



Minutes of the June 18, 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.; and Dennis R. Marble. James Monteleone, Esq., counsel for Stop the Corridor, was also present.

Staff: Jonathan Wayne, Executive Director; and Jon Bolton, Assistant Attorney General
Commissioner Lee convened the meeting at 9:00. The meeting was livestreamed via YouTube.
The Commission considered the following items:

1. Legal Objections to Subpoena for Documents – Investigation of Stop the Corridor

Mr. Lee noted that Commissioner Schneider was unable to participate in the meeting, but the Commission had a quorum to conduct business. The Commission was meeting to continue a matter on the agenda of the Commission's June 11, 2021 meeting, which was a request by Stop the Corridor to modify an investigative subpoena to produce records. Mr. Lee said that the Commission staff had met with counsel for Stop the Corridor, but they were unable to agree on modifications to the subpoena.

Mr. Lee made a motion to go into executive session to consider Stop the Corridor's objections to the subpoena, pursuant to 1 M.R.S. § 405(6)(F) and 21-A M.R.S. § 1003(3-A). Mr. Hastings seconded the motion. Motion passed 4-0.

Upon returning from executive session, Mr. Lee said an objection had been filed by Clean Energy Matters concerning the Commission's decision to keep the names of parties related to this matter confidential. He asked Mr. Bolton to address the objection raised by Clean Energy Matters. Mr. Bolton said 21-A M.R.S. § 1003(3-A) required the confidentiality of working papers received by the Commission during an investigation. He said he thought § 1003(3-A)(B) was the most relevant section, which covered information that, if disclosed, would reveal sensitive political or campaign information. He said the Commission may disclose non-privileged information if it was materially relevant to a decision by the Commission concerning an audit, investigation, or other enforcement matter. Mr. Lee asked if the name of a group making contributions could be considered confidential under that provision. Mr. Bolton said he thought it potentially could be confidential. He noted that the Commission was currently in an investigative phase rather than in the phase of

determining whether a violation had occurred. Mr. Lee said it was his inclination to maintain the confidentiality of the names of the parties involved. The Commissioners agreed to not reconsider their decision to keep the names confidential.

Mr. Hastings suggested the Commission make a motion in order to further the discussion on the subpoena objections. Mr. Lee asked Mr. Bolton whether it would be correct for the motion to include a deadline for producing the documents and the modification to the subpoena that had been recommended by Commission staff. Mr. Bolton advised that the motion include a deadline and suggested a framing of the motion.

Mr. Lee made a motion to modify document request number 4 but to otherwise deny the objections made by Stop the Corridor. The motion modified request number 4 to cover all documents discussing or describing or otherwise showing the intended purposes or goals of any television advertising concerning NECEC transmitted during the period of November 1, 2019 to January 31, 2020 between STC, the entity they have allowed to remain confidential, and any other person. Mr. Hastings seconded the motion. Motion passed 4-0.

Mr. Hastings asked if the Commission staff had a recommendation for when the records should be provided to the Commission. Mr. Wayne recommended July 9, 2021, which was three weeks from the date of the meeting.

Mr. Lee made a motion that the documents requested be provided to the Commission by July 9, 2021 at the close of business. Mr. Marble seconded the motion. Motion passed 4-0.

Adjournment

Mr. Marble made a motion, seconded by Ms. LeClaire, to adjourn. The motion passed. The meeting adjourned at 10:40.

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