

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1908

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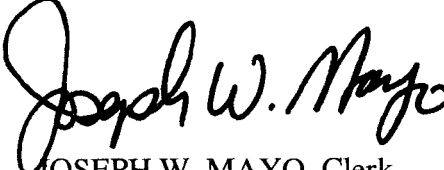
H.P. 1325

House of Representatives, March 16, 1999

**An Act to Establish as an Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value.**

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Submitted by the Secretary of State pursuant to Joint Rule 204.  
Reference to the Committee on Labor suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.  
Cosponsored by Senator CATHCART of Penobscot and  
Representatives: BAGLEY of Machias, BRYANT of Dixfield, GAGNON of Waterville,  
GOODWIN of Pembroke, STANLEY of Medway.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 21-A MRSA §903-B is enacted to read:

**§903-B. Circulators deemed to be employees**

For the purposes of this chapter, circulators of petitions who receive a wage, salary, commission or anything of value for circulating petitions for direct initiative or people's veto legislation pursuant to the Constitution of Maine, Article IV, Part Third, Sections 19, 20 and 21 are employees, and the person, firm or organization responsible for the collection of signatures is the employer for all labor and tax law purposes, including, but not limited to, Title 26, chapters 1, 3, 4, 7 and 13; Title 36, Part 8; and Title 39-A.

Sec. 2. 26 MRSA §591, as amended by PL 1985, c. 112, §1, is further amended to read:

**§591. Examination; definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings+.

1. **Employee.** "Employee" means every person who may be permitted, required or directed by any employer in consideration of direct or indirect gain or profit, to engage in any employment+., "Employee" includes any circulator of a petition for direct initiative or people's veto legislation who is paid a wage, salary or anything of value to circulate petitions pursuant to the Constitution of Maine, Article IV, Part Third, Sections 19, 20 and 21.

2. **Employer.** "Employer" means an individual, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy and any common carrier by rail, motor, water, air or express company doing business in or operating within the State. "Employer" includes any person, firm or organization responsible for the collection of signatures on petitions for direct initiative or people's veto legislation that pays anything of value to persons to collect these signatures pursuant to the Constitution of Maine, Article IV, Part Third, Sections 19, 20 and 21.

Sec. 3. 26 MRSA §1043, sub-§9, ¶A-2 is enacted to read:

A-2. After December 31, 1999, any person, firm or organization responsible for the collection of signatures on petitions for direct initiative or people's veto legislation that pays anything of value to persons to collect these

2 signatures pursuant to the Constitution of Maine, Article  
4 IV, Part Third, Sections 19, 20 and 21. Any person who is  
6 paid a wage, salary or anything of value to collect  
8 signatures as provided in this paragraph is an employee and  
10 subject to all the rights, privileges and protections of  
12 employees as provided in this Title;

8 **Sec. 4. 36 MRSA §5103** is enacted to read:

10 **§5103. Employers of circulators of direct initiative and people's**  
12 **veto petitions**

14 For the purposes of Part 1, any person, firm or organization  
16 responsible for the collection of signatures on petitions for  
18 direct initiative or people's veto legislation that pays anything  
20 of value to persons to collect these signatures pursuant to the  
22 Constitution of Maine, Article IV, Part Third, Sections 19, 20  
24 and 21 is subject to the provisions of Part 1 that apply to  
26 employers.

28 **Sec. 5. 39-A MRSA §102, sub-§11, ¶A,** as amended by PL 1997, c.  
30 600, §§3 and 4, is further amended by amending the first  
32 paragraph to read:

34 A. "Employee" includes officials of the State and officials  
36 of counties, cities, towns, water districts and all other  
38 quasi-public corporations of a similar character, every duly  
40 elected or appointed executive officer of a private  
42 corporation other than a charitable, religious, educational  
44 or other nonprofit corporation, and every person in the  
46 service of another under any contract of hire, express or  
48 implied, oral or written, and circulators of petitions as  
provided in Title 21-A, section 903-B, except:

36 **SUMMARY**

38 This bill provides that any person who is paid a wage,  
40 salary or anything of value to collect signatures on petitions  
42 for direct initiative or people's veto legislation is an employee  
44 of any person, firm or organization that has contracted,  
46 subcontracted or agreed to provide for the collection of these  
48 signatures. As employees, circulators of petitions will be  
afforded the protection of Maine's labor and workers'  
compensation laws. Employers will be responsible for the payment  
of unemployment insurance workers' compensation insurance, and  
withholding taxes. This bill does not apply to any person or  
organization that, without payment of any kind, circulates  
petitions for direct initiative and people's veto legislation.