MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

First Special Session

Beginning April 5, 2023

Beginning with Page S-387

On motion by Senator **NANGLE** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-491) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Constitutional Officers to Be Elected by Statewide Election

H.P. 832 L.D. 1307

Reported that the same **Ought Not to Pass**.

Signed:

Senator:
NANGLE of Cumberland

Representatives:
STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-444)**.

Signed:

Senators:
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:
ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **NANGLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

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

Senator **BALDACCI**: Good evening, Mr. President. So, we've debated this before, prior sessions, but let me just first say this is to take - if you vote for this, this allows the people of this state to decide whether this is what they want. That's the first thing. The second thing is that it is 2023. We have a Jeffersonian Constitution, we became a state in 1820, we vested much power in the Legislature. Okay? It is 2023, it is not 1823. So, we - I understand the arguments, and I've heard the arguments well, it's money and politics and it's going to make it really confusing and why - you know, okay, well, we are elected and we have elections for each of us, and for the Governor and a whole bunch of other people under that system. So - and I supported with many Senators here campaign finance reform and other things that would improve the process. But the fact of the matter is, the people of the state of Maine have a right to decide the officers for these positions. For us to keep this as some sort of vested right is a nice thing for us, but it doesn't make sense in the 21st century. I only ask this Chamber to consider letting your constituents decide this issue. That's how important it is, and they have a right to decide this issue. And I don't think it should be a Democratic or Republican issue, it should be about small 'D' democracy and about running a system of government that's consistent with being in the 21st century and not the 17th century. Okay? We're - this is one of those major vestiges of the colonial post-Revolutionary period. This is how we limited the Executive power. It is time to let the people decide, and I will keep - as long as I am elected or reelected to this Chamber, I'm going to keep pushing this issue, because it shouldn't matter what party you're in. Thank you.

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

Senator **NANGLE**: Thank you, Mr. President. I urge you to support the Ought Not to Pass motion. We had testimony from the constitutional - some of the Constitutional Officers, and they made great points. First of all, one of the points was that potentially there is a lot of money that would be poured into the Constitutional Officer elections, including corporations who might choose a - the Attorney General that suits them best. The other thing is, is so once we do elect an Attorney General or an auditor, suddenly, they're not doing their jobs because they're campaigning for their next term. They're fundraising, they're campaigning, and I think that the Legislature is empowered to make those decisions, and the people vote for us and then trust us to make the right decision on who should be these candidates. Thank you.

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

Senator **BALDACCI**: Thank you, and I agree on many things with my good friend from Cumberland, but I would just point out 46 states in this country have an Attorney General that's not elected by the Legislature. Most of them are popularly elected. I

find it hard to believe that they are able to run above-board elections or, if they're not, there are rules and laws. Somehow, we think we're in a separate universe than the rest of the world. You talk to people out on the street about this, you talk to people - homeowners, voters, taxpayers, they think it's ridiculous. I mean, that's why this should go to referendum, because the people will decide, and everybody here that doesn't think it's a good idea can put their arguments out there and we can have what America's supposed to be about, a fair and open and vigorous debate. But the fact of the matter is, there are two choices, you could either let the people decide or you can continue to vest the power solely here among a handful of people.

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

Senator **TIMBERLAKE**: Well, my seatmate, the good Senator from Penobscot, said everything I wanted to say the way he said it, so I should've turned my light off.

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

Senator **BAILEY**: Thank you, Mr. President. I just have two words - Ken Paxton. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#342)

YEAS: Senators: BAILEY, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Incarcerated Individuals and Legislative Apportionment"

H.P. 1093 L.D. 1704

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-446)**.

Signed:

Senators:
NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:
STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
GREENWOOD of Wales
POMERLEAU of Standish
RISEMAN of Harrison
UNDERWOOD of Presque Isle

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

Signed:

Representative:
ADAMS of Lebanon

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)**.

Reports **READ**.

Senator **NANGLE** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#343)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE, TIPPING