



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

Commission Meeting: March 6, 2019
Agenda Item # 6

To: Commissioners

From: Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: February 25, 2019

Re: Request for Waiver of Late-Filing Penalty by the New Mainers PAC

In the thirteen days before an election, all political action committees, ballot question committees and political parties must file a report within 24 hours of receiving any single contribution of \$5,000 or more or making any expenditure of \$1,000 or more.¹

On November 1, 2018, the New Mainers PAC (the PAC) received \$12,000 in contributions from two organizations. It was required to report these contributions in a 24-Hour Report by November 2, 2018 but did not do so until December 17, 2018.

LEGAL REQUIREMENTS

PACs are required to report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made during the 13 days before an election within 24 hours of that transaction. (21-A M.R.S.A. § 1059(2)(E)) If the PAC is late in filing the 24-Hour Report, the amount of the penalty is set by a formula which takes into consideration the amount of the transaction, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1062-A(3))

¹ Candidates have a similar 24-hour reporting requirement, except with a lower reporting threshold (\$1,000) for contributions.

DISCUSSION

On November 1, 2018 the PAC received a \$5,000 contribution from the Maine Democratic Party and a \$7,000 contribution from America Votes.² The PAC used almost all of this revenue to pay campaign staff to get out the vote for the November 6, 2018 general election. These contributions were not entered into the Commission's e-filing system until December 17, 2018, the day the PAC filed the 24-Hour Report and the 2018 42-Day Post-General Report.³

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount equals the statutory maximum of \$10,000.

Transactions	Date Due	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
24-Hr Report	11/02/2018	\$12,000.00	2%	45	\$10,000.00

The PAC asks that the Commission waive the penalty due to the lack of filing experience of its Principal Officer and the disproportionality of the preliminary penalty to the harm to the public from the failure to file the 24-Hour Report. The PAC offers that the failure to file was the result of a lack of understanding of the campaign finance reporting laws due to the PAC's relatively low levels of financial activity since its founding in 2015.⁴ The PAC also argues that the preliminary penalty is disproportionate to the harm suffered by the public from the late filing, as it notes its expenditure activity was timely reported

² The Maine Democratic Party is a state party committee which is registered and files reports with the Commission, while Commission staff understands America Votes is a national 501(c)(4) nonprofit organization.

³ Transactions entered on 24-Hour reports also appear on regular campaign finance reports covering the applicable period.

⁴ The PAC has never previously filed a 24-Hour report.

and the contribution received from the Maine Democratic Party was reported by the Party on its mirroring 24-Hour report.⁵

STAFF RECOMMENDATION

Violations of the 24-hour reporting requirements can be serious matters, as these reports play an important role in informing the electorate about how money is changing hands in the critical days just before an election. The Commission staff accepts that the PAC's failure to file the necessary 24-Hour report in this situation was the result of the PAC's inexperience in filing reports for large financial transactions near the election and that the statutory maximum penalty is disproportionate to the harm to the public. That said, to encourage candidates and committees to timely file complete campaign finance reports, the Commission does not always accept inexperience and limited injury to the public as warranting a full waiver. The Commission sometimes assesses moderate penalties even for unintentional violations.

In 2018, the Commission began doubling penalty-waiver outcomes, in order to implement the 2015 citizen initiative which doubled the rate of penalty for first late-filing violations. In mid-2018, the staff stated that it would be recommending PAC penalties in a range of \$750 or more.⁶

⁵ To the best of our knowledge, America Votes was not required to register and file campaign finance reports with the Commission in 2018, because its only financial activity to influence Maine elections in 2018 was to make donations(s) to a Maine PAC(s) or parties.

⁶ In 2014, the staff generally recommended penalties in the range of \$250 - \$500 for good-faith mistakes by PACs leading to late campaign finance reports. In 2016, the staff generally recommended penalties of \$500.

In this case, the Commission staff recommends partially waiving the preliminary penalty to \$1,000. We believe this amount (which is double the standard 2018 of \$500) adequately balances the filing inexperience of the PAC and the mitigation of the harm to the public by the Maine Democratic Party's actions in timely filing a 24-Hour Report of its expenditure to the PAC with the harm to the public suffered by depriving it of information that a national organization was making contributions to a Maine PAC involved in voter outreach close to general election.

2018 examples (for your reference)

- *Maine Health Care Association PAC*. On May 31, 2018, the Maine Health Care Association PAC made three \$1,000 contributions to other Maine PACs. It was required to report these expenditures in a 24-Hour Report by June 1, 2018 because the PAC's expenditures fell within the 13 days before the June 12, 2018 primary election. The PAC did not disclose the expenditures until July 17, 2018. It requested a waiver of the \$2,760 preliminary penalty. The Commission reduced the penalty by 81% to \$500 (below the new minimum of \$750) because the PAC's three expenditures were not made for the purpose of influencing the June 12, 2018 primary and fell within the 13-day pre-election period by accident, and the three expenditures were at the minimum \$1,000 and were fully reported within the 24-Hour reporting period by the PACs that received the contributions. Commission penalty: \$500
- *Fecteau for Leadership PAC*. On June 4, 2018, the Fecteau for Leadership PAC made a \$5,000 contribution to another PAC. It was required to report this expenditure in a 24-Hour Report by June 5, 2018, but did not do so until June 9,

2018. It requested a waiver of the \$400 preliminary penalty. Commission penalty: \$400

2016 examples (for your reference)

- *Prosperity for Maine's Future PAC.* On October 28, 2016, the Prosperity for Maine's Future PAC (the PAC) made a \$5,000 expenditure in the form of a contribution to a leadership PAC of an outgoing State Representative. The Prosperity for Maine's Future PAC should have disclosed the expenditure in a 24-Hour Report due the next day, but apparently believed that the PAC receiving the contribution would take care of the necessary financial reporting. The report was filed on December 17, 2016, when the PAC was preparing its post-election report. The PAC requested a waiver of the \$4,900 preliminary penalty. Commission penalty: \$500
- *Leadership for Maine's Future PAC.* On October 26, 2016, the Leadership for Maine's Future PAC made a \$3,000 expenditure in the form of a contribution to the Maine State Republican Party. The PAC should have disclosed the \$3,000 expenditure in a 24-Hour Report due October 27, 2016. Due to a communication breakdown, the report was not filed until December 20, 2016, when the PAC was preparing its post-election report. The PAC requested a waiver of the \$3,240 preliminary penalty. Commission penalty: \$500
- *Senate Chairman's PAC.* On November 4, 2016, the Senate Chairman's PAC received two contributions that it was required to disclose in 24-Hour Reports.

Due to a clerical error, the PAC treasurer reported one contribution, but neglected to file a 24-Hour Report of the other contribution in the amount of \$7,600. The PAC requested a waiver of the \$6,480 preliminary penalty. Commission penalty: \$500.

- *Empowering Maine Leadership PAC.* On November 2, 2016, the Empowering Maine Leadership PAC made four \$1,000 contributions to other PACs and a federal candidate committee. It was required to disclose these expenditures in a 24-Hour Report by November 3, 2016, but did not file the reports until December 19, 2016. The preliminary penalty was \$3,680. Commission penalty: \$500.
- *UBC Bad for ME PAC and the Friends of Maine Sportsmen BQC.* During October 27 - November 3, 2016, the committees engaged in a series of related transactions which should have been reported in a total of six 24-Hour Reports. The PAC and BQC did not file the 24-Hour Reports until December 19, 2016, because the treasurer for the committees was unaware of the requirement. The preliminary penalties total \$7,508.70 for the PAC and \$14,407.05 for the BQC. Commission penalties: \$500 for each organization.

Thank you for your consideration of this memo.

Benjamin P. Dyer
Political Committee and Lobbyist Registrar
State of Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333

February 9, 2019

Dear Mr. Dyer:

New Mainers PAC (“NMP”) received your “Notice of Late Filing of 24-Hour Report” and writes now to ask for a waiver of the preliminary penalty of \$10,000. Quite simply, the NMP’s inexperience with the ethics laws made unaware of the additional reporting requirement. While we understand we are responsible for knowing the law, we also believe a \$10,000 penalty in this situation is excessive.

RELEVANT FACTS

As part of our work in turning out new Maine voters, the Maine Democratic Party (“MDP”) agreed to make a contribution to support our work in the amount of \$5,000. MDP wrote that check on October 29, 2018 and subsequently relayed to Commission staff that they mailed the check to NMP on either the evening of October 29 or the morning of October 30. To the best of my recollection, NMP received the check on November 1, 2018.

Not understanding the 24-hour reporting requirement on contributions over \$5,000, NMP simply reported the contribution on its next regularly scheduled report (42-Day Post General). NMP reported the receipt of the check as October 29th, which was the date the check was written. While we now understand that we should not use the check date as the contribution date – that was the practice at this time. In filing the 42-Day Post General, the system alerted NMP that a 24-hour report should have been filed. After discussion with Commission staff, a 24-hour report was filed using the correct date of receipt (November 1, 2018) and the above referenced notice was automatically issued by the system.

WAIVER REQUEST

While NMP understands that it made a reporting mistake, we believe a preliminary fine of \$10,000 is wholly disproportionate to both the level of the experience of the person filing the report and the harm suffered to the public from the late disclosure.

NMP’s FILING EXPERIENCE

NMP was founded in late 2015 in an effort to get immigrants more involved in politics. In the three years of our existence, our fundraising has been relatively limited. Of the approximately

20 reports we filed with this Commission, over half are “no activity” reports. Only 4 of our reports have spending over \$10,000. Our activities in the 2018 general election were our most robust to date – with a total of just of \$20,000 in spending.

The result of this limited involvement has been my limited exposure to the rules of the Commission which apply when PACs raise or spend large amounts of money. In fact, the contribution at issue here is the only \$5,000 contribution ever received by NMP. Quite simply, I do not have a lot of experience with complicated Ethics reports and our lack of robust fundraising meant that I was not aware that there were special rules governing such contributions.

Since receiving this notice, I have consulted with an ethics attorney (Kate Knox) and asked for training to ensure no further mistakes are made.

HARM TO THE PUBLIC

While NMP acknowledges its mistake, we do not believe the size of the preliminary penalty is proportionate to the harm to the public. First, the missed entry was not an expenditure – there was not hiding of activities. The public had timely information about how we were spending our money. They knew the outreach we were doing and who we were paying to do that outreach. There was no mystery as to what activities we were conducting. Second, the MDP reported the contribution in a timely manner (24-hour report filed on October 30, 2018) alerting the public that they had made a \$5,000 contribution to NMP. As one of the most high profile committees in the state, members of the public who were interested in political spending were very likely to review reports such as the MDP’s – making it more likely they would see the contribution.

CONCLUSION

In sum, NMP is an inexperienced newer player to Maine’s political scene. Our limited spending to date and our lack of experience led to the missed report. Additionally, the contribution was reported by the MDP and all of the activities conducted by the NMP were disclosed in a timely fashion. Finally, NMP has taken steps to educate itself about the rules and regulation so that going forward no such mistakes will occur.

Given all of this, we respectfully request a substantial reduction in the preliminary penalty.

Sincerely,

Elmuatz Aldelrahim
New Mainers PAC, Treasurer



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

December 21, 2018

Elmuatz Abdelrahim, Treasurer
New Mainers PAC
267 Lisbon St Ste 1
Lewiston, ME 04240

Re: Late Filing of 24-Hour Report

Dear Mr. Abdelrahim,

The Commission staff has made a preliminary determination that the New Mainers PAC (the PAC) was late in filing the 24-Hour Report required for contributions received on November 1, 2018. The report was due by 11:59 p.m. on November 2, 2018, but was not filed until December 17, 2018. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3)) Based on the amount of financial activity in the report, the number of calendar days the report was late, and the PAC's history of violations, the commission staff has determined that a penalty of \$10,000.00 is owed. (Please see attached penalty matrix for the calculation.)

The PAC may make a written request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Please call me at (207) 287-6221 or send me an email at benjamin.p.dyer@maine.gov if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin P. Dyer".

Benjamin P. Dyer
Political Committee and Lobbyist Registrar

Enclosure: payment receipt & penalty matrix

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

Payment Receipt

Mail payment to:

The Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Elmuatz Abdelrahim, Treasurer
New Mainers PAC
267 Lisbon St Ste 1
Lewiston, ME 04240

Violation: Late 24-hour Report
Amount Due: \$10,000.00

Committee Name: New Mainers PAC
Prior Violations: N/A

Report Name	Activity Amount	Due Date	Days Late	Penalty Prescribed	Penalty
24-Hour Report	\$12,000.00	11/02/2018	45	2%	\$10,000.00

Total: \$10,000.00*

*Preliminary penalty at statutory maximum.

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 2%

For the second violation, 4%

For the third and each subsequent violation, 6%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

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

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

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A(4)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late.



Commission on Governmental Ethics and Election Practices
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2018 CAMPAIGN YEAR

COMMITTEE		TREASURER	
NEW MAINERS PAC 267 LISBON STREET SUITE 1 LEWISTON, ME, 04240 PHONE:(617) 858-7880 EMAIL: ABDIMCP@GMAIL.COM		ELMUATZ M ABDELRAHIM 265 LISBON ST LEWISTON, ME, 04240 PHONE:(207) 212-2632 EMAIL: ELMUATZ.ABDELRAHIM@GMAIL.COM	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Contributions and Expenditures	11/02/2018	11/01/2018-11/01/2018	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$12,000.00
2. TOTAL EXPENDITURES	\$0.00
3. TOTAL DEBTS	\$0.00

I, ABDIFATAH AHMED, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: ABDIFATAH AHMED
REPORT FILED ON: 12/17/2018 12:27:10 PM
LAST MODIFIED:
COMMITTEE ID: 4995

24-HOUR CONTRIBUTION INFORMATION

1 = Individual

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	CONTRIBUTOR/ CONTRIBUTION TYPE	AMOUNT
11/1/2018	America Votes 1155 Connecticut Ave NW Washington, DC, DC, 20036		4 Monetary (Itemized)	\$7,000.00
11/1/2018	MAINE DEMOCRATIC STATE COMMITTEE 320 Water St, 3rd Flr P.O. Box 5258 Augusta, ME, 04332		6 Monetary (Itemized)	\$5,000.00
TOTAL CONTRIBUTIONS / LOANS				\$12,000.00

Maine Revised Statutes
Title 21-A: ELECTIONS
Chapter 13: CAMPAIGN REPORTS AND FINANCES

§1059. REPORT; FILING REQUIREMENTS

Committees required to register under section 1052-A, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline. [2013, c. 334, §27 (AMD).]

1. Contents; quarterly reports and election year reports.

[2007, c. 443, Pt. A, §35 (RP) .]

2. Reporting schedule. Committees shall file reports according to the following schedule.

A. All committees shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th. [2011, c. 691, Pt. A, §19 (RPR).]

B. General and primary election reports must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date. [2007, c. 443, Pt. A, §35 (AMD).]

C. Preelection and post-election reports for special elections or ballot measure campaigns must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date. [2011, c. 389, §45 (AMD).]

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [1991, c. 839, §29 (RPR).]



E. A committee shall report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The treasurer is not required to include in this report expenditures for overhead

expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses. [2013, c. 334, §28 (AMD).]

[2013, c. 334, §28 (AMD) .]

3. Report of expenditures made after the 11th day and more than 48 hours before any election.

[1989, c. 504, §§28, 31 (RP) .]

4. Special election reports.

[1989, c. 504, §§28, 31 (RP) .]

5. Electronic filing. Committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

[2007, c. 443, Pt. A, §35 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1989, c. 7, §06 (AMD). 1989, c. 504, §§28,31 (RPR). 1989, c. 833, §§16-20 (AMD). 1991, c. 839, §29 (AMD). 2003, c. 628, §B5 (AMD). 2005, c. 301, §§25,26 (AMD). 2007, c. 443, Pt. A, §35 (AMD). 2007, c. 571, §9 (AMD). 2009, c. 190, Pt. A, §§23, 24 (AMD). 2009, c. 366, §9 (AMD). 2009, c. 366, §12 (AFF). 2009, c. 652, Pt. A, §22 (AMD). 2011, c. 367, §2 (AMD). 2011, c. 389, §§43-45 (AMD). 2011, c. 389, §62 (AFF). 2011, c. 691, Pt. A, §19 (AMD). 2013, c. 334, §§27, 28 (AMD).

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Maine Revised Statutes
Title 21-A: ELECTIONS

Chapter 13: CAMPAIGN REPORTS AND FINANCES

§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.

[2013, c. 334, §30 (AMD) .]


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; [1999, c. 729, §9 (AMD).]

B. An error by the commission staff; or [1999, c. 729, §9 (AMD).]

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. [2007, c. 443, Pt. A, §38 (AMD) .]

[2009, c. 190, Pt. A, §29 (AMD) .]

 **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%; [2015, c. 1, §9 (AMD).]

B. For the 2nd violation, 4%; and [2015, c. 1, §9 (AMD).]

C. For the 3rd and subsequent violations, 6%. [2015, c. 1, §9 (AMD).]

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.

[2015, c. 1, §9 (AMD) .]

4. Maximum penalties. The maximum penalty under this subchapter is \$10,000 for reports required under section 1056-B or section 1059, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late.

[2015, c. 1, §10 (AMD) .]

5. Request for a commission determination. If the commission staff finds that a political action committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the political action committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a political action committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the political action committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

[2013, c. 334, §31 (AMD) .]

6. Final notice of penalty. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the political action committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the principal officer and to the treasurer of the political action committee. A detailed summary of all notices must be provided to the commission.

[2009, c. 302, §9 (AMD) .]

7. List of late-filing committees. The commission shall prepare a list of the names of political action committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

[2007, c. 443, Pt. A, §41 (AMD) .]

8. Failure to file. A person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E crime, except that, if a penalty pursuant to subsection 8-A is assessed and collected by the commission, the State may not prosecute a violation under this subsection.

[2003, c. 628, Pt. A, §8 (AMD) .]

8-A. Penalties for failure to file report. The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059 is \$10,000 or the amount of financial activity not reported, whichever is greater.

[2015, c. 1, §11 (AMD) .]

9. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

[2009, c. 302, §10 (RPR) .]

SECTION HISTORY

1995, c. 483, §21 (NEW). 1999, c. 426, §34 (AMD). 1999, c. 729, §9 (AMD). 2003, c. 628, §§A7-9 (AMD). 2007, c. 443, Pt. A, §§38-41 (AMD). 2009, c. 190, Pt. A, §§28-31 (AMD). 2009, c. 302, §§8-10 (AMD). 2011, c. 389, §49 (AMD). 2013, c. 334, §§30, 31 (AMD). IB 2015, c. 1, §§9-11 (AMD).

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