



Minutes of the June 11, 2021 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William A. Lee III, Esq., Chair; David R. Hastings, Esq.; Sarah LeClaire, Esq.; Dennis R. Marble; and William J. Schneider, Esq.

Staff: Jonathan Wayne, Executive Director and Jon Bolton, Assistant Attorney General

Commissioner Lee convened the meeting at 9:04. The meeting was livestreamed via YouTube.

The Commission considered the following items:

1. Complaint Alleging a Legislative Conflict of Interest

Mr. Lee made a motion to go into executive session pursuant to 1 M.R.S. §§ 1013(3-A) and 1005 to consider a complaint against a legislator alleging a violation of legislative ethics. Mr. Hastings seconded the motion. Motion passed 5-0.

Upon return from executive session, Mr. Lee made a motion that there were insufficient grounds to commence an investigation of the complaint. Mr. Schneider seconded the motion. Motion passed 5-0.

2. Legal Objections to Subpoenas for Documents – Investigation of Stop the Corridor

The Commission discussed procedures for considering a request by Stop the Corridor to modify an investigative subpoena to produce records and a request by a political consulting firm to vacate another subpoena. Mr. Lee asked whether the Commission would need to meet in separate executive sessions to consider the legal issues. Mr. Bolton advised that the requests to modify or vacate the subpoenas could be conducted in a combined executive session if the parties agreed to it.

James Monteleone, Esq., appeared before the Commission on behalf of Stop the Corridor. Mr. Monteleone said that, although the entities had some relationship in prior activities, the issues before the Commission were entirely unrelated.

Mr. Lee asked if, based on what Mr. Monteleone said, the motion to go into executive session should be for Stop the Corridor only. Mr. Bolton advised that, because both entities were seeking to keep the name of the political consulting firm confidential, the Commission should deal with that issue in executive session first.

Mr. Lee made a motion to go into executive session pursuant to 1 M.R.S. § 1005 and 1 M.R.S. § 405(6)(F) to discuss records made confidential by statute relating to Stop the Corridor's objections and to consider the petition to vacate a subpoena filed by a consulting firm which had requested its name should be kept confidential. Mr. Marble seconded the motion. Motion passed 5-0.

Upon return from executive session, Mr. Lee made a motion to deny the request to vacate the subpoena issued to the political consulting firm on the grounds that by statute, the subpoena may be served outside of Maine and administrative subpoenas need not follow the procedures in the Uniform Interstate Depositions and Discovery Act. Mr. Schneider seconded the motion. Motion passed 5-0.

Mr. Lee made a motion that the political consulting firm provide the information requested in the administrative subpoena served upon it to the Maine Ethics Commission on or before June 25, 2021. Mr. Marble seconded the motion. Motion passed 5-0.

Mr. Lee made a motion to continue the hearing on the objections made to the subpoena issued to Stop the Corridor to Friday, June 18, 2021 at 9:00 a.m. Mr. Marble seconded the motion. Motion passed 5-0.

Adjournment

Mr. Hastings made a motion, seconded by Mr. Schneider, to adjourn. The motion passed. The meeting adjourned at 1:45.

Respectfully submitted,
/s/ Jonathan Wayne
Jonathan Wayne, Executive Director