

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Sixteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CARPENTER, WEBSTER

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Joyce A. Wheeler, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Chair laid before the Senate the Tabled and Today Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Treasurer of State (Governor's Bill)
S.P. 695 L.D. 1893

Tabled - March 4, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.)

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is the same issue that faced us last year. We decided that rather than sending this issue to Committee to go through the process again that it seemed to make sense that since we had acted upon this issue last year that we should act upon it in the same fashion this year. My suggestion is that we defeat this Bill and that we get onto the business of the State. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What is the motion before the Senate?

THE PRESIDENT: The pending question before the Senate is Reference to the Committee on State and Local Government.

Senator **ESTY** of Cumberland moved the **INDEFINITE POSTPONEMENT** of the Bill.

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 hope that you would vote against Indefinite Postponement of this measure so that we might be able to go on and pass it. The good Senator from Cumberland, Senator Esty, is right, this is a Bill that was before us in the last session of the Legislature but there are some of us that believe that it is important to discuss it again because in lieu of what happened last November when voters spoke loud and clear about term limits. It seems to me that it is very clear that the voters of this State, the electorate of this State, want some very significant election reforms to occur in the State and I believe by popularly electing the State Treasurer that is one additional step towards this election reform. Under this proposal there would be a Constitutional amendment requiring popular election of the Secretary of State and it if it should pass it would appear on this November's ballot. If approved the first popular election of the State Treasurer would be in the next gubernatorial election year, 1998. This is historical information, the State Treasurer is popularly elected, such as this amendment would do, in 38 states. The Governor appoints the State Treasurer in 7 states and the Legislature chooses the State Treasurer in only 4 states. Those 4 states are Maine, Maryland, New Hampshire and Tennessee.

The citizens of our State have really spoken loud and clear. They have said that we need to change the way that we do business in this State and the way the government acts in this State. I think that was an issue that was brought home to each and every one of us when they overwhelmingly approved term limits. I believe that by changing the Constitution to popularly elect the Treasurer of the State of Maine would really be a burden off the State Treasurer's back because that person would not feel pressured by the majority party of the State Legislature, regardless of whether it is Republican or Democrat, to be bound by that party. I think it would open up the entire election process so that more people would be able to run for the position of Treasurer. I just believe that this is a measure of good government and I think it is something that we should do and I would ask for the yeas and nays. Thank you.

Senator **CAHILL** of Sagadahoc requested a Roll Call.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll be voting for the motion to Indefinitely Postpone. It seems to me that especially with the activities of the past few days that if we have any more candidates running for office there won't be anybody to pay the bills. Thank you.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would also like to point out that regarding the term limit referendum of the past year that the constitutional officers fell under those same term limit measures that we did.

So, in fact, the people have spoken, they felt that the constitutional officers, like the Treasurer, should fall under term limits and they do. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My wife has often told me that I was born two hundred years too late and while I don't disagree with her on that I do like to go back to our founding fathers when issues of this sort come to our attention. James Madison, in the Federalist Papers, discussing the import of election process stated, "It is essential to liberty that the government in general have a common interest with the people. So it is essential that the Congress should have an immediate dependence on and intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured." I think those words ring true for the constitutional officers here in the State of Maine. How can you have the accountability by these officers without an election directly accountable to the people of the State. Not to one majority party here in the Legislature. I hope that you keep that in mind when you cast your vote and I hope that you cast it against the pending motion to Indefinitely Postpone. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Apparently there are people who don't remember twenty five or thirty years ago when we were listening to those very same speeches. Unfortunately it was the Democrats making the speeches in support of changes and it was the Republicans who controlled both branches of the Legislature who were deadily opposed. I'm glad to see that you are becoming more enlightened to the way things should be done but I will still vote against it. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't believe this is a Republican issue or a Democrat issue. I'm supporting this issue because I believe it is good government and I believe the people of the State of Maine have told us time and time again that they want us to reform our process, our system. They want us to clean up our act and they want the government to be accountable. The only way the constitutional officers in this particular Bill, the State Treasurer, is accountable to the people is if that is by general election. Thank you.

Off Record Remarks

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 **ESTY** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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 **BALDACCI**, **BERUBE**, **BRANNIGAN**, **BUSTIN**, **CAREY**, **CIANCHETTE**, **CLEVELAND**, **CONLEY**, **ESTY**, **HANDY**, **LAWRENCE**, **LUTHER**, **MARDEN**, **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**, **SUMMERS**

ABSENT: Senator **WEBSTER**

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

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ESTY** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Today Assigned matter:

SENATE REPORT - from the Committee on **AUDIT AND PROGRAM REVIEW, on Bill "An Act to Increase the Efficiency of the Appointment Process for Occupational or Professional Regulatory Boards"**
S.P. 734 L.D. 1960

Report - **REFER** to Committee on **AUDIT & PROGRAM REVIEW** (pursuant to 3 MRSA, chapter 33)

Tabled - March 4, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 2, 1994, Report **READ**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE OF REPORT**.