's expenditures. First, you may feel it is the Commission's role to independently verify that all expenditures by STC for the purpose of initiating or influencing the ballot question were reported as in-kind contributions by No CMP Corridor. In other words, the Commission may wish to rule out that STC engaged in *other* spending (not reported by No CMP Corridor) to promote or support the ballot question. Additionally, STC's paid activities are relevant to the organization's major purpose.

Second, my use of the term "cash" on page 7 of the May 1st public memo led to an inference by counsel for Clean Energy Matters, Newell A. Augur, that STC had received its funding in the form of currency. (Augur letter dated 5/13/2020, at 2). That was not my intention. I used "cash" as a synonym for money. I apologize for creating confusion on that point.

Thank you for your consideration of this memorandum.



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04333-0135

To: Commission
From: Jonathan Wayne, Executive Director
Date: May 1, 2020
Re: Request for Guidance by Commission Staff – Stop the Corridor Investigation

Introduction

The Commission staff seeks guidance from you concerning the scope and procedures for the investigation you authorized at your March 10, 2020 meeting concerning whether Stop the Corridor (STC) qualified as a political action committee (PAC). Through a March 25, 2020 telephone conference, the Commission staff received some preliminary information from STC's attorneys relating to STC's organization and sources of funding. The attorneys offered to provide documents that would outline STC's activities. For reasons of efficiency, the Commission staff paused making investigative requests until STC provided the documents. The telephone conference was constructive, but it illuminated that differences of opinion existed as to the scope of the investigation you authorized. Also, STC's attorneys indicated their intention to redact or withhold information viewed by staff as necessary for the investigation.

On April 14, 2020, the Commission staff received 16 pages of documents from STC's attorneys, which the Commission is required to keep confidential under 21-A M.R.S. §§ 1003(3-A)(A)&(B). The staff has provided these to you separately, along with a confidential cover memo. The document production falls short of the information we had viewed as necessary to determine whether STC qualified as a PAC, and the documents contain redactions that reduce the value of the information provided. The Commission staff would like to confirm we are acting within the scope of what you believe to be reasonable, taking into consideration the factual information received to date, the additional opportunity for you to judge the strength of evidence of a violation, and issues of intrusion and cost to STC.

Stop the Corridor is the assumed name of a limited liability company that has, at various times from August 2018 to the present, engaged in grassroots activities and paid communications to Mainers opposing the New England Clean Energy Connect (“NECEC”) transmission project. Many of these paid activities were outside the scope of campaign finance reporting requirements because they were undertaken prior to the initiation of the ballot question to reject NECEC.¹

STC has responded that the ballot question initiative was led by the No CMP Corridor PAC, and that STC merely engaged in activities that were helpful to No CMP Corridor. STC argues that it is not a PAC because its major purpose remains focused on opposing NECEC through permitting processes – not influencing a Maine election. According to STC, it is not required to register as a ballot question committee (BQC) because its paid assistance is being reported as an in-kind contribution by No CMP Corridor, which relieves STC from separately registering and reporting as a BQC. STC asserts that it has consistently received funds to stop the ongoing permitting of the corridor, and has not received funds specifically for the ballot question.

Legal Issues Specific to the Investigation

In 21-A M.R.S. § 1003(2), the Maine Legislature directs the Commission to conduct an investigation if a person has submitted a request containing sufficient evidence to believe that a violation may have occurred. At the March 10 meeting, a majority of the Commission believed this standard had been met and directed the staff to investigate whether STC qualified as a PAC. The exact motion is discussed below.

Confidentiality. Under 21-A M.R.S. § 1003(3-A), the Commission is required keep confidential certain documents and information (“investigative working papers”) acquired or prepared in the course of an investigation, including:

¹ Individuals in an allied organization, Say No to NECEC, began considering a citizen initiative to reject NECEC on or around August 6, 2019. They applied to the Secretary of State to initiate the question on August 29, 2019. They formed a PAC, No CMP Corridor, on September 17, 2019.

- financial information not normally available to the public,
- information that, if disclosed, would reveal sensitive political or campaign information belonging to [an organization investigated by the Commission], and
- intra-agency communications, including records of interviews.

The two clear intentions of this statute are:

- the Commission *should have access to* sensitive political or campaign information necessary to investigate compliance with campaign finance laws, but
- the Commission must keep that information private so that the information is not released to the public (except as authorized by the statute).

Every member of the Commission staff is mindful that political campaigns sometimes become contentious. The battle over NECEC is not new in this regard. The Commission staff and members have a successful track record of receiving sensitive information in the context of hard-fought ballot question campaigns and responsibly exercising its discretion concerning confidential records.

In this investigation, the Commission staff will work in a politically disinterested manner and will treat all investigative working papers as highly protected. If the evidence does not support a finding of violation, the Commission staff will have no difficulty closing the books on this episode of NECEC and keeping the investigative records permanently confidential. A party's concern that the information may be released publicly should not frustrate the Commission's performance of its statutory mandate.

Subpoena power. The Commission staff hopes that STC and other witnesses will cooperate with the Commission's investigative requests. In case it is necessary, however, the Legislature has given the Commission authority to subpoena witness testimony and documents. 21-A M.R.S. § 1003(1). The Commission's rules contain safeguards to deter overreach or abuse of this authority by Commission staff. 94-270 C.M.R. ch. 1, § 5(3).

PAC Definition – Three Factors. The Commission is investigating whether STC qualified as a PAC under this provision:

A person, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose shall register as a PAC within seven (7) days of meeting that threshold.

21-A M.R.S. § 1052(5)(A)(4). For your reference, this definition can be broken down into three factors. The first factor is required. The second and third factors are alternatives (one must be present, but not both):

- (1) the organization must have a major purpose of initiating or influencing a campaign (*i.e.*, a Maine candidate or ballot question election), and
- (2) have *received* more than \$1,500 for the purpose of initiating or influencing the campaign.
- (3) have *spent* more than \$1,500 for the purpose of initiating or influencing the campaign.

Most of the discussion at your March 10 meeting focused on the first factor, but all three factors are relevant to whether STC qualified as a PAC.

The second and third factors are essentially the same factors included in the definition of a BQC, except that the BQC definition has a \$5,000 threshold for receipts and spending.

21-A M.R.S. § 1056-B. Thus, there is a significant overlap between the financial activities that can cause an organization to qualify as a PAC or BQC. The key difference is whether the major purpose of the organization is to initiate or influence a campaign.

Similar to the BQC statute, the PAC definition contains an exception that is intended to exempt a donor-organization from qualifying as a PAC:

An organization whose only payments of money in the prior 2 years for the purpose of influencing a campaign in this State are contributions to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality and that has not raised and accepted any contributions during the calendar year for the purpose of influencing a campaign in this State.

21-A M.R.S. § 1052(5)(B)(4).

March 10, 2020 Meeting - Discussion of Major Purpose, and Motion to Investigate

At the March 10, 2020 meeting, much of the discussion focused on STC's major purpose, which is one of the three factors in the PAC definition. Attorney Newell Augur argued on behalf of Clean Energy Matters that it was likely that the major purpose of STC changed after the ballot question petitioning began in the fall of 2019. He said that correspondence between STC and town offices indicated STC was integrally involved in the petition process.

Kate Knox stated that STC had lent its staff for a petitioning process that was started and directed by No CMP Corridor. She argued that it would be wrong to conclude that temporarily assigning staff to engage in the petitioning transformed STC's major purpose. STC continued to conduct the same activities that it had always conducted. Permits have not been issued by the U.S. Army Corp of Engineers, the Maine Department of Environmental Protection, and federal agencies considering the presidential permit for border crossing. Individual moratorium votes by municipalities are continuing. A vote in Embden just occurred. In the context of the \$1.3 million in spending by STC for advertising (as asserted by Clean Energy Matters), the donation of \$50,000 in staff time for another organization's petitioning effort does not change STC's overall purpose.

Ms. Knox urged the Commission to apply the current statutory standards for campaign finance disclosure. She argued that the Commission should not engage in a fishing expedition absent some sort of evidence that something has happened that justifies the investigation. She said that STC has a right to privacy and should not have to release valuable information about itself, absent some evidence of a campaign finance violation.

Commission staff will provide you with draft minutes for the March 10 meeting separately. Commissioner Nass cited the conclusion of some regulatory processes as evidence that STC's purpose may have changed to focusing on the citizen initiative. Commissioner Lee expressed interest in finding out how the donation of staff time compared to overall spending of STC during the corresponding time period. Commissioner Lowry expressed doubt that a two-month period of petitioning activity in

the context of a long-term organization should be viewed as a change in the organization’s major purpose. Rather, the petitioning may have been a shift in the use of resources where they were most effective.

Commissioner Lee moved that the staff conduct an investigation to determine whether or not Stop the Corridor qualified as a PAC and had an obligation to register and report as a PAC because sufficient evidence has been presented to suggest that the major purpose of Stop the Corridor became to initiate or influence a campaign. The motion carried by a vote of two to one.

Update: In-Kind Contributions Reported by No CMP Corridor

In its campaign finance reports, No CMP Corridor PAC has reported receiving the following in-kind contributions from STC:

Date	Description Provided by No CMP Corridor	Reported Value	Campaign Finance Report by No CMP Corridor
9/25/2019	Printing Cost	\$330.22	October Quarterly Report
9/30/2019	In-kind staff time for volunteer recruitment	\$637.50	October Quarterly Report
9/30/2019	In-kind staff time for campaign coordination	\$1,150.00	October Quarterly Report
10/2/2019	Website Development	\$2,500.00	January Quarterly Report
11/1/2019	Web Hosting	\$259.00	January Quarterly Report
11/30/2019	Postage	\$857.31	January Quarterly Report
12/12/2019	Printing Costs	\$981.15	January Quarterly Report
12/31/2019	Office Supplies	\$485.59	January Quarterly Report
12/31/2019	Mileage	\$4,563.42	January Quarterly Report
12/31/2019	Staff Time for Campaign Coordination	\$12,750.00	January Quarterly Report
12/31/2019	Staff Time for Volunteer Recruitment	\$27,359.06	January Quarterly Report
1/24/2020	Website hosting	\$239.00	April Quarterly Report
2/24/2020	Website hosting	\$239.00	April Quarterly Report
3/24/2020	Website hosting	\$239.00	April Quarterly Report
3/31/2020	Staff time for campaign coordination	\$6,200.00	April Quarterly Report
3/31/2020	Staff time for volunteer recruitment	\$20,673.34	April Quarterly Report
3/31/2020	Mileage	\$5,063.36	April Quarterly Report
3/31/2020	Postage	\$723.05	April Quarterly Report
3/31/2020	Office supplies	\$476.74	April Quarterly Report
	Total	\$85,726.74	

To provide you with a sense of scale, the two PACs on record in support of the ballot question have reported total spending of:

- No CMP Corridor (formed by Say No to NECEC) - \$23,727
- Mainers for Local Power (Calpine and Vestra Energy Corporations) - \$602,216

Guidance Sought by Commission Staff

In the March 25, 2020 telephone conference with Commission staff, STC's counsel suggested that the Commission authorized its staff at the March 10 meeting to investigate *only* STC's major purpose.² Counsel stated its intention not to identify its sources of funding to the Commission during the investigation, because the sources were not relevant to STC's major purpose. Also, STC's counsel redacted the names of vendors and allied entities in the documents it provided to the Commission staff on April 14, 2020.

The Commission staff would appreciate your guidance on the following questions in order to stay within your intended scope and to efficiently move this investigation along with a minimum of disagreements:

- Should the Commission gain an understanding of the broad range of STC's financial activities and the purposes of those activities (*i.e.*, not just STC's petitioning costs, but also its spending on television and other paid communications, polling, and payments to allies).
- Should the Commission staff investigate STC's receipt of funds and why its funding sources provided cash to STC?
- Should the Commission accept redactions and the withholding of names in documents and interview responses (*e.g.*, the funder, vendors and allied organizations)?

Thank you for your consideration of this memo.

² In contrast, the Commission staff believed you had authorized the staff to investigate whether STC qualified as a PAC, which could encompass not just STC's major purpose, but also money raised or spent for purposes of the ballot question.



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04333-0135

May 1, 2020

By E-Mail and Regular Mail

Katherine R. Knox, Esq.
James G. Monteleone, Esq.
Bernstein Shur
P.O. Box 9729
Portland, ME 04104-5029

Newell A. Augur, Esq.
Pierce Atwood LLP
157 Capitol Street, Suite 3
Augusta, ME 04330

Dear Counsel:

The Commission on Governmental Ethics and Election Practices will be meeting on Friday, May 22, 2020 at 9:00 a.m. to give further consideration to the investigation of Stop the Corridor (STC). The Commission staff will be seeking guidance on the scope and procedures for the investigation, as discussed on page 7 of the enclosed memo entitled "Request for Guidance by Commission Staff." The Commission intends to use the Zoom video conferencing service.

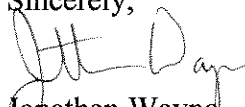
The Commission has reviewed information and documents received from STC's counsel. These qualify as "investigative working papers" under the Commission's investigation statute. 21-A M.R.S. §§ 1003(3-A)(A) & (B). The Commission is required to keep these documents confidential because they contain financial information not normally available to the public and sensitive political and campaign information belonging to STC.

The Commission staff will provide these documents to the Commission members as part of their packet for the May 22 meeting, along with a staff memo. The memo is also a confidential investigative work paper under 21-A M.R.S. §§ 1003(3-A)(D), because it is an intra-agency communication related to an investigation.

The Commission Chair would prefer to conduct the May 22 meeting in public session to the greatest extent possible. In the event that Commission members have questions about the investigative working papers, the Commission may meet in executive session by telephone conference pursuant to 1 M.R.S. § 405(6)(F).

You are invited to submit any written comments you would like about the investigation scope or procedures. *Please submit them no later than Tuesday, May 12, 2020.* If STC's attorneys would like to designate any information in their comments as confidential, please feel free to contact me if you have any questions. Thank you.

Sincerely,


Jonathan Wayne
Executive Director

NEWELL AUGUR

157 Capitol Street
Suite 3
Augusta, ME 04330

PH 207.791.1281
FX 207.623.9367
naugur@pierceatwood.com

pierceatwood.com

May 13, 2020

Jonathan Wayne
Executive Director
Maine Ethics Commission
45 Memorial Circle
Augusta, ME 04330

VIA ELECTRONIC MAIL

Dear Jonathan:

On behalf of Clean Energy Matters, I am writing with regard to your May 1, 2020 memorandum requesting guidance from the members of the Ethics Commission about the investigation into the activities of Stop the Corridor (STC). We appreciate your invitation to submit comments regarding this issue.

All Maine citizens should be deeply troubled by the revelations in your memo detailing STC's protracted attempts to defy the Commission's request for information. The Commissioners have every right to expect that an investigation by your staff into STC's political activities, its fundraising and its spending will be complete and unobstructed. If STC continues to effectively flout the Commission's statutory authority to conduct this investigation, it will have grave consequences for efforts to promote disclosure and guard against undue influence in this election, and all future elections.

The decision to investigate Stop the Corridor

Our recollection is that at the March 10, 2020 meeting, the Commission concluded sufficient grounds existed to investigate STC and determine whether the entity's major purpose shifted from terminating the New England Clean Energy Connect (NECEC) through the permitting processes to

terminating the project through the signature gathering campaign that began in October 2019. That decision was based on, among other factors, 1) the conclusion of public comment in early December 2019 on nearly all state and federal permitting applications for the NECEC; 2) STC's refusal to identify its staff who contributed more than \$40,000 of in-kind support to No CMP Corridor; and 3) documents provided to the Commission demonstrating that STC and its as yet unidentified employees were integrally involved in the effort to gather, process and organize signatures necessary to place the direct initiative on the ballot.

We do not recall that either Commissioner Lee or Commissioner Nass voted to limit this investigation in any material respect. Indeed, we do not recall that either of them or Commissioner Lowry ever discussed such a proposal. Ultimately, we defer to the Commission staff as to the specific motion made at the March 10, 2020 meeting.

The scope of an investigation of Stop the Corridor

As a practical matter, it would be impossible for the Commission staff to determine STC's major purpose without verifiable information about where STC got its money and where STC spent its money. In this regard, we are uniquely troubled by the revelation in your memo that "[STC's] funding sources provided cash to STC." It is certainly unusual for a legitimate organization engaged in lawful activity that spent more than \$1.5 million in Maine over the past year to be receiving its operating funds in cash. The only reason we can surmise as to why an entity would be averse to receiving funds by check or wire transfer is if it were deliberately attempting to hide the source of those funds.

At a minimum, the Commission staff needs to quantify STC's fundraising and spending activity during the period when the signature gathering campaign began in mid-October 2019 until the signatures were submitted to the Secretary of State on February 3, 2020. And even with that financial information, it would be difficult for the Commission to qualify any findings about STC's activities during that period of time in a vacuum. An analysis of whether this entity's major purpose shifted to supporting the signature gathering campaign would inherently need to compare staffing, fundraising, spending and other activity during the signature gathering campaign to those same activities in the period prior to the signature gathering campaign.

The Commission's ability to understand the nature of STC's in-kind contribution to No CMP Corridor will undoubtedly be a crucial part of the

aforementioned analysis. Indeed, the Commission staff requested this exact information on two occasions *prior* to the March 10th meeting. Both of these requests were ignored or summarily rejected by STC.¹

The identities, job responsibilities and funding sources for STC staff that made these in-kind contributions are even more significant in light of No CMP Corridor's recent quarterly filing. Specifically, STC provided an additional \$26,800 of "staff time for volunteer recruitment" and "staff time for campaign coordination" in the first quarter of 2020. This entire in-kind contribution is veiled in two entries, both dated March 31, 2020.² This brings STC's in-kind contribution of "staff time" over the two most recent filing periods to nearly \$70,000 - three times the *total* amount of expenditures made by the PAC that received the in-kind contribution. STC's additional in-kind contribution of "mileage" totaling nearly \$10,000 during that same period may very well reflect campaign activity by STC staff, shuttling petition sheets to and from circulators and to and from town offices in advance of the deadline to submit those petition sheets to the Secretary of State. This would lend further proof to the argument that STC's major purpose between October and February was not to engage in the permitting process for the NECEC, but rather to get the direct initiative opposing the NECEC on the ballot.

Stop the Corridor may still be required to file as a Ballot Question Committee

Even if the Commission staff cannot conclude that STC's major purpose shifted to the signature gathering campaign, the issue as to whether STC should have filed as a ballot question committee (BQC) is an open question and should be part of the Commission staff's investigation.³ As noted in your memorandum, "there is significant overlap between the financial activities that can cause an organization to qualify as a PAC or BQC." A

¹ Michael Dunn sent a letter to STC Attorney Katherine Knox on January 31, 2020 asking for information concerning the nature of the in-kind donation of staff time by STC that appeared on No CMP Corridor's fourth quarter report. Attorney Knox replied on February 13, 2020, declined to provide this information, and questioned whether it was "relevant." You sent a follow up correspondence to Attorney Knox on February 17, 2020, again requesting information concerning the nature of the in-kind donation of staff time by STC. Attorney Knox replied on February 28, 2020, again did not provide the information as requested, and instead asked you to provide her with a definition of the term "paid staff" in state election law.

² At a minimum, this activity should be broken out either by individual worker or individual activity - or both - over a more specific period.

³ In our January 17, 2020 letter to the Ethics Commission we detailed why we believe STC is more appropriately classified as a PAC rather than a BQC.

determination as to whether STC must file as a BOC does not require any finding as to its “major purpose.” Rather, it only requires a finding that STC received more than \$5,000 for the purpose of initiating or influencing the signature gathering campaign or spent more than \$5,000 for the purpose of initiating or influencing the campaign. Accordingly, STC’s fundraising and spending activities should be examined by the Commission independent of any analysis as to whether it is a PAC.⁴

STC claims that it meets an exception to the BOC filing requirement, but this inherently demands an understanding of STC’s source of funds. To meet this exception as set forth in 21-A MRS §1056-B, STC cannot have “raised and accepted *any* contributions for the purpose of influencing a campaign in this State” (emphasis added). The Commission needs to know more about STC’s contributions to determine if this exception applies.

In the absence of this information, STC is liable to make a mockery of the BOC filing requirement. The Commission staff need not accept on faith STC’s claim that every penny of the cash it raised and accepted shortly before and during the signature gathering campaign was earmarked for purposes other than the signature gathering campaign. Similarly, it seem incongruous that the nearly \$100,000 STC spent on staff time and mileage for the signature gathering campaign came from funding sources that were unaware of that campaign. The cost and systemic nature of such a campaign – not to mention STC’s documented involvement in it – would suggest otherwise. Knowing the identities of STC’s contributors, the dates those contributions were made, and the expenditures they supported would clarify whether the BOC exception is legally appropriate in this instance.

⁴ We submit that a finding that STC is a BOC would require filing of contributions and expenditures only from the time it qualified to the present. If STC is found to be a PAC, it would have to report all contributions and expenditures made from January 1st of the reporting year as part of their initial filing, pursuant to 21-A MRS § 1052-A et. seq. and 21-A MRS § 1057. We believe STC was obligated to file as a PAC no later than December 19, 2019 and, therefore should be required to provide contributions and expenditures from January 1, 2019 to the present.

Conclusion

We believe the Commission should gain an understanding of the full range of STC's financial activities and the purpose of those activities. This includes STC's receipt of funds, its funding sources, its staff, its vendors and its allied organizations. In light of additional proof of STC's involvement in the signature gathering campaign and STC's continued refusal to provide basic information about its staff and sources of income, the Commission's March 10 decision to investigate STC is more justified, and necessary.

We would be pleased to attend the Commission's meeting on May 22. Thank you in advance for your consideration.

Sincerely,



Newell A. Augur
Legal Counsel
Clean Energy Matters

21-A M.R.S. § 1003

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

§ 1003. Investigations by commission

1. Investigations. The commission may undertake audits and investigations to determine whether a person has violated this chapter, chapter 14 or the rules of the commission. For this purpose, the commission may subpoena witnesses and records whether located within or without the State and take evidence under oath. A person or entity that fails to obey the lawful subpoena of the commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the commission. The Attorney General may apply on behalf of the commission to the Superior Court or to a court of another state to enforce compliance with a subpoena issued to a nonresident person. Service of any subpoena issued by the commission may be accomplished by:

- A.** Delivering a duly executed copy of the notice to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person;
- B.** Delivering a duly executed copy of the notice to the principal place of business in this State of the person to be served; or
- C.** Mailing by registered or certified mail a duly executed copy of the notice, addressed to the person to be served, to the person's principal place of business.

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

2-A. Repealed. Laws 2001, c. 535, § 1.

3. State Auditor. The State Auditor shall assist the commission in making investigations and in other phases of the commission's duties under this chapter, as requested by the commission, and has all necessary powers to carry out these responsibilities.

3-A. Confidential records. Investigative working papers of the commission are confidential, except that the commission may disclose them to the subject of the audit or investigation, other entities as necessary for the conduct of an audit or investigation and law enforcement and other agencies for purposes of reporting, investigating or prosecuting a criminal or civil violation. For purposes of this subsection, "investigative working papers" means documents, records and other printed or electronic information in the following limited categories that are acquired, prepared or maintained by the commission during the conduct of an audit, investigation or other enforcement matter:

- A.** Financial information not normally available to the public;
- B.** Information that, if disclosed, would reveal sensitive political or campaign information belonging to a party committee, political action committee, ballot question committee, candidate or candidate's political committee, or other person who is the subject of an audit, investigation or other enforcement matter, even if the information is in the possession of a vendor or 3rd party;
- C.** Information or records subject to a privilege against discovery or use as evidence; and
- D.** Intra-agency or interagency communications related to an audit or investigation, including any record of an interview, meeting or examination.

The commission may disclose investigative working papers or discuss them at a public meeting, except for the information or records subject to a privilege against discovery or use as evidence, if the information or record is materially relevant to a memorandum or interim or final report by the commission staff or a decision by the commission concerning an audit, investigation or other enforcement matter. A memorandum or report on the audit or investigation prepared by staff for the commission may be disclosed at the time it is submitted to the commission, as long as the subject of the audit or investigation has an opportunity to review it first to identify material that the subject of the audit or investigation considers privileged or confidential under some other provision of law.

4. Attorney General. Upon the request of the commission, the Attorney General shall aid in any investigation, provide advice, examine any witnesses before the commission or otherwise assist the commission in the performance of its duties. The commission shall refer any apparent violations of this chapter to the Attorney General for prosecution.



To: Commission
From: Jonathan Wayne, Executive Director
Michael Dunn, Esq., Political Committee and Lobbyist Registrar
Date: March 10, 2020
Re: Request by Clean Energy Matters PAC to Investigate Stop the Corridor

This enforcement matter concerns Stop the Corridor, an association that is opposing the New England Clean Energy Connect transmission project (“NECEC”). The compliance issue before the Commission is whether Stop the Corridor was required to register with the Commission as a political action committee (“PAC”) or as a ballot question committee (“BQC”) due to recent activities in support of a citizen initiative to reject the NECEC.

During 2018 and 2019, the NECEC project was under review by various federal and state agencies and some municipalities for different permits and approvals, but these permitting processes largely concluded by January 2020. Stop the Corridor was active throughout in generating grassroots opposition to the project, including through sponsoring advertisements on television, radio, and Facebook. Most of these paid activities were outside the scope of campaign finance reporting because they were not undertaken for the purpose of influencing an election.

In the fall of 2019, Stop the Corridor began spending money to assist with petitioning to qualify a citizen initiative to reject the NECEC. That petitioning effort was underway since October 18, 2019, when the petitions were approved for circulation through February 3, 2020 (approximately 3½ months). As of December 31, 2019, it appears that Stop the Corridor had spent at least \$50,000 to directly help with the petitioning.¹

¹ On October 18, 2019, individual applicants affiliated with a different organization, No CMP Corridor (registered as a political action committee with the Commission), received permission from the Secretary of State to circulate petitions for the citizen initiative. The Secretary of State is currently reviewing the petitions, and the initiative may be scheduled for the November 2020 statewide ballot. The initiative would direct the Public Utilities Commission to reverse a necessary approval for the NECEC transmission project.

This enforcement matter was initiated by Clean Energy Matters (a PAC funded by Central Maine Power) through a January 17, 2020 letter from its attorney, Newell Augur. (ETH – 14-15). Clean Energy Matters argues that the paid activities of Stop the Corridor to promote the initiative exceed \$1,500 and that the major purpose of Stop the Corridor is now preventing the NECEC through a citizen initiative. Accordingly, Stop the Corridor should have registered as a PAC in December 2019.

Stop the Corridor responds that the citizen initiative was led by the No CMP Corridor PAC, and that it merely helped No CMP Corridor. (ETH – 34-47). Stop the Corridor argues that it is not a PAC because its major purpose remains opposing NECEC through the permitting processes – not influencing a Maine election. According to Stop the Corridor, it is not required to register as a BQC because its paid assistance is being reported as an in-kind contribution by No CMP Corridor, which relieves Stop the Corridor from separately registering and reporting as a BQC. Stop the Corridor claims that it has never received contributions for purposes of influencing the citizen initiative, which may be accurate, although it has provided little information about how it has received its funding.

LEGAL REQUIREMENTS

Standard for Opening a Requested Investigation.

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

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

21-A M.R.S. § 1003(2).

PAC Definition.

Clean Energy Matters argues that Stop the Corridor qualifies as a PAC under this paragraph of the PAC definition:

A person, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose shall register as a PAC within seven (7) days of meeting that threshold.

21-A M.R.S. § 1052(5)(A)(4). To qualify as a PAC under this paragraph, an organization must: (1) have a major purpose of initiating or influencing a campaign (*i.e.*, a Maine candidate or ballot question election), and (2) have received or spent more than \$1,500 for the purpose of influencing that election.

BQC Definition.

Maine campaign finance law provides for an alternative committee classification, a BQC, for an individual or organization that does not qualify as a PAC but receives contributions or make expenditures of more than \$5,000 to initiate or influence a ballot question:

A person, including an individual or organization, not defined as a PAC that receives contributions or makes expenditures more than \$5,000 for the purpose of initiating or influencing a campaign is required to register as a BQC....

21-A M.R.S. § 1056-B. The definition contains an exception for an individual or organization that is influencing a ballot question *only by making contributions to a PAC or BQC* (referred to below in this memo as the “donor exception”):

A person whose only payments of money for the purpose of influencing a campaign in this State are contributions to political action committees or ballot question committees registered with the commission or a municipality and who has not raised and accepted any contributions for the purpose of influencing a campaign in this State is not required to register and file campaign finance reports under this section.

Contributions to a BQC.

The BQC statute specifies that the definitions of contribution and expenditures in 21-A M.R.S. § 1052(3) and (4) apply to BQCs. 21-A M.R.S. § 1056-B(2). In addition, under subsection 2-A, contribution also includes:

1. Funds that the contributor specified were given 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 for the purpose of initiating or influencing a campaign.
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's activities regarding a campaign.
4. Funds or transfers from the general treasury of an organization filing a BQC report.

21-A M.R.S. § 1056-B(2-A).

Commission's BQC Guidance.

In 2008, the Commission adopted a written guidance memorandum on reporting by BQCs. (ETH – 9-13).

CORRESPONDENCE RECEIVED

Complaint by Clean Energy Matters (Augur 1/17/2020 letter).

Clean Energy Matters is a PAC funded by Central Maine Power that has organized to oppose the citizen initiative. On January 17, 2020, Clean Energy Matters filed the attached request by its attorney, Mr. Augur, that the Commission investigate whether Stop the Corridor was required to register as a PAC. (ETH – 14-15). The request is based on the following in-kind contributions which No CMP Corridor reported receiving from Stop the Corridor through December 31, 2019.

Date Received	Description	Amount
9/25/2019	Printing Cost	\$330.22
9/30/2019	In-kind staff time for volunteer recruitment	\$637.50
9/30/2019	In-kind staff time for campaign coordination	\$1,150.00
10/2/2019	Website Development	\$2,500.00
11/1/2019	Web Hosting	\$259.00
11/30/2019	Postage	\$857.31
12/12/2019	Printing Costs	\$981.15
12/31/2019	Mileage	\$4,563.42
12/31/2019	Staff time for campaign coordination	\$12,750.00
12/31/2019	Staff time for campaign coordination	\$27,359.06
12/31/2019	Office Supplies	\$485.59
	Total	\$51,873.25

Clean Energy Matters argues that these services represent expenditures in excess of \$1,500 by Stop the Corridor to directly promote the initiative, which qualifies Stop the Corridor as a PAC under 21-A M.R.S. § 1052(5)(A)(4). (ETH – 14-15). Clean Energy Matters further asserts that Stop the Corridor has spent more than \$1.4 million dollars on television, radio, digital, and direct mail advertising, and that some of this spending should have been included in campaign finance reports. (ETH – 15; 16-28).

Clean Energy Matters seems to conclude that Stop the Corridor is not a BQC, but the Commission staff recommends that you consider this compliance question as well – because a determination that Stop the Corridor is a PAC depends on its major purpose, which can be difficult to ascertain.

Information from Clean Energy Matters concerning Spending by Stop the Corridor on Television, Radio, and Other Communications (Augur 1/31/2020 letter).

In an email on January 23, 2019, the Commission staff asked if Clean Energy Matters could provide additional details concerning its claim that Stop the Corridor had spent \$1.4 million over the course of the past calendar year in advertising to oppose the NECEC.

On behalf of Clean Energy Matters, Mr. Augur submitted a January 31, 2020 letter, providing additional details, which is attached for your reference. (ETH – 16-28).

Regarding TV and radio spending, Clean Energy Matters stated:

- During the six months of December 2018 – May 2019, Stop the Corridor spent \$722,737 on TV and radio advertising.
- Stop the Corridor did not spend money on TV advertising during July – November 2019.
- In December 2019, Stop the Corridor resumed spending on television advertising. In December 2019 – January 2020, Stop the Corridor spent \$234,500 on television ads.

(ETH – 17-18). The letter includes additional information concerning spending on Facebook and direct mail.

Response by Stop the Corridor (Knox 2/13/2020 letter).

On January 31, 2020, the Commission staff sent a letter (ETH – 29-33) requesting a response from Stop the Corridor. In a February 13, 2020 letter from its attorney, Katherine R. Knox, Stop the Corridor denies that it qualifies as a PAC under 21-A M.R.S. § 1052(5)(A)(4). (ETH – 37-38). To qualify as a PAC under that provision, an organization must “have as its major purpose the initiating or influencing of a campaign.”²

Stop the Corridor denies that its major purpose is to influence the anticipated citizen election. It describes in detail its activities since August 2018 to “educate” the public concerning the negative consequences of NECEC and to encourage citizen-opponents to participate in public forums, meetings and hearings. Stop the Corridor describes its purpose as follows:

Stop the Corridor was created in April 2018 out of concern that the proposed CMP corridor would result in catastrophic environmental and economic damage to the State of Maine. The purpose of [Stop the Corridor] was, and

² Campaign is defined in 21-A M.R.S. § 1052(1) to mean a “course of activities to influence the nomination or election of a candidate or to initiate or influence” ballot questions such as a citizen initiative or people’s veto referendum. Campaign does not include other governmental decision-making processes, such as a permitting or licensing.

remains, to develop a coalition of allied organizations to stop the transmission corridor through participation and intervention in the local, state and national permitting process. That primary focus, from 2018 to the present, has always been on influencing the ongoing local, state and federal *permitting* process, not the referendum process which began in October when petitions were available for circulation by NO CMP Corridor PAC (“NoCMP”).

(ETH – 35).

Stop the Corridor explains it provided in-kind support with petitioning to No CMP Corridor, which organized the citizen initiative. Its attorney, Ms. Knox, describes that Stop the Corridor undertook no independent activities to influence the referendum. Stop the Corridor worked closely with No CMP Corridor and donated its staff to assist the PAC with tasks identified in No CMP Corridor’s campaign finance reports. Stop the Corridor argues that it relied on the Commission’s advice on page 5 (ETH – 13) of its guidance memorandum stating that if an organization donates staff time to a PAC or BQC or is coordinating expenditures with a PAC or BQC, those expenditures do not count toward the \$5,000 spending threshold to qualify as a BQC.

Reply by Clean Energy Matters (Augur 3/02/2020 letter).

The Commission staff invited Clean Energy Matters to reply to the February 13, 2020 letter by Stop the Corridor. In a letter from Mr. Augur dated March 2, 2020, Clean Energy Matters provided documents obtained from town offices intended to demonstrate that Stop the Corridor staff were not merely supervising volunteers but were directly involved in the petition gathering and organizing process. (ETH – 48-86).

In a February 17, 2020 email, the Commission staff sought information from *both* Clean Energy Matters and Stop the Corridor concerning whether permitting processes were continuing during the period of November 2019 through February 2020. (In her February 13, 2020 response, Ms. Knox claimed that the primary focus of Stop the Corridor continued to be influencing local, state, and federal permitting processes.) We received no response from Stop the Corridor. In his February 29, 2020 response on behalf of

Clean Energy Matters, Mr. Augur responded that “[i]n most instances, the effective date to have engaged in these permitting decisions ended in December 2019.” (ETH – 50). In particular, Mr. Augur wrote:

- The Maine Public Utilities Commission made a decision on a certificate of public convenience and necessity on May 3, 2019.
- The comment period concerning permits by the Maine Department of Environmental Protection was extended and ended on November 26, 2019.
- The deadline for submissions to the Army Corps of Engineers was January 6, 2020.

(ETH – 50-51). The letter also notes some planning board and other municipal proceedings that occurred in six towns and cities during November 2019 through February 2020. Mr. Augur concluded that it was implausible that from December 2019 through January 2020, Stop the Corridor purchased \$250,000 in advertising to influence these municipal proceedings, and suggested that the major purpose of Stop the Corridor has changed from the permitting process to stopping the NECEC through the citizen initiative. (ETH – 51).

DISCUSSION AND STAFF RECOMMENDATION

Qualification as a PAC.

The Commission staff believes that Stop the Corridor has made a convincing case that, for most of its lifetime at least, it was not a PAC under 21-A M.R.S. § 1052(5)(A)(4), because it did not have a major purpose of influencing an election. Stop the Corridor has provided ample evidence of other purposes motivating its activities prior to the initiation of the citizen initiative in October 2019. Stop the Corridor focused on influencing public opinion against the NECEC and generating public comment in the local, state, and national permitting processes.

The non-campaign purposes of Stop the Corridor are further supported by a review of Stop the Corridor’s digital spending, provided by Clean Energy Matters. Stop the Corridor has one-hundred-twenty-seven (127) advertisements according to Facebook’s Ad Library; and of those ads, only three (3) mention the referendum (ETH – 21-28).

Most can be fairly categorized as general information, get out the vote for local public comments, or encouragement to contact local representatives.

The Clean Energy Matters PAC suggests that the major purpose of Stop the Corridor has changed now that the permitting processes have largely ended, and that Stop the Corridor has now changed its focus to preventing the NECEC through the citizen initiative by No CMP Corridor. (ETH – 51-52). The term “major purpose” is not defined in statute or Commission rule. As a general matter, there is nothing in campaign finance law that would prevent the Commission from concluding that the major purpose of an organization has changed over time. The Commission staff believes, however, that any such conclusion of a changing major purpose should be supported by clear evidence, which might not be available in this case.

Qualification as a BQC.

An organization may qualify as a BQC if it has received contributions *or* made expenditures in excess of \$5,000 for purposes of initiating or influencing a ballot question. Either financial activity (receiving contributions or making expenditures) may independently qualify the organization as a BQC.

Expenditures by Stop the Corridor Directly Supporting the Petitioning Effort.

Based on campaign finance reports by No CMP Corridor, it appears that Stop the Corridor spent at least \$51,873.25 on staff and other expenses directly supporting the petitioning effort through December 31, 2019. More information about Stop the Corridor’s petitioning efforts after January 1, 2020 will become available when No CMP Corridor files its next campaign finance report on April 10, 2020.

In the February 13, 2020 letter by Ms. Knox (ETH – 39), Stop the Corridor asserts that it worked closely with No CMP Corridor and donated its staff to assist with tasks identified by No CMP Corridor. Stop the Corridor claims that it relied on the advice on page 5 (ETH – 13) of the Commission’s published BQC guidance that donations of its paid staff to a registered PAC, and other expenditures coordinated with that PAC, would not count towards the \$5,000 spending threshold. Stop the Corridor argues that because its

expenditures for staff time and related costs were contributions to No CMP Corridor, those expenditures do not count towards the \$5,000 spending threshold to qualify as a BQC.

Ms. Knox is correct that it is common for organizations to collaborate in support of or in opposition to a ballot question, and that PACs and BQCs often report receiving significant in-kind contributions of staff time from allied organizations (sometimes amounting to tens or hundreds of thousands of dollars). We believe that Stop the Corridor is entitled to rely on the Commission's advice that services donated to a PAC or BQC are exempt from the \$5,000 spending threshold. For this reason, staff does not believe that the \$51,873.25 in spending by Stop the Corridor is sufficiently suggestive of non-compliance to justify an investigation.³ (ETH – 32-33).

The Commission staff notes that, contrary to Stop the Corridor's position, the organization paid for three Facebook ads supporting No CMP Corridor's petitioning effort to qualify the citizen initiative for the ballot, which were not reported as in-kind contributions by No CMP Corridor. The first advertisement ran from August 6 through August 8 and solicited contributions to support the Say No to NECEC organization for their exploratory committee on the referendum; the group spent between \$100 and \$499 on this advertisement. (ETH – 89). The same advertisement ran from August 9 through August 13; the group spent between \$1,000 and \$5,000 during this timeframe. (ETH – 88). Lastly, Stop the Corridor ran an advertisement from November 18 through November 23, 2019 that posted a Bangor Daily News article and added the group's commentary in the post such that the advertisement could have no other reasonable interpretation other than to support the referendum; the advertisement cost between \$1,000 and \$1,500. (ETH – 87). These expenditures do not appear to have been reported as in-kind contributions by No CMP Corridor. Accordingly, Stop the Corridor has spent between \$2,100 and \$6,999 to support the referendum, which has not been reported in any campaign finance report. The Commission staff suggests permitting No CMP

³ The Commission staff does wish to mention, however, that we have continuing concerns with the open-ended nature of the donor exception in the BQC statute. We may propose a change in statutory, rule or agency interpretation, in order to limit the donor exception in future elections.

Corridor to amend its campaign finance reports to report these Facebook expenditures by Stop the Corridor as in-kind contributions.

Qualifying through its contributions.

An organization that does not qualify as a PAC is required to register as a BQC with the Commission if it receives contributions in excess of \$5,000 for the purpose of initiating or influencing a ballot question. The BQC statute contains a non-exhaustive list of the types of income which qualify as a contribution:

1. Funds that the contributor specified were given 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 for the purpose of initiating or influencing a campaign.
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's activities regarding a campaign.
4. Funds or transfers from the general treasury of an organization filing a BQC report.

21-A M.R.S. § 1056-B(2-A).

Very little information is publicly available about the constituencies that make up, and presumably fund, Stop the Corridor. On its website, Stop the Corridor describes itself as coalition of concerned individuals and organizations, but does not list any leading members of the coalition. Stop the Corridor is the assumed name of a limited liability company, Clean Energy for ME. News stories from the first part of 2019 suggested Stop the Corridor might include conservation/environmental groups or energy firms potentially hurt by increased hydropower in the New England electricity market and that two of them separated from Stop the Corridor when it engaged in advertising critical of Governor Janet Mills. At this time, it is not known whether Stop the Corridor consists of one, two, or multiple members/constituents that are funding the association.

In the January 31, 2020 letter, the Commission staff asked Stop the Corridor whether it had received:

- funds that could reasonably be determined would be spent, *in whole or in part*, to promote the initiative
- any other funds which qualify as a contribution under 21-A M.R.S. 1056-B(2-A).

(ETH – 31).

Through its counsel, Ms. Knox, Stop the Corridor responded as follows:

[Stop the Corridor] has never solicited contributions for its work on the corridor referendum – nor has it received funds specifically for its work on the referendum. It receives, and has received, funds to stop the ongoing permitting of the corridor. Its in-kind work for the referendum was a small and very ancillary part of its mission. Funding for [Stop the Corridor] has remained consistent and unchanged since it was created in April 2018. ... [Stop the Corridor] maintains its position that it has not received contributions which meet any of the four (4) criteria laid forth in the statute.

(ETH – 40).

This summary reassurance by Stop the Corridor’s counsel would be more forceful if it was accompanied with some factual details. In response to a question from the Commission staff in its January 31, 2019 scheduling letter, Stop the Corridor declined to provide even a general description of its sources of income – for example, a statement whether it is relying on donations or sales revenue.

At this time, no direct evidence is available suggesting that Stop the Corridor has received more than \$5,000 in contributions, as defined by 21-A M.R.S. § 1056-B(2-A). That is, in large part, because the types and sources of revenue to Stop the Corridor are unknown. Nevertheless, to justify an investigation into Stop the Corridor’s contributions, the Commission staff suggests that more evidence would be needed to suggest Stop the Corridor qualifies as a BQC due to having received contributions above the \$5,000 threshold amount.

Television Spending by Stop the Corridor

Stop the Corridor has spent in excess of \$950,000 on professional TV and radio advertising to influence public opinion against the NECEC. Likewise, Clean Energy Matters has spent significant amount on advertising to tout the benefits of the NECEC. Examples of these advertisements can be found by searching the YouTube video-sharing website for “Stop the Corridor” and “Clean Energy Matters.” Examples include

Stop the Corridor: <https://www.youtube.com/watch?v=Yjo9x6ALq2A>

Clean Energy Matters: <https://www.youtube.com/watch?v=4PIBePPCHm0>

To the best of the Commission staff’s knowledge, neither side has begun television or radio advertisements specifically mentioning the anticipated citizen initiative.

Both organizations seem to be in agreement that the advertisements by Stop the Corridor should not be viewed as expenditures to initiate or promote the citizen initiative, because the advertisements do not explicitly promote the ballot question. That view is consistent with Commission’s advice on page 2 (ETH – 10) of its BQC guidance memorandum, which interprets expenditures for the purpose of initiating or influencing a ballot question to include:

communications and activities which expressly advocate for or against a ballot question or which clearly identify a ballot question by apparent and unambiguous reference and are susceptible of no reasonable interpretation other than to promote or oppose the ballot question.

Based on this advice, the Commission staff is not viewing the TV advertising recently reinitiated by Stop the Corridor as an expenditure for the purpose of promoting the citizen initiative. Please be aware, however, that this advice is an agency interpretation of statutory reporting requirements, and the Commission could revisit this interpretation in future guidance to BQCs and/or PACs.

Recommendation by Commission Staff

Stop the Corridor spent more than \$50,000 through December 31, 2019, to obtain ballot status for a citizen initiative, and presumably spent even more since January 1, 2020. In this context, it is reasonable for Clean Energy Matters to request an investigation into whether Stop the Corridor qualifies as a PAC. In the context of a ballot question,

however, an organization is a PAC only if its major purpose is to influence the ballot question. Stop the Corridor has provided significant evidence of other, non-electoral purposes motivating its activities. The Commission staff recommends against investigating whether Stop the Corridor is a PAC, unless you believe it is plausible that the major purpose of Stop the Corridor has now changed to stopping the NECEC through a citizen initiative.

The evidence presently available that Stop the Corridor qualifies as a BQC is not strong. Regarding its spending for petitioning expenses, Stop the Corridor was entitled to rely on the advice on page 5 (ETH – 13) of the Commission’s guidance memorandum concerning the BQC donor exception. Under that advice, Stop the Corridor’s payments for staff to assist No CMP Corridor and related expenses are exempt from the \$5,000 spending threshold to qualify as a BQC. Little evidence is available indicating that Stop the Corridor has received more than \$5,000 in contributions, as defined in section 2-A of the BQC statute, 21-A M.R.S. § 1056-B. Accordingly, the Commission staff is unsure that sufficient grounds have been presented for believing that a violation may have occurred.

Thank you for your consideration of this memorandum.

21-A M.R.S. § 1052

Current with the First Regular Session, the First Special Session, and Chapter 555 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)

§ 1052. Definitions

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

- 1. Campaign.** “Campaign” means any course of activities to influence the nomination or election of a candidate or to initiate or influence any of the following ballot measures:
 - A.** A people’s veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17;
 - B.** A direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18;
 - C.** An amendment to the Constitution of Maine under Article X, Section 4;
 - D.** A referendum vote on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19;
 - E.** The ratification of the issue of bonds by the State or any agency thereof; and
 - F.** Any county or municipal referendum.

...

- 3. Contribution.** “Contribution” includes:
 - A.** A gift, subscription, loan, advance or deposit of money or anything of value made to a political action committee, except that a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
 - B.** A contract, promise or agreement, expressed or implied whether or not legally enforceable, to make a contribution to a political action committee;
 - C.** Any funds received by a political action 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 political action committee that is used by the political action committee to initiate or influence a campaign.

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

...

4-B. Initiate. “Initiate” includes the collection of signatures and related activities to qualify a state or local initiative or referendum for the ballot.

5. Political action committee. The term “political action committee:”

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to initiate or influence a campaign;

(4) Any person, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose; and

(5) Any person, other than an individual, that does not have as its major purpose influencing candidate elections but that receives contributions or makes expenditures aggregating more than \$5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office; and

B. Does not include:

(1) A candidate or a candidate's treasurer under section 1013-A, subsection 1;

(2) A candidate's authorized political committee under section 1013-A, subsection 1, paragraph B;

(3) A party committee under section 1013-A, subsection 3; or

(4) An organization whose only payments of money in the prior 2 years for the purpose of influencing a campaign in this State are contributions to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality and that has not raised and accepted any contributions during the calendar year for the purpose of influencing a campaign in this State.

21-A M.R.S. § 1052-A

Current with the First Regular Session, the First Special Session, and Chapter 555 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)

§ 1052-A. Registration

A political action committee shall register with the commission and amend its registration as required by this section. A registration is not timely filed unless it contains all the information required in this section.

1. Deadlines to file and amend registrations. A political action committee shall register and file amendments with the commission according to the following schedule.

A. A political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (1) or (4) that receives contributions or makes expenditures in the aggregate in excess of \$1,500 and a political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (5) that receives contributions or makes expenditures in the aggregate in excess of \$5,000 for the purpose of influencing the nomination or election of any candidate to political office shall register with the commission within 7 days of exceeding the applicable amount.

B. A committee shall amend the registration within 10 days of a change in the information that committees are required to disclose under this section.

C. A committee shall file an updated registration form between January 1st and March 1st of each year in which a general election is held. The commission may waive the updated registration requirement for a newly registered political action committee or other registered political action committee if the commission determines that the requirement would cause an administrative burden disproportionate to the public benefit of the updated information.

...

21-A M.R.S. § 1056-B

Current with the First Regular Session, the First Special Session, and Chapter 555 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)

§ 1056-B. Ballot question committees

A person not defined as a political action committee that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign shall register as a ballot question committee and file reports with the commission in accordance with this section. For the purposes of this section, “campaign” does not include activities to influence the nomination or election of a candidate. A person whose only payments of money for the purpose of influencing a campaign in this State are contributions to political action committees or ballot question committees registered with the commission or a municipality and who has not raised and accepted any contributions for the purpose of influencing a campaign in this State is not required to register and file campaign finance reports under this section. For the purposes of this section, expenditures include paid staff time spent for the purpose of initiating or influencing a campaign.

1. Filing requirements. A report required by this section must be filed with the commission according to the reporting schedule in section 1059. After completing all financial activity, the committee shall terminate its campaign finance reporting in the same manner provided in section 1061. The committee shall file each report required by this section through an electronic filing system developed by the commission unless granted a waiver under section 1059, subsection 5.

1-A. Ballot question committee registration. A person subject to this section who receives contributions or makes expenditures that exceed \$5,000 shall register with the commission as a ballot question committee within 7 days of receiving those contributions or making those expenditures. A ballot question committee shall have a treasurer and a principal officer. The same individual may not serve in both positions unless the person establishing the ballot question committee is an individual. The ballot question committee when registering shall identify all other individuals who are the primary decision makers and fund-raisers, the person establishing the ballot question committee and the campaign the ballot question committee intends to initiate or influence. The ballot question committee shall amend the registration within 10 days of a change in the information required in this subsection. The commission shall prescribe forms for the registration, which must include the information required by this subsection and any additional information reasonably required for the commission to monitor the activities of the ballot question committee.

2. Content. A report required by this section must contain an itemized account with the date, amount and purpose of each expenditure made for the purpose of initiating or influencing a

campaign; an itemized account of contributions received from a single source aggregating in excess of \$50 in any election; the date of each contribution; the date and purpose of each expenditure; the name and address of each contributor, payee or creditor; and the occupation and principal place of business, if any, for any person who has made contributions exceeding \$50 in the aggregate. The filer is required to report only those contributions made to the filer for the purpose of initiating or influencing a campaign and only those expenditures made for those purposes. The definitions of “contribution” and “expenditure” in section 1052, subsections 3 and 4, respectively, apply to persons required to file ballot question reports.

2-A. Contributions. For the purposes of this section, “contribution” includes, but is not limited to:

- A. Funds that the contributor specified were given in connection with a campaign;
- B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating or influencing a campaign;
- C. 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’s activities regarding a campaign; and
- D. Funds or transfers from the general treasury of an organization filing a ballot question report.

...

21-A M.R.S. § 1062-A

Current with the First Regular Session, the First Special Session, and Chapter 555 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)

§ 1062-A. Failure to file on time

1. Registration. A political action committee required to register under section 1052-A or 1053-B or a ballot question committee required to register under section 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$ 2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency of the committee treasurer determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B. An error by the commission staff; or
- C. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

3. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 2%;
- B. For the 2nd violation, 4%; and
- C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$ 10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

...



Guidance on Reporting as a Ballot Question Committee (effective June 30, 2008)

What is a ballot question committee?

Most organizations that raise or spend money to influence a ballot question in Maine form a political action committee (PAC) for that purpose, and file regular PAC reports with the Commission. Some advocacy, charitable, or other organizations do not qualify as PACs under the Election Law, but they are interested in raising and spending money to influence a ballot question. In 2000, the Maine Legislature enacted 21-A M.R.S.A. § 1056-B to create a reporting requirement for these non-PAC organizations. The Election Law designates these organizations as “ballot question committees” (BQCs) and they are required to register with the Commission. Under these requirements,

[a]ny person not defined as a political action committee who solicits and receives contributions or makes expenditures, other than by contribution to a political action committee or ballot question committee, aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign ... shall register as a ballot question committee and file reports with the commission in accordance with this section.

The complete language of 21-A M.R.S.A. § 1056-B and the definition of “campaign” attached to this memo.

Does the requirement apply only to individuals?

No. Under Maine Election law, the term “person” includes individuals, committees, firms, partnerships, corporations, associations, or organizations.

When does a ballot question committee have to register with the Commission?

Within seven days of receiving contributions or making expenditures to initiate or influence a campaign that exceed \$5,000, a ballot question committee must register with the Commission.

How does a ballot question committee register with the Commission and file financial reports?

The committee must register and file the initial campaign finance report using the Commission's e-filing website. The committee may also use the Commission's paper forms available for download on the Commission's website. After registering, the committee must file all other campaign finance reports electronically.

What contributions must be reported by a ballot question committee?

Section 1056-B covers "contributions [received] for the purpose of initiating or influencing a [ballot question]" This includes:

- funds that the contributor specified were given in connection with a ballot question;
- funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating or influencing a ballot question;
- funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating or influencing a ballot question when viewed in the context of the contribution and the recipient's activities regarding a ballot question; and
- funds or transfers from the general treasury of an organization filing a ballot question report.

Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used to support an organization's general activities, rather than activities relating to a ballot question, do not need to be reported.

A ballot question committee must report but is not required to itemize contributions from a single source that aggregate \$50 or less.

What expenditures must be reported by a ballot question committee?

Section 1056-B covers expenditures for communications and activities made "for the purpose of initiating or influencing a [ballot question]." The Commission interprets this to include communications and activities which expressly advocate for or against a ballot question or which clearly identify a ballot question by apparent and unambiguous reference and are susceptible of no reasonable interpretation other than to promote or oppose the ballot question. Expenditures to be reported include:

- expenditures for communications to voters for the purpose of promoting or opposing a ballot question, including advertising on television, radio, and print media; literature that is mailed or distributed by hand to voters; automated

telephone calls and scripted calls from live callers; signs, bumper stickers, and other forms of outdoor advertising;

- staff time promoting or opposing the ballot question at public or press events;
- staff time canvassing (conducting door-to-door visits to) voters;
- travel expenses paid to employees or volunteers who are conducting activities to promote or oppose a ballot question;
- staff time preparing presentations, testimony, letters to the editor, opinion pieces, articles for publication, or press releases to promote or oppose a ballot question;
- research or analysis, including written reports and legal opinions, where the organization knows or reasonably should know that the results will be used to promote or oppose a ballot question and where the results are used for that purpose; and
- expenditures to distribute research or technical analysis regarding a ballot question for the purpose of encouraging voters to vote yes, or no, on the question.

This list is not intended to be exhaustive and is similar to the types of expenditures reported by political action committees to promote or defeat a ballot question.

What expenditures are not covered by § 1056-B?

The Commission interprets § 1056-B as excluding expenditures for communications or activities that do not clearly identify a ballot question by apparent and unambiguous reference. In addition, expenditures made merely to educate voters or others about a ballot question in a neutral way are not covered by § 1056-B, even if a ballot question is clearly identified. These would include expenditures for:

- hosting a meeting at which advocates or members of the public are invited to present their views on the ballot question, provided that the sponsors of the event make reasonable efforts to ensure that the forum is balanced;
- distributing news stories, commentary, or editorials concerning a ballot question through the facilities of a broadcasting station, newspaper, magazine, or other periodical publication, unless the facilities are owned or controlled by persons otherwise engaged in other advocacy activities to promote or oppose the ballot question; and
- research or analysis concerning a ballot question paid by an entity which is not otherwise participating in the ballot question campaign, provided that the

research or analysis does not clearly express support for or opposition to the ballot question or urge others to vote for or against the ballot question.

Do “expenditures [made] ... for the purpose of initiating ... a [ballot question]” include payments to staff or other expenses incurred in drafting legislation intended as a direct initiative?

Yes. If an organization pays its employees (or incurs other expenses) to draft legislation that the organization intends will be submitted to the Secretary of State as a direct initiative (even if submitted by a different organization or individuals), those expenses should be counted as expenditures made to initiate a ballot question.

What about expenditures to circulate ballot question petitions to collect signatures, and other expenses of advocates for and against a ballot question during the signature-gathering phase?

In 2006, the Legislature amended the term “expenditure” to clarify that payments of money to collect signatures for a ballot question must be reported. The Commission interprets the “expenditures [made] ... for the purpose of ... influencing” includes payments made by opponents of the ballot question during the time period in which proponents may gather petition signatures.

Are donors required to register and file reports as a BQC?

If an individual or organization makes contributions to a PAC or BQC, those contributions do not count toward the threshold of making expenditures that total more than \$5,000 to initiate or influence a campaign. Consequently, if an individual’s or organization’s only financial activity to initiate or influence a ballot question is to make a contribution to a PAC or BQC, that individual or organization would not need to register and file campaign finance reports as a BQC. That is to say, if an individual or organization uses their own funds to make the contribution, the contribution is not counted towards the \$5,000 threshold.

What if an individual or organization raises money to give to a PAC or BQC?

If an individual or organization receives funds for the purpose of influencing a ballot question, and gives those funds to a PAC or BQC, the funds received by the individual or organization count towards the \$5,000 threshold. For example, if a trade association solicits funds from its members in order to make a contribution to a PAC or BQC involved in a ballot question, the trade association may have to register as a ballot question committee if it raised more than \$5,000. It is not the contribution to the PAC or BQC that triggers the registration requirement; it is the fund-raising activity by the trade association that triggers it.

What if an organization contributes or transfers funds to another organization which is not a PAC or BQC?

A contribution or transfer of funds from one organization to another organization for the purpose of influencing a ballot question counts towards the \$5,000 threshold as an expenditure made by the first organization. The other organization may also have to register as a BQC.

What if an organization donates the time of its paid employees to a PAC or BQC to influence a ballot question or makes payments to vendors for goods or services to influence a ballot question in coordination with a PAC or BQC?

Donating paid staff to a PAC or BQC, and coordinating expenditures with a PAC or BQC are in-kind contributions to the PAC or BQC. They do not count toward the \$5,000 expenditure threshold that would trigger filing of a § 1056-B report by the donor; however, the PAC or BQC must report them as in-kind contributions.

An organization's expenditures to influence a ballot question may be considered an in-kind contribution to a PAC or BQC only if they are coordinated with the PAC or BQC or are accepted by a PAC or BQC. Expenditures to influence a ballot question made independently of the PAC or BQC should not be considered contributions to the PAC or BQC and would count toward the \$5,000 threshold.

Guidance to PACs and Contributors on the Reporting of In-Kind Contributions

Some PACs and BQCs involved in ballot question campaigns have reported receiving significant in-kind contributions from other organizations, but provided little detail regarding the goods and services they received. PACs or BQCs must provide more detail about large in-kind contributions they have received. For example, if a PAC or BQC reports that it received significant paid staff time from another organization, it should include a description of those staff activities and the number of hours of staff time that were contributed. A PAC's or BQC's reporting of coordinated spending made by a contributor should include a brief description of the goods and services that were purchased and their value. Contributed staff and coordinated expenditures should not be lumped together as a single contribution for the reporting period, but should be itemized as separate contributions.

Other Guidance

If you have any questions, please contact the Commission's Political Committee and Lobbyist Registrar at 287-4179 or ethics@maine.gov.

Adopted by the Commission on July 27, 2008; updated the Commission staff on May 22, 2017 to reflect statutory changes in 2011 and 2016.

157 Capitol Street
Suite 3
Augusta, ME 04330

PH 207.791.1281
FX 207.623.9367
naugur@pierceatwood.com

pierceatwood.com

January 17, 2020

Jonathan Wayne
Executive Director
Maine Ethics Commission
45 Memorial Circle
Augusta, ME 04330

SENT VIA ELECTRONIC AND USPS

Dear Mr. Wayne:

On behalf of Clean Energy Matters, I am writing to request that the Commission undertake an immediate investigation into the activities of a group operating under the name 'Stop the Corridor.' We believe this entity was obligated to file as a political action committee pursuant to M.R.S. 21-A § 1004 (4) on or before December 19, 2019. The statutory provision requires a political action committee to be properly registered with the Commission within seven days after the minimum contribution or expenditure levels set forth in 21-A M.R.S. §1052-A have been met. Based upon the recent quarterly filing made by 'No CMP Corridor,' it would appear that 'Stop the Corridor' exceeded that threshold on or about December 12, 2019.

The fourth quarter PAC filing made by 'No CMP Corridor' identifies approximately \$50,000 of in-kind expenditures made by 'Stop the Corridor' to 'No CMP Corridor.' These items include postage, printing costs, office supplies and website development. In addition, the filing indicates an in-kind contribution of approximately \$40,000 for 'staff time for volunteer recruitment.' It would appear that the nature and intensity of these expenditures are focused exclusively on distributing petitions and collecting signatures for the current campaign regarding the clean energy transmission line.

'Stop the Corridor' is listed on the Secretary of State's Corporation Database as an assumed name for a limited liability company named "Clean Energy for ME, LLC" with a charter number 20185797DC. 'Stop the Corridor' operates a website and describes itself as "a coalition of concerned citizens and organizations." It lists a PO Box address in Westbrook, but indicates no other staff, board of directors or executive committee. The website was regularly running Twitter and Facebook updates encouraging visitors to sign the petition against the clean energy transmission line and providing contact information and locations to do so.

Among the three specific statutory definitions of a political action committee under Maine election law is the following:

[Manager]
January 17, 2020
Page 2

Any person, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose; 21-A MRS § 1052 (5)(A)(4).

Notably, none of the exceptions to the definition set forth in 21-A MRS § 1052 (5)(B) apply.

Moreover, based upon publically available media sources, we believe that 'Stop the Corridor' purchased television and digital advertising in excess of \$1.4 million over the course of the past calendar year. Given that 'Stop the Corridor' had an obligation to file as a political action committee as of December 19, 2019, they would have had to report as part of their initial filing, pursuant to 21-A MRS § 1052-A et. seq. and 21-A MRS § 1057, **all contributions and expenditures** made since January 1st of the reporting year.

Pursuant to the Commission's authority under 21-A MRSA § 1003, we request that the Commission undertake an investigation into the political activities of 'Stop the Corridor.' The filing from 'No CMP Corridor' establishes sufficient grounds that a violation of 21-A MRS § 1004 (4) has occurred.¹ This is disturbingly consistent with a lack of transparency of unreported dark money that has already been spent by out of state fossil fuel interests opposed to the clean energy transmission line. In marked contrast to the full reporting by Clean Energy Matters, which included in its recent filing advertising costs that were not required to have been reported under Maine law, Stop the Corridor and other out-of-state groups are continuing to flaunt Maine election law by failing to report the actual amount and source of their funding.

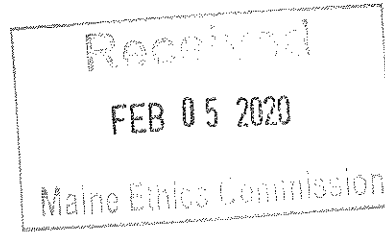
Please advise at your earliest convenience as to your staff's determination of the appropriateness of a further investigation. If your staff or the Commission need any further supporting documentation or information pursuant to this request, please do not hesitate to let me know. Thank you in advance for your consideration.

Sincerely,



Newell A. Augur
Counsel for Clean Energy Matters

¹ Based upon statute and existing Ethics Commission guidance, we do not believe that 'Stop the Corridor' can be properly characterized as a ballot question committee pursuant to 21-A MRSA § 1056-B. Even if such an argument could be made, the date 'Stop the Corridor' should have filed as a ballot question committee, at the absolute latest, would have been on or before January 7, 2020. 21-A MRSA § 1056-B 1-A. The entity exceeded the \$5,000 threshold no later than December 31, 2019, and likely did so prior to that date.



NEWELL AUGUR

157 Capitol Street
Suite 3
Augusta, ME 04330

PH 207.791.1281
FX 207.623.9367
naugur@pierceatwood.com

pierceatwood.com

January 31, 2020

Jonathan Wayne
Executive Director
Maine Ethics Commission
45 Memorial Circle
Augusta, ME 04330

Re: **Television, Radio, Direct Mail and Digital Ad Spending by Clean Energy for ME, LLC (a.k.a. Stop the Corridor)**

Dear Mr. Wayne:

In your email of January 23, 2020, you asked if our group could provide Commission staff with information relative to spending by Clean Energy for ME, LLC, which operates under the alias of Stop the Corridor. In our January 16, 2020 complaint to the Ethics Commission, we indicated that Stop the Corridor has thus far spent in excess of \$1.4 million dollars on television, radio, digital, and direct mail advertising. This letter documents that spending in specific detail.

Summary of Findings

- **Television and Radio.** Stop the Corridor spent more than \$957,237 on television and radio spending since the beginning of 2019. This figure does not include production costs and buyers' fees, which could add 10% - 15% to this total cost.
 - Stop the Corridor spent \$234,500 on television and radio advertising *after* September 2019, which was after a petition regarding the clean energy transmission corridor was issued by the Secretary of State.
 - Stop the Corridor spent \$722,737 on television and radio advertising before September 2019, when the Maine legislature was in session.
- **Direct Mail.** Stop the Corridor sent at least two direct mail pieces to Maine residents between October 2019 and January 2020. Images of the mail pieces are attached. The total cost of these mailings is unknown.
- **Digital Advertising.** Stop the Corridor has spent more than \$388,126 on 126 different digital advertisements. This figure does not include production costs and buyers' fees, which could add 5% - 15% to this total cost. It is also worth noting that Facebook itself designates these ads as being about "social issues, elections or politics."
 - Stop the Corridor spent between \$55,700 and \$88,898 on digital advertising *after* September 2019, which was after a petition regarding the clean energy transmission corridor was issued by the Secretary of State.

- o Stop the Corridor spent between \$299,228 and \$332,426 on digital advertising before September 2019, when the Maine legislature was in session.
- o Of the 126 different ads purchased by Stop the Corridor, we would draw your attention to the following:
 - Stop the Corridor spent between \$1,100 and \$5,499 soliciting donations on behalf of Say NO to NECEC.
 - Stop the Corridor spent between \$21,000 & \$105,000 on ads telling politicians to "listen up" because "Mainers don't want the CMP corridor."

Spending on Television and Radio

Since December 2018, Stop the Corridor has spent \$957,237 on television and radio advertising in the Portland, Bangor, and Presque Isle media markets. Of that \$957,237, \$234,500—nearly 25% of the group’s spending on TV and radio—was spent during December 2019 and January 2020 while the entity was contributing to groups engaged in the petition gathering campaign.

Stop the Corridor spent \$234,500 on television advertising after September 2019:

Advertiser	Market Consolidation	Type	Jul 2019	Aug 2019	Sept 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020
Stop the Corridor	Portland-Auburn	Broadcast						\$110,154	\$7,386
		Cable						\$7,500	
		Radio							
	Bangor	Broadcast						\$93,320	\$4,380
		Cable						\$3,000	
		Radio							
	Presque Isle	Broadcast						\$6,963	\$297
		Cable						\$1,500	
	Multi	Radio							

Stop the Corridor spent \$722,737 on television and radio advertising prior to September 2019:

Advertiser	Market Consolidation	Type	Dec 2018	Jan 2019	Feb 2019	March 2019	April 2019	May 2019	June 2019
Stop the Corridor	Portland-Auburn	Broadcast	\$104,431	\$70,194	\$35,800	\$36,955	\$38,600	\$75,930	
		Cable							
		Radio			\$1,585	\$15,170		\$20,135	
	Bangor	Broadcast	\$96,347	\$52,853	\$12,500	\$13,900	\$25,900	\$40,160	
		Cable							
		Radio			\$791	\$7,779		\$9,030	

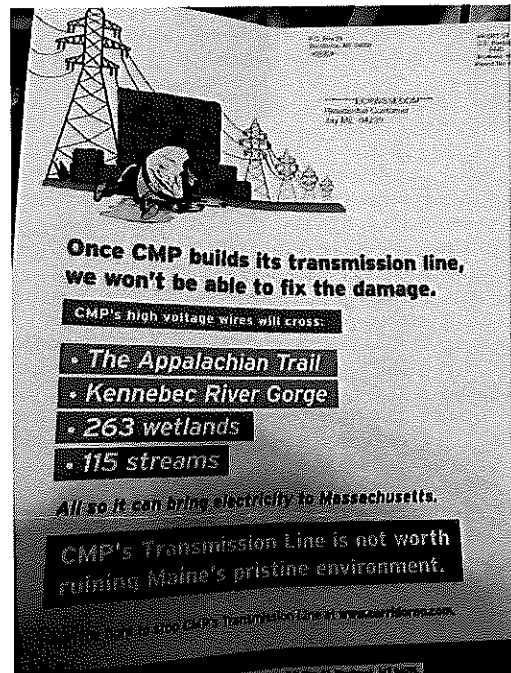
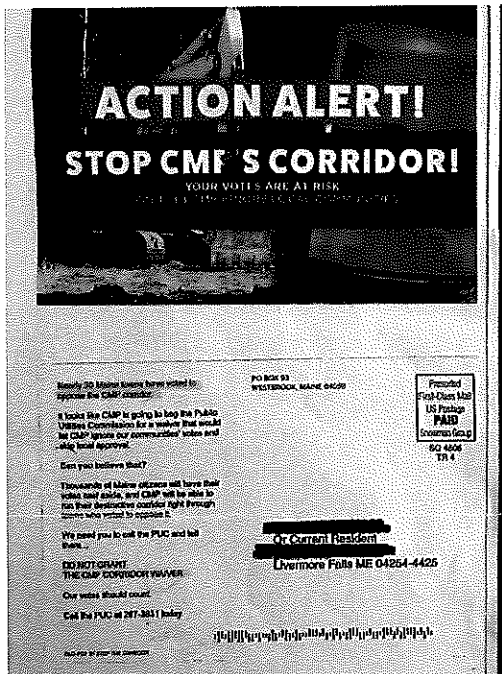
	Presque Isle	Broadcast	\$6,848	\$3,273	\$1,685	\$2,315	\$5,490	\$3,705	
		Cable							
	Multi	Radio						\$650	\$4,712

This spending is publicly available information and can be reviewed by visiting the [Federal Communications Commission website](#).

Spending on Direct Mail

Clean Energy Matters has identified at least two direct mail pieces that were sent to Maine residents between October 2019 and January 2020. Images of the mail pieces are pasted below. We are unaware of the total levels of spending behind each mail piece.

Note that disclaimers on the each mail piece identifies Stop the Corridor as the funder and/or Stop the Corridor's post office box.



Spending on Digital Advertising

Since August 2018, Stop the Corridor has spent \$388,126 on at least 126 "ads about social issues, elections or politics" on its Facebook page. Specific information about each one of Stop the Corridor's 126 Facebook ads are detailed in the attached document. Of note:

- **Stop the Corridor spent between \$55,700 & \$88,898 on Facebook advertising since September 2019**

- The bulk of that amount (\$20,000 - \$25,000) was spent on a 15 second video comparing the Clean Energy Transmission Line to the New Jersey Turnpike. (*Facebook, "Ad Library: Stop The Corridor"*).
- **Stop the Corridor spent between \$1,100 & \$5,499 on ads soliciting contributions to Say NO to NECEC's referendum exploratory committee.**
 - In August 2019, Stop the Corridor spent between \$1,100 and \$5,499 on two Facebook ads soliciting contributions to Say No to NECEC's referendum exploratory committee. The first ad – on which Stop the Corridor spent between \$100 and \$499 - ran from August 6 to August 8 and stated that "corridor opponents are starting work on a potential referendum, and one of the most important things they need right now is money" and asked people to "please take a moment to chip in to help get this effort off the ground!"
 - The second ad – on which Stop the Corridor spent between \$1,000 and \$5,000 - ran from August 8 to August 13 and asked "can you spare \$10 to stop the CMP corridor?"
- **Stop the Corridor spent between \$21,000 & \$105,000 from May 2019 to December 2019 on 3 Facebook ads Telling politicians to "listen up".**
 - The first ad – Stop the Corridor spent between \$10,000 and \$50,000 on a 30 second ad that ran from May 10 to October 31, 2019. The accompanying text stated "listen up politicians – Mainers don't want the CMP corridor. Towns all over Maine are voting against it, and 72% of Maine people think it's a bad deal."
 - The second ad – Stop the Corridor spent between \$10,000 and \$50,000 on an ad that ran from May 20 to December 31, 2019. This was a different 30 second ad that said "here's something we can all agree on – CMP's corridor is a bad deal for Maine" and again concluded by saying "listen up politicians – Mainers don't want the CMP corridor."
 - The third ad – Stop the Corridor spent between \$1,000 and \$5,000 on a seven second ad that began running on May 23, 2019 that stated "listen up politicians – Mainers don't want the CMP corridor."

We anticipate that Stop the Corridor will argue that its spending on television, radio, direct mail and digital advertising was not made for the purpose of promoting or supporting the signature gathering effort for the citizen initiative. While common sense would refute that claim on its face, we would stipulate that Maine Law does not define these political advertisements as "expenditures" since, technically, the ads did not specifically direct Maine people to sign the petition now being circulated.

However, this argument is moot. As set forth in our complaint, Maine law is clear that Stop the Corridor became a political action committee on or before December 12, 2020. As such, they were required as of December 19, 2020 to register with the Commission. As part of that legal obligation, Stop the Corridor was required to report **all** of their contributions and expenditures for the entirety of 2019.

January 31, 2020
Page 5

Please do not hesitate to contact me if your staff or the Commission would like us to provide any addition information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Newell A. Augur', written in a cursive style.

Newell A. Augur
Counsel for Clean Energy Matters

STOP THE CORRIDOR DIGITAL SPENDING

AD	DATES	IMPRESSIONS	SPENDING
<u>"New Jersey Turnpike"</u>	Dec 20, 2019-Jan 7, 2020	>1 million	\$20,000-\$25,000
<u>"JD Power"</u>	Dec 17, 2019-Dec 27, 2019	90,000-100,000	\$1,000 - \$1,500
<u>"Changing the Name"</u>	Dec 17, 2019-Jan 7, 2020	500,000-600,000	\$10,000-\$15,000
<u>"Dozens of Maine Towns"</u>	Dec 10, 2019-Dec 30, 2019	700,000-800,000	\$6,000-\$7,000
<u>"One Thing We Can All Agree On"</u>	Dec 10, 2019-Dec 30, 2019	350,000-400,000	\$6,000-\$7,000
<u>"Mainers Are Stupid"</u>	Nov 18, 2019-Nov 23, 2019	150,000-175,000	\$1,000-\$1,500
<u>"Half Million Dollars"</u>	Nov 18, 2019-Nov 23, 2019	70,000-80,000	\$1,000-\$1,500
<u>"Like to Join"</u>	Began Nov 14, 2019	700,000-800,000	\$6,000-\$7,000
<u>"New Survey"</u>	Nov 14, 2019-Dec 31, 2019	250,000-300,000	\$2,500-\$3,000
<u>"Worst Customer Satisfaction"</u>	Nov 14, 2019-Nov 19, 2019	100,000-125,000	\$1,000-\$1,500
<u>"Susan Collins"</u>	Nov 5, 2019-Nov 19, 2019	15,000-20,000	\$100-\$199
<u>"Jared Golden"</u>	Nov 5, 2019-Nov 19, 2019	25,000-30,000	\$100-\$199
<u>"Isn't About Climate Change"</u>	September 24, 2019-Oct 4, 2019	200,000-500,000	\$1,000 - \$5,000
<u>"Wilton Town Hall"</u>	Aug 12, 2019-Aug 15, 2019	50,000-100,000	\$100-\$499
<u>"Destroy Maine's Wilderness"</u>	Aug 8, 2019-Dec 31, 2019	>1 million	\$10,000-\$50,000

<u>"Babe Ruth" #2</u>	Aug 8, 2019-Dec 31, 2019	100,000-200,000	\$1,000-\$5,000
<u>"\$10 To Stop the CMP Corridor"</u>	Aug 8, 2019-Aug 13, 2019	50,000-100,000	\$1,000-\$5,000
<u>"Starting Work on a Potential Referendum"</u>	Aug 6, 2019-Aug 8, 2019	10,000-50,000	\$100-\$499
<u>"Beth O'Connor"</u>	Began Jul 23, 2019	10,000-50,000	\$100-\$499
<u>"Chesterville Town Hall"</u>	Jul 23, 2019-Jul 26, 2019	1,000-5,000	<\$100
<u>"Nate Wadsworth"</u>	Jul 22, 2019-Aug 9, 2019	10,000-50,000	\$100-\$499
<u>"Chesterville"</u>	Began Jul 18, 2019	200,000-500,000	\$500-\$999
<u>"Threatens to Sue Legislator"</u>	Jul 17, 2019-Jul 22, 2019	50,000-100,000	\$100-\$499
<u>"CMP Raises Rates"</u>	Jul 1, 2019-Jul 6, 2019	50,000-100,000	\$100-\$499
<u>"BIW L6 Opposes CMP Corridor"</u>	Jun 28, 2019-Jul 8, 2019	50,000-100,000	\$100-\$499
<u>"Hydro Quebec Lobbyist"</u>	Jun 21, 2019-Jun 25, 2019	50,000-100,000	\$100-\$499
<u>"United Steelworker's Maine Labor Council"</u>	Jun 21, 2019-Jul 1, 2019	50,000-100,000	\$100-\$499
<u>"Jay Residents"</u>	Jun 17, 2019-Jun 24, 2019	50,000-100,000	\$100-\$499
<u>"CMP Is Making False Claims" v1</u>	Began Jun 11, 2019	10,000-50,000	\$500-\$999
<u>"CMP Is Making False Claims" v2</u>	Jun 11, 2019-Dec 31, 2019	50,000-100,000	\$500-\$999
<u>"Only 38 Permanent Jobs"</u>	Jun 10, 2019-Aug 30, 2019	50,000-100,000	\$500-\$999
<u>"Destroy the Western Maine Environment"</u>	Jun 10, 2019-Dec 30, 2019	50,000-100,000	\$1,000-\$5,000

<u>"Perspective"</u>	Jun 10, 2019-Jun 15, 2019	10,000-50,000	\$100 -\$499
<u>"Bangor Daily News"</u>	Jun 10, 2019-Jun 13, 2019	50,000-100,000	\$500-\$999
<u>"Next Steps"</u>	Jun 7, 2019-Jun 12, 2019	10,000-50,000	\$500-\$999
<u>"Moscow Residents"</u>	Began Jun 5, 2019	1,000-5,000	<\$100
<u>"Maine House Republicans"</u>	Jun 3, 2019-Jun 4, 2019	10,000-50,000	\$500-\$999
<u>"Go Time"</u>	May 31, 2019-Jun 4, 2019	50,000-100,000	\$500-\$999
<u>"Not Making This Up"</u>	May 31, 2019-Jun 3, 2019	10,000-50,000	\$100-\$499
<u>"Outrageous"</u>	May 29, 2019-Jun 1, 2019	10,000-50,000	\$100-\$499
<u>"Listen Up Politicians"</u>	Began May 23, 2019	200,000-500,000	\$1,000-\$5,000
<u>"Winners of The Week"</u>	May 20, 2019-May 25, 2019	10,000-50,000	\$100-\$499
<u>"Something We Can All Agree On"</u>	May 20, 2019-Dec 31, 2019	>1 million	\$10,000-\$50,000
<u>"Roll Call"</u>	May 17, 2019-May 20, 2019	10,000-50,000	\$100-\$499
<u>"ATTN Voters"</u>	Began May 16, 2019	100,000-200,000	\$1,000-\$5,000
<u>"ATTN Kittery"</u>	Began May 16, 2019	10,000-50,000	\$100-\$499
<u>"ATTN Charleston"</u>	Began May 16, 2019	10,000-50,000	\$100-\$499
<u>"ATTN Alna"</u>	Began May 16, 2019	10,000-50,000	\$100-\$499
<u>"ATTN Scarborough"</u>	Began May 16, 2019	100,000-200,000	\$1,000-\$5,000
<u>"Rep. Jeff Hanley"</u>	Began May 16, 2019	<1,000	<\$100
<u>"Rep. Steven Foster"</u>	Began May 16, 2019	1,000-5,000	<\$100
<u>"Rep. Deane Rykerson"</u>	Began May 16, 2019	<1,000	<\$100

<u>"Rep. Chris Calazzo"</u>	Began May 16, 2019	1,000-5,000	<\$100
<u>"Mass AG"</u>	May 16, 2019-May 30, 2019	200,000-500,000	\$1,000-\$5,000
<u>"Hi Shiloh"</u>	May 15, 2019-May 25, 2019	10,000-50,000	\$100-\$499
<u>"Action Alert" Jay Residents"</u>	May 12, 2019-May 14, 2019	5,000-10,000	\$100-\$499
<u>"72% Of Maine People"</u>	May 10, 2019-Oct 31, 2019	>1 million	\$10,000-\$50,000
<u>"Unreal"</u>	May 7, 2019-May 14, 2019	10,000-50,000	\$500-\$999
<u>"EPA Issues Letter"</u>	May 6, 2019-May 11, 2019	10,000-50,000	\$100-\$499
<u>"Al Diamon"</u>	Apr 29, 2019-May 9, 2019	50,000-100,000	\$100-\$499
<u>"Decimate Our Woods"</u>	Apr 5, 2019-Apr 23, 2019	50,000-100,000	\$500-\$999
<u>"Bad Deal for Maine"</u>	Apr 5, 2019-Apr 23, 2019	50,000-100,000	\$500-\$999
<u>"Becky Bartorios"</u>	Apr 5, 2019-Apr 15, 2019	10,000-50,000	\$100-\$499
<u>"Town of Starks"</u>	Apr 4, 2019-Apr 11, 2019	5,000-10,000	\$100-\$499
<u>"Keep Up the Pressure"</u>	Apr 1, 2019-Apr 11, 2019	50,000-100,000	\$100-\$499
<u>"CMP And Massachusetts" v1</u>	Mar 30, 2019-Apr 30, 2019	200,000-500,000	\$1,000-\$5,000
<u>"CMP And Massachusetts" v2</u>	Mar 17, 2019-Apr 30, 2019	50,000-100,000	\$1,000-\$5,000
<u>"CMP And Massachusetts" v3</u>	Mar 7, 2019-Apr 30, 2019	200,000-500,000	\$1,000-\$5,000
<u>"Huge Win in Farmington"</u>	Mar 25, 2019-Apr 4, 2019	10,000-50,000	\$100-\$499

<u>"Loses Support of Franklin County"</u>	Mar 25, 2019-Mar 29, 2019	50,000-100,000	\$100-\$499
<u>"Absolutely Brutal Column"</u>	Mar 25, 2019-Mar 26, 2019	5,000-10,000	\$100-\$499
<u>"Farmington Residents" #1</u>	Mar 20, 2019-Mar 25, 2019	5,000-10,000	\$100-\$499
<u>"Farmington Residents" #2</u>	Mar 20, 2019-Mar 25, 2019	1,000-5,000	<\$100
<u>"Farmington Residents" #3</u>	Mar 20, 2019-Mar 25, 2019	5,000-10,000	\$100-\$499
<u>"Farmington Residents" #4</u>	Mar 20, 2019-Mar 25, 2019	<1,000	<\$100
<u>"Farmington Residents" #5</u>	Mar 20, 2019-Mar 25, 2019	1,000-5,000	<\$100
<u>"Farmington Residents" #6</u>	Mar 20, 2019-Mar 25, 2019	<1,000	<\$100
<u>"Devastate Our Environment" v1</u>	Began Mar 20, 2019	10,000-50,000	\$500-\$999
<u>"Devastate Our Environment" v2</u>	Began Feb 27, 2019	200,000-500,000	\$1,000-\$5,000
<u>"Attention Farmington Residents" v1</u>	Mar 20, 2019-Mar 25, 2019	5,000 -10,000	\$100-\$499
<u>"Attention Farmington Residents" v2</u>	Mar 17, 2019-Mar 25, 2019	10,000-50,000	\$100-\$499
<u>"Backroom Deal" v1</u>	Mar 17, 2019-Mar 31, 2019	50,000-100,000	\$1,000-\$5,000
<u>"Backroom Deal" v2</u>	Feb 22, 2019-Mar 31, 2019	500,000-1,000,000	\$5,000-\$10,000
<u>"Spare an Hour"</u>	Mar 12, 2019-Mar 22, 2019	1,000-5,000	<\$100
<u>"Contact Your Legislator"</u>	Mar 11, 2019-Apr 11, 2019	200,000-500,000	\$1,000-\$5,000

<u>"Nearly Unanimous"</u>	Mar 6, 2019-Mar 9, 2019	50,000-100,000	\$500-\$999
<u>"Wilton Says No"</u>	Mar 5, 2019-Mar 8, 2019	10,000-50,000	\$100-\$499
<u>"Wilton Residents"</u>	Feb 27, 2019-Mar 5, 2019	5,000-10,000	\$100-\$499
<u>"For the Benefit Of Massachusetts"</u>	Feb 27, 2019-Dec 30, 2019	>1 million	\$10,000-\$50,000
<u>"All Hands-on Deck"</u>	Feb 20, 2019-Feb 24, 2019	50,000-100,000	\$1,000-\$5,000
<u>"Mills Officially Supporting"</u>	Feb 20, 2019-Mar 1, 2019	100,000-200,000	\$1,000-\$5,000
<u>"Mills Met Secretly"</u>	Feb 15, 2019-Feb 19, 2019	100,000-200,000	\$1,000-\$5,000
<u>"CMP's NECEC Corridor"</u>	Began Feb 13, 2019	100,000-200,000	\$100-\$499
<u>"Mills Is Selling Us Out"</u>	Feb 12, 2019-Feb 14, 2019	100,000-200,000	\$1,000-\$5,000
<u>"Pretty Dishonest"</u>	Jan 18, 2019-Jan 19, 2019	10,000-50,000	\$100-\$499
<u>"Lasting Damage"</u>	Dec 22, 2018-Aug 30, 2019	>1 million	\$10,000-\$50,000
<u>"Won't Be Able to Fix" v1</u>	Dec 21, 2018-Jan 31, 2019	>1 million	\$10,000-\$50,000
<u>"Won't Be Able to Fix" v2</u>	Dec 14, 2018-Jan 31, 2019	200,000-50,000	\$1,000-\$5,000
<u>"Won't Be Able to Repair"</u>	Dec 19, 2018-Jan 30, 2019	200,000-50,000	\$5,000-\$10,000
<u>"Somerset County Commissioners"</u>	Dec 17, 2018-Dec 20, 2018	10,000-50,000	\$100-\$499
<u>"Decimate Our Woods" #2</u>	Began Dec 14, 2018	500,000-1,000,000	\$10,000-\$50,000
<u>"Matt Wagner and Jeff Fournier"</u>	Dec 13, 2018-Jan 31, 2019	200,000-500,000	\$10,000-\$50,000

<u>"Duane Hanson & Sally Kwan" v1</u>	Dec 12, 2018-Dec 31, 2018	100,000-200,000	\$1,000-\$5,000
<u>"Duane Hanson & Sally Kwan" v2</u>	Nov 20, 2018-Dec 7, 2018	50,000-100,000	\$1,000-\$5,000
<u>"Urge Maine Taxpayers"</u>	Dec 12, 2018-Dec 19, 2018	10,000-50,000	\$500-\$999
<u>"Sue Blaisdel"</u>	Dec 4, 2018-Dec 18, 2018	50,000-100,000	\$500-\$999
<u>"Possible Mitigation Payment"</u>	Dec 3, 2018-Dec 10, 2018	10,000-50,000	\$500-\$999
<u>"Serious Questions and Concerns"</u>	Dec 3, 2018-Dec 10, 2018	50,000-100,000	\$500-\$999
<u>"Recent Survey of Members"</u>	Dec 3, 2018-Dec 10, 2018	10,000-50,000	\$500-\$999
<u>"One of America's Crown Jewels"</u>	Dec 3, 2018-Dec 10, 2018	10,000-50,000	\$500-\$999
<u>"Kate Stevens"</u>	Nov 29, 2018-Dec 31, 2018	200,000-500,000	\$1,000-\$5,000
<u>"Jackman Residents"</u>	Nov 28, 2018-Nov 29, 2018	1,000-5,000	<\$100
<u>"Ice Fishing in Apr"</u>	Nov 26, 2018-Dec 30, 2018	200,000-500,000	\$1,000-\$5,000
<u>"Once CMP Builds"</u>	Nov 26, 2018-Dec 30, 2018	200,000-500,000	\$1,000-\$5,000
<u>"Sportsman's Alliance of Maine"</u>	Nov 21, 2018-Dec 31, 2018	10,000-50,000	\$100-\$499
<u>"Are You A Jay Resident"</u>	Nov 20, 2018-Nov 26, 2018	1,000-5,000	\$100-\$499
<u>"Somerset County Residents"</u>	Oct 29, 2018-Dec 5, 2018	50,000-100,000	\$500-\$999
<u>"Tell the Somerset County Commissioners"</u>	Oct 29, 2018-Dec 5, 2018	10,000-50,000	\$100-\$499

<u>"Great Work Everyone!"</u>	Oct 29, 2018-Nov 5, 2018	1,000-5,000	<\$100
<u>"Sign Now" #1</u>	Began Oct 29, 2018	>1 million	\$50,000-\$100,000
<u>"Ground Zero for The Fight"</u>	Began Oct 27, 2018	10,000-50,000	\$100-\$499
<u>"Sign Now" #2</u>	Began Oct 10, 2018	10,000-50,000	\$100-\$499
<u>"Babe Ruth" #2</u>	Oct 5, 2018-Dec 31, 2019	5,000-10,000	<\$100
<u>"Coalition of Concerned Citizens" v1</u>	Aug 30, 2018-Dec 31, 2019	5,000-10,000	\$100-\$499
<u>"Coalition of Concerned Citizens" v2</u>	Aug 26, 2018-Dec 31, 2019	10,000-50,000	\$100-\$499
<u>"This Story Is Outrageous"</u>	Aug 26, 2018-Sep 2, 2018	10,000-50,000	\$100-\$499
TOTAL			\$388,126

(Facebook, "Ad Library: Stop The Corridor,"
https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&impression_search_field=has_impressions_lifetime&view_all_page_id=654702428226892)



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

January 31, 2020

Katherine R. Knox, Esq. Sent via USPS and E-mail
Bernstein Shur
146 Capitol Street
Augusta, ME 04332-5057

Re: Request for Investigation – Stop the Corridor

Dear Ms. Knox:

As you are aware, the Maine Commission on Governmental Ethics and Election Practices received the enclosed request by Clean Energy Matters to investigate whether Stop the Corridor was required to register with the Commission as a political action committee (“PAC”) or ballot question committee (“BQC”). This letter is to provide Stop the Corridor with an opportunity to respond to the request for investigation and to provide any factual information or legal argument that it believes is relevant. The Commission will consider whether to conduct an investigation at its next public meeting on March 10, 2020.

Potential Scope of Investigation

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

- What is the major purpose of Stop the Corridor?
- Did Stop the Corridor receive contributions as defined in 21-A M.R.S.A. § 1052(5)(A) or § 1056-B(2-A) that required it to register as a PAC or BQC and file campaign finance reports?
- Did Stop the Corridor make expenditures as defined in 21-A M.R.S.A. § 1052(4) that required it to register as a PAC or BQC and file campaign finance reports?

Relevant Law

Standard for Initiating an Investigation

The Commission is required to review every request to investigate an alleged violation of campaign finance law and to conduct an “investigation if the reasons stated for the

request show sufficient grounds for believing that a violation may have occurred.” (21-A M.R.S.A. § 1003(2)).

Definitions of PAC and BQC

Clean Energy Matters argues that Stop the Corridor qualifies as a PAC under the following definition:

A person, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose shall register as a PAC within seven (7) days of meeting that threshold.

(21-A M.R.S.A. § 1052(5)(A)(4)). The Commission staff will recommend that the Commission also consider whether Stop the Corridor qualifies as a BQC, which is defined as:

A person, including an individual or organization, not defined as a PAC that receives contributions or makes expenditures more than \$5,000 for the purpose of initiating or influencing a campaign is required to register as a BQC....

(21-A M.R.S.A. § 1056-B).

Contributions to a BQC. The BQC statute specifies that the definitions of contribution and expenditures in 21-A M.R.S.A. § 1052(3) and (4) apply to BQCs. (21-A M.R.S.A. § 1056-B(2)). In addition, under subsection 2-A, contribution also includes:

1. Funds that the contributor specified were given 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 for the purpose of initiating or influencing a campaign.
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’s activities regarding a campaign.
4. Funds or transfers from the general treasury of an organization filing a BQC report.

(21-A M.R.S.A. § 1056-B(2-A)).


Request for Response

Please submit a written response to the request for investigation by Thursday, February 13, 2020. You are welcome to submit any factual information or legal argument you believe would be relevant to the Commission's decision whether to investigate. In addition, please address the following points:

- What is the major purpose of Stop the Corridor?
- In general terms, what are Stop the Corridor's sources of income (*e.g.*, donations or sales revenue)?
- Since the Maine Secretary of State approved petitioning for the citizen initiative in October 2019, has Stop the Corridor received funds that could reasonably be determined would be spent *in whole or in part* to promote the initiative?
- Has Stop the Corridor received any other funds which qualify as a contribution under 21-A M.R.S.A. § 1056-B(2-A)?
- Please provide a detailed description of the activities by Stop the Corridor which No CMP Corridor reported as in-kind contributions in its January 15, 2020 PAC report, including staff time, travel, printing, postage, office supplies, and website services. (A copy of Schedule A-1 is enclosed for your reference.)
- With regard to the staff time contributed by Stop the Corridor, please explain if this refers to employees of Stop the Corridor, political consultants, or other independent contractors.

Thank you for your cooperation with this request. I look forward to receiving your response on or before February 13, 2020. Please let me know if you have any questions.

Sincerely,



Michael J. Dunn, Esq.

Political Committee and Lobbyist Registrar

Enclosures

cc: Newell A. Augur, Esq.

**SCHEDULE A-1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a committee received at no cost or at a cost less than the fair market value. They include all goods and services purchased for the committee by others if the committee does not expect to reimburse the person who made the purchase.
- For contributors who gave more than \$50, the committee must report the contributor's name, address, occupation, and employer.
- If employment information has been requested from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For contributions totaling \$50 or less, please enter "unitemized contributions" as the contributor and the total amount and the appropriate key code on a line on this page. Once a contributor has given the committee more than \$100 in a report period, you must list that contributor separately.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP CODE	OCCUPATION AND EMPLOYER	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE (use key code)	VALUE (estimated fair market value)
11/30/ 2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098		POSTAGE	3	\$857.31
12/12/ 2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098		PRINTING COSTS	3	981.15
12/31/ 2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098		OFFICE SUPPLIES	3	485.59
12/31/ 2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098		MILEAGE	3	4,563.42
12/31/ 2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098		STAFF TIME FOR CAMPAIGN COORDINATION	3	12,750.00
12/31/ 2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098		STAFF TIME FOR VOLUNTEER RECRUITMENT	3	27,359.06
Total in-kind contributions (this page only) =>					\$46,996.53
(combined totals from all Schedule A-1 pages must be listed on Schedule F)					

Key Codes:

- | | |
|--------------------------------|--|
| 1 = Individuals | 7 = Ballot Question Committee |
| 3 = Commercial Source | 9 = Candidate/Candidate Committees |
| 4 = Non Profit Organization | 10 = General Treasury Transfer |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or Less |
| 6 = Political Party Committee | 16 = Financial Institution |

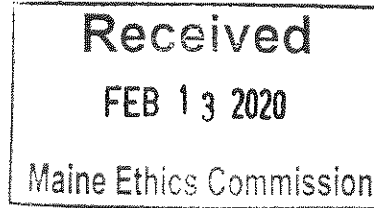
**SCHEDULE A-1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a committee received at no cost or at a cost less than the fair market value. They include all goods and services purchased for the committee by others if the committee does not expect to reimburse the person who made the purchase.
- For contributors who gave more than \$50, the committee must report the contributor's name, address, occupation, and employer.
- If employment information has been requested from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For contributions totaling \$50 or less, please enter "unitemized contributions" as the contributor and the total amount and the appropriate key code on a line on this page. Once a contributor has given the committee more than \$50 in a report period, you must list that contributor separately.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION AND EMPLOYER	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE (use key code)	VALUE (estimated fair market value)
10/02/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098		WEBSITE DEVELOPMENT	3	\$2,500
11/01/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098		WEB HOSTING	3	259
Total in-kind contributions (this page only) => (combined totals from all Schedule A-1 pages must be listed on Schedule F)					\$2,759

Key Codes:

- | | |
|--------------------------------|---------------------------------------|
| 1 = Individuals | 7 = Ballot Question Committee |
| 3 = Commercial Source | 9 = Candidate/Candidate Committees |
| 4 = Non Profit Organization | 10 = General Treasury Transfer |
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| 6 = Political Party Committee | 16 = Financial Institution |



Bernstein, Shur,
Sawyer & Nelson, P.A.
146 Capitol Street
PO Box 5057
Augusta, ME 04332-5057

T (207) 623 - 1596
F (207) 626 - 0200

Katherine R. Knox
Shareholder
207-228-7229 direct
kknox@bernsteinshur.com

February 13, 2020

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar
State of Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

RE: Request for Investigation – Stop the Corridor Response

Dear Mr. Dunn:

I write on behalf of my client, Stop the Corridor¹, providing an initial response to the request for investigation recently filed by Clean Energy Matters. Stop the Corridor (“STC”) appreciates the opportunity to respond and articulate to the Commission staff why it believes the request for investigation filed by Clean Energy Matters (“CEM”) is without merit.

1. Stop the Corridor is not a political action committee.

Maine law defines a political action committee (“PAC”) as “a Person, including any corporation or association, other than an individual, that has as its *major purpose* initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose shall register as a PAC within seven (7) days of meeting that threshold.” 21-A M.R.S.A. §1052(5)(A)(4); (emphasis added).

Critical to this 2-part definition is the requirement that the entity at issue have as its *major purpose* the initiating or influencing of a campaign.² While no definition of “major purpose”

¹ Stop the Corridor is the “assumed” name for Clean Energy for ME LLC, a limited liability company in good standing with the Maine Department of the Secretary of State.

² Clean Energy Matters request for investigation focuses solely on the expenditures made by STC and ignores the equally important major purpose component of the PAC definition. In addition, CEM appears to misunderstand the PAC statute in several important ways. First, it stipulates in its follow up correspondence to Commission staff that “Maine law does not define these political advertisements as “expenditures” since, technically, the ads did not specifically direct Maine people to sign the petition now being circulated” (CEM letter to commission staff dated January 31, 2020, page 4). That statement is contradicted in its original filing where it claims that all media expenses should have been reported after the in-kind contributions trigger a PAC registration. While these

exists in Maine election law or rule, Oxford University Press defines purpose as “the reason for which something is done or created or for which something exists.” They further define major as “greater or more important; main.”

It logically follows that the only entities which qualify under the PAC statute are those for which their primary purpose or top priority is to influence an election. Without that foundational focus, a PAC, by definition, doesn’t exist in this case.

Stop the Corridor was created in April 2018 out of concern that the proposed CMP corridor would result in catastrophic environmental and economic damage to the State of Maine. The purpose of STC was, and remains, to develop a coalition of allied organizations to stop the transmission corridor through participation and intervention in the local, state and national permitting process. That primary focus, from 2018 to the present, has always been on influencing the ongoing local, state and federal *permitting* process, not the referendum process, which began in October when petitions were available for circulation by No CMP Corridor PAC (“NoCMP”). To understand this point, we believe it is imperative to understand what that permitting process consists of, and how STC and allied organizations believe they can influence that process outside an electoral context.

In order to receive ultimate approval to move forward with the new proposed transmission line, CMP is required to participate in and receive approvals from federal, state and local entities including but not limited to:

- United States Army Corps of Engineers – *Clean Water Act, Section 404 Permit*;
- United States Department of Energy – *Presidential Permit*;
- State of Maine Department of Environmental Protection – *Natural Resources Protection Act Permit and Site Location of Development Act Permit*;
- State of Maine Land Use Planning Commission – *Special Exception Permit*;
- State of Maine Public Utilities Commission - *Certificate of Public Convenience and Necessity*;
- At least 38 individual municipal permits.

As a part of these lengthy permitting processes, the regulatory entities include *public input* as part of their decision-making proceedings. That public input is taken into consideration by the regulatory bodies in their deliberations and ultimate decision to approve or deny a permit application.

To influence and drive that public input, STC (and many other groups) undertook the task of educating Mainers about the flaws in the corridor project, both at the local and statewide level. Concurrent with that education, STC identified and trained citizen opponents to actively participate and oppose the project in public forums, meetings and hearings around the state.

contradictory statements are confusing, we agree wholeheartedly that STC’s media spending is unrelated to the signature gathering effort.

To help understand what these efforts look like, we provide a general outline of STC's activities below:

August 2018

- Begin running Facebook ads opposing the corridor and identifying opponents;
- Began outreach to allied organizations who had expressed opposition to the corridor.

September 2018

- Began working with grassroots opponents on participation at the municipal level;
- Organized citizen opponents for rally in Augusta concurrent with DEP public hearings;
- Organized turnout for municipal votes to oppose the corridor;
- Developed and designed print mail for municipal votes.

October 2018

- Continued to engage in municipal votes with turnout and mail;
- Driving emails and phone calls to PUC opposing permit issuance.

November 2018

- Produced online video ads to oppose the corridor;
- Continued engagement in public hearing turnout through paid mail and engagement in municipal votes;
- Drove attendance and engagement in public information sessions in municipalities.

December 2018

- Produced and aired television ads to oppose the corridor to strengthen opposition for public comment proceedings;
- Continued to engage in turnout, paid mail and engagement in municipal votes.

February 2019

- Produced and aired internet advertising against the corridor;
- Continued to produce and air internet advertising opposing the corridor and encouraging public participation;
- Continued engagement in turnout, paid media and engagement in municipal votes.

March 2019

- Continued to engage in turnout, paid mail and engagement in municipal votes;
- Held rally at the statehouse to influence legislators on several legislative votes³;
- Continued organizing and turnout to both PUC and DEP public hearings.

April 2019

³ All activities involving legislation were carefully tracked and did not cross reporting thresholds.

- Began engagement with grassroots volunteers on engaging with legislators on several pieces of legislation which might have influenced the corridor project;
- Continued engagement with citizen opponents on upcoming municipal town halls and forums.

May 2019

- Continued engagement in legislative turnout and grassroots activity through social media;
- Continued to run television ads generally opposing corridor;
- Continued engagement in turnout, paid mail and engagement in municipal votes.

June 2019

- Continued engagement in turnout, paid mail and engagement in municipal votes;
- Continued to run social media ad encouraging grassroots opponents to contact legislators on pending legislation;
- Continued to run television ads generally opposing the corridor and encouraging public participation.

August 2019

- Continued to engage in turnout, paid mail, and engagement in municipal votes;
- Engaged grassroots network to submit letters and email to Army Corps public comment process.

REFERENDUM PETITIONS ARE APPROVED TO CIRCULATE – OCTOBER 2020

September 2019- December 2019

- Continued to engage in turnout, paid mail and engagement in municipal votes;
- Continued social media advertising opposing corridor and recruiting grassroots contacts as part of the ongoing public education campaign;
- Continued organizing for public input for Army Corps permit;
- Worked with NoCMP to help organize volunteers for signature effort (*reported staff time as in-kind contribution to NoCMP*);
- Encouraged efforts to gather signatures for referendum through non-paid social media and email (*staff time reported as in-kind to NoCMP*).

January 2020

- Continued production and airing of television ads opposing corridor (no mention of referendum) as part of ongoing public education campaign;
- Continued in-kind volunteer recruitment for signature efforts (*reported staff time as in-kind to NoCMP*).
- Continued to organize and work with allied groups to mobilize grassroots volunteers for upcoming municipal votes.

As is clear from this review, the primary purpose of STC is not, and has never been, to initiate or influence the citizen’s initiative seeking to overturn the PUC permit. Once introduced by NoCMP, STC provided in-kind support mostly in the form of staff time organizing volunteers and petition management. While that in-kind support was given, STC continued its regular outreach and organizing activities focusing on influencing the ongoing permitting process. The referendum process seeks to stop the project through a Resolve – not through the broader federal, state and local array of permits which STC is working to influence.

It should also be noted that STC is just one of a group of organizations who are engaging volunteers to oppose the corridor through the permitting process. These groups, including but not limited to Patagonia, Natural Resources Council of Maine, the Appalachian Mountain Club and the Sierra Club have also been engaged in this broader effort of opposition – none have registered and reported as a PAC because of those activities.⁴

STC was founded and organized to stop the permitting of CMP’s transmission corridor – not to influence the referendum campaign put forward by NoCMP. That purpose does not change, or morph based on the actions of an unaffiliated group. Instead, when the referendum was launched, STC continued with its core activities around permitting and began to carefully track (and report to the NoCMP) any time spent assisting the referendum effort. That assistance did not transform STC into a PAC, as its major purpose and the activities around that purpose fundamentally remained the same.

2. Stop the Corridor is not a ballot question committee.

While CEM does not allege in its complaint that STC should have registered as a ballot question committee, we do wish to expressly address that question.

As noted in your letter dated January 31, 2020, a ballot question committee is defined in Maine law as “[a] person, including an individual or organization, not defined as a PAC that receives contributions or makes expenditures more than \$5,000 for the purpose of initiating or influencing a campaign.” 21-A M.R.S.A. § 1056-B.

In a document entitled “Guidance on Reporting as a Ballot Question Committee” adopted by the Commission on July 27, 2008 and updated by Commission staff on May 22, 2017, the issue on donating staff time or other services is directly addressed.

⁴ We attribute that lack of registration to the common understanding, acknowledged by CEM, that ads and activities directly generally to the corridor project (not to the referendum) are not expenditures to influence an election.

What if an organization donates the time of its paid employees to a PAC or a BQC to influence a ballot question or makes payments to vendors for goods or services to influence a ballot question in coordination with a PAC or BQC?

Donating paid staff time to a PAC or BQC, and coordinating expenditures with a PAC or BQC are in-kind contributions to the PAC or BQC. They do not count toward the \$5,000 expenditure threshold that would trigger filing of a §1056(B) report by the donor; however, the PAC or BQC must report them as in-kind contributions.

An organization's expenditures to influence a ballot question may be considered an in-kind contribution to a PAC or BQC only if they are coordinated with the PAC or BQC or are accepted by a PAC or BQC. Expenditures to influence a ballot question made independently of the PAC or BQC should not be considered contributions to the PAC or BQC and would count toward the \$5,000 threshold.

Stop the Corridor was very careful about their decision to coordinate and assist NoCMP with their signature gathering efforts. They reviewed the statutes governing both PACs and BQCs and, based on the above guidance adopted by the Commission, understood that they would have to carefully track and report all staff time to NoCMP as an in-kind contribution. As a result, they created a tracking system to account for time spent on referendum activities and accurately reported that time to NoCMP— who subsequently reported it in their January Quarterly⁵.

Stop the Corridor undertook no independent activities to influence the referendum. They worked closely with NoCMP and used their donated staff to assist the referendum with tasks they identified for STC (e.g. volunteer recruitment, petition management). As a result, the in-kind contributions given to the referendum do not constitute “expenditures” which count toward the threshold triggers for either a PAC or a BQC.

It is common practice for entities to contribute in-kind resources to PACs and BQCs. There are many examples of such contributions in ballot campaign and the question of how (and if) to regulate those types on contributions has been the subject of debate and discussion at the legislature. In 2018, the legislature heard testimony specifically on the issue of organizations making cash or in-kind contributions to ballot question committees. There was no question in the testimony that such contributions were allowed, but concerns were expressed about the large amounts of such donations. To address this issue, the Veterans and Legal Affairs Committee, at the request of commission staff enacted new reporting requirements for contributions over \$100,000. That requirement, the Major Donor Report, provides for additional donor disclosure once contributions exceed \$100,000. (See attachment B for commission staff testimony and chart of contributions for LD 1865).

⁵ Commission staff asked for additional detail on the in-kind contributions reported on NoCMP's Schedule A-1. That additional information is provided in Attachment A.

The legislative history of this new requirement is important because it makes clear that the kind of contributions made by STC to NoCMP have long been acknowledged and understood to be legal. In addition, CEM may claim a \$50,000 in-kind contribution is “intense,” but they fail to recognize that a specific threshold well below the STC contributions was recently debated and adopted. Perhaps most importantly, that threshold was specifically put forth and recommended by the commission itself.

Ballot question committee formation can also be triggered if an entity solicits or receives contributions which meet one of the four tests outlined in 21-A M.R.S.A §1056(2)(A). All four of these tests outline situations where contributions to an entity potentially trigger registration as a BQC.

STC has never solicited contributions for its work on the corridor referendum – nor has it received funds specifically for its work on the referendum. It receives, and has received, funds to stop the ongoing permitting of the corridor. Its in-kind work for the referendum was a small and very ancillary part of its mission. Funding for STC has remained consistent and unchanged since it was created in April 2018.

We are keenly aware that there is much curiosity about who is funding STC’s work. But curiosity alone should not justify compelling any entity to disclose financial information not required by the law.⁶ Clean Energy Matters has not alleged that STC has solicited or received contributions triggering registration and reporting. They have put forth no evidence, despite their detailed outlining of email and social media posts from STC, that show STC ever solicited contributions from anyone to support any of their work. STC maintains its position that it has not received contributions which meet any of the four (4) criteria laid forth in the statute.

Stop the Corridor is neither a PAC nor a BQC. Clean Energy Matters assertions are incomplete and leave the public with a misleading and incomplete analysis of the actions undertaken by STC.

As laid out above, STC has attempted to provide enough detail to support its assertions that its major purpose is not referendum related, that its in-kind contributions do not trigger registrations and that its funding is entirely focused on the non-electoral work it has been doing for almost two (2) years.

The CMP transmission project is one of the most hotly contested statewide development projects in Maine history. We understand and respect that people on both sides feel passionately in their positions, but we firmly believe this request for investigation is, at its best, thin on the merits and at worst, a vehicle to score political points. We have attempted to provide you with ample

⁶ Commission staff in its letter dated January 31, 2020 asked STC to provide information about its sources of income. Without understanding more about how that question is relevant to this inquiry, STC is declining to provide this information. STC provides the same response to the staff’s question about the employment status of STC’s staff members. We remain open to further discussion about how these questions are relevant to the issues at hand and not outside the scope of this inquiry.

Stop the Corridor – Response to Request
February 12, 2020
Page 8

information to show STC is acting firmly within the law and we urge you to recommend that the commission take no further action.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and curves, positioned above the printed name.

Katherine R. Knox

BQC Name: NO CMP CORRIDOR

**SCHEDULE A-1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a committee received at no cost or at a cost less than the fair market value. They include all goods and services purchased for the committee by others if the committee does not expect to reimburse the person who made the purchase.
- For contributors who gave more than \$50, the committee must report the contributor's name, address, occupation, and employer.
- If employment information has been requested from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For contributions totaling \$50 or less, please enter "unitemized contributions" as the contributor and the total amount and the appropriate key code on a line on this page. Once a contributor has given the committee more than \$100 in a report period, you must list that contributor separately.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP CODE		DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE (use key code)	VALUE (estimate of fair market value)
11/30/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098	[for mailing petitions for certification]	POSTAGE	3	\$857.31
12/12/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098	[for mailing petitions for certification]	PRINTING COSTS	3	981.15
12/31/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098	[for mailing petitions for certification]	OFFICE SUPPLIES	3	485.59
12/31/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098	[driving to town offices for petition cert]	MILEAGE	3	4,563.42
12/31/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098	[two staff participating in planning mtg]	STAFF TIME FOR CAMPAIGN COORDINATION	3	12,750.00
12/31/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098	[staff time for volunteer management and recruitment]	STAFF TIME FOR VOLUNTEER RECRUITMENT	3	27,359.06
Total in-kind contributions (this page only) => (combined totals from all Schedule A-1 pages must be listed on Schedule F)					\$46,996.53

Key Codes:

- | | |
|--------------------------------|--|
| 1 = Individuals | 7 = Ballot Question Committee |
| 3 = Commercial Source | 9 = Candidate/Candidate Committees |
| 4 = Non Profit Organization | 10 = General Treasury Transfer |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or Less |
| 6 = Political Party Committee | 16 = Financial Institution |

Duplicate as needed.

NOTE: Further explanation noted in yellow

12/2017

PAC/BQC Name: NO CMP CORRIDOR

**SCHEDULE A-1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a committee received at no cost or at a cost less than the fair market value. They include all goods and services purchased for the committee by others if the committee does not expect to reimburse the person who made the purchase.
- For contributors who gave more than \$50, the committee must report the contributor's name, address, occupation, and employer.
- If employment information has been requested from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For contributions totaling \$50 or less, please enter "unitemized contributions" as the contributor and the total amount and the appropriate key code on a line on this page. Once a contributor has given the committee more than \$50 in a report period, you must list that contributor separately.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP		DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE (use key code)	VALUE (estimated fair market value)
10/02/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098	[staff time to assist in starting website]	WEBSITE DEVELOPMENT	3	\$2,500
11/01/2019	STOP THE CORRIDOR PO BOX 98 WESTBROOK, ME 04098	[payment fee to host website]	WEB HOSTING	3	259
Total In-kind contributions (this page only) => (combined totals from all Schedule A-1 pages must be listed on Schedule F)					\$2,759

Key Codes:

- | | |
|--------------------------------|---------------------------------------|
| 1 = Individuals | 7 = Ballot Question Committee |
| 3 = Commercial Source | 9 = Candidate/Candidate Committees |
| 4 = Non Profit Organization | 10 = General Treasury Transfer |
| 5 = Political Action Committee | 12 = Contributors giving \$50 or Less |
| 6 = Political Party Committee | 16 = Financial Institution |



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

**Testimony of Jonathan Wayne, Executive Director of the
Commission on Governmental Ethics and Election Practices
before the Joint Standing Committee on Veterans and Legal Affairs
March 20, 2018**

Senator Mason, Representative Luchini, and distinguished members of the committee: my name is Jonathan Wayne, and I am the Executive Director of the Maine Commission on Governmental Ethics and Election Practices. Thank you for the opportunity to testify concerning L.D. 1865. I am going to testify concerning section 7, which is a proposal to shed light on organizations contributing more than \$100,000 to Maine-based PACs and ballot question committees (BQCs). Last year, the Ethics Commission made a similar proposal in L.D. 1480, but it was heard too late in the session to be given serious consideration.

In Maine, PACs and BQCs may receive unlimited amounts from their contributors. Many of the largest contributors influencing ballot questions are non-profit organizations based outside of Maine that seek to influence public policy in different states. In some cases, Mainers may have heard of these organizations (*e.g.*, the NRA or the National Education Association), but others are far from household names. L.D. 1865 would provide one more layer of reporting to give members of the Maine public a fighting chance to understand who these contributors are, by requiring them to file a one-time report with the Commission.

The scope of organizations affected by this proposal would be narrow. LD 1865 (§ 7) only covers organizations that have contributed more than \$100,000 to a

Maine PAC or BQC for purposes of influencing a ballot question. In some years, this could be as many as two dozen organizations – most of them from outside of Maine.

To provide you with a general idea of the types of organizations that might be affected if this proposal were enacted, I have attached a chart of contributors that gave cash and in-kind contributions to PACs or BQCs totaling more than \$100,000 in 2016 or 2017 for purpose of influencing a ballot question.

I have also attached a summary of the types of information the major contributor would have to report about themselves: basic contact information about the organization and a responsible officer, as well as the type of organization and a description of its purpose. The major contributor would need to disclose the five largest sources of funds.

The organization would also certify that it had not raised money for the purpose of influencing Maine elections (if true). This would function as a verification that the organization is exempt from registering as a PAC or BQC in Maine. While this statement is not a 100% guarantee, it would provide more assurance than the State and its citizens currently receive under Maine law.

Thank you for your consideration of this testimony.

Contributors Giving Cash and In-Kind Contributions > \$100,000 in 2016 or 2017 to Maine PACs and BQCs Influencing Ballot Questions

Year	Contributor	Recipient Maine PAC/BQC	Total Cash and In-Kind Received	Support/ Oppose	Ballot Question
2016	EVERYTOWN FOR GUN SAFETY ACTION FUND	Mainers for Responsible Gun Ownership Fund	\$4,420,570	Support	Firearm Background Checks
2016	CAPITAL SEVEN LLC	Lisa Scott	\$3,000,865	Support	York County Casino
2016	NEW APPROACH PAC	CAMPAIGN TO REGULATE MARIJUANA LIKE ALCOHOL	\$2,194,872	Support	Marijuana Legalization
2016	REGENT ABLE ASSOCIATE CO., LTD	Miami Development Concepts, LLC	\$1,213,100	Support	York County Casino
2016	NATIONAL RIFLE ASSOCIATION	NRA INST. FOR LEGISLATIVE ACTION	\$1,135,360	Oppose	Firearm Background Checks
2016	NATIONAL EDUCATION ASSOCIATION	CITIZENS WHO SUPPORT MAINE'S PUBLIC SCHOOLS	\$1,100,000	Support	Surcharge for Education Fund
2016	EVERYTOWN FOR GUN SAFETY ACTION FUND	MAINE MOMS DEMAND ACTION FOR GUN SENSE FUN	\$855,634	Support	Firearm Background Checks
2016	AMERICANS FOR RESPONSIBLE SOLUTIONS PAC	Mainers for Responsible Gun Ownership Fund	\$449,782	Support	Firearm Background Checks
2016	MAINE EDUCATION ASSOCIATION	CITIZENS WHO SUPPORT MAINE'S PUBLIC SCHOOLS	\$419,760	Support	Surcharge for Education Fund
2016	ALLIANCE FOR HEALTHY MARIJUANA POLICY	Mainers Protecting Our Youth and Communities	\$267,183	Oppose	Marijuana Legalization
2016	NATIONAL EDUCATION ASSOCIATION	Mainers for Fair Wages PAC	\$231,000	Support	Raise Minimum Wage
2016	THE FAIRNESS PROJECT	THE FAIRNESS PROJECT MAINE PAC	\$180,000	Support	Raise Minimum Wage
2016	ACTION NOW INITIATIVE	THE CHAMBERLAIN PROJECT PAC	\$170,000	Support	Ranked-Choice Voting
2016	RESTAURANT OPPORTUNITIES CENTER	MAINERS FOR FAIR WAGES PAC & BQC	\$159,320	Support	Raise Minimum Wage
2016	MAINE PEOPLE'S ALLIANCE	CITIZENS WHO SUPPORT MAINE'S PUBLIC SCHOOLS	\$125,840	Support	Surcharge for Education Fund
2016	DRUG POLICY ACTION	CAMPAIGN TO REGULATE MARIJUANA LIKE ALCOHOL	\$125,000	Support	Marijuana Legalization
2016	FAIR VOTE	Fair Vote - BQC	\$103,607	Support	Ranked-Choice Voting
2017	CAPITAL SEVEN, LLC	Progress For Maine	\$2,950,000	Support	York County Casino
2017	ATLANTIC & PACIFIC REALTY CAPITAL LLC	Progress For Maine	\$1,900,000	Support	York County Casino
2017	SIXTEEN THIRTY FUND	Mainers for Health Care!	\$865,606	Support	Medicaid Expansion
2017	BB DEVELOPMENT LLC	A Bad Deal for Maine	\$700,000	Oppose	York County Casino
2017	THE FAIRNESS PROJECT	THE FAIRNESS PROJECT MAINE PAC	\$696,000	Support	Medicaid Expansion
2017	THE FAIRNESS PROJECT	Mainers for Health Care!	\$357,385	Support	Medicaid Expansion
2017	MAINE PEOPLE'S ALLIANCE	Mainers for Health Care!	\$215,130	Support	Medicaid Expansion
2017	OPEN SOCIETY POLICY CENTER	MAINE PEOPLE'S ALLIANCE - BQC	\$200,000	Support	Universal Homecare
2017	NATIONAL EDUCATION ASSOCIATION	CITIZENS WHO SUPPORT MAINE'S PUBLIC SCHOOLS	\$175,000	Support	State Pension Reform
2017	MAINE EQUAL JUSTICE PARTNERS	Mainers for Health Care!	\$153,548	Support	Medicaid Expansion
2017	OPEN SOCIETY POLICY CENTER	Center for Community Change Action	\$150,000	Support	Universal Homecare
2017	REGENT ABLE ASSOCIATE CO., LTD	Progress For Maine	\$149,978	Support	York County Casino
Total			\$24,664,539		

Source: totals compiled by Maine Ethics Commission staff from PAC and BQC campaign finance reports

Contents of One-Time Report Filed by Major Contributors (proposed in LD 1865)

Name and contact information for the major contributor, and a responsible officer

Form of organization, and a statement of its purpose

Amount and date of each contribution given by the major contributor to the Maine PAC or BQC

Certification whether the major contributor

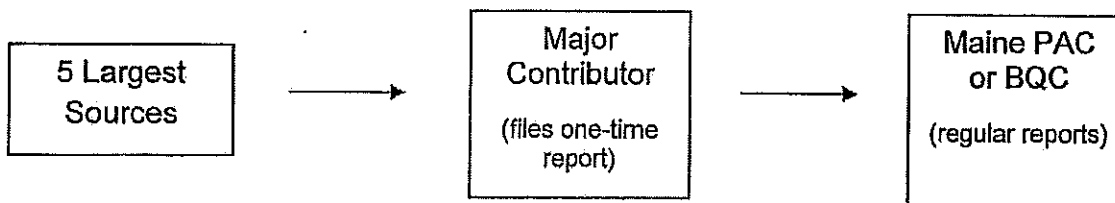
- has – or has not – received contributions (in whole or in part) for the purpose of influencing the Maine ballot question
- if so, the major contributor must disclose the dates, sources and amounts of the contributions

5 largest sources of funds received by the major contributor

Statement whether the organization is tax-exempt, and has filed campaign finance reports in other states

Commission *could* by rule require additional information to facilitate disclosure to Maine citizens of financial activity conducted for the purpose of influencing Maine elections

Five Largest Sources of Funds Received by the Major Contributor (proposed in LD 1865)



The Commission could permit major contributors to exclude sources of funds that are restricted to purposes unrelated to the Maine ballot question

Triggers to Qualify as a Ballot Question Committee (current law)

- receiving more than \$5,000 in contributions for purpose of influencing a ballot question, or
- spending more than \$5,000 for purpose of influencing a ballot question (other than making a contribution to a PAC or BQC)

March 2, 2020

Jonathan Wayne
Executive Director
Maine Ethics Commission
45 Memorial Circle
Augusta, ME 04333

Dear Jonathan:

On behalf of Clean Energy Matters, I appreciate the opportunity to provide additional information to the Commission to respond to several factual and legal misstatements in the February 13 letter submitted by Clean Energy Maine, LLC, also known as Stop the Corridor.

Stop the Corridor was actively and directly engaged in the signature gathering effort regarding the clean energy transmission line

As part of the verification and certification process for citizen's initiatives, 21-A MRS § 902 requires the town clerks to maintain a log of petitions submitted to that town for verification.¹ At the conclusion of the verification process, Clean Energy Matters contacted a number of the clerks across the state and requested copies of those logs. In some instances, the town clerk had kept correspondence that was submitted along with the petitions, and those documents were included with the logs. A true and correct copy of

¹ Not all town clerks kept a log for this direct initiative. Some appear to have copied each of the individual petitions that were submitted in lieu of keeping a log, although this procedure does not identify the name of the person submitting the petition or the manner by which the petitions were returned as required by Title 21-A.

logs from specific towns and correspondence to the towns are included as Exhibits 1 through 17 to this letter.

Collectively, the logs reveal numerous instances where notarized petitions regarding the clean energy transmission line were either mailed or delivered to the town clerk for verification by individuals who identified themselves as being from Stop the Corridor. The logs also reveal numerous instances where notarized petitions validated by the town clerk were mailed to or collected by individuals who identified themselves as being from Stop the Corridor.²

The correspondence from the towns is equally as damning. Among these, Exhibit 3 from the Town of Greene is especially significant because it establishes that as early as November 2019, Stop the Corridor was firmly engaged in the petition gathering and organizing process, and not simply organizing volunteers. The letter, dated November 30, 2019, is a form letter addressed to the municipal registrar accompanying petitions that were presented to the Greene Town Clerk for certification. The letter includes specific directions for the town clerk to return the validated petitions to a Stop the Corridor representative. A mailing address for Stop the Corridor and a phone number appear on the letter as well as a date stamp from the town clerk indicating that the petition were validated and returned to Stop the Corridor at the designated address. Indeed, the fact that this letter is addressed generally to the “Municipal Registrar” suggests that similar letters were sent to multiple towns throughout the signature gathering process.³ It is entirely likely that similar letters were sent by Stop the Corridor before November 30, 2019.

Stop the Corridor’s claim that its involvement in the signature gathering campaign between September 2019 and January 2020 was only “to help organize volunteers for the signature effort” and to “encourage efforts to

² Similarly, the logs also reveal instances where petitions were mailed from an address previously identified in the logs as being an address for Stop the Corridor, or instances where the town clerk was directed to mail validated petitions to an address previously identified in the logs as being an address for Stop the Corridor.

³ The towns are not required to keep the correspondence from petition organizers, although in limited instances the town clerk had saved those documents.

gather signatures for referendum through non-paid social media” is categorically untrue.⁴

Stop the Corridor was not actively involved in any legal, municipal or administrative actions over the past four months

Stop the Corridor argues that its major purpose is to influence the ongoing local, state and federal permitting process for the proposed corridor. Despite this assertion, Stop the Corridor has not been a party to any of the local or state permitting proceedings or subsequent appeals, nor did it testify in opposition to the corridor at any local or state permitting proceeding. In most instances, the effective date to have engaged in these permitting decisions ended in December 2019.

Stop the Corridor cited involvement with a decision rendered by the Maine Public Utilities Commission (PUC). The PUC’s decision to grant a Certificate of Public Convenience and Necessity to the clean energy transmission line was issued May 3, 2019. NextEra Energy Resources filed an appeal challenging that decision to the Maine Supreme Judicial Court. Stop the Corridor was neither a party before the Maine PUC nor a party in NextEra Energy Resources’ appeal. The Maine Supreme Judicial Court held oral argument on the matter in December.

Stop the Corridor cited involvement with a decision rendered by the Maine Department of Environmental Protection (DEP). Public comments regarding permits issued by the DEP ended on May 27, 2019. The comment period was extended until November 26, 2019.⁵ Stop the Corridor did not submit comments at any time during the DEP proceeding.

⁴ Stop the Corridor’s own description of its activities prior to commencement of the signature gathering closely resemble those of a typical grassroots opposition campaign – the engine of which is now being used to drive support for, and influence the outcome of, the referendum. This is not surprising, since the effect of the referendum is to achieve the goal enshrined in the name of the organization – stop the corridor.

⁵ Stop the Corridor also cited the decision by the Land Use Planning Commission (LUPC) in its letter, although it did not specifically claim that was a proceeding in which it was actively engaged. In any event, the last day the LUPC received public comments on the clean energy transmission line was November 26, 2019. The LUPC issued its Site Law Certification Decision on January 8, 2020.

The Army Corps of Engineers held a hearing in Lewiston on December 5, 2019 regarding its issuance of permits for the clean energy transmission line. The deadline for public submissions was January 6, 2020. Based upon a review of the record, it does not appear that any employee of Stop the Corridor or anyone claiming to be affiliated with that organization ever spoke at the hearing. In the entirety of the record, the only mention of Stop the Corridor appears in the testimony of Heidi Vierthaler. Ms. Vierthaler offered a personal research paper as part of her testimony. In that paper, she provided a link to Stop the Corridor's website along with one other Maine group opposed to the project. Notably, she encouraged readers to "sign their petitions too!"

The municipal public administrative proceedings relative to the clean energy transmission line that occurred between November 2019 and February 2020 were limited to six towns: Industry, Jay, Moscow, New Sharon, Starks, and Wilton. In most cases, the meetings were convened by the local planning board; in some cases, they were simply pre-application meetings where no substantive decisions were made.⁶

We have previously provided to your office documentation from public sources that Stop the Corridor spent as much as \$250,000 in December 2019 and January 2020 on direct mail, television, radio and social media advertisements.⁷ Even without the evidentiary proof provided by the town clerks documenting Stop the Corridor's active participation in the signature gathering campaign, the notion that Stop the Corridor would spend a quarter of a million dollars over a period of 60 days just to influence planning board meetings in Wilton, New Sharon and Jay is, frankly, ludicrous.

Stop the Corridor became a PAC on or about December 1, 2019 and is required to file with the Ethics Commission

Stop the Corridor's major purpose when it was formed, allegedly in April 2018, may have been limited to local and state permitting proceedings. The efforts to organize volunteers, engage turnout for local proceedings and generate debate about the clean energy transmission line could also justify its refusal to register as a PAC when it was formed.

⁶ The meetings in Starks were related to site inventory and analysis review.

⁷ We incorporate our letter of January 28, 2020 and the supporting documents by reference.

But this classification is not static and the entity cannot hide behind it once the signature gathering process begins.⁸ Stop the Corridor would have this Commission believe that once the signature gathering process began, its alleged major purpose didn't change. As documented by the records of the town clerks, that claim is blatantly false.

The fundamental purpose of the PAC registration and reporting statutes is to provide transparency to the public in referendum and signature gathering campaigns. The Commission would do well by the public to insist on that in this case.

Sincerely,

Newell A. Augur
Legal Counsel

⁸ By extension, that logic would permit an entity to form in advance of an anticipated ballot measure, passively engage in municipal or administrative matters related to the issue, then actively participate in gathering signatures leading up to the certification of the measure and claim it was never involved in a campaign as defined in 21-A §1052 (4-B).

EXHIBIT 1

CARMEL

RECEIPT OF PETITIONS

Carmel

Date Received: December 23, 2019

Petition Title: Resolve, to Reject the New England
Clean Energy Connect Transmission Lines

Number of Petition(s) Received: 1

Dropped of by: Mail

Received by: Lacey Walton

RETURN OF PETITION

Date Returned: December 23, 2019

Number of Petition(s) Returned: 1

Returned to: By Mail: Tom Sawiehl

60 Applegate Ln Wilton ME 04294

By: Correen Sylvester

EXHIBIT 2

CHARLESTON

PETITION LOG
for
Municipality of

CHARLESTON

Method of Submission				Contact			Method of Return			
Date	# of Forms	M (X)	P (X)	Submitted by: Signature or Name	Phone Number	Date	M (X)	P (X)	Picked up by: Signature or Name	Comments/Remarks
2/11/18	X			Ben Savieello Stop the Corridor 29 Thimble Cove So. Portland, ME 04106	530 386 8495	12/11/18	X			Connect Transmission Project

EXHIBIT 3

GREENE

Ben Saviello
Stop the Corridor
29 Thirlmere Ave
South Portland, ME 04106

11/30/2019

Good Day Municipal Registrar,

Please find the enclosed petitions to Reject the New England Clean Energy Connect Transmission Project. These petitions have already been notarized.

As the Municipal Registrar of your town, please complete the following:

- Date and time stamp petition indicating when the petition was received.
- Complete the "Registrar Use Only" space using the codes described in the box to the right.
- Complete and sign the certification by indicating which names on the petition appear on your municipalities voting list.

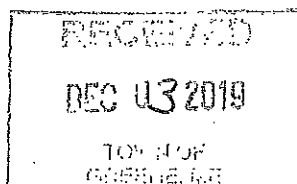
Once the above has been completed, please return the petitions to me using the enclosed, pre-stamped envelope.

If you have any questions, please reach out to me at (530)386-8495.

Thank you in advance!

Best,

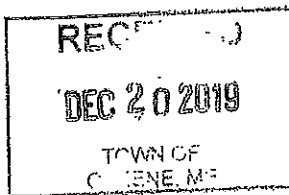
Ben Saviello



Mailed
12/4/19
Anne Swickel

EXHIBIT 4

GREENE



12/17/2019

Ben Saviello
Stop the Corridor
29 Thirlmere Ave
South Portland, ME 04106

Good Day Municipal Registrar,

Please find the enclosed petitions to Reject the New England Clean Energy Connect Transmission Project. These petitions have already been notarized.

As the Municipal Registrar of your town, please complete the following:

- Date and time stamp petition indicating when the petition was received.
- Complete the "Registrar Use Only" space using the codes described in the box to the right.
- Complete and sign the certification by indicating which names on the petition appear on your municipalities voting list.

Once the above has been completed, please return the petitions to Tom Saviello using the enclosed, pre-stamped envelope.

If you have any questions, please reach out to me at (530)386-8495.

Thank you in advance!

Best,

Ben Saviello

*mailed
12/20/19*

EXHIBIT 5

HARRISON

PETITION LOG FOR
MUNICIPALITY OF HARRISON

Clerk Init.	Method of Submission			Contact		Method of Return			Petition Subject Comments/ Remarks	Clerk Init.
	Date	# of Pages	Mail (X) Phone (P)	Submitted by: Signature or Name	Phone No.	Date	Mail (X) Phone (X)	Picked up by: Signature or Name		
SA	12-4-19	1		William Parsons	743-3880	12-5-19		William Parsons	Donald Trump Candidate	SA
Km	12-9-19	1	X	Alex Arsenault	413-658-7257	12-9-19	X	Mailed to: Alex Arsenault Woburn, MA	Marianne Williamson Candidate	Km
Km	12-9-19	1	X	Alex Arsenault	413-658-7257	12-9-19	X	Mailed to: Alex Arsenault 1654 New Boston St Woburn, MA 01891	Tulsi Gabbard Candidate	Km
Km	12-12-19	1	Walk In	Carol Howard		12-12-19	Walk In	Carol Howard	Resolve Reject Clean Energy Transmission Project	Km
Km	12-19-19	1	X	Ben Savieello	530-386-8475	12-19-19	X	Mailed to: SASE Tom Savieello Stop the Corridor 60 Applegate Lane Wilton, MA 01897	Resolve to Reject Clean Energy Transmission Project	Km
Km	12-19-19	1	Walk In	Harchet Hansra	671-1773	12-20-19	Walk In	Harchet Hansra	Resolve to Reject Clean Energy Transm. Project	Km
Km	12-20-19	2	Walk In	Violet Gehr		12-20-19	Walk In	" "	Primary Nominatation Democrat	Km
Km	12-30-19	2	X	Krysta West	779-6859	12-31-19	X	Mailed to: SASE No Corp Corridor PO Box 471 Farmington 01738	Reject Clean Energy Connect Transmission Project	Km

M = MAIL - P = PHONE

EXHIBIT 6

LEEDS

PETITION LOG

for

Municipality of

Leeds

Title of Petition: <u>Resolve To Reject the New England Clean Energy Connect Transmissions Project</u>					Method of Return					
Method of Submission		Contact			Method of Return					
Date	# of Forms	M (X)	P (X)	Submitted by: Signature or Name	Phone Number	Date	M (X)	P (X)	Picked up by: Signature or Name	Comments/Remarks
12/31	2	X		Ben Savieello	503868495	12/19	X		mailed back to home @ 29 Thymore Ave, S. Fx 12 me	
12/4	1		X	Jeanette	3203002	12/5		X	Shannelle White	
12/5	1		X	Jeanette	"	12/5		X	Shannelle White	came in person
12/23	1	X		Ben Savieello						By Mail
12/20/20	7	X		Kristen West	207779259	12/20/20	X			By mail
12/20/20	4	X		Thomas Michaud		12/20/20	X			came in person
12/10	10	X		Jesse Fish	478-6959	12/10/20	X			By Mail
12/20	2	X		Jesse Fish	478-6959	12/20/20	X			By Mail
1/7/20	1		X	Drake Daniels		1/7/20		X		came in person
1/8/20	3	X		Jesse Fish	478-6959	1/8/20	X			MAIL
"	5	X		"	"	"		X		MAIL

EXHIBIT 7

LISBON

M= mail
P= in person

Title of Petition: Primary Nomination For Candidate/Seau/District People's Veto or Subject of Petition Qualifying Contributions For Who		Method of Submission			Contact			Method of Return			
Date	# of Pgs (X)	M (X)	P (X)	Received From	Phone Number	# Valid	Date	M (X)	P (X)	Picked up by: Signature or Name	Notes
1 11/8/19	1		<input checked="" type="checkbox"/>	Dawn L. King		16			<input checked="" type="checkbox"/>	Come to David Cowan to Return their Aff.	
2 11/12/19	6		<input checked="" type="checkbox"/>	David Cowan		270			<input checked="" type="checkbox"/>		
3 11/14/19	1		<input checked="" type="checkbox"/>	Barney McClelland	207-615-5168	1	11/14/19		<input checked="" type="checkbox"/>	Barney McClelland	
4 12/3/19	7		<input checked="" type="checkbox"/>	Ben Savieello	530-386-8495	13	12/7/19		<input checked="" type="checkbox"/>	Mailed	
5 12/13/19	1		<input checked="" type="checkbox"/>	David Cowan	577-7046	9	12/13/19		<input checked="" type="checkbox"/>	Picked up by David	
6 12/30/19	4		<input checked="" type="checkbox"/>	Ben Savieello	530-386-8495	17	12/30/19		<input checked="" type="checkbox"/>	Mailed to the Carriole to Apple Gate Lane Wilton, ME 01894	
7											
8											
9											
10											
11											

EXHIBIT 8

MACHIAS

Town Office
7 Court Street, Suite #1
P. O. Box 418
Machias, ME 04654



Petition Log Record

Date petition dropped off: Rec in mail 12/20/19
Type of petition: Resolve To Reject the New England Clean Energy
Name of person dropping off petition: Connect Transmission Project
Mailing Address: Rec in mail
Tom Suiello / Stop the Corridor
60 Applegate Lane Wilton Me 04294
Telephone Number: 530-386-8495
Signature: Rec in Mail

Date petition picked up: Mailed 12/20/19
Name of person picking up petition: "
Mailing Address: 60 Applegate Lane
Wilton Me 04294
Telephone Number: 530-386-8495
Signature: Mailed

Telephone: (207)-255-6621 Fax: (207) 255-6492 E-Mail: townmanager@machiasme.org
Visit our website at machiasme.org

"Town of Machias is an equal opportunity/affirmative action employer."

EXHIBIT 9

NEWPORT

PETITION LOG
for
Municipality of
Newport

Method of Submission			Contact		Method of Return			
Date	# of Forms	M/P	Title of Petition	Submitted by: Signature or Name	Phone Number	Date	M/P	Picked up by: Signature or Name
12/2/19	1	M	Reject, the New England Clean Energy Compact Transmission Project	Ben Savje-Ho	508-845-5866	12/2/19	M	29 Thairmore Ave S. Portland 04101

EXHIBIT 10

PLYMOUTH

PETITION LOG

for
Municipality of

Plymouth

Title of Petition: <u>Resolve To Reject The New England Clean Energy Connect Transmission Project</u>				Method of Return						
Method of Submission				Contact						
Date	# of Forms	M (X)	P (X)	Submitted by: Signature or Name	Phone Number	Date	M (X)	P (X)	Picked up by: Signature or Name	Comments/Remarks
11/19/18	1	X		Ben Saviejo	530-330-8451	11/19/18	X		Ben Saviejo 29 Thirumare Ave S. Portland	
11/19/18	1	X		Edward Grancsok	719-6859	11/19/18	X		Krysta West PO Box 471 Farmington	
11/20/18	1	X		" "	" "	11/20/18	X		" "	" "
11/22/18	1	X		Sevon R.	" "	11/22/18	X		" "	" "
11/20/18	1		X	Kasey Lupo	" "	11/20/18		X	Kasey Lupo	
12/20/18	1		X	Carol McCarren	" "	12/20/18		X	Carol McCarren	
11/21/18	1	X		Kevin Tessier/Jesse Fish	Fish	11/21/18	X		Samuel	478-6951
11/21/18	1	X		Jeff Black	" "	11/21/18	X		" "	478-6951
11/21/18	1	X		Crystal Hillman	" "	11/21/18	X		" "	" "
11/21/18	1	X		Michael M. Roberts	" "	11/21/18	X		" "	" "
11/23/18	1	X		Jasmine Sumner	" "	11/23/18	X		Jasmine Jesse Fish	" "
11/23/18	1	X		Brett Armstrong	" "	11/23/18	X		Brett Armstrong/Krista West	" "
11/23/18	1	X		Jessica Bragan	" "	11/23/18	X		Jessica Bragan	Gally Robinson
11/23/18	1	X		" "	" "	11/23/18	X		" "	Edwin Buzell
11/23/18	1	X		Krista West	719-6859	11/23/18	X		Krista West	" "
11/23/18	1	X		Christopher Veggi/Jessica	" "	11/23/18	X		Jesse Fish	478-6959

EXHIBIT 11

RUMFORD

\$2.150

KUWIKUKS

5519

PETITION LOG FOR RUMFORD CMP Transm. Project

TITLE OF PETITION: To Respect the New England Clean Energy Connect Transmission Project

METHOD OF SUBMISSION		CONTACT		METHOD OF RETURN		REMARKS				
DATE	# of	M	P	SIGNATURE OR NAME	PHONE #	DATE	M	P	PICKED UP BY: SIGNATURE	# of valid
12/2/19	1	X		Krysta West PO. Box 471 Farmington, ME 04938	779-6859	12/4/19	X		sent Krysta West PO. Box 471 Farmington, ME 04938	9 ✓
12/3/19	1	X		Ben Saviello STOP The Corridor	503-384 8495	12/4/19		X	Ben Saviello 29 Thirlmere Ave South Portland, ME 04106	2 ✓
12/6/19	1		X	Garetta Bordin	357-1433	12-6-19		X	Garetta Bordin	7-8 ✓
12-9-19	2	X		Susan Theberge	645-4703	12-11-19		X	Peter Theberge	14- ✓
12-13-19	2	X		Susan Theberge	645-4703					
12-13-19	2	X		Susan Theberge	645-4703	12/13/19		X	Susan Theberge	9- ✓
12-19-19	3	X		Ben Saviello	530-386	12-19-19	X		Ben Saviello - Stop the Corridor 20 Appleton Rd Farmington, ME 04938	5 ✓
12-30-19	3	X		Susan Theberge	645-4703	1-2-20		X	Peter Theberge	8 ✓
1-6-19	3	X		Susan Theberge	645-4703	1-7-2020		X	Peter Theberge	6 ✓
1-10-20	1	X		Susan Theberge	645-4703	1-10-2020		X	Susan Theberge	2 ✓
1-14-20	3	X		Susan Theberge	645-4703				Susan Theberge	36 ✓
1-17-20	2	X		Susan Theberge	11	1-21-20		X	Peter Theberge	18 ✓

EXHIBIT 12

SEARSMONT

PETITION LOG

for

Municipality of

Searsport

Title of Petition: <u>Resolve Request NE Clean Energy Connect Transmission Project</u>		Method of Submission		Contact		Method of Return		Comments/Remarks	
Date	# of Forms	M (X)	P (X)	Submitted by: Signature or Name	Phone Number	Date	M (X)		P (X)
12-19-19	3	X		Ben Savinello		12-19-19	X		Mailed 29 thickners Ave Searsport
12-31-19	8	X		No CMP Corridor		12-31-19	X		Mailed PO Box 471 Farmington
1-8-20	1	X		Krystal West		1-8-20	X		PO 471 Farmington ME
1-8-20	3			Krystal West		1-8-20	X		PO 471 Farmington
1-13-20	1			Krystal West		1-13-20	X		PO Box 471 Farmington
1-15-20	1			Cody		1-15-20	X		PO Box 471 Farmington
1-21-20	1			Matthew Wagner		1-21-20	X		PO Box 471 Farmington
1-22-20	1			Krystal West		1-22-20	X		PO Box 471 Farmington
1-23-20	4	X		Jessie Fisk	478-89159	1-23-20	X		449 Forest Ave St 30 Portland ME 04101
1-23-20	4	X		Felix Jessie Fisk		1-23-20	X		Felix 449 Forest Ave

EXHIBIT 13

SMITHFIELD

PETITION LOG
Municipality of
Smithfield

Title of Petition: <i>To Reject The New England Clean Energy Connect Transmission Project</i>										
Method of Submission			Contact				Method of Return			
Date	# of Forms	M (X)	P (X)	Submitted by: Signature or Name	Phone Number	Date	M (X)	P (X)	Picked up by: Signature or Name	Comments/Remarks
<i>12/2</i>	<i>2</i>	<i>X</i>		<i>Ben Saville 29 Thirlmere Ave Se. Portland ME 04106</i>	<i>(530) 386-8495</i>	<i>12/2</i>	<i>X</i>			<i>3 valid 0 enrolled</i>
<i>12/19</i>	<i>1</i>	<i>X</i>		<i>"</i>	<i>"</i>	<i>12/23</i>	<i>X</i>		<i>Robert Hayner</i>	<i>1 valid 0 enrolled + 2 more on way by</i>
<i>12/20</i>	<i>8</i>		<i>X</i>	<i>Robert Hayner</i>	<i>399-6330</i>	<i>12/30</i>				<i>18 valid 0 enrolled</i>

EXHIBIT 14

SOUTH BERWICK

PETITION LOG - South Berwick

Method of Submission:

Method of Return:

Date	# of forms	M/P	Submitted by: name or signature	Phone Number	Date	M/P	Picked up by: SIGNATURE	Title/Comments
12/13/19	1	M	BEN SAVIELLO STOP CORRIDOR		12/19/19	M	mailed	back
12/19/19	4	M	ALEX ARSENAULT	413-658-7237	12/19/19	M	mailed	Dem Cards
12/19/19	3	P	FOR DEVAL PATRICK		12/19/19	P	Alex Arsenault	
12/19/19	1	M	CMP Corridor NO		12/19/19	M	BEN SAVIELLO	
12/19/19	1	P	For Gary Booker		12/19/19	P	Bruce Boyle	
12/20/19	3	M	CMP Corridor NO		12/20/19	M		
1/2/20	1	P	Dem Party Nom GIDEON		1/2/20	P		
1/17/20	8	M	REVOLUTION FIELD STAT JESSE FISH	478-6959	1/17/20	M	NE Clean Energy	
1/21/20	1	M	NO CMP CORRIDOR		1/21/20	M		
1/21/20	6	M	NO CMP	1200 Fish	1/21/20	M		
1/23/20	2	M	NO CMP	JESSE	1/23/20	M		
1/23/20	3	P	NO CMP ZACK PLUMMER	684-1286	1/27	P	Zac Plummer	
1/29/20	2	M	NO CMP JESSE FISH	478-6959	1/29/20	M		
2/15/20	1	P	Collins		2/15/20	P	Alison	Alison

EXHIBIT 15

SOUTH PORTLAND

PC + 11/18/19
For - with Postland

A	B	C	D	E	F	G
Date Received	# of Forms	Petition Name	Submitted by	Phone #	Date Released	Picked up by:
9/10/19	2	Trinity death	Michael Falk	523-0299	9/10/19	Mike Falk
9/10/19	1	Innocence	Andre Lavigne	523-0299	9/10/19	APRIL ESSA
9/13/19	43	Green	Sam	835-9177	9/16/19	APRIL ESSA
9/13/19	0	Vaccination	Peter Mann	653-484	9/16/19	Peter Mann
9/13/19	33	FASANEL			9/16/19	Peter Mann
9/13/19	28	Death			9/16/19	Peter Mann
9/13/19	10	Seam	Seam	835-9177	9/16/19	
9/13/19	2	Seam	Beverly Hoffman	487-1747	6-29-18	
10-29-19	4	Presidential Primaries	Jaime Kermey	487-1747	6-29-18	
11/11/19	1	Pres Prim	Mike Rock			Michael R. Rock
11/17/19	1	Amy Klueber	Nicholas White	813-793-5158		
11/18/19	9	Deer Buttigieg	Jennifer Grestell	207-833-8238	11-19-19	
11/20/19	2	Peter Buttigieg	Jennifer Grestell	781-26665	11-19-19	
11/20/19	1	Donald Trump	Mark Stathelund	603-7865	11-13-19	
11/21/19	1	Andrew Young	Jaime Kermey	487-1747	11-19-19	
11/21/19	1	Bennett	Ben Collins	405-7865		
11/21/19	1	Robbie	Dana Collins	646-912-8528		
11/22/19	1	Amy Klueber	Joe Colvic	415-1928 (online)		
11/25/19	2	Amy Klueber	Jacobie	415-1928	11-25-19	
11/25/19	1	Andrew Young	Dan Dyer			
12-2-19	14	Star thd Corridor	Ben Saville	603-380-8232	12-2-19	
12-2-19	2	Tam Steyer	Travis Longstaff	812-1111	12-4-19	
12-2-19	3	Elizabeth Warren	Jacqueline Merrill	WASH	12-2-19	
12-2-19	1	Andrew Young	Dana Dyer			
12-2-19	1	Amy Klueber	Christie McNeil	919-869-9757		(Text)

EXHIBIT 16

UNION

for Municipality of

UNION

Title of Petition: Resolve to Reject the New England Clean Energy Connected Transmission Project

Method of Submission			Contact			Method of Return			Comments/Remarks
Date	# of Forms	M P (X) (X)	Signature or Name	Phone Number	Date	M P (X) (X)	Picked up By: Signature or Name		
11/18/19	1	X	VINCENT MEECA	207-237-4028	11/18/19	X	Amanda P. Moore		
12/19	1	X	Ben Saville	5303868495	12/19	X	Mailed	Is there more for 9 Rockwood	
12/19	1	X	BEN SAVILLE	5303868495	12/19/19	X	Mailed	BEN SAVILLE, Stop the Corridor, No more gas in Wilton, N	
12/19/19	1	X	Carol Howard	"	"	X	"	"	
12/19/19	1	X	Stephanie Stevens	"	"	X	"	"	
1/5/19	8	X	Krista West / No Camp	207-779-423		X	"	No Camp Carr; Farmington, ME	
1/19/20	0	X	Jesse Fish	478-6959	1/19/20	X	Mailed	FOR EX TO REVOLUTION FIELD STRATEGIES	
1/20/20	4	X	Tom Edge	975-1719	1/20/20	X	Mailed	EVOLUTION FIELD STRATEGIES	
1/20/20	8	X	Jesse Fish	478-6959	1/20/20	X	FOR EX	REVOLUTION FIELD STRATEGIES	
1/21/20	5	X	Jesse Fish	478-6959		X			
1/21/20	1	X	Mary Jane West	785-2999	1/21/20	X			

500
10/11/19

EXHIBIT 17

WINDSOR

Ad Details



Stop the Corridor

Sponsored • Paid for by Stop the Corridor
ID: 594996207911089

CMP's position is still the same - Mainers are stupid, that's why they oppose the corridor. From today's paper, CMP's PAC chief "I think a lot of people aren't educated on what the project is and what the benefits are." The arrogance and tone-deafness of this company is astounding. Maybe Jon Breed should spend some time listening to the opponents instead of spending ungodly amounts of money trying to deceive people.



CMP's bad reputation could be biggest hurdle to surviving possible referendum fight over corridor
Central Maine Power has begun its political campaign to save the line, which is awaiting state and federal permit...
BANGORDAILYNEWS.COM

[Learn More](#)

About the disclaimer

When an advertiser categorizes their ad as being about social issues, elections or politics, they are required to disclose who paid for the ad.
[Learn More](#)

Information from the advertiser

Data About This Ad

● Inactive
Nov 18, 2019 - Nov 23, 2019
ID: 594996207911089

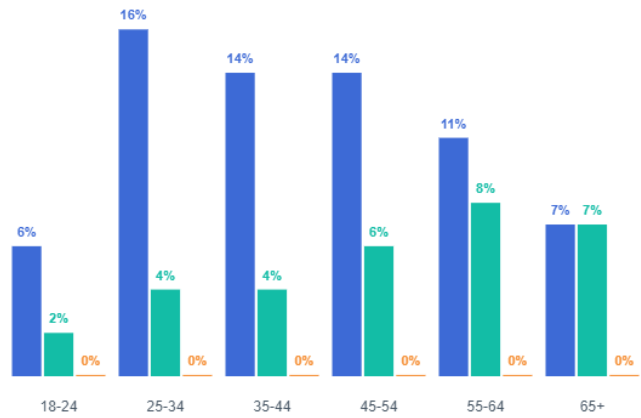
150K - 175K
Impressions

\$1K - \$1.5K
Money spent (USD)

Who Was Shown This Ad

Age and Gender

Men Women Unknown



Where This Ad Was Shown



Ad Details



Stop the Corridor

Sponsored • Paid for by Stop the Corridor, PO Box 98, Westbrook ME 04098

ID: 1233231413523895

Can you spare \$10 to stop the CMP corridor? Making a donation in any amount right now to Say NO to NECEC's referendum exploratory committee will make a big difference - if everyone on this page sent in just \$10 they'd have more than enough to take the next steps to bring this issue to a vote - at last. Please click the link below and chip in what you can!



Click here to support Say NO to NECEC organized by Sandi Howard

We are raising funds to support the grassroots effort to oppose Central Maine Power's proposed New England Clean Energy Connect, a 145-...
GOFUNDME.COM

About the disclaimer

When an advertiser categorizes their ad as being about social issues, elections or politics, they are required to disclose who paid for the ad.
[Learn More](#)

Information from the advertiser

Data About This Ad

● Inactive
Aug 8, 2019 - Aug 13, 2019
ID: 1233231413523895

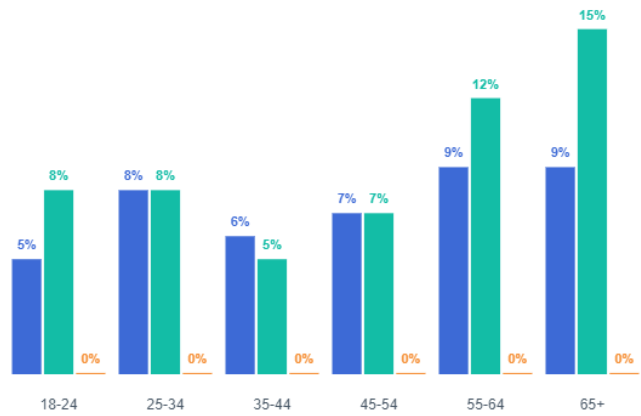
50K - 100K
Impressions

\$1K - \$5K
Money spent (USD)

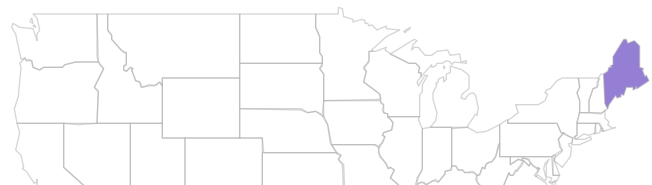
Who Was Shown This Ad

Age and Gender

Men Women Unknown



Where This Ad Was Shown



Ad Details



Stop the Corridor

Sponsored • Paid for by Stop the Corridor, PO Box 98, Westbrook ME 04098

ID: 411374212806509

DONATE NOW: Corridor opponents are starting work on a potential referendum, and one of the most important things they need right now is money. Please take a moment to chip in to help get this effort off the ground!

<https://www.gofundme.com/say-no-to-necec>



Click here to support Say NO to NECEC organized by Sandi Howard

We are raising funds to support the grassroots effort to oppose Central Maine Power's proposed New England Clean Energy Connect, a 145-...
GOFUNDME.COM

About the disclaimer

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[Learn More](#)

Information from the advertiser

Data About This Ad

● Inactive
Aug 6, 2019 - Aug 8, 2019
ID: 411374212806509

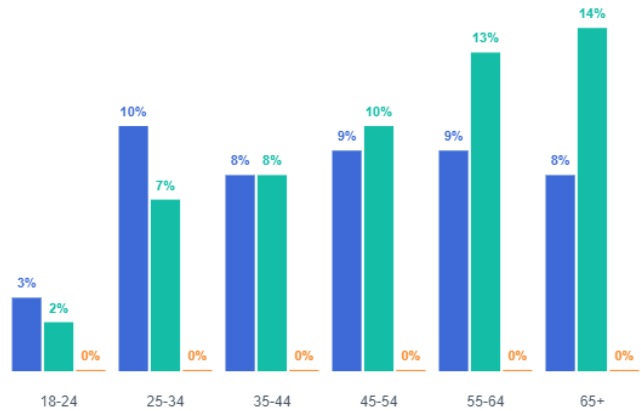
10K - 50K
Impressions

\$100 - \$499
Money spent (USD)

Who Was Shown This Ad

Age and Gender

Men Women Unknown



Where This Ad Was Shown

