



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

Commission Meeting 09/30/2020
Additional Material - Agenda Item #3

To: Commissioners
Cc: Joshua A. Tardy, Esq.
Hon. Harold "Trey" Stewart
From: Jonathan Wayne, Executive Director
Date: September 29, 2020, 1:30 p.m.
Re: Additional Information – Agenda Item #3

In response to the request from the Commission Chair, Rep. Harold Stewart provided the attached two invoices from Percy's Auto Sales (8/3/2018) and VIP Tires and Service (7/15/2019) that provides the details of the services reimbursed by Star City PAC. Rep. Stewart did not keep records of miles traveled when volunteering for the PAC, but in the attached email he provided a list of events and meetings from his political calendar.

As additional context for the PAC's July 2019 reimbursement for tires and vehicle services, please be aware that Rep. Stewart (like many State Representatives) conducted extensive travel for *legislative* purposes for which he was reimbursed by the Maine Legislature. The reimbursement assists members in covering the costs of fuel and potentially other costs such as wear and tear on their vehicle or insurance.

The Legislature's vehicle travel reimbursement is calculated according to the number of round trips made by a member from their district to Augusta during a week. (See attached policy.) In 2018-2019, the Legislature reimbursed each member for one round trip at the rate of \$0.44 per mile, as part of a legislative allowance that also covered meals and accommodations. If the member made more than one round trip during a week, those additional trips would be reimbursed at the same rate, but only up to a maximum of \$38 per round trip. Legislators who travel to Augusta between sessions for leadership or committee responsibilities may also be reimbursed at \$0.44 per mile.

Yesterday, I obtained from the Legislature the specific reimbursement amounts received by Rep. Stewart in 2018-2019. During the 2018 and 2019 sessions, Rep. Stewart regularly received reimbursement from the Legislature for one round trip per week from Presque Isle to Augusta (466 miles of travel). Generally, this amounted to roughly \$205 per week, or \$820 for four weeks (although there are some variations). For your information, the reimbursements add up to the following totals for time periods relevant to Rommy Haines' complaint:

Total	Payment Dates
\$3,500.64	January 10 - May 4, 2018 (roughly the Second Regular Session, 128 th Legislature)
\$2,263.63	June 27 - December 21, 2018 (interim between sessions)
\$6,364.16	January 9 - July 18, 2019 (roughly the First Regular Session of 129 th Legislature, plus a couple weeks after session)

Since Mr. Haines is asking you to consider whether Star City PAC's 7/14/2019 reimbursement of \$1,051.92 to Rep. Stewart for tires and vehicle services amounted to "personal financial enrichment," you should be aware that:

- A large portion of travel conducted by Rep. Stewart in 2019 was for legislative purposes, rather than PAC activities.
- Rep. Stewart received reimbursement from a source other than his PAC for that 2019 travel.

The rate of \$0.44 is the same rate of reimbursement received by some state employees when driving their own vehicle for their state employment. The conventional thinking is that the rate covers not just the employee's fuel, but potentially other costs of travel, such as vehicle wear-and-tear and insurance. That will depend on a number of factors, including the fuel efficiency of the employee's vehicle. I have heard some Legislators comment that the state-employee reimbursement rate does not begin to cover their actual travel expenses.

Thank you for your consideration of this additional information.



PERCY'S AUTO SALES, INC.
 40 HOULTON ROAD
 PRESQUE ISLE, ME 04769
 PH: (207) 764-4493 FX: (207) 764-8473
 www.percysautosales.com

95069 STE

HAROLD L. STEWART III 305 STATE ST PRESQUE ISLE, ME 04769 stewartforpresqueisle@gmail.com		VEHICLE ID	MILES IN	MILES OUT	DATE/TIME IN	DATE OUT	INVOICE NO.
		1C6RR7GG4GS199374	71117	71117	08/02/18 07:14	08/03/18	95069
		VEHICLE DESCRIPTION				TAG NO.	STATUS
		2016 RAM 1500 SLT (BLUE)					PARTIAL-COMPLETE-P
CONTROL NO.	LICENSE PLATE NO.	CUST. LABOR RATE	PROD. DATE	IN-SERV DATE	DELIV. DATE	DELIV. MILES	TERMS
24339		88.95			11/16/16	13608	Charge
HOME PHONE	WORK PHONE	CELL PHONE	STOCK NO.	SERV. ADV.			COMMENT 1
(207) 227-0569			UC4585	BRADLEY KINNEY (BK)			

MAINE INSPECTION STATION #3916
 YOUR SATISFACTION IS OUR #1 PRIORITY!
 PARTS & SERVICE HOURS: MONDAY-FRIDAY 7:00AM-5:00PM

BRAD, SERVICE ADVISOR: BKinney@percys.biz
 JAY, WARRANTY ADMINISTRATOR: JAMERO@percys.biz

Line	Op-Code	Fail Code	Tech	Hours	Type	Amount																									
A	01		A01		Customer	\$22.95																									
Concern Replace engine oil and filter Correction CHANGED THE OIL, REPLACED OIL FILTER, CHECKED AND GREASED ANY COMPONENT THAT NEEDS GREASE.																															
<table border="1"> <thead> <tr> <th>Part Number</th> <th>Description</th> <th>Qty.</th> <th>Unit Price</th> <th>Ext. Price</th> </tr> </thead> <tbody> <tr> <td>68191349AC</td> <td>FILTER ENGIN</td> <td>1</td> <td>\$11.25</td> <td>\$11.25</td> </tr> <tr> <td>68055890AA</td> <td>OIL 5W20</td> <td>6</td> <td>\$2.79</td> <td>\$16.74</td> </tr> <tr> <td colspan="4">Parts Total...</td> <td>\$27.99</td> </tr> <tr> <td colspan="4">Line Total...</td> <td>\$50.94</td> </tr> </tbody> </table>							Part Number	Description	Qty.	Unit Price	Ext. Price	68191349AC	FILTER ENGIN	1	\$11.25	\$11.25	68055890AA	OIL 5W20	6	\$2.79	\$16.74	Parts Total...				\$27.99	Line Total...				\$50.94
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Parts Total...				\$27.99																											
Line Total...				\$50.94																											
B *	RCL01		A01		Warranty																										
Concern Recall / CSN 1 [U61: Safety Recall U61 - Reprogram Powertrain Control Module**]																															
C *	MISC		A01		Customer	\$0.00																									
Concern Multi-point inspection (according to maintenance interval)																															
Line Total...						\$0.00																									
D *	GC1		A01		Customer	\$0.00																									
Concern General Concern #1 [Perform new tire installation] Correction MOUNT AND BALANCE 4 NEW TIRES DOT #4B1VJE1R2118, QTY(2), 4B1VJE1R0318, QTY(1) 4B1VJE1R4517, QTY(1)																															
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		VEHICLE DESCRIPTION				TAG NO.	STATUS
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HOME PHONE	WORK PHONE	CELL PHONE	STOCK NO.	SERV. ADV.			COMMENT 1
(207) 227-0569			UC4585	BRADLEY KINNEY (BK)			

Line	Op-Code	Fail Code	Tech	Hours	Type	Amount
D *	Continued					
Sublet Total...						\$92.95
Line Total...						\$770.39

Warranty Claim Type: W Authorization Code: Service Cont No:

Totals

	Amount
Parts	\$701.43
SHOP SUPPLIES	\$2.30
SalesTax	\$38.93
Labor	\$22.95
Sublets	\$92.95
Parts-Other	\$4.00
Total Amount Due	\$862.56
TOTAL CHARGE	\$862.56

The factory warranty constitutes all of the warranties with respect to the sale of the item / items. The seller neither assumes nor authorizes any person to assume for it any liability in connection with the sale of this item or items. I hereby acknowledge the satisfactory completion of the above work.

X _____
Customer Signature

*****ATTENTION*****

CUSTOMER IS RESPONSIBLE FOR RE-TORQUING WHEELS AFTER 50 MILES OF ANY TIRE SERVICE!

User: STEVE
Store: 017

SALES HISTORY INQUIRY

9/28/20 PPR016-3

Reg: 01

Trans No...: 1050802	SA	Name...: ADVERTISING-BARTER	0020020770
Tran Date...: 7/15/19	CW	Address: 12 LEXINGTON ST	
Tran Time...: 12:02:39		City,St: LEWISTON ME	4240-0000
Tran Total: 1,101.93		Phone...: 207-784-5423	PO No:
Cashier...: 0000013103		BC Slnm: 0000015692	Display Line No. _____

2016 RAM TRUCK 1500 V6-3604cc 3.6L FLEX/FI Vin G ID#44443 109

LN	O-TY	Item No.....	Description.....	SUP	Qty	Price	Extend	PU	
23	S	DS	39399	SHOP SUPPLIES/ENV FEES		1	9.11	9.11	
24	S	LB	302	MULTIPOINT VEH INSPECTI		1	.00	.00	
25	S	LB	314	ALIGNMENT - FREE CHECK		1	.00	.00	
26	S	LB	377	STATE INSPECT - ME	090	1	12.50	12.50	
27	S	CM	927	VALVOLINE FULL SYN		1	.00	.00	
28	S	LB	927	OIL CHANGE - SYN PWR	090	1	20.77	20.77	
29	S	OP	MGL10010	MICROGARD OIL FILTER	001	1	6.28	6.28	Y
30	S	VE	COMMENT	5.91 QUARTS		1	.00	.00	
31	S	PA	584861095	VV SYN. MAXLIFE 5W20 DR	090	5	6.99	34.95	
32	S	PA	584861095	VV SYN. MAXLIFE 5W20 DR	090	1	6.99	6.99	
33	S	CM	SAVINGS	Total Discounts \$29.11			.00	.00	

F5=Trans/Date F6=Dates/Tran F8=Switch Cost F9=Trans This Vehicle F12=Return

User: SIEVE
Store: 017

SALES HISTORY INQUIRY

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LN	O-TY	Item No.	Description	SUP	Qty	Price	Extend	PU
12	S	VE	V.COMMENT					.00
13	S	VE	V.COMMENT					.00
14	S	VE	V.COMMENT					.00
15	S	PA	28					.00
15	S	PA	STATE RECYCLING TAX	090	4	1.00	4.00	
16	S	LD	22490					.00
16	S	LD	VIP TIRE MAINT++\$175-\$1	090	4	25.00	100.00	
17	S	VE	V.COMMENT					.00
17	S	VE	ROAD HAZARD COVERAGE					.00
18	S	VE	V.COMMENT					.00
18	S	VE	FREE REPLACEMENT 1ST					.00
19	S	VE	V.COMMENT					.00
19	S	VE	6MO OR 2\32 TREAD WEAR					.00
20	S	VE	V.COMMENT					.00
20	S	VE	FREE LIFETIME BALANCING					.00
21	S	VE	V.COMMENT					.00
21	S	VE	FREE CHANGEOVERS					.00
22	S	VE	V.COMMENT					.00
22	S	VE	TPMS RELEARN					.00

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2016 RAM TRUCK 1500 V6-3604cc 3.6L FLEX/FI Vin G ID#44443 109

LN	O-TY	Item No.....	Description.....	SUP	Qty	Price	Extend	PU
1	S PA	102157042620	2657017 GY Wr1 FORT HT	090	4	192.34	769.36	
2	S CM	22477	TIRE INSTALL 17 INCH				.00	
3	S CM	22490	VIP TIRE MAINT++\$175-\$1				.00	
4	S VO	CATALOG3242	TIRE PRESSURE SPECS		1		.00	
5	S VO	CATALOG3250	WHEEL TORQUE SPECS		1		.00	
6	S LB	22477	TIRE INSTALLATION 17 IN	090	4	21.00	84.00	
7	S VO	16	VALVE OR TPMS CAP/CORE	090	4	4.00	.00	
8	S PA	27	DISPOSAL FEE	090	2	4.50	9.00	
9	S VE	V.COMMENT	FREE TIRE ROTATIONS				.00	
10	S VE	V.COMMENT	FREE FLAT REPAIRS				.00	
11	S VE	V.COMMENT	FREE TIRE PRESSURE CHEC				.00	

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2016 RAM TRUCK 1500 V6-3604cc 3.6L FLEX/FI Vin G ID#44443 109

LN	O-TY	Item No.....	Description.....	SUP	Qty	Price	Extend	PU
34	R	C1	CHARGE **COMMERCIAL CHARGE**		1	500.00	500.00-	
35	R	CC	CREDITCARD **CREDIT CARD**		1	601.93	601.93-	
36	R	ST	STAX SALES TAX		1		44.97	

F5=Trans/Date F6=Dates/Tran F8=Switch Cost F9=Trans This Vehicle F12=Return

Wayne, Jonathan

From: Joshua A. Tardy <jtardy@rudmanwinchell.com>
Sent: Tuesday, September 29, 2020 11:45 AM
To: Wayne, Jonathan
Subject: Fwd: Request by Chair for Documents
Attachments: Stewart Tire Receipts.pdf; ATT00001.htm

Categories: Red Category

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As we discussed .

Sent from my iPhone

Begin forwarded message:

From: Trey Stewart <trey@treystewart.com>
Date: September 28, 2020 at 4:12:26 PM EDT
To: "Joshua A. Tardy" <jtardy@rudmanwinchell.com>
Subject: Re: Request by Chair for Documents

Josh,

Attached are the receipts from Percy's and VIP in Presque Isle for the two tire expenses.

While it would be irresponsible to recreate a mileage log at this point in time, I can provide a list of some of the travel incurred in my duties as a principal officer of Star City PAC during the time frame in question and since the PAC's inception. I can, however, provide a list of some events that required travel when reviewing my political calendar. For example, I attended the following events/meetings:

- 2/11/20 travel to Gorham for recruitment meeting
- 2/6/20 travel to Scarborough for recruitment meeting
- 1/24/20 travel to Madawaska for tour of Twin Rivers
- 1/17/20 travel to PWM for flight to conference
- 12/9/19 fundraising event at Armory in Portland
- 12/7/19 Maine GOP Christmas party event
- 11/13/19 dinner meeting with Dana Connors in Lewiston
- 10/30/19 Maine State Chamber Annual Dinner in Augusta
- 10/18/19 Maine GOP fundraiser at Quarry Tap Room in Hallowell
- 10/7/19 travel to Hilton Inn in Freeport for event
- 10/3/19 travel to Rivalries in Portland for fundraiser
- 10/1/19 travel to Martindale in Auburn for fundraiser
- 9/25/19 travel to PWM for flight to conference
- 9/18/19 travel to Tree Street Youth Center in Lewiston for meeting
- 9/10/19 travel to Scarborough from Maine Law for dinner meeting
- 9/5/19 travel to Samoset for State Chamber event
- 8/19/19 travel to Turner Highland's Golf Course for fundraiser
- 7/29/19 travel to Profenno's Pizzeria in Westbrook for recruitment meeting

- 5/11/19 travel to Sable Oaks in Portland for MHPC event, then to YCRC meeting for speaking event
- 5/7/19 travel to DiMillo's for fundraising event for special election
- 5/2/19 travel to PWM for flight to meeting
- 4/27/19 travel to BIW for ship christening ceremony
- 3/29/19 travel to UMO for presidential inauguration
- 3/2/19 travel to Bangor for fundraiser
- 3/28/19 travel to Bangor for BDN speaking event, then back to Augusta for MEGC meeting following morning
- 2/13/19 travel to Bangor from Augusta for fundraising event for special election
- 2/9/19 travel to Bangor for door-knocking for special election
- 2/7/19 Maine State Chamber Summit at Sunday River
- 1/9/19 following MDF bus tour
- 11/14/18 leadership election in Augusta
- 11/9/18 campaign meeting in Augusta
- 11/1/18 campaign meeting in Newport
- 10/1/18 attending fundraiser in Brunswick
- 9/26 travel to BGR for political event (same trip at 9/25 below)
- 9/25/18 attending FOR/Maine event at UMO
- 9/14/18 attending MHPC event in Portland
- 9/7/18 attending fundraiser at Patriot Insurance in Yarmouth from Portland,
- 9/6/18 attending NCSL reception at Easy Day in Portland,
- 7/14/18 attending Moxie Day Parade,
- 7/9/18 attending event in Bangor at Cross Point Church,
- 6/7/18 attending fundraiser at Portland Pat's Pizza,
- 5/10/18 meeting at Maple Hill Farm Inn in Hallowell,
- 5/4/18 GOP State Convention in Augusta
- 4/15/18 travel to UMF for conference,
- 4/7/18 campaign meeting with Penobscot R's at Dysart's in Bangor,
- 2/3/18 attending Maine State Chamber Summit at Sunday River,
- 1/30/18 attending conference in Portland from Augusta,
- 12/19/17 attending fundraiser at Pat's Pizza in Portland,
- 12/6/17 travel to PWM for conference,
- 11/15/17 travel to PWM for conference,
- 11/7/17 travel to Augusta Civic Center for State Chamber Annual Dinner,
- 11/2/17, travel to Portland to tour Fairpoint Communications, then Augusta for GOP campaign meeting,
- 11/19/17 travel to Augusta for fundraiser at Governor Hill Mansion,
- 10/6/17 Biomaine event at UNE in Portland,
- 10/3/17 fundraiser at Easy Day in Portland
- 10/26/17 GOP Platform Committee Meeting at GOP HQ in Augusta,
- 9/21/17 fundraiser at Martindale Golf Course in Auburn,
- 9/9/17 SAM Annual Banquet,
- 9/7/17 attending fundraiser at Sable Oaks Golf Course,
- 9/4/17 attending fundraiser at Port Hole in Portland,
- 8/29/17 GOP Platform Committee Meeting at GOP HQ in Augusta,
- 8/28/17 campaign meeting at GOP HQ in Augusta,

This list is in no way meant to be exhaustive and in fact does not include a multitude of local campaign/political meetings through Aroostook County, which I have not included. Nor does it include the multitude of political meetings and other events attended in the Augusta area when the legislature is in session. However, if those meetings were to be included, they would add up to thousands more in miles traveled.

Best,
Trey

On Mon, Sep 28, 2020 at 12:19 PM Joshua A. Tardy
<jtardy@rudmanwinchell.com<mailto:jtardy@rudmanwinchell.com>> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Wayne, Jonathan" <Jonathan.Wayne@maine.gov<mailto:Jonathan.Wayne@maine.gov>>
Date: September 28, 2020 at 11:24:10 AM EDT
To: "Joshua A. Tardy" <jtardy@rudmanwinchell.com<mailto:jtardy@rudmanwinchell.com>>
Cc: Trey Stewart <trey@treystewart.com<mailto:trey@treystewart.com>>, Trey Stewart
<stewartforpresqueisle@gmail.com<mailto:stewartforpresqueisle@gmail.com>>, "Lavin, Paul"
<Paul.Lavin@maine.gov<mailto:Paul.Lavin@maine.gov>>, Shawn Roderick
<roderickshawn@gmail.com<mailto:roderickshawn@gmail.com>>
Subject: Request by Chair for Documents

Josh,

After reading the written materials that the Commission staff prepared and sent to the Commission members, the Commission Chair, Bill Lee, asked me whether it would be possible to receive some additional documents before the Sept. 30 meeting (attached letter). I told him I was not sure if Rep. Stewart had these documents, but I would ask on his behalf.

Thank you.

Jonathan Wayne
Executive Director
Maine Commission on Governmental Ethics and Election Practices
135 SHS
Augusta, ME 04333
287-4179

Rudman Winchell is continually monitoring COVID-19 news and guidance to help ensure the health and well-being of our clients, staff and their families.

As we welcome clients/visitors back into the office we are taking necessary precautions in order to keep our employees and visitors as safe as possible, including following the CDC's recommended guidelines. We are requesting that clients and other visitors wear masks or facial coverings while in the office, utilize hand sanitizer and/or wash hands either before or upon arrival in the office, and that visitors refrain from coming into the office if feeling sick. - Clients are encouraged to contact their attorney directly if they have specific questions about their matters.

We thank you for your patience as we work through this unprecedented situation. As always, our

clients, communities, and staff are our priority. If you have any questions, please contact us at 207-947-4501.

NOTICE:

This email and any files transmitted with it are confidential and intended solely for the use of the entity or individual to whom they are addressed, and may contain information that is privileged and/or exempt from discovery or disclosure under applicable law. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. Unless expressly stated in this e-mail, nothing in this message or any attachment should be construed as a digital or electronic signature, a legal opinion, or establishing an attorney-client relationship. If you have received this email in error, please notify the system manager at Admin@rudmanwinchell.com<mailto:Admin@rudmanwinchell.com> immediately and permanently delete or destroy the original and its attachments, along with any electronic or physical copies. Rudman Winchell cannot accept responsibility for the accuracy or completeness of this email as it has been transmitted over a public network. If you suspect that the email may have been tampered with, intercepted or amended, please notify the system manager.

--

Rep. Harold "Trey" Stewart III
Assistant House Minority Leader
Candidate for State Senate District #2
(Southern Aroostook and Northern Penobscot)

Rudman Winchell is continually monitoring COVID-19 news and guidance to help ensure the health and well-being of our clients, staff and their families.

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We thank you for your patience as we work through this unprecedented situation. As always, our clients, communities, and staff are our priority. If you have any questions, please contact us at 207-947-4501.

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129th Maine Legislature

Overview of Legislators' Compensation and Benefits



**Prepared by
Office of the Executive Director**

**115 State House Station
Rooms 103 and 120, State House
Augusta, ME 04333-0115
(207) 287-1615
<http://legislature.maine.gov/execdir/>**

limit of \$38 applies since a reimbursement amount for travel to and from Augusta would exceed the statutory limit.

In addition to the lodging and mileage allowance, each Legislator is entitled to a daily meal allowance of \$32 for each day he or she is in attendance at sessions of the Legislature and for each day the member occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. The daily meal allowance will be adjusted for meals that are provided. The presiding officers may establish reasonable policies regarding allowances for meals and overnight accommodations for the day immediately preceding the session, which may include policies regarding whether an allowance is paid, whether the full amount or a portion of the statutory allowance is paid and whether receipts are required.

Special Legislative Session Per Diem and Allowances

The allowances received by legislators during a Special Legislative Session are the same as those received during a Regular Legislative Session. In addition to the allowances, legislators receive \$100 per diem for their attendance at a Special Legislative Session. The special session per diem is included on IRS form W-2.

Reimbursement of Expenses and Legislative Per Diem During the Interim

During the legislative interim, legislators receive reimbursement of actual expenses for authorized travel or attendance at meetings. Legislators must submit a properly completed **Travel and Expense Account Voucher** form in order to receive reimbursement.

Lodging:	Actual (receipt required) Up to the limit authorized by the Presiding Officers, currently \$55
Meals:	Up to \$32/day based on the following limits: Breakfast \$4.00; Lunch \$8.00; and Dinner \$20.00 (a detailed receipt is required for meals over \$12)
Mileage:	\$0.44/mile
Tolls:	Actual

In addition, legislative leadership and approved members of committees receive \$55 per diem for their attendance at authorized meetings or daily sessions.