

# The State Voter

Volume 25, Number 2 May 2008

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The League of Women Voters of Maine, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major political policy issues, and influences public policy through education and advocacy.



# **Democracy Forum on WERU**

The Democracy Forum radio series provides thought-provoking interviews with experts in the field of participatory democracy. LWVDE and WERU FM community radio co-produce this audio magazine series. The programs air the first Saturday of each month at 3 p.m. on WERU FM 89.9 and streaming online at <a href="https://www.weru.org">www.weru.org</a>. (Look on their schedule for "Weekend Voices.")

Constitutional Checks and Balances is the topic for Saturday, May 3. It will feature a discussion of the relative powers of the executive, legislative and judicial branches of government. Guest experts will be Charlie Savage and Neil Kinkopf. Charlie Savage is a frequent commentator in both the national and local media and has written numerous articles on law and politics. He is a journalist for the Boston Globe and now with the New York Times. Mr. Savage's recent book, Takeover: the Return of the Imperial Presidency and the Subversion of American Democracy, is a topic for discussion for the LWVDE book group in April. Neil Kinkopf teaches constitutional law, criminal law, legislation and civil procedure at Georgia State University College of Law. During the Clinton Administration, Professor Kinkopf was a special assistant in the Department of Justice's Office of Legal Counsel, where his practice focused on issues of presidential power.

Upcoming program topics include Fact-checking, Alternative Voting Systems and Corporate Influence and Lobbying. If you missed past programs, you can find them on the "Voices" archive at <a href="https://www.weru.org">www.weru.org</a>. Past topics have been Term Limits, Open Government, Campaign Finance Reform and The Federal Civil Service. All have been very informative and interesting discussions moderated by Ann Luther, Co-president of LWVME.

Committee members are Marge May, Linda Washburn, Bonnie Preston, Pam Person, Linda Hoskins, and Ann Luther.

- Linda Hoskins, Blue Hill LWV-DE

#### Maine Legislature Bill Summary

The Maine Legislature adjourned on Friday, April 18, around 11:00 p.m., having completed work for this two-year session. Here is a summary of work done on some of the bills followed by the League of Women Voters. While the League does not have positions on all of these bills, several of them relate to areas of priority interest to the League and to our coalition partners. Detailed information about each bill is available online at www.mainelegislature.org/legis/bills/

**LD 1393 "An Act Regarding Lobbyist Disclosure,"** (amended title), died between houses, April 11, 2008. This bill required lobbyists to disclose grassroots lobbying payments and expenditures in their monthly reports. For people or organizations that are not lobbyists, the bill required disclosure of grassroots lobbying expenditures over \$2,000.

1744 "An Act To Join the Interstate Compact on the National Popular Vote," sponsored by Senator John Martin, narrowly passed in the Senate, failed in the House.

LD 1799 "An Act To Establish Open Ballot Voting in Maine," sponsored by Representative Hannah Pingree, failed to pass. Open ballot voting is sometimes called "fusion voting."

LD 2015 "An Act To Ensure Integrity in Financing Publicly Funded Campaigns," sponsored by Representative Janet Mills Passed, passed as amended, signed into law April 7, 2008, effective 90 days following adjournment of the 123rd Legislature, Second Regular Session, unless otherwise indicated. This law prohibits the use of funds from the Maine Clean Election Fund as payment to a member of a candidate's household, unless the candidate provides evidence that the payment was for a legitimate campaign expense for goods and services priced at a fair market value and unless the household member provides those goods or services as a regular part of their occupation or business. The amendment also requires that candidates who are not certified as Maine Clean Election Act candidates disclose when they use campaign funds to pay a household member for campaign-related goods or services. Disclosure of payments to family members for MCEA candidates passed under LD 2070.

LD 2068 "An Act To Amend the Laws Governing Lobbyist Disclosure," Sponsored by Representative John Patrick, passed as amended, signed into law April 16, 2008, effective 90 days following adjournment of the 123rd Legislature, First Special Session, unless otherwise indicated. Among other things, this law defines "legislative designees" as employees of state agencies who lobby the Legislature on behalf of the state agency and requires them to register similarly to what is required for outside lobbyists.

# LD 2070 "An Act To Improve the Campaign Finance Laws and Their Administration"

(Emergency) sponsored by Representative John Patrick., passed as amended, signed into law April 7, 2008. This legislation takes immediate effect. This was the agency bill submitted on behalf of the Ethics Commission. Among other provisions, this law requires a candidate participating in the Maine Clean Election Act to disclose the family relationship of any relative who is paid public campaign funds for providing services to the campaign. It also amends the qualifications for serving on the Ethics Commission and clarifies which conflicts of interest require commission members to recuse themselves from a particular matter.

LD 2110 "An Act To Amend the Election Laws," sponsored by Representative John Patrick Passed as amended and signed into law March 25, 2008. Effective June 30, 2008. This was the agency bill submitted on behalf of the Secretary of State. Among other provisions, the new law permits municipal clerks to accept absentee ballot applications by e-mail.

LD 2130 "An Act To Implement the Recommendation of the Legislative Youth Advisory Council To Allow Youth To Preregister To Vote upon Reaching 16 Years of Age." As originally drafted, this bill would have allowed an otherwise eligible person to preregister to vote upon reaching 16 years of age. Once preregistered, that person would automatically be registered to vote when that person reached voting age. As amended, this bill became a resolve directing the Secretary of State to work with the Legislative Youth Advisory Council to develop and distribute informational literature about voting to public high schools and branches of the Bureau of Motor Vehicles. The resolve passed and was signed by the Governor on 3/25/2008.

#### LD 2178 "An Act To Increase Public Confidence in Government by Expanding Public Disclosure,"

sponsored by President Beth Edmonds. Passed as amended in the House on 4/15/2008; passed in concurrence in the Senate on 4/18/2008. Not yet signed into law as of April 23, 2008. If signed, this law will expand the list of information that Legislators and executive branch officials are required to list on financial disclosures, although the amendments removed significant requirements to disclose investment and real estate interests. The bill also requires that completed disclosure forms of Legislators and executive employees, including the Governor, be made available over the Internet.

LD 2198 "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials" (Emergency) Passed and signed into law April 7, 2008. Effective immediately. This bill amends the law regarding training requirements for elected officials, as enacted by Public Law 2007, chapter 349.

LD 2212 "An Act Concerning Public Records

Exceptions," passed as amended, signed into law April 11, 2008, effective 90 days following adjournment of the 123rd Legislature, First Special Session, unless otherwise indicated. This bill implements the recommendations of the Right To Know Advisory Committee regarding statutory changes to existing public records exceptions.

LD 2219 (HP 1585) "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics," sponsored by Speaker Glenn Cummings, passed as amended and signed into law on April 17, 2008. This bill originally proposed a bundle of ethics reforms including, among other things, the recommendations of the 2006 Presiding Officers' Advisory Committee on Legislative Ethics. The law as passed grants standing to members of the public to file ethics complaints against legislators. Stripped from the bill before passage were provisions for: clarifying and strengthening the definition of conflict of interest and undue influence; \$10,000 limit on contributions to PACs; and new lobbyist disclosure and registration requirements.

Some of the most urgent business of the Legislature concerned the \$190 million budget gap. The final budget bill was LD 2289 "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009." Passed and signed into law March 31, 2008. Among its many other provisions, this bill included a one-time 5% reduction in payments to qualified candidates under the Maine Clean Election Act for the 2008 general election.

LD 2293 "Resolve, To Improve the Absentee Voting System on November 3, 2008," (amended title) sponsored by Senator Bill Diamond. Passed and signed into law on April 18, 2008. This resolve addresses problems that may arise due to the anticipated high voter participation at the next general election and the increased use of the option to vote in person by absentee ballot in the office of the municipal clerk. It authorizes a municipal clerk to prohibit voting by absentee ballot in the presence of the clerk on November 3, 2008 as long as the clerk gives notice to the political parties and to the Secretary of State at least 30 days before Election Day. Even when a municipality prohibits absentee voting in the presence of a municipal clerk, a voter may still request an absentee ballot from the clerk on November 3, 2008 and vote outside of the clerk's office.

LD 2304 "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License" (Emergency) Passed as amended. signed into law April 18, 2008. This law implements the recommendations of the working group convened by the Secretary of State to examine laws governing eligibility and documentation requirements for driver's licenses and non-driver identification cards pursuant to Resolve 2007, chapter 24. This bill provides that a Maine driver's license or non-driver identification card may not be issued to a person unless the person presents to the Secretary of State acceptable documentary evidence of the person's residence or domicile in Maine. A person on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within Maine are exempt from these requirements. A person whose legal domicile is a shelter may apply for a driver's license. Also, a person who cannot provide acceptable documentary evidence of residence may take an oath or affirmation before the Secretary of State swearing to the person's residence.

LD 2309 "An Act To Enhance the Security of State Credentials" (Governor's Bill) Sponsored by Representative Boyd Marley, passed as amended and signed into law on April 17, effective 90 days following adjournment of the 123rd Legislature, First Special Session, unless otherwise indicated. This law requires the Secretary of State to issue driver's licenses and non-driver identification cards only to individuals who present documentary evidence of legal presence in the United States. Any license or non-driver identification card issued to a lawfully present noncitizen will expire coterminously with that non-citizen's authorized duration of stay or the otherwise applicable expiration date of the license, whichever occurs first. The law also requires the Secretary of State to submit legislation that returns Maine law to what it was before the effective date of this Act if the federal REAL ID Act of 2005 is repealed.

LD 2315 "RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting," sponsored by Senator Lisa Marraché. The proposed Constitutional amendment would have allowed the Legislature to authorize a process to allow qualified voters to vote at polling places in or outside their election districts during the 15-day period immediately preceding an election or to vote by mail. The measure failed as required to get two thirds of each branch of the Legislature to concur in order for the measure to be put to the voters.

- Ann Luther Co-President

### June 10 Primary

On June 10, you will have the opportunity to vote in your party's primary to chose your party's candidates for the November general election. In the only statewide election, for the U. S. Senate, Susan Collins is running unopposed as a Republican; Tom Allen and Thomas Ledue are vying for the Democratic Party slot. Several candidates have declared for the U. S. House of Representatives in Maine's two congressional districts. (Maine's presidential preferences were decided in February caucuses.) Many seats in the Maine Legislature are contested in this primary. For a list of candidates and issues to appear on your ballot, see the Secretary of State's listings at www.maine.gov/sos/cec/elec/upcoming.html.

You may register to vote on Election Day. Voters who have already registered but not enrolled in a party may enroll in a party at the polls on election day. Voters need to be enrolled in a party in order to vote in that party's primary election. Anyone wishing to change party enrollment must do so at least 15 days before Election Day in order to vote in that party's primary or caucus. Voters do not need to be enrolled in a party to vote on any statewide referenda or in municipal elections, should those be on the ballot. A voter may change party enrollment designation anytime after 3 months from the date on which the voter last enrolled. See janus.state.me.us/legis/statutes/21-A/title21-Ach3sec0.html for details on the State Law on Registration and Enrollment.

Applications for absentee ballots for the June primary are available upon request. For more information see the Secretary of State's Voter Information page at <a href="https://www.maine.gov/sos/cec/elec/voter">www.maine.gov/sos/cec/elec/voter</a> info. Use the State of Maine's "lookup" feature to find your polling place and a list of candidates that will appear on your ballot. Also see LWV- Maine Voter Information page at <a href="https://www.lwvme.org">www.lwvme.org</a>.

- Martha Dickinson LWV Downeast

# **April Naturalization Ceremonies**

We represented the Portland Area League at the April 18 special administrative naturalization ceremony held in the U. S. District Court House. Normally, these events take place in the U. S. Citizenship and Immigration Services (USCIS) offices in South Portland twice a month.

As reported previously in The Voter, six months ago, the Portland League expanded its participation in the naturalization process by passing out voter registration cards to new citizens in administration ceremonies. For several years, the League has appeared

in judicial citizenship ceremonies held every March and September.

The April 18 naturalization of 45 citizens from 22 countries was the first Court House event conducted by the USCIS rather than a U. S. District Court Judge. The USCIS expects to hold naturalizations in both locations for the next several months in order to process all qualifying applications in a timely manner. Judicial events will continue in March and September.

Dorothy Michaud, Supervisory Adjudications Officer, presided over the April 18 event. She has granted us permission to publish the remarks she made to the new citizens on the responsibilities of citizenship. Here is an excerpt from those remarks:

"As a result of this ceremony, you have gained rights, but you also gained new responsibilities. You now have the right to hold an American passport, you have the right to petition for family members to join you in this county, and you have the right to vote. However, you also have the responsibility to continue educating yourself on the laws of this country and on the issues facing your community, the State and this Nation. You have the responsibility to help administer justice in a courtroom such as this by serving on a jury when called to serve.

But perhaps your greatest responsibility will be to ensure that you take part in the governing process. No right is more important than the right to vote and the right to have your voice heard through your vote, and we urge you to exercise that right. We urge you to be an informed, responsible citizen.

To assist you in that endeavor, representatives of the League of Women Voters will be available outside the courtroom after the ceremony to provide you with a voter registration card and information on how to register to vote in your community. We encourage you to take advantage of their service."

If you can help with this exciting and important work, please send email to PortlandAreaLWV@worldnet.att.net.

- Kitty Coughlin and Colleen Sanders Portland Area LWV

#### STARLIT COMMUNITIES:

AN ENDANGERED NATURAL RESOURCE

Peter W. Lord. Executive Director of the Island Astronomy Institute, based on Mount Desert Island, will present a public program about the Institute's Starlit Communities Project at Ellsworth City Hall on Tuesday, May 13, at 7 p.m. He will explain how light pollution mapping sheds new light on Maine's endangered starry skies. Issues of safety, security, and economics intersect with those of science, culture, and human health to make starlight one of Maine's most unique natural resources. The global dimensions of light pollution will be illustrated with satellite images of lights shining up from earth but not from Maine. Peter will explain the direct connection between local measurements and this global perspective. LWV-Downeast and the local chapter of the Sierra Club co-sponsor this program. For more information about the Project. see www.islandastro.org.

The Institute collaborates with Acadia National Park's "Night Sky Initiative to Measure, Promote, and Protect" its dark skies. With the support of the National Park Service, Friends of Acadia, and The Maine Community Foundation, the Institute works to build support for municipal lighting ordnances.

Through a technical assistance agreement with the National Park Service's Dark Sky Team, the Institute received loaned use of one of the most accurate measurement systems in the world. Thanks to this loan, the Acadia All American Road (connecting Rt. 3 from the head of the island to Park Loop Drive) became the first Federal Highway Administration byway to survey its night sky as a resource to be monitored and protected.

Peter will share the results of this growing collaboration and outline the principles of outdoor lighting that conserve energy, increase public safety, while protecting wildlife and human health. He will explain how grass roots community support and education are the keys to protecting Maine's Starlit Communities.

#### Jonathan Wayne Speaks about PACs

Jonathan Wayne, the Executive Director of the Maine Commission on Governmental Ethics and Election Practices, will address the League of Women Voters of the Brunswick Area in the Morrell Room of the Curtis Memorial Library, 23 Pleasant Street, Brunswick on Thursday, May 1, at 7:00 p.m.

Mr. Wayne's topic will be the regulation of Political Action Committees (PACs) in Maine. He welcomes questions from the audience during his presentation. The public is invited.

The Commission, formed in 1976, is an independent state agency that administers Maine's campaign finance laws, the Maine Clean Election Act, and the lobbyist disclosure law. It also issues advisory opinions and conducts investigations regarding legislative ethics.

The Commission consists of five members jointly appointed by the Governor and Legislative Leaders for three-year terms. The Commission is bipartisan, and no more than two members may be enrolled in the same political party. Current members are Michael Friedman, Unenrolled, Bangor, Francis Marsano, Republican, Belfast, David Shiah, Democrat, Bowdoinham, Mavourneen Thompson, Democrat, Portland, and Edward Youngblood, Republican, Bangor.

The League of Women Voters of Maine is conducting a study on Candidate PACs; that study is in the interview stage. More information about the study is online at <a href="https://www.lwvme.org">www.lwvme.org</a>. Mr. Wayne's talk is designed to help Brunswick League members become more familiar with PAC rules before they are asked to reach consensus on the League study.

Michelle A. Small Brunswick msmall@gwi.net

#### **Easy to Read Voter Guide**

One in seven Maine adults cannot read this sentence. Approximately 150,000 people in Maine are functioning at the lowest level of literacy. Adults with low literacy skills have trouble with everyday activities such as reading a consent form at the doctor's office and a prescription label, completing a job application, registering to vote, or helping kids with homework. Literacy Volunteers of Maine (LV Maine) believe that basic literacy can transform lives.

Civic engagement was an important family value; my mother was President of the League of Women Voter's in Pennsylvania. My mother and I were very proud of my learning disabled younger sister when she voted for the first time in the last presidential election. This experience made me realize that I had to find a way to help our low literacy learners find their voice at the polls.

LV Maine's Board wanted to reach out to students and volunteers during the 2008 presidential campaign, while Literacy Volunteers of Bangor wanted to encourage area learners to increase civic engagement through self-advocacy, registering and voting for the first time. The voter guide seemed like a perfect project.

LV Maine is thrilled to be partnering with League of Women Voters of Maine (LWVME) to produce the first Maine Easy to Read Voter Guide. The idea for the guide came from my colleague Elizabeth Raymond at Oregon Literacy, who partnered with LWV of Oregon to produce their guide <a href="https://www.oregonliteracy.org/news/ervg.php">www.oregonliteracy.org/news/ervg.php</a>. LWV of California was the first to produce a low literacy guide, which can be viewed at <a href="https://www.easyvoter.org">www.easyvoter.org</a>.

Before the general election in November, 2008, we plan to design and print 10,000 -15,000 copies of the 20-page, non-partisan guide that will cover the voting process including: registering, absentee ballots, voting, what to keep in mind when you go to the polls, political parties, the presidential race, statewide legislative races, and any statewide ballot or bond issues. It is our hope to keep the text at or below a fifth grade reading level. Thank you so much to Barbara McDade for her assistance with this project.

The guide will also be available on the LV Maine and the LWVME websites. We hope to find distribution partners in addition to Alliance Press who will print the guides, Adult Education offices, Literacy Volunteers, Iris Network, Pine Tree Society, League of Women Voters of Maine, and some libraries. If

you know anyone who could be a distribution partner or who may be interested in helping with distribution from late September and into October, please contact Barbara McDade at <a href="mailto:bmcdade@bpl.lib.me.us">bmcdade@bpl.lib.me.us</a> from LWVME, or me, Sarah Robinson from LV Maine!

Sarah C. Robinson
Literacy Volunteers of Maine
Executive Director
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#### **LWVME Study on Candidate PACs**

The LWVME PAC Study Committee is making good progress in its campaign finance study regarding the role of political action committees (PACs) in Maine candidate races. It has completed one briefing paper, PAC Basics, and almost finished two others. This first paper and other iformatio is online at www.lwvme.org. PAC Basics is a brief overview of candidate PACs in Maine with special emphasis on the period following passage of the Maine Clean Election Act in 1996. Maine is the only state in New England and one of only 14 in the country that has no limits on the amount or source of contributions to PACs. This paper gives examples of some large contributions that were made to PACs in the 2006 election. Also discussed are questions about the effects of unlimited contributions to PACs and whether they undermine the goals of our publicly funded system.

Candidate PACs: Maine State Law and Enforcement should be available on the website soon. This paper discusses the regulation of Maine PACs by the Maine Ethics Commission, an independent bipartisan state agency that administers Maine's campaign finance laws and the Maine Clean Election Act. Brief biographies of the five current commissioners are included.

Maine State law, as enforced by the Ethics Commission, defines PACs and sets the requirements for their registration and disclosure. The Commission also determines when independent expenditures, that is, those made without the knowledge or coordination of a candidate, can trigger matching funds for publicly funded candidates.

The Ethics Commission has decided several interesting cases relating to activities of PACs during the 2006 elections. These cases illustrate the difficulty, and often the subjective nature, of defining electoral practices such as "express advocacy",

"earmarking" and even what constitutes a "contribution" to a candidate.

Today, the focus of Maine's laws regarding PACs is on disclosure. While requiring disclosure is important, it does not necessarily mean that useful information is readily available or that questionable practices are widely noted by the public and the press in time to have political consequences during elections. Any future proposals for regulation of PACs need to find the right balance between the law and its enforcement and to bear in mind the strengths and weaknesses of the Ethics Commission. Tension continues between political freedom -- encouraging people to be active in the political process -- and regulating money to curtail corruption and undue influence.

A third paper prepared by the League committee, *A Brief History of Campaign Finance Reform in the United States*, should also be available soon. This paper is a narrative history of campaign finance reform from 1900 to 2007.

There are arguments both in favor of and against PACs. PACs encourage citizens to become involved in the governmental process and to do more than just show up to vote. On the other hand, some observers believe that PACs are a factor in the diminishing importance of American political parties. PACs are often seen as intent upon attacking the opponent instead of focusing on the positive accomplishments of their own candidates. Furthermore, some candidates are concerned that the vast amount of money spent by outside organizations on their behalf, and without their knowledge, is in fact detrimental to their campaigns.

The Brennan Center for Justice recently published studies of campaign finance regulations in several mid-western states. The studies concluded that every state needs reform measures. Many laws are ineffective and filled with loopholes that allow special interests to funnel unlimited amounts of money to political parties, legislative caucuses, and PACs. Penalties for violations are often so low as to pose no real barrier.

Connecticut's legislature in 2005 passed a bold campaign reform bill which combined restrictions on contributions by special interest groups with a system of full public financing. Because the law sets higher qualifications for minor parties and independent candidates to participate in public funding, the law is being contested in the courts.

We welcome anyone interested in working with the committee, especially those who would like to help with our current project of interviewing legislators, party leaders and others. E-mail us at <a href="https://linear.no.invented-no.in

- Nan Amstutz and Ruth Benedikt LWV-ME PAC Study Committee

#### LEAGUE OPPOSES DEPORTATIONS, SUPPORTS EARNED CITIZENSHIP FOR UNAUTHORIZED IMMIGRANTS

Washington, DC– The League of Women Voters announced its official position on immigration reform policy on April 2, 2008. "After a lengthy and comprehensive study of this complex issue by our grasroots members," said national League president Mary G. Wilson, "the League's position calls for a path to citizenship for current unauthorized immigrants."

"As part of overall immigration reform, the League supports a system for unauthorized immigrants already in the country to earn legal status, including citizenship, by paying taxes, learning English, studying civics and meeting other relevant criteria," Wilson stated. "We oppose deportations of current unauthorized immigrants who have no history of serious criminal activity," she said.

The full immigration policy approved by the national League's Board of Directors in March was studied by the organization's membership for more than eighteen months. The policy achieved member consensus through a survey of the nearly 850 local Leagues. See the full position at <a href="https://www.lwv.org">www.lwv.org</a>.

Other elements of the League's position include support for increased enforcement personnel at borders, more effective tracking of individuals who enter the U.S., and significant fines and penalties for employers who hire unauthorized workers. Furthermore, the League will champion due process for all persons, including the right to a fair hearing, right to counsel, right of appeal and right to humane treatment. The League position sets criteria for legal admission to the U.S., including family reunification of spouses or minor children; economic, business and employment needs in the U.S.; political persecution or humanitarian crises; and studying in the U.S. The League will use this recently adopted position to guide its advocacy work on federal legislation introduced on this very important public policy issue.



League of Women Voters of Maine P.O. Box 863 Augusta, ME 04332-0863

## ADDRESS SERVICE REQUESTED

# May-June 2008 Calendar

Brunswick PAC Program, Brunswick

Democracy Forum on WERU

LWV-Downeast Program on Starlight, Ellsworth

Quad States Training, Wells

LWVME State Council, Wells

LWV-Downeast Book Club, Ellsworth

Democracy Forum on WERU

Primary Election Day

LWVUS Convention, Portland, OR

Thursday, May 1

Saturday, May 3

Tuesday, May 13

Friday - Sat., May 17, 18

Saturday, May 18

Wednesday, June 4

Saturday, June 7

Tuesday, June 10

Friday – Tues., June 13 - 17