



MEREDA

LEGISLATIVE AND REGULATORY WEEKLY UPDATE

Monday, April 02, 2018

LEGISLATIVE UPDATE

SECRETARY OF STATE PREPARES FOR RANKED CHOICE VOTING; RAISES CONCERNS AT LEGISLATURE

Officials are scrambling to sort out Maine's ranked choice voting system ahead of the June primary. On Wednesday, March 28, 2018, the Secretary of State's office proposed emergency rulemaking to establish guidelines for implementing the ranked choice system. However, on March 29, Secretary of State Matt Dunlap indicated in a briefing to the Veterans and Legal Affairs Committee that his office had learned of potential legal concerns with implementing ranked choice voting for the primaries. His statements indicate that his office intends to move forward with implementing a ranked choice voting system for the upcoming primary elections, but that he believes there is a genuine conflict of law that could be challenged in court. The confusion surrounding this issue raises genuine concern about the upcoming June primaries.

ETHICS COMMISSION SEEKS ADDITIONAL CLEAN ELECTION FUNDS AS DEADLINE LOOMS

The deadline to qualify for Clean Election funds for gubernatorial candidates is April 2, 2018, and for legislative candidates, April 20, 2018. Meanwhile, the Maine Ethics Commission has asked the Legislature to appropriate an additional \$700,000 to the Clean Election Fund to ensure sufficient funds for the 2018 publicly-financed campaigns. The bill is currently working its way through the House and Senate, but appears to lack the necessary votes to override an anticipated veto from Governor LePage.

GOVERNOR LEPAGE REOPENING THE DOWNEAST CORRECTIONAL FACILITY

Governor Paul LePage has agreed to reopen the Downeast Correctional Facility to comply with an order issued by Maine Superior Court Justice Michaela Murphy. The order stated that the Governor did not have legal authority to unilaterally close the prison while it remained funded, and instead must do so with either legislative approval or wait until funding runs out on June 30, 2018. To comply with the order, the Governor has stated he plans to reopen the facility until the funding runs out on June 30. He also said that he will do so in the most fiscally responsible manner, which will include only five employees and a minimal number of inmates. On Tuesday, March 27, 2018, the Maine House of Representatives passed a bill that would fund the facility through the end of June 2019. However, the bill passed 95-53, just shy of the two-thirds required to override the anticipated veto by Governor LePage. The bill has now been placed on the Special Appropriations Table for consideration by the Appropriations and Financial Affairs Committee.

GOVERNOR LEPAGE NOMINATES DAN BRENNAN FOR DIRECTOR OF MAINE STATE HOUSING AUTHORITY

On Monday, March 19, Governor LePage nominated Dan Brennan to be the next Director of the Maine State Housing Authority (MSHA). Mr. Brennan has been with MSHA for 25 years and currently serves as its Senior Director of Programs. The Governor's nomination came after the Senate failed to confirm his previous nominee, Commissioner of the Department of Economic and Community Development George Gervais, despite the fact that 22 people testified in favor of the nomination and no one testified against it. Mr. Brennan's long history with MSHA means that he is well-versed in all aspects of the organization. He is expected to receive bipartisan support from the Labor, Commerce, Research and Economic Development Committee (LCRED), and ultimately the Senate. Mr. Brennan's nomination hearing will be held on Tuesday, April 3 at 1:00 p.m. before the LCRED Committee.

UPDATES ON MAINE'S GUBERNATORIAL RACE

On Monday, March 26, 2018, Senate President Mike Thibodeau, Republican, announced his withdrawal as a candidate for governor of Maine, citing the need to focus on his responsibilities at the legislature and his business. Four candidates remain in the Republican primary - House Minority Leader Ken Fredette, Senate Majority Leader Garrett Mason, former Department of Health and Human Services Commissioner Mary Mayhew, and businessman Shawn Moody. Qualifying on the Democratic side are seven candidates - attorney and former Maine National Guard officer Adam Cote, Biddeford Mayor Donna Dion, state Senator Mark Dion, former Speaker of the House Mark Eves, Attorney General Janet Mills, former state Representative Diane Russell, and lobbyist Betsy Sweet. The field for third-party and independent candidates will be finalized upon the upcoming June 1, 2018 filing deadline.

LEGISLATIVE DATABASE

The legislative database is attached to this weekly report for your information. It contains any newly introduced bills we have identified of interest to MEREDA.

If you have any questions regarding any of the above, please don't hesitate to contact MEREDA Public Policy Counsel Andrea Cianchette Maker (207) 791-1101, amaker@pierceatwood.com or Elizabeth Frazier (207) 791-1155, efrazier@pierceatwood.com.