

Maine Politics in 2010: So Much for “The Way Life Should Be?”

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Despite assertions to the contrary, Maine politics generally exemplifies continuity and predictability.¹ Our 2007 report noted a curious juxtaposition: a plebiscitarian polity’s embrace of polarizing referenda prevails alongside its preference for consensus-seeking and pragmatic, non-ideological federal and state officeholders.² Little has changed since then—so far. Mainers in 2010 are still generating referenda. They initiate frequent “citizen’s vetoes” of controversial state laws. But at the same time Mainers routinely re-elect nearly all of their Democratic and Republican citizen state legislators (2010 aside) and members of Congress, even as they remain attracted to wealthy independent candidates for governor. The context for Maine’s 2007-2010 politics remains a political culture at once moralistic and participatory on Daniel Elazar’s familiar model, like most Northern New England and Upper Midwest states.³

Alexis de Tocqueville was struck by New England’s direct democracy political culture, where “the law of representation was not adopted, but the affairs of the community were discussed, as at Athens, in the market-place, by a general assembly of the citizens” at town meetings.⁴ In Maine more than in other parts of New England, for poorly understood reasons, all-or-nothing referenda’s starkly polarized choices portrayed on television in simplistic and distorted terms have displaced town meetings’ and elected legislators’ weighing alternatives and

¹ For an example, see Tom Bell, “Maine’s Voters, as Expected, are Unpredictable.” *Maine Sunday Telegram*, November 9, 2008, A5.

² Howard Cody, “Maine Politics in 2007: Further Adventures of a Plebiscitarian Polity.” *New England Journal of Political Science* 3:1, 2007.

³ Kenneth T. Palmer, G. Thomas Taylor, Marcus A. LiBrizzi, and Jean E. Lavigne, *Maine Politics and Government*. Second Edition. Lincoln: University of Nebraska Press, 2009, 9-22.

⁴ Alexis de Tocqueville, *Democracy in America*. Edited by Isaac Kramnick. New York: W. W. Norton, 2007, 38.

negotiating compromises.⁵ Maine elections have no “off years.” There are referenda every year. While Maine was the first eastern state to adopt the initiative and citizen’s vetoes in 1909, Christian Potholm argues that it was a 1980 initiative to close the Maine Yankee nuclear power plant that launched Mainers on the path to frequent referenda.⁶ Mainers now take for granted that they may make and unmake state policy on sales and income taxes, bottle deposits, moose and bear hunting (as separate initiatives), Sunday shopping, cruise missile testing, casino gambling, and virtually everything else. Their majoritarianism extends to social issues. They hold that majorities may confer—and remove—minorities’ rights through referenda. If most referendum voters lack personal familiarity with the minorities directly affected, such as same-sex couples and persons desiring medical marijuana, so much the better. Few Mainers publicly dissent from such presumption.⁷ Critics only complain that voters sometimes endorse costly initiatives without giving the state the means to fund them.⁸

Before 2010 Mainers routinely re-elected state officeholders until they had served eight years (four terms for state representatives and senators and two terms for governors), whereupon they were term-limited. In 2007, by better than two-to-one, voters rejected a proposal to extend legislators’ term limits to twelve years. They retain their conviction that their citizen legislators must avoid careerism and professionalization. So Speaker of the House of Representatives Hannah Pingree faced mandatory retirement in 2010 at the age of 33!

But Mainers hold a different standard for federal politics. Congressional incumbents of both parties in both houses serve as their default choice for re-election regardless of seniority.

⁵ For Tocqueville and Maine’s subsequent participatory political culture, see Kenneth T. Palmer, “Maine’s Paradoxical Politics.” *Maine Policy Review* 19:1, Winter/Spring 2010, 27.

⁶ Palmer et al., 63; Christian Potholm, *This Splendid Game: Maine Campaigns and Elections, 1940-2002*. Lanham, Maryland: Lexington Books, 2003, 160. Ironically, the hotly contested initiative to close Maine Yankee failed.

⁷ For a brief survey of Maine’s referenda since their 1911 origin, see Palmer et al., 51-52.

⁸ “Too Many Referendums.” *Bangor Daily News*, October 29, 2009, A6. (editorial)

Only one incumbent Maine member of Congress has failed to secure re-election in more than three decades.⁹ Maine has voted for the losing candidate in the past century's seven close presidential elections, but the state has supported the winner in all ten less competitive presidential races since 1952. In 2008, Barack Obama and John McCain out-organized their opponents in the presidential caucuses. Obama carried Maine in November with 59% of the two-party vote, although his margin for the Second Congressional District's single electoral vote was narrow. Both federal House seats stayed Democratic. Allen's First District went to liberal Chellie Pingree, who may hold it indefinitely. So may "Blue Dog" Democrat Mike Michaud in the more conservative upstate Second District. Democrats widened their margins in the state legislature to 95-55 in the House (with one Independent) and 20-15 in the Senate.

When Republican Senator Susan Collins sought a third six-year term in 2008, her opponent, First District Congressman Tom Allen, had to show why Collins "needs to be fired."¹⁰ Collins has operated as a pragmatic deal-making moderate, to some even as a nonpartisan centrist. She has maintained a high profile with national media attention. By fulfilling Mainers' expectations and facing no Republican primary challenge from the right, she won reelection easily, with 61% of the vote.¹¹ After her re-election, Collins and Olympia Snowe served as two of the three Republican Senators with a "pivotal role" in passing President Barack Obama's economic stimulus package in 2009 and his financial services overhaul in 2010, although (despite extensive courting) they ultimately rejected his 2010 health care reform legislation.¹²

⁹ Palmer et al., 38; Potholm, 39.

¹⁰ Vicki Ekstrom, "Donations Signify Scope of Collins-Allen Race." *Bangor Daily News*, March 19, 2008, C8.

¹¹ On Mainers' expectations for their United States Senators, see Potholm, 24; Palmer et al., 39; and "Snowe, Collins Key Players." *Bangor Daily News*, July 23, 2010, A10. (editorial). On Collins' re-election, see Bell.

¹² On Collins' reputation in summer 2010, see Rebekah Meltzer, "Collins: Woman in the Middle." *Maine Sunday Telegram*, August 29, 2010.

By contrast, on referenda, as Yogi Berra put it, “it ain’t over until it’s over, and even then it ain’t over.” Referendum issues often return for successive votes. Sometimes the second vote turns out differently, but Mainers usually reaffirm the status quo on economic and social issues alike. Although voters had approved a “racino” for Bangor (combining slot machines with a racetrack), a November 2007 referendum narrowly defeated a Passamaquoddy Indian racino. A year later a full-service casino resort for Oxford County also failed, in both cases partly because many Mainers moralistically cherish a vision of their state as a pristine exemplar of “the way life should be.”¹³ A reworked version of the Oxford County proposal finally passed by a recount-triggering 4600 votes in 2010. Then there is TABOR, the Taxpayers’ Bill of Rights. Reflecting the anti-government positions of the Maine Heritage Policy Center, TABOR initiatives (modeled on an abandoned Colorado law) linking state spending increases to growth in population and the cost of living lost in 2006 and again, after minor reworking, in 2009.¹⁴

Maine’s commitment to direct democracy manifests itself most strikingly in citizen’s vetoes of existing laws. Three times since 2008, Mainers have overturned laws passed by the legislature and signed by the governor. Two of these cases deserve our attention. In April 2009 Maine became the first state to legalize same-sex marriage through legislation signed by the governor. (New Hampshire followed soon after.) Opponents supported by the Catholic Church quickly gathered the 55,000 signatures necessary to suspend the law and to put it on the ballot. In the November referendum, after a polite but intense campaign in which veto supporters spent about \$2.5 million and the “no” side some \$4 million (much of it from out of state in both cases), the same-sex marriage law was overturned by 53%-47%. In June 2010 another citizen’s veto struck down a revenue-neutral tax shift which had reduced the state’s investment-killing 8.5%

¹³ For Mainers’ conflicted views on Indian and other gambling initiatives, see Palmer et al., 48, 52, 182.

¹⁴ On the TABOR debate in 2009, see Kevin Miller, “Is Maine Ready for TABOR?” *Bangor Daily News*, October 17-18, 2009, A1. On the Maine Heritage Policy Center, see Palmer et al., 47.

marginal rate income tax (now New England's highest by far) to 6.5% and making up the difference by broadening the state's narrowly-based sales taxes which had covered only 24 of 160 available categories. This vote was not close; 61% of voters rejected the law.

The scenarios for both vetoes were similar. Both times the state's largest circulation newspapers robustly but fruitlessly opposed the vetoes.¹⁵ On both occasions the supporters of the new laws led most pre-election polls, the defenders of same-sex marriage often by wide margins. TABOR also led in 2009 pre-election polls before losing 60%-40%.¹⁶ In each case Maine voters retreated to the "comfort and control of the familiar" and reinstated the status quo ante.¹⁷ Citizens low in income and education, who are more numerous and vote in greater numbers in Maine than in most states¹⁸, rejected same-sex marriage, TABOR and tax reform. Thanks to their mistrust of change, their lack of confidence in politicians and editorialists, and their (valid) concern that TABOR might threaten public services, they helped save Maine from all three reforms. The success of citizen's vetoes likely will generate more of them and constrain policymaking in Augusta for some time to come.

Maine's 2010 political scene included an open governor's contest amidst a persistent budgetary shortfall. The governor is the only elected statewide office. Maine governors are powerful: their vetoes are rarely overridden, legislators' lack of institutional memory makes them reliant on the executive and experienced staffers, and legislative leaders are usually near

¹⁵ Note these editorials: "Support Maine Families: Vote 'No' on Question 1." *Maine Sunday Telegram*, October 18, 2009, E4; "Election 2009." *Bangor Daily News*, October 31-November 1, 2009, A10; "'Big Picture' Concerns Call for 'No' Vote on Q1." *Maine Sunday Telegram*, June 6, 2010, E2; "No on Question 1." *Bangor Daily News*, May 26, 2010, A6.

¹⁶ For typically misleading 2009 pre-election polls, see Kevin Miller, "Marriage Law, TABOR Show Gains in Poll." *Bangor Daily News*, October 15, 2009, A1.

¹⁷ This expression, deriving from an earlier referendum vote, is found in Todd Benoit, "This Blessed Plot, This Earth, This Budget." *Bangor Daily News*, January 6-7, 2007, A13.

¹⁸ Palmer, "Maine's Paradoxical Politics", 27.

their term limit.¹⁹ Only one governor has failed to secure a second term in the past century.²⁰

Governors negotiate state budgets with legislators. Second term Democratic governor John Baldacci and the legislature crafted a 2010-2012 bipartisan balanced budget that reduced biennial expenditure from \$6.1 billion to \$5.5 billion without raising taxes.²¹ Because voters subsequently punished Democrats for their good deed, Republicans will have responsibility for finding perhaps an additional \$1 billion in budget cuts in the coming biennium.²²

As Maine is the only state to have elected two independent governors in recent decades, the possibility always exists that an Independent in the governor's race will gain traction with voters.²³ The 2010 governor's contest seemed ideal for another successful Independent campaign. Republicans nominated gruff, plain-spoken socially and economically conservative Waterville mayor and business owner Paul LePage. Democrats selected a long-serving state legislator, State Senate President Elizabeth (Libby) Mitchell, who aspired to become Maine's first female governor. Independent Eliot Cutler, a wealthy international lawyer with environmental policy experience working for Senator Edmund Muskie decades ago, understood Maine's political culture. He attacked LePage for a "slash and burn, dismantle and divide approach", whereas Mitchell was an insider "status quo candidate" of the political establishment that got Maine into its fiscal predicament with excessive spending. Cutler (with the slogan "Independent. Just like Maine") positioned himself as the contest's sole "real Mainer", a moderate, non-ideological pragmatist selflessly offering to save the state from partisan

¹⁹ Palmer et al., 81, 88-89.

²⁰ Potholm, 39.

²¹ On the budget's bipartisan quality, which passed the House by 110-35 and the Senate by 31-2, see "The 124th Legislature." *Bangor Daily News*, April 20, 2010, A6. (editorial)

²² Christopher Cousins, "State Retirement Costs to Go up \$287 Million." *Bangor Daily News*, July 10-11, 2010, B1.

²³ For an analysis of James Longley's and Angus King's successful Independent campaigns for governor in 1974 and 1994 respectively, see Potholm, 173-179 and 185-193.

ideologues of both right and left.²⁴ As such he enjoyed the best of both worlds: an outsider and independent who nonetheless respected the “comfort and control of the familiar.” Like Angus King in 1994, Cutler raided his deep pockets for a televised advertising blitz. But the state’s largest newspapers administered Cutler the kiss of death: by endorsing him they associated him with established elites and undercut his credentials as an insurgent.²⁵

Potholm warns Independents that they have little chance unless both Republican and Democratic candidates and campaigns are weak or poorly run.²⁶ Mitchell’s campaign was weak in that her long government experience afforded her an “incumbent” and insider image that deprived her of growth potential with Independents in 2010’s persisting poor state economy and anti-incumbent climate.²⁷ A month before the election Mitchell and LePage were tied in the polls at about 30% each, with Cutler around 10%.²⁸ Then LePage told a group of lobstermen that “as your governor, you’re going to be seeing a lot of me on the front page saying ‘Governor LePage tells Obama to go to hell.’”²⁹ LePage’s support then grew to near 40%, while his negatives surpassed 50%. In effect, LePage’s perceived extremism facilitated his election in a polarized four-way race that made him the prime issue and let him monopolize one side while his opponents divided the anti-LePage vote three ways.³⁰ Cutler’s predictable surge in the campaign’s final week cost Mitchell many Democrats leery of LePage but fell just short: LePage took 38.3% of the vote to 36.5% for Cutler and 19.1% for Mitchell. Election post-mortems cited

²⁴ For candidate comparisons, see “Governing Style.” *Maine Sunday Telegram*, October 31, 2010, E1; and Christopher Cousins, “Could Nov. 2 Be Another Independent’s Day?” *Bangor Daily News*, June 30, 2010, A1.

²⁵ “Eliot Cutler the Best Choice to Lead Maine Forward.” *Maine Sunday Telegram*, October 24, 2010, E2 (editorial); “Eliot Cutler for Governor.” *Bangor Daily News*, October 30-31, 2010, A10 (editorial).

²⁶ Potholm, 211.

²⁷ Eric Russell, “Undecideds Hold Sway in Governor’s Race.” *Bangor Daily News*, November 1, 2010, A1.

²⁸ Kevin Miller, “LePage Takes Hits on New Comments.” *Bangor Daily News*, September 30, 2010, A1.

²⁹ Tom Bell, “LePage’s Scorn for President Causes Stir.” *Portland Press Herald*, September 30, 2010, A1. LePage later “clarified” these remarks by claiming they referred to Obama’s free-spending, anti-business policies.

³⁰ Shawn Moody, an affable businessman running as an Independent and a moderate, took 5% of the vote.

former Governor King's last-minute endorsement of Cutler as a factor in his late growth.³¹ The perception that Mitchell could not attract enough Independents to defeat LePage also sparked much of Cutler's momentum.

No exit polls were conducted in Maine for this election. It appears that LePage mobilized socially conservative elements of both parties' traditional support bases. He reassembled most of the coalition that has steadfastly rejected equal rights for gays and lesbians. This includes mill-town blue collar Catholics, most of whom share LePage's French-Canadian heritage, plus small-town and rural largely evangelical Protestants who until recently would not have considered voting for a Catholic, much less a Franco-American, as governor. LePage also won support from other small business owners who chafe at the taxes and regulations that led *Forbes* magazine to rate Maine last among the states in its business environment. LePage and Republican legislative leaders promise to remove obstacles to private sector job creation.³²

Maine's voters retained their practice of reelecting their members of Congress, as both Chellie Pingree and Mike Michaud defeated credible if quite conservative opponents by comfortable margins. But Maine's legislature went Republican, leaving the GOP in charge of the governorship and both houses of the legislature for the first time since 1966. Republicans took the House of Representatives by 77-73 and the Senate by 20-14, with one Independent elected to each chamber. Once again, anti-incumbent sentiment was decisive.³³ LePage and other Republicans are pledging to "reverse the direction of the state", primarily by cutting big

³¹ Mal Leary, "Polls Failed to Catch Last-minute Trends." *Bangor Daily News*, November 4, 2010, B1.

³² J. Hemmerdinger, "Maine Businesses Eager for Change, LePage-style." *Maine Sunday Telegram*, November 7, 2010, A1.

³³ Matt Wickenheiser, "Trifecta Energizes Party Leaders." *Bangor Daily News*, November 4, 2010, A1. After the election a Democratic Representative from northern Maine defected to the GOP and gave his new party its 78th House member.

government and excessive spending.³⁴ But the state's direction for eight years under Democrats like Baldacci featured spending reductions and downsized government. When Baldacci left office, Maine's budget had fallen over his eight years, controlling for inflation, while the state has reduced its public employees by more than 1,000.³⁵ LePage really wishes to *accelerate* ongoing trends, not reverse them. A Republican legislature will not stand in his way.

The 2010 election mocks Mainers' asserted exceptionalism by discrediting their conceit that they embody "the way life should be." The campaign featured the same free-spending and extensive negative attack advertising previously common only in other states.³⁶ Much of this advertising, in Maine as elsewhere, came from third-party organizations based outside the state.³⁷ Attack advertising, a "Tea Party"-like governor representing an increasingly right-wing Republican party, and a full-service resort casino with more possibly on the way³⁸ may make Maine distinctive in its region for little more than its relative poverty.³⁹

If Maine's loss of exceptionalism includes the hollowed-out political center observed elsewhere, the omens for GOP moderates and for consensual policymaking are unpromising. Perhaps it was only a matter of time before Mainers made party politics as polarizing as their cherished referenda. If they do so it will signal a revolution in Maine politics. Senator Snowe's 2012 reelection chances may be imperiled. This time she is certain to face a conservative GOP

³⁴ Tom Bell, "LePage Has Tough Act to Follow as He Faces Tight Budget." *Maine Sunday Telegram*, November 7, 2010, C1.

³⁵ "B for Baldacci on Budget." *Bangor Daily News*, October 13, 2010, A6. (editorial)

³⁶ Kevin Miller, "Party Politics Takes on Harsher Tone." *Bangor Daily News*, October 16-17, 2010, A1.

³⁷ On this trend in national politics, see David Lightman, "Campaign Outsiders Spend Big." *Bangor Daily News*, October 27, 2010, A1.

³⁸ The Oxford casino's bare referendum victory may now open the floodgates. A network of casinos may soon spring up across Maine. Michael Peters, "Gambling is Here, Time to Set the Rules." *Maine Sunday Telegram*, December 12, 2010, E2.

³⁹ Census data report that Mainers "continue to earn significantly less than their New England neighbors." Kevin Miller, "Maine Last in Earnings in Northeast, Census Finds." *Bangor Daily News*, December 17, 2010, A1.

primary challenger.⁴⁰ A 2010 poll suggests that Maine Republicans opposed Snowe's reelection by better than two-to-one. She retains support from party moderates, but conservatives now outnumber them by a similar margin.⁴¹ The fact that Snowe has become more popular with Democrats than Republicans shows how far both parties, especially the GOP, have migrated rightwards. Snowe's electoral fate may reveal much about the future course of Maine politics.

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⁴⁰ Kevin Miller, "Tea Party Eyeing Snowe's Seat." *Bangor Daily News*, December 10, 2010, B1.

⁴¹ Marc A. Thiessen, "Snowe Removal in 2012?" *Washington Post*, November 9, 2010; "63% Say Trade out Snowe." www.publicpolicypolling.blogspot.com. September 13, 2010.