

MAINE STATE LEGISLATURE

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have an excellent will that we will be able to vote on later in the session. Thank you very much, Mr. President.

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator **SAVIELLO** of Franklin, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/25/11) Assigned matter:

SENATE REPORTS - from 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, Attorney General, Treasurer of State and State Auditor

S.P. 504 L.D. 1572

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A"** (S-153) (2 members)

Tabled - May 25, 2011, by Senator **SULLIVAN** of York

Pending - motion by Senator **THOMAS** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 25, 2011, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I'm concerned about this bill for a couple of reasons. The number one reason, probably, is the fact that we would be adding four more statewide elections to the state. People are tired of elections. It's a lot of extra money. There is no way to really vet these people who decide to run. If somebody decides to run for Secretary of State and they happen to have the right amount of money or the right whatever. I shouldn't have used Secretary of State because I happen to think the Secretary of State Summers is very nice. I just used that one. Do not read anything into it. We have a situation where we are running elections and the Legislature, with whom they are going to work, have no way to vet that. As it is now, the Legislature elects them so you get a chance, each party or however you do it, to do that. That's not true if we go to a general election. We also sort of come to the situation where it is possible to have Constitutional Officers not in sync with either the Legislature or the second floor. That can become a problem. We talked about this often time, making the process more effective. If you have every piece, the

second floor and the third floor plus all of the Constitutional Officers, without a connection to one of those two, we have a real problem. We have more people we're trying to please to get more things together. The biggest concern is the price of running elections statewide. Do they become part of clean elections? Do they not? There are a lot of issues to work out. I think that's why you'll see the majority of the people felt that way. We felt very strongly that there were too many questions to be answered before we change that. Hopefully I won't have to stand up again and I want to go home. Thank you.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, first of all let me say that the amendment takes out the State Auditor. There will be just three statewide elections. We had this bill once before. It wasn't a Constitutional Amendment and it got killed. We brought back the one that is a Constitutional Amendment to the committee and we worked it there in the committee and we bring it back to you. Most states do elect the Attorney General and they've had good luck with it. I don't think any of them would want to go back to having that Attorney General selected any other way. This doesn't remove the qualifications. The Attorney General would still have to meet the same qualifications. I believe the Secretary of State and the Treasurer would also have to meet the same qualifications. I think those office's qualifications are minimal. We have a long tradition of electing sheriffs in Maine. It's worked well. The sheriff is accountable to the people. I think that the Attorney General, the Secretary of State, and the State Treasurer shouldn't be accountable to any of us before they are accountable to the people. I think they should be accountable to the people first. This bill was brought forward. There are a number of us who think it's a good bill. Take a good look at it. Thank you.

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

Senator **PLOWMAN:** Thank you Mr. President. I sponsored this bill. I sponsored it in the Minority and now I sponsor it in the Majority. It enjoyed a bi-partisan sponsorship. We are the only state that elects Constitutional Officers in this manner. I believe that there needs to be greater accountability. I can't think of greater accountability than to add more checks and balances into the system by putting the people here. I'm not worried about people matching up with the current Executive Branch or the current Legislative Branch. I think it's ideal to have as many checks and balances in the democracy as possible. I would urge you to vote to send this out to the people so that they can make up their minds how they would like the officers to be chosen. Thank you.

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

At the request of Senator **SULLIVAN** of York, Reports **READ**.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Thomas to Accept the Minority Ought to Pass as Amended 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 (#122)

YEAS: Senators: BARTLETT, COURTNEY, FARNHAM, GOODALL, HASTINGS, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, DILL, GERZOFKY, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **THOMAS** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-153) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/25/11) Assigned matter:

Bill "An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements" (EMERGENCY)
H.P. 105 L.D. 123

Tabled - May 25, 2011, by Senator **COURTNEY** of York

Pending - **PASSAGE TO BE ENGROSSED**, in **NON-CONCURRENCE**

(In House, May 23, 2011, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 25, 2011, **READ A SECOND TIME**. Senate Amendment "A" (S-163) **READ**. Motion by Senator **WHITTEMORE** of Somerset, under unanimous consent on behalf of Senator **MASON** of Androscoggin, to **ADOPT** Senate Amendment "A" (S-163) **FAILED**.)

Senator **TRAHAN** of Lincoln moved the Senate **RECONSIDER** whereby it **FAILED** to **ADOPT** Senate Amendment "A" (S-163).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#123)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **TRAHAN** of Lincoln to **RECONSIDER** whereby the Senate **FAILED** to **ADOPT** Senate Amendment "A" (S-163), **PREVAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#124)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, JACKSON, LANGLEY, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ADOPT** Senate Amendment "A" (S-163) to Committee Amendment "A", **PREVAILED**.

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

Senator **BARTLETT:** Thank you Mr. President. Before I proceed I just want one more opportunity to lay out the case for opposing this bill. We talked a little bit in the last debate about other incidents around the country, in particular one at an establishment