



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: September 23, 2022  
Re: Second Television Advertisement – Independent Expenditure Determination

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The Bruce Poliquin for Congress committee (“the Poliquin Committee”) has requested a determination by the Commission that the cost of a second television advertisement is not an independent expenditure for Paul LePage. The 30-second ad contains multiple pieces of video footage, including roughly two seconds of Bruce Poliquin and Paul LePage walking side by side. I have attached a rebuttal request form and a statement from the Poliquin campaign manager, Benjamin Trundy. The script provided by Mr. Trundy is:

Mainers work hard but Joe Biden's inflation is making life miserable. Heating oil costs are crushing Maine families. I'm Bruce Poliquin and for too many this means choosing between gas, groceries, or freezing. Biden and all Democrats created this mess and they're making it worse. Congress needs more Maine common sense. Not more spending on those who won't work or more taxes on those who do. I'm Bruce Poliquin and I approve this message because Maine needs a Congressman that will stand up to Biden and help Maine families.

The content of the second television advertisement is overwhelmingly about Bruce Poliquin. His voice and viewpoints are heard throughout the ad. He is shown on-screen through the entire ad, except for the first image of Maine fishermen. Paul LePage is not mentioned by name. There is no indication he is a candidate and no encouragement to vote for him. The office of Governor is not mentioned.

I acknowledge that some people viewing the ad may feel that it contains at least a little promotion of Paul LePage’s candidacy. My reaction is that if there is any benefit at all to Mr. LePage, it is very slim and collateral to the ad’s purpose which is to promote

Bruce Poliquin. Even though 21-A M.R.S. § 1019-B was amended in 2003 to extend independent expenditure reporting beyond express advocacy, I recommend a pragmatic approach that in order to require independent expenditure reporting (and potentially PAC registration) one would need more substantial evidence of an intent to influence than a two-second image of a person that doesn't mention his name or the office he is seeking to return to. Thank you for your consideration of this memo.



## Statement to Rebut Presumption of Independent Expenditure

*Instructions: Under 21-A M.R.S.A. §1019-B, an expenditure to design, produce, or disseminate a communication that names or depicts a clearly identified candidate and that is disseminated during the 28 days, including election day, before a primary election; during the 35 days, including election day, before a special election; or from Labor Day to a general election day is presumed to be an independent expenditure. The individual or organization making the expenditure may attempt to rebut the presumption by filing this form with the Ethics Commission. Any documents, statements, or other evidence (e.g., a copy of a printed communication or a script of a recorded communication) supporting the rebuttal may be attached to this form. The form is required to be filed with the Ethics Commission within 48 hours of disseminating the communication, including weekends and holidays. The form may be filed by faxing it to (207) 287-6775 or by sending a scanned copy to [ethics@maine.gov](mailto:ethics@maine.gov), provided that the Commission receives the original within 5 days.*

Individual/Organization making the expenditure:

Poliquin For Congress

Contact person:

Ben Trundy

Contact's mailing address:

P.O. Box 524

Bangor, ME 04402

Contact's telephone number(s):

207-607-9981

Candidate(s) named or depicted:  
(use additional pages if necessary)

Paul LePage

Type of communication:  
(e.g., mailer, television or radio ad, online ad)

Television

Date(s) of dissemination:

9/19/22 - 11/8/22

Payee or creditor (including address):

Poliquin For Congress

P.O. Box 524 Bangor, ME 04402

**The costs for the communication referred to above were not incurred with the intent to influence the nomination, election, or defeat of a candidate.**

Signature of authorized individual

Date

9/19/22

Printed name of authorized individual

Benjamin Trundy

**From:** Ben Trundy <[ben@poliquinforcongress.com](mailto:ben@poliquinforcongress.com)>  
**Date:** September 19, 2022 at 2:49:58 PM EDT  
**To:** Josh Tardy <[josh@mitchelltardyjackson.com](mailto:josh@mitchelltardyjackson.com)>  
**Subject:** Rebut IE Statement - TV Ad

Dear Mr. Wayne,

We have filed the Statement to Rebut Presumption of Independent Expenditure. This is to recertify in writing that the intention of the Poliquin campaign was not to promote the candidacy of any other candidate. Our sole intention is to promote the candidacy of Bruce Poliquin for Congress. With respect to this expenditure, the Poliquin campaign acted independently and did not consult with either Paul LePage or his campaign committee.

Script:

"Mainers work hard but Joe Biden's inflation is making life miserable. Heating oil costs are crushing Maine families. I'm Bruce Poliquin and for too many this means choosing between gas, groceries, or freezing. Biden and all Democrats created this mess and they're making it worse. Congress needs more Maine common sense. Not more spending on those who won't work or more taxes on those who do. I'm Bruce Poliquin and I approve this message because Maine needs a Congressman that will stand up to Biden and help Maine families."

Link to ad:

<https://vimeo.com/743587309/2e5a2707f5>

Thank you,  
Ben Trundy  
Campaign Manager  
Poliquin for Congress