LEAGUE OF WOMEN VOTERS OF MAINE

The Maine Voter

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Join us: www.lwvme.org or
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Dear League Members,

The political season is in full swing. Election Day is November 3. This is an off-year election, but, as you know, a lot of important questions appear on this year's ballot. Articles about the ballot questions are in this newsletter. To make it easier for local groups to sponsor forums on election issues, we are preparing a kit called "Forums in a Box". We had hoped to sponsor forums on the tax issues that appear on the November Ballot, but we are having a hard time getting speakers on the PRO side to commit to the forums. Sandy Cleveland from The Maine Heritage Policy Center says that its speakers' bureau has "very few empty spots", but it will be holding informational meetings and hopes that League members will come to hear its side of the issue. I find it frustrating not to have the two sides on these important issues in the same room.

On the state level, we continue work on the PAC study. We also continue to work on the mechanics of voting. At our September board meeting, Julie Flynn from the Secretary of State's office spoke to us about early voting in Maine, registration issues and ballot questions. We are working with Literacy Volunteers of Maine to produce an *Easy-to-Read Voters Guide* that will be available at public libraries, adult education centers and on our website.

Several local Leagues joined with the Maine Humanities Council to bring the play, "As Maine Grows", to the public. This production features the Theater at Monmouth's David Greenham and Dennis Price tackling the weighty issues facing Maine's growth and looking at how we reacted in the past to show us how we may react in our future.

On the national level, the League is working on two major issues—and Maine's elected representatives have a major role to play in the outcome. The two issues are Health Care and Climate Change. We are meeting with our senators and representatives to bring them up to date on the League's positions.

This is a busy season, but the League continues to study, reach consensus, and get things done. For more information see our website at www.lwvme.org.

- Barbara McDade, President
Bangor, Maine

Ballot Measures for November

Augusta, ME - On Thursday, September 3, Maine Secretary of State Matthew Dunlap drew envelopes from a vase to determine the order of citizen-initiated referendum questions on the November 3 ballot.

Under Maine law, people's veto questions are listed first, citizen-initiated referenda second, bond issues third, legislatively-initiated referenda fourth, and resolutions to amend the state Constitution fifth. Because the only category with more than one question was citizen-initiated referenda, it was the only category subject to this special drawing process.

Each of the seven ballot questions is quoted below and followed by our synopsis:

- **Question 1 (People's Veto Question)**: "Do you want to reject the new law that lets same-sex couples marry and allows individuals and religious groups to refuse to perform these marriages?"

*Because the League of Women Voters of Maine favors **marriage equality**, it urges a vote of **No on Question 1**. (See next article.) The League takes no position on the other six questions.*

- **Question 2 (Citizen Initiative)**: "Do you want to cut the rate of the municipal excise tax by an average of 55% on motor vehicles less than six years old and exempt hybrid and other alternative-energy and highly fuel-efficient motor vehicles from sales tax and three years of excise tax?"

*Question 2 would **cut municipal excise taxes** on new automobiles in half. It would shave off $70 million per year in excise taxes, according to proponent group Maine Leads. Opponent group Maine Municipal Association argues that the cut would drastically reduce the amount of municipal funding available for road and bridge improvements and would only benefit people who are able to afford new cars*.

- **Question 3 (Citizen Initiative)**: "Do you want to repeal the 2007 law on school district consolidation and restore the laws previously in effect?"

*Question 3 would repeal Maine's **school consolidation** law. Proponent Maine School Management Association argues that the legislation creates adversarial relationships between the state and school districts because it eliminates local control over education. Although there is no organized opposition, Governor John Baldacci and Commissioner of Education Susan Gendron contend that school consolidation saves money by eliminating duplication of services*.

- **Question 4 (Citizen Initiative)**: "Do you want to change the existing formulas that limit state and local government spending and require voter approval by referendum for spending over those limits and for increases in state taxes?"

*Question 4 would **cap increases in state and municipal spending** based on growth in population and inflation. Both a majority of the Legislature (or municipal governing body) as well as a majority of voters at referendum would need to approve any excess spending. Nicknamed TABOR II, the initiative is very similar to the TABOR referendum that Maine voters rejected by a 54% to 46% margin in November 2006. Proponents of the measure believe that it would give taxpayers more power and slow or reverse the growth in state government. Opponents of the measure argue that the general fund budget and the highway fund budget have both decreased in real dollars since 2006, that the cost of the referendum process might be greater than the amount of excess spending at issue, and that a statewide election may force municipalities to comply with this law against the wishes of their own voters.*

- **Question 5 (Citizen Initiative)**: "Do you want to change the medical marijuana laws to allow treatment of more medical conditions and to create a regulated system of distribution?"

Question 5 would bring Maine's 1999 ***medical marijuana*** *law, enacted by referendum, in line with those of Rhode Island, Vermont and some other states. It would create nonprofit dispensaries to ensure a safe supply of the drug and would establish a statewide identification card system to protect patients from arrest. The 1999 referendum passed by a margin of 61 to 39. Two proponents are the Maine Marijuana Policy Initiative and Maine Commonsense. There is currently no organized opposition.*

- **Question 6 (Bond Issue)**: "Do you favor a $71,250,000 bond issue for improvements to highways and bridges, airports, public transit facilities, ferry and port facilities, including port and harbor structures, as well as funds for the LifeFlight Foundation that will make the State eligible for over $148,000,000 in federal and other matching funds?"

Question 6, a ***$71 million bond issue****, includes $8 million for Brunswick Naval Air Station redevelopment, $9.5 million for infrastructure for the University of Maine System, $5 million for infrastructure for the Community College System, $1 million for infrastructure for the Maine Maritime Academy, $6 million for marine wind energy research, and $6.5 million for the Land for Maine's Future Board, among other things.*

- **Question 7 (Constitutional Question)**: "Do you favor amending the Constitution of Maine to increase the amount of time that local officials have to certify the signatures on direct initiative petitions?"

Question 7, a constitutional amendment, would give petitioners 10 extra days to file citizens' initiative petitions with the Secretary of State. However, it requires petitioners to file petitions with municipal clerks two days earlier and gives clerks five more days to certify signatures. This is a legislatively-referred amendment. There is currently no organized opposition.

- Michelle Small, Brunswick

The No on 1 Campaign

Your editor asked Kay Wilkins, chair of Hancock County Marriage Equality, to tell us how the No on 1 campaign is doing. The following is from her response.

The language on the ballot will be:

"Do you want to reject the new law that lets same-sex couples marry and allows individuals and religious groups to refuse to perform these marriages?"

As is usual with People's Veto questions, voters are often confused about what "yes" and "no" actually mean. In spite of both sides of this issue naming themselves "No on 1" and "Yes on 1" we are finding that lots of people are unclear when we talk with them on the phone.

Ballot issues on marriage equality, in fact all ballot issues having to do with LGBT rights, have had little success. Voters across the nation, most recently last year in California, have routinely defeated such measures. If Maine keeps its marriage law through the electoral process this will be a first in the United States. On nights when I am tired I find myself musing, would school segregation have ended in Mississippi if it had been decided directly by voters? What about miscegenation in Virginia? If you are not familiar with Loving v. Virginia, decided by the Supreme Court in 1961, I'd encourage you to read it. There's something unseemly about a ballot question on a civil right. Nevertheless, that is what faces us.

The television ads have started. You may have seen them. Our opponents have hired the same company which ran the media campaign on Proposition 8 in California. If their first ad is representative of what will follow, we are in for a campaign designed to mislead and frighten Maine voters. A person identified as Professor Scott Fitzgibbon (Boston College Law School) makes three assertions: "Unless Question 1 passes there will be real consequences for Mainers. Legal experts predict a flood of lawsuits against individuals, small businesses and religious groups. Church organizations could lose their tax-exempt status. Homosexual marriage – taught in public schools whether parents like it or not."

None of these statements is true. Massachusetts has had marriage for same-sex couples since May 2004, yet there have been no lawsuits let alone "a flood." There is no reason to expect any impact on religious organizations. The new law is explicit in affirming "religious freedom" and exempting any person authorized to perform weddings from being fined for refusing to do so. In Maine, the Learning Results define in broad terms the content of the curriculum and "marriage" is not mentioned. Whenever family life education is taught in Maine, families can opt out.

Although victory in protecting marriage equality is far from certain, what gives me hope is the way most of my fellow Mainers seem to support people they know who are lesbian, gay, bisexual and transgender as neighbors, friends and at the very minimum with a "live and let live" attitude.

Recently, I was working at the No on 1 Protect Maine Equality booth at Blue Hill Fair. A woman approached me and seemed to want to speak to me confidentially. She whispered, "I want you to know that I belong to a conservative Christian Church. I and a number of my fellow churchgoers will vote No on 1. I love Jesus, but I love justice too."

See http://www.protectMaineEquality.com for talking points and more information.

– Kay Wilkins, chair, Hancock County Marriage Equality

Modernizing the Voter Registration System

Augusta, ME – On Thursday, September 24, Common Cause and the Maine Women's Lobby hosted a public forum on modernizing our current voter registration system. The forum brought together Deputy Secretary of State, Julie Flynn, and city and town clerks from across the state to discuss what works and what doesn't work about Maine's Election Day registration practices. The panel also touched on topics such as internet registration, pre-registration for teenagers, automatic registration, lifetime registration and other ideas being discussed across the country to better streamline our current system.

The forum in Maine was part of a larger national conversation that is taking place with voters and local election officials across the country about chronic registration problems that have prevented millions of voters from casting their votes. Despite increased turnout in 2008, as many as three million registered voters did not cast a ballot in the General Election due to voter registration problems including missed registration deadlines, lack of information about registration, or permanent illness or disability. The Census Bureau estimates that in the 2004 presidential election 9 million eligible Americans were not registered due to missed registration deadlines, lack of information about registration, or permanent illness or disability. In addition, more than 1 million registered voters did not vote in 2004 because of problems with their registrations.

According to a study by the Cooperative Congressional Election Survey, a consortium of more than 150 university researchers led by the Massachusetts Institute of Technology, the most common registration problems involve clerical errors, voters who failed to inform election officials of address changes or voters who requested absentee ballots but did not receive them. In addition, the National Campaign for Fair Elections of the Lawyers' Committee for Civil Rights Under Law also reported that more than one-third of all the problem calls it received on its "election protection hotline" in 2008 stemmed from voter registration issues, by far the largest single source of difficulty.

There is currently an effort underway in Congress to develop federal legislation to address some of these barriers and, at the same time, reduce administrative costs and improve efficiency. Forums like the one held in Maine will help inform national proposals by bringing about a greater understanding of the capacity of technological advances to help make the

registration process simpler, less burdensome, and more secure. To learn more about voter registration modernization you can visit one of the following websites:

• The Brennan Center for Justice at: http://www.brennancenter.org/content/pages/voter_registration_modernization;

• The Lawyers Committee for Civil Rights at: http://www.lawyerscommittee.org/projects/voting_rights/page?id=0039; or

• The Committee to Modernize Voter Registration at: http://www.modernizeregistration.org/

- Jill Ward, South Portland

LWVUS Files Brief in Supreme Court Case on Campaign Finance

On September 9, 2009, the United States Supreme Court heard re-argument in the case of *Citizens United v. Federal Election Commission*. In the coming year, the nine justices will decide whether to let precedent stand or to expand the right of corporations to broadcast political advertisements advocating the election or defeat of a candidate.

Prior to the 2008 presidential primaries, Citizens United, a nonprofit corporation devoted to political education, produced a politically conservative 90-minute documentary entitled *Hillary: The Movie*. This documentary details Hillary Clinton's time in the White House as First Lady, her service in the Senate and her campaign for the Democratic nomination.

Because the documentary is critical of then-Senator Clinton's qualifications for the presidency, it falls within the definition of "electioneering communications" under the Bipartisan Campaign Reform Act of 2002, also known as the McCain-Feingold Act. The Act prohibits corporations and unions from broadcasting "electioneering communications," and it requires the disclosure of contributors of $1,000 or more.

David Bossie, the producer of the documentary, has claimed that it was created to serve as a test case in the Supreme Court. Hence, Citizens United filed a motion in the District Court for the District of Columbia for a preliminary injunction to enjoin the FEC from enforcing these provisions of the McCain-Feingold Act against the organization. The District Court denied the motion, and Citizens United appealed to the Supreme Court.

The Supreme Court has focused on whether or not it should preserve the precedents in *Austin v. Michigan Chamber of Commerce* (1990) and *McConnell v. FEC* (2003). *Austin* upheld a Michigan law that prohibited corporations from using treasury money for independent expenditures to support or oppose candidates for election to state office. *McConnell* found that the McCain-Feingold Act's disclosure requirements and its contribution source and amount limitations were constitutional.

For those reading the tea leaves, it appears that the Court is poised to expand the right of corporations to broadcast advertisements in support of or in opposition to candidates. Justices Scalia, Kennedy, and Thomas have always been skeptical of campaign finance reform on free speech grounds. Justices Stevens, Ginsburg, and Breyer have been willing to allow some restrictions on speech to combat corruption of the election process. Sotomayor is expected to side with this later view. Justices Roberts and Alito are harder to predict. Although they have been respectful of precedent and have been prone to issue narrow decisions, their questions at oral argument indicated displeasure with Solicitor General Elena Kagan's position that corporations like Citizens United should be distinguished from other types of corporations and that any decision should be tailored to the circumstances at hand.

The League of Women Voters of the United States and the Constitutional Accountability Center filed an *amicus curiae* or "friend of the court" brief in this case to call attention to the corrupting effects on American democracy that would occur if the Court were to overturn existing limits on corporate expenditures in candidate elections. "This case will decide whether corporate wealth will be allowed to dominate our

elections in years to come," League President Mary Wilson has said.

- Michelle Small, Brunswick

Portland Area League Bids Farewell to Judge Hornby

On July 4, 2009, U.S. District Judge D. Brock Hornby conducted, for the last time, a naturalization ceremony in South Portland, Maine. He welcomed 23 new citizens. Judge Hornby recently received the Edward J. Devitt Distinguished Service to Justice Award in Washington, D. C. The Devitt Award is the highest honor that can be bestowed upon a federal judge by colleagues. In recognition of his many years of service, the League of Women Voters State President Barbara Mc Dade wrote him a letter of appreciation. In response, Judge Hornby thanked the League, writing,

"Among the many letters of congratulations I have received concerning the Devitt award, yours on behalf of the League of Women Voters stands out. I shall always treasure it and your generous comments about my role at citizenship ceremonies. … the League's presence at the ceremonies is extremely important to their success in helping the new citizens make the transition to the full performance of their new privileges and obligations."

In light of the judge's comment about the importance of the League's presence at the ceremonies, we encourage more of our members to participate in this heartwarming experience. To witness the joy of the new citizens and their families is unforgettable. Help us welcome them! If you are interested, please contact Polly Ferguson.

- Polly Ferguson
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207 799 4214

How Hot Is Too Hot?

Although it is generally agreed that increase in atmospheric CO_2 and other heat trapping gases is largely responsible for the global warming and other difficulties that accompany the climate change we are experiencing, it is difficult to find agreement on how to prevent so much climate change that our civilization will be endangered. An international effort is needed. The scientific community and many organizations base their programs for combating climate change on the work of the IPPC (Intergovernmental Panel on Climate Change) whose last Assessment Report was issued in 2007.

It is difficult to find agreement on how to reduce carbon emissions and how much reduction is needed. One way to help our understanding is to focus on a few easy-to-remember numbers. World leaders seem to agree with the scientific consensus that a global temperature rise of more that 2° C (3.6° F) above the pre-industrial temperature would be catastrophic and should be prevented. (That's about 2° F above the current global temperature.) Since it is most likely that with a 2° C rise, many low-lying coastal areas would be covered by rising sea level, leaders of some affected countries call for a 1.5° C upper limit. What a 2° C temperature rise means in terms of a limit on carbon emissions has been estimated by the IPPC for several scenarios. LWVUS, as well as organizations such as the Union of Concerned Scientists, is advocating a maximum of 450 parts per million CO_2 equivalent in the atmosphere. Such a limit will require international agreement to strongly curtail emissions of heat-trapping gases.

An international organization called 350.org and spearheaded by Bill McKibben has set a goal of 350 ppm CO_2 eq. and has called for an international day of climate change on October 24, 2009. Dr. James Hansen, NASA scientist and supporter of 350.org, has said that "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and ongoing climate change suggest that CO_2 will need to be reduced from its current 385 ppm to at most 350 ppm."

Since the 450 ppm target is based essentially on the 2007 Assessment Report of the IPPC, and the effects of climate change seem to be appearing faster than anticipated, perhaps it is time for us to consider lowering the target from 450 ppm to 350 ppm.

The climate summit this December in Copenhagen is the next opportunity for international agreement. The success of this summit may depend on the commitment of the United States. LWV is actively lobbying

congress to pass legislation before the Copenhagen summit. Climate Change and Health Care Reform are the two issue priorities for the LWV this year. To keep abreast of LWV activities on these issues, see lwv.org. The LWVUS Fact Sheet on Cutting Greenhouse Gas Emissions is excellent. To keep up with the Copenhagen meeting, see http://en.cop15.dk/.

The LWV of Downeast Maine is co-sponsoring a program, **Climate Change: Why We Need to Act Now,** on October 24, at the UU Church in Ellsworth, under the leadership of member Pam Person, who is also a member of the LWVUS Task Force on Climate Change**.** Scientists and activists will discuss what climate change means for Maine and what our state has done and is doing to reduce our carbon footprint and to build a new energy economy. The agenda is posted via the Calendar at lwvme.org.

- Martha Dickinson, Ellsworth

Stay in Touch with LWVME -- Make sure you receive our timely communications about important action alerts and current issues. If you are not receiving our e-mail messages, make sure we have your current email address. Send a message to us at lwvme@gwi.net.

Join the League!

If you are not yet a member of the League, we need your help now in carrying out our mission of reform. You may become a member of the League of Women Voters of Maine and the United States by mailing us your contact information with a check for $45 for one membership, or $67.50 for two members at the same household. Our Mailing Address is: **League of Women Voters of Maine, PO Box 863, Augusta, ME 04332-0863**. Please provide us with the following information. Thank you very much!

Membership Application Form

Name_____

Name(s) of additional member(s) in household_____

Address_____

City_____ State _____ Zip Code _____

Phone (home)_____ Phone (work/day)_____

Cell phone_____ Email address_____

Amount enclosed $_____

($45 one member. $67.50 two members same household.)
Please make the check out to: League of Women Voters of Maine.
Dues are not tax deductible.
Comments (e.g. interests, how you heard about the League)

_____

_____

_____

League of Women Voters of Maine
P.O. Box 863
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Calendar for Fall 2009

LWVME State Board, Augusta	Thursday, Oct 8, 10 am
Topsham Candidate Forum, Topsham Public Library	Wednesday, Oct 21, 7 pm
Climate Change Program, Ellsworth UU Church	Saturday, Oct 24, 10 am
LWVME State Board, Augusta	Thursday, Dec 10, 10 am