

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
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NAYS: Senators: AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, KIEFFER, LIBBY, MACKINNON, MITCHELL, SMALL

ABSENT: Senator: RUHLIN

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator PINGREE of Knox to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

The President Pro Tem requested that the Sergeant-at-Arms escort the Senator from York, Senator **LAWRENCE** to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator **PINGREE** to her seat on the floor.

Senate called to order by the President

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 Require That Constitutional Officers Be Appointed by the Governor.

S.P. 121 L.D. 400

Majority - Ought Not to Pass (10 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-76) (2 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: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. We just finished debating a report that called for the popular election of the Attorney General. This bill, the ought to pass as amended version, calls for the Governor to appoint the Attorney General. I'm not going to go forth with the same arguments I've already stated twice today. I feel the executive branch of government has enough power and does not need to be given more. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, good morning ladies and gentlemen of the Senate. I hope you'll join me this morning in voting against the pending motion. I ask for your support for a couple of reasons. First, as we've already heard debated this morning on a number of items that came before us, clearly there is, I'll use the word, discomfort on how we choose our constitutional officers. On the one hand we hold these positions and indeed, in my view, the people who occupy these places in very high regard. They have positions of honor and of great responsibility. Yet we seem to, from time to time, want to pause and ask ourselves, "Are we putting people in these positions in a manner in which the public can look to these people as though they've been awarded these positions based on their expertise?" Yet we all, from time to time, recognize that while they may deserve that reputation having great expertise, in the end is to come political position. So, my view, and I hope it is yours, is that we would bestow upon the Governor the responsibility of selecting the very best people, regardless of party affiliation, with the best of credentials and experience in these very high offices and then, once he or she has made the selection, that they would come before us, that they would come before the legislature, the entire legislature, House and Senate, for confirmation. Then, I believe, at the end of the day when these high officers are sworn in, they will have earned the support of the House, the Senate, the majority party, the minority party, the independent party and most importantly, the Maine people. I would ask you to pause for just a moment before we vote and ask yourself this question. If you ran a nonprofit organization or a small family health business here in the State of Maine, would you want your customers to tell you who your accountant, who your lawyer, who the person who is going to handle your very important documents are going to be? Yet, that's how we run state government. We tell the Chief Executive Officer of the State of Maine that he or she has the responsibility for all these areas in the executive branch, yet, we tell him or her who's going to be their attorney, who's going to be their Treasurer, who's going to be their Secretary of State. I think, going forward, it would serve this institution, the executive branch of government and certainly the people of the State of Maine, to know that we are putting the very best people in these very high offices of public trust in a manner in which we can all, at the end of the day, tell the people of Maine that they're being well served. Thank you Mr. President.

The Chair ordered a Division. 19 Senators having voted in the affirmative and 10 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.

The Chair laid before the Senate the following Tabled and Later (4/3/97) Assigned matter:

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Change the Manner in Which the Legislature Calls Itself into Special Session.

H.P. 336 L.D. 458