

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 17, 1993 to July 14, 1993

Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: It is true that in debating the bill of the popular election of the constitutional officers, the State and Local Government Committee did not attend much discussion time, if any indeed, to the issue of gubernatorial succession that was embodied in the original version of this bill and stayed with the bill as it now comes here for engrossment and enactment.

There are two important constitutional issues at stake, one is the popular election issue and the other is the issue that Representative Ahearne is dealing with and taking out of the bill which is the issue of gubernatorial succession.

My interest is to see the issue as clearly laid out before the voters as possible and, indeed, as clearly laid out before the legislature as possible. Therefore, despite the fact that this is the way the Revisor drafted the bill on my urging as the prime sponsor, I would encourage this body to deal with those issues separately. I encourage you to accept the pending motion to adopt House Amendment "B" and leave to future legislators in future years, once the people have adopted this amendment, the issue of gubernatorial succession.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Men and Women of the House: I would ask that you support the amendment proposed by the Representative from Madawaska to adopt House Amendment "B" for the same reasons that he brought up. I just want to emphasize that the Secretary of State's statutory responsibilities are not terribly broad when compared with the Governor's. They encompass the corporations, elections, motor vehicle, archives and I think the Representative was correct when he said that on a day-to-day basis, the President of the Senate would be able to step in. That is not saying anything about any particular individuals, I am just speaking to the nature of the job and the responsibilities of the job. I would hope that you would support House Amendment "B."

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "B" (H-475). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 25 in the negative, House Amendment "B" (H-475) was adopted.

Representative Bennett of Norway requested a roll call vote on passage to be engrossed.

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 passage to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 186

YEA - Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers,

Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Chase, Chonko, Clark, Clukey, Coffman, Constantine, Cross, Dexter, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Heino, Jalbert, Johnson, Joy, Kneeland, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Martin, H.; Michael, Mitchell, J.; Murphy, Nash, Nickerson, Norton, Oliver, Ott, Paradis, P.; Pendexter, Plourde, Plowman, Reed, G.; Reed, W.; Robichaud, Rowe, Simonds, Simoneau, Small, Stevens, A.; Sullivan, Taylor, Thompson, Tracy, Treat, True, Tufts, Vigue, Whitcomb, Zirkilton.

NAY - Adams, Carroll, Cashman, Cathcart, Cloutier, Coles, Cote, Daggett, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Joseph, Kerr, Ketterer, Marsh, Michaud, Mitchell, E.; Morrison, Nadeau, O'Gara, Pfeiffer, Pinette, Pouliot, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Skoglund, Stevens, K.; Strout, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Walker, Wentworth, Winn, The Speaker.

ABSENT - Aliberti, Clement, DiPietro, Hillock, Jacques, Kilkelly, Melendy, Pendleton, Pineau, Poulin, Saxl, Spear, Young.

Yes, 83; No, 55; Absent, 13; Paired, 0; Excused, 0.

83 having voted in the affirmative and 55 in the negative with 13 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-434) and House Amendment "B" (H-475) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act Concerning Technical Changes to the Tax Laws (S.P. 182) (L.D. 596) (C. "A" S-277) which was retabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Simoneau of Thomaston, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-587) - Committee on Legal Affairs on Bill "An Act to Restrict Private Political Campaign Contributions in State Elections" (H.P. 1085) (L.D. 1451) which was tabled earlier in the day and later today assigned pending the motion of Representative Daggett of Augusta that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: I hope you will accept the Minority "Ought to Pass" Report and reject the Majority "Ought Not to Pass" Report on this bill.

It may seem a little bit strange to see a Republican who is generally not in favor of taxes to be supporting and indeed sponsoring a bill that would

impose a fee of \$4 per taxpayer beginning in 1995 in order to help reform our finance system for campaigns. However, my feeling has been all along that there are severe effects that result from our existing private financing of campaigns that are only going to get worse as time goes on. We know that the cost of campaigns has been increasing very rapidly in this state. It has quadrupled for races in the other body. In the past eight years, the increases for this body have been less than that but they are still going up, double digits every time.

We are gradually getting ourselves into a situation where the traditional way that we finance our campaigns by going around and talking with friends in the district is becoming less and less a viable option for some of us.

Some of us, of course, either have no opponent or are able to raise money in the district. For these people, I say you are lucky. For an increasing number of people, however, this option is becoming obsolete because the cost of campaigns is going up, your opponent is going to start spending money on radio, maybe television, more fliers and, when your opponent does that kind of thing, you have to respond.

The money that comes in increasingly to fund these campaigns is money that comes from, (you pick the term) you could call it organized groups who have an interest in legislation, you could call it special interest, you could call it anything you want but the sum and substance of it is that they are groups who hope to influence your vote on matters that are of interest to them in the state legislature.

These groups obviously hope that in some fashion they are going to influence your vote, they have contributed to campaigns for a long period of time. If it didn't work, they wouldn't do it. Indeed, if you are a corporation and you are an officer of a corporation, you would be remiss if you just threw money down the tube by contributing to someone's campaign.

It is self-evident to everybody, perhaps everybody but legislators and candidates who tend to rationalize this away that these groups want something and that sometimes they get it. The effects of all of this, the bad effects of all of this, come down to the effects upon our public policy. If these groups are successful in affecting our public policy to their benefit, then it might be also to the benefit of the public-at-large but probably not in all cases. There is a price attached to that, we can't say that it is \$3 per person or \$6 or \$10 but obviously there is a cost. There is a cost because of the effect of special interest on their contributions to our campaigns.

The second effect, I think, is the effect on us as legislators and as candidates. I have talked with several people, freshmen legislators, who have had contributions from special interests, organized groups, PAC's, people outside of their district and they have expressed to me some kind of concern. They haven't faced the issue. They don't really know what to think about the idea of accepting money from somebody who hopes to influence them perhaps to the detriment of people in their district.

It is a dilemma really, isn't it? What if you have a contributor to your campaign who has a particular interest, perhaps it is not from your district, and what if that interest conflicts with people that you were elected to represent? What do you do? You may sit back and think that the people

in your district might not notice. Of course, you want to help the people who contributed to your campaign but you may feel qualms about doing so because when you were elected, you thought you had to represent the interest of the people who elected you — what do you do?

My impression is that it is the newer members of this body who struggle with this the most. As time goes on, we all kind of give in to the way things are, the way things work around here. We rationalize, we try not to think about it, we don't think about these moral dilemma's and pretty soon, we don't think about it at all but that doesn't mean that it isn't there. That doesn't mean that there has been a corruption of the process.

The other effect of all of this, in my opinion, is the effect on the electorate. It is self-evident to them that this special interest money buys influence, affects voting, and affects our public policy. It is self-evident to them that some of us rationalize it away. I have heard explanations, "Well, contribution gets access." Some people have said, "It is okay to reward your friends, isn't it?" Well, I am not sure that the people who contribute, organized groups who contribute to your campaign, are necessarily your friends. What I am sure of is that the knowledge of the electorate of the voters that this type of activity goes on contributes to a measure, to a degree, perhaps to a large degree, to the cynicism that we have seen in our electorate. If they believe that their vote is going to be overridden by a large campaign contribution, they are going to get cynical about it, they are going to think that the system doesn't work.

We are luckier here in Maine than in other states. The really big money hasn't come to Maine yet. People who are U.S. Senators have to raise \$20,000 per week to raise enough money for their next campaign. There are other states where candidates for the legislature spend \$100,000, a quarter of a million dollars, a half million dollars to get their seats. The influence of organized groups is greater than it is in Maine. Nevertheless, we are going to be facing in this state, as years go on, more and more of these contributions because the price of campaigning is going to continue to go up. All of us are going to face the moral dilemma of having to decide whether not to accept this money and risk defeat or whether to accept it and put ourselves in this moral dilemma.

I am going to stop talking now to let other people describe exactly what the bill that Representative Richardson and I proposed to do to solve this problem. I would be happy to answer question as they arise about this bill. I think it is an important bill. A lot of effort has been put into this bill by a lot of people. Actually the spectrum of supporters runs the ideological gamut from left to right.

The Legal Affairs Committee worked through the bill, I think, in a very comprehensive fashion and made improvements to it. Technically, I think the bill is in pretty good shape because a lot of work has gone into it. I hope after you hear the explanation concerning this bill, what it does, that you will vote for it, vote not to accept the Majority "Ought Not to Pass" and vote to accept the bill.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: We believe that this is the first time that an American state legislature has received a comprehensive campaign finance bill that will have the result with nominal exceptions of removing all private money from campaign politics that has been current in some areas in Europe for some time but never in the States.

The piece that is particularly significant is that after eight months we crafted a bill here, (we is quite a broad group as was mentioned) that is constitutional.

Campaigns for the Maine House, Senate and Governor are becoming more and more expensive. The facts are that the price of campaigns has soared, 358 percent increase in three election cycles. The money is coming in bigger and bigger chunks, 77 percent was over \$100 in the last cycle and less than one percent of Mainers contribute to any political campaign. Several Maine campaigns last time spent over \$60,000 and we know that routinely six figures is the average for House and Senate races in other states.

This political arms race must stop. This kind of money can never be raised by passing the hat among friends as in the old days. Increasingly, special interests fill the campaign coffers of candidates. These special interests do not give this money out of the goodness of their heart, they want something and very often they get it and the citizens of Maine end up paying for it. There is something wrong with this system and, as you know, our Constitution does not allow us to simply pass a law limiting campaign expenditures and we know the frustration and difficulty of voluntary limits, voluntary check-off's and the like, they don't work. You push in here and it comes out there.

Citizens should pay for campaigns, not special interests. We either pay now to control the special interests' involvement or we pay much more later for the tax breaks and other goodies they get for their contributions. For \$4 per taxpayer filer per year, Mainers can lower the cost of campaigns and keep private special interests from exercising undue influence.

What I would like to do is briefly, and there is a fact sheet in front of you which has one error on it which I would like to clarify, tell you exactly what the bill that has emerged from the Legal Affairs Committee, modified somewhat the work that has gone into it earlier by some experts who have been part of the discussion process of producing this bill, I would like to say what it basically does. It is really quite simple.

The money does come from a \$4 per year, per taxpayer filer fee. Four dollars per year and for that, we are going to take the government back to get the private money out of it. That is where the money comes from. That creates enough money to fund this and that creates enough money to administer it.

Where does the money go? The money goes, according to the schedule on the sheet, with one exception that I will give you, in terms of a credit that is held for candidates in a new division of elections and ethics combined, that credit is available to campaigns of those who commit themselves to the Maine Democracy Fund and who commit themselves to funding their campaigns only from that source.

There is still the choice of a candidate filing in the usual way as before and proceeding with private money but if that private candidate spends

beyond the limits of the Maine Democracy Fund, then there is a one for one match that comes from the Maine Democracy Fund to the participant in the fund, the candidate who participates in the fund, and it matches up to three times the amount of the limit. That should provide plenty of funds for the publicly funded one to clarify the one or two exceptions where somebody wants to abuse the system and spend endlessly.

Those financial accounts, in effect, for each candidate are retained in Augusta and are released under the authorization of the candidate consistent and under the budget limits that those allow. So, the candidate — we have suggested a method of doing it, contacts when they want to send money and there is a clearance number and a check comes forward out of each candidate's fund and there is adequate money to pay for the administration of that.

There is an opportunity for five percent of the total to be gotten by the candidate or his or her treasurer for purposes of petty cash for the appropriate receipts — much as now.

There is a match and a disincentive for privately funded candidates. The reality should be and the goals should be publicly funded, it is the way to go. The key point here is that costs come down because no longer is there a sudden ratcheting up of the cost of campaigns, instead there is a method, the 17 day rule, in which no late money comes in and there is a method of holding down the expenditures of campaigns to the limits that are before you on the fact sheet.

For the House of Representatives, an unopposed candidate in the primary and an independent candidate, who by definition goes straight to the General Election, receives \$500 for basic printing and administrative costs. A contested primary candidate has \$4,000 available. In the General Election, presuming opposition from some source, the General Election candidate has \$4,500 and, if a candidate is unopposed in the primary in the General Election has a total of \$1,000 for purposes of basic printing and dissemination of information about their stands and even though they obviously are going to win the election. The total amount then for an opposed House candidate in both the primary and the General Election is \$8,500, but that is what the opponent has.

There is no provision now by those who commit to choose for the Maine Democracy Fund for in kind contributions, they are gone. There is no provision for soft money except for a manner in which political parties may come together and in certain prescribed ways support a slate of candidates. Other than that, this so-called soft money is gone, the push in here and comes out there of limits that attempt to describe who can give but fail to realize the reality of bundling and other mechanisms of getting around existing law is gone. It is not a problem because there is no private money. Mechanism enforcement is adequate and of course the primary incentive for the mechanism is the opposing candidate.

We believe we have hammered out all the technical problems. We have suggested, along with the Legal Affairs input, a couple of ways that perhaps can be tinkered with and we have given some appropriate rule-making responsibility with provision for that to return to the appropriate committees and this legislature to handle those details. It is necessary for there to be something of a hoop for people to

jump through, candidates to jump through. So, the candidate who joins the Maine Democracy Fund does have to go through that hoop of a filing fee, \$250, and a petition of a minimum of 200. For that, they receive the money but they do not have to raise the money anymore because that is gone. They can still have events, bean suppers, grassroots environment, they just don't raise money at them for charitable purposes or whatever, they don't raise money for them.

All of those technical rules, we believe, have been handled in this bill. We are certainly happy to answer questions.

This is the first time an American legislature has had such a bill. It is the first time we have entered into this area. This is not a matching or voluntary program. It is not an environment in which you tinker with part private and part public like a presidential system. It does go all the way.

Finally, I would like to say, and then I will sit down and others will speak, there will probably be questions, I had the occasion to attend a conference in Holland a year or so ago and I met a Dutch parliamentarian there. Private contributions are still legal in Holland but their political system, they don't have a first amendment to worry about so they can do these things more easily, their political system allows allowances for candidates to provide basic forum and dissemination of information. The culture is different around campaign politics and around the linkage to lobbying. There was a day in these halls in which lobbyist weighed in heavily with money on public issues and bills. That day has gone in the kind of overt way that we have all read about. There will come a day in which the displacement of that involvement in public affairs with the difficulties of campaign finance and raising money for ever increasing campaign costs will, I think, too, be history. I think we will turn to a system, ratcheting down costs, holding down and eliminating the unnecessary part of campaigns, the media part of it, doing the basic printing, mailing and signs that are the wherewithal of direct communication with our constituents in our systems and our communities and essentially avoiding the network of campaign solicitation and that whole world will enable Mainers, I believe, to regain their government.

From my point of view, I no longer get involved with bills that go part way. I think we have to have a mechanism that brings fundamental change and the way in which Mainers interact with our political campaign and with our governmental system. I ask you to look at this system and to evaluate it. I ask, of course, for you vote for the "Ought to Pass" or your negative vote on the Majority "Ought Not to Pass" motion.

Representative Tracy of Rome requested a roll call vote.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: This is a revolutionary bill, this bill challenges you to think about money and its influence on politics.

This bill provides us the opportunity to show the good people of this state that we can step aside from our personal interests in getting re-elected.

This is a visionary bill. The revenues raised will cover all the cost of campaigns and all the administrative costs.

We need to take the special interests out of our elections and the only way to do that effectively without creating more rules and loopholes is to pass this bill.

I personally will be very happy to pay \$4 myself a year and I will be very happy not to receive dozens of fund-raising letter. Can you imagine how relieved you and your constituents and the people that gave to your campaigns in the past will feel to run a campaign without spending so much time raising money? We can discuss issues and not be beholden to anybody but the voters. That is a radical idea.

Let's do the right thing and vote against the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the time of year when I was almost going to go to the dictionary to look for new adjectives to describe legislation. We have heard bills described as important, significant, profound, now visionary and revolutionary. I don't have any new adjectives to describe this bill because I think the adjectives that have been used up to this point do describe the bill. This is an important bill, it is a significant piece of legislation.

We have all been involved in campaigns and the first thing that we do when we are campaigning is we look at whether or not we can raise money. The viability of the candidate and the viability of the campaign rests with whether or not we can raise money.

Unfortunately, ideas, ability and leadership have become subservient to whether or not we can raise money. Already we are having people that are running for Governor that are being dismissed because people don't think that they can raise money. They are not talking about whether or not they have good ideas, whether or not they are good leaders and whether or not they have abilities. They are saying they can't be a candidate because they can't raise money. That is wrong, that is not the way we should have campaigns in this state. Campaigns should be won or lost based on debating the ideas, not who raises the most money.

The public is very concerned about our political process. Unfortunately, they have latched onto such things as term limitations and downsizing as a remedy as to what they perceive as problems in the political process. I don't believe that we should be concerned with how many of us there are here, how long we are here, but we should be very concerned with the money that puts us here.

I think that this would be an opportunity for us to send a strong message that we are concerned about campaign reform and that we want to get the money out of the politics and put the idea and put leadership and ability back into the political process.

We are a citizen legislature. I believe that this bill will put the citizenship back in the legislature.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Men and Women of the House: I would like to pose two questions through the Chair.

For anyone in the House who is a supporter of the bill — the first is, is there anything in the bill that would prevent a good friend of mine from placing an ad in the newspaper supporting my candidacy? And,

is there anything in the bill that would prevent five of my good friends from placing large ads in the newspaper supporting my candidacy?

The second question is, would this bill not favor incumbents in this section in which a candidate needs to raise \$5 per 50 or for any 50 signatures on the initial signatures collected? What I am getting at is, if someone doesn't know me, and no one did when I was campaigning, they were happy to sign my petition to give me a chance to run. I am concerned that others would not be able to have that same chance.

I support this legislation but I would like someone to address those questions.

The SPEAKER: Representative Chase of China has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: To answer your second question first, the original bill had a provision that called for a \$5 contribution to be obtained whenever a candidate went out to get their petitions signed. That was removed from the bill in the amendment so that provision is not there anymore.

The reason for that provision was that we wanted to provide for a barrier or significant hoop that people had to jump through in order to qualify for the public financing.

What remains at this point is that a publicly financed candidate has to get (for the House) 200 signatures. Anybody who takes the option of not obtaining public financing, and that option is still there, would still have the normal amount that they have to get now which is 25. So, the Legal Affairs Committee thought that 200 signatures was enough of a barrier so that fringe candidates and candidates who are not serious candidates would be screened out and would not get the public money.

I believe your second question related to whether or not some friends of the candidate might go out and put ads in the paper — I believe the answer to that question is no. That is prohibited. There is a provision which allows political parties who wish to support five or more Maine candidates in advertising in different geographical areas to do so without having that amount count but that is a very limited exception.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to anyone in the body who can answer.

Does the bill address the following: if you have a publicly financed candidate and a privately financed candidate in the same race running against each other, the private candidate exceeds the limit of the public candidate in spending, how does it address the problem with one candidate being able to outspend the other one?

The SPEAKER: Representative Pineau of Jay has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: You are pointing to two different problems. Let me try to answer those as best as I can. Of course, the privately funded knows

the limit of the publicly funded. The privately funded starts to raise his or her money to the point of that by the filings with the commission. As soon as that privately funded goes past the publicly funded, the match goes like that, together up to three times the allowed amount for that election in that race.

There is a problem and the problem is overwhelming at the end of the election. What if a privately funded suddenly burst on the scene and we have crafted the 17 day rule, the privately funded candidate has to tell the commission 17 days out how much money he or she will raise or spend, both categories, and that money, if beyond that limit, is immediately credited to the opponent. The privately funded knows that if they go beyond that limit, that money comes over in credit to the publicly funded. That 17 day point is it that creates the playing field that follows through the rest of the election and it holds. If somebody violates it or if somebody puts out campaign signs that were not appropriate, they have violated the law and that is the prohibition under the Maine democracy because remember they chose to go into this and that means that we can ban the so-called indirect campaign support that the Representative from China was referring to.

I hope I have answered your question.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: After hearing from all these proponents, I am somewhat reluctant to stand up and speak as an opponent to public financing. I suppose it is possible that in the best of all worlds that perhaps candidates wouldn't have to raise their own money but I guess I am not sure that that is all that bad.

The Legal Affairs Committee has spent close to six months working with campaign finance issues. I am convinced that there are many ways to achieve campaign finance reform, many ways. It is a question, number one, of whether or not you feel it is a problem that needs to be addressed and how in fact you feel the the problem needs to be addressed.

The bill in front of you is one way to address that. I would just remind you that this bill does not prohibit private contributions. It would provide for public financing and, if you chose not to do that, you could finance your campaign privately. So, that is still an option under this bill.

One of the things that the committee looked at was exactly what are the goals of campaign financing reform. I think one of the goals, and I think there will be other bills in front of you, but when you look at this one you have to look at what are the goals and one of those is to try to begin to reduce expenditures.

I think for some of us here in the House that is difficult to see the problems because in fact the figures will show that house races have been fairly stable over the last three or four election cycles. The amount of money spent in a House race is not exorbitant, has not increased much and has been very stable. However, races for the other body have gone up approximately 358 percent over the last three election cycles. So, for some of us here it is hard to see where it is as big an issue as we talk about trying to reduce the amount we spend.

I think the other issue that we have looked at is

one of disclosure and the importance of the public being able to know where each of us gets the money that we spend to influence the outcome of our own elections.

So, in looking at those two goals as an overall campaign finance issue — regarding this particular bill, there is a \$4 per taxpayer charge on your income tax form. I think there are some people on the committee, and I am certainly one of them, that feels that if this legislature feels that public financing is that important, it should line up at the Appropriations Committee like others do. It seems as if a method for getting funding is for a number of cases to put a checkoff on the income tax form. I am sure there are many different interests that would love to have a checkoff. In fact, we have several there already. However, if you feel this should be funded, if you feel the public dollars should fund this, why shouldn't it go to the Appropriations Committee and justify the money that is needed? I raise that as an issue.

One of the other features of this bill is that it asks for a filing fee. Plenty of other states have filing fees but Maine has traditionally not prevented access to the ballots with filing fees, we have not prevented access to the ballot.

The other one I mentioned already is that it does not prohibit private contributions so that would not be prohibited by this bill if that is something that you are looking to prohibit.

Just to add here at the end, I would like to address an issue that was raised earlier by Representative Chase and that is the issue of an independent expenditure. This is already a part of current law and truly independent expenditures are allowed. This issue was addressed in another bill but they are allowed, they are to be truly independent and that is that the candidate or the candidate's committee is not to be out soliciting independent expenditures. If someone, out of the goodness of their heart, chooses to do something to benefit the election of the candidate, it has to be done truly independently and a disclaimer that indicates it was not paid for or authorized by the candidate will go on that and that is a provision of current law.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I am pleased, once again, to agree with the House Chair of the Legal Affairs Committee on which I am proud to serve, Representative Daggett.

This bill represents, in my mind, a radical departure in trying fiscal times. In this time when we are taking a look at reducing welfare for single mothers, subsidies for nursing homes and possibly raising taxes again on the working people of this state, we are considering using some of this money for what amounts, in my mind, to welfare-for-politicians. We don't have the luxury in these times for this bill.

We do have two campaign finance reform bills coming for deliberation later from Legal Affairs that make great strides in imposing voluntary limits and lowering the size of individual contributions which I think is the essence of the problem with money and politics. I am not necessarily opposed to some form of public financing but I would support it rather within the context of voluntary spending limits in

the fashion suggested by Common Cause.

I am opposed to taxpayers paying for election campaigns in the manner suggested by this bill and in these hard times.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: I would like to address a couple of the issues that have been raised by the Representative from Augusta and the Representative from Norway perhaps to clarify a couple of things.

First, the existing system of private financing would be largely unaffected by this bill. People would still have the option of financing their campaigns in the traditional way. If you really believe that interest groups ought to finance your campaign, then you are perfectly free to use that system and to ignore the system of public financing altogether.

I think what would happen, if we pass this bill, is that there would be a change in the culture and that a publicly financed candidate would have a big advantage over a privately financed candidate, he or she would be constantly pointing out that he or she wasn't beholden to anybody and their opponent was.

Secondly, we do have a couple of other campaign finance bills coming along before this body. They attempt partial solutions, they have restrictions, they call for voluntary limits, they restrict certain types of contributions here and certain types there.

The history of campaign finance reform is that these things don't work. There was an article in my local paper, the Biddeford Journal Tribune which discussed all of this. Apparently someone had gone out and talked with all the people who had agreed to abide by voluntary campaign expenditure limits. My recollections is that there were about 20 or 22 such races and in the cases where the race got really close, the candidate, because it is a voluntary campaign expenditure limitation, simply ignored the voluntary agreement and went on to spend. Elections are contests and voluntary limits are only as good as the people who voluntarily follow them. In the context of an election, if it is your race and you are not bound, you will break the voluntary contribution limit or at least most people will.

There are other limitations in these other bills. They limit the amount that can be contributed by a single PAC or by a single person. The thing is, if there is a limitation on the amount that a PAC can contribute to a candidate, then somebody will go out and form some more PAC's. If there is a limitation on an individual contribution, you will get your friends or associates each to contribute. If that doesn't work, then you will contribute to a political party and wink and say, "I really want this to go to candidate X." That is so-called "soft money." There are a million ways to get around partial solutions, I think that has been proven at the national level.

The only effective bill, the only effective way to control this problem which is increasing here, it is bad other places and at the national level and it is increasing here, the only way to solve it is by swallowing hard and passing this bill which will provide that when you pay your taxes in April of 1995, you and every other citizen pays \$4, that is all, \$4.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and

Gentlemen of the House: I agree with the Representative from Norway, Representative Bennett, that this is a radical approach to funding political campaigns. In the fact sheet that was put on our desk this afternoon, it says that less than 1 percent of Maine people contribute to any political campaign. The question — do Maine people really want to pay for legislative campaigns? Whether they want to or not, if you pass this bill, you are mandating that every taxpayer who files a tax return is going to pay \$4. I think that is definitely the wrong approach.

I hope you will support the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, I would like to pose a question through the Chair.

Is there a filing fee for a candidate who does not take public financing?

The SPEAKER: Representative Michael of Auburn has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: The rule for privately funded candidates are exactly as they are today, there is no filing fee. If a candidate, for instance, is going simply go on the ballot against a well-entrenched incumbent of which there is not any prospect of success but they want another alternative on the ballot, there is no filing fee. The petitions are the same as they were before but they don't have access to the public funding. The reason for the filing fee and increased signatures is for access to the Maine Democracy Fund and public funding. For the \$250 and the filing, you receive the public money which, as I said, can be up to \$8,500 for a House candidate, that is the reason for it.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I do agree with the Representative from Norway that this does represent a radical approach to this issue. However, I part company with him at that point. I do think the issues is sufficiently important that it demands a radical approach.

I think the good Representative from Ogunquit made the key point or the key point to keep in mind in comparing this piece of legislation with other voluntary limit type legislation that will come before you and that is that this is a piece of legislation that has real teeth in it. Granted, the teeth are sharp, granted there are elements that are unpalatable.

The Representative from Rumford mentioned the issue that I myself had the biggest problem with, which is what some people might say is a pall tax to take the place of a poll tax. On the other hand, you have to balance off the price of \$4 with the price of "politics as usual", the price of the special interests in politics today. I think if you look at it that way, \$4 is not that much money.

This is a bill with real teeth. Voluntary limits are nice but there are no teeth — what are we going to do gum the special interests to death? No way.

I want you to keep that in mind when you consider this legislation. Do you really want to attack the

issue? This is an important step in that direction. If you really want to attack this issue — Lyndon Johnson once said that "money is the mother's milk of politics", I think that is probably true, but I think the milk has gone sour long past.

If you want to address that, then I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: If I understand this correctly, you have to pay \$4 in order to file your income tax return. If it is a joint return, you have to pay more. If it looks like a duck and it walks like a duck and I think it is a duck, sounds like a tax on filing an income tax return to me. It would be one thing if we debated this in Taxation and we discussed whether there ought to be a tax on a citizen's right to file an income tax return, but it disturbs me to think that — I can't call this a fee, it is a tax on filing your income tax return based on everything I have heard.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: I will try to keep this short.

It is a tax, \$4 per taxpayer is a tax, there is no question about that, but this is a tax where people will know exactly where it is going. They will know that that \$4 is going to fund public funding. It is not funding welfare-for-politicians, we already have welfare-for-politicians. You go in that other building down on the first floor and you look at some of those campaign finance reports and you know that there is welfare-for-politicians, you know that there are people eating out every night on their campaigns. You know that they are buying meals for their friends, they are buying their groceries, they are paying some of their household bills. We don't have any restrictions on that right now.

This bill will cause a lot of people to think about how they are spending their money. This bill will have those records available on computer because we are going to have a debit card system probably, where a candidate goes out for their printing and they are going to show their debit card and the vendor will call right into the office to get approval for that expenditure. I think it is going to be a little hard to do that at a local tavern or local restaurant. We know this is going on. That is what I call welfare.

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 Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: This is a radical departure and probably a radical departure with me getting up to speak for it. I had a campaign financing L.D. that died between the two bodies yesterday in what I call a somewhat dubious manner. This L.D. was signed by 76 other legislators of both sides of the aisle

and in both bodies which, to me, just proves again the need for something like this.

To me, this bill assures that the process will continue and it will continue to be a people's legislature.

I am not going to debate with Representative Dore whether this is a tax or a fee or whatever it is. It is one of the few times that my constituents can spend \$4 and they know where it is going and it is going to a good cause and I am sure they will support it.

I ask that you follow Representative Carleton's light.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: I did not mean to get involved with this issue, I take no pleasure in getting involved in this issue. I am for campaign finance reform and, if you want campaign finance reform, you fund it out of the General Fund or you come up with a special account to fund it, but what you have done here is you have done campaign finance reform with a tax that never went to the Taxation Committee. It was not discussed in the Taxation Committee and that is disturbing to me because we have a process in here too and the process is that when you put on a tax, it gets discussed by the 13 members of the Taxation Committee. It is disturbing for me to look at this and, I am sure there are members of my committee who are on this bill, and find that you found a way to fund this, that the tax that didn't come before the tax committee. Find a General Fund way, make me an amendment I can vote for, but I cannot vote for this.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heeschen.

Representative HEESCHEN: Mr. Speaker, I wish to pose a question through the Chair.

To anyone who may answer — is it true that an independent candidate who wishes to run for State Representative and wished to participate in this fund would have to get at least 400 signatures on a nomination petition?

The SPEAKER: Representative Heeschen of Wilton has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: The answer is yes, we have followed the same proportion of signatures that is required presently for privately financed candidates when we get into the publicly financed candidate's arena. In other words, it takes 25 signatures if you are a party candidate privately financed now; it takes 50 signatures if you are an independent, two to one. We have merely carried over that formula. When we apply it through the publicly financed candidate arena, it takes 200 signatures if you are a party candidate. So, applying the formula for an independent candidate, you come up with 400.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heeschen.

Representative HEESCHEN: Mr. Speaker, I wish to pose a further question through the Chair.

May I ask if anyone considered, Representative Carleton or anyone who can answer, the possibility that because the hoop that an independent might have to jump through to participate in this sum would result in them not participating in it and then

perhaps they don't meet the limits and, frankly, moots the whole question of the limits in that particular race because they might end up spending more because of that first hoop they had to do? And, the other candidates wouldn't be bound by the limits either.

The SPEAKER: The Representative from Wilton, Representative Heeschen, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that I completely understand the question but I will do the best I can.

There is a balance that has to be struck when you are structuring one of these bills. On the one hand, if you believe in public financing, you obviously want people to use it. On the other hand, because public money would be involved, you have to have some hoops, some limitations, some way for a potential candidate to show that that candidate is a serious candidate in order for that candidate to get public money.

Originally, the way the sponsors thought perhaps we ought to gather \$5 from a certain number of people who signed your nominating petitions but the Legal Affairs Committee looked at that and thought that that perhaps would be administratively difficult and might create too high a fence to jump over.

We are comfortable with the additional signature requirements that the Legal Affairs Committee has settled on. I am not sure whether I have answered the question, I presume if I haven't, he will ask it again.

Representative Richardson of Portland was granted permission to address the House a third time.

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: The first time that this law would come into effect would be in the legislative elections of 1996. There is a provision for the Commission to meet and work out the rules of this and bring it back to the legislature. That particular formula, remember, was quite a thorny one to figure out the appropriate hoop. Those issues will come back to this body because clearly there is a constant monitoring to ensure the essential level playing field of an environment here for creating that hoop that is high enough, allowing for candidates to still have the privately funded traditional route if they choose in creating the alternative culture.

I hope you would look with favor on the beginning of the development of this momentum here today.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Augusta, Representative Daggett, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 187

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Bennett, Birney, Bruno, Carr, Carroll, Cashman, Chonko, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnum, Farren, Foss, Gamache, Gean, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hatch,

Heeschen, Heino, Hichborn, Hogle, Hussey, Jalbert, Joseph, Joy, Kerr, Ketterer, Kneeland, Kutasi, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Martin, H.; Melendy, Michaud, Mitchell, E.; Murphy, Nadeau, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pinette, Plourde, Plowman, Pouliot, Rand, Reed, G.; Ricker, Robichaud, Rotondi, Ruhlin, Rydell, Saint Onge, Simoneau, Skoglund, Small, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Taylor, Thompson, Townsend, G.; Townsend, L.; True, Tufts, Vigue, Whitcomb, Zirnkilton.

NAY - Ahearne, Barth, Beam, Bowers, Brennan, Cameron, Campbell, Carleton, Caron, Cathcart, Chase, Constantine, Farnsworth, Fitzpatrick, Gray, Holt, Johnson, Lemke, Marsh, Michael, Morrison, Oliver, Pfeiffer, Pineau, Reed, W.; Richardson, Rowe, Simonds, Townsend, E.; Tracy, Treat, Walker, Wentworth, Winn, Young.

ABSENT - Hillock, Jacques, Kilkelly, Kontos, Mitchell, J.; Pendleton, Poulin, Saxl, Spear, The Speaker.

Yes, 106; No, 35; Absent, 10; Paired, 0; Excused, 0.

106 having voted in the affirmative and 35 in the negative with 10 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Committee on Legal Affairs - Majority (10) "Ought to Pass" pursuant to Joint Order H.P. 1135 on Bill "An Act to Reduce the Influence of Money in Elective Politics" (H.P. 1150) (L.D. 1550) - Minority (2) "Ought to Pass" pursuant to Joint Order H.P. 1135 on Bill "An Act to Reduce the Influence of Money in Elective Politics" (H.P. 1151) (L.D. 1551) which was tabled earlier in the day and later today assigned pending acceptance of either report.

On motion of Representative Gwadosky of Fairfield, retabled pending acceptance of either report and later today assigned.

The Chair laid before the House the following matter: An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices (S.P. 225) (L.D. 696) (C. "A" S-168) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, I would like to pose a question through the Chair.

Ladies and Gentlemen of the House: The existing Commission on Governmental Election Practices members are appointed, as most members know, by a variety of appointing sources and then those nominees are approved by a two-thirds vote of the House and Senate. As I understand this particular provision, this would change or rather abolish the existing Commission on Governmental Ethics and Election Practices and replace it with a three member panel

with appointments made by the Judiciary and I am wondering if in the provisions of this bill if the new members of the Commission on Governmental Ethics and Election Practices that are going to be appointed by the Judiciary will be also be confirmed by a two-thirds vote of the House and Senate under the provisions of this bill?

The SPEAKER: The Representative from Fairfield, Representative Gwadosky, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: The answer to the question is that they will not be confirmed by this body.

Representative Gwadosky of Fairfield requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 66 in the negative, L.D. 696 failed of enactment. Sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Clarify the Law Concerning Aquaculture" (S.P. 531) (L.D. 1559)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Marine Resources.)

Under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

SENATE PAPER

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 8, 1993

Honorable Joseph W. Mayo
Clerk of the House
State House Station 2