

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Sixteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME VI**

**SECOND REGULAR SESSION**

**Senate**  
January 5, 1994 to April 6, 1994

**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Assigned (3/25/94) matter:

SENATE REPORTS - from the Committee on **HUMAN RESOURCES** on Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State"

S.P. 655 L.D. 1824

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-508)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-509)**

Tabled - March 24, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 24, 1994, Reports **READ**.)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

The Chair laid before the Senate the Tabled and Later Assigned (3/25/94) matter:

Bill "An Act to Promote Integrity in the Citizens Petition Process"

H.P. 1417 L.D. 1931  
(C "A" S-881)

Tabled - March 25, 1994, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, March 25, 1994, **READ A SECOND TIME**.)

(In House, March 24, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-881)**.)

On motion by Senator **HANLEY** of Oxford, Senate Amendment "A" (S-529) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. May I pose a question through the Chair? Would the good Senator from Oxford, Senator Hanley, please explain this proposed amendment? Thank you.

**THE PRESIDENT:** The Senator from Androscoggin, Senator Handy, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. To answer your question Senator Handy, this amendment would basically do two things. The most important thing that it would do is make it illegal, prohibit paying someone for their signature. Not paying someone to gather the signature but if I were to go over to Senator Handy and say I would like you to sign this petition and I will give you ten dollars if you sign it. That is currently legal. I have a problem with that and if we are going to get at the issue of gaining signatures for petitions I think there is something that smells awful to pay people for their signature. I don't think there is a problem with having people receive remuneration to collect signatures and that goes to the second portion of this amendment. It has a reporting requirement that any group that wants to gather signatures for a petition that they would have to disclose and report how they are going to go about paying for the signatures, either if it is going to be hourly or on a per signature basis. That must be disclosed and reported to the Commission. Those are the two basic components of the amendment. I feel they are very important and I applaud the initiative to clean up some of the areas around the petition gathering process. I think this amendment goes far to clean up that problem. Thank you.

Senator **HANDY** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-529).

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Legal Affairs Committee considered an amendment that would in effect cause for the disclosure as to whether one is soliciting for signatures as to whether they are a paid employee when they are doing the solicitation on an initiative or referendum petition. One of the cosponsors of the legislation from the other body, Representative Adams, proposed the amendment to the Committee and the Committee considered the amendment and dismissed it as not really getting to the crux of the issue which is a payment per signature to one who makes solicitation for the signatures. It is viewed as nothing but bounty hunting. The fundamental principal of our democracy is that it is made up of people who care and if one cannot obtain signatures based upon the premise offered in a particular petition that is being passed, it is the considered opinion of the members of the Legal Affairs Committee, who considered this amendment and ultimately rejected it in Committee, that perhaps that isn't a petition that ought to be pursued. I would hope that you would support the Indefinite Postponement of this amendment and go with the amended Committee version of this Bill which would prohibit the payment on a per signature basis for the gathering of names on a petition. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL**: Thank you Mr. President, Ladies and Gentlemen of the Senate. This new amendment that has been offered to us clearly makes much more sense to me for the simple reason that many people that I talked to about this very situation back home, four out of five of them thought that this is what the paper meant went somebody was paying for signatures. That they were paying the voters to sign the petition. Very few of them had it the correct way around. This would indeed, and they were opposed to that as I am opposed to that, this amendment surely would clear up that cloudy area. Basically, whether you pay someone to collect signatures, whether you pay them by the hour or by the signature that they obtain, to me that is no different than working in a factory and getting paid for piecework. The harder you work, the faster you work, the more money you make. An argument was made in front of the Legal Affairs Committee that if you paid someone so much an hour to collect signatures that they surely knew they were going to get paid so much for the time worked and therefore probably wouldn't care. They might just sit up a card table in a shopping center and really not care whether anyone stopped to sign their petition or not, because they were going to get paid for an eight hour day regardless of any or how many signatures they collected. So I would urge you to vote against the postponement of this amendment. Thank you.

**THE PRESIDENT**: The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I wasn't going to rise again, but when the good Senator from Piscataquis, Senator Hall, related that example about the person sitting at the supermarket it really brought to light what the issue here is. One should be committed to the principals of democracy by supporting the principal outlined on a petition and not motivated by what one is going to get by means of remuneration. We had testimony before the Legal Affairs Committee, and I just want to share with you a couple of quotes. One person who testified in opposition to this legislation made this statement, "This is the way we do business, to pay by signature". That came from a gentleman who was trying to gain support for the Libertarian party in the State of Maine. Another statement was made by the same individual, "We can't effectively manage people if they are paid by the hour." Those should be two very telling statements about the incentive that pay for signature offers to individuals. That is not the fundamental principal of our democracy, the fundamental principal of our democracy is to get behind an issue and support the issue and whatever benefits come from supporting that issue, let that be the incentive, not pay per signature. Thank you.

**THE PRESIDENT**: The Chair recognizes the Senator from Oxford, Senator Luther.

Senator **LUTHER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I guess I want to be on Record on this one. I think the motivation behind this bill is sour grapes. The people brought forth a decree that they liked term limits and people do not like it. Now when the next ballot goes before the people in November they are going to like term limits again. If we want to be appalled about money and politics let's start being appalled by what people pay for their campaigns to get elected here. There is a lot to be appalled about with money and politics. I understand there is a support group for

that now. I am going to support the amendment offered by the good Senator from Oxford, because it is closer to what we want to do to make sure that this is done right. If this were just sour grapes it would not be a major thing but it could be seen as the first effort to restrict the people's right to go to referendum at all. Thank you.

**THE PRESIDENT**: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you as well not to support this amendment and I would do so for two reasons. First of all, any time that an individual is paid on the number of products they produce, in this case the number of signatures that they gather, it introduces a tremendous incentive for abuse and corruption of the process. I, like I think many of you here, have been approached by individuals who are getting signatures. If you ask them anything about the process, as I have, why are you collecting signatures, what is the issue, why do you think I ought to support that, what I have found in almost every single incidence, and particularly in those where they are getting paid by the signature, that they misrepresented the issue. They would often say to those whom they approached those things that they thought would get them to sign it because it meant they had a fatter paycheck. I don't think we ought to encourage that in our political system. It is paramount that the public have honest, clear information about what it is they are asking to be doing. When you ask people to be remunerated on a basis of how many signatures they collect there is enormous incentive for them not to be straightforward and honest because it will affect their paycheck. Secondly, it disturbs me because what we have now introduced is politics by the biggest pocketbook. Any group, organization, or special interest that has a fat wallet simply has to hire people and pay by the signature to get their issue before the public. It seems to me that skews the process, that the intent of the initiative process and the referendum process is to allow those citizens who are clearly motivated by interest and concern and connection with an issue to have the public's point of view heard. I think it is very disruptive to the political process and we ought not to allow it so I would urge you not to support this amendment and vote for indefinite postponement. Thank you.

**THE PRESIDENT**: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I think it is important that we get back on track. I think the good Senators from Androscoggin have missed the boat just a little bit as to what the primary reason behind this amendment is. When the good Senator from Androscoggin, Senator Handy, says this goes against the principles of democracy I say what this amendment does is reinforce the principles of democracy. How can you say I am going to pay Senator Butland five dollars to sign my petition? That's wrong, that goes totally against what the citizen's initiative petition process is about. Paying someone to sign a petition for your cause is wrong. If the person, of their own judgement, thinks it is a meritorious idea then they will sign the petition, but don't pay them to sign the petition. You talk about bounty hunters, the good Senator from Androscoggin, Senator Handy, pointed out that this is nothing but bounty hunting if you allow the gathering of signatures on a per signature basis or an hourly basis. I think it is

the antithesis as far as if you are paying someone to sign that. Currently you can, I can go out and be paid two dollars per signature and say what's in it for you. As the good Senator from Androscoggin, Senator Cleveland, said what's in it for me, well currently there is a dollar in it for you, sign it and I'll give you a dollar. I don't even have to represent what the petition says. If I stand in front of the Shop 'n Save with a big sign that says a dollar for every signature that gets put in and give them a voucher to have them pick it up in a week's time, that's wrong. The law currently allows that. That is bounty hunting, that is undermining the principles of democracy. I urge you to vote against the pending motion as well. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The good Senator from Oxford, Senator Luther, was somewhat incorrect when she said this really was after term limits. The term limit thing has gone by, they have been certified, that is no longer the problem. If the good Senator from Oxford, Senator Hanley, feels so strongly about his measure, maybe we can get this bill tabled and we will prepare an amendment which will include the fact that you cannot pay people for their votes as well as not pay the circulator. Then we will have covered all of the bases. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Tabled until Later in Today's Session, pending the motion by Senator **HANDY** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-529).

The Chair laid before the Senate the Tabled and Today Assigned matter:

SENATE REPORTS - from the Committee on **AGING, RETIREMENT & VETERANS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

S.P. 653 L.D. 1822

Report **A** - Ought to Pass as Amended by Committee Amendment "A" (S-515)

Report **B** - Ought to Pass as Amended by Committee Amendment "B" (S-516)

Report **C** - Ought Not to Pass

Tabled - March 24, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, March 24, 1994, Reports **READ**.)

Senator **TITCOMB** of Cumberland moved that the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-515).

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask you to oppose the current motion. If you read the bill itself you will see that what it does is amend the Constitution to say that there is a contractual arrangement between the employee and the State from the moment of employment. A position which I believe is not only unreasonable but not prudent use of our tax dollars. I use the example of a teacher who goes to work for the school system. The teacher has to gain tenure before they are guaranteed anything. It's that simple, until you are actually in the system for a period of time you have no guaranteed benefits. I believe it is imprudent to obligate our tax payers to, from the moment someone goes to work for the State, to have to be obligated to pay benefits under the retirement system until they are tenured. I believe until the employee is vested it is unreasonable to expect the taxpayers to have to guarantee anything. You could argue against amending the Constitution. This amendment actually would apply to only three or four percent of the population. That is a different argument than someone else can give. I'm willing to support an amendment to the Constitution assuming that it is something that the taxpayers can afford to pay for. It seems to me that once you are vested in the system your benefits should be guaranteed and protected but I can't philosophically support this kind of obligation to the taxpayers that Committee Amendment "A" would do. For that reason I would ask you to oppose this motion and let me offer my amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Titcomb.

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Certainly the whole issue of security in the Maine State Retirement System is not a new one to anyone in this room and certainly to very few people in the State. One of the greatest concerns that the people of this State have had over the last several years is the apparent lack of commitment on the part of the State to honor the promises that were made to State employees and to teachers concerning the Maine State Retirement System. There has been a great deal of fear and in many cases a certain degree of injustice, the treatment of Maine State employees. What this proposal seeks to do is to declare that at the time when someone is hired, and the State makes a commitment to that individual as to what their retirement will be, that we keep that commitment. That is not to say that over the next several years that we may not broaden the retirement plan, that we may not offer alternatives to that plan, but the basic premise is that when you make a commitment to someone that you hire, that you keep the commitment. If you can't keep the commitment then you shouldn't make it. The Monk's report came back to us with some very important messages. I would remind you that the Monk's Commission was appointed by bipartisan leadership in this State. They came back with the very clear message that the benefits that we are offering State retirees are by no means elaborate. In fact, one of their greatest concerns was that State employees, upon their retirement, don't have the benefit of being able to depend on Social Security, they must depend on the retirement that we have promised them. The other issue that they brought back to us was that the insecurity in the retirement system had nothing to do with the benefits that we were giving, but in fact had a great deal to do with the fact that every time we needed extra cash we would go after the cash cow, which was the Maine