

MAINE STATE LEGISLATURE

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One Hundred and Eighteenth Legislature
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On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act Concerning the Fees Charged by the Secretary of State for Copies
H.P. 410 L.D. 555
(C "A" H-138)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Emergency

An Act to Conform the Maine Tax Laws for 1996 with the United States Internal Revenue Code
H.P. 718 L.D. 982

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Fund the Collective Bargaining Agreement for the Law Enforcement Services Bargaining Unit
H.P. 1092 L.D. 1535
(C "A" H-152)

On motion by Senator **CAREY** of Kennebec, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BUTLAND, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LAFOUNTAIN, LAWRENCE, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT PRO TEM - RICHARD A. BENNETT**

NAYS: Senator: **KILKELLY**

ABSENT: Senators: **BENOIT, HALL, JENKINS**

31 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 3 Senators being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/8/97) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require the Election of the Secretary of State in Statewide Elections.
S.P. 122 L.D. 401

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-73)** (11 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - April 8, 1997, by Senator **RAND** of Cumberland.

Pending - motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Minority **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 Mr. President, men and women of the Senate. I move that we accept the minority Ought Not to Pass report. I do have a hand out. I didn't realize they were going to start with number 8, but it's being distributed now, so if you would just bear with me for a second. Actually, this is an 11 to 2 report. I voted Ought Not to Pass. I don't feel as though the Secretary of State, who's in charge of running all the elections in the State of Maine, should, themselves, be running for popular election and trying to raise money as they're doing this. What is being distributed is just a copy of a fund raising letter by the person running for Secretary of State in another New England state. That person is in charge of running all the elections for that state and you can see it's a fairly well written campaign fund raising letter, but it's just a little too close for this legislator. So, for those reasons I feel the people that we've had serving as the Maine Secretary of State have done an outstanding job. I cannot recall one instance where their character, or their ability to perform the job, has ever been called into question. So, for those reasons I urge you to support my motion of Ought Not to Pass. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Mr. President, men and women of the Senate. I too, support the minority Ought Not to Pass motion. My reason being that, at this point, when we are doing what we can to try to address issues of campaign finance reform, this would create, yet another statewide election. At this point, with our histories with an election that is of a statewide nature, technology is inevitable. Most citizens in Maine do not have the opportunity to know or meet the candidate firsthand, therefore the election is often run on television, a very expensive medium and we are right into another series of issues that have to do with the amount of money that it takes to get that position, what that means in terms of who is able to run for those positions. And I would urge you to support the minority Ought Not to Pass report.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. I was on the other side of this issue, and so were 10 other members of the State and Local Government Committee. I think it's important to note that. This is an issue that's been a long time coming. I think we really look forward to having a statewide election for the Secretary of State. I think it takes this position out of the current means of choosing this particular office and, as you know, in prior discussion in this Body, I have indicated that I do not approve of the current means of choosing the Secretary of State or the other constitutional officers. So, with that in mind, and with a great deal of proponents coming in front of the State and Local Government Committee, we decided, by a wide majority, to put this question to the people and let them decide and that's exactly what will happen if we pass this legislation. They will first decide whether or not we should do this and then if they do, we will have statewide elections for this office. Thank you for your time.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: ABROMSON, CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LAWRENCE, LONGLEY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT

NAYS: Senators: AMERO, BUTLAND, CASSIDY, FERGUSON, KIEFFER, LIBBY, MACKINNON, MITCHELL, SMALL, THE PRESIDENT PRO TEM - RICHARD A. BENNETT

ABSENT: Senators: BENOIT, HALL

23 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/9/97) Assigned matter:

JOINT RESOLUTION - relative to memorializing Congress to request that the Balanced Budget Amendment to the Constitution of the United States be submitted to the States for ratification.
H.P. 1240

Tabled - April 9, 1997, by Senator **PINGREE** of Knox.

Pending - **ADOPTION**, in concurrence

(In House, April 8, 1997, **READ** and **ADOPTED**.)

(In Senate, April 9, 1997, **READ**.)

Which was **ADOPTED**, in concurrence.

On motion by Senator **PINGREE** of Knox, the Senate **RECONSIDERED** whereby the Joint Resolution was **ADOPTED**, in concurrence.

The same Senator moved to **TABLE** until Later in Today's Session, pending **ADOPTION**, in concurrence.

At the request of Senator **AMERO** of Cumberland a Division was had. 20 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox, to **TABLE** until Later in Today's Session, pending **ADOPTION**, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (4/9/97) Assigned matter:

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
(C "A" H-144)

Tabled - April 9, 1997, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**

(In House, April 2, 1997, Resolution and Accompanying Papers **INDEFINITELY POSTPONED**.)

(In Senate, April 9, 1997, **READ A SECOND TIME**.)

The Chair ordered a Division.