



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

April 22, 2009

Philip Roy Jr., Treasurer
Maine Republican Party
9 Higgins St.
Augusta, ME 04330

Response Due Date:
May 22, 2009

Identification Number: C00003111

Reference: Amended October Quarterly Report (7/1/08 – 9/30/08), received 3/30/09

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 7 items:

1. Your amended report discloses additional receipts totaling \$51,465.05 on Lines 11(b), 11(c) and 17 and additional disbursements totaling \$55,119.96 on Lines 21(a)(i), 21(a)(ii) and 21(b) of the Detailed Summary Page that were not disclosed on your original report. Please provide clarifying information as to why this activity was not disclosed on your original report. 11 CFR §104.3
2. Schedule A of your report (see attached) discloses one or more contributions from an organization(s), which is not a political committee registered with the Commission. In order for your committee to accept contributions from unregistered organizations into accounts used to influence federal elections, your committee should take steps to insure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 2 U.S.C. §§441a(f) and 441b or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

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If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

To the extent that your committee has received prohibited funds, you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the prohibited amount must be refunded. See 11 CFR §103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any transfer-out or refund. Should you choose to transfer-out or refund the contribution(s), the Commission will presume the funds were impermissible if no statement from your committee provides information to the contrary. Transfers-out and refunds should be disclosed on a Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, prompt action by your committee in transferring-out or refunding the amounts will be taken into consideration.

3. Schedule A supporting Line 11(a)(i) of your report discloses one or more receipts totaling \$2,619.00 from the "State of Maine". Please amend your report to clarify the nature of these receipts.

4. Schedule A of your report discloses one or more contributions totaling \$4,163.30 from "Ashmores PM Shop," "Atlantic Landscape Construction, Inc.," "Peachey Builders," "Medco Health Solutions, Inc.," "Aetna, Inc.," "Bond Brook Pancake House," "Final Options Inc.," "Professional Dentistry," "Wealth Creation & Preservation" and "Zahner Equipment," which appear to be corporations. 2 U.S.C. §441b(a) prohibits the receipt of contributions from corporations unless made from a separate segregated fund established by the corporation.

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If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have received a prohibited contribution(s), you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the prohibited amount must be refunded. See 11 CFR §103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any transfer-out or refund. In addition, any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of a prohibited contribution, prompt action by your committee to transfer-out or refund the amount will be taken into consideration.

5. Schedule B supporting Line 21(b) of your report discloses payments for "campaign literature" and "postage for direct mailing" which appear to meet the definition of Federal Election Activity ("FEA") and may also meet the conditions of exempt party activity as defined under 11 CFR §§100.80, 100.87, 100.89 and 11 CFR §§100.140, 100.147 and 100.149.

If this apparent exempt activity represents Get-out-the-vote activity conducted in connection with an election in which one or more candidates for Federal office appear on the ballot, it is considered to be Federal Election Activity. If this apparent exempt activity represents Voter Registration activity during the period that begins on the date that is 120 calendar days before the date that a regularly scheduled Federal election is held and ends on the date of the election, it is considered to be Federal Election Activity. 11 CFR §100.24

If this apparent exempt activity is a public communication(s) (as defined under 11 CFR §100.26) that refers to a clearly identified candidate for Federal office and promotes, supports, attacks or opposes any candidate for

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Federal office, it meets the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate, rather than on Schedule B for Line 30(b).

Please amend your report to clarify if the activity disclosed meets the conditions of exempt party activity and also if it meets the definition of Federal Election Activity. If the activity does not meet the conditions of exempt party activity, please clarify if it contains express advocacy. In addition, please properly disclose this activity if necessary.

6. The outstanding balance of a debt owed to a creditor at the close of one report should be exactly the same as the beginning outstanding balance of the next report. The Amended July Quarterly Report (4/1/08-6/30/08), received 3/30/09, shows an ending balance to "FLS Connect" of \$4,314.60, while this report shows a beginning balance of \$314.60. Please amend your report to clarify this discrepancy.

7. Your report discloses outstanding balances beginning this period for debts owed to "Bangor Letter Shop, Inc.," "Miller, Donna" and "GOP Mail & Print." However, outstanding balances at the close of the period were not disclosed on your Amended October Quarterly Report (4/1/08-6/30/08), received 3/30/09. Please amend your report(s) to clarify this discrepancy.

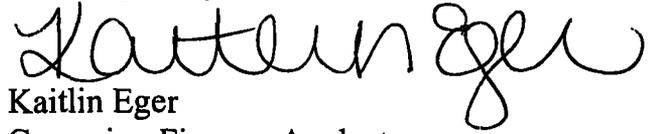
Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please

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contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694- 1143.

Sincerely,

A handwritten signature in black ink that reads "Kaitlin Eger". The signature is written in a cursive style with a large, looping "K" and "E".

Kaitlin Eger
Campaign Finance Analyst
Reports Analysis Division

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Receipt From an Unregistered Organization:

Contributor Name	Date	Amount
Economy Maine	9/25/08	\$1750.00
House Republican Fund	9/25/08	\$3500.00
Leadership for Maines Future PAC	9/13/08	\$4000.00
Leadership for Maines Future PAC	9/25/08	\$2000.00
Maine Senate Republican Victory Fund	9/24/08	\$18000.00
Maine Senate Republican Victory Fund	9/24/08	\$10478.00
Maine Senate Republican Victory Fund	9/24/08	\$6892.20
Maine Senate Republican Victory Fund	9/25/08	\$2500.00
Maine Senate Republican Victory Fund	9/29/08	\$3885.00
Sagadahoc County Committee	9/26/08	\$1600.00
Time for Change	9/25/08	\$500.00
Vermont Republican Fed. Election Comm.	9/25/08	\$1000.00

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