

A Summer 2020 Update: Maine Politics in a Time of COVID-19 and Uncertainty¹

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This was supposed to be a happy birthday year in Maine. The Pine Tree State was due for one of those big, round number birthdays that everyone likes to celebrate, as it turned 200. There was a special flag created, a new USPS stamp commemorating Maine's bicentennial, and lots of celebratory events. But nobody had counted on what has dominated 2020 throughout the US: the COVID-19 pandemic. And just like many birthday parties, games, concerts and graduations, COVID-19, and the need for physical distancing it produced, led to the cancellation or postponement of most Bicentennial events (see, for example, Carrigan and Stockford 2020).² Not only that, but reactions to COVID-19 became the biggest theme in Maine politics in the first half of 2020.

COVID-19 Response

Like governors across the nation, Governor Janet Mills took action to prevent the spread of the COVID-19 virus. And as other governors around the country did, Mills worked with governors of nearby states in a similar situation on the prevalence of the pandemic. Instead of working with southern New England governors, who were dealing with a far worse pandemic situation, Mills coordinated strategy with her fellow northern New England governors: Chris Sununu of New Hampshire and Phil Scott of Vermont (Mistler 2020a). Unlike partisan conflict in Washington, D.C. over pandemic response, Democratic Governor Mills seemed to have no difficulty or conflict with Sununu or Scott, who are both Republicans. Much of the controversy around Mills' plans has been in questioning whether they did the right amount to discourage visitor travel from other states—particularly New York and Massachusetts with much higher COVID-19 infection and death rates. As of June 17, only eight other states and Puerto Rico have had a lower infection rate than Maine. By contrast, the four highest rate states—New York, New

Jersey, Massachusetts and Rhode Island—are all nearby and normally send tourists to Maine each year (Elflein 2020).

This sharp disparity between Maine and some of its northeastern neighbors has been noted. Relatively early in the crisis, stories began to appear about summer residents from states with higher infection rates coming early to Maine (Mandell 2020). After an incident in Vinalhaven where an out of state resident's road was blocked by a chopped down tree, allegedly by neighbors who wanted him to stay put and quarantine, the phrase “Don't make me go Vinalhaven on you” has crept into the Maine vernacular toward out of staters who don't follow the rules.³

As was the case for governors in other states, protesters were vocal in criticizing Governor Janet Mills' policies in closing down parts of Maine's economy. As was true of governors in many states, Mills received pushback from a variety of business and professional interests at the limitations imposed on their businesses. The city of Calais, on the Canadian border in Washington County, was the first Maine city that formally pushed back. Its city council voted 6-1 to allow all city businesses to reopen in direct and intentional defiance of Governor Mills' gradual reopening order (Brown 2020). More recently, the city of Gorham took similar steps (Lowell 2020), and both Windham and Auburn passed municipal resolutions declaring all business in their cities essential (Christie 2020). Some businesses also tried to defy the order, most notably Sunday River Brewing Company owner Rick Savage. Not only did he open his restaurant to dine in customers when not allowed to do so—prompting a major battle over his liquor and restaurant licenses—but he further provoked Governor Mills by giving out her private cell phone number on Tucker Carlson's Fox News program (Sharon 2020; Walsh 2020).

There have also been multiple demonstrations outside of the Blaine House against Governor Mills' handling of the crisis. Among the protesters was former Governor Paul LePage, who spoke to protesters via cellphone from inside his car (he was self-quarantining after coming up to Maine from Florida). LePage suggested that he may challenge Mills to retake his old job in 2022 (Associated Press 2020).⁴

Some Republicans do not want to wait for the 2022 election to replace Governor Mills. State Representative John DeVeau (R-Caribou) called for Governor Mills' impeachment over what he saw as an overly restrictive lockdown in the wake of the COVID-19 pandemic, and also called for U.S. Attorney General William Barr to investigate her. However, Republican legislative leaders, while wanting a larger role in Mills' pandemic response decision making, quickly dismissed the idea of impeachment (Collins 2020a).⁵ Controversial conservative State Representative Larry Lockman (R-Amherst) referred to the governor as "Jackboot Janet" and started a petition drive to convene a grand jury to investigate her for what he saw as her responsibility for "turning Maine's nursing homes into killing fields" (Collins 2020a).

The novel coronavirus also had the effect of delaying Maine's spring primary, which had been scheduled for June, until July. Concerns over poll worker staffing—many people who normally serve in that role are older people or others among high risk categories for COVID-19—and voter safety—led the state to the decision (Leary 2020). In fact, Maine Secretary of State Matt Dunlap has encouraged voters to vote by absentee ballot to help prevent COVID-19 spread. Maine is among the states that does not require an excuse for voting absentee (Sharp 2020).

The three most important parts of the now-July ballot are the Democratic primary for the U. S. Senate seat currently held by Republican Susan Collins; the Republican primary in the 2nd

Congressional District to choose an opponent for freshman Democrat Jared Golden; and two statewide bond votes. I will discuss these races after I discuss two recently concluded elections: Maine's first presidential primary in two decades, and a people's veto vote on the hot-button issue of vaccination requirements.

Past Elections

The 2020 Presidential Primary in Maine

Following a general national trend, Maine moved away from voting for convention delegates and presidential nomination candidates in caucuses in favor of a primary to be held on "Super Tuesday." Both Maine parties had used a caucus for these purposes since 2000, but difficulties facing both parties in how their caucuses went in 2012 (Republicans) and 2016 (Democrats) helped lead to the change (Mak 2012, Miller 2020).

The Republican side was quiet. At one point, it appeared likely that former Massachusetts Governor William Weld might make Maine part of a northeastern strategy to challenge President Donald Trump for the Republican nomination. But neither he nor any other challenge to Trump made the ballot. Trump was chosen by 83.8% of Republican primary voters; 16.2% left their ballot blank.

On the other hand, the Democratic ballot offered twelve different candidates! The only problem was that seven of them had suspended their campaign by the time Maine voted on March 3 ("The Presidential Primary Candidates" 2020). Some voters had already sent in ballots backing one of the candidates who was out of the race before Election Day, such as Minnesota Senator Amy Klobuchar and former South Bend Mayor Pete Buttigieg, both of whom had campaigned in Maine (Mistler 2020b). Massachusetts Senator Elizabeth Warren shifted resources to Maine in February, and former New York City Mayor Michael Bloomberg made a

major effort to win Maine, spending nearly \$500,000 there. He had not appeared on the ballot before Super Tuesday but had campaigned in Maine (Hagen 2020, Burns 2020, Mistler 2020b). The consensus favorite to win, and the leader in the Colby College poll taken just weeks before the election, was Vermont Senator Bernie Sanders, who had received 64% of the vote in Maine in 2016's caucus against Hillary Rodham Clinton. Sanders had also spoken in Maine the previous summer (Burns 2020, Mistler 2020a, "Maine General Election Poll" 2020, Miller 2020).

The race did not turn out as expected. Joe Biden, who did not visit Maine and didn't advertise here, wound up pulling out a razor-thin victory over Bernie Sanders. Sanders was expected to win handily, and, at least until polls showed otherwise in February, Elizabeth Warren was expected to be his closest competitor, but she finished a distant third. One reason why Biden did so well may have been the exit of both Buttigieg and Klobuchar just before the Maine primary. Both candidates were competing for votes with Biden, and each one endorsed Biden the day before the Maine primary (Ruthart 2020).

People's Veto Vote on Vaccination Exemptions

On the same March ballot as the presidential primary was a people's veto vote. Its proponents sought to block implementation of a new law removing religious and philosophical exemptions from Maine's requirement that students in public schools, universities and public health facilities receive vaccinations, in part over concerns of the side effects of vaccines. (Medical exceptions are still available.) Of course, this is just the latest battle over the scope of vaccinations, as an anti-vaccination movement has been active for decades (Hussain et. al., 2018; Mitra, Counts, and Tennebaker 2016).

Maine voters had ample opportunity to hear about the people's veto vote. The two sides combined to spend over \$1 million on the campaign, and there were two television debates and

one radio debate (Lawlor 2020). Supporters of the people’s veto argued that the new law would damage parental autonomy in caring for their children, and billed the vote as an opportunity to “say no to Big Pharma,” arguing pharmaceutical companies would profit from the wider use of vaccines. In fact, the campaign web page address for the Yes on 1 campaign was named “Reject Big Pharma” (“Why Vote Yes on 1?”). Opponents noted the high rate of exemptions in Maine and its high incidence of childhood diseases vaccines are designed to counter. In particular, they pointed to Maine’s rate of pertussis—the second highest in the nation—and that vaccination rates had been too low to provide “herd immunity.” Parents of immunocompromised children also spoke up against the people’s veto, and every major medical organization in Maine also opposed the people’s veto (Bard and Mills 2020, Wight 2020, Associated Press and Staff Reports 2020).

One might say voters followed the “doctors’ orders”: only 27.2% of Maine voters voted for the people’s veto. It lost in all 16 Maine counties, and lost by a margin of over 2-1 in half of them, chiefly in southern and central Maine (Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Oxford, Sagadahoc and York Counties). (Bureau of Corporations, Elections and Commissions 2020).

Future Elections

The 2020 General Presidential Election in Maine

Maine has used a district plan for allocation of presidential electors since 1972 (Melcher 2010). While Maine’s congressional districts both voted for the statewide winner in every presidential election from 1972 through 2012, they have been moving apart from one another in presidential elections from 2000 to the present. The greater tendency of the 2nd District to vote Republican for president than the 1st District finally produced a split result in 2016, with Donald Trump carrying the 2nd District, and Hillary Rodham Clinton carrying the state as a whole and

the 1st district. The voting gap between the two districts was the largest it has ever been since the district plan went into effect in 1972 (Fried and Melcher 2018). Perhaps, then, it is unsurprising that one of President Trump’s few trips since the COVID-19 crisis hit the United States was to Guilford, Maine, a small 2nd District town in Piscataquis County—the only Maine county carried by the Republican candidate in the last three elections, and where Trump ran well in 2020.

President Trump got national media coverage for the trip to a Guilford producer of swabs used in COVID-19 testing, and former Governor Paul LePage was there to greet him when Air Force One landed at Bangor International Airport. Trump made a point to sound political themes in his remarks in Maine, particularly against Democratic Governor Janet Mills (Ohm et. al. 2020, Fritze and Collins 2020). The visit to Puritan Medical Products matched a pattern on recent presidential visits, in which President Trump visited manufacturers of COVID-19 related products in states such as Michigan, Pennsylvania and Arizona expected to be key to the 2020 election (Fritze and Collins 2020).

Democratic U.S. Senate Primary

At one time, Susan Collins ranked as one of the most popular U.S. Senators in the United States. In 2016, she ranked as the second most popular senator in a senator’s home state, trailing only Bernie Sanders from Vermont, with a 78% approval rating (Office of Senator Collins 2016). Since Donald Trump’s election, however, Collins’ approval ratings have substantially declined. A poll released by the Morning Consult in January—the same organization that conducted the 2016 poll—found that Collins had the lowest home state popularity in the entire U. S. Senate with only 42% approval (Ohm 2020). Collins won her last race, in 2014, with a commanding majority, but this race will be much closer. The one bit of good news for Collins is that she will have no opponent on the primary ballot. Prior to her vote to confirm Brett Kavanaugh to the

Supreme Court, there was talk of a primary challenge, but as her support from Republicans solidified, nobody got on the primary ballot against her. Still, the challenge to Collins has drawn extensive national attention (e.g. Cohen 2020, Haberkorn 2020, Higgins 2020, Miles 2020).

The Democratic primary favorite is Maine House Speaker Sara Gideon of Freeport. Gideon has won the lion's share of donations in the Democratic primary. As of early June, Gideon has raised over \$14 million (Collins has raised over \$13 million) (Center for Responsive Politics 2020) and has received backing from the Democratic Senatorial Campaign Committee (Rooks 2020, 6). Gideon's leading primary opponent is Betsy Sweet, a longtime women's activist in Maine politics who ran third in the seven-way Democratic gubernatorial primary in 2018. Sweet has run to Gideon's left, and has explicitly appealed to voters who supported Bernie Sanders for president, backing Medicare for All, the Green New Deal and other Sanders-backed policies. Attorney Bre Kidman is also in the race. Two men who were previously in the Democratic primary, Richard Treacy and Ross LaJeunesse, have dropped out (Rooks 2020, 6-8).

Republican Second Congressional District Primary

The Second District race in 2018 was as close as close could be, and was not finally resolved until defeated Republican incumbent Bruce Poliquin called off his lawsuit against the results just before Christmas (Mistler 2018). Furthermore, the Second District gave Donald Trump his only electoral vote in New England, beating Hillary Clinton there by a comfortable margin in 2016. Republicans, therefore, see this as an excellent opportunity to gain back a House seat from the Democrats. Incumbent Democrat Jared Golden is unopposed for the Democratic nomination. He has been somewhat more centrist than some Maine Democrats would like, most notably because he was one of only 4 House Democrats who did not vote for both articles of impeachment against President Donald Trump; he voted for one of the two (Rummler 2019).

Golden voted yes on the impeachment article finding that President Trump had abused power, but no on the charge of obstruction of Congress (Tadlock 2020). Reps. Collin Peterson of Minnesota and Jefferson Van Drew of New Jersey were the only Democrats in the House to vote “no” on both articles of impeachment. Van Drew later switched to the Republican Party. Rep. Tulsi Gabbard voted “present” on both articles. In Maine, Senator Angus King and Rep. Chellie Pingree voted for both articles; Sen. Susan Collins opposed both of them (Rummler 2019).

The Republican primary has three candidates, but Poliquin is not among them. He announced in August 2019 that he would not run in 2020 in order to devote more time to taking care of his elderly parents. He did not rule out future races, however (WGME 2019). The best known of the 2020 contestants is probably former state senator Eric Brakey of Auburn. Brakey was the Republican nominee for the U.S. Senate in 2018 against Independent incumbent Angus King and Democrat Zak Ringelstein. He has a reputation as a sharply libertarian Republican, but in recent television advertising, is billing himself as the candidate who is most closely aligned with Donald Trump, and the best able to help him. Former State Senator Dale Crafts, and former Press Secretary to Governor Paul LePage Adrienne Bennett round out the field (Collins 2020b). All three Republican candidates have professed loyalty to President Trump. Bennett has not only highlighted her early support for Trump but has accused Brakey of being a “Never Trumper” and depicts him as a clown in an official campaign ad (Adrienne Bennett for Congress 2020).

Bond Referenda

In addition to the partisan primaries, all Maine voters can weigh in on whether to approve two bond referenda. Question 1, the Internet Infrastructure Bond, would borrow \$15 million to improve internet service in underserved areas of the state. Question 2 is a more traditional vote:

a \$105 million transportation bond (Muszynski 2020). Bond elections are relatively frequent in Maine, chiefly because of Maine's very low threshold requiring public approval for state borrowing. Bond referenda have fared very well in Maine since a brief period of difficulty passing them in the early 1990s (Melcher 2019a; Melcher 2016). Past experience suggests that while both have a good chance of passage, the transportation bond is the more likely to do well. Maine has not rejected a transportation bond since 1994, and it is among a group of types of bond referenda that have performed particularly well over the past 50 years (Melcher 2016).

Ranked Choice Voting (RCV)

Maine has received a great deal of attention since it became the first state to use ranked choice voting in statewide elections in 2018 (e.g. Sorens 2016, Glover and Fried 2018, Santucci 2018, Maisel 2018, Von Spakovsky and Adams 2019, Massie 2019). This has not been without controversy, as there has been significant partisan division on the issue (Anthony 2019, Anthony et al. 2019, 5-8).

While the Maine Legislature considered ranked choice voting as early as 2001 (Maine State Legislature 2020), most of this discussion and division goes back to the early 2010s. The initial energy for ranked choice voting in Maine derived largely from frustration by opponents of conservative Republican governor Paul LePage, who was elected in 2010 with only 39% of the vote and was re-elected with less than a majority vote in 2014, as the anti-LePage vote was divided in both elections between the Democratic nominee and independent Eliot Cutler (Maisel 2018; Massie 2019, 324-25).

This hasn't been an area of debate just for politicians, either. Scholars have had a rich debate over the merits of ranked choice voting. Maine's Republican opponents of RCV are joined by a variety of scholars who also have raised philosophical, constitutional and practical

objections to various aspects of ranked choice voting (see, for example, Crepau and Sigaud 2019, von Spakovsky and Adams 2019, McDaniel 2018, Sorens 2016, Burnett and Kogan 2014, and Jacobs and Miller 2014). On the other hand, many other scholars have defended elements and/or specific municipal uses of ranked choice voting (e.g. Kimball and Anthony 2016; Donovan, Tolbert, and Gracey 2016; Spencer, Hughes, and Richie 2016; and Schultz 2014).

Republicans in Maine have strenuously opposed ranked choice voting, and their opposition intensified after incumbent 2nd District Republican Congressman Bruce Poliquin was defeated for re-election by Democrat Jared Golden in 2018. This election used ranked choice voting and Poliquin led in first place votes. However, when the second and third choices of people who had voted for minor candidates were added in, Golden narrowly won (Mistler 2018; Crepeau, and Sigaud 2019). Republicans unsuccessfully challenged the outcome on the grounds that RCV undermined the right to vote, losing in federal court in the case *Baber v. Dunlap*. Ranked choice voting has been approved by voters in two separate elections: once to enact, and once to reject a people's veto.

Republicans in 2020 have launched a new tack in their fight against RCV: trying to prevent it from being used in presidential elections in Maine. Presidential elections were not initially included in Maine's RCV vote. They were passed into law for the November general election for president—but not for the 2020 presidential primaries—in 2019 (Shepherd 2020, Mills 2019). This would make Maine the first state to use RCV for presidential elector allocation (Theobald 2019).

Republicans submitted signatures in mid-June for a people's veto vote to stop the new law from taking effect—in spite of the difficulties in obtaining signatures in a time when social distancing makes that difficult (Whittle 2020). If their signatures are certified by the Secretary of

State, and the issue goes on the ballot, the vote would have an interesting effect. By putting it on the November 2020 ballot, it would prevent ranked choice voting from being used to determine how Maine's 2020 presidential electors will be allocated. That is because in a Maine people's veto, a vote must be held on the people's veto before a new law can take effect. Even if voters voted to reject repeal of RCV in presidential voting, just the people's veto being on the ballot in 2020 would mean that electors could not be allocated that way until 2024. Supporters of RCV are launching a countersuit against Maine Secretary of State Matt Dunlap, arguing that since the law is already on the books, a people's veto vote cannot be held on it, even though the law has not yet been used in presidential elections. In other words, if a people's veto on this issue is on the ballot, its implementation would be blocked for 2020 even if voters say they want it to be used (Thistle 2020).

Statewide Initiative on New England Clean Energy Connect?

Amidst the uncertainty of COVID-19 and what will happen later in the year, there is also uncertainty as to whether Maine voters will be asked to block state approval of the New England Clean Energy Connect powerline project. The proposal would bring hydroelectric energy from Quebec to Massachusetts, greatly helping Massachusetts reach its renewable energy goals. (For more background on the project and reactions to it, see Melcher 2019b, 262-64.)

Supporters of the plan argue that it would be beneficial for the environment, shift more power production to renewable hydroelectric power, and would strengthen Maine's electrical grid while bringing in revenue to Maine towns and cities. Opponents question the environmental benefits of the plan, have aesthetic objections to the effect of the powerline on Maine forests, and are distrustful of Central Maine Power and its foreign owned parent company. They also feel it is an example of much-wealthier Massachusetts benefitting from a plan that will be harmful to

Maine. Opponents of the plan have sought to place an initiative on the November ballot that would block the project and were certified as having turned in enough valid signatures to do so. However, CMP and other project backers have sued on constitutional and other grounds to block the initiative from going on the ballot. As of this writing, the case has not yet been resolved, so it is unclear as of this writing whether this vote will appear on the November ballot (State House News Service 2020, Ballotpedia 2020).

Maine had hoped that 2020 would be a memorable bicentennial year, but not exactly in the way it has been so far. With continued COVID-19 uncertainty and major elections ahead, 2020 has many more memorable things in store for the Pine Tree State.

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² The current schedule for Bicentennial events can be found at <https://www.maine200.org/calendar>

³ It may have started with the O'Chang Comics animated video in which the main character makes a very similar statement (O'Chang Comics 2020)

⁴ Other protests in Maine in the spring of 2020 have included numerous protests around Maine in the wake of the death of George Floyd in Minneapolis police custody (see, for example, WABI News Desk 2020; Fortier 2020; and Abbott 2020); and against President Trump's June visit to Guilford (Ohm et al. 2020).

⁵ Maine law does not provide for the recall of the governor or state legislators. Among New England states, only Rhode Island does (NCSL 2019).