

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Sixth Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**

beginning December 5, 2012

beginning at page H-1

**COMMUNICATIONS**

The Following Communication: (S.C. 452)

**MAINE SENATE  
126TH LEGISLATURE  
OFFICE OF THE SECRETARY**

June 7, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Bill "An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives" (H.P. 40) (L.D. 45) and all accompanying papers.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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Under suspension of the rules, members were allowed to remove their jackets.

**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Amend the Laws Governing Secession from a Municipality" (EMERGENCY)

(H.P. 1131) (L.D. 1561)

Sponsored by Representative THERIAULT of Madawaska.

Cosponsored by Senator JACKSON of Aroostook and Representatives: AYOTTE of Caswell, CASAVANT of Biddeford, GRAHAM of North Yarmouth, HARVELL of Farmington, MAKER of Calais, NADEAU of Winslow, WILLETTE of Mapleton, Senator: LACHOWICZ of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

**REPORTS OF COMMITTEE  
Divided Reports**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That the Attorney General Be Elected by Popular Vote (S.P. 278) (L.D. 740)

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

GRAHAM of North Yarmouth

BOLAND of Sanford

BOLDUC of Auburn

HAYES of Buckfield

NADEAU of Winslow

PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-236)** on same RESOLUTION.

Signed:

Senator:

COLLINS of York

Representatives:

CHENETTE of Saco

COTTA of China

MacDONALD of Old Orchard Beach

NADEAU of Fort Kent

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

**READ.**

Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. The Attorney General is elected by popular vote in 43 statewide races. The Governor appoints the Attorney General in Alaska, Hawaii, New Hampshire, New Jersey and Wyoming. The State Supreme Court appoints the Attorney General in Tennessee, and in Washington, D.C., the mayor appoints the Corporation Counsel whose powers and duties are similar to the role of Attorney General. So Maine is the only state in the entire country where the Attorney General is elected by secret ballot by the Legislature. We are the outlier state compared to the rest of the United States. I think giving the Attorney General statewide exposure while campaigning for chief lawyer for the state prevents extreme swings of political philosophy from administration to administration. Keep in mind that the Minority Report also includes language that says this is a nonpartisan race. We are taking politics out of the role of chief lawyer for the state. This also creates a 4-year term for Attorney General. So I'd urge this body to turn down this pending motion in support of the Minority Report, and I request a roll call. Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think we all agree that the Attorney General should be an apolitical or nonpolitical position. I'd like to pose a question to the membership through the Chair.

The **SPEAKER**: The Representative may pose his question.

Representative **JONES**: When was the last time an Attorney General from the majority party, okay, was elected by a minority party? Or let me rephrase that. When was the last time an Attorney General from the minority party was elected by a majority party in this House?

The **SPEAKER**: The Representative from Freedom, Representative Jones, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize. I actually cannot answer the question from the good Representative from Freedom. I want to point out to you that we had a bill just last week similar to this, electing all the Constitutional Officers. This House chose not to do that. I would also point out that if this individual was to run statewide, there are no Clean Election funds so that, quite honestly, any large lobby could essentially bankroll this individual's election. Again, this is a system that we feel strongly is not broken and is working well and, quite honestly, I think Maine takes the politics out of it quite a bit. Again, do we want to have a big election bankrolling an Attorney General's race? With that, I hope you will follow my light. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. Like I said last week, I think we need to make sure that the Attorney General stays non beholden to different groups that could back their campaign. If this measure, this bill were to pass, it would be bringing big money into the Attorney General's race. I just want to say that I think the Attorney General shouldn't be beholden to different groups. We don't need the "Attorney General brought to you by Harold Dana" or, you know, "Maine's Attorney General brought to you by Preti Flaherty." So I urge you to follow my light and support the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to kind of clarify a few things. How are we elected? We have to go out to the people, talk to our constituents and get elected. This is no different. In fact, this is creating a nonpartisan race. In fact, it's also creating a 4-year term. I think it's important for people to understand that this is creating an open and transparent process, just like any other public and open election. This empowers people to run for offices that may have not been able to be reached before. Right now, officer candidates, right now, basically are internal political party individuals and I think that that's wrong. I think it should be nonpartisan for the role of a chief lawyer, and I think people should be empowered to run for these positions in an open process, because, right now, if you ask any of your constituents "Who were the candidates that ran for these Constitutional Officers?," they probably couldn't name them, or if they did, they wouldn't understand what the process is to run for those positions because it's all internal. Let's make it transparent. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 234**

YEA - Beavers, Beck, Berry, Briggs, Campbell J, Campbell R, Carey, Casavant, Chapman, Chase, Cooper, Cray, Daughtry, DeChant, Devin, Dill, Dion, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gillway, Goode, Graham, Grant, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald W, Mastraccio, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Noon, Nutting, Pease, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Sirocki, Stanley, Theriault,

Tipping-Spitz, Treat, Turner, Verow, Welsh, Werts, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Boland, Chenette, Chipman, Crafts, Crockett, Davis, Dickerson, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Hamann, Harlow, Hickman, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Marean, Marks, McClellan, Morrison, Nadeau A, Newendyke, Parry, Peavey Haskell, Pouliot, Short, Timberlake, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson.

**ABSENT** - Beaudoin, Bolduc, Brooks, Cassidy, Clark, Cotta, Dorney, Gilbert, Malaby, Mason, McGowan, Peterson, Russell, Stuckey.

Yes, 84; No, 53; Absent, 14; Excused, 0.

84 having voted in the affirmative and 53 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass Report** was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Support Maine Businesses through State Purchasing"

(S.P. 476) (L.D. 1357)

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York  
GERZOFISKY of Cumberland

Representatives:

BOLAND of Sanford  
COTTA of China  
HAYES of Buckfield  
MacDONALD of Old Orchard Beach  
NADEAU of Winslow  
NADEAU of Fort Kent  
PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-235)** on same Bill.

Signed:

Representatives:

GRAHAM of North Yarmouth  
CHENETTE of Saco

Came from the Senate with the Majority **OUGHT NOT TO PASS Report READ and ACCEPTED.**

**READ.**  
Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass Report**.

Representative CHENETTE of Saco **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker. This is, to me, a good bill. I know we tackle a lot of things in this chamber, guns, pot, but I was elected to focus on small businesses and this will help small businesses in my district. It provides a preference for state contracts within about a 2.5 percent period of time, where different small businesses can apply for these bids through the normal process, even if it is a little bit more pricey. Within a 2.5 percent bidding, the individual or the state could go with the small business for Maine. I think