

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session  
December 3, 2008 to June 12, 2009

Pages 1 - 1159

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Senate**

**Ought to Pass**

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States"

S.P. 248 L.D. 673

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Validate the Property Tax Commitments in the Towns That are Members of Community School District No. 9" (EMERGENCY)

S.P. 287 L.D. 740

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Ought to Pass As Amended**

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Instruction Permit Process"

S.P. 16 L.D. 7

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-7)**.

Report **READ** and **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-7) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Create the Support Animal Welfare Registration Plate"

S.P. 64 L.D. 178

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-8)**.

Report **READ** and **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-8) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Extend the Exception to Axle Fines during the Midwinter Season" (EMERGENCY)

S.P. 81 L.D. 240

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-10)**.

Report **READ** and **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-10) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General

S.P. 219 L.D. 604

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

SIMPSON of Androscoggin  
JACKSON of Aroostook

Representatives:

BOLAND of Sanford  
WILLETTE of Presque Isle  
BEAUDETTE of Biddeford  
HARVELL of Farmington  
KAENRATH of South Portland  
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-13)**.

Signed:

Senator:  
COURTNEY of York

Representatives:  
COTTA of China  
CLARK of Easton

Reports **READ**.

Senator **SIMPSON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Senator **RAYE** of Washington requested a Roll Call.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, this is the bill I brought before State and Local Government and I can count and I know that's how the vote will go but I do want my comments to be on the record. We are the only state that elects the Attorney General in this manner and in the last go round not one person from outside of the legislative hall applied for this honor and this position. We've had an incredible amount of attorneys who reach the federal bench, become U.S. Senators, and yet this seems to be one of the most closed application processes in the legal community. The interesting part of this is 43 other states recognize that the Attorney General's Office is a policy making office and that the people running for the position should be putting themselves up before the voters because when you are going to make public policies the public should know how you think and what you believe because what happens in the Attorney General's Office affects every one of us in the state of Maine. The Attorney General appoints an Assistant Attorney General to every office in the Executive Branch. Whether you are talking about harness racing, child protective services, professional regulation, or electricity, there is an Assistant Attorney General assigned and the Assistant Attorney General helps make public policy but the Attorney General has often, and will continue, to propose public policy and carry out public policy outside of this Body. I don't think that can even be questioned. The fact is, if it's going to be a public policy making position, from our selectmen to our Governor, when someone wants to put forth public policy they should have to put themselves before the public first. That's why I brought this forward and I would appreciate it if you would vote against the pending motion. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Simpson.

Senator **SIMPSON:** Thank you, Madame President. Men and women of the Senate, I'm sorry I have to rise in opposition to my good friend from Penobscot County. Here in the state of Maine we've been very successful with our Clean Election system and

most of us here in this Body run on it. If we are going to add another statewide election, I would assume we would want to keep the money out of this very important race and add it to the Clean Election system. We really don't have the money for that so I would be hoping that you would join me to support the Majority Report. Thank you.

On motion by Senator **RAYE** of Washington, 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 the Senator from Androscoggin, Senator Simpson to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#25)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, HOBBS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **SIMPSON** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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#### Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State  
S.P. 220 L.D. 605

Reported that the same **Ought Not to Pass**.

Signed:

Senators:  
SIMPSON of Androscoggin  
JACKSON of Aroostook