

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

case study over the last ten sessions, they have either been in the Attorney General's office already, a former member of this chamber or a former member of the other chamber. Those are the individuals, that's the pool that we are drawing from. It is a very limited pool. My proposal is if we open it up to popular election we would be able to open up the pool. I guess I would have a little bit of a concern as far as the accountability of the Attorney General's office and what the difference would be from a popularly elected Attorney General and an Attorney General elected by the majority party of the legislature, or a majority of the legislature. For the last seven years I have put forward term limit legislation. Every year a request has been put forward by the Committee of jurisdiction over the Attorney General's office and I have from each session I have a letter from Cab Howard that I have framed and on my wall as far as basically saying no, the opinion of the Attorney General's office is that you cannot do this statutorily, it can't be done. Well we have just found from the Supreme Court of our State that it can be done and maybe the Attorney General is off the mark. I think if we go with a popularly elected Attorney General he will be much more accountable to the people of the State of Maine. I agree with the good Senator from York, there is some give and take on both sides and I guess when I balance it off I find I balance it off more toward the popular election. When the vote is taken I request the yeas and nays. Thank you.

On motion by Senator **HANLEY** of Oxford, 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 Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to share with you some of my personal reasons why I will be voting with the Majority Ought to Pass Report, a report, by the way, which is totally bipartisan. There are 6 members of the Democratic party in the Ought to Pass and 5 members of the Republican party in the Ought to Pass Report. Maine is, indeed, the only State that elects by its partisan legislature its Attorney General and there is the perception out there that it is a position which should not be partisan and it is, indeed, partisan. I stress the word perception. This Bill would remove that perception of the fact that it is political and partisan. People would have an opportunity to make a selection if it were an election at large and question the candidates on what their positions are on sexual abuse cases, and we have many of those that come before the Judiciary Committee, on the budget for the AG's office, on prison corrections, and issues of that nature. They would know before hand how the candidate felt on those issues. Currently, local elected officials, such as the District Attorney's, can be removed by unelected Attorney General's. Last, but not least, I think it would open up the process to many attorney's throughout the State, young, brand new attorneys, or those who are a little older and experienced who could offer something or bring some new ideas into the process. I think it is a fair, democratic process and I think we should allow the citizens of this State the chance to select the AG. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

A vote of Yes will be in favor of **ACCEPTANCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **BERUBE** of Androscoggin who would have voted **YEA** requested and received Leave of the Senate to pair her vote with Senator **BALDACCI** of Penobscot who would have voted **NAY**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PINGREE, SUMMERS, WEBSTER**

NAYS: Senators **BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senators None

PAIRED: Senators **BALDACCI, BERUBE**

Senator **SUMMERS** of Cumberland requested and received Leave of the Senate to change his vote from **NAY** to **YEA**.

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators having paired their votes and No Senators being absent, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Treasurer of State

H.P. 961 L.D. 1292

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-433)**.

Signed:

Senator:
BUTLAND of Cumberland

Representatives:
BENNETT of Norway
AHEARNE of Madawaska
DUTREMBLE of Biddeford
GRAY of Sedgwick
LOOK of Jonesboro
ROWE of Portland
YOUNG of Limestone

ABSENT: Senator BALDACCI

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

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

Signed:

Senators:
BERUBE of Androscoggin
ESTY of Cumberland

Representatives:
WALKER of Blue Hill
JOSEPH of Waterville
KILKELLY of Wiscasset

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

Which Reports were READ.

Senator BERUBE of Androscoggin moved that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would request the yeas and nays and ask you to vote against the pending motion. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS Report, in concurrence.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER

Divided Report

The Majority of the Committee on STATE & LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State

H.P. 965 L.D. 1296

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-434).

Signed:

Senators:
BERUBE of Androscoggin
BUTLAND of Cumberland

Representatives:
BENNETT of Norway
DUTREMBLE of Biddeford
WALKER of Blue Hill
GRAY of Sedgwick
LOOK of Jonesboro
ROWE of Portland
YOUNG of Limestone

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

Signed:

Senator:
ESTY of Cumberland

Representatives:
AHEARNE of Madawaska
JOSEPH of Waterville
KILKELLY of Wiscasset

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Resolution PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434).

Which Reports were READ.

Senator BERUBE of Androscoggin moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

Senator ESTY of Cumberland requested a Division.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator BERUBE of Androscoggin to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.