

# MAINE STATE LEGISLATURE

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**Senate Legislative Record**  
**One Hundred and Eighteenth Legislature**  
**State of Maine**

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**Pages 1 - 980**

two-thirds majority and I think that may be the very only one then, that would need a two-thirds majority to be confirmed, where with the others, all we do is just have a normal one. And I'm interested in knowing why, all of a sudden, we have to have two-thirds for the auditor?

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Madam President, ladies and gentlemen of the Senate. It was felt that this position should be not a partisan position, that it is a financial position. It is an administrative position and it should require more than just a mere majority for confirmation. The hope is that a two-thirds vote would require the Governor to appoint an outstanding person with great qualifications and a great deal of respect from the Legislature as a whole. So, that's the reason for that change.

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

Senator **CAREY:** Thank you Madam President. I thank Senator Amero from Cumberland for answering the question. However, the reason is not really as good a reason as I would hope that might have happened because the bill very specifically says that the State Auditor must be a certified public accountant or a certified internal auditor so, it cannot simply be just a political appointment of anybody.

The Chair ordered a Division. 19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/1/97) Assigned matter:

**SENATE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Change the Process for the Selection of the State Treasurer. S.P. 36 L.D. 34

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-81)** (6 members)

Tabled - April 1, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 1, 1997, Reports **READ**.)

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Madam President, men and women of the Senate. This bill calls for the Governor to appoint the Treasurer of the State of Maine. I feel that the way things are now in Maine, we have a proper balance between the legislative and the judicial and the executive branches of government. You'll see other bills calling for the Governor to appoint all the constitutional officers. I feel that throws the balance too far towards the executive branch and so, for those reasons, I urge you to support the majority Ought Not to Pass Report. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Madam President, ladies and gentlemen of the Senate. This bill, like the prior one which we just debated, also does have the Governor make the appointment of the State Treasurer to be confirmed, again by two-thirds of the legislature. There are no guidelines or specific requirements for the position of Treasurer in this particular bill, other than the person be able to be confirmed by two-thirds of the legislature. To look at what some other states are doing as to how they select their Treasurer, 37 states allow for the direct popular election for the Treasurer, 8 appoint their Treasurer through the Governor and the legislative process. There are only four states, Maine, Maryland, New Hampshire and Tennessee which have the State Legislature choose their Treasurer. The role and duty of the State Treasurer is intrinsically linked to the functions of the executive branch and the work done in the Department of Administrative and Financial Services. I think it makes sense that the Treasurer of any large organization should be in the department under the CEO of that organization and that's why I'm proposing that the State Treasurer be appointed by the Governor and confirmed by two-thirds of the legislature and urge your vote against the pending motion. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Madam President. I'll be brief. I just want to remind this Body that the State and Local Government Committee has already voted out L.D. 219 as sponsored by the good Senator of York, Senator Libby, to look at the qualifications of the State Auditor, the State Treasurer, the Secretary of State and the Attorney General and I'm sure that's the proper way to do that. They will be reporting back to us next year. Thank you.

The Chair ordered a Division. 17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/1/97) Assigned matter: