

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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Pages 1209 - 1846

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention"
H.P. 1130 L.D. 1592

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-721).**

Signed:

Senators:
BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:
PERRY of Calais
PETERSON of Rumford
JONES of Mount Vernon
SANBORN of Gorham
JOY of Crystal
LEWIN of Eliot
STRANG BURGESS of Cumberland
STUCKEY of Portland
EVES of North Berwick

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Representative:
CAMPBELL of Newfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-721).**

Reports **READ.**

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit Surcharges on the Use of Debit Cards"

H.P. 1266 L.D. 1779

Reported that the same **Ought to Pass.**

Signed:

Senators:
BOWMAN of York
ALFOND of Cumberland

Representatives:
TREAT of Hallowell
PRIEST of Brunswick
BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
LEGG of Kennebunk
MORRISON of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Senator:
McCORMICK of Kennebec

Representatives:
FOSSEL of Alna
WEAVER of York
RICHARDSON of Warren

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

Reports **READ.**

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Strengthen the Ballot Initiative Process"

S.P. 662 L.D. 1730

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-443).**

Signed:

Senators:
SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
RUSSELL of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
FITTS of Pittsfield
NASS of Acton

Reports **READ**.

Senator **SULLIVAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. Madame President, when we took a look at this, the Legal and Veterans Affairs had several bills come in on the initiative process on different pieces. Part of it because of the unusual number we've had in the past year, and the fact that the Secretary of State was unable to get some of them done in time, and it has been sort of convoluted. We eliminated all the bills but one, and we dealt with what we feel is just fraud coming from the town clerk of Leeds and coming from different parts. We are dealing just with the fraud, not with trying to redo the structure of the initiative process. Whether it's good or bad, make it better. This part is fraud. We have removed all pieces from the bill. We could have carried over and moved in, which committees often do when they have more than one bill. They try to find one vehicle for it. There was really no way we felt we could keep fraud from certainly intended improvements, depending on how you looked at that intended improvement. So we kept it strictly with fraud. I would ask that you vote Ought to Pass. It does protect the citizens and the very reason why we offer to have citizens' initiatives, that they be done openly and they be done without fraud involved. Thank you.

Senator **PLOWMAN** of Penobscot inquired if the Bill would be a Mandate.

Senate called to order by the President.

The Chair replied the inquiry pertaining to a Mandate was premature, the motion being Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" (S-443) Report, which requires only a majority vote.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I stand to oppose the motion before us. If you look through the bill it certainly is different, but it still has some requirements that some of us object to. One of the requirements that we discussed was that a clerk would make a copy of a document that she thought might rise to the level of fraud. The amendment, as printed, actually says that every clerk must make a copy of every petition that is presented. Can you even imagine the fiscal note in this year if all of the past referendum and people's vetoes that came through, if every one must be photocopied and stored for future reference? You know, the bills that came before our Committee were kind of a shock to me. Throughout history, men have sought to control their own destinies and civilization after civilization, as they came and went, all had the same desire and yet they had to petition barons, kings, and landlords. These issues that they petitioned on were decided by the whim of the personality of the person petitioned. When the government of the United States was formed, after a very bloody revolution, people wanted to be assured that they would never have to suffer at the whims of the presiding government. The Constitution allowed for the petitioning of the government and a way to bring forth legislation and a way to veto legislation was put into the Maine Constitution for that very reason. Incredibly, in the last year, the people of the state of Maine who sought to exercise their Constitutional rights found themselves with these bills before them, only one of which is before you now. They found that disturbing. Even more disturbing, was that they found cameras followed them everywhere. People who sought to intimidate them before they made their signature. People who followed them to the bathroom. People who held petitions were followed to the bathroom. I guess the word is 'blocker.' Even more incredulous was when they found out that these people had been hired by a political PAC run by the leadership of the very government they sought to petition. They found that a member of the fourth estate, the press, whose job has always been to root out government oppression and to root out and find the truth in issues, was actually hired by the leadership PAC of the leaders of the members of the government these people sought to petition. This person actually planned a campaign to prevent people from reaching the number of signatures needed to petition their government. They were shocked to learn that tactics used by the KGB and GRU in other countries were used by people in the state of Maine whose names were proceeded by S-E-N and R-E-P. I'm ashamed that the people of the state of Maine who seek nothing more, nothing more than what is guaranteed to them under the Maine Constitution found members of the lobby, the Body, the press, and the Maine State Legislature between them and the petition. How are they to have any confidence in the government

Senate at Ease.

that they are seeking to petition to come forward to them and come back to them with something reasonable? You know what happened? They got more than they actually feared. They actually got bills put in asking to further restrict their right to petition. Bills to turn them into criminals. All paid for by monies sought and received and used to pay people to get between them and their right to petition. If you think that's okay, I would suggest to you the people of the state of Maine don't. I would suggest that the people who have sent hundreds of e-mails to you don't want to be made criminals. They probably don't want this bill. I don't want this bill. They do want to have faith in their State government. I'll tell you what, the actions of this past summer, these bills and this Legislature has rocked the confidence of people. Sure, there are a lot of people out there who go about their day-to-day business, and you're counting on the fact that they don't care about their right to petition. Do you know when a person cares about their right to petition? When they need it and not before. Fortunately, there are many people out there who watch it all the time. Who watch out to make sure issues just like this don't make it all the way through the Legislature. This one shouldn't make it either. It absolutely shouldn't. I'm angry. I'm angry for them. I'm angry for me. I'm angry for the people who were intimidated and literally frightened by having a camera trained on them and videotaping them the whole time they signed a petition. I'm angry for the people who couldn't go to the bathroom without a blocker following them. I'm angry for the people who took the signatures, who exercised their Constitutional rights, to not have to be harassed. I'm angry because many of you don't think there's anything wrong with it. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I find it hard to follow that speech, but what I would like to say a couple of things. First of all, I appreciate the Committee taking out some of the worst parts of those bills that I thought were really objectionable. I appreciate their work. There are a few things that I would like to talk about, policies in this bill that I think could use some fixing. Having the prospective of being a person who's worked on seven petition drives, I would just like to give you my prospective on a way that we could improve these changes. I am a little bit concerned with the unique identifier issue that's in this. The reason is that because when things are emotional at events where signatures are being collected, I see the reason maybe why this is in there, would be to ensure that the collector is the one that's taking the signature and those signatures aren't going back and forth between petitions. What this might cause for a problem is that in that emotional activity that's going on, people are taking pictures and getting in and taking videotape and whatnot. If you put this in there without some rules and some guidelines of behavior on both sides, then I could see it being a problem and leading to some confrontations. I think that one maybe needs another section, an improvement. Then another section that I think could be improved is that right now when the clerks are doing their work, they're very busy. When you're coming in with a stack of petitions that might be three or four inches high, they're very large. They can be very cumbersome for the clerks to make copies of all those petitions and be responsible for recording and all that. I think that maybe if that was tailored-down to perhaps those that

would be in question or might be a problem, that could help the clerks out. I'm certainly not interested in burying them in paperwork. There are some other sections in here as well. I would have appreciated a section that allowed both pro and con, if they hired organizations to represent them, would have had to register, not just one side. That could have been helpful as well. Also, under the registration process, one of the things that I did support, that didn't seem to come forward, was that as a petition organizer, I'm not interested in hiring people that were convicted of crimes related to forgery. It would have been helpful and I would have supported an amendment to this that would have said that if they had been convicted of forgery, or something to do with the petition process, that they would have had to do a check-off box to that effect. It would have actually helped the petition organizers know who is collecting and their background. I feel a little fortunate that some of the worst things were taken out, but I do think this bill could have been improved significantly. I just wanted to go on the record and say that. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. I'm not sure where I really should begin, but I thought I would just say a couple of things. The good Republican lead on the Committee reported some things we didn't hear about at all during the public session. It is also on a different bill and that very bill was killed by our Committee. We did not want to deal with those things at this point in time, in an emergency session, on an issue that we felt was not an emergency at that time. There were some things I'm not aware of. Obviously, she has knowledge of something that was not brought up. As for the bill that we have before us, I went down to the presiding officers with the Republican lead and the House lead. We were told point-blank that they supported this bill, but would not support it unless it was a Committee bill. They had a problem with the sponsor of this bill as they had with the sponsor of the bill that was killed. I'm also surprised because the Senator from Lincoln came to see me after this came out and said he'd support the bill but couldn't we please make a different bill. Couldn't we have a Committee bill? I said that it was too late and we had a Committee bill. I also would say that if there were things that needed to be put into this bill, as the Senator from Lincoln suggested, then the Minority Report should have shown that. The Minority Report simply said, 'do not pass.' It didn't have all these other things we had in it. We had several different work sessions on this and we worked in. It appears the thing that most surprised everybody is that there was one piece that was pulled out that I felt did not deal with fraud. When it was pulled out everything fell apart and that's when we began to have reports strictly on who sponsored the bill. I believe this is a good bill. I will deal with the money issue later. That certainly will come up, but there is an answer to that and it has been discussed among the analysts of the Committee and other things. I would again ask you to support this. It is a vote in favor of. When I have the leads of both say that the bill is good, that they support it but they don't support the sponsor, then that is not good government. Thank you, Madame President.

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

Senator **NUTTING**: Thank you, Madame President. Ladies and gentlemen of the Senate, I rise as the sponsor of this bill to put a few comment onto the record. To me, Sally Hebert, the longtime clerk in the town of Greene in my district, is a hero. She received one of the petitions on the recent tax reform citizens' petition effort and she noticed one of the signatures was from her neighbor. Somebody she knew very well. She realized that it didn't look like her neighbor's signature. She called up her neighbor and sure enough, her neighbor said, 'No, I didn't sign that petition.' Mrs. Hebert checked the next one down on the petition from the town of Greene, and called them as well. She knew them. She's been clerk for a long time. Lo and behold, that person hadn't signed it either. She kept going and then she realized that the tenth name down, the person that had signed that petition, they had had a funeral for that person in 2004. That person had signed. All 29 were forged. Every one of them. There were other towns where they had the same type of situation come forward with the paid signature gathering effort, where there's a financial incentive. The more signatures you get, the more money you earn. Many other states are dealing with the paid signature gathering effort right this session. We're not alone in dealing with that. The Committee worked very hard on this issue. One thing that wasn't discussed was the assumption by the opponents, maybe two assumptions possibly, by the opponents to this bill that this individual submitted this one forged petition and that was the only petition that person worked on. I kind of think that this person worked on many petitions and this is the only one that was caught. The other assumption I've heard is that this particular individual did all the petitions that they got paid for honestly except this one. Maybe that's true, I don't know. I think in Greene's case, when the fraud was discovered and because the statute is vague, the petition was returned to one of the organizers of the tax reform effort, a copy was not made, and no evidence was even gathered. This is why many states currently, as is proposed in this Majority Report, require that a petition is going to be copied. In fact, in our discussions with the Maine Municipal Association and the Clerk's Association, they make copies of them anyway even though the law does not say they have to. To me, this Majority Report is about integrity. I've heard it said that they don't want to become criminals. I think the easiest way not to become criminals is to do things honestly. Really it's not complicated. I urge you to support the Majority Ought to Pass Report. Thank you.

THE PRESIDENT: The Chair would remind members that the pending question is Acceptance of the Majority Ought to Pass Report and would ask you to talk about the substance of this report. The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN**: Thank you, Madame President. Ladies and gentlemen of the Senate, I would like to rise and respond to the point about my supporting the proposal that is before us. That was when, out of the Committee, I had had the description without any language before me saying what the deal was. The language that came afterwards just went a little bit too far for me to support. Certainly you can see from my comments on the Senate floor that my comments are very reserved and I told you I did appreciate the amendments that were made. I do feel that having a newer bill would have been cleaner. It would have allowed for the slate to be cleared from all the hard feelings around that process that occurred. That is why I supported a new

bill. I wish that that new bill could have had more of my input because I certainly would have incorporated the changes that I spoke of earlier. I would say about the fraud case that occurred, given the fact that the folks involved on the other side copied each and every petition, simply all you would have had to do is go down through the petitions and if you find one that was signed by that individual then you would have your case. I think what happened was that this one person committed fraud. It doesn't necessarily reflect on the people that were on the tax reform repeal effort as much as it was on the individual. This person was caught committing fraud and I, and the people on the other side of the issue, support them being charged, convicted, and paying a severe penalty for committing fraud. Just so you know folks, from my perspective from having worked on the other side, all this type of thing does is tarnish both the image of the petition process and the effort that you're putting into it. For us it was just as harmful and I am just as concerned and would like to improve the process. I would hope that this debate doesn't go any more into the details of that. We can have that discussion outside of this wonderful chamber and I think at this time I would ask that we that we just please vote on this and move on.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS**: Thank you, Madame President. Men and women of the Senate, I was on actually the opposite side of some of the people on my side of the aisle in regard to this most recent peoples' veto effort. I did not support the petition drive and I do not support the repeal of the tax reform bill. I do oppose the measure that lies before you this morning. Every time we add another nitpicky rule onto the face of these petitions we stand in jeopardy of having them thrown out, either by the clerk's failure or by the Secretary of State, for some technicality that overrides the intention of the many people that signed these petitions. Just looking at the first provision in this Majority Report that says that now with a petition, if this bill passes, the circulator will have to affix a unique identifier to the top and to the bottom of each page of a petition. Presumably not only the front but also the rear. I suspect what will happen is if they don't, if the petition is a front and back arrangement and if there aren't four sets of initials on that petition, and if there are 45 signatures on it, all otherwise valid and sworn to, certified by the clerk, that the Secretary of State's office would throw out the entire petition on the grounds that one set of initials, maybe at the bottom of the back, wasn't affixed to the petition. If you think they don't do it, they do. Why? Because we write these laws. They figure these laws mean something. It's not their job to interpret whether they're important or not. You have the Secretary of State doing a very professional job of bouncing whole petitions sometimes because of a really trivial technicality. I had the experience two weeks ago of turning in what I thought were a sufficient number of signatures to stand for Governor in this state. I had 130 signatures bounced out, in several instances, because the clerk, in red, had written down the number of valid signatures but had failed to put zero in the box that says the number invalid. The intention couldn't have been clearer and yet the Secretary of State's office felt compelled to do so. We were actually able to go out and get them fixed. We had plenty of time. The point is had I been turning those in at quarter to five on Monday, the 15th of March, I'd been a disappointed candidate. I had a bunch of petitions thrown out because although it said, Republican on the face of it, the clerk had failed

to write in the word, Republican on the back in a little box that called for that word to be written in. We got that repaired as well. We keep writing these rules to make it ever more possible for people to fail in carrying forward what ought to be a pretty simple and straightforward process.

The second part of this Majority Report says that the circulator must sign the petition and have his signature verified before the clerk validates it. Those are completely independent, free standing requirements of the petition process. That the clerk validates the voters is one process. That the circulators signs under oath is a separate process. There's no reason why one need be done ahead of the other. Here we are now with a change in that process and still another way of tripping up people who are earnestly trying to exercise their Constitutional rights. Then we have this advisory provision at the bottom of the first page of this amendment that says if a clerk finds anything wrong, he or she should photocopy the petition and notify the Secretary of State. Well for goodness sakes, of course the clerk can do that. We don't need a statute that tells them they should. This is a matter of training, not a matter of putting something in statute. We have another provision in this Majority Report that requires that anybody who organizes a citizens' drive has to file as if they were a PAC. I can't understand why citizens can't exercise their Constitutional rights without having to register with the Secretary of State as some kind of an organization. Suppose they're not an organization? Suppose there are 50 people who feel, independently, that they want to veto a piece of legislation. Does every one of them have to come down here and register as an organization just because they're from separate places and are acting spontaneously? I should hope not. If they raise money for the cause, then we have a PAC law. You do have to register with the Ethics Commission, so that part of it is taken care of. Why you should have to organize and register before circulating petitions is a mystery to me. It reminds you of the voting rights activities in the South in the 1960s and the story was commonly related about the requirements that used to be imposed by certain Southern states to require a demonstration of the voter's ability to read before the voter would be allowed access to the polling place. The story is told about one fellow, a black, being presented with a German newspaper and was asked to read this and demonstrate his capacity to read it before he would be allowed to vote that day. He looked at it and he turned it one way and then another, and he said, 'I can't read the fine print', but the headlines said 'There are no blacks voting in Mississippi this year.'

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

Senator NUTTING: Thank you, Madame President. Ladies and gentlemen of the Senate, I wasn't planning on getting up a second time on this bill but I just wanted to let the good Senator from Somerset know, to their credit, this Committee worked very, very closely in drafting this Majority Report with the Attorney General of the State of Maine on what would pass muster and what wouldn't. I'm glad that they did that because that caused many sections that were being considered to be rejected. I think that's a healthy process. Why do you want to have a unique identifier on your petitions? That way if you see a petition laying there, and people signing it and nobody's near it, you can easily ID which petition that is that was being illegally signed. When you have one circulator trying to pass off that that particular individual

could have 16 different ways to sign their name that's why you want, for paid signature gathering only, them to have their petitions signed and notarized before they're brought to the clerk and save the clerk's time. Again, I urge you to support the Majority Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator GOODALL: Thank you, Madame President. Men and women of the Senate, I rise today in support of the pending motion on the floor and I encourage you all to support it. This Body is now in the middle of what we often are in the Legal and Veterans Affairs Committee, dealing and debating over the nuances of election law, petitions, and so forth; many areas that would probably be done through rulemaking in other committees. It's important work. I do remind this Body that in fact last year we passed a bill clarifying and making it easier to make sure that petitions go forth, so that if there was one invalid signature, the whole petition wouldn't get thrown out, a nuance that the Superior Court made a decision on. I think it's important to focus on what this bill does. This bill only puts a unique identifier on each signature page of the petition. It deals with the registration process. I wish to read what that means: 'A petition organization shall register with the Secretary of State in accordance with this section. For the purposes of this section, petition organization means a business entity that receives compensation for organizing, supervising, or managing the circulation of petitions for a direct initiative of legislation or a people's veto referendum.' I think that's important to note. I think that this is going to improve transparency, something that we should all strive for. We're hearing a lot of stories on the floor of this Body today which adds to the debate. I think it's important that we look to increasing the transparency of our election practices and this bill does that. I would encourage you all to support it.

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

Senator BRYANT: Thank you, Madame President. Ladies and gentlemen of the Senate, I've listened to the debate and we're getting into a debate about trying to stop petitions. This bill is not about trying to stop petitions. This bill is about trying to stop fraud in the petition process. If you're opposed to the bill then you support fraud in the system. Basically that is where we are. You've heard all about the issues of stopping petitions from going forward, that is not what this bill does. This bill tries to get a handle on some fraud that's going on in the process that we all know about and it tries to do it in a reasonable way. I encourage you to vote for the bill.

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

Senator BRANNIGAN: Thank you Madame President. Men and women of the Senate, I think one of the valuable pieces of this discussion is that it gets out to the public, maybe, that petitions are often gathered by people who are being paid and that these people are from away, on the whole. I think when a petition is put in front of somebody at the grocery store, or the theater, they think this is one of the local kids, this is one of the local people, and this is somebody who in their hearts supports this issue. I've

even heard that there are groups in the nation who provide these people to be signature gatherers for a price. They delight in people rising up or they get people to rise up in a particular state. Whether that's true or not, I would like to know more. I'd like to know what people are paid. How much they are paid per signature? I think that when people sign they ought to know that possibly this person doesn't have a big heart for this issue. They have a big dollar sign. It's their job. If they know that, maybe they'll listen more carefully and make a decision more appropriately. I think the citizens' petition initiatives are important. I think this weakens it when people don't know whether someone is paid, whether they're from away, or whether this is an organized group. I think fraud is something we want to get rid of, but I also think we want it publicized. These are the way things have been growing more and more in the petition process. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, I wanted to respond to our good friend from Oxford County. I don't think anybody on this side of the aisle is in favor of fraud and I'm sure that we would never impugn your integrity like that from this side of the aisle. If this is such a good bill, why is this just directed at direct initiative of legislation and the peoples' veto? Why wouldn't it be extended to ourselves in our own petition gathering? I think that's a very serious question that I'm not sure the Committee really answered. I don't even know if they discussed it. It would seem to me that that ought to be part of the discussion. Why do we want to have two different standards? One of the things that we did is we've made some changes last session, or a year or so ago, with the Clean Election checks. We increased the threshold and made it a little harder for my seatmate and the good Senate President to get checks for Clean Election funding for Governor. After we did that we also found out that we increased our own and I know that some people have said, 'Boy, what did we do that for? We made it even harder.' At least we treated ourselves the same as we treated the other candidates. This doesn't do the whole thing. As we get into filing the petitions, and we all have gone through that, we just turned out petitions in. I think a couple of people may not have made it. There's a gubernatorial candidate that didn't get in on time or two. We talked about the rules and how the rules have to be followed. How when you look at the petition you have to have the candidate consent, it has to be notarized and the town clerk has to sign it and verify the signatures. We had some candidates on our side of the aisle that had to acknowledge where they registered if they were a Republican in the town. Apparently, at the end, some petitions came in last minute from the other side of the aisle and they didn't have that portion. Yet there was a provision, I don't know if in law, but at the discretion of the Secretary of State. They called the town clerk and asked if they were a registered candidate and made an exception. That concerns me when exceptions are made. Everybody should be following the same rules in what type of discretion is permitted and what type isn't. I would be very, very cautious going forward with this. I really think we should. If we're going to do something like this, let's do it to ourselves as well. Thank you, Madame President.

THE PRESIDENT: The Senator from Lincoln, Senator Trahan, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'd like to respond to the Senator from Androscoggin's comment about notarizing before you turn them into the clerk. The person in question, I won't name her, whose signature is different, I would remind you that she's licensed by the State of Maine, she is a notary which goes through the Secretary of State's Office. I did, at my testimony at the hearing, offer up a solution to that. The reason that I think that you might see different signatures is that often times a notary will sit and notarize hundreds of petitions. I know with my carpal tunnel and torn bicep tendon, my signature changes just after three or four times. I suggested a stamp certified by the Secretary of State to resolve this issue. This issue around the notaries doesn't lie with the petition gatherers, but with the Secretary of State's Office. A better education and a better system to having those notaries licensed as well as how they are identified on the petitions would be extremely helpful.

I would like to address the fraud issue for just a moment. When I started on that effort in question I had several meetings with my volunteers where I stressed the importance of the integrity of the petition process. We had classes on properly filling out the petitions and all the rules involved. The reason that I felt so strongly at the public hearing and here today, why I had to rise a third time, is that the people that I worked with were wonderful people from all party affiliations and from all walks of life, who, in my opinion, were there for only one purpose and that was to exercise their Constitutional right to petition. As far as the paid signature gatherers go, I think it's a distasteful thing in the process but it is Constitutional, as the courts have said. I do support a process that is very tight when it comes to paid signature gatherers. Unfortunately, when you only have 60 or 70 days to get 70,000 signatures or more to ensure that you have the 55,000 necessary, then it's just part of the process. If you look at our PAC reports, and you look at the money that was raised, it was in-state, it was done very minimally, and we try to reduce the amount of impact that the paid signature gatherers had. I think we accomplished that. For all the 500 people that participated, I did have to rise and say thank you to them and also ensure that their integrity was intact.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, to some of the comments that have been made, I'd like to read to you Section 20 of the Maine Constitution. We actually had a bill before our Committee to make it so that it would be state law; that a circulator had to be a citizen of the State of Maine. It wasn't necessary and I'll tell you why. The definition of circulator means a person who solicits signatures for written petitions, and who must be a resident of this State, and whose name must appear on the voting list of the city, town, or plantation of the circulator's residence as qualified to vote for Governor. Yes, companies come in to manage getting signatures, but they may not get them. You must be a registered voter in the State of Maine. You also cannot restrict anyone's right to pay signatures. That is a Supreme Court decision. If you

want to challenge whether people can be paid, it's already been done. That's an issue that has already been ruled upon.

This bill is not about fraud. This bill is about feeling good about fraud, about getting rid of fraud. It requires a new registration, which we all know is how the State of Maine makes people feel good about keeping track of what other people are doing. Usually there's a fee involved, which is great because it takes care of the cost of hiring somebody to create a new registration to make somebody feel good about collecting information about other people. Second of all, fraud has been caught and fraud has been punished. The clerk in Greene did exactly what she was suppose to do and then it was passed on for the law enforcement and charging officials to do exactly what they're suppose to do. Then it was sent on to a judge to exactly what they're supposed to do. This says let's add a mandate to every town, plantation and city in the State of Maine to photocopy every petition that comes in. Somehow, somebody, somewhere. I have not been told because I don't get invited to leads meetings with the leadership, but I don't know where that money's coming from but somebody somewhere will pull that money out of the air. Thank you very much. I'm sure that mandate will feel a whole lot better when you have hundreds and hundreds of petitions that are this big that have to be photocopied and stored. The only thing left is to have somebody certify that they got the signatures. That's a great idea too. That makes it so the person who was going to have it certified and turned in later does it ahead of time. Either way, should those petitions be certified and should the notary public sign it, then a crime has been committed. Basically the crime is either committed before the clerk verifies the signature or after the clerk verifies the signature. That's the only thing that this bill does. No, I'm sorry. One, it makes you feel good. Two, it proposes a mandate. Three, it determines when the crime of fraud is committed, before or after the certification. We should all run right out and pass this, put it into our statutes so that it can hamper somebody somewhere along the way. We'll drive up that cost. We'll drive up the local's costs. They'll love you for that. They've loved you all year and they can't wait to see what happens in the next month when you love them up a little more. Fourth, it will just determine when the crime is committed. With the central voter registration, the clerks who know their voters and the law enforcement investigative and charging, there's no need for this bill. None. It feels good. It's another notch on somebody's belt. I've got to tell you, I can't believe that it would be put up as fraud versus no fraud. It absolutely is one of the most meaningless bills to come before the Legislature.

THE PRESIDENT: The Senator from York, Senator Sullivan, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **SULLIVAN:** Thank you, Madame President. I want to bring this to a merciful halt, I hope, soon. Just two things. The Senator from York suggested that we have the same rules for the candidates. We have a different law for that. We actually are more strict because the candidates police themselves in the way it is done. Indeed there are two separate laws. That was considered and it was very closely explained by the Secretary of State. The lady in Leeds could not do anything. It did not go to court because she had the signatures looked at first and had not sworn to the oath. The fact that the oath had not been taken, no law had been created, because he had not sworn to that oath.

That is the difference. It does make a difference. If it looks like you can get away with the signatures, then you can go and have it sworn that you circulated the signatures. This particular city clerk, town clerk, of a small town knew that the signatures were not valid and said that the person left and that's where the copying comes from. There's no way now to know anything about that, except that she did get in touch with somebody and say, 'I just had a group here.' The law was not broken because of that time. It's important to know. Again, I would ask you to support this, please.

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

Senator **BARTLETT:** Thank you, Madame President. This bill is fundamentally about the sanctity of the citizens' initiative and the citizens' veto process. These are enshrined in our Constitution to assure that people have access to right of redress of their government. What concerns me is that the moral fabric underpinning those rights are steadily eroded when fraudulent activity occurs over and over again. All this bill is seeking to do is to make sure there is accountability. It's not making it any harder to go out and gather signatures. It's instilling some accountability to support the strong Constitutional rights. It's for that reason that I support the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. Men and women of the Senate, I believe that if this bill were simply about accountability then those individuals, who are hired and paid to block signature gathering, would also be required to register. Why, with this bill, are we creating two separate sets of rules? Those people who are seeking signatures and are paid must be registered. Those people who are actively trying to discourage people from signing signatures on petitions and are paid are not subject to a similar rule. I think the fact that that is left out of the bill undermines the contention that this is purely about the integrity of the process.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Chair noted the absence of the Senator from Piscataquis, Senator **SMITH** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.