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The Chair laid before the Senate the following Tabled and Later (6/7/11) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure Accountability in State Contracts"

S.P. 468 L.D. 1492

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-262)** (4 members)

Tabled - June 7, 2011, by Senator **THOMAS** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 7, 2011, Reports **READ**.)

On motion by Senator **THOMAS** of Somerset, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-262) **READ**.

On motion by Senator **ALFOND** of Cumberland, Senate Amendment "A" (S-278) to Committee Amendment "A" (S-262) **READ**.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to thank the good Chair from the State and Local Committee for moving the Minority Report because I think as more information came out from this bill, it became one that, I think, everyone could get behind around transparency of government contracts. Over 7,000 contracts every year go out for RFPs and what this bill is after is to shine a light on those RFPs. What became very clear is trying to have every RFP get put on the web was impossible; 7,000 is way too much. What we decided to do was to look at just those contracts over \$1 million, which now puts that select group of around 100 RFPs that would be put on the web so that the public and everyone can understand where their tax dollars are being used. I want to, again, thank the good Chair and the lead from State and Local for putting forth the Minority and for allowing this amendment to be put on. Thank you, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, forgive me for not fully understanding the procedure when I first got up, but I knew the amendment was coming. I voted against this bill in committee, but the amendment that is offered by the Senator from Cumberland, Senator Alfond, changes what was a workable bill, a great idea but an unworkable bill, into a great idea with a workable solution. Thank you.

On motion by Senator **ALFOND** of Cumberland, Senate Amendment "A" (S-278) to Committee Amendment "A" (S-262) **ADOPTED**.

Committee Amendment "A" (S-262) as Amended by Senate Amendment "A" (S-278) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262) AS AMENDED BY SENATE AMENDMENT "A" (S-278)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/7/11) Assigned matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Preserve the Integrity of the Voter Registration and Election Process"

H.P. 1015 L.D. 1376

Majority - **Ought to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-352)** (6 members)

Tabled - June 7, 2011, by Senator **FARNHAM** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 6, 2011, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, June 7, 2011, Reports **READ**.)

Senator **FARNHAM** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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 PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Woodbury.

Senator **WOODBURY:** Thank you Mr. President. Women and men of the Senate, if there is one absolutely core principle of our democracy it is the right to vote. Same day registration, I believe, is an essential policy in assuring that citizens have the greatest opportunity to exercise that right. If there are issues of voter fraud we should identify and prosecute the fraud, not take away the rights of legal voters who want to exercise their legal right to participate in the democratic process. I urge my colleagues most emphatically to reject this motion. Thank you.

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I also, too, rise in opposition of L.D. 1376. You might not have heard these words come out of my mouth because I usually don't look at and talk about the U.S. Constitution or the Bill of Rights very much but they are not merely guiding principles, they are law. Perhaps there is no right more valued than our freedom of speech. Voting is the best way for our voices to be heard. Before I tell you why I think L.D. 1376 is harmful to our voting rights, I'd like to do a quick history lesson. The Legislature, in 1973 under the leadership of Senator Elden Shute, a Republican from Farmington, passed same day voter registration with bi-partisan support. Same day voter registration has been the law in Maine since that day for more than 38 years, longer than I have been alive. We see that L.D. 1376 could be a dramatic departure from the way voting has been conducted in Maine for the last 38 years. By eliminating same day voter registration, L.D. 1376 is introducing an extra stumbling block for people to get out and get to the voting booth. In 2008 more than 60,000 Mainers registered to vote on Election Day. Who were these 60,000 people? Well, it is hard to say but we know that L.D. 1376 will have the effect of keeping some Mainers, particularly people with disabilities, young people, and people who are more mobile, including the homeless, from exercising their legitimate right to vote. If this bill passes we're asking for trouble and confusion.

How many in this Chamber know the difference between a challenge ballot and a provisional ballot? Let me give you some answers. A challenge ballot is when an election official or a voter in that municipality believes that a person is not eligible to vote. This mostly occurs due to residency. For me, if I move from Portland to Falmouth many people would probably know. When I went to go vote on Munjoy Hill, where I go to vote, an election official or even a resident could challenge me voting in Portland. Under this law if I did not register before voting day in my new residency in Falmouth then I would be shut out of voting. In my example, like I said, I would not be allowed to vote in Falmouth or Portland. As many people know, it takes time to get a utility bill or any other documentation that proves residency. What is a provisional ballot? A provisional ballot is used when a person who is registered in that municipality does not appear on the voting list. Using the previous example, let's say after I registered in Falmouth I somehow did not get on the voting rolls. In this case I would be allowed to cast only a provisional ballot. The problems here are these; first provisional ballots will only let you vote on federal races. You will be completely shut out of all local and state races. Your friend, your neighbor, who wants to vote for you for a statewide race, or for someone voting for a town council or school committee, they won't be able to vote on that provisional ballot. Second, every provisional ballot will take time, money, and will be scrutinized by both parties. I ask the Body this question, how will this save money?

After all of this I find myself asking the same question. Why is this bill necessary? It's not solving any problems at the municipal level. We heard that same day voter registration is not a burden to municipal clerks, in fact I've heard the opposite is true. Having a system where people show up at the polls, provide the necessary identification, register, and vote all in one step, all in one stop, actually saves time and effort on the part of clerks and other election officials as well as the voters themselves. What else could it be? I've heard some say, especially our Secretary of State, that L.D. 1376 is necessary to secure the

integrity of Maine elections. I bring to your attention something; the Secretary of State, on January 18th, came before the Veterans and Legal Committee. The Secretary of State annually needs to report on the administration of the central voter registration system. He said that the system maintained by the Department of the Secretary of the State, containing over one million voter records, was regularly accessed and updated over the internet and real time by municipal clerks and registrars from over 500 municipal jurisdictions. Not only did the central voter registration help election officials smoothly administer a very busy and closely watched election, it also facilitated the use of innovative on-line citizen services with access through the Maine's E-Democracy website. He went on to say, the Secretary of State, that in 2010 CVR was put to the test. Clerks and registrars across the state were able to efficiently process 50,761 new voter registrations, 75,136 registration changes, and was used successfully to process 39,264 absentee ballot requests in the primary and 148,984 absentee ballot requests in the general election. Finally, the Secretary of State said, "I have confidence that we have met and exceeded the goal of the CVR system and we have begun to enjoy many additional benefits of using CVR." On January 18th apparently the system, the integrity of the system, was fine, but then when this bill was put forth in front of the committee he is now worried about the integrity of the system. I'm not really sure what has changed but again I don't see there to be a problem.

As you all know, Maine elections are already held in high esteem among other states in our nation. We consistently have high voter turnout and participation. Our citizens, and I want to thank them all, take the civic duty of voting very seriously. Unfortunately, L.D. 1376 is not solving a problem. There is no problem. I urge you to vote Ought Not to Pass on L.D. 1376. Thank you, Mr. President.

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

Senator **PLOWMAN**: Thank you Mr. President. Men and women of the Senate, Title 21 allows and provides that provisional ballots do include local and state elections. As for the CVR, the CVR cannot be opened and used or amended electronically on Election Day. All through the year it is available except for on Election Day because we can't take the risk that we would move one person, the wrong person, from one town to another. What you are relying on on Election Day? The CVR is not available. If you want to check Title 21, I'd be glad to get you the site. If you've ever voted a provisional ballot you will know that that was an inaccurate statement and I'm pleased to be able to correct the record. As for what the clerks get to do that day, there is an awful lot that has to get done that day. When you are asking someone to sign an affidavit and bring their paperwork in to show that they are indeed a citizen, the clerks are supposed to, by law, follow up to ascertain whether they are indeed someone who is in that town. With all that we ask clerks to do, the clerks have testified in past legislatures before the Legal and Veterans Affairs Committee that they never get to that. The people who refer voter fraud to the Attorney General's Office are the clerks through the Secretary of State. The verification is supposed to take place by the clerk and the clerk sends the information to the Secretary of State and the Secretary of State sends it to the Attorney General's Office for an investigation. The reason you are told there is no fraud in Maine is because that step at the clerk's level is rarely, if ever, done.

After the statute of limitations had passed, one young man bragged to me that in 1992 he and a car load of six young men voted in six towns. They drove around, found addresses, and were able to register in six different towns. That's quite an accomplishment. They just did it for a lark. There are actually people who do it for more nefarious reasons. In order to say there is no fraud that means that someone had to do all the check ups, cross the T's and dot the I's. Our clerks, with all that we ask them to do, just don't seem to have the time to do that. I reject the notion that there is no fraud. As a poll watcher one day in Hampden I had a very angry man have to vote a provisional ballot because someone came in that very morning and got a ballot in his name. It happens. We were appalled. Two check-off lists both showed that this man's ballot had been taken by someone else. You know what, he proved who he was and he had to vote a provisional ballot. It is important. There are 247 other days a year you can register in person. Outside of the 10 day, I believe it's a 10 day, limit you mail a postcard. You mail a postcard. You don't even have to prove anything. If you move, you have 30 days to change your driver's license. I suggest you register to vote while you are there. It's very simple. They offer you the card. There are voter registration drives on every campus in the state of Maine and in every high school where we sign up 17 year olds so that they can vote in the primary. Same day registration is allowed in eight states. It is not allowed in 42 states. Forty-two states believe in integrity and accessibility. There can be a balance. This seeks to find the balance. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, first of all, this was a good piece of legislation that passed 30 years ago and I want to commend those who actually did improve our voting system back then. For 38 years we've had this same day voting law in place to increase voter participation. Now we have better technology but we're being told that it's more difficult than it was before. The technology should be making this job less difficult not more difficult. I would submit that it is less difficult today. This is an attempt, I believe, to reduce voter participation, not to help it. I don't believe that anybody in this Body should be working to reduce voter turnout, which is clearly what will happen here. The evidence supports that because 60,000 people turned out and registered that same day. We know people get busy and they forget and they will be excluded from participating. That's absolutely clear. I would hope that you'd voted against the pending motion. Something that a Senator keeps repeating applies absolutely here; if it ain't broke keep fixing it and fixing it until it is. That's what we are doing here today. We're breaking something if we pass this, if we support this pending motion. We're breaking something that has really been working for a long time very effectively for no good reason. Thank you very much.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to the Ought to Pass motion because this bill will make it harder for Maine's senior citizens to participate in the political process. Because of driver's license

renewal fees, driver test requirements, and personal choice, many of our older fellow Mainers do not hold valid driver's licenses. In fact, senior citizens are substantially less likely to have a driver's license than other voters. Sorry, Mr. President, I think I'm speaking on a different bill.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, this bill represents a radical departure from the way Maine has successfully run elections for more than 30 years. It imposes a new unnecessary and entirely unwanted set of burdens that will adversely impact several tens of thousands of voters in every election. Who are those people? Those are Democrats. Those are Republicans. Those are unenrolled people. In 2010 the day before the election, November 11th, 853 people totally registered to vote; 252 of those were Democrats, 84 were Green, 197 were Republicans, and 320 were unenrolled. Election Day 18,364 people registered; 4,468 Democrats, 1,732 Green, 4,405 Republicans, and 7,759 unenrolled. I actually think it's the unenrolled that probably win an awful lot of elections. I'll tell you one thing right now, I'm proud to stand here saying I'm going to be voting against this Majority Ought to Pass motion because I'm not going to disenfranchise a Democrat, a Green, a Republican, or an unenrolled voter for the state of Maine. It does this by making two sweeping changes. First it removed Election Day registration and, second, it recinds any reason or no reason required absentee ballot for three days preceding the election. These are three days most voters have historically found to be the most convenient, the most convenient for our citizens of the state of Maine. They chose the three days before the election to register, and I will respect that until the day I die, to be the most convenient time to absentee vote. While assuming the campaigns have fully played themselves out, in the 2008 presidential general election nearly 75,000 voters would have been impacted by these proposed changes. In the 2010 gubernatorial more than 45,000 would have been impacted. As I understand it, the two central arguments raised in favor of these measures are to prevent voter fraud and to ease the burden on election officials. Well, from what I heard, there must be an Al-Qaeda cell in parts of the state of Maine because everything that I've heard about voter fraud. I believe, I don't know if it was 2005 or 2006, that we were given some figures that in the United States of America, throughout the whole United States of America, there were 24 cases of voter fraud throughout the United States of America. That is a problem. Holy smokes, ladies and gentlemen. Neither argument holds up.

With the implementation of Maine's central voter registration system four years ago, state election officials gained the capacity to thoroughly monitor elections for the type of fraud that proponents of the bill argue Election Day registrations would permit and it wouldn't have allowed the problem and the potential voter fraud. When someone checks off the name of the person most of the time the problem is when that person checks off the one below or above and they make a human error. That's where most of the problem is. Out of more than 1.3 million votes in two elections only two instances of double voting were identified and prosecuted. Voter fraud is not a problem and with the checks and balances of Maine's current election process it will not become a problem. I probably can say for one time that I really agree with

the good Senator from Biddeford, if it ain't broke keep fixing it and keep fixing it and keep fixing it until it is. Had the new restrictions in this bill been in place during those same elections one of those two cases of fraud would not have been prevented. It's amazing. The voter was registered in both locations prior to Election Day. Approximately 125,000 voters would have had to change the way they registered and voted and a conservative estimate indicates that tens of thousands fewer citizens would have voted. To me, ladies and gentlemen, this is probably one of the biggest political issues that the citizens of the state of Maine are going to take seriously. I will say one thing right now, I will be proud to vote this bill down because when the people speak on the next election that's when the real issue is going to come to light. Are we right or wrong? Has there been some voter fraud? The actual documentation basically says almost none over the years. I will not go into hypotheticals because it almost got me in trouble one time and I apologize here presently for that. Ladies and gentlemen, this is not a problem, from my standpoint. This shouldn't even be a political issue. This should be an issue of how we can make it better. The good Senator from Farmington, in 1973 under the leadership of Senator Elden Shute, a Republican from Farmington, subsequently unanimously passed, unanimously so that must mean bi-partisan, same day voter registration. What is the problem? Is there a problem or is this just a political stand-off on one of the issues that we want to get changed? I'd like to talk on the other bill, and I probably will, because there are some things I'd like to say about that here and now but I'm not going to. Ladies and gentlemen, I would ask you to vote against the Majority Ought to Pass and move on and let's kill this bill once and for all. Thank you.

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

Senator FARNHAM: Thank you Mr. President. I want to be able to answer the question; have you done everything you could to remove any doubt, any doubt, about our election process? If you've had to ask people to run for office, how can you explain to them that you've done everything you could to make sure that this process was as clean and as transparent as possible. My father-in-law lost two elections in a row for House of Representatives by less than ten votes each. Less than ten votes each. How can you look him straight in the eye and say, "Yup, we were above board, everything about our process is clean." How about any of the candidates who have ever had a loss in a close election? Can we really answer to them that we have done everything possible to make sure every single person involved was registered and was correctly registered to vote?

The other thing I wanted to remind us of is if it is something that is as important as our right to vote then why would it be a problem to plan ahead? Why would it be a problem to plan ahead to register to vote? It was brought to our attention that our young people wouldn't be capable to plan ahead to vote. I have a young person, I have three young people actually, in my family and one of them became of voting age recently and he couldn't wait until the next day to get the city hall and be able to vote. He was so excited to do it. He didn't wait until the same day of voting. He wanted to march right down to city hall because he was of voting age and he was ready to vote and ready to register so that he could vote in the very next election that was coming up. Our young people are excited about the time when they are able to vote in our elections so I take exception to the fact that they

wouldn't want to do it. I was actually disappointed that there wasn't more fanfare when he became a new person and a new person able to vote in our country. I just would remind us that I want to be able to answer to candidates or anybody who wants to be involved in our process. I want to be able to say to them that I was able to make sure that the integrity and the process that we follow when we vote is as above board and clean as it possibly can be.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator JACKSON: Thank you Mr. President. Ladies and gentlemen of the Senate, I wanted to get up and voice my opposition to the pending motion. I would say that I lost an election by 1% and I never once felt that I got cheated by voter fraud or anything like that. I was extremely disappointed but I didn't feel like I got cheated. I don't know if it's so much about candidates as it is about the general public getting their opportunity to vote. I think if you are a candidate you probably know many of the rules of voting. I think that this proposal, it was said on an earlier bill that this is the biggest boondoggle on the state of Maine. I think that if we were to pass this it would move ahead and be by far the biggest boondoggle.

I also would say that if we did pass this I think I'd like to rethink my vote on the Senator from Kennebec, Senator Katz's bill this morning about guns at the municipal offices because I think you'd have an awful lot of people that would be awful upset when they came in on that Tuesday to vote and weren't able to vote. I think that's the biggest part of the problem with this bill, we've done it for 38 years. It's one thing if it had never been and we were sitting here debating it. Then I could say, "Ya, I guess this is okay because no one knows already if this is the way the process goes." To just take this after 38 years and say no more of that, you're not going to be able to come in on Election Day and vote is causing some real problems for a lot of people. I can see this playing out in my district where it's a lot of small registers, a lot of small clerk's offices. The town I live in the place is opened from 9 to 12. On Election Day it's open until 8 but on those other days before it's only open for three hours. You don't have very much time to even go there. Most of the clerks in Northern Aroostook County open on Saturdays so that they can take absentee votes for all the people that work in the woods that aren't available to vote on that Tuesday. This is going cause a tremendous burden for the people that are in my district because they think, they believe, that if they've changed addresses or they've moved to a different town that's close by, that they can just go in and register that day to vote. The people in those areas know these people, they know they're residents, but they're not going to allow them to be able to register. I'm telling you, this is going to cause a lot of problems and I want you to think about that on Election Day because you know for sure that you're going to have constituents that are going to be upset that they're not going to be able to vote. It's going to be people that you know that for whatever reason. They're going to look to us. Why did we do this? I don't know why we're doing it. I think that we're really making a big mistake here.

The last thing I want to say is that the other day I went and met with a veteran in the Crosswinds Nursing Facility in Fort Kent. That guy has been known as the man that fixes the U.S. flags in Fort Kent. All the tears and stuff like that, he fixes them. He's a WWII veteran. When he moved from his home, and sold his

house, and went to that nursing facility, that changed his address and he had to reregister to vote. If this had been in place this man, who is a WWII veteran and almost 90 years old, if he had been brought in to register he would be told no. After fighting in a war for us and doing everything he does he would be told no, that he can't vote because it's the same day. I just think that would be a travesty and I don't want to face those people and tell them that the men that fought for us and for these voting rights are going to be told that they can never vote unless they've gone in three days before. I think that would be a travesty here for the people of Maine.

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

Senator **BARTLETT:** Thank you Mr. President. As I think has already been mentioned, same day voting has been engrained in Maine public policy, in Maine culture, for 38 years. People know that they can vote on Election Day so if they move they don't worry quite so much. If they have a student coming home they don't worry so much about having that student registered in advance because they know they can do it on Election Day. It is an engrained part of our culture. We all go around and talk to voters on Election Day and you ask somebody, "Are you registered to vote?" They'll say, "No, but I'm going to go to the town hall on Election Day and do it." We have all had those conversations in our campaigns. What I don't understand is why we want to disenfranchise tens of thousands of voters because somebody might possibly engage in criminal activity. In 2008 60,000 people registered to vote on Election Day. That's Republicans, Democrats, Independents, and Greens. We're going to say that because of one of those 60,000 might have done something illegal, for which they can be penalized under criminal law, the other 59,999 are disenfranchised? It just turns good public policy on its head. We ought to be figuring out ways to enforce those laws if there is a problem, make sure that if someone votes twice that we do go after them, and enforce the criminal law instead of disenfranchising tens of thousands of voters. I can't imagine what my constituents would think back home if after voting to send me to Augusta to represent them they found out that while I was there I took away their right or the right of some newcomer to town or someone who turns 18 prior to the election to vote. It just doesn't make sense that because we're concerned about a remote possibility that somebody is doing something they shouldn't that we're going to disenfranchise voters.

When it comes to close elections you'll never solve the problem of close elections by taking people off the voting rolls. You are not going to overcome a ten vote deficit by disenfranchising a hundred thousand. If you are, then what kind of victory is that? We ought to be doing more to educate voters, to urge them to get to the polls, and to make the case for why we want to come and represent them. Nobody wins by turning people away at the polls. Remember that most of the people who are registering that day are doing it because they moved recently and didn't think about voting. After all, we're politicians and we think about campaigns and elections all the time. We love it. If you're like me you go home after a long day in Augusta and you turn on the TV and what do you watch? National politics to get caught up. I understand that I'm a little crazy, but we live it and breathe it. Most people don't. Most people think about voting on Election Day. It doesn't matter how many robot calls that they

get, people still forget until Election Day. Some people even forget to vote. A lot of us in our campaigns make calls with our supporters on Election Day to remind them to get out and vote. I can't tell you how many times I've had people tell me during my campaign at 6:00 or 6:30, "Oh my gosh, I almost forgot to vote." It happens because it's not on the front of most people's minds. When they move and they forget to vote or they are a student or young person who's just turning 18 and didn't think to register or someone coming back from overseas, let them walk in on the day of voting, the day they're thinking about voting, and register to vote. It's a hallmark of Maine voting. It's part of our culture. People expect it. Let's not disenfranchise our voters. Thank you, Mr. President.

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

Senator **HOBBS:** Thank you Mr. President. Men and women of the Senate, I have a unique situation that I think that only one other individual in the legislature has had and that was I voted for the initial law in 1973. It's very interesting to look at the evolution of the Maine Election Laws throughout the years. The reason why this all took off was because of the restrictions that were on individuals in the process, whether it was the issue of restrictions of registration, absentee ballots, residency issues, or the big box. Many of you, if I used the word big box what would you think? Well, up until the early 1970's a person could vote a straight party ticket and not even look at the candidates by putting an X at the top of the ballot. That was a troubling situation. Because of election law reform in those areas and with the idea of making sure that one of those cornerstones is the fact that we should participate more and allow people to participate in the electoral process, individuals like a former member of the Maine Legislature and a former Assistant Secretary of State, Deputy Secretary of State, Denny Shute from the Farmington area came up with the idea of many many of these reforms along with several other individuals. One of them was the big box issue. The other one was same day registration in order to provide a more democratic process. We shouldn't be tinkering with the reforms that were made unless there is real proof positive that those reforms haven't worked. Denny Shute was a pioneer in that area and I was very blessed and honored to have known him in his later years. His daughter bought my family home in 1986, my first house that I ever owned. I got to know him in a different vein and we reminisced about the old days of politics. He was proud to be somewhat of a pioneer when it came to looking beyond the big box and looking beyond the box itself to look at reforms. That was one of the reforms he put through. Please think twice about making it more difficult to participate in the democratic process. I know last night when I realized that I had not voted in the RSU 23 election for ballot validation I left a meeting and drove home and made it there with three minutes to spare. While I was rushing to get there I was thinking how privileged we all are to be able to have that opportunity to vote. Even though 6%, I believe, of the voters in RSU decided to turn out to vote, it was important that we have those types of democratic processes and the ability for someone like myself and others to be able to go to the polls on Election Day if they moved into the community and to be able to vote and not be pushed away. I hope you will consider your vote seriously and put politics aside because Denny Shute and the legislature in 1973 was Republican controlled.

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

Senator **SCHNEIDER:** Thank you Mr. President. I have been inspired to once again rise because I wanted to share a couple of things with you, one with regard to my own election. One election that I ran for as a City Counselor in Orono that I lost by either six or eight votes. Never once did it even cross my mind to blame our excellent voting system. I would blame myself for that loss. I didn't ask for a recount. That was an issue about my not fulfilling my responsibility of doing a better job. I think that anyone could look anybody in the eye and say that today we have a highly well run election system, it's known throughout the United States, which has incredible integrity. In fact, this bill implies that for the last 38 years we've been doing something wrong. It implies that we haven't had a system that has integrity. I just don't believe that is correct.

I also want to just share with you, briefly, that I turned on the television in my hotel room recently and the election was being held, I believe, here in Augusta, the local election. I panicked and I thought, "Oh my gosh, I forgot Tuesday was my election in my town." I was thinking all day about it. I mentioned it to leadership. I said, "I've got to get back to vote. How can I do it because the round trip time takes about three hours." I was very concerned about it. I called my town office, had this little feeling that I should call them to make sure how late they were going to be opened or if I was right, was it today. Thankfully, I found out that the election is next week but it also just made me think, once again, that I am registered but what about the plan ahead suggestion. People forget. It's human nature. I used to work in a travel agency many years ago and there were sales advertised endlessly for things. When did people show up at our door? At five minutes to five on the last day of the sale. That's exactly how it is for voting. Why would we want them not to be able to participate in our democracy? I would want them to show up. I'd rather have them show up at five minutes before closing time than not be able to participate. We're the envy of the United States. Why on earth would we want to change that? Another thing is the people who are proponents of this, one of the things that we have complaints about most of all is changing our regulations. Here we are changing a regulation that was bi-partisanly passed, that's been in place for 38 years, that is a wonderful thing, and actually has made more simplified because of technology.

One last thing is I'd like to be able to thank the clerks in my Senate District because they are phenomenal people. When I called and I said that I had forgotten you know what they said to me? They said, "Do you want us to send you an absentee ballot?" They want us to participate. I don't believe that they would want us to trade a voter because it's more difficult for them to process ballots. I just don't believe it because I know them. I really hope we defeat the pending motion because it just is not improving anything. We did it right 38 years ago. Let's keep it that way. Thank you.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, people that have been here for a session or two certainly know that I started stuffing envelopes for Adlai Stevenson and I'm quite proud of it. The thing I gave up

most when I got elected to office was not working the polls. I absolutely loved going out and registering voters. Went out with my mother when I was young. I grew up in it. It was a great experience. I loved working at the polls and handing out ballots. I absolutely loved doing recounts and I still do. You can't have a recount in the state of Maine whether you are in the Senate or the House without seeing my chubby little face in the background someplace. I met a lot of the people in this Chamber doing recounts. I sat with my past seatmate during his recount this year. There isn't a state in the United States of America that does it better. There isn't a state in the United States of America that does it cleaner. We're number one, two, or three every single election for getting out to vote and for getting our people to the polls so they can participate in elections. I think there is no higher duty for a citizen than voting. I think everybody in this room thinks that and I don't think there is a person in this room that should ever think that cutting down the number of people that are going to be at the polls voting is a good idea. We shouldn't restrict voting and that is what this bill is going to do. We should be encouraging voting. I'm so proud to be in Maine, so proud to be a Senator in Maine, where we do so well at getting out to vote and getting people to the polls. My community is at 80% to 85% of the vote on Election Day. We take pride in getting our citizens registered and a lot of them do it on the last day because, unless registering your car and unlike inspecting your car which we all know we do early, some of us don't register to vote until the last day. We have something to be proud of in the state of Maine and something we are proud of, the involvement we have in it.

Believe me that everybody here would benefit by going to a recount. This is not Florida. We don't have hanging chads and we don't have foolishness. We know how to do recounts because it is the intent of the voter, as I have had several Secretary of States explain to me in the past. When I was in the other Body I was the House Chair of Elections. We brought different outcomes into the legislature, into the Legislative Council, and we looked at ballots. Not only did we count them at the State Police barracks at one time and then over to the Public Safety Building but we did it here in this building. We didn't have any problems. One of my best friends to this day lost a vote by less than ten votes, Walter Ash. Some people thought we looked alike. We never spoke alike but we looked alike. I had to tell Walter that at recounts you can't grow voters. You're going to count every vote. We had problems when we had counted a town checklist and found that there were more ballots, four or five. We had problems where there were less ballots than we had on the checklist by four or five. We found, through careful study and a lot of questioning, that those were honest simple mistakes made by a town clerk. It had nothing to do with the outcome of an election.

I have been involved in every election in the state of Maine since I got here at one level or another. Certainly, as Chair of Elections in the other Body, I was intimately involved with how we do it and the instructions that we've had from the courts, from our Secretary of State, and most importantly from the people that get elected to office or the people that lose. On Election Day there is always a winner and a loser. Sometimes you lose by two or three votes. Well, it's still majority rules and you're going to have a winner and a loser. It's too bad. You should have shaken more hands. You should have knocked on more doors. You should have been at the polls longer. You should have worked harder. It's your responsibility. I've often said about my elections if I can't win by a couple of thousands votes I did something really wrong. You have to work for them. You work for every vote you get in

this state and every vote in this state is counted and so is every voter. I won't stand here in this Body, Mr. President, and have anybody try to say that there is any blemish on any election in the state of Maine because we don't have any. Thank you very much, Mr. President, for your time.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I'd just like to put a couple of my thoughts on the record as hopefully this debate is nearing the end. Just one thing, this bill does not take away anyone's right to vote no more than it would in any of the other states that have the same provision. From my perspective, I don't believe there is anything wrong with giving the clerks a couple of days to provide a current voter list and having that available at the various polling places. Finally, I just want to comment. We heard something a little earlier about veterans and their sacrifices for the right to vote. I believe that it really isn't too much to ask, if a veteran or somebody has sacrificed their life before in order that we can have this right, that somebody takes a couple of minutes out of their day and go down and register or send in a voter registration card. With that, thank you, Mr. President.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I really hesitated in getting up after this many speakers and I guess just about everything's been said but I'm so compelled to get up that I just felt that I could not leave today without putting my thoughts, as brief as they are, on record and before you, the men and women of this Maine Senate. As Secretary of State I became infected with this advocacy for voter turnout and for all we did to improve our democracy. By the way, it was a Republican/Democrat effort throughout my eight years because we did a lot of things with most, if not all, legislators around the state. It became so compelling after a while that, and it is so infectious that, we were setting aside day and night thinking of ways of how we could increase and improve and encourage people to go to the polls. As a result of the messages we sent through registering people at MacDonald's and having the kids involved, Maine, in 1992, had the largest voter turnout. This was not with the registered voters, this is VAP, voting age population, which is much harder to get a higher percentage. We led the nation or we were in the top five many times during those years. It's because of the message we sent and the attitude and the culture. It had become Maine's fabric. When I would go to the Secretary of State's conventions, as I'm sure all Secretaries before me and after me will do, it was always, "How do you do it in Maine? How do you get such large turnouts?" It was simply the Maine way and we did it because of all the encouragement including the most important part, same day registration. People could vote. I'm afraid that this bill is going to set us back nearly four decades.

In the next election when our neighbors and our friends and our constituents are told that they cannot register and vote on the Election Day, that we changed the rules, I don't think we want to be there and I don't think we want to have to look them in the eye and say, "Yes, we changed the rules. You can't vote." That may be hundreds in some of our districts but we know it will be

thousands across the state. Some of these voters will be miffed. Some will be shocked. Some will be outraged. Our answer is, the rules have changed. One of the things we did with first time voters during the 1990's in particular is that we would take advantage of Election Day, the excitement and the drama and meeting the candidates, and would bring first time voters and encourage them all to go to the polls on that day to register and to vote. The reason we did that was because the voting of 18 to 24 was the lowest age of turnout of voters. Why? We learned that there was intimidation. We worked hard to break that barrier. Ladies and gentlemen, I really would ask you to think twice about this. I understand the question of fraud, and if there has been fraud in the past. I'm sure that there has and I don't think anyone can stand here and say there hasn't been. I'm not sure this is going to make any difference. Certainly fraud has not been a primary condition that we've had to deal with in the state of Maine, it's something that we always have to look out for. I would ask you to think carefully about this. This is something very important. We are, indeed, changing a culture with this vote if we approve this motion. I would ask you very, very sincerely and strongly that you would reject this motion and keep our state the way it is and keep our culture and our fabric the way it is, the Maine way. Thank you, Mr. President.

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

Senator **FARNHAM:** Thank you Mr. President. Actually I think our culture is already changing with the change that was made to no longer needing a reason to request an absentee ballot. I think that is the direction our voting is becoming. In 2000 only 10% of the voters used absentee ballots. In the city of Bangor last year over 60% of the people voted absentee. That is the way of the new culture. People aren't waiting until the day of the election anymore. For convenience sake, they are now voting as soon as those absentee ballots are available. Then, consequently, they are either registered or they are registering at that time so they can request that absentee ballot and head on their way so they don't have to wait until that day of the election. The other thing to remind us of too is that we can register many, many days of the year, all but those last two. We can register by mail as well. I do think our culture of voting is no longer to wait until that Tuesday. We're now wanting to get it done as soon as those absentee ballots are ready. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, the facts my good Senate Chair just brought forward are 100% accurate. Bangor did have 60%. They also were part of a trial, pilot program. I will say one thing, in Bangor on November 1, 2010, 65 people registered; 12 Democrats, 5 Greens, 15 Republicans, and 33 unenrolled. On election day in Bangor, Maine 419 registered that day; 87 Democrats, 14 Greens, 112 Republicans, and 206 unenrolled. I'll tell you one thing right now, I don't want to disenfranchise any of them. Some of the best testimony at the public hearing was the clerk from Bangor. She stated inequity that she does not want to disenfranchise anyone by taking away same day voter registration, as has every clerk in the state of Maine. No clerk has actually said that they want to take away

and disenfranchise anyone. I thank the Bangor clerk. I can't remember her name. Her testimony was just brilliant and I thank her for that. She did, however, complain about the amount of absentee voting and we were looking at doing something like that. I also brought up, from the stand point, that every business in the state of Maine, like my paper industry, takes a shut down every year. Why do we do that and what's going to happen during the shut down? You have a heck of a burden of the amount of work that has got to be done in that one week period. Basically this is what we're burdening our clerks and our town officials with once or twice a year. They are going to be burdened. I think they are very thankful for the opportunity to serve the great people of the state of Maine to allow and to make sure that we don't have an election like Florida and some of the other states that are terrible. Are they burdened? In some cases yes they are but overall I think the vast majority of them, even though they are overburdened, have actually said that one of the problems is that some of their towns and cities are too doggone tight to give them any finances to give them the extra help. Shame on those communities. That's what I say. Shame on the communities for not giving them the resources to make Maine have the best. It was stated that only eight states in the United States of America have same day voting. Those eight states across the county are the highest in the United States of America for voter turnout. The goal of the state of Maine ought to be number one. Never mind "I lead," let us lead as number one every single time. I'm proud of Brunswick, 85%. Boy, I'd like to get 85% in Rumford. I would be unbeatable. No matter where you are in the state of Maine, ladies and gentlemen, the town clerks have inequitably stated that they do not want to disenfranchise one voter, not 419 like in Bangor, not 167 in Brewer, 33 in Bethel, or 18,000 statewide. They don't want to disenfranchise one. Not a Democrat. Not an Independent. Not Unenrolled. Not Greens. Not Republicans. Ladies and gentlemen, let's defeat this bill and move on to something that should be of value to the people of the state of Maine. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Farnham to Accept the Majority Ought to Pass Report, in concurrence. 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 (#203)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **FARNHAM** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **WOODBURY** of Cumberland, Senate Amendment "B" (S-265) **READ**.

Senator **COURTNEY** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-265).

On motion by Senator **WOODBURY** 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 (#204)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-265), **PREVAILED**.

Senator **WOODBURY** of Cumberland moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

Senator **ALFOND** of Cumberland moved to **TABLE** until Later in Today's Session, pending the motion by Senator **WOODBURY** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, 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 (#205)

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

NAYS: 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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **ALFOND** of Cumberland to **TABLE** until Later in Today's Session, pending the motion by Senator **WOODBURY** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#206)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **WOODBURY** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **WOODBURY** 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 (#207)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, MARTIN, MASON, MCCORMICK, PLOWMAN, 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, RECTOR, SCHNEIDER, SULLIVAN, WOODBURY

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Use a Portion of the Sales and Use Tax for the Protection of Maine's Fish and Wildlife

S.P. 155 L.D. 563
(S "B" S-237 to C "A" S-154)

Tabled - June 8, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, June 3, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154) AS AMENDED BY SENATE AMENDMENT "B" (S-237)** thereto.)

(In House, June 7, 2011, **FAILED FINAL PASSAGE**.)

On motion by Senator **PATRICK** of Oxford, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154) AS AMENDED BY SENATE AMENDMENT "B" (S-237)** thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-154) as Amended by Senate Amendment "B" (S-237) thereto.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "B" (S-237) to Committee Amendment "A" (S-154) and **INDEFINITELY POSTPONED** same.