

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

In Senate Chamber
Thursday
March 8, 2012

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

Prayer by Pastor David Ouellette of the North Woolwich United Methodist Church in Woolwich.

PASTOR OUELLETTE: Before we pray may I simply ask if anyone here has had the opportunity, for more than a very brief period, to live outside the United States? Of those who have, was it outside of say North America or Western Europe? Nowadays it seems very in vogue to be very critical of the American government and say that nothing works any more and such. If anyone has lived outside of North America or Western Europe, you can really appreciate just what we have. There is no better way to appreciate the amazing system of government that we have than to live in another country. As we pray, I'd like to be thankful and explain why I'm so thankful for this nation. I honestly believe that, in the history of the world, there has never been a nation like this. We ought to be very, very proud of what we have.

Heavenly Father, we thank You this morning for the amazing, really amazing, nation that You have raised up, Lord, and that we have the privilege, because it's not anything that we've done. It's not our birth. It's not our intelligence or creativity, Lord. It's the fact that we were just found ourselves in this nation, Lord. We thank You for it. Lord, we thank You for this amazing state, for the amazing weather today, for just the beauty of our state, and for the beauty of the people who live in this state, Lord. We pray that You would please give wisdom today, Lord. Please give clarity of understanding. Please give clarity of motives, Lord. Please allow us, Lord, today to just do our work to the very best of our ability and beyond our ability with Your help so that the people of this state would really have what they need in terms of freedoms, in terms of health, Lord, and all that is necessary. We ask that we would have Your help in really legislating properly, Lord. We just thank You that we can expect that help. We thank You that You are interested and that You are involved and that You are not a distant, uninterested God, but that You are with us, Lord. We just thank You today and we do declare that we need Your help. We ask for it and we expect it. In Jesus' name. Amen.

Pledge of Allegiance led by Senator Elizabeth M. Schneider of Penobscot County.

Reading of the Journal of Wednesday, March 7, 2012.

Doctor of the day, Richard Flowerdew, MD of Falmouth.

The Chair noted the absence of the Senator from York, Senator **HOBBINS**, and the Senator from Somerset, Senator **THOMAS** and further excused the same Senators from today's Roll Call votes.

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. 646

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 12, 2012, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

**Pursuant to Statute
Administrator of the Unorganized Territory**

Representative KNIGHT submitted the Report of the **Administrator of the Unorganized Territory**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2012-13" (EMERGENCY)
H.P. 1368 L.D. 1847

Be **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Report **READ and ACCEPTED**, in concurrence.

REFERRED to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

SENATE PAPERS

Bill "An Act To Require Notification of Health Care Facilities That May Be Negatively Affected by a Certificate of Need Application" S.P. 642 L.D. 1848

Presented by President RAYE of Washington. Cosponsored by Representative MAKER of Calais and Senators: COURTNEY of York, GERZOFSKY of Cumberland, McCORMICK of Kennebec, Representatives: BURNS of Whiting, McFADDEN of Dennysville, TURNER of Burlington. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **McCORMICK** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Protect Native Landlocked Salmon Fisheries in Schoodic and Seboeis Lakes from Invasive Fish Species" S.P. 643 L.D. 1849

Presented by Senator THOMAS of Somerset. Cosponsored by Representative DAVIS of Sangerville. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **MARTIN** of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act To Assist Maine's Returning Veterans" S.P. 645 L.D. 1850

Presented by Senator SAVIELLO of Franklin. (GOVERNOR'S BILL) Cosponsored by Representative COTTA of China and Senators: COLLINS of York, COURTNEY of York, FARNHAM of Penobscot, HASTINGS of Oxford, MASON of Androscoggin, PLOWMAN of Penobscot, President RAYE of Washington, THIBODEAU of Waldo.

On motion by Senator **FARNHAM** of Penobscot, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS

Joint Order

On motion by Senator **LANGLEY** of Hancock, the following Joint Order: S.P. 644

ORDERED, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs shall report out, to the Senate, a bill regarding management of head injuries in school activities and athletics.

READ and PASSED.

Sent down for concurrence.

Expressions of Legislative Sentiment recognizing:

The Old Town High School Girls Soccer team, which was awarded the 2011 National Soccer Coaches Association of America High School Team Academic Award for the third consecutive year. To qualify for the award, all members of the roster must have a combined grade point average of at least 3.25. The 18 members of the team, who had a combined grade point average of 3.62, are Susie Outman, Ashley Abbott, Ashley England, Meagan Cousins, Sam McLaughlin, Tori Hildreth, Kelsey Hesseltine, Heather Soule, Brittney Tilley, Carrissa Brackley, Kelsey Gallant and Kelsey Maxim; and alumni Annie Cashon, Katie DeShane, Rachel Goodwin, Meaghan Hall, Micayla Hussey and Kari Reeves. We extend our congratulations to the members of the team on this achievement; SLS 588

Sponsored by Senator SCHNEIDER of Penobscot. Cosponsored by Representative: DILL of Old Town.

READ.

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

Senator **SCHNEIDER:** Thank you Mr. President. I rise in honor of some very well learned young women from Old Town High School. I'm not going to give a lot of the background from the sentiment because I would request that it be read in its entirety. I would like to just say I've had an opportunity to speak to these young women, who are not only physically fit, but academically they are fit. It's not often that we get to not only honor them for their achievements in their sporting activities, but also for their

academic success. I was able to have a chance to just speak with a couple of the girls who are seniors, and I asked them if they were going to go on to college. I'm very pleased to say that they are both young women who have high goals in their academic futures in that one of them would like to go on to psychology and the other is pre-med. I really want to congratulate them for their work in their sport, but also in their academics. I would appreciate it if the sentiment could be read.

At the request of Senator **SCHNEIDER** of Penobscot, the Sentiment was **READ**.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the chamber the Old Town High School Girls Soccer Team. Will they please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Regarding Legislative Review of Portions of Chapter 815: Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)
H.P. 1316 L.D. 1791

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Prohibit Bullying in Schools"
H.P. 928 L.D. 1237

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-745)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-745)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-745) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks" (EMERGENCY)

H.P. 1288 L.D. 1747

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-734)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-734) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired"

H.P. 572 L.D. 765

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-737)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-737)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-737) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, To Create a License Plate To Recognize the 2014 World Acadian Congress
H.P. 1220 L.D. 1611

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-742)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-742)**.

Report **READ**.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Subrogation of Medical Payments Coverage"

H.P. 1303 L.D. 1769

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

Signed:

Senators:

WHITTEMORE of Somerset
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren
FITZPATRICK of Houlton
McKANE of Newcastle
MORISSETTE of Winslow
PICCHIOTTI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
MORRISON of South Portland
TREAT of Hallowell

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Filing of Birth, Death and Marriage Data"

S.P. 537 L.D. 1627

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-419)**.

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

READ ONCE.

Committee Amendment "A" (S-419) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HASTINGS for the Committee on **JUDICIARY** on Bill "An Act To Provide Tort Claims Immunity for Out-of-state Regional Transit Organizations That Provide Regular Service in Maine"

S.P. 559 L.D. 1660

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-423)**.

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

READ ONCE.

Committee Amendment "A" (S-423) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THOMAS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish 'The Dirigo March' as the Official March of the State"

S.P. 627 L.D. 1815

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-418)**.

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

READ ONCE.

Committee Amendment "A" (S-418) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend and Clarify the Public Charter School Law" (EMERGENCY)

S.P. 607 L.D. 1762

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-422).**

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
NELSON of Falmouth

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Senator:

ALFOND of Cumberland

Representative:

RANKIN of Hiram

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ.**

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-422) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

All matters thus acted upon were ordered sent down forthwith for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers"

H.P. 1237 L.D. 1685
(H "A" H-744 to C "A" H-732)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED,** in concurrence.

Senate As Amended

Bill "An Act To Clarify Authorization for a Court Facilities Bond"

S.P. 566 L.D. 1667
(C "A" S-417)

Bill "An Act To Update the Career and Technical Education Laws" (EMERGENCY)

S.P. 616 L.D. 1779
(C "A" S-416)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (2/28/12) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention" H.P. 916 L.D. 1225

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-712)** (1 member)

Tabled - February 28, 2012, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 23, 2012, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, February 28, 2012, Reports **READ**.)

On motion by Senator **COURTNEY** of York, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-712) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/1/12) Assigned matter:

Bill "An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act" (EMERGENCY) S.P. 612 L.D. 1774

Tabled - March 1, 2012, by Senator **COURTNEY** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, January 19, 2012, Reports **READ**.)

(In Senate, March 1, 2012, on motion by Senator **FARNHAM** of Penobscot, the Majority **OUGHT TO PASS** Report **ACCEPTED**. **READ ONCE**.)

Senator **ALFOND** of Cumberland **OBJECTED** to **SUSPENSION OF THE RULES** for the purpose of giving this bill its **SECOND READING** at this time.

Same Senator requested a Roll Call.

Senate at Ease.

Senate called to order by the President.

Senator **ALFOND** of Cumberland requested and received leave of the Senate to withdraw his request for a Roll Call.

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

Senator **FARNHAM:** Thank you Mr. President. As Senate Chair and Co-Chair of the Veterans and Legal Affairs Committee, I'd like to begin my remarks by thanking the committee members for their time this Fall discussing this issue and also to thank the Ethics Commission for putting together some options for the committee to react to. As you all know, in response to the ruling of the United States Supreme Court, the committee was tasked with addressing the repeal of the matching fund aspect of the Clean Election program. The committee report has two options, really at two ends of the spectrum. One would allow for two requalifying periods and would increase amounts for allocations and seed money. The other option, which is the Majority Report, only removes language related to the matching funds and suggests no other changes. You should know, however, that the committee discussed all the options and many more options in between, at various different times during our Fall discussions and then again as we've been back in session in January. However, I've come to realize that with election law, especially the Clean Election program, with so many from this Body having used it, the committee report is merely a starting point. I look forward to hearing your discussion on dealing with the matching fund aspect of the Clean Election program.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **KATZ** of Kennebec, Senate Amendment "D" (S-400) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I'd like to add my own thanks to the entire committee that dealt with this issue, particularly Senator Farnham, Senator Plowman, and Senator Patrick for all the hard work that they've done. I offer this amendment to try to make a good bill better. With the elimination of matching funds, Mr. President, we are left with the shell, if you will, of the former election act and the election financing act. It seems to me that there are those races, particularly where a newcomer is running against an incumbent, where the amounts that are left in this law, as is, might not be sufficient to allow for a real competitive race. It's not a Republican issue and it's not a Democratic issue because the incumbent may be on either side. It is in that spirit that I offer this amendment. On the House side of the campaign election funding, it would allow for a modest increase in the amount that a House candidate can privately raise by seed money. On the Senate side, it would allow also for a modest increase from \$1,500, at \$100 apiece, to a total of \$3,000. Further, Mr. President, on the House side, it would have no additional funding for the House candidate if it was an uncontested primary; the theory being they've already been able to raise up to their limit on the seed money. For a contested primary, \$1,500 on the House side. For a general election, \$4,000. The more significant changes occur on the Senate side, again an increase in the

private seed money from \$1,500 to \$3,000; a change in the primary law, recognizing that if there is an uncontested primary there would be no additional funding from Clean Election; and then, in the general election cycle, an increase from \$19,000 and change, which is where it is at now, to \$23,000. There is no magic in any of these numbers about a particular figure, but they are offered in the spirit that, with matching funds now being eliminated, pursuant to the court ruling, there will be those races in which, again, lesser known candidates, whether they be Democrats or Republicans, will need to have, potentially, some additional funding. It raises those limits. This does have a fiscal note in the sense that it is raising these automatic Clean Election allocations, but the glass is really well over half full here because with the elimination of the matching funds, even with these modest increases in the funding, the Clean Election Fund will cost us far less than it has in the past. It's in that spirit, Mr. President, that I offer this amendment. 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, I rise today just to give a little bit of brief history about the Maine Clean Election Act. Prior to 1996, numerous groups took a look at what was going on in Maine with the high contribution limits and the big money in politics. It kind of sounds like what's going on in Washington D.C. right now. A bunch of groups got together to put their heads together to try to come up with an alternative, which came to the Citizen Initiative process in 1996 as the Maine Clean Election Act. Earlier last week we got a piece of paper coming around that kind of showed what the purpose was and some of the ideas behind it. What it didn't say was that within the Maine Clean Election Act bill it had matching funds in the bill. If anyone says that a citizen did not know that, every citizen in the state of Maine has the opportunity, when they go to the polling places, to view the Maine Citizen's Guide to Referendum Election. It has the whole complete bill right there. Within the context of the bill, while going down to the Legislative Law Library I happened to fumble through it, on page 9 I found the section where it says matching funds. Why did they have matching funds? Their concept was that they wanted to have fair elections, that a person could run an election, that they could have the funding that they thought was available, and that was fair. They actually had the foresight to take a look at, numerically, how much does it cost to have an election in the state of Maine. They came up with a number, but then they also take a look at it from the standpoint that there are races that use less money and that there are races that use a lot more money. It's not a one size fits all, but I will say, over the course of 5 or 6 election cycles that the Clean Election has been going through, it has emerged as a wonderful document and it is always being tweaked in a manner, most of the time, probably for the better. The idea behind the requalifying, I think, was a sound idea. At that time they did not think there was any Constitutional problems, which we did find that, with the matching funds, there was a problem. Now that we are taking care of the problem, we're tasked with two questions. Are we going to have, basically, status quo or are we going to do just a little bit, which in my mind probably, with this amendment, may end up more as an incumbent protection plan. Believe it or not, ladies and gentlemen, I've been in the Minority my whole Senate career, so I understand what's going on, being in the

Minority. I would thank the committee for working on this issue. It's kind of a little bit of a weird issue, how it came about. There is the guiding light called the Ethics Commission, who gracefully put tons and tons of time in and gave us actually two proposals. One was one requalifying and one was a second requalifying. I won't elaborate any more because I think there may be more things to come, but the history of this program is a campaign finance tool that has been utilized 30% in 2000 and as high as 79% to 80% since then. It's something that the citizens of the state of Maine actually have grasped because, when I finally took the challenge to decide whether or not to run, I had to say to myself, "Do I want to take big donations from companies, corporations, big donors, and unions?" I said, "No." It was brought to my attention the Maine Clean Election Act and it was easy to say to people that the only one I am going to be beholding to is the citizens of the state of Maine. What we're looking at is that we're going to have to try to do something that's going to make the system better. Thank you, ladies and gentlemen.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise today to support the amendment my colleague from Kennebec County has introduced. First and foremost, I want to go on the record as supporting the Clean Election process, as this will be my third campaign as a Clean Election candidate. It's incredibly important for me to keep this program viable. I rise because I want to preserve the process and I believe that this amendment will do just that. The requalifying amendment, from a distance, seems reasonable, but in reality it may actually dissuade people from being a Clean Election candidate. For people like myself, who run a small business and serve in the Legislature, it's incredibly difficult to get out and collect 175 checks and have them verified in 23 town offices, with wide and varying hours of operation, in order to qualify. As a matter of fact, I'm only home a matter of hours each weekend while we are in session. It is doable. If I had to face collecting another 85 checks mid-stream, which is mid Summer or Fall, during the height of the Summer season, this will be nearly impossible for me and others who juggle running a small business, campaigning, and having a family life. Additionally, under the requalifying amendment, you have to stop your campaign at a time when outside money is coming into your race and it's just too cumbersome. As an incumbent, I want to continue as a Clean Election candidate. Senator Katz, in my opinion, has a workable, viable solution and, for me, this is where principle and pragmatism meet by raising the seed money and increasing initial distribution to a level that I feel is adequate to run a campaign. It gets to be a feeding frenzy at the end of campaign, as you all know. There is no more TV time to buy, no more airtime to buy, and limited newspaper opportunities, no matter how much money you have. I believe Senator Katz's amendment preserves the integrity and spirit of the Clean Election process. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I rise to oppose this amendment because I think it does not improve the bill before us. Maine people have spoken loud and clear on this issue.

They want clean elections. They want private money out of politics. They want politicians who can get elected without ever having met a lobbyist. They want their elections to be run fairly. This bill doubles the amount of seed money, which works against that effort and the will of Maine people. This will infuse twice as much private money into campaigns. The purpose of seed money is to provide you with just enough money to get your campaign organized while you are trying to qualify for Clean Election contributions. It's not to fund the general operations of that campaign. It's to do the little things, like sending a mailing out if you need to to get your qualifying contributions. It's to print some palm cards so when you are talking to people they understand what you stand for. It's for the basic things that you need while you are qualifying. That seed money should be no higher than absolutely necessary to fund those start up operations. As soon as you go beyond that, you are violating the intent of the Clean Election law that was passed by the people of Maine. They want private money out of politics. They want as little of it in politics as can be. The seed money is the compromise. It's saying they understand that you need to raise a little bit to get started, but they are not going to let us raise any more than absolutely necessary. This goes well beyond that. In fact, if you have an uncontested primary you would not receive Clean Election funding for your campaign until June. What that means is that the first half of your campaign or more is entirely private funded. Until you get through that primary in June, you are not a Clean Election candidate. To me, that violates the intent of the people. They want to know that the candidates they are putting up for office, who choose to use this system, are running their campaigns in a way that does not rely on private contributions, that does not leave candidates to go searching for money from lobbyists, so that when they get here they are coming with a fresh perspective and without the influence of money. Doubling that seed money requirement, I think, gravely hurts the intent of this bill and the Clean Election Act and undermines the will of the voters. Finally, I think this legislation is a missed opportunity. Unfortunately, the courts at the federal level in this country are doing everything they can to put money back into politics. They don't seem to mind the system where private interests, corporate interests, and folks who can afford expensive lobbyists, are driving campaigns in this country. I think at a national level we're seeing just how ugly it can be when you take all the shackles off. We're dealing with a federal court system that's working against us on matching funds. Fine. Our job is to go back to the table and to honor the intent of the voters as best we can and find ways to improve and strengthen the system. This undermines it. It puts more money back in politics. The people of Maine deserve better from us. 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, this morning I found myself getting lost in the prayer because of what the minister started out with, talking about our great system of government. I agree with him. We have an amazing system of government, but we clearly have one that the citizens think can be improved upon and I agree with them about that. I'm proud of this state. They saw a problem with the amount of money that was being funneled into elections and they had the will and the thought to bring forward legislation

that would allow us to run without the corporate money involved, like we see continues in Washington. We cannot continue to have a government that is for the people and by the people when it's got such incredible corporate influences. I hope that we will continue to honor the integrity of the Clean Election system. Unfortunately, I want to speak directly to this particular amendment because this particular amendment will not do that. It will not honor that system. What it does is; such a small fragment of money additionally that can be, again, coming from corporate interests versus from a pool of resources that are supplied by we, the people, the taxpayers. It's important that we continue with that system. Yes, maybe you would have to in the future. Perhaps the way to fix this is perhaps to requalify, as the good Senator from Hancock, Senator Langley, suggested. Maybe that is a better way, even if it does take more time. I would suggest that this fix is not the way to proceed. I'd also like to just say that in this Body there are only three people on our side of the aisle and two from my Republican colleagues who have not run under this system. I think we all owe it to the system, because it has worked, to continue to support it and to continue to support the people of Maine, to say we need to keep corporations out of our political system. Unfortunately, we clearly have had a challenge because of what the federal courts have done. I recognize that. I would hope that, as we move forward, there are better alternatives to the one that has been suggested in this amendment. I believe that there are. This is a situation where we are coming to a crossroads and we need to stand up and stand strong for this particular program. I cannot tell you how many of my constituents are incredibly frustrated with Congress because of the amount of money being funneled into the campaigns. Now they've opened the door to PAC money. That is going to certainly influence all campaigns. I would ask that you do not support this particular amendment and that we continue on to find a much better solution to this problem. Thank you very much.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I first ask a simple question. How is this Body, and as legislators, excited to bring more money into politics? The idea of bringing more outside money into politics, does that excite us? Is that going to help the system? Is that going to, all of a sudden, give us selling points to talk to our voters when we go back and knock on their doors? You know what, I went to Augusta this session and what I did is I doubled the amount of money that comes to me through private contributions. It's not important for me to go and collect \$5 signatures. That's \$175. That's stopped. We want more hundred dollar bills coming our way. I just don't see the excitement in that. I don't see the logic in that. I think the people of Maine have spoken very, very strongly. The Clean Election system has adapted itself and made changes over the years. The system has taken money out of its overall system in order to deal with the times here in Maine. That system has been rated, so I guess my first question is that I just don't understand why we're here, looking at an amendment to bring more outside money into Maine. The second question that I ask is to the good Senator from Hancock who brought up a very legitimate concern. He doesn't have the time, potentially, to get more contributions if we were actually about a requalifying system. Again, I'm going to pose a question. How is it logical that he has time to go raise more private money, in \$100 pieces, but doesn't

have the time to go and knock on people's doors to get five dollar bills. I think that is a tough sell. I think that's a tough sell for me to hear and it's going to be a tough sell when I go to the voters in my district and say, "You know what? We don't want more \$5 checks. We don't want more engagement from voters. We don't want more private money." The viability of this system, with this amendment, I just don't see a one size fits all system as a good system for the state of Maine. The Clean Election funding has changed. We understand that. We have to make those changes. I thought the committee did a wonderful job talking about all kinds of options. There was a report that said let's do nothing and another report that said let's do a requalifying option. Where I get stuck is how this one size fits all is innovative and how it's flexible. It's not. It's like we're all robots and we all get this amount of money, regardless of if it's a contested race, regardless of if it's a competitive race, regardless of if it's uncontested. It just doesn't make sense. It's very black and white. I get it, but that's not how elections are. We know that. We've all run many elections. Some of them are highly charged, with money coming in from all over the place. A one size fits all system is not one that I think will work. I think over time it won't be 80% of us that are running as Clean Election candidates. That's going to keep going down and down and down. What we will do is we will be just like many other states, many other states. I'm not proud of it when I hear from them how much money it takes for them to win elections. Tens of thousands of dollars, hundreds of thousands of dollars from my Senate colleagues across the country. They scratch their heads, wondering: how do you have such an innovative system? How do you guys have something that is so bold and strong? I tell them the voters put it out to us and we adopted it and we keep making the system stronger. This is making the system weaker. We're going backwards here and it saddens me because what we will end up with over time is just a system that is no longer relevant and we will have private dollars funding every single one of us. That is not what the people of Maine voted on. Thank you, Mr. President.

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 Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, having sat on the Veterans and Legal Affairs Committee for 8 years, the history of the progression of spending in Maine Clean Election is not probably what the people of state of Maine thought they were voting for when they put this on the ballot. Until recently the way we figured what a campaign would cost was to take the average. If someone spent \$100,000 on a Senate race, that was figured in and each year the amount given for a race went up; not by a percentage or two but by a great amount. Pretty soon we had gone from \$12,000 or \$14,000 a race to well into \$20,000 or \$23,000. Not counting matching funds, sometimes as high as \$50,000 and \$60,000 for a Senate race, with the equivalent kinds of changes going on in the House. If the people had understood the way that this fund would grow, I would question whether they would have put more limitations themselves on what had gone on. With respect to seed money, corporations still cannot contribute to seed money. Therefore, you are still approaching individuals. You are still approaching

individuals for an amount of \$100. That hasn't gone up either. What has happened is that you may approach more individuals, as many as 30, if you are running for the Senate, as opposed to 15. With 30,000 and some odd people in my district, I'm not real good at math, but I think there is a point zero zero something in there. What I have a hard time with is trying to explain this to someone who says to me, "I can't afford my groceries this week. I'm cold. I need new tires." The saddest accident I ever heard of was a man who died over in the Ellsworth area last year because he couldn't afford the four new tires. His whole family died. We have the gall to stand here and say, "I can't do with this. I need to be able to run a quality campaign and get my message out and you should make sure that that shrinking part of the pie is big enough for me." None of this suggests that it is dirty money going into anyone's campaign. If it wasn't dirty at \$100 and if it wasn't dirty at \$1,500, show me the line that makes it dirty at \$100 and it is 30 people instead of 15? Show me that line. If you can be bought for \$100, shame on you. You shouldn't be bought for a price at all. It's like a child saying, "Keep my hand out of the cookie jar, please." I don't have a problem with that, but I do have a problem, and I understand what the people wanted. I have to tell you, I've got a lot more people who are angry about not being able to keep themselves and their children warm or fed than they are angry about worrying about whether you have enough money to run for the office. God bless you all.

I will tell you that there were several things that were brought up before our committee. One that was rejected handily was that there would be no money for uncontested races. One of the other ideas that came before our committee, it sounds like one my colleagues would like, is that there would be a board that would decide that one size doesn't fit all and they would decide if you had a race or not. They do this in another state. Would you like that? Would you like to have to go before somebody and they would say, "You don't have a chance, so we've just decided you're getting the absolute minimum." I think we already have that problem with some people. They already get knocked out of the race early on because somebody decides they don't have a chance. Wouldn't you hate to be the board? Wouldn't you hate to be there when the public statement comes out that the board decides Candidate A has a tough race and you can't give him enough money to win? That's the kiss of death. That is an option if you want to have some other option as to how you can decide how much money you get.

One of the other things I have a problem with is that the decision in the Arizona case said that, no matter how tough your race looks, there is nothing fair about how much money you should get. We can't guarantee fair. This requalifying option, to me, is sort of getting back at that fair thing. What comes back to me every time is that I have a lot more people who are asking me how to feed their kids, get back and forth to work, how to heat their homes, how to pay for their health insurance, and how to help the family members that aren't making it either. There seems to be a huge storm out there, brewing around whether we need to give ourselves enough money to make ends meet on our campaigns. I don't have a problem with saying that I would rather the people in the state of Maine got to make ends meet before I worry about a campaign making ends meet. Thank you, Mr. President.

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

Senator **JOHNSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, there has been a lot of talk about people who cannot afford to put food on the table. I've certainly met my share of those in my district. The reason I'm not in favor of this one size fits all approach is that it's going to end up ratcheting up costs of elections. I have a choice about who I ask and who I expect to support me in an election. I will not take money from someone who's not going to be able to put food on the table. I won't even ask them. I hope that no one is suggesting that politicians don't have that level of judgment in how we deal with people. The people of Maine voted years ago for a Clean Election system that did have fairness as one of its core principles. I don't believe that we should give up on trying to keep it fair. In fact, I would argue that if we are deciding simply because a race is contested, or if a race is not contested, that we're going to pay people more who have signed up to be part of the Clean Election funding, then we are ignoring two things. We're saying that the people will have no voice in who they want to support and how much they want to support them in their campaign, such as the requalifying option would provide to the people. We're saying that we would rather, in order to protect Maine people from having to spend money on campaigns, find the money elsewhere for those campaigns that are not Clean Election funded, which will drive up the cost of what is competitive and what is not competitive in electing people. You will either have a loss of effectiveness of the Clean Election system or we will have to continually increase the amount of funding we provide for someone to have a chance to be elected through contributions and efforts and support of the people as opposed to funding from elsewhere. I strongly support our providing people that kind of voice instead of simply pushing the cost up. I believe firmly that if we have time to visit our constituents, to find out what is on their minds, and to find out how they feel about issues, we also have time to ask if \$5 is something that they would be willing to contribute to a campaign. I would suggest that requalifying is not something that we don't have time for unless we don't have time for listening to the people and talking to the people in the first place. The fact that 80% of this Body, in fact of the Legislature in general, has utilized Clean Election funding means, obviously, there is a great deal of concern amongst all of us here today whether Clean Election will work. I will argue that if we want to keep it fair, if we want to keep costs reasonable, if we want to keep it working for the people of the state, that we should, instead of ratcheting up the amount of spending, be looking at a way of giving the people a voice in how much they are willing to spend to support campaigns and we should do that through a requalifying option instead. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO**: Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, have run Clean Elections at least 5 times and I do believe it's extremely important that we preserve this process. However, when I made the decision to run Clean Elections I knew additional money could be put into the campaign against me. I accepted that fact the day I signed that piece of paper, knowing that if I lost it was because of money and not because of my actions by knocking on doors and the things I did. I remind people as we sit here, and I have been reminded, that this was put in place by the people. If they want to have the additional money they can start a petition and have that

requalifying put on there as a petition. I think you may be very surprised at the answer you get. Money up here wins the elections. Well, to me, nothing beats at winning an election than getting your feet out there, knocking on the door, and making the contact. Not asking for \$5, but simply saying, "I'm your candidate, I'd appreciate your support." I think we all would agree that recently money makes no difference in an election. Finally, I would suggest that if we're sincerely than let's do away with Leadership PACs. That's where the money comes from. Let's take care of them, because you are all involved in them. I might be in the future. Let's get rid of them. Finally, I believe the effort should be done up front. I believe my brother from Augusta has done a wonderful job in offering a compromise in this solution. Thank you very much, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL**: Thank you Mr. President. Men and women of the Senate, I rise today to speak about the amendment that is pending before us here today, not the underlying bill. I think both sides were guilty of that, but, that being said, I have two real concerns about this amendment. One is that I view it strongly as an incumbent protection. It will favor incumbents, Democrats and Republicans. Challengers need the opportunity to be able to raise more money and/or receive more money because inevitably incumbents will have more resources in their favor and they have name recognition. As someone who challenged an incumbent, I realize this first hand. That is a real concern of mine. In addition to that, I also have a technical concern. I think, as we've all heard today, this bill is clearly not going to pass with two-thirds. This amendment addresses the 2012 primary campaigns as well, when it goes into effect, it will be well into the General Election. I'm not sure if this issue has been thought out thoroughly and discussed, but it is something that we should really take into consideration and I would argue that today, or maybe even Monday, this bill is not ready for prime time and we ought to slow down and figure out how we're going to deal with this. Mr. President, I thank you for the time and I would argue that we should address these concerns before passage of this 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, I, too, stand in opposition to this because I do think it's more of an incumbent protection plan. I apologize for rambling on a little bit earlier. I did have to work last night. I worked straight through the night until 5 o'clock in the morning. I got a couple of hours sleep and came down here. When I'm that tired I don't speak quite as eloquently as I normally would. I just want to give a little bit more history on the concept of the Clean Election Act because it leads up to why I think the amendment falls short of taking care of the issue. In January, the system kicked off into gear and the first round of candidate filed declarations of intent and began collecting qualifying contributions from the voters. About one-third of the legislative candidates used Clean Elections that year. In a comprehensive survey of Maine Citizens for Clean Elections showed that they were generally very satisfied with the system. They wanted to use it again and would recommend it to future candidates. However, some problems were revealed that were

addressed by the Ethics Commission in the 120th Legislature including; clarifying the rules, using money orders for qualifying contributions, adding in a modest contributions for uncontested General Election candidates, and strengthening the expenditure guidelines in response to one candidate who inappropriately spent funds at fancy restaurants. I'll just touch upon that. I think what the system does is really straight forward and there have been those, since the inception, that have violated the trust of the people's public financing and have actually gone to jail because it was the citizen's money. They deserved to go to jail because they messed up big time. The system works. The checks and balances work. In 2002 participation by legislative candidates doubled and several candidates, one Republican and one Green, used Clean Elections in a Gubernatorial race. Another survey after the cycle reinforced the candidates' concerns. By 2004 participation was up nearly 80% and the appeal of candidates from all parties was well established and the increasing role of negative outside spending was again the biggest concern. After each and every election cycle administrators and advocates made recommendations for positive changes to Maine Clean Elections and legislators put forth many of their own ideas. In general, the legislative response appropriately and steadily improved the law by strengthening reporting requirements by expanding the definition of independent expenditures to capture more election airing, tightening up the timeline for reporting, increasing reporting by PACs and parties, increasing accountability by clarifying the rules surrounding money orders, requiring audits, adding a section of revoking certification as a Maine Clean Election candidate, banning payments to spouses or household members, tightening the rules on payments to consultants and other vendors, strengthening the Ethics Commission's hand in enforcement, and improving the method of determining distribution amounts. While the trend has been towards changes that strengthen Clean Elections, other measures have weakened the original law. For example, contribution limits for privately funded candidates that were set in statute were raised an indexed for inflation and just one year later the contribution limit of Gubernatorial candidates doubled. More money coming into the system in only 10 years. Just amazing. The Maine Clean Election Fund, which the citizen initiated law set up as a separate dedicated non-lapsing fund, has been raided by several Governors and Legislatures and the funds were used to pay for other State programs other than what it was intended. At least \$3 million is still owed to the fund and that does not include the substantial interest that would have occurred to the fund had it been left intact. When the state government had surplus funds that could have been deposited to the fund to repay the borrowing, instead it went into the Rainy Day Fund. The method of appointing Ethic Commissions were made more partisan and the new method was responsible for long delays in filing seats. Fortunately, the statute was amended again to reduce the change of extended vacancy. Distributions to candidates had been lowered several times. The result is a system is that is less viable to some candidates. If this trend continues, the system risks becoming nothing more than an incumbent protection program. Failing to adopt the requalifying option will weaken the program that has been such a success and benefited so many in its first decade. Many used this as a step towards eliminating Maine Clean Elections altogether. That's been part of some people's agenda all along. Why? I don't know. Other states have Clean Elections, Connecticut being one of them. Connecticut happened to be the first state that has Clean Elections, to have a Clean

Election Governor. That was some of the dialogue that has come through our committee, that it's not viable to have a Gubernatorial candidate. What did they do with their matching fund option? They, too, were in conflict. Where Maine has three distributions under the matching fund system, which have probably raised the total up to about \$60,000, what Connecticut did was raise their level up to the maximum possible amount for every candidate. To me, that is totally egregious because that is contrary to the system as well. We all know that the way the system works is that 100% of the people get the initial distribution, which in most cases is adequate. Probably for 15% or 20% of the people, they actually get more money than they need. A lot of them have echoed that they feel good that they ran their campaign with less money, which is a good thing. I like to give money back because I don't want to spend any more of the citizen's money than I have to. What this is about is there are about 30% of the races that need more money because of competitiveness. They don't need the full amount. Half of the 30% need about half that amount. The reason to have requalifying rounds is to actually help those 30% in a manner that is constitutionally sound. The reason the thing was rejected in the first place was that it trampled on First Amendment rights. What the amendment doesn't do is have that requalifying round. I'm starting to talk on something that I shouldn't be and I will bring it up a little later on. What I'm saying is the Ethics Commission, basically, got together before the legislative committee did, the committee of jurisdiction, with all of the stakeholders that had a say in if they wanted to make the Clean Election Act work and did they want to correct the problem with the constitutional conflict. That group, all those groups, got together. Many stakeholder groups got together. The same ones that initiated the act. They brought it forth to the commission on many occasions. What they came up with was two recommendations. The most important one was the requalifying option. Not having a requalifying option like this amendment has is not the way to go, ladies and gentlemen. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I felt compelled to stand again on this bill. The reason is that I was a voter, and only a voter, back in 1996 when this was passed. I had no thought of running for high office in this state. None whatsoever. I felt that it was important to rise because I felt that the voters, including myself, a bit insulted to suggest that we didn't know what we were voting on when we went in that voting booth. It's really interesting because we used to meet oftentimes for coffee and things like that down at one of the local stores in Orono called The Store. I remember discussing this initiative with people and how excited they were that they wanted to get the money out of politics and to do that, regardless of the cost. It commonsense to know that elections, as we continue on, cost more and more money. To that I, as a voter, didn't know what I was voting on is just not accurate. I just wanted to stand for those voters out there. Somehow we think that somehow we know better than they know. I don't believe that. I think that the voters did what they thought was best. I think they knew what they were voting on and I, as one of them, can speak personally to that. I definitely knew. I also want to speak to the fact that if voters had a chance to vote on that then we should send it out to the people and let them vote. We might be surprised at their vote. I think the surprise would be that they

will support this and they will continue to support this because they know what they see in Washington. Congress has a 7% approval rating right now, which is pretty pathetic. A lot of that has to do with the fact that the people feel that they've lost their voice because there is so much corporate influence there. I felt it was important to speak to those key pieces, to say, you know, I was a voter back then and I knew absolutely what I was voting on. I support it and I know a lot of people who have sent me e-mails currently on this very thing. I know that they are not interested in this amendment because they think that it's not going to be able to keep up and make the system fair. That's why I'm speaking. I came to this Legislature to be a voice for the people and that's what I'm doing today. I'm standing up and saying please don't vote for this amendment because it will not help the integrity of this program and it won't help us move forward. Thank you very much, men and women.

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

Senator JACKSON: Thank you Mr. President. Ladies and gentlemen of the Senate, it is very appropriate that I get up after the good Senator from Penobscot, Senator Schneider, because I think she hit the nail on the head. The one thing that I've probably learned in this Body more than anything is that when something goes out to referendum and the people speak you really ought to let that be your guiding light or don't touch that. We've seen it consistently on this side of the aisle with the tax reform package. The voters spoke clearly. They didn't like that. Last year, with the same day voter registration, voters spoke clearly that they didn't like that. It just goes on and on. Whenever it goes out to the people in referendum, we really should make sure that we stay with the intent of that. I do think what the good Senator from Penobscot just said about people not wanting the influence in Washington, but I also think that it plays out here in Maine just as well. I think that is what people wanted.

This amendment, while it probably helps a little bit, is disingenuous in the fact that it really isn't going to be the intent of what the voters wanted. Quite possibly some of the things that people have said about how people didn't know it was going to go up to this amount, maybe they didn't. That's all because of the money that is flowing in and independent expenditures. I'd be the first one to say in a heartbeat, if there was a way to stop that I would do it right off because the initial amount of money that we receive, I think, is adequate to run a campaign. I'd be happy with that. You don't know what's going to happen with these Super PACs and PACs and stuff like that, that comes in. I'm just speaking from personal experience, but that baby tax, ad or whatever, brought \$10,000 to me in matching funds. I didn't ask for that. It was sent to me and certainly I tried to counteract the effect of that. An extra \$1,500 or whatever for seed money is certainly not going to be able to provide for a mailing at the end of the campaign.

Quite honestly, coming from the House, this amendment, I think, does nothing to help House members, which is important too. I can't stand on the Senate floor and just disregard people in the House for all their work. I represented a House District that was as big, if not bigger, than many of our Senate Districts. You are not going to get anything on their primary that is uncontested. Don't believe that in one of these primaries, even though it is uncontested, that somebody couldn't come in under a write-in and steal an election like that. I've seen things that quite possibly

could happen with that. You do have people that try to run write-ins and, quite honestly, a lot of people don't understand the primary process and a lot of people don't go out to vote for it. I think that it's probably not a good thing to not get any money for a primary because even though it's said that you are not contested, I believe that you might honestly in some cases be contested.

We have very high gas prices now. That is going to effect campaigns, especially in the rural areas. I bring it back to people out there in the street. I think they are complaining about heating prices. I know they are because I complain about them myself. They are complaining about losing their health insurance coverage. They are complaining about a lot of things. There is a lot of frustration and a lot of people that are not getting the American dream as they believe it to be. I think, I honestly think, that that's why many of us get elected. I think that a lot of people look at someone and think, "I'm going to support Clean Elections because you're the only voice that I'm going to have in Augusta." I don't care what anyone says, if we didn't have Clean Election system, if we didn't have something else, there probably would be a different face in this Legislature overall. I think that's why the people of Maine support it. I just can't stress that enough. I really, really think that that's why. Yes, they are hurting for a number of things, but I think the people that are hurting will also support Clean Elections because they think that, in that case, it's their only shot at getting any voice down here. I know it is, because that's why I ran. I didn't feel like I was being represented. I went on the second floor with a group of my colleagues and met with the Governor. I had industry people come in and we were treated as criminals because the industry people said that we were just riff-raff that didn't want to work. I think, again, that the people have spoken on this. They want a Clean Election system. This is doing nothing to help that. Certainly in the House case it's hurting it. I just think it's a travesty. We shouldn't try to sugarcoat this. If we're going to kill, let's just kill it and not make people think that we did anything to save it because we're not.

One final point on the requalifying. The initial getting the checks is hard. I'm down here all week during session. There is no going back and forth for me. It's a challenge. Yes, it is, but over time people have made attempts. The online qualifying of checks is a huge thing. There are more and more people starting to feel more comfortable with providing their credit card information on a secure site. I think that will help a lot. I know I've seen, just in the last two elections, doubling of the amount of people that will do that now. I do agree with Senator Langley that it's a bigger challenge to go out and requalify, but it's a challenge already. You've got to put some work into it and I'd rather be able to do that and I think most people would support that as opposed to just limping along with the system. We're saying it's Clean Elections, but in the end people can spend as much money as they want against you. You'll have no way to counteract that. The driving thing to this is if we could get all the money, independent expenditures, out of Maine. We wouldn't have to increase it at all. I don't think there is a way to do that that I've heard. I certainly would support that. We can't even find out, many times, where the money is coming from that's being spent. You can't even tell people who are spending the money against you. I just don't think that this is what the voters wanted. I think that we are kidding ourselves if we think that this does anything to help. I certainly, as far as the amendment, think it's hamstringing the House and I don't think that's right for House members.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I thank you for your patience and I won't belabor this. I just have a couple of additional comments I'd like to make. Listening to some of the comments here this morning, I've had to go back and reread my amendment to make sure that it does what I thought it was doing. I've heard that it gets dirty money back into politics. It gets corporate money back into politics. It gets big money back into politics. I checked and that's just not the way I see it. What it allows us to do is to continue to collect \$100 contributions from our family and our neighbors and our friends. It just increases the number of those family and friends slightly that we can do. Why do I want to do that? Why should we do that? In my view, it's so the taxpayers won't have to spend quite as much. I'll give you that in just a second. It also slightly increases the public dollars, not to help incumbents. That's not the reason for this at all. If you start an election as a challenger, with no name recognition at all, and your challenger is already done it, you need the money just to be able to get out there. Incumbent protection would be doing away with any funding, saying no one can spend any money. Everybody knows who we are in our communities. They don't know who our opponents are. I view this as incumbent protection at all. Lastly, Mr. President, I would suggest that we are not making this decision in the vacuum. I know there is this amendment. All of us are getting over the edge a little bit about what we know might be coming. The alternative to this is spending more money, more taxpayer money, on us, on those of us who are sitting in this room and those of us who would like to sit in this room. That's what the alternative is. Two weeks ago we were in here, painfully for all of us, cutting medical services for people, cutting higher education spending in this state, and knowing we weren't appropriating enough for roads and bridges. Now we want to put more public money for us? I hope not. 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, first let me say that, regarding this amendment and other discussions today, I'm not a Clean candidate. I've never been one and will never be one. Clean Elections candidate I should say. So amended. I think it's time for us to be honest. I think that the people of Maine have been snookered. I think the Clean Elections that they voted for is not what we have now. I mean the concept of it was what we all understood and what the people voted for. It started out pretty good, but there is nothing in the current practices that keeps corporate money, big money, out of our campaigns. Those of us with Leadership PACs, we all collected extra money. That all went into people's campaigns. Out-of-state money came in and the last election was no exception. Huge amounts of money came in, \$80,000 to \$90,000 per race. That came in. How does that mesh up with the concept of Clean Elections, the concept that the people of Maine think that they voted for? It ain't happening. It's time to tell the people the truth. What they think we are running under when they say Clean Elections that just is not the reality of it all. That's not the truth. When you add up the Leadership PACs, you add up the in state money, and the out-of-state money, we end up with a totally distorted, what we think is,

Clean Elections. This amendment, and any amendment that adds one more dollar to the candidates, I will be opposing because I think it just extends the myth. It extends the fantasy of what the people of Maine think we're doing. Whether it's \$4,000 more, \$25,000 more, or whatever it is, I don't support it and I don't think the people of Maine, who are struggling to get by, can afford it either. We know how they are struggling. Trying to get by on a third of that amount of money in some cases, and sometimes less. We're willing to come up and vote for more money for us to run and other people to run for political office. The concept is not what the people think it is. It's time we told them that. We also know that we've been going through serious cuts, as we've heard this morning. Serious cuts in our budget. We know what that means. How can we possibly add more money to campaigns? I want everybody here to think about that. Think about what we're really talking about, what we're really doing, versus what the people think we're doing. It's time to tell the truth, Mr. President. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Arostook, Senator Sherman.

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I thank Senator Diamond for his example of integrity. I thank you for your words of what is taking place in this state. We know there are going to be hundreds of millions of dollars because of what's taking place. I will add no more to what you said, except that you are exactly on.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have concerns with what we're implementing in this bill to address the concerns and problems with a ruling laid before us by the court in which the court was concerned about chilling the effect of corporate spending in politics. For that reason, Maine had to take away the matching provision which was the method, until now, by which the people of the state saw some measure of fairness. I agree there are still problems with large amount of spending by third parties and we're not addressing that today. This amendment does nothing but allow for removing a chilling effect on spending by corporations and yet, because candidates are working within the allocated spending of Clean Elections if they are a Clean Elections candidate, what we are saying is that it is okay to chill the effect of our citizen's spending and what they choose to spend on elections. The average citizen is not bankrolling some big PAC somewhere and has no voice without a requalifying option as to what they want to spend on elections. I would say that it's not spending money on us that we're asking for. I certainly haven't gained anything from it. In fact I've spent a lot of time and a lot of lost hours from my regular job that I'm not compensated for and a lot of gasoline running the roads to go out and meet the people in my district. What we're talking about is what the people of Maine chose to spend on an election process in which they can place greater trust in the integrity and the intensions of the people, as well as the process, that they are looking to elect. We don't need the kind of feeding frenzy that's going on at the federal level today. I think this amendment fails to give the people the same voice as we're being asked to give to large spending in the process. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I want to clarify that not a single proposal being offered here today, with this amendment or others which are perhaps being referred to, seeks to add additional money to the Clean Election Fund. Money has already been appropriated for Clean Elections and the question is how to use that money or whether to use that money. There is not one single proposal that is to be rolled out today that's asking for any additional appropriation. Secondly, let's remember what Clean Elections is all about. This isn't about us. This isn't being done for us. The people of Maine didn't go out and support Clean Elections because they wanted to support us. They did it because they wanted to make sure they had the same voice in this process as people who can funnel hundreds of thousands of dollars into elections. They voted for Clean Elections because they want to make sure that we have a campaign of ideas by people who are hard working and care about the issues instead of having campaigns that are driven by corporate America. That's what they voted for. What we're talking about today is how we best support that effort, how we best support the will of the people of Maine to make sure that our elections are true campaigns of ideas and we get the corporate money and the special interest money out. That's what it is about. This amendment doesn't get us there. I hope you will oppose it.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, quite often I am in agreement with my colleague on the Transportation Committee, the good Senator from Cumberland, Senator Diamond. Sometimes we agree. Sometimes we disagree. In this particular instance he hit the nail right on the head. He's right. I've never been a strong proponent of the Clean Election Act only from the standpoint that there are millions of dollars dedicated to candidates, regardless of what side of the aisle we're on. We are facing dramatic cuts in the next month to the Department of Health and Human Services. In all good conscience, we say to these cuts, "Well, we've got to make these cuts to balance the budget and a host of other reasons. Before we make those cuts, I want the \$20,000, or whatever it is, from the Clean Election Act to fund my campaign." Ladies and gentlemen, that's just not right. Think about the significant cuts that have to be made within DHHS that are affecting people's lives across the state of Maine. It's just not the appropriate thing to do. I'm opposed to this amendment and will be voting against it. When you think about where we are compared to other states, other states are going through the same crisis situations and hopefully it won't be as bad here in Maine. We've got to demonstrate to the folks back in our districts that we hear them and that we're not going to be allocating additional funding for the Clean Election Act. When you consider the fact that so many are hurting in Maine, I can think of many ways to be spending the money. Aiding folks to heat their homes. All kinds of reasons. We could be reallocating this total amount of money. We talk about PACs, Leadership PACs, whatever. We all know, in this room, that there is corporate money coming in to our campaigns. Who is fooling who? It's there. It's being spent on our campaigns. Most folks back home don't realize how this whole

thing works. I think we are the representatives of the people. I think we've got to be acting for their best, for the best behavior of us, in conjunction with the good folks back home that we represent. 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, again, from what I understand, there is no additional funding. This bill is already committed to the Clean Elections system. It's a little surprising to me how we'll talk about DHS cuts whenever we're talking about the Clean Election system, but you know we've never really had as much discussion around them on the budget on the floor here. I would say 100%, let's not kid ourselves or anything like that. If that is the case, we're not stopping the money coming in under Super PACs and all that. If we really want to let the people know than let's just table this, get an amendment, and send it back out to the voters to clearly explain to them. If you want a Clean Election system that somehow gets money back in whenever PAC money comes in and tries to distort anyone in this Body or anyone that is running for the elections. Let's put it back out to the voters and be very clear about what they've got here. Do they have a system that tries to get people elected that doesn't take special interest money? I would not have a problem with that. I think that is what we should probably do if that is what people's argument is. What we're doing here today is nothing but lying to ourselves about a system that the people actually instituted. Let's send it back out to them again and have them vote again to see if they want to keep this or not. Let's not lie to each other.

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 kind of wonder why in 1996, and prior to 1996, many groups got together to want to form the Maine Clean Election Act Public Financing. I think it has something to do with big dollars coming into politics. That is the only reason. Big money coming into politics and the influence that it had then and it still has now, especially in the federal politics. I don't know about you, but I've had many candid conversations with my citizens and some of the things they say about our national politicians, and us included, I can't repeat here and I wouldn't even repeat in front of other adults. As a matter of fact, at one point I was accosted in Wal-Mart where a couple of retirees came to me and said, "Senator Patrick, come here. I've got the answer." I said, "You've got the answer to what?" "The problems in Augusta and the problems in Washington D.C." I said, "What is that?" I'm on the Inland, Fisheries and Wildlife Committee and I think they knew that because they said, "What we've got to do is put a bag limit on corporate CEOs and politicians."

THE PRESIDENT: For what purpose does the Senator from Penobscot rise?

Senator **FARNHAM:** These comments are not germane to the amendment that has been proposed.

THE PRESIDENT: The Senator would be advised to confine your remarks to the amendment before us.

Senator **PATRICK:** Thank you Mr. President. The reason I'm voting against this amendment is because the citizens came to me in Wal-Mart, stating their reasons why they didn't like this amendment. It happened to be that they want to have a bag limit on CEOs and politicians. I took that as a reference that they were disgusted. The 7% rate for politicians in Augusta and the way we are. I actually explained to them that we actually get along pretty well together here in Augusta and probably 5% of the time we disagree. I'm probably being a little more generous, but I always like to be on the positive side. I, myself, ran all five times. Yes, I knew how much money I was going to get and I knew that there was a possibility if someone threw some money against me I might get some matching funds. I have always been one to say that I want to get elected on my own volition and not what anyone else does and not what anyone says about me or against me. I don't care about that. I want to get elected because of me. I've always told people and parties to stay out of my race and let me win or lose it on my own. The money in politics, guess what, ladies and gentlemen, elections have consequences. The reason people are willing to put their hard earned dollars on the line, the little old lady that only gets \$200 a month gave me \$5 and said, "You're going to have to wait for the first of the year because I want to make sure I have a politician that I can believe in. One that is publicly financed." I understand that. I don't want no big dollars from anyone. I don't care. It's those little old ladies and those little old men that come up with the \$5 because they are the voters. They are the ones that understand what's going on in the State of Maine.

THE PRESIDENT: The Chair would remind the Senator to please confine your remarks to the Amendment before us.

Senator **PATRICK:** I would say, with this amendment, what price do we put on democracy? Does this amendment actually do anything to better the bill? The Ethics Commission's recommendation number one is close to the status quo. Jonathan Wayne, the Director, said the status quo was unacceptable and I would say this is close enough to the status quo that I think that is unacceptable. The recommendation number two, we need prompt action. We need prompt action because election is in the process right now. We're all running for reelection, or have decided not to run for reelection, so we do have to do some things. To stay in line with the purpose of the Maine Clean Election Act, if you just think through the whole process, the amount of monies that would derive, that were supposed to be put in, is \$2 million every year. We wouldn't be talking about spending a dime more than what we have now because the money was there. Guess what? We stole it and gave it to somewhere else, where probably the citizens of the state of Maine didn't decide they wanted it to go there. We're probably going to have other options to look at today. Maybe not. Maybe it will get indefinitely postponed or not. I don't know, but I'm saying that I believe, in my heart of hearts, this may do a little bit, as the good Senator from Aroostook says, but does it do what is line with the philosophy of the Maine Clean Election Act? I can proudly stand here and say that no, it doesn't, and I won't talk again until the next one comes up. Thank you, Mr. President.

THE PRESIDENT: The Senator from Penobscot, Senator Schneider, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **SCHNEIDER:** Thank you Mr. President. I thought it was important that I rise again because of some things that were spoken about which implied dishonesty. I can assure this Body that when I go out and speak to my constituents I am extremely honest about the system. In fact, often I prefer to speak to the Clean Election system as taxpayer funded because I think it better signifies what we're actually supporting. It is really disturbing when somebody says the people have been snookered. People are not stupid. The people of this state are intelligent and thoughtful people who understand just like we do and to expect or assume that somehow we are above them and we know what's going on with PAC money and influence coming from out-of-state is absolutely ridiculous. People know. They also know that we have no way to stop the PAC money coming into the state. If I could wave a magic wand today and get rid of corporate money in politics I would do it immediately. To suggest that we are being dishonest because of that is outrageous. I thought that it was important for me to speak because I know the people in my Senate District would be really angry to think that somebody in this Body would think that they could be so easily snookered. It's not so. They know that we are doing the best that we can, given the problems with the federal regulations that we have to adhere to. I also sometimes agree and disagree with people on either side of the aisle and I'm not afraid to speak up when I think somebody on my side of the aisle is incorrect. They didn't hit the nail on the head. They missed it entirely. 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 oppose this amendment because I think that we already do due diligence to earn our Clean Elections dollars and democracy counts and we should be happy to pay for our democracy and to be happy to allow ordinary people, especially women, to qualify to run for public office. Not that I'm a great gift to the public, but I would never have run because I didn't have the connections, I didn't have the ability, I didn't have the knowhow to get private monies from anybody. Having an opportunity to run Clean Elections, there were many, many people who supported me and who made sure that I, as a woman from a low income family, was able to run for public office and I did and I won. I just would like to say that there are over 12,000 voters every election cycle who give their \$5 because we ask them directly. We say, "We need this to qualify for public monies. This is public taxpayer money." They understand that. They are very, very clear about that and they are proud to be Americans, to be involved and engaged in our democracy, to make sure that we follow in the footsteps of our founding fathers that thought that ordinary people could spend time in the public sector to represent their constituents and their income brackets. I find it very offensive as well when people talk about constituents who can't afford paying for their tires or who can't afford paying for their heating systems when they vote, whole heartedly, to cut funding for those people and to cut the match that we get from our federal friends to make

sure that those people get those benefits. Thank you very much, Mr. President.

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

Senator **BRANNIGAN:** Thank you Mr. President. How do you spell snookered?

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz to Adopt Senate Amendment "D" S-400. 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 (#363)

YEAS: Senators: KATZ, LANGLEY, MARTIN, MCCORMICK, RECTOR, ROSEN, SAVIELLO, SHERMAN, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, JACKSON, JOHNSON, MASON, PATRICK, PLOWMAN, SCHNEIDER, SNOWE-MELLO, SULLIVAN, THIBODEAU, WHITTEMORE, WOODBURY

ABSENT: Senator: DILL

EXCUSED: Senators: HOBBS, THOMAS

9 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, the motion by Senator **KATZ** of Kennebec to **ADOPT** Senate Amendment "D" (S-400), **FAILED**.

On motion by Senator **PATRICK** of Oxford, Senate Amendment "F" (S-421) **READ**.

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, Senate Amendment "F" adds the two requalifying components to both the House and Senate. It does it in a way that we have to get a lot more qualifying contributions. You have to get 30 more for each round in the House and 100 for each round in the Senate. That, in itself, trying to get the extra 12,500 in the Senate, is a tough task. I think we heard today that getting 175 is a high bar to hit and I'm actually having a hard time myself this time because I have gone to the little old ladies and little gentlemen's homes. With the economy as bad as it is, there are fewer that are available. I think in order to earn that extra money that we get we've got to set a high bar. This is philosophically in line with where the originators of the Clean Election Act wanted me to go. Not only is it where they wanted me to go, but I think there are

many people that have been supporters in the past of this Body that are now retired, one being former Senate President Rick Bennett, who, in an article he wrote, said, "My enthusiasm for Clean Elections is rooted in my belief that all qualified Maine people should have access to run for office and they should have the ability to run competitive campaigns. The best way to ensure that Maine values prevail in the Maine government is to encourage a broad cross section of Maine people to run. For more than a decade, the citizens initiated Clean Election Act Public Financing has provided opportunity for candidates and choices for voters. It has been good for our democracy. The Clean Elections needs an adjustment now that the U.S. Supreme Court has struck down the matching funds that allow candidates to compete against well-funded opponents. It is important to provide candidates enough resources so they can run vigorous campaigns and up to now the system was able to deliver that. Not every candidate needs additional funds, but it is not realistic to think that a one size fits all approach works for all races. Keeping Clean Elections healthy is important, for we need good people to run and serve. There is another thing we must do to keep Maine's political culture in tune with the people's values. We must reduce the influence of corporate money in state elections. The problem is that corporations are organized to maximize profits. Corporations maximize their costs whenever possible in order to maximize shareholder wealth. Historically, corporations externalize their environmental and social impacts, leaving the rest of us to clean up after them. When corporations fund political campaigns it is a business decision, which makes for a loss of the values that are such an important part of our identity. Ultimately, state systems are meant to serve people, not corporations. I think it would be difficult to find a Mainer, liberal, moderate, or conservative, who disagrees with that. For the sake of all that we love about Maine, let us get to work to shore up the Clean Election system and get corporate money out of the state elections."

Another that has testified before our committee is former Senator Peter Mills. Senator Mills, on numerous occasions, has advocated for the Clean Election system, especially even keeping the gubernatorial section in that. Another strong advocate is another Republican Senator, Senator Ed Youngblood. Senator Youngblood says that just this past June in Arizona, in the Free Enterprise Club vs. Bennett, the court overturned the Clean Election matching fund system in Arizona, taking down the Maine system with it. In these rulings the courts did more than strike down existing laws; it also affirmed some of the key building blocks of campaign finance systems, including transparency in public financing. It didn't say there was a problem with the way the Maine Clean Election Act is, but it was just the matching fund component. Although one element of the Clean Election was lost, the program, as a whole, stands on fundamentally constitutional ground. That is one reason the State must repair the law before the 2012 elections get underway.

I think we've heard a lot already this morning about the bad economy. I don't disagree with that at all. I've visited many of my constituents and am proud to ask for their signature on my petitions and proud to ask them for my support of their \$5 checks or \$10 checks or whatever they can give for my seed money for the way the system runs. As I said before, when I ran as a Clean Elections candidate, I never wanted to go and ask anyone for any money. That's one of the hardest things I have to do. I don't mind giving it if I have extra, but I don't like asking anyone for any extra help. From the political standpoint, when you do ask for

help, if I was a privately financed candidate getting \$250 or \$500 from someone, who's actually going to give me that kind of money for free? I don't think I'm that wonderful of a guy, so you have to kind of take a look at the public financing aspect of it and what the citizens expect. I said before that elections have consequences. What price do we put on democracy? What price do people put on their tax dollars? That's totally debatable because I know there are many things that I agree with and I'm probably one of the few people in my mill that says I don't have a problem paying taxes as long as I know that they are going to something good. I have no problem; I actually even donate extra to the Maine Clean Election system because I believe in it.

I do believe, even in these trying times and with these terrible budgetary cuts, terrible, terrible budgetary cuts, when people may be thrown off healthcare, people may end up dying because of the lack of funding that we have, and I could rail on what the problem is, and it's not the State's spending, I think it's State revenues, but I really believe in my heart of hearts if the people realize that they are going to spend \$2 million, \$3 million, or \$4 million every election cycle to get the people that they want elected, and it's not the retired businessmen, it's not the retired economist, it's not the retired lawyers, or those people who have enough money where they can just come up here and play, they want people, average people, business people, they want everyone to come up here and have the full blend and mix. That does cost money, ladies and gentlemen. If I have to make the decision on every vote, I always make it with a clean conscience, that I'm doing the best decision for the people. If I have to vote for a cut, I have to go back and justify it to my seniors, to my people that are low income, and to the people that work and that pay the taxes. I've seen many, many times that I have had downright Donnybrook fights on the aspect of where we're headed as a state, but I've never heard one person say to me that they thought that the Clean Election System Public Financing System was not the way to go. I've even had people say they wouldn't support me, personally or politically, for any reason, but I got \$10 from that person because they believe in the system.

I think the reason that I like this is that this is actually, if you figure it out, lower than the two distributions of the matching funds used to be. The total amount that a person could probably get under the old system was around \$58,000 to \$60,000. I believe, if I did my math right, this would be around \$50,000. It is encompassed under the umbrella of what was under the Clean Elections Fund. I am one that has always looked at the fund and said before that I don't want anyone in my race. I want the minimum amount I need to run. As a matter of fact, I'd like to be able to give half my initial distribution back because I would like to, as the Senator from Franklin says, knock on 8,700 doors again and get the people to realize that I'm the one. One of the things I did was beat one of the toughest candidates in the state of Maine and actually did the state of Maine a favor. I gave you guys your financial guru. It's going to be no additional funding. Ladies and gentlemen, when you vote for this, whether you are philosophically a Clean Elections publically financed candidate or a traditional financed candidate, you have to look at what is in the best interest for the state of Maine. From my standpoint, the people knew prior to 1996, when they enacted this legislation, the system of just plain privately financed didn't work. If you look at the mix, I remember looking back, years ago there used to be an extremely high percentage of lawyers. There aren't quite as many now. Not that I have any problem with lawyers. Some of

them are like good witches and some of them are like bad witches. I'm not going to say which ones are which.

I think this system, and the people who got this system into check, knew what they were doing. It did come at a cost. Is this cost exorbitantly high for what we get? I think there are 800,000 voters in the state of Maine. If this whole funding costs \$3.6 million, that would boil down to about \$4 per voter to have a system that was the best system at electing the highest percentage of quality candidates in the state of Maine. The little old ladies and the little old guys and the housewives and the workers in the state of Maine would pay \$4, even though they knew something else was going have to be cut. We take a look at things that we're mad at. I don't know if you guys have gone through your districts, but I keep getting calls because I'm being blamed for the price of gas, which is approaching \$4. Never in my life did I ever think I would be in the financial range that I'm earning right now. I started back out in 1980 in the mill making \$8 an hour. I'm not going to tell you what I make right now because it's kind of embarrassing at times because of what I make and what others don't make. I go all over my district and I do have a pretty big district with 30 towns and townships in Oxford County, the town of Jay in Franklin County. If anyone knows anything about me, I go and I talk to the people. They like this publically financed system because they understand it. Do they understand all of the minutia? No. The thing I will say about this amendment is that on the high end it looks big, just as the matching fund system looked big. We've heard here from some Senators that they are having a hard time, just as I am, with the 175 signatures. I would have to decide, if this passed from an emergency standpoint, that I would have to get another 200 checks before June 30th, which is actually not going beyond the point of where it originally would have taken us to getting our checks in September and October if you wanted the extra money. This bill actually allows you to get checks continuously from now right up until June 30th. Still you would be continually trying to get checks, which would probably take away from your doors. I would have to say to myself, "Well, is the person that the opposing party threw against me an extremely hard campaigner and stuff? Well, maybe I'll go for the next level up." I honestly think, from the standpoint of candidates, not a lot of them will go after the extra, the big bucks, because you are going to have to justify it to the people in the state of Maine. You've got to use it wisely because, I'll tell you one thing right now, it's pretty easy look at the reports, the criminal reports, of people not using the funds wisely. We've got one in jail and possibly another one headed there.

I look at this and say to myself that this is almost mirrored to the matching fund provision except that it has nothing to do with what anyone else does. It is constitutionally sound. You are going to have to earn the amount of money that you want, that you believe that within your campaign you are going to have to have, and you will have the time. Once March 15th goes and you know your opponent is going to be, and you will know how much money you're going to decide to go after, whether it's the initial disbursement or the first or second requalifying limit. I, myself, already know that I will be hard pressed to go after the full limit, even if I knew I had a hard one because I want to spend my time knocking on the doors and talking to the people and letting them explain to me just how bad we are here in Augusta and how often we don't hear what they are having to say because it does happen an awful lot. With that, ladies and gentlemen, I'll try to sit down and let everyone else have at it. Thank you very much.

Senator **FARNHAM** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-421).

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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will be voting in opposition to the Indefinite Postponement and I would like to reiterate that many groups that got together with the legislative committee of jurisdiction, the Veterans and Legal Affairs Committee. For months they got together with the Ethics Commission to talk about what to do with the problem at hand. One is to put us back into compliance with the Supreme Court decision and they other is to do something about the Maine Clean Election Act, as it is right now, with the jettison of the requalifying. Recommendation one, which was the status quo, to do status quo, is unacceptable. The Ethics Commission understands that and all the groups that represent the Maine Clean Election Act, and supporters of the Maine Clean Election Act, also agree with that. I would ask you to vote against the Indefinite Postponement. 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, the vote on this is the fundamental question of whether Maine's people or a few large donors should dominate speech in our next and future elections. Maine's had a successful Clean Election process for 10 years, created by a significant vote, I think it was about 59 - 41, of the people 15 years ago. It's contributed to by the Maine people through income tax check-offs, \$5 qualifying contributions, or through individual donations. As we've heard, from time to time, from some appropriations as well. It's been borrowed from to the tune of \$3 million. It has enjoyed the support, the overwhelming support, of people and small businesses and 80% of the Legislature because the Clean Election process has done much to level the playing field for a citizen Legislature, removing large campaign contributions and special interests from many of the races and proved a level playing field. By simply striking matching funds, as voting for Indefinitely Postponement would accomplish, we would no longer have that level playing field. I received notices from hundreds of people who support strengthen Maine's Clean Election process. Not one has contacted me asking that we cripple it by simply striking the matching provision. Not one has said that they don't support Maine's Clean Election process.

I want to talk for just a moment about people making those \$5 qualifying contributions. One woman in my district, who is living on a limited income and I have been resisting going to her house to collect a \$5 qualifying contribution because I know she's having a very hard time making payments and living month to month on the payment plan she has and getting by, insists because she very proudly supports the Clean Election process and me as a candidate. She wants, as I think most Maine people do, to be a part of the nature and the quality of election process, as well as the selection of candidates that they believe will serve

them best. We should not take away the opportunity for Maine people to have that voice, not only on Election Day but also in the waging of campaigns, to reach the people, to have that form of speech in how we elect people to represent us. If we Indefinitely Postpone, the voices of Maine people in supporting Clean candidates will likely be lost and we will have the same kind of election feeding frenzy that plagues our national politics. Maine voters deserve better.

Lastly, there is a misconception that this amendment will hurt the State budget. Perhaps not in this house, but I know that an opponent of mine has voiced that as true. It's not true because the requalifying option, itself, is budget neutral. We have decided what to allocate to Clean Elections and this does not change that. In alignment with the overwhelming support of Maine people for a strong and fair Clean Election process, I urge you to oppose Indefinite Postponement of this requalifying option amendment. The only question on my mind is why wouldn't all of you support the requalifying option? Why wouldn't all of you oppose postponing this action on behalf of Maine people? I ask you to join me in opposing Indefinite Postponement. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **McCORMICK:** Thank you Mr. President. Men and women of the Senate, I rise in support of the pending motion. I would like to comment on a couple of things. I heard a lot of statistics this morning. I'm part of some of those, so I'd like to comment on them. First of all, I've used the Clean Election system five times and am in fully support of the Clean Election system. I am one of the 80% that has been quoted earlier. However, what was lost in that percentage is the fact that I've often been a critic of the amount of money spent on Clean Elections and how much money candidates get. My experience has shown you can run a valid contest on much less money. In the 124th I had a bill in to reduce the distributions by 20%. It did not pass. In the next election I set aside 20% of my Clean Elections funds and returned it, just to show to myself and others who may want to observe that you can do it. You can run a credible race. That's not to say that I'm in a safe district. I've been preceded by all members before me from the opposing party and it's not to say that I did not have a strong candidate against me because I did. It's just that you can do it with less.

The other thing I've heard a lot about this morning is what the people really think, how many people are contacting us, what the people really thought in 1996, and how it's playing out today. Again, I can only comment on my own personal experience. Some of the groups that the Senator from Oxford, Senator Patrick, referred to as being supportive of this particular requalification thing spent some time in my district over the weekend. They had a big banner unfurled in front of the Gardiner/Randolph Bridge, asking people to contact me and get dirty money out of politics. Call Senator McCormick. I don't know how long they were there, but I got one call. It was from my brother who wondered what on earth I could have done to get these people standing there and asking people to call me. They were in my district going door to door. I know that because they came to mine. They handed out a sheet. Please call Senator McCormick and tell him to keep Maine Clean Elections whole, or whatever. They went to all my neighbors. These are the closest people I live too. Not one called. Not one walked across the street to say, "What on earth is this about, Earl?" I don't know

what the people really think. Obviously, they will generate a number of e-mails for me this evening from their supporters, but I'm not getting a big feedback from the average person. These are the people I go to for the \$5 donation myself. I just wanted to comment on some of the statistics we've heard thrown around today. I'm in support of the pending motion.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to the pending motion of Indefinite Postponement. This amendment, in my opinion, is not a perfect solution. Frankly, I think the federal court is the one that has put us in this position of having to come up with a system, frankly, that I don't think was as good as the one we have. It's the best we can do given the constraints that we're under, I think. I don't believe the people of Maine think that we should be running unfair races. If we don't do this, I'm not even sure that this is going to solve the problem because of the amount of money that I know is spent in some Senate Districts now. I think the highest election, individual, I think was in Hancock County. I'm not 100% sure of this, but I think it was close to \$250,000. If you are running as a Clean Election candidate and you're trying to keep up with that, it becomes very difficult if you are in a targeted race and if perhaps you're not known as a candidate to keep up with that, even with this particular requalification. Again, I think we're doing the best we can with what we have, as our Chief Justice Saufley said when she said to do the best with what we've got. Basically, I think that is what we're doing. We're not ripping off money from other parts of the State budget, to take from the poor. That's not what we're doing here. We're acting, with this amendment, within the pool of resources which we have and at the same time trying to keep the integrity of the system alive. I'm not saying it's not without challenges. I think it is, but it is the best we've got. I don't support the pending motion and I hope we will defeat this to solve this problem together, especially given how many of us use the Clean Election system. I think it's great when we can give money back, but I can assure you that if any of us were in targeted races we would want to make sure that we would have the funds necessary to respond. I remember in one of my elections there was money spent against me to the tune of like \$5,000. I was able to get matching funds for that. It covered a couple of advertisements. I think it was in the Bangor Daily News that I put an advertisement, and maybe a couple of others, because it was too late to react to that. It was very difficult. I feel good that I can stand here and say that I'm in a position to really speak about this, particularly this year, given the fact that I'm not running for reelection. I'm just going back to being a citizen after my time serving the people of my district and I can assure you, as one of the citizens of this state, that I would be very grateful if we were to pass this, to defeat this particular motion, so that we can have this amendment put on to keep the integrity of the system intact. Thank you.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I urge you to support this motion. Fifty thousand dollars per Senate race. Up to \$50,000. The argument is we're not increasing the amount. We're not increasing the

overall account in the budget. Well, that was the case with MaineCare too. We passed the budget last year, a little over a year ago, but we came back this year and cut it \$120 million. We're not cutting Clean Elections. We came back and we're now going to cut it \$114 million. How do we get away with that? If those cuts have to be made, and they do, that was in the same position as the Clean Election's account. No, we're not increasing the amount, but we're not cutting it either. To me, that's a home run I guess. I would ask you to remember that; \$50,000. 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, again, the \$50,000 is what's in there, as the good Senator has already said. I want to just make sure, on the record, that people realize that, because I don't want one of those baby tax things come this November that says Senator Jackson wanted to raise funds or whatever for his own political campaign. I'm perfectly happy with the initial disbursement. As the good Senator McCormick said, I probably could run my campaign, and most of us probably could, for less money than what we initially get. I would be 100% happy with that. It almost makes me feel good. I get a funny feeling about taking that money. I don't want to ask people for money. I get a strange feeling when I get it. I would be very happy with what we initially get. I don't know. Maybe some people in this room, I don't want to upset anyone or whatever, but there are some of us that big industries spend a lot of money to make sure we don't get elected. I know that where I live, because of my stand on making sure or trying to make sure that Maine workers get jobs in the Maine woods, I have an industry that spends money against me, to make sure that I don't get reelected. The one time that they spent the most was in a Democratic primary. Just to be perfectly clear, I don't want any more money, but until we find a way to make sure that outside money can't come in and influence these races, I do think it's important because there is no way that I can match the billion dollar industry that I have to fight with to make sure that my constituents have jobs in Northern Maine. I can't. Even what the good Senator from Oxford is proposing here, they could hammer that in one day with no problem. It is something that would be helpful. We hear things now about Congressional people starting PACs to help candidates in Maine get elected. Things like that. There is just no way that you can get around the money that they could raise. I just want to make it perfectly clear because I can see where this is going. I am fine with the initial disbursement. If outside money would stay out of the races, the initial disbursement is perfectly fine. Some of us have taken stands that bring billion dollar industries into it. When that's the case I think at least the people in my district will support these requalifying amounts to try and spend a little bit of money to counteract what's being said.

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

Senator **BARTLETT:** Thank you Mr. President. While I would love to have a debate about the Health and Human Services budget and the information that has been withheld from us, that's not what we're here to do.

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

Senator **PLOWMAN:** Thank you Mr. President. Would you please remind the Senator that we're talking about the issue at hand and commenting on whether there was information being made available is not exactly the issue at hand.

THE PRESIDENT: Senators are reminded that the debate before us is on the Patrick amendment and to confine their comments to that issue.

Senator **BARTLETT:** Thank you Mr. President. I will confine my remarks. The frustrating thing about the debate all morning is that there has been lots of straying from the topic. Sometimes it's allowed and sometimes it is not. I think we all need to abide by the same rules.

I support this amendment because it honors the intent of the original Clean Election Act that was passed by the voters. The original act had matching funds which provided for some late funding for a candidate if they had overspent or if there was an infusion of cash or attacks against them late in the campaign. This amendment preserves that core intent, that money be available to a candidate late in the game if they are just inundated with money against them, that's used for attacks or misinformation or whatever, so that they would have the opportunity to respond. That is all this amendment is doing; making sure there is an equal opportunity to respond late in the game when you need it, but not supporting the working operations of the campaign from start to finish. It is also within existing resources. This proposal does not ask for one more dollar to be allocated to the Clean Election Fund. If we left the current law on the books, it would require this much money. All this amendment does is say to let's take that pool of money that this Legislature previously allocated for Clean Elections and let's use it the best way we can to effectuate the purpose of the Clean Election Act that was put forward by the people. In fact, it seems to be suggested that, despite the fact that the Clean Election Act was passed overwhelmingly by the people of Maine and has been supported by them for quite some time, that we should go in and raid that Clean Election Fund to use in other parts of government. I don't think that is what the people wanted when they supported the Clean Election Act. They didn't say, "Let's put together a fund to support campaigns and then when times get tough take the money and use it for something else." They prioritized Clean Elections because they understood the importance. When tough decisions are being made around the budget, when tough decisions are being made about Health and Human Services, around education, around every other issue that we deal with, they wanted to make sure that it wasn't special interest and corporate money that delivered those votes. They want to make sure that people who are here deciding those issues didn't have to go to lobbyists, didn't have to go to big money interests, but had an opportunity to work hard and get support in their communities and not have to worry about that kind of fundraising. I do think this directly involves the budget. It directly involves every issue we deal with. It's important that we honor the will of the Maine people, that we have the best people possible here and that they have a way to get money without going to special interests. Thank you, Mr. President.

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 just want to go on the record as saying in my mind a vote to Indefinitely Postpone this amendment is basically a vote to kill Maine Clean Elections. Will it affect everyone right off? No, it won't because we know the initial disbursement is probably enough to run most campaigns and more than enough for some. I haven't doubted that. I've said that myself. What it will do is put the 30% of competitive races in the hands of and to be decided by the power brokers like the PAC raisers, those that have the money. Corporations, millionaires, billionaires, and those that want to throw the money around. It's my understanding, if you listen to the rumor mill, there are PACs already that have \$50,000 to go against each and every other Senate candidate. To me, that is disgusting. I want to see a system where we get elected on face value, on hard work. To me, I will say once again, a vote to Indefinitely Postpone this amendment is a vote to kill Maine Clean Elections. Thank you, Mr. President.

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

Senator **PLOWMAN:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you Mr. President. On page 3 of the Senate Amendment, section 10, paragraph B and C, does it not increase the seed money? In fact, doubling the seed money. Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. 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 answer to that is affirmative, because I think one always knows that you never ask a question to an answer you don't get. I'm going to say that I am ashamed that I actually put that in there now that I know and understand, through the debate I've heard today, that we don't need to raise that extra \$1,500 or \$100 or \$25 or \$50 from the people. It does have some value, but I think it does taint the Maine Clean Election system and I don't think the proposers actually really wanted that. I was trying to stay in line with what some of the other amendments were going. I can honestly say that I have no problem, if we pass this, to put a further amendment on to strike that and just to have the regular initial seed money collections of \$1,500. The thing of it is, although it does say that it is up to \$3,000 because it increases it by 100%, that the ability to get the extra requalifying is 200 more signatures, which is more than you have to get for your initial disbursement. To get 375 signatures if you want the whole amount, good luck because it is going to take an awful lot of work. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Farnham to Indefinitely Postpone Senate Amendment "F" (S-421). 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 (#364)

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFSKY, GOODALL, HILL, JACKSON, JOHNSON, PATRICK, ROSEN, SCHNEIDER, SULLIVAN, WOODBURY

EXCUSED: Senators: HOBBS, THOMAS

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **FARNHAM** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-421), **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 PRESIDENT: The pending question before the Senate is Passage to be Engrossed. 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 (#365)

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

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

EXCUSED: Senators: HOBBS, THOMAS

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused, **PASSED TO BE ENGROSSED**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/6/12) Assigned matter:

Bill "An Act Relating to the Calculation of Population for Purposes of the Maine Uniform Building and Energy Code and Public Safety Answering Point Assessments" (EMERGENCY)
H.P. 1249 L.D. 1697

Tabled - March 6, 2012, by Senator **COURTNEY** of York

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, February 29, 2012, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 6, 2012, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED, in concurrence.

Senate at Ease.

Senate called to order by the President.

Senator **SAVIELLO** of Franklin was granted unanimous consent to address the Senate off the Record.

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **LANGLEY** of Hancock was granted unanimous consent to address the Senate off the Record.

Senator **SHERMAN** of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

All matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Monday, March 12, 2012, at 10:00 in the morning.