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A Summer 2017 Update on Maine Politics

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Maine's 2016 elections brought a good deal of change that attracted national attention, including its casting an electoral vote for a Republican for the first time since 1988. Maine's ballot initiatives brought new policies that attracted widespread attention as well. But what did not change is how Governor Paul LePage has found himself at loggerheads with the state legislature, and also with voters over their choices in the 2016 election. In fact, while a lot of change may have seemed to be in the air both during and after the election, so far what's remarkable is what hasn't changed—with the notable exception of Maine's vote for president.

2016 Presidential Race

In every election since 1992, Maine had given all four of its electoral votes to the Democratic presidential candidate. The presidential election of 2016 marked a break from this pattern when Republican presidential candidate Donald Trump took one of Maine's four electoral votes. Hillary Clinton, who was beaten handily by Bernie Sanders in the Maine caucuses, took the other three electoral votes. While Trump lost the First Congressional District and the state overall, he won the Second Congressional District by ten percentage points (51-41%) after he visited it multiple times. Clinton won the state overall by almost 3% (48-45%) and the First District 54-39%. The First District, which includes Portland, is higher income, younger, more educated and more diverse, while other parts of the state have less income and wealth and are whiter, older and less educated. Economic and population growth is more pronounced in the

former, while the latter has experienced struggles in dealing with manufacturing losses and conflict over land use issues.

This regional division and shift mirror national patterns involving rural versus urban areas, a dynamic which has long been chronicled in the Pine Tree State and described as the “two Maines.” The Second District’s two biggest municipalities, Lewiston and Bangor, supported Clinton, but these towns and some wealthy, highly educated areas on the coast that sit in the Second District were swamped by a Trump wave. In fact, Trump carried every county in Maine away from the Atlantic Coast. In 2016 and previously, political differences between these districts and within the Second District have also been seen in referenda relating to hunting, marriage equality and gun control, as well as in gubernatorial and congressional elections.

2016 Congressional Races

The race in Maine’s Second Congressional District drew national attention as one of the most competitive contests for the U.S. House of 2016. Not only did it feature more television ads than any other U.S. House race in the country, it was, at \$15 million, the most expensive Congressional election in Maine history. But in spite of being outspent by his opponent—former State Senator and Maine House Minority Leader, Democrat Emily Cain—first term Congressman Bruce Poliquin won by a surprisingly large margin, 55%-45%. Poliquin, a Republican, first was elected in 2014, beating Cain by five percentage points. While that increase is consistent with the “sophomore surge” theory, in which members of Congress experience a significant gain in vote share the first time they run for re-election, Poliquin was also helped by the absence of Blaine Richardson from the race, who garnered 11% of the vote as a conservative Independent candidate in 2014. Both the 2014 and 2016 races also were notable for the presence of statewide ballot initiatives opposed by many gun owners—one placing limits on bear hunting

in 2014 and another calling for strengthened background checks for firearms transfers. In a district where over 60% of voters own guns, the combination of the initiatives spurring gun owner turnout and Poliquin's greater support than Cain among gun owners gave Poliquin advantages. Moreover, Poliquin's second win after Democratic candidates had won the congressional seat in the ten previous races, coupled with Trump's win there, suggested that the Second District may have shifted its overall party complexion.

The Poliquin-Cain race had drama to the end. That was much less true in the First District. Incumbent Democrat Chellie Pingree defeated a Republican, conservative newcomer Mark Holbrook, 58%-42%. Holbrook, who won a surprise victory after a recount in the Republican primary, emphasized conservative stands on social issues he had hoped would mobilize Trump supporters and offer a contrast to Pingree, who has consistently received 100% ratings from the National Abortion Rights Action League and the Planned Parenthood Action Fund. His campaign literature billed him as "The Tip of the Spear."

Party Control of the Maine Legislature

Leading up to the 2016 election, Governor Paul LePage sought to make the 2016 legislative elections a referendum on his policies. He not only tried to get more Republicans elected to the state legislature, but also hoped for conservative Republican challengers to take on and defeat more moderate Republican legislators. This did happen in one case: the District 23 State Senate race in Sagadahoc and Lincoln Counties. Sagadahoc County Republican County Vice-Chair Guy Lebida, arguing Senator Linda Baker was not conservative enough, defeated her in the Republican primary. However, this backfired on Republicans when Lebida was defeated by former Democratic State Senator Eloise Vitelli in the general election. Vitelli had herself been defeated for election in 2014 by none other than Linda Baker.

Overall, however, relatively little changed in the overall makeup of the Legislature. Republicans cut the Democratic edge in the Maine House from 9 seats to 5 seats, with the current makeup 77 Democrats, 72 Republicans and 2 Independents (Unenrolled). Democrats cut the Republican advantage in the Senate from 5 seats to one; Republicans hold an 18-17 advantage. And two of the moderate Republican senators most critical of LePage, Roger Katz (R-Kennebec County) and Tom Saviello (R-Franklin and Kennebec Counties) were unchallenged in their primaries and sailed to easy victories over weak Democratic opponents.

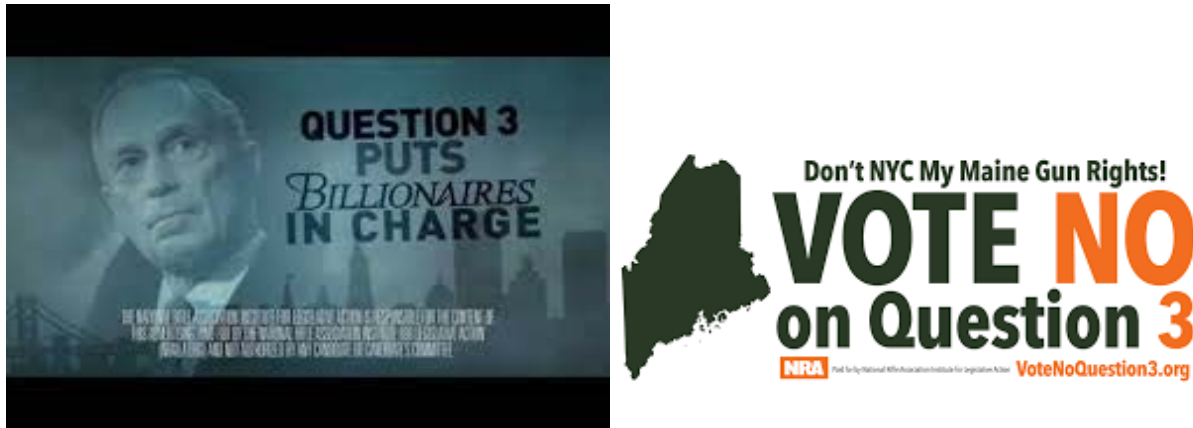
The Impact of the Initiatives

Maine had five statewide ballot initiatives (as well as a transportation bond referendum) in November 2016. Every one of them passed except for Issue 3, an initiative supported by Michael Bloomberg's Everytown for Gun Safety. Not surprisingly, the only bond vote, Issue 6 (Maine's transportation bond), passed easily.

Issue 3: Guns, the Only One That Lost

Issue 3 would have expanded background checks for firearms transfers. Both Everytown for Gun Safety and the National Rifle Association, which opposed the measure, spent heavily in the race, as did other organizations. Its opponents largely succeeded because they convinced voters that flaws in the language of the proposal would make sharing of guns while on hunting trips illegal. Ads featuring a majority of Maine county sheriffs brought this point home, and the opposition also highlighted the New York roots of some Issue 3 backers. Signs and stickers appeared throughout the state reading "Don't NYC My Second Amendment Rights" and others calling the proposal "a failed New York law for a problem Maine doesn't have." In a state sensitive to maintaining its identity and sometimes leery of actions by "people from away," these arguments resonated and nearly 52% voted against the background checks measure.

Figures 1 and 2 Question 3 Opponents Tied the Measure to New York City and Its Former Mayor Michael Bloomberg, Who Was a Strong Advocate for Issue 3



Issue 1: Marijuana

In November, Maine narrowly voted to legalize recreational marijuana. A recount gave the Yes side a margin of about 4,000 votes, a one-half of one percent margin. This, however, has not yet led to widespread legal public sales. Marijuana shops are not expected until next year at the soonest, while the state works out how to regulate marijuana sales and which department of the government will do so. Marijuana advocates are concerned that new Attorney General Jeff Sessions' hostility to legalized marijuana may throw a wrench into plans for sales in Maine.

Issue 2: Surtax for Education

Of the four initiatives which passed, Issue 2 has seen the most comprehensive resistance by the Maine Legislature and Governor LePage. Issue 2, which received 50.63% of the vote, enacted a 3% surtax on income over \$200,000 in order to raise the state's share of public K-12 education to the 55% promised in a successful initiative a decade ago. This was in direct opposition to the direction in which Governor Paul LePage wanted to take the state tax code. LePage did not only not accept this tax increase; he has said that he want complete elimination of

the state income tax by 2020. He has argued that voters did not know what they were doing in voting for Issue 2 and that they were deceived. His Republican legislative allies sought to completely repeal the initiative, with Senate Majority Leader Garrett Mason (R-Androscoggin County) stating “We will accept nothing less than a repeal.” In the end, Republicans got the full tax repeal they wanted, and Democrats secured a portion of the increase in school spending they felt was mandated by voters—but neither happened before a three day state government shutdown resulting from the budget stalemate.

Issue 4: Minimum Wage

Issue 4 phased in an increase in Maine’s minimum wage to \$12 an hour by 2020, with the measure passing with a strong vote of 55.5-45.5%. Even many Republicans were willing to support some raise in the minimum wage and they tried unsuccessfully to get a competing, lower wage raise on the ballot to compete with what became Issue 4. During the campaign, the most controversial element of Issue 4 was its proposal to eliminate the tipped wage credit by 2020. Some restaurants, including one of Maine’s most famous, Moody’s Diner in Waldoboro, lobbied to remove the tip credit provision, Moody’s Diner closed up shop for April 5 to send staff and employees to Augusta to speak out on the issue. Their cause even received support from some servers, who fear they will make less money with the tip credit removed. Perhaps to help illustrate their point, Governor LePage told the media that when he eats out, “I cut the tip in half and then I put the comment, ‘Call your legislator,’ on my charge card receipt” to send a message to the server to fight the tip credit phase-out. Servers on both sides of the question were outspoken in their positions. Advocates for Issue 4, such as the liberal Maine People’s Alliance and Maine Women’s Lobby, saw any effort to restore the tip credit as violating the will of voters

who passed Issue 4. However, the Legislature passed a bill to restore the tip credit, which Governor LePage signed in June.

Issue 5: Ranked Choice Voting

Issue 5 presented a contrast: It was easily the least interesting issue to Maine voters overall of their 5 initiative choices, yet it was the one which garnered the most interest from political scientists and other observers outside of Maine. Issue 5's passage, with support from just over 52% of the vote, made Maine the first state in the nation to pass ranked choice voting for elected state offices. But even before the November vote, Attorney General Janet Mills argued that Issue 5 violated provisions of the Maine State Constitution that specify plurality winners of elections and ballots counting by municipalities. The Maine State Senate requested a hearing by the Maine Supreme Judicial Court to advise them on whether the law is constitutional, or whether enacting ranked choice voting will require a state constitutional amendment. On May 23, the Court held unanimously that ranked choice voting for Maine state offices (governor and state legislature) violated the Maine Constitution. However, the Court did not address congressional elections. As the Legislature has not yet acted to either enshrine ranked choice in the Constitution or to overrule the voters decision to implement it, there could be a good deal of messiness if this is not resolved before the next general election. For instance, two separate voting systems could be used: one for congressional races, and the other for state races. Alternatively, as the Court's statement is advisory and not a judicial decision, the state could use ranked choice in all elections but then have the Court rule the process unconstitutional and then order new state elections based on the plurality rule.

2018 Governor's Race

Governor Paul LePage is in his second term as governor, and is barred by the Maine Constitution's term limits from seeking a third consecutive term in 2018. Democrats already have a crowded field, with eight declared candidates. Among the best known are Maine Attorney General Janet Mills of Farmington; Sanford attorney Adam Cote, who finished second to Chellie Pingree in the crowded 2008 Democratic primary for the First Congressional district seat; former Maine House Speaker Mark Eves of North Berwick; former Maine Women's Lobby director Betsy Sweet of Hallowell; former state senator James Boyle of Gorham; and, most recently, former State Representative Diane Russell of Portland. This field reflects a wide ideological and stylistic array of choices, with Cote generally seen as the most conservative and with Russell and Sweet anchoring the left side of the spectrum. It is even possible that other candidates may join them, such as prominent car dealer Adam Lee, whose family has long been active in Democratic politics.

The Republican side has a simpler list: as of mid-August, only former Department of Health and Human Services Secretary Mary Mayhew, of Kennebec County's town China, has announced a candidacy. Mayhew has been a forceful and visible advocate of Governor LePage's conservative, hard line on welfare and Medicaid eligibility. However, the final list of candidates on the Republican side is murkier than on the Democratic side. The field could change dramatically depending on whether Senator Susan Collins, who made news earlier this year when she announced she was considering a run, enters the race. While broadly popular, Collins has her critics among the conservative wing of the Republican Party in Maine, particularly Governor LePage, who clearly prefers Mayhew to Collins to be his successor. In early August, LePage went national with his anger with both Senator Collins and Senator Angus King for

voting against the U. S. Senate Republican healthcare plan, writing a column for the *Wall Street Journal* which opened “When it comes to providing affordable health care to the people of Maine, Sens. Susan Collins and Angus King are worse than out of touch—they are downright dangerous.”

If Collins runs, it probably will set up a two way battle with Mayhew in the Republican primary. But if she stays out, others could jump in. Senate Majority Leader Garrett Mason has said he has interest in running. Another potential candidate is Rick Bennett, a former Maine Senate President and the recent Chair of the Maine Republican Party, who has a centrist reputation. Second District Congressman Bruce Poliquin, who ran in the 2010 Republican gubernatorial primary won by Paul LePage, has said little about his 2018 plans, but some think he has interest in running for governor again.

But the choices don’t stop there. Maine, a state which has been governed by Independents for 12 years since 1974, has a strong Independent candidate in State Treasurer Terry Hayes, a former Democratic state legislator from Buckfield. There are also two Green Independent Party candidates and a Libertarian in the running.

2018 Senate Race

Incumbent Independent Senator Angus King, who won a three way race handily in 2012, is up for re-election in 2018 and is almost certain to seek another term. State Senator Eric Brakey (R-Androscoggin County) has announced his candidacy for the Republican nomination to challenge him. Brakey is one of the youngest members of the State Senate—he is only 29 years old—and has become a forceful voice for gun owner rights, and pro-life and libertarian causes. Governor Paul LePage was sharply critical of King in recent months and considered a run—though he also said “I don’t think I would make a very good legislator.” In May, LePage

announced that he would not be a Senate candidate in 2018. But by July, he said he might change his mind if Brakey's campaign did not show signs of strength. As yet, no major Democrats have surfaced as likely contenders. If ranked-choice voting is not in place for the 2018 elections, Democrats will face a difficult decision, as there is great sensitivity to the possibility of vote splitting leading to a Republican win.

Issues

Opiate Abuse

Abuse of both prescription and nonprescription opiates, and increasingly heroin, continues to be a growing problem in Maine. A *Portland Press Herald* survey last summer found that 60% of Mainers know someone who has used abused prescription painkillers or used heroin in the past five years. Overdose deaths in Maine have doubled between 2012 and 2016. The Maine Today newspapers (*Kennebec Journal*, *Morning Sentinel*, *Maine Sunday Telegram* and *Portland Press Herald*) recently completed a powerful 10 part series on the human toll of the problem called "Lost: Heroin's Killer Grip on Maine People."

This is one of many issues where Governor LePage has had a contentious relationship with the Legislature. Many Democrats in particular want the state to emphasize expanding treatment for opiate addiction and point to the "Lost" series, which detailed many cases of people who had difficulty finding treatment they could afford in Maine, even as the state has increased spending on treatment. LePage has sharply criticized the effectiveness of treatment, and wants more emphasis upon the supply side of the issue. His approach stresses the hiring of additional prosecutors and more focused efforts to prevent heroin from being brought to Maine by dealers from out of state—particularly from Connecticut, New York and Massachusetts—who partner with Mainers to tap into the lucrative illicit market. However, LePage has said he is willing to

consider the possibility of expanded spending on treatment as part of a larger package of changes.

A third approach to the problem looks to educate potential abusers before they become hooked. It is estimated that 4 of 5 opiate abusers began with legal prescription opioids, and Representative Deb Sanderson (R-Chelsea) proposed mandatory informing by doctors prescribing opioids to their patients of addiction risks. This was also among the reforms proposed by University of Maine-Farmington Public Policy Scholar Rose Miller in her 2015-16 scholar research project. However, the Maine Hospital Association has spoken out against any mandated information provision by doctors.

Energy

Wind energy continues to be a perennial controversy in Maine. Massachusetts' clean energy goals have been a spur to development of wind power proposals, but wind power opponents deeply resent what they see as despoiling the landscape to produce energy that will be transmitted out of state. The Natural Resources Council of Maine and Appalachian Trail Club have joined forces with persistent opponents of wind power to stop projects near the Appalachian Trail on aesthetic grounds. Meanwhile, State Senator Dana Dow (R-Lincoln County) called for the University of Maine's wind power demonstration project near Monhegan Island to be moved, also for aesthetic reasons. The University of Maine's wind power scientists have pushed back against this proposal, saying it would certainly lead to delays in implementation and could end the project altogether. Governor LePage continues to be critical of wind and solar power because he believes Maine's biggest problem with energy is cost relative to other states, and that these sources are too expensive. He continues to support expansion of natural gas pipelines and importation of hydroelectric power from Quebec.

National Monument

Another familiar environmental issue has been in the news in Maine this year: land use in forest country. Governor LePage has asked President Trump to rescind President Obama's creation of the Katahdin Woods and Waters National Monument next to Baxter State Park. The monument was the result of donations of almost 90,000 acres of land and a \$40 million endowment by the family of Roxanne Quimby, founder of Burt's Bees. LePage called the monument designation "a grave injustice that has been done to the people of Maine and our forest economy." But Quimby was not allowing logging on the land before its donation to the national government anyway, and welcome signs of economic development in the region—hard hit by paper mill closings—have already surfaced as a result of the monument. These include a \$5 million outdoor education facility and riverside trail network proposal by the Butler Conservation Fund.

Medicaid Expansion

While Maine is the only state in New England that has not expanded Medicaid, Maine people may choose to do so in November 2017 via an initiative. Such an expansion would come after five vetoes by Governor LePage, a sharp critic of all aspects of the Affordable Care Act. LePage's last veto involved a bill crafted by two moderate Republicans in the Maine Senate that included a private option, with a requirement for small premiums paid by beneficiaries. However, most Republican legislators opposed all Medicaid expansion attempts and all override attempts failed. Nearly all of the approximately 66,000 signatures submitted to the Maine Secretary of State to place the initiative on the ballot were gathered at the polls in November 2016. The ease with which signatures were gathered for the initiative and the somewhat bipartisan legislative support for expansion appear to bode well for the initiative's passage,

particularly since expansion was previously supported by the Maine Hospital Association and Maine Medical Association.

Concluding Comments

While a good deal is as yet unchanged in Maine politics lately, several aspects bear watching. First, the Second District's support for Donald Trump and support for a Republican Member of Congress in 2014 and 2016 suggests that the two congressional districts may take on distinctive partisan tendencies. The Second District has been the more conservative of the two, but its voters had long supported Democratic presidential candidates and, frequently, congressional candidates as well.

Second, state term limits mean that change is clearly coming to the governor's mansion. If Senator Collins does not run, Congressman Poliquin may run, as may legislative leaders. Any vacated congressional seats would generate lively primary contests. Given that the 2018 congressional midterms are likely to be good for the party out of power in the White House, if Rep. Poliquin runs for the governorship, the Second District contest would likely be very competitive and expensive.

Third, if Medicaid expansion passes in fall 2017, this will establish a trend of passing progressive policies at the ballot box—with the exceptions of two recent failures involving gun control and bear hunting, which have special resonance in rural areas and which generate cultural and regional resentments. Adopting health coverage would be in sync with the 2016 successes at the polls of the initiatives to raise the minimum wage, legalize marijuana and raise taxes on to income people to finance education. But if it does pass, Republicans may seek legislative action to roll the change back, as they did on multiple ballot issues this year.

Maine voters showed a willingness to back change in November, both in Donald Trump's remarkable success in the Second CD and in voting for several major policy shifts. But while President Trump has represented a change in many ways at the national level, in Maine, the policy issue initiatives haven't yet brought as much change as voters had approved or had expected.