

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

IN THE MATTER OF:

CLEAN ENERGY FOR ME, LLC
d/b/a STOP THE CORRIDOR

Respondent.

CONSENT AGREEMENT

The Maine Commission on Governmental Ethics and Election Practices (hereinafter, “the Commission”) and Clean Energy for ME, LLC (“Stop the Corridor”) enter into the following consent agreement (“Agreement”) to resolve alleged violations of campaign finance laws without further administrative proceedings. The alleged violations arise out of activities to support a citizen initiative planned for 2020 to oppose the New England Clean Energy Connect transmission project (“NECEC”). Without admitting any liability or wrongdoing, Stop the Corridor wishes to resolve this matter with the Commission by entering into this Agreement pursuant to which Stop the Corridor agrees that it should have registered as a ballot question committee and, as a result, filed its own Maine campaign finance reports from October 2019 through April 2020.

PROCEDURAL BACKGROUND

1. In January 2020, advocates for NECEC filed a complaint with the Commission alleging that Stop the Corridor should have registered and filed financial reports as a political action committee (“PAC”) because it had engaged in financial activities to support petitioning for a citizen initiative. At meetings in March and May 2020, the Commission voted to direct its staff to investigate whether Stop the Corridor qualified as a PAC or a ballot question committee. The staff’s investigation was substantially delayed because Stop the Corridor lawfully declined to voluntarily provide documents necessary for the investigation and twice filed lawful appeals in the Superior Court of Maine challenging various aspects of the investigation, including two subpoenas for documents. During the investigation, the Commission staff received a total of 6,339 pages of documents and conducted five witness interviews.

FINDINGS OF FACT

2. Stop the Corridor is the name used publicly by a Maine limited liability company, Clean Energy for ME, formed in April 2018 to oppose NECEC.

3. Bernstein, Shur, Sawyer & Nelson (“Bernstein Shur”) is a Maine law firm.

4. The Hawthorn Group, L.C. (“Hawthorn”) is a public affairs and communications consulting firm based in Alexandria, Virginia.

5. In late 2017 or 2018, Hawthorn approached government relations consultants employed by Bernstein Shur and another Maine government relations consultant about doing work to oppose NECEC on behalf of a client (“the Client”), which is identified as Stop the Corridor’s contributor in Exhibit B. (The Bernstein Shur consultants together with the other Maine government relations consultant are referenced collectively as the “Maine consultants.”) During 2018-2020, the Maine consultants worked as a team to organize opposition to NECEC and influence public opinion against the project. Stop the Corridor was formed in April 2018 to conduct these activities.

6. In their early meetings, representatives of Hawthorn told the Maine consultants they should not disclose the Client or Hawthorn and that all activities should be in accordance with Maine law. This direction never changed during the relevant period covered by this Agreement and covered the full range of activities that would be conducted by Stop the Corridor. The Maine consultants understood this to mean that, if Maine law required an activity to result in the disclosure of the name of Hawthorn or the Client, the Maine consultants should not engage in such activity. Hawthorn retained the Maine consultants based on their expertise in Maine elections and election law and were relying on the Maine consultants to act within these parameters.

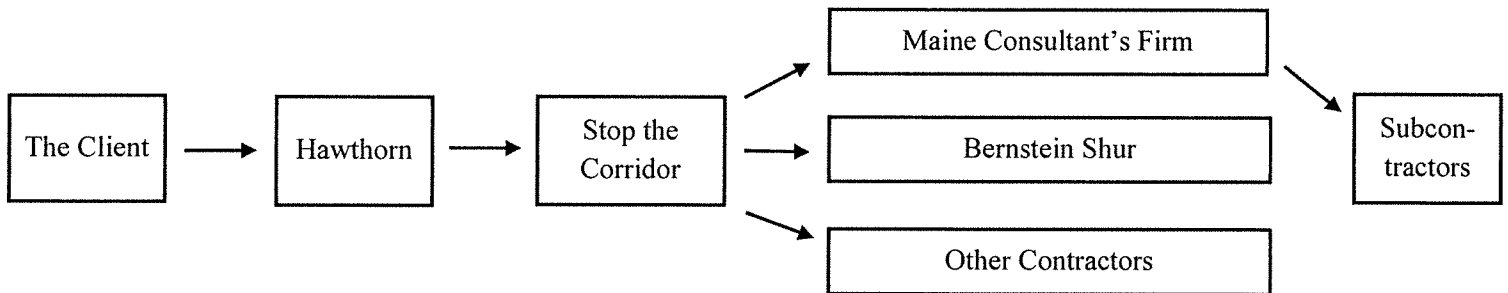
7. The Maine consultants assert that they believed that none of their activities required Stop the Corridor to register as a ballot question committee or to identify its source of funding under Maine law. The Commission staff’s investigation did not find evidence that the consultants believed otherwise.

8. During 2018-2020, Stop the Corridor worked within a coalition of organizations opposed to NECEC that included, among others, the Natural Resources Council of Maine (NRCM), the Sierra Club, and an association of volunteers that had been organized through a

Facebook page. Stop the Corridor engaged in a range of activities to oppose NECEC that did not implicate Maine’s campaign finance laws and included, among other things, coordinating citizens to oppose NECEC in municipal proceedings, influencing public opinion through advertising, and coordinating with coalition partners on generating comments to state and federal agencies.

9. During 2019-2020, the Maine consultants communicated regularly with Hawthorn through scheduled biweekly “Maine team update” telephone calls, other phone calls as needed, and email as needed. An employee in the Client’s regulatory division sometimes participated in the 2019-2020 biweekly update calls in a listening role. Decisions about Stop the Corridor’s operations were made through the Maine consultants and a representative of Hawthorn. Hawthorn received weekly reports on the progress of general activities to oppose NECEC in Maine.

10. Hawthorn financially managed Stop the Corridor and provided 100% of its funding with fees collected from the Client. The following chart summarizes the flow of money that paid for Stop the Corridor’s activities:



11. During the summer of 2019, the coalition of NECEC opponents decided to promote an initiated law that would direct the Maine Public Utilities Commission (“PUC”) to reverse a certificate of public convenience and necessity that the PUC had issued for NECEC in May 2019. The Client reviewed the language of the initiative.

12. The time period for petitioning was October 18, 2019 - February 3, 2020. Volunteers organized by coalition partners collected signatures on petitions.

13. The Maine consultants paid six field workers to train volunteers on the technicalities of collecting signatures on petitions. The firm also paid for other expenses to help with the coalition’s petitioning effort such as travel, a website for volunteers to sign up to petition, printing, postage, and office supplies. The total value of these services (\$85,726) was

communicated to a PAC, No CMP Corridor, which reported them as in-kind contributions in three campaign finance reports filed with the Commission during October 2019 - April 2020. This reporting indicated that Stop the Corridor had engaged in paid activities to assist with petitioning, but it did not disclose any information about the sources that paid for Stop the Corridor's assistance.

14. The Maine consultants are skilled campaign professionals with personal experience managing ballot question campaigns. Among other consulting services, the Maine consultants provided information and recommendations to promote the successful collection of signatures and related services to qualify the 2020 initiative for the ballot. Hawthorn, through Stop the Corridor, paid an undetermined amount to Bernstein Shur for strategic political advice concerning the 2020 initiative. For purposes of the campaign finance report required by paragraph 28 of this Agreement, the parties agree and stipulate that \$10,000 is the total amount of fees paid to Bernstein Shur that were reportable as campaign expenditures.

15. The anti-NECEC coalition submitted the signed petitions to the Secretary of State on February 3, 2020. While the petitions were deemed valid, the Maine Supreme Judicial Court ultimately determined that the 2020 initiative would not appear on the ballot and, accordingly, the 2020 initiative was never presented to Maine voters.

APPLICABLE LAW

16. In 2019-2020, an organization that did not qualify as a PAC (due to its major purpose) was required by Maine campaign finance law to register and file financial reports with the Commission as a ballot question committee if it received more than \$5,000 in contributions or made more than \$5,000 in expenditures for the purpose of initiating or influencing a ballot question campaign. This was required by former 21-A M.R.S. § 1056-B, which has since been repealed. The requirements of § 1056-B have been incorporated into other statutes within Maine Election Law. P.L. 2021, Ch. 217.

17. A ballot question committee was legally required to register with the Commission and to file financial reports according to the same schedule as a PAC. § 1056-B(1)&(1-A).

18. The ballot question committee reporting statute defined different types of funding as reportable contributions, including:

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

§ 1056-B(2-A)(C).

19. Maine campaign finance law defines "expenditure" to include "[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" § 1052(4)(A)(1). The term "initiate" is defined as "the collection of signatures and related activities to qualify a state or local initiative or referendum for the ballot." § 1052(4-B).

CONCLUSIONS OF LAW

20. The Commission concludes that portions of Stop the Corridor's payments to the Maine consultants in 2019-2020 were expenditures as defined in 21-A M.R.S. § 1052(4)(A)(1) because they were made for the purpose of qualifying the 2020 initiative for the ballot.

21. The Commission interprets § 1052(4)(A)(1) to encompass political analysis and strategy provided by a law firm or consultant as an expenditure to influence a ballot question campaign.

22. Therefore, the Commission concludes that funding received by Stop the Corridor and paid to the Maine consultants for such activities and/or to otherwise qualify the initiative for the ballot constituted contributions to a ballot initiative, despite the Maine consultants' view that such activities were made consistent with the directive to comply with all Maine law and refrain from any activities that would require disclosure of Hawthorn or the Client.

23. The Commission concludes that Stop the Corridor qualified as a ballot question committee pursuant to 21-A M.R.S. § 1056-B because it received more than \$5,000 in contributions and made more than \$5,000 in expenditures for the purpose of initiating or influencing the 2020 initiative.

24. The Commission concludes that Stop the Corridor violated 21-A M.R.S. § 1056-B(1-A) by not registering with the Commission within seven days of exceeding \$5,000 in spending to initiate or influence the 2020 initiative.

25. The Commission concludes that Stop the Corridor violated 21-A M.R.S. § 1056-B(1) by not filing a campaign finance report within seven days of registering with the Commission and two quarterly campaign finance reports due January 15 and April 10, 2020.

COVENANTS

26. To resolve this matter without further administrative hearings or litigation, Stop the Corridor agrees to pay or cause to be paid, and the Commission agrees to accept, civil penalties totaling \$50,000 for not filing a ballot question committee registration and three campaign finance reports in 2019-2020.

27. Payment must be in the form of a check or money order payable to “Treasurer, State of Maine” and delivered to the Commission. Stop the Corridor, or others on its behalf, will make the payment within 30 days of execution of this Agreement.

28. No later than simultaneously with the execution of this Agreement, Stop the Corridor agrees to file the following documents with the Commission: (a) the ballot question committee registration attached as Exhibit A and incorporated into this Agreement; and (b) the consolidated campaign finance report disclosing its receipt of contributions from the Client and expenditures of money and in-kind services to initiate the 2020 ballot question, attached as Exhibit B and incorporated into this Agreement.

29. In consideration of execution of this Agreement and payment of the penalties described above, the Commission will not seek any other civil or administrative sanctions or make any criminal referral(s), available under or pursuant to Maine campaign finance law, against Stop the Corridor or any of the other individuals and entities referenced herein, or related in any way, to financial activity to promote, support, or otherwise influence, the 2020 citizen initiative.

30. The Commission has determined that the investigative report by the Commission staff and the accompanying appendices (collectively the “IR”) constitute an investigative working paper pursuant to 21-A M.R.S. § 1003(3-A) and shall request that the Attorney General defend that designation in response to any lawsuit seeking disclosure of the IR. The Commission further agrees to keep confidential all other materials produced to or generated by Commission staff during the investigation that meet the definition of investigative working papers under 21-A

M.R.S. § 1003(3-A). If the Commission believes that materials other than the IR produced to or generated by Commission staff during the investigation do not meet the definition of investigative working papers, prior to disclosing any such material the Commission will provide Stop the Corridor and any person who initially disclosed the material in question to the Commission with an opportunity prior to any disclosure to be heard on the Commission's intended response to any request for disclosure of such document(s), and, as appropriate, to obtain a judicial determination whether the materials in question are subject to public disclosure under the Maine Freedom of Access Act, 1 M.R.S. § 400 et seq. The parties acknowledge and agree that the Commission's disclosure of records pursuant to court order shall not be a breach of the Consent Agreement.

31. This Agreement becomes effective upon approval of the Commission by majority vote and the date of the last necessary signature below.

32. This Agreement contains the entire agreement between the parties. It may be modified only by a written agreement executed by both parties.

33. This Agreement is not subject to appeal. By entering into the Agreement, the Commission, Stop the Corridor and its officers, and the other individuals and entities referred to herein waive any further administrative hearings or appeals regarding campaign finance compliance issues related to the 2020 citizen initiative.

34. The individual who is signing this Agreement for Stop the Corridor acknowledges by his signature hereto that he has read this Agreement and has had the opportunity to consult with legal counsel before executing it, that he has authority to sign the Agreement on behalf of Stop the Corridor and its officers, that he has executed the Agreement voluntarily, and that he agrees to abide by all terms and conditions set forth herein.

In Witness Whereof, the parties have executed this Agreement consisting of eight (8) pages.

STOP THE CORRIDOR:

Dated: 11/29/23

By: [Signature]
Its: Principal Officer

MAINE COMMISSION ON
GOVERNMENTAL ETHICS
AND ELECTION PRACTICES:

Dated: 29 Nov 23

By: [Signature]
Its: CHAIRMAN

Exhibit A

Retroactive Ballot Question Committee Registration

Name of Committee: Stop the Corridor

Street: PO Box 738

City and Zip: Bangor 04402

Name of Principal Officer: Lance Dutson

Mailing Address Street: PO Box 93

City and Zip: Westbrook 04098

Telephone (207) 500-7025

Email: admin@corridorno.com

Type of Report: Retroactive Ballot Question Committee Report

April 2020 Quarterly, and Termination Report

Dates of Report Period October 1, 2019-March 31, 2020

Exhibit B

Consolidated Campaign Finance Report

Name of Committee: Stop the Corridor

Street PO Box 738

City and Zip Bangor 04402

Name of Principal Officer Lance Dutson


Mailing Address Street PO Box 93

City and Zip Westbrook 04098 **Telephone** (207) 500-7025

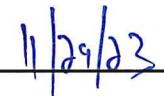
Email admin@corridorno.com

Type of Report Consolidated Initial BQC Report, January 2020 Quarterly,
April 2020 Quarterly, and Termination Report

Dates of Report Period October 1, 2019-March 31, 2020



Principal Officer's Signature



Date

SCHEDULE A CASH CONTRIBUTIONS

- 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 cash 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.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION AND EMPLOYER	TYPE (use key code)	AMOUNT
8/01/2019- 3/31/2020	NextEra Energy Resources LLC 700 Universe Blvd. Juno Beach, FL 33408		3	\$95,726
Total cash contributions (this page only) ⇒ (combined totals from all Schedule A pages must be listed on Schedule F)				\$95,726

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 |

SCHEDULE B EXPENDITURES TO SUPPORT OR OPPOSE

- Enter all expenditures, including cash contributions from this committee, made to support or oppose a candidate, political action committee, ballot question committee, or party committee.
- Enter all expenditures made to support or oppose a ballot question, referendum, or citizen initiative, including expenditures made in the signature-gathering phase.
- Enter the name of the candidate, ballot question, or committee supported or opposed by the expenditure and indicate whether the expenditure was made in support or opposition.
- Duplicate as needed.

If a single expenditure is made to support or oppose multiple candidates, committees, or ballot questions, the expenditure must be itemized by the amount spent per candidate, committee, or ballot question, not as a single expenditure, and each candidate, committee, or ballot question must be identified.

EXPENDITURE TYPES			
APP	Apparel (t-shirts, hats, embroidery, etc.)	PER	Personnel and campaign staff, consulting, and independent contractors
CON	Contribution to party committee, non-profit, other	PHO	Phones (phone banking, robocalls, and texts)
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	POL	Polling and survey research
EVT	Campaign and fundraising events (venue/booth rental, entertainment, supplies, etc.)	POS	Postage for US Mail and mailbox fees
FOD	Food for campaign events or volunteers, catering	PRO	Professional services (graphic design, legal services, web design)
HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	RAD	Radio ads and production costs only
LIT	Printed campaign materials (palmcards, signs, stickers, flyers etc.)	TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)
MHS	Mail house and direct mail (design, printing, mailing, and postage)	TRV	Travel (mileage and lodging, etc.)
OFF	Office supplies, rent, utilities, internet service, phone minutes/data	TVN	TV/Cable ads, production, and media buyer costs only
ONL	Social medial and online advertising only	WEB	Website and internet costs (website domain and registration, etc.)
OTH	Other and fees (bank, contribution, and money order fees, etc.)		

! REMARKS REQUIRED ON ALL EXPENDITURE TYPES!

Date: 9/30/2019- 3/31/2020	Payee Name and Address: No CMP Corridor PO Box 471 Farmington, ME 04398	Amount
		\$85,726
Type: CON	Remarks (Required): In-kind contributions including web hosting and design, staff time, postage and office supplies	
<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question: TO SUPPORT: Resolve, To Reject the New England Clean Energy Connect Transmission Project	
Date: 8/15/2019- 3/31/2020	Payee Name and Address: Bernstein Shur 100 Middle St. Portland, ME 04104	Amount
		\$10,000
Type: PER	Remarks (Required): Payment for political consulting	
<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question: TO SUPPORT: Resolve, To Reject the New England Clean Energy Connect Transmission Project	
Total expenditures this page only =>		\$95,726
(combined totals from all Schedule B pages must be listed on Schedule F)		

PAC/BQC Name: Stop the Corridor

**SCHEDULE F
SUMMARY SCHEDULE
CASH ACTIVITY**

Receipts	Total for this Period
1. Cash Contributions (Schedule A)	\$95,726
2. Other Cash Receipts (interest, etc.)	0
3. Loans (Schedule C)	0
4. Total Receipts (lines 1 + 2 + 3)	\$95,726
Expenditures	Total for this Period
5. Expenditures to Support or Oppose (Schedule B)	\$95,726
6. Operating Expenditures (Schedule B-1)	0
7. Loan Repayment (Schedule C)	0
8. Total Payments (lines 5 + 6 + 7)	\$95,726

CASH SUMMARY

	Total for This Period
9. Cash Balance at Beginning of Period	\$0
10. Plus Total Receipts This Period (line 4 above)	\$95,726
11. Minus Total Payments This Period (line 8 above)	\$95,726
12. Cash Balance at End of Period	\$0

OTHER ACTIVITY

	Total for This Period
13. In-Kind Contributions (Schedule A-1)	0
14. Total Loan Balance at End of Period (Schedule C)	0
15. Total Unpaid Debts at End of Period (Schedule D)	0