

MAINE STATE LEGISLATURE

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**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
March 15, 2012

Senate called to order by President Kevin L. Raye of Washington County.

Prayer by Senator Margaret Craven of Androscoggin County.

SENATOR CRAVEN: Thank you Mr. President. The blessings of God and St. Patrick be with you. I am delighted today to be able to celebrate St. Patrick's Day and my own heritage in such a public forum. We have a distinct language in Ireland and lots of Americans don't know that. I'm going to recite our Lord's Prayer in Irish.

Ár n-Athair atá ar neamh,
Go naofar d'ainim,
Go dtagfadh do ríocht,
Go ndéantar do thoil ar an talamh
mar a dhéantar ar neamh.
Ár n-arán laethúil tabhair dúinn inniu,
agus maith dúinn ár bhfiacha
mar a mhaithimidne dár bhféichiúna féin
Amen.

Now I have another uplifting piece for people who didn't understand, but I hope that you enjoy hearing what Irish sounds like. It's called "Give Praise".

Give praise to the power of the Creator who creates such abundance for humankind to live in harmony and peace. Give praise for all the abundance that allows humankind happiness and joy. If they could just see from the divine that is them they would see this and always be happy and joyful.

It's an Irish blessing. Thank you.

Pledge of Allegiance led by Senator Stanley J. Gerzofsky of Cumberland County.

Reading of the Journal of Wednesday, March 14, 2012.

Doctor of the day, Judith Chamberlain, MD of Brunswick.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 663

Ordered, the House concurring, that when the House adjourn they do so until Monday, March 19, 2012, at 9:00 in the morning and the Senate adjourn until 10:00 in the morning.

READ.

On motion by Senator **COURTNEY** of York, the Joint Order was **INDEFINITELY POSTPONED.**

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Order

On motion by Senator **COURTNEY** of York, the following Joint Order:

S.P. 666

Ordered, the House concurring, that when the House and Senate adjourn they do so until Monday, March 19, 2012, at 10:00 in the morning.

READ and PASSED.

Sent down for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act" (EMERGENCY)

S.P. 612 L.D. 1774

In Senate, March 8, 2012, **PASSED TO BE ENGROSSED.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-780), in NON-CONCURRENCE.**

Senator **FARNHAM** of Penobscot moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **PATRICK** of Oxford, 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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise today in opposition to the Recede and Concur motion. This is the Act Regarding the Matching Funds Provisions of the Maine Clean Election Act. We had this the other day and I went home after hearing debate about the 320,000 Mainers that voted for the Maine Clean Election Act that got snookered. As a Clean Election Act candidate, I asked some of the people that I was asking for the \$5 for. Actually four of them happened to be businesspeople. I asked them, back in 1996 when the Maine Clean Election Act was passed, did they have any understanding as to what they were getting into? It was very surprising that everyone actually said yes. They said, "We understand that we're giving our \$5 to you so that you can run without having to have any influence from anyone other than the citizens of the state of Maine." I actually proceeded to tell the people, I said, "Do you guys realize that the citizens of the state of Maine take \$2 million every year and give it to the people running for office?" They said, "Yes." What does that mean, \$2 million? If you divide that by 800,000 voters in the state of Maine, that means every year the citizens of the state of Maine give to politicians \$2.50 each. Another way would be \$5 for an election cycle. That \$5 insures, or should insure, that every elected official that gets elected under the Maine Clean Election Act will only be behold to the citizens of the state of Maine. I, for one, have been proud to run as an elected official because no lobbyist is going to influence me any more than I'm going to allow them to influence me because I am here for the citizens of the state of Maine. To think that the citizens of the state of Maine got snookered. When I talk to my constituents I asked them, I said, "What's the other alternative to the Maine Clean Election Act?" They said, "Privately financed candidates." I said to myself, "How many of the people that give me \$5?" I asked them, "How many of you people donate \$100, \$200, \$250, or \$500 to a candidate?" Believe it or not, none of them do. None of the citizens that I know really have enough money that they want to give that kind of money. It's actually political junkies who are really into the political process or people who have an awful lot of extra money or companies or unions or lobbyists that give all this money. If I want to run for Senate and I need \$50,000, guess what? I don't know of anyone that is willing to give me \$50,000 to run for a race. If they did, most of my constituents said to me, "Well, geez if I give you \$500 I would probably want something for that." I take a look at the two different standards; public financing versus private financing. What has come of our society today if you look at the national level where it takes millions of dollars to run a race and people can donate unlimited amounts of money? It scares an awful lot of average citizens. Here in Maine, what do we do? You can directly give money to a candidate. You can give endless amounts of money to PACs, leadership PACs. Lobbyists donate. To me, it's scary that we're willing to disenfranchise those 320,000 people and not adequately fund candidates for the Maine

Clean Election system because there are two types. There is the public financing system, that I think really works because up to 80% of the people in the state of Maine have done it and a lot of them have done it successfully. There is privately financed. I have no problem with someone running privately financed or traditionally financed or however you want to say it. I will stand here and defend forever that the people of the state of Maine did not get snookered in any way, shape, or manner and that the \$2 million that they put aside every year so that elections that they have and the people that they elect are elected fairly and in a manner that they feel justified, and that they are going to do the will of the people of the state of Maine. I will say one other time. I am proud to be a Clean Election candidate. The thing that scares me most about what we've done this year is that time will tell, and maybe I'll be wrong and hopefully I can eat my words, that at the end of the next election cycle we will see how much money will pour into the state of Maine from outside sources by the hundreds of thousands of dollars to influence races that now we aren't going to have the funds to do so. Thank you, Mr. President.

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

Senator **FARNHAM:** Thank you Mr. President. Exactly. This is exactly why this Body should concur with the other Body and preserve the Maine Clean Election program by only making the changes necessary to remove the matching fund aspect of the program that was deemed unconstitutional by the U.S. Supreme Court.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I take the term used, snookered, as an invite for me to get up. I accept that invitation. Nothing was said about snookering people who voted this Clean Election law. Comments that were made regarding how well the people understood how the system is now working and this bill is about, and was about, adding more money, up to \$50,000 to every Senate candidate. Let's go back to snookering. Why don't we go back and say to those same people, "Do you know what? There are leadership PACs. If I'm a Clean Election candidate, I can also get money from corporations, but will do it around the corner. It's through leadership PACs. I can go around the corner and get money from State parties, through out-of-state influences." I'll bet they don't know that. Let's explain the whole story. Let's not just say how good Clean Elections are, because they are. They serve a good purpose. Tell them the whole story. Explain how, even though I'm a Clean Election candidate, I can still get that corporate money. Only I get it though another way, another door. No one is debating, no one is saying, that Clean Elections are bad. They are not. They serve a good purpose. The issue was do we want to give up to \$50,000 for people to run for office when we're cutting the General Fund Budget, we're cutting MaineCare, and everybody's taking a hit? The extra money that won't be used, \$900,000 plus, by not giving candidates extra money will go towards this next supplemental budget to help balance it. That is where it should go. I don't mind us talking about the issue, but just make sure that if we're going to go back home and talk to people let's go back and tell them the whole story, the rest of the story. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, Clean Elections, I guess it's a hard story to tell, but I think the things we've done the last couple of days we've certainly made it very tough for anyone that doesn't want to accept corporate money to run an election here in Maine. Yesterday we wouldn't even make it so that people have to disclose where the money is coming from. I just think that this Clean Election thing has really been hamstrung. You are not giving Clean Election candidates enough money, many times, to run a really contested race. You are telling them they can't raise any outside money. I really don't know what the alternative is other than to not be a Clean Election candidate. I think it's disingenuous for some of us to get up and say that we hope this isn't a partisan issue, which I've heard a number of times. Somebody, people in this room, has got to have another idea about how they are going to do it because we can look around and there were consistent races that were a lot more than the \$18,000 that Clean Elections is going to give you to run our races. There are people in the room that have got to know that there has got to be another source somewhere to take care of this because we all know that many of our races spent a lot more than \$18,000. You can't raise any private money anywhere else, so how is that going to work? It just is disingenuous to sit here and say that I'm a Clean Election candidate and I know that \$18,000 is going to be significant in many of the races that are going to be run and many of the races that were run in the past.

Finally, I would just say, and maybe some people will not like it and maybe some people will think it's really not that important, that I had a friend. He's still a friend. When I first got involved in what led me to politics, his name was Hilton Hafford, whenever he was asked by the media about why we couldn't get things done in the logging industry he consistently, and you can Google it or whatever and I'm sure you can find it just as soon as I say it, said, "The trouble with the State is that the politicians have been bought and the people don't have enough money to buy them back." I think, with what we're going to do here today with this bill, I can go back and tell Hilton that he's absolutely correct.

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 good Senator was right. We should always talk about the whole story. We talk about the \$50,000 that we were looking to bring the requalifying up to. It is actually \$10,000 less than what matching funds would have given you if people would have thrown tons of money into your race. It would actually save money under the Maine Clean Election system. It was actually less if we had gone with that option. There was also the possibility of going to \$35,000. As a Representative in the other Body and as a Senator, I have consistently been against leadership PACs. I fought hard for PAC reform, for transparency and disclosure, and I have no problem telling all the citizens of my district that I fought against those things that put extra money into the election system. When it comes to PAC reform, election law reform, and all that, I'll put my record up against anyone because you've got to be truthful. I never wanted to be in leadership. I didn't agree

with the Leadership PACs. Heck, I've had times when I've got to go to a lobster dinner just to try to get my sway to get someone get elected Majority Leader or Minority Leader or such leadership. When you get those things, I mean, what does that tell you? Let's get it all out on the table. Yes, there are Leadership PACs. There are all kinds of PACs. There is money that comes into politics. I want to see them lowered. I'd like to see a lot more transparency on some of the reporting bills. This Clean Election thing, we are saving \$900,000. My legislative record has been that I've always wanted to take care of the most vulnerable. I've seen people, over my last 11 years, that wouldn't give a dime to a social program if their life depended on it. Things change and elections have consequences. Now the shoe is on the other foot, so we've got to take a different look, a different twist, at things. Realistically, this bill isn't doing enough for the 30% of the competitive races in the state. It is giving everyone the basic amount that will get you there. If anyone does anything against you, you are not going to have the ability to make that decision whether you need more money or not. You're just going to be handcuffed with a basic amount. Ladies and gentlemen, I think it's still the wrong thing to do. If it comes to those people out in the public that pay the taxes, that gives their money, if we would give them the choice of where they wanted to give their \$2.50 or \$5.00 I think I know where it would go. There are a lot of people that I talked to that are in favor of not giving tax breaks to people, or not giving monies to different social programs. We all have our priorities on where we want our taxes to go, but everyone that I've talked to, every single person, wants to make sure that our elections are as above board and straight forward as they can be. This public financing law, I believe, is the best thing that we've had and it's been diminished in what this bill does. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I won't be rehashing many arguments that we had yesterday, but I do want to say that I have still not received communications from anyone in my district that doesn't want us to strengthen the Clean Election system. The people of Maine really want an electoral process which helps to restore trust in their government. I ask you to think of that as we're deciding whether to remove the strength from our Clean Election system to have a fair process by simply removing the matching. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Farnham to Recede and Concur. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.