

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME V**

**SECOND REGULAR SESSION**

**House of Representatives**  
January 5, 1994 to April 14, 1994

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: You just heard that there is no prohibition against employers from meeting with employees; however many of these targeted employers are 100 percent funded by the state and, under those circumstances, would then be prohibited from meeting with the employees for informational meetings, the major tactic that employers have in order to address unionization attempts.

Again, I urge you to vote no on 1758.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to assure you clearly once and for all because there is some misinformation, I hope it is a misunderstanding and not misinformation, I have the bill here, I have the original bill, I have the amendment and nowhere in that document is there any prohibition for any employer to meet with employees nor is there any prohibition for employees to meet amongst themselves for the purposes of organizing.

What the bill says clearly and simply is that if you as an employer want to have a meeting with your employees to do with their organizing, either for or against it, go ahead and have it but you do it on your time and at your own expense. Just as the employees, if they want to have a meeting to organize together, go ahead and do it on your own time and at your own expense. Do not use our state monies for those purposes, use our state money for the purposes they were given to you for accomplishing. That's what the bill says, it says it very clearly, I really don't understand how anybody could possibly misunderstand that.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Brewer, Representative Ruhlin, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 274

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Cameron, Caron, Carroll, Cashman, Chase, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Driscoll, Dutremble, L.; Erwin, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Hichborn, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Libby James, Martin, J.; Michael, Michaud, Mitchell, E.; Morrison, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Rand, Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Campbell, Carr, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Joy, Kneeland, Lemont, Libby Jack, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Plowman, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Carleton, Cathcart, Chonko, Cote, Daggett, DiPietro, Dore, Faircloth, Hillock, Hoglund, Kerr, Kutasi, Larrivee, Lemke, Marsh, Martin, H.; Melendy, Mitchell, J.; Nadeau, Pinette, Ricker, Saxl.

Yes, 78; No, 51; Absent, 22; Paired, 0; Excused, 0.

78 having voted in the affirmative and 51 in the negative, with 22 being absent, the Majority "Ought to Pass" Report was accepted.

The Bill read once. Committee Amendment "A" (H-865) was read by the Clerk and adopted. The Bill was assigned for second reading Friday, March 25, 1994.

Bill "An Act to Improve Licensing Procedures at the Bureau of Insurance" (H.P. 1414) (L.D. 1924) (Governor's Bill) (C. "A" H-884)

TABLED - March 23, 1994 by Representative PINEAU of Jay.

PENDING - Passage to be Engrossed.

On motion of Representative PINEAU of Jay, tabled pending passage to be engrossed and specially assigned for Friday, March 25, 1994.

Bill "An Act to Promote Integrity in the Citizens Petition Process" (H.P. 1417) (L.D. 1931) (C. "A" H-881)

TABLED - March 23, 1994 by Representative BENNETT of Norway.

PENDING - Passage to be Engrossed.

Representative BENNETT of Norway presented House Amendment "A" (H-915) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Ladies and Gentlemen of the House: I won't retread well trodden ground.

This amendment would accomplish what Committee Amendment "B" would have accomplished if the House had considered that yesterday. In considering the bill, we never had an opportunity to get to that issue because the Majority Report was adopted but I encourage all of you to take a hard look at this because I think it sets up a better process, one that deals more effectively with the problem in a constitutional way and a much more functional way.

There are basically two components to the amendment. First, instead of an outright prohibition on paying for a signature collected in a citizens initiative process, it would force the organizations that are pushing the referendum to disclose exactly whether or not paying people to collect signatures and if they are what process they are using to collect. If they are paying for a signature it further requires that they actually disclose the payment schedule for the signatures. In other words,

if they are paying 25 cents for the first thousand, then 5 cents additional for the next thousand or whatever it may be, this would require that they publish that schedule so everybody would know, including not only the citizens who may be interested in knowing what an individual may be getting paid for the signature that the person is affixing, but also the workers themselves who may be wanting assurance that they are getting the same rate of pay that somebody in the next town is for this petition process.

There is no reason in this, I think it excludes the availability of participation in a citizen initiative process if we outright ban the collection based on an amount per signature. The reason for that is that you are forcing people to pay by the hour and that is inefficient, it is non-productive and there is no way of monitoring it. These folks are independent contractors who are out gathering petitions, some may be on their lunch hour, some may be doing it after work — they are going to have a hard time blocking off periods of time to go and do this so I think by prohibiting it, as the original bill did, it would make it more difficult for organizers to actually get more citizens involved. This would make disclosure mandatory for the payment system and the rate schedule for signature.

The second thing that this does is it corrects what I think is a more fundamental problem with the current law and that is that you can still pay somebody to actually sign their name. You can essentially buy their vote by giving them a dollar or what have you to sign the petition. That is legal under current law. This bill would prohibit that.

I can't understand why the House would want to prohibit paying someone for the labor involved in collecting petition signatures while allowing people to actually pay for the signature. It doesn't make any sense to me.

I encourage you to take a hard look at this, think about this and please follow my lead in adopting House Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting to talk about disclosure and who would know what. What cumbersome process would be developed if we have to have people that are paying for signatures run back and forth to the Secretary of State's Office or whatever to say, well, now we are paying 5 cents a signature, now we are getting down to the wire so now we are going to pay 15 cents a signature — oh gee, we're really down to the wire so now we are going to pay a dollar a signature so you need to then change all of those figures and who actually is going to be able to know? Are people going to have to wear sandwich placards that say, "I'm being paid a dollar a signature in order to collect this signature?" Is there going to be a statement at the top of the petition that says "On his particular petition, I am being paid 50 cents a signature to collect your signature?"

If you want to talk about limiting access to the process, let's make it so complicated that nobody can figure it out. Maybe it is less limiting to the process to just say, "This manner of payment is not appropriate. This is not a manner that we approve

of." That makes it very clear, there's no gray areas at all, we do not pay people for a signature.

I believe that that actually provides more access, less confusion and is less cumbersome than what is proposed in this amendment.

As to the issue of being able to pay a person to sign a petition, I find that abhorrent.

One of the things that I mentioned before when we debated this bill is that this bill did come to us late and it came to us because I sat and read my newspaper one night and I read that in a particular petition drive process people were paid up to a \$1.40 for signatures they collected and I was appalled. I came into the legislature and filed a request, it went to Council and it was passed. It came very late, I believe that in the next legislative session, there should be an absolute thorough review of the citizen initiated process so that we can look at any and all aspects that need to be corrected. I do not believe that we have time to deal with that now, we did not have a public hearing on that part of it. Even though I do agree with Representative Bennett that that is an abhorrent practice, I believe that we need to fix what is before us now, come back, deal with it through a public hearing process and really address this issue thoroughly.

I would urge you to vote with me to indefinitely postpone House Amendment "A."

I move that we indefinitely postpone House Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: It is interesting to me to hear Representative Kilkelly talk about a cumbersome process. Gathering signatures is a very cumbersome process, perhaps too cumbersome. It is very, very difficult for folks to organize a petition drive and get 10 percent of the vote in the last gubernatorial election during the period that they have. This does not make it any easier. It does just the reverse of what Representative Kilkelly is saying. It is a heck of a lot easier for the leaders of a petition drive to disclose to the Secretary of State and hence as we saw in the very case that she is referring to through the media which will pick up on this and report it widely, particularly outrageous cases where people may be paying \$5, \$10 or \$20 per signature, and whatever one might consider outrageous, the media will report on that.

There is no question that the disclosure will occur and it will become an issue and if ordinary citizens when they are approached to sign the petition, if they know what is worth, perhaps they will share Representative Kilkelly's view that it is outrageous and will not sign the petition on that basis. Why don't we leave that up to the citizens to decide whether than just outright prohibit it in a bill like this.

I do believe that we should take an overall view to this and I think this bill is too narrow. The fact that it doesn't even address in its current form the payment for signature, that I could actually pay somebody to sign it, is an example of not dealing with it comprehensively. Perhaps we should — if the desire is to solve problems rather than just make political statements, perhaps we ought to take a broad view of this and when the next legislature comes back to look at the whole issue.

I request the yeas and nays, Mr. Speaker.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Wiscasset, Representative Kilkelly, that House Amendment "A" (H-915) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 275

YEA - Adams, Ahearne, Aliberti, Ault, Beam, Bowers, Brennan, Bruno, Cameron, Campbell, Caron, Carroll, Cashman, Chase, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, Driscoll, Dutremble, L.; Erwin, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Hale, Hatch, Heeschen, Heino, Hichborn, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Larrivee, Lemont, Libby James, Lindahl, Lipman, Martin, J.; Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Norton, O'Gara, Ott, Paradis, P.; Pfeiffer, Pineau, Plourde, Poulin, Rand, Reed, W.; Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Winn, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Carr, Clukey, Cross, Dexter, Donnelly, Farren, Foss, Gray, Greenlaw, Joy, Kneeland, Libby Jack, Look, Lord, MacBride, Marshall, Michael, Nash, Nickerson, Pendexter, Plowman, Reed, G.; Robichaud, Taylor, Thompson, True, Tufts, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Carleton, Cathcart, Chonko, DiPietro, Dore, Faircloth, Hillock, Hogleund, Kerr, Kutasi, Lemke, Marsh, Martin, H.; Melendy, Mitchell, J.; Oliver, Pendleton, Pinette, Pouliot, Ricker, Saxl.

Yes, 92; No, 38; Absent, 21; Paired, 0; Excused, 0.

92 having voted in the affirmative and 38 in the negative, with 21 being absent, House Amendment "A" (H-915) was indefinitely postponed.

Subsequently, the Bill was passed to be engrossed and sent up for concurrence.

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-833) - Committee on Taxation on Bill "An Act to Eliminate the Sales Tax on Snack Foods" (H.P. 560) (L.D. 757)

TABLED - March 23, 1994 by Representative MARTIN of Eagle Lake.

PENDING - Motion of same Representative to indefinitely postpone Bill and All Accompanying Papers.

Representative MARTIN of Eagle Lake withdrew his motion to indefinitely postpone the Bill and all accompanying papers.

The Bill read once. Committee Amendment "A" (H-833) was read by the Clerk.

Representative MARTIN of Eagle Lake presented House Amendment "A" (H-927) to Committee Amendment "A" (H-833) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Basically, it changes the reporting period and makes it one year earlier. If you are going to have a sunset, we would hope that it would not be in the same year in which the sunset would occur so it requires that that information be provided on March 1, 1995.

Subsequently, House Amendment "A" (H-927) to Committee Amendment "A" (H-833) was adopted.

Committee Amendment "A" (H-833) as amended by House Amendment "A" (H-927) thereto was adopted.

The Bill was assigned for second reading Friday, March 25, 1994.

An Act Regarding the Custody of Remains of Deceased Persons (S.P. 553) (L.D. 1577) (C. "A" S-417) TABLED - March 23, 1994 by Representative COTE of Auburn.

PENDING - Passage to be Enacted.

On motion of Representative TREAT of Gardiner, under suspension of the rules, the House reconsidered its action whereby L.D. 1577 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-417) was adopted.

The same Representative presented House Amendment "B" (H-920) to Committee Amendment "A" (S-417) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: This was one of the more intriguing bills before our committee dealing with who can decide where the bodies of dead persons may be buried and who has control over that.

This amendment deals with questions that various people had about one section of that which gives authority to someone who may not be related to the deceased person to go to a judge and get the ability to bury that body and this clarifies it. If anyone has any questions, I would be happy to try to respond to them.

Subsequently, House Amendment "B" (H-920) to Committee Amendment "A" (S-417) was adopted.

Committee Amendment "A" (S-417) as amended by House Amendment "B" (H-920) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-417) as amended by House Amendment "B" (H-920) thereto in non-concurrence and sent up for concurrence.

Bill "An Act to Amend the Tree Growth Tax and Open Space Voluntary Withdrawal Laws" (H.P. 1349) (L.D. 1815) (C. "A" H-832)

TABLED - March 23, 1994 by Representative MARTIN of Eagle Lake.

PENDING - Motion of same Representative to Reconsider Passage to be Engrossed.