

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

First Special Session

September 6, 1978 — September 15, 1978

INDEX

Second Special Session

October 18, 1978

INDEX

Third Special Session

December 6, 1978

INDEX

APPENDIX

SENATE

Wednesday, June 14, 1978

Senate called to Order by the President.
Prayer by Reverend Howell K. Lind, Winthrop Street Universalist Church in Augusta.

Reverend Lind: Devine Spirit of Life, we pause at the beginning of this Session of the Senate to invoke Thy blessing upon these proceedings. Bestow upon these men and women the gifts needed to do the task before them. Hearing keen enough to find the person behind the words, an eye for the real meaning of the document, moderation and patience and a sense of the real needs of the people of this state of ours. May what they do this day, bring the State of Maine closer to goodness and justice and may these men and women find satisfaction in that achievement. In this spirit do we pray, Amen.

Communications
STATE OF MAINE
Senate Chamber
President's Office
Augusta, Maine 04333

May M. Ross
Secretary of the Senate of Maine
State House
Augusta, Maine 04333
Dear Madam Secretary:

Please be advised that in accordance with Article 4, Part 1, section 8 of the Constitution of Maine, the Senate of Maine will convene on June 14, 1978, at ten o'clock in the morning for the purpose of voting upon confirmation of the various appointments made by The Honorable James B. Longley, Governor of the State of Maine.

Sincerely,
JOSEPH SEWALL
Which was Read and Ordered Placed on File.

Office of the Governor
May 26, 1978

Honorable Joseph Sewall
President of the Maine Senate
Box 433
Old Town, Maine
Dear Joe:

As I believe you are aware, our two appointments to the Maine Employment Security Commission which were confirmed yesterday by the Labor Committee do not assume their positions on the Commission until July 6th when new legislation goes into law.

In order to accommodate these two new appointments, I would like to request that the Senate convene on June 6th or as close to June 6th as possible. While I realize this will delay action on several pending nominations, I know it is our mutual concern not to repeatedly call the Senate in for the purpose of confirming nominations. As I'm sure you will agree, calling the Senate in once for all pending nominations, will save the State considerable expense.

Thank you for your assistance in your efforts to accommodate gubernatorial nominations.

Sincerely,
Signed: JAMES B. LONGLEY
Which were Read and Ordered Placed on File.

The roll being called, the following Senators responded to their names.

ROLL CALL

YEAS — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trozky, Usher, Wyman, Sewall.

The PRESIDENT: 33 Senators having answered to the roll call, I now declare that a

quorum is present.

The PRESIDENT: The Chair notes with great pleasure the presence in the Chamber of two young men who have brought in the estimation of the Chair a great credit to themselves and to the profession I say to which they subscribe the system we call democracy and I would like to have Senator Jerry Speers and Senator Phil Merrill rise and accept the greetings of their colleagues this morning for a fine race they both ran.

(Off Record Remarks)

Out of order and under suspension of the rules.

On motion of Mr. Pierce of Kennebec.

ORDERED, that a message be sent to His Excellency, the Governor, informing him that in accordance with Article 4, Part 1, section 8 of the Constitution of Maine, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Mr. PRESIDENT: The Chair will appoint the Senator from Kennebec, Mr. Pierce, to deliver the message.

The Senate will be at ease pending the return of the messenger.

(At Ease)

Mr. PRESIDENT: The Senate will come to order.

The Chair recognizes the Senator from Kennebec, Mr. Pierce.

Mr. PIERCE: I have delivered the message with which I was charged.

Mr. PRESIDENT: The Chair hears the message and thanks the messenger.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, recessed until the sound of the Bell.

(Recess)

(After Recess)

(Off Record Remarks)

Out of Order and under suspension of the rules, the Senate voted to consider the following:

Communications
Office of the Governor

April 25, 1978

Honorable Joseph Sewall
President of the Senate
and
Honorable John Martin
Speaker of the House
Dear Joe and John:

I am today nominating Mary Adams of Garland, Maine to serve as a member of the State Board of Education.

Pursuant to the Maine State Revised Statutes Annotated, Title 20, Section 51, Mrs. Adams' nomination will require confirmation by the Joint Standing Committee on Education, as well as by the Senate.

I appreciate your assistance in this regard.
Very truly yours,

Signed: JAMES B. LONGLEY
Governor
Which was Read and Ordered Placed on File.

The Senate of Maine

April 25, 1978

The Honorable Bennett D. Katz
The Honorable Arthur P. Lynch
Chairmen, Education Committee
108th Maine Legislature

Please be advised that Governor James B. Longley nominated Mary Adams of Garland to

serve as a member of the State Board of Education.

Pursuant to 20 M.R.S.A., Section 51, as amended, this nomination is subject to review by the Committee on Education.

Sincerely,

Signed: MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

Committee on Education
May 31, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, and Joint Standing Committee on Education has had under consideration the nomination of Mary Adams to the position of member of the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS — Senators 2
KATZ of Kennebec
PIERCE of Kennebec
Representatives 3
LYNCH of Livermore Falls
BIRT of East Millinocket
BAGLEY of Winthrop

NAYS — Senators 1
USHER of Cumberland
Representatives 7

LEWIS of Auburn
PLOURDE of Fort Kent
CONNOLLY of Portland
WYMAN of Pittsfield
FENLASON of Danforth
MITCHELL of Vassalboro
BEAULIEU of Portland

5 members of the Committee having voted in the affirmative and 8 in the negative, it was the vote of the Committee that the nomination of Mary Adams to the position of member of the State Board of Education be denied.

Sincerely,

Signed: BENNETT D. KATZ
Senate Chairman

Signed: ARTHUR D. LYNCH
Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Mary Adams be denied.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

Mr. KATZ: Mr. President the Committee on Education dealt with six nominations by the Governor. We dealt with them all in one day. It was patently improper for us to attempt immediately to sit down and discuss all six, we delayed our action. Although the Committee was not in contact, the various members were not in contact with each other, we had a significantly long time to consider what we had heard

and how we were going to vote.

On the nomination of Mrs. Adams the Committee voted 8 to 5 against confirmation. The Committee has come under significant criticism for its vote. I was one of those who disagree vigorously with the majority of my own Committee, but I must be protective of the Legislative process and say that when ever any Legislative Committee is assigned a task and its members are called upon to exercise their conscience and vote, it is my feeling that I respect the vote of those who disagree whether they are in the minority or the majority. I want to assure this Senate that the 13 diverse members, and believe me it is an extremely diverse Committee when these 13 members casts their votes, their votes were not capricious but represented the best judgement and the honest judgement of each one of them.

I voted for Mary Adams because I feel that she is a highly qualified woman. She brings a bright mind and proven ability to the task of the State Board of Education.

I was involved in writing the language which created the current State Board of Education so I have a feeling for what was intended by the Legislature at the time that we created it. We specifically precluded from service any professional educators save only if one were a college president. I want the Senate to understand that at the time that language was written the reason we included a college president was because the State Board of Education also functions in the performance of its duties as the Higher Educational Facilities Commission, which at that time dealt with federal monies for college construction.

The hearing of Mrs. Adams was long, it was searching. When it was all over and when finally we voted, many members of the committee, 8 of them to be exact, voted against her. There is never any partisan implications in a report of the Committee on Education, we studiously avoid it. Some Democrats voted against her, and some Republicans voted against her and the opposite was true. I am absolutely confident today that when I ask the Senate to sustain the majority point of view that the Senate overwhelmingly will vote to overturn the report of the Committee on Education and confirm Mrs. Adams to the State Board of Education. I have had a long and unique relationship with Mrs. Adams and perhaps as well as any other person in this Body I have reason to be unenthused about some of her ideas but my wife points out to me on occasion I am wrong and so do the people of the State of Maine. So, I ask the Senate to override today and vote to approve the nomination of Mrs. Adams.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I intend to vote today with the Chairman of the Education Committee to override their recommendation and hopefully to confirm Mary Adams. I would like to say that I do so, because I think that any board benefits from a strong division of opinion and I certainly respect the vigor with which Mary Adams has put forth her position in the state and in which she continues to. I would just like to say though in voting that to confirm her, that I want there to be no misunderstanding that I do not share her views on education. I feel very strongly that the people who are involved in education in the state are making a terrific contribution. I feel very strongly that educators, in particularly teachers, have been maligned in the last few years much more than they should be and I would like to say in voting as I do today that some of the negative feelings that have been expressed toward the educational system by Mary Adams certainly are not my own. And I would hope that people of the state would understand that that is probably the position of the Senate as well.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I would like to echo the sentiments of my colleague from Portland Senator Merrill, that my vote will also indicate that I do not agree with the policies that have been expressed by Mary Adams in the past couple of years, but I think that it is extremely important that any board that we establish in state government does have balance on that board and I believe that because of the fact that of confirmation of Mary Adams that it may just give some different ideas and different ways of thinking with respect to the entire establishment within education, and it may very well turn out to be one of the better things that could happen to state government. And for those reasons I will vote to confirm her this morning.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Mr. USHER: Mr. President and Members of the Senate: Today we decide on the nomination of Mary Adams to the State Board of Education, a very important job. Many of my constituents are concerned about the attitude and comments of the nominee because they feel that she may jeopardize the future education of this state. This board has to work together and set guidelines for educational systems. Eight members of our Committee voted in the negative for the nominee for valid reasons. I feel that the Committee vote should stand. There have been comments from the media that Mary Adams was questioned extensively. I feel that she was treated as fair as the other nominees of that day. I ask that the Senate not override the committee vote.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: Up to this morning I was a little apprehensive about the vote on Mrs. Adams. And I received a few pieces of correspondence from a few constituents as well as a few telephone calls from people who happen to live in or outside of my Senatorial District voicing the disapproval of Mary Adams actions, especially on a television broadcast which was referred to as News Circle Extra Addition, around May 14th.

I guess if I was to look at it just from the viewpoint of some of the expressions made by Mrs. Adams that I would not be doing my job properly because I think a balance has to be struck between people who sometimes become very complacent on these different boards and a person who might be dynamic that might put in a different point of view which would enhance the meeting of what the lay people on the Board of Education would want.

On that particular basis Mr. President and Members of the Senate I intend to vote this morning for confirmation of Mrs. Adams to the State Board of Education.

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

Mr. KATZ: Earlier this year Mrs. Adams was elected to her local school administrative district board of education. In an opinion of the Attorney General dated May 25, 1978, in response to a request from Representative Edith Beaulieu of May the 4th the Attorney General has indicated that there would be a conflict between simultaneous service on the State Board of Education and the local school board. We have been assured by the Governor and I presume by Mrs. Adams that upon confirmation by the Senate she will indeed resign from the local school board so that she may serve without conflict on the State Board of Education.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, Ladies and Gentlemen of the Senate: I too urge the Senate to confirm the nomination of Mary Adams to the State Board of Education. I have had the opportunity of knowing and working with Mary Adams during the past two years. She is an

alert, intelligent, sincere person, with deep convictions about the desirability of more local control of education, and the need to stress the "back to basics" philosophy of education — views that are strongly supported by many citizens of this state. It is true, her background is not one steeped in education experience, but she does, nevertheless, have educational experience, as Senator Katz has just mentioned she has been elected to the local school board SAD 46 which indicates the confidence of those who know her best in her ability to address educational management problems.

Mary Adams can bring to the State Board of Education a healthy viewpoint from the other side of the coin — one well versed in the coping with education from outside the establishment. The old saying "One can't see the forest for the trees" may well apply to education management these days. If so, a voice questioning established methods and procedures can certainly help to focus attention to these areas in the form of critical analysis and constructive reassessment. Such a balancing of views has to be healthy, and certainly in the best interests of the citizens of Maine.

If the ideas Mary Adams espouses are found to have merit by at least four other members of the State Board of Education, then she will prevail on an issue. But only then, for she will be one of nine and certainly not a situation for panic for those who are concerned about her philosophy. Again, I see this as a healthy balance which can only inure to better, more reflective, administrative results for the State of Maine.

There are some who have criticized Mary Adams for her negative attitude toward education. Negativism, like beauty, often is in the eye of the beholder. Because Mary Adams has been on the opposite side from that of many in the emotion-filled issue of the uniform property tax, she is considered by them to be negative. Far from it, in my view, for the clear majority of voters in this state soundly supported the position she advocated. Better than for all concerned that she be involved from within on this matter of education management which so dramatically affects us all.

Mary Adams is a dedicated citizen. She is qualified for this appointment. It is in the best interests of the State of Maine that she be confirmed and given this opportunity to serve. Let her put her actions to work. Let her put her words into commitment.

(Off Record Remarks)

The PRESIDENT: Is the Senate ready for the question? A vote of Yes will be in favor of sustaining the recommendation of the Committee.

The Doorkeepers will secure the Chamber. The Secretary will call the roll.

ROLL CALL

YEAS — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Wyman, Sewall.

NAYS — Carpenter, Martin, Usher.
30 Senators having voted in the affirmative and 3 Senators in the negative, and 30 being more than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be overridden. The nomination of Mary Adams is confirmed.

Office of the Governor

April 21, 1978

Honorable Joseph Sewall
President of the Senate
and
Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to officially notify you that I have today nominated Margaret Miskavage of Augusta to serve on the Employees Appeal Board.

Mrs. Miskavage, if confirmed, will be replacing Samuel Shapiro whose term on the board has expired.

Pursuant to Maine State Revised Statutes Annotated, Title 5, Section 751, her nomination will require confirmation by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your cooperation.

Sincerely,
Signed: JAMES B. LONGLEY
Governor
Which was Read and Ordered Placed on File.

The Senate of Maine
Augusta
April 24, 1978

The Honorable Cecil H. McNally
The Honorable David W. Bustin
Chairmen, Labor Committee
108th Maine Legislature

Please be advised that Governor James B. Longley nominated Margaret Miskavage of Augusta to serve on the Employees Appeals Board on April 21, 1978.

Pursuant to 5 M.R.S.A., Section 751, as amended, this nomination is subject to review by the Committee on Labor.

Sincerely,
Signed: MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

Committee on Labor
May 4, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with M.R.S.A., Chapter 6 section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Margaret Miskavage to the position of member of the Employee Appeals Board.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Senators
McNALLY of Hancock
REDMOND of Somerset
PRAY of Penobscot

Representatives
BUSTIN of Augusta
McHENRY of Madawaska
LAFFIN of Westbrook
PELTIER of Houlton
FLANAGAN of Portland
DUTREMBLE of Biddeford
LEWIS of Auburn

ABSTAINED — Representatives
BEAULIEU of Portland
ABSENT — Representatives
ELIAS of Madison
TARR of Bridgton

10 members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Margaret Miskavage to the position of member of the State Employee Appeals Board be confirmed.

Signed: CECIL McNALLY
Senate Chairman
Signed: DAVID BUSTIN
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Margaret Miskavage be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the committee.

A vote of No will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D.; Collins, S; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Merrill.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Margaret Miskavage is confirmed.

STATE OF MAINE
Senate Chamber
President's Office
Augusta, Maine
May 12, 1978

The Honorable Joseph E. Brennan
Attorney General
State House
Augusta, Maine 04333
Dear Joe:

The Joint Standing Committee on Labor has sent to the President of the Senate its written notice of the recommendations of the committee upon the nomination of Edward H. Keith of Bangor and Paul D. Emery of Auburn to be members of the Maine Labor Relations Board.

These nominations were presented by the Governor on February 15, 1978. A hearing was held by the committee on Monday, March 6, 1978, and the nominations then remained tabled in the committee until May 4, 1978.

The Statute, 3 M.R.S.A. 151 provides that the vote of the Senate in review of the committee recommendations shall be taken no later than 45 days from the date of the Governor's written notice of the nomination to the President of the Senate, which occurred on February 15, 1978.

If the Senate on June 2, 1978, proceeds to act upon the recommendation of the Labor Committee on its recommendations, will the action of the Senate be valid and appropriate to confirm or to override the Labor Committee's recommendations?

Sincerely yours,
Signed: JOSEPH SEWALL

Which was Read and Ordered Placed on File.
Department of the Attorney General
May 17, 1978

Honorable Joseph Sewall
President of the Senate
Box 433
Old Town, Maine 04468
Dear Senator Sewall:

This responds to your request of May 12, 1978. In that letter you ask if Senate action on June 2, 1978, regarding certain recommendations for confirmation submitted by the Committee on Labor would be valid and appropriate to confirm or override the recommendations of the

Labor Committee. We answer in the affirmative.

The question you pose results from legislative consideration of two nominations to the Maine Labor Relations Board. The nominations in question were submitted by written notice of the Governor on February 15, 1978. The Joint Standing Committee on Labor recommended confirmation of those nominations on May 4, 1978. The Senate meets June 2, 1978, to consider recommendations of various committees regarding pending nominations. 3 M.R.S.A. § 151 prevents the Senate from validly considering and confirming or overriding the Committee on Labor's recommendations.

Attached hereto is an opinion dated April 11, 1978, in which we generally discussed the status of the Maine Labor Relations Board nominations which were then pending before the Committee on Labor. As noted in that opinion, since § 151 contains no sanction specifying that the nomination be disapproved, approved or moved to the next step in the process when a time limit is not met, the nominations must be deemed still pending. Therefore, the nominations, having been acted upon by the Committee on Labor, may now be considered pending business in the Senate for action as the Senate deems appropriate.

I hope this information is helpful.
Sincerely,
Signed: JOSEPH E. BRENNAN
Attorney General
Which was Read and Ordered Placed on File.
Committee on Labor
May 4, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Mr. Edward Kieth to the position of member of the Labor Relations Board.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Senators
McNALLY of Hancock
REDMOND of Somerset
PRAY of Penobscot

Representatives
BUSTIN of Augusta
McHENRY of Madawaska
LAFFIN of Westbrook
PELTIER of Houlton
FLANAGAN of Portland
DUTREMBLE of Biddeford
LEWIS of Auburn

ABSTAINED — Representative
BEAULIEU of Portland
ABSENT — Representatives
ELIAS of Madison
TARR of Bridgton

10 members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Edward Kieth to the position of member of the Labor Relations Board be confirmed.

Signed: CECIL McNALLY
Senate Chairman
Signed: DAVID BUSTIN
House Chairman
Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Labor has recommended that the

nomination of Edward Kieth be confirmed.
 Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and the nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Merrill.

No Senators having voted in the affirmative and 32 Senators in the negative with 1 Senator being absent and none being two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Edward Kieth is confirmed.

Committee on Labor

May 4, 1978

The Honorable Joseph Sewall
 President of the Senate of Maine
 State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Mr. Paul Emery to the position of member of the Labor Relations Board.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following results:

YEAS — Senators

McNALLY of Hancock
 PRAY of Penobscot
 REDMOND of Somerset

Representatives

BUSTIN of Augusta
 McHENRY of Madawaska
 LAFFIN of Westbrook
 PELTIER of Houlton
 FLANAGAN of Portland
 DUTREMBLE of Biddeford
 LEWIS of Auburn

ABSTAINED

BEAULIEU of Portland

ABSENT — Representatives

ELIAS of Madison
 TARR of Bridgton

10 members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Paul Emery to the position of member of the Labor Relations Board be confirmed.

Signed:

CECIL McNALLY
 Senate Chairman

Signed:

DAVID BUSTIN
 House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Paul Emery be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommen-

ation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the committee.

A vote of No will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Conley, Merrill.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Paul Emery is confirmed.

Office of the Governor

April 24, 1978

Honorable Joseph Sewall
 President of the Senate

and
 Honorable John Martin
 Speaker of the House

Dear Joe and John:

I am today nominating Alan Elkins, M. D. of Portland and John Robinson of Farmington to serve on the University of Maine, Board of Trustees.

Dr. Elkins and Mr. Robinson will be replacing Nils Wessel and Robert Masterton respectively on the Board of Trustees.

Pursuant to Maine State Revised Statutes Annotated, Title 20, Section 2251 as amended, these appointments will require confirmation by the Legislature.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY
 Governor

Which was Read and Ordered Placed on File.

April 24, 1978

The Honorable Bennett D. Katz
 The Honorable Arthur P. Lynch
 Chairmen, Education Committee
 108th Maine Legislature

Please be advised that Governor James B. Longley nominated Alan Elkins, M. D. of Portland and John Robinson of Farmington to serve on the University of Maine, Board of Trustees on April 24, 1978.

Pursuant to 20 M.R.S.A., Section 2251, as amended, this nomination is subject to review by the Committee on Education.

Sincerely,

Signed:

MAY M. ROSS
 Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Education

May 31, 1978

The Honorable Joseph Sewall
 President of the Senate of Maine
 State House

Augusta, Maine 04333

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has under consideration the nomination of Alan Elkins M. D., to the position of Board of Trustees of the University of Maine.

After public hearing and discussion on this

nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Senators 3

Representatives 10

NAYS — Senators 0

Representatives 0

13 members of the committee having voted in the affirmative and 0 in the negative, it was the vote of the committee that the nomination of Alan Elkins M. D. to the position of Board of Trustees of the University of Maine be confirmed.

Sincerely,

Signed:

BENNETT KATZ
 Senate Chairman

Signed:

ARTHUR LYNCH
 House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Alan Elkins, M. D. be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the committee. A vote of No will be in favor of sustaining the recommendation of the committee.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Danton, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Trotzky, Usher, Wyman, Sewall.

ABSENT — Conley, Farley, Merrill, Speers.

No Senators having voted in the affirmative and 29 Senators in the negative, with 4 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Alan Elkins, M. D. is confirmed.

Committee on Education

May 31, 1978

The Honorable Joseph Sewall
 President of the Senate of Maine
 State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of John Robinson to the position of Board of Trustees of the University of Maine.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Senators 3

KATZ of Kennebec

PIERCE of Kennebec

USHER of Cumberland

Representatives 4

CONNOLLY of Portland

WYMAN of Pittsfield

FENLASON of Danforth

BEAULIEU of Portland

9 members of the committee having voted in the affirmative and 4 in the negative, it was the vote of the committee that the nomination of John Robinson to the position of Trustee of the University of Maine be confirmed.

Sincerely,

Signed:

BENNETT KATZ
Senate Chairman

Signed:

ARTHUR LYNCH
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of John Robinson be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of no will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber
The Secretary will call the Roll.

ROLL CALL

YEAS — Carpenter.

NAYS — Chapman, Collins; D., Collins; S., Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Troitzky, Usher, Wyman, Sewall.

ABSENT — Conley, Merrill.

1 Senator having voted in the affirmative and 30 Senators in the negative, with 2 Senators being absent, and 1 being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of John Robinson is confirmed.

Office of the Governor

May 16, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

I am today nominating Emilien A. Levesque of Augusta to serve as the labor representative on the Maine Employment Security Commission.

Pursuant to MRSA, Title 26, Section 1081, as amended this legislative session, Mr. Levesque has been nominated to serve a 2-year term on the commission and will be replacing Joseph Coty whose term on the commission has expired.

This appointment will require confirmation by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

May 16, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

I am today nominating Thomas N. Karlen of Augusta to serve as the management representative on the Maine Employment Security Commission.

Pursuant to MRSA, Title 26, Section 1081, as

amended during this past legislative session, I am nominating Mr. Karlen to serve a 4-year term on the commission. Mr. Karlen has been nominated to replace James George of Waterville whose term on the present commission has expired.

This nomination will require confirmation by the Joint Standing Committee on Labor and by the Senate.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

May 16, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

I am today nominating Robert E. Pendleton, Jr. of Scarborough to serve as the public member and chairman of the Maine Employment Security Commission.

Pursuant to MRSA, Title 26, Section 1081, as amended, Mr. Pendleton will be serving as the public member and chairman of the commission. As you know, this was a new position created during this past Session.

Pursuant to the law, this nomination will require confirmation by the Legislature.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

May 16, 1978

The Honorable Cecil H. McNally
The Honorable David W. Bustin
Chairmen, Labor Committee
108th Maine Legislature

Please be advised that Governor James B. Longley has nominated Robert E. Pendleton, Jr., of Scarborough to serve as the public member and chairman of the Maine Employment Security Commission.

The Governor has also nominated Emilien A. Levesque of Farmingdale to serve as the labor representative and Thomas N. Karlen of Augusta to serve as the management representative.

Pursuant to 26 M.R.S.A., Section 1081, as amended, these nominations are subject to review by the Committee on Labor.

Sincerely,

Signed:

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Labor

May 25, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04330
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Emilien Levesque to the position of labor representative to the Maine Employment Security Commission.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following results:

NAYS — 12 Unanimous

ABSENT — Sen. Andrew Redmond, Somerset

Twelve members of the committee having voted in the negative and none in the affirmative, it was the vote of the committee that the nomination of Emilien Levesque to the position of labor representative to the Maine Employment Security Commission be denied.

Sincerely,

Signed:

CECIL McNALLY
Senate Chairman

Signed:

DAVID BUSTIN
House Chairman

Which was Read and Ordered Placed on File.

Office of the Governor

June 13, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe & John:

This is to officially notify you that I am hereby withdrawing the nomination of Emilien Levesque, nominated on May 16, 1978 to serve as the employee member of the Maine Employment Security Commission.

I respectfully request your cooperation in this regard.

Thank you.

Very truly yours,

Signed:

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

Committee on Labor

May 25, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04330

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Thomas Karlen to the position of management representative to the Maine Employment Security Commission.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS

Senators

McNALLY of Hancock
PRAY of Penobscot

Representatives

BUSTIN of Augusta
FLANAGAN of Portland
PELTIER of Houlton
BEAULIEU of Portland
ELIAS of Madison
DUTREMBLE of Biddeford
LAFFIN of Westbrook
TARR of Bridgton
LEWIS of Auburn

NAYS

Representative

McHENRY of Madawaska

ABSENT

Senator

REDMOND of Somerset

Eleven members of the committee having voted in the affirmative and one in the negative, it was the vote of the committee that the nomination of Thomas Karlen to the position of management representative to the Maine Employment Security Commission be confirmed.

Sincerely,

Signed:

CECIL McNALLY

Signed:

Senate Chairman
DAVID BUSTIN
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Thomas Karlen be confirmed. Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of no will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

NAYS — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Carpenter, Jackson, Merrill.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Thomas Karlen is confirmed.

Committee on Labor

May 25, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04330
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Robert Pendleton, Jr., to the position of public member and Chairman of the Maine Employment Security Commission.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Twelve Unanimous

ABSENT — Sen. Andrew Redmond, Somerseset

Twelve members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Robert Pendleton, Jr. to the position of public member and Chairman of the Maine Employment Security commission be confirmed.

Signed:

CECIL McNALLY
Senate Chairman

Signed:

DAVID BUSTIN
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Robert Pendleton, Jr. be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas

and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of no will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins; D., Collins; S., Conley, Cummings, Curtis, Farley, Greeley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Danton, Jackson, Merrill.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Robert pendleton, Jr. is confirmed.

Office of the Governor

May 16, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

I am today nominating Richard E. Nickerson of Skowhegan to serve as Commissioner for the Department of Manpower Affairs. Mr. Nickerson if confirmed will be replacing Emilien Levesque, who has resigned as commissioner to serve as a member of the Maine Employment Security Commission.

Pursuant to MRSA, Title 26, Section 1401, as amended, this nomination will require confirmation by the Joint Standing Committee on Labor and by the Senate.

Thank you for your assistance in the area of appointments.

Signed:

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

May 16, 1978

The Honorable Cecil H. McNally
The Honorable David W. Bustin
Chairmen, Labor Committee
108th Maine Legislature

Please be advised that Governor James B. Longley has nominated Richard E. Nickerson of Skowhegan to serve as Commissioner for the Department of Manpower Affairs.

Pursuant to 26 M.R.S.A., Section 1401, as amended, this nomination is subject to review by the Committee on Labor.

Signed:

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Labor

May 25, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04330
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Richard E. Nickerson to the position of Commissioner of the Department of Manpower Affairs.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomi-

nation be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

NAYS — Twelve Unanimous

ABSENT — Sen. Andrew Redmond, Somerseset

Twelve members of the committee having voted in the negative and none in the affirmative, it was the vote of the committee that the nomination of Richard E. Nickerson to the position of Commissioner of the Department of Manpower Affairs be denied.

Sincerely,

Signed:

CECIL McNALLY
Senate Chairman

Signed:

DAVID BUSTIN
House Chairman

Which was Read and Ordered Placed on File.

Office of the Governor

June 13, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe & John:

This is to officially notify you that I am today withdrawing the nomination of Richard E. Nickerson of Skowhegan, who was nominated to serve as a Commissioner of Manpower Affairs on May 16, 1978.

Very truly yours,

Signed:

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

April 24, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to officially notify you I am today nominating Walter F. Whittier of Falmouth to serve as a member of the Maine Guarantee Authority.

Mr. Whittier is being nominated to replace Charles Harriman.

Pursuant to Maine State Revised Statutes Annotated Title 10, Section 751, this nomination will require confirmation by the Joint Standing Committee on State Government, and confirmation by the Senate.

Thank you for your assistance in the area of nominations.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

Which was Read and Ordered Place on File.

The Senate of Maine
Augusta

April 24, 1978

The Honorable Donald F. Collins
The Honorable Peter J. Curran
Chairmen, State Government Committee
108th Maine Legislature

Please be advised that Governor James B. Longley nominated Walter F. Whittier of Falmouth to serve as a member of the Maine Guarantee Authority on April 24, 1978.

Pursuant to 10 M.R.S.A., Section 751, as amended, this nomination is subject to review by the Committee on State Government.

Sincerely,

Signed:

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on State Government

May 3, 1978

The Honorable Joseph Sewall

President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall,

In accordance with M.R.S.A. Title 10, Section 751 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Walter F. Whittier to the position of a member of the Maine Guarantee Authority.

After a Public Hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Senators 1
Representatives 8
NAYS — Senators 0
Representatives 0

ABSENT — Sen. Snowe, Sen. Martin, Rep. Diamond, Rep. Silsby
Nine members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Walter F. Whittier to the position of a member of the Maine Guarantee Authority be confirmed.

Sincerely,

Signed:

DONALD COLLINS
Senate Chairman

Signed:

PETER CURRAN
House Chairman

Which was Read and ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Walter F. Whittier be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of no will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: Among the many nominees that the Committee on State Government considered, I would say that the one we have before us today is perhaps the most qualified and the most distinguished of any that we have considered.

Walter Whittier was born in Passadumkeag and graduated from Bangor High School, from Bowdoin College, and from Harvard Graduate School of Business Administration. He became treasurer of Hannaford Brothers Company in 1940 and in 1960 was elected President and Chairman of the Board in 1971. As of January 1, 1973 he relinquished the responsibilities of chief executive officer and will retire as director and chairman in May of this year. He is a former president of the Greater Portland Chamber of Commerce and for 25 years he served as Treasurer of the Portland Boys Club.

The committee unanimously recommended his approval and I am sure that you will join with me in confirming him unanimously.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber,

Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trozky, Usher, Wyman, Sewall.

ABSENT — Merrill.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Walter F. Whittier is confirmed.

Office of the Governor

April 28, 1978

Honorable Joseph Sewall
President of the Senate
Honorable John L. Martin
Speaker of the House
Dear Joe & John:

I have today nominated Irving Kagan of Bangor, C. Gustav Magnuson of Kennebec, and William H. Webster of Cape Elizabeth to serve as Trustees of the Maine Maritime Academy.

These individuals are being nominated to replace David Cox, Sen. Hollis Wyman, and Richard Harvey, respectively, whose terms on the Board of Trustees have expired.

Pursuant to Maine laws, Private & Special 1949, Chapter 39, these nominations will require confirmation by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance in this regard.
Very truly yours,

Signed:

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

The Senate of Maine

April 28, 1978

the Honorable Bennett D. Katz
The Honorable Arthur P. Lynch
Chairmen, Education Committee
108th Maine Legislature

Please be advised that Governor James B. Longley nominated Irving Kagan of Bangor; C. Gustav Magnuson of Kennebec; and William H. Webster of Cape Elizabeth to serve as Trustees of the Maine Maritime Academy, on April 28, 1978.

Pursuant to Maine laws, Private & Special 1949, Chapter 39, these nominations will require confirmation by the Committee on Education.

Sincerely,

Signed:

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Education

May 31, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Irving Kagan to the position of Board of Trustees of Maine Maritime Academy.

After a public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS Senators: 3
KATZ of Kennebec
PIERCE of Kennebec
USHER of Cumberland
Representatives: 9

LYNCH of Livermore Falls
LEWIS of Auburn
PLOURDE of Fort Kent
BAGLEY of Winthrop
BEAULIEU of Portland
WYMAN of Pittsfield
FENLASON of Danforth
MITCHELL of Vassalboro
BIRT of East Millinocket

NAYS

Representatives: 1

CONLEY of Portland

12 members of the committee having voted in the affirmative and 1 in the negative, it was the vote of the committee that the nomination of Irving Kagan to the position of Board of Trustees of Maine Maritime Academy be confirmed.

Sincerely,

Signed:

BENNETT KATZ
Senate Chairman

Signed:

ARTHUR LYNCH
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Irving Kagan be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of no will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator KATZ.

Mr. KATZ: Mr. President, I just wanted to call the attention of the Senate to the fact that we now have three nominations to the Board of Trustees of the Maine Maritime Academy coming up. The Senate is probably aware of the fact that the Senator from Washington, Senator Wyman has been serving for many years as a trustee, and I just want the Senate to really understand that there are three vacancies, that these three good men are not all filling the single vacancy caused by the retirement of Senator Wyman.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D., Collins, S., Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trozky, Usher, Wyman, Sewall.

ABSENT — Merrill.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Irving Kagan is confirmed.

Committee on Education

May 31, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of C. Gustav Magnuson to the position of Board of Trustees of Maine Maritime Academy.

After public hearing and discussion on this

nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS Senators 3

Representatives 10

13 members of the committee having voted in the affirmative and 0 in the negative, it was the vote of the committee that the nomination of C. Gustav Magnuson to the position of Board of Trustees of Maine Maritime Academy be confirmed.

Sincerely,

Signed:

BENNETT KATZ
Senate Chairman

Signed:

ARTHUR LYNCH
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of C. Gustav Magnuson be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of yes will be in favor of overriding the recommendation of the committee. A vote of no will be in favor of sustaining the recommendation of the committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D., Collins, S., Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Levine, Lovell, Mangan, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Katz, Merrill.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of C. Gustav Magnuson is confirmed.

Committee on Education

May 31, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 14333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of William H. Webster to the position of Board of Trustees of Maine Maritime Academy.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS Senator 3

Representatives 10

13 members of the committee having voted in the affirmative and 0 in the negative, it was the vote of the committee that the nomination of William H. Webster to the position of Board of Trustees of Maine Maritime Academy be confirmed.

Sincerely,

Signed:

BENNETT D. KATZ
Senate Chairman

Signed:

ARTHUR LYNCH
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of William H. Webster be confirmed.

The pending question before the Senate is shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of no will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Door keepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D., Collins, S., Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Merrill.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of William H. Webster is confirmed.

May 9, 1978

Honorable Joseph Sewall
President of the Maine Senate
Honorable John L. Martin
Speaker of the House
Dear Joe & John:

I am today re-nominating former Supreme Court Justice Donald W. Webber of Auburn to serve as the alternate public member on the Maine Labor Relations Board.

Pursuant to M.R.S.A. Title 26, Sec. 968, these nominations will require confirmation by the Legislature.

Thank you for your assistance in this area.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

May 10, 1978

The Honorable Cecil H. McNally
The Honorable David W. Bustin
Chairmen, Labor Committee
108th Maine Legislature

Please be advised that Governor James B. Longley has re-nominated former Supreme Court Justice Donald W. Webber of Auburn to serve as the alternate public member on the Maine Labor Relations Board.

Pursuant to 26 M.R.S.A., Section 968, this re-nomination is subject to review by the Committee on Labor.

Signed:

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Labor

May 25, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6,

section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Judge Donald W. Webber of Auburn on the position of alternate public member on the Maine Labor Relations Board.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Unanimous

ABSENT — Sen. Andrew Redmond, Somerset.

12 members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Judge Donald W. Webber to the position of alternate public member on the Maine Labor Relations Board be confirmed.

Sincerely,

Signed:

CECIL H. McNALLY
Senate Chairman

Signed:

DAVID W. BUSTIN
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Donald W. Webber be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of no will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D., Collins, S., Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Merrill.

No Senators having voted in the affirmative and 32 Senators in the negative, and 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Donald W. Webber is confirmed.

May 11, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

I am today nominating John G. Hede of Stockholm, Maine to serve as the public member on the Land Use Regulation Commission. Mr. Hede is being nominated to replace Robert Page, Esq. of Caribou who resigned from the commission.

Pursuant to Maine State Revised Statutes Annotated, Title 12, Section 683, this nomination will require confirmation by the Legislature.

Thank you for your assistance in this area.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

May 11, 1978

The Honorable Howard M. Trotzky
The Honorable William B. Blodgett
Chairmen, Natural Resources Committee
108th Maine Legislature

Please be advised that Governor James B. Longley has nominated John G. Hede of Stockholm to serve as the public member on the Land Use Regulation Commission.

Pursuant to 12 M.R.S.A., Section 683, this nomination is subject to review by the Committee on Natural Resources.

Signed:

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Natural Resources

May 26, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of John G. Hede of Stockholm to the position of member on the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following results:

YEAS

Senators — Howard Trotsky, Andrew Redmond

Representatives — William B. Blodgett, Donald M. Hall, James F. Wilfong, Karen L. Brown, Edward L. Dexter, Sherry F. Huber, Guy I. Hunter

ABSENT — Sen. Donald O'Leary, Rep. Sharon B. Benoit, Ross A. Green.

Nine members of the committee having voted in the affirmative and no members in the negative, it was the vote of the committee that the nomination of John Hede to the position of public member on the Land Use Regulation Commission be confirmed.

Sincerely,

Signed:

HOWARD M. TROTZKY

Senate Chairman

Signed:

WILLIAM B. BLODGETT

House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Natural Resources has recommended that the nomination of John G. Hede be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of No will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The PRESIDENT: the chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: John Hede lives in Township 16 Range 4 which is on the shores of Madawaska Lake, and it seems to me that it is particularly

fitting that a person who in fact lives in the unorganized territory and does business in the unorganized territory be nominated to the Land Use Regulation Commission.

John Hede runs some sporting camps, general store, he is in tune with what occurs in the unorganized territory. He is an environmentalist and it seems to me that he will represent the public interests very well in this capacity.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

NAYS — Chapman, Collins, D; Collins, S; Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Carpenter, Conley, Merrill.

No Senators having voted in the affirmative and 30 Senators in the negative with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that he committee's recommendation be accepted. The nomination of John G. Hede is confirmed.

Office of the Governor

May 15, 1978

Honorable Joseph Sewall

President of the Senate

Honorable John L. Martin

Speaker of the House

Dear Joe & John:

I am today re-nominating Charles A. Blood of North New Portland to serve as the forestry representative on the Land Use Regulation Commission.

We are re-nominating Mr. Blood so that he may be given the opportunity to serve a full term on the commission.

Pursuant to M.R.S.A. Title 12, Sec. 683, this nomination requires confirmation by the Legislature.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

The Senate of Maine

May 15, 1978

The Honorable Howard M. Trotzky

The Honorable William B. Blodgett

Chairmen, Natural Resources Committee

108th Maine Legislature

Please be advised that Governor James B. Longley has renominated Charles A. Blood of North New Portland to serve as the forestry representative on the Land Use Regulation Commission.

Pursuant to 12 M.R.S.A., Section 683, this nomination is subject to review by the Committee on Natural Resources.

Sincerely,

Signed:

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Natural Resources

May 26, 1978

The Honorable Joseph Sewall

President of the Senate of Maine

State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Charles A. Blood of North New Portland to the position of forestry representative on the Land Use Regulation Commission.

After public hearing and discussion on this

nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following results.

YEAS

Senators — Howard M. Trotzky, Andrew Redmond.

Representatives — William B. Blodgett, Donald Hall, Guy I. Hunter, Karen L. Brown, Edward L. Dexter, Sherry F. Huber.

ABSENT — Sen. O'Leary, Rep. Wilfong, Benoit, Green.

Eight members of the committee having voted in the affirmative and no members in the negative, it was the vote of the committee that the nomination of Charles A. Blood to the position of forestry representative to the Land Use Regulation Commission be confirmed.

Sincerely,

Signed:

HOWARD M. TROTZKY

Senate Chairman

Signed:

WILLIAM B. BLODGETT

House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Natural Resources has recommended that the nomination of Charles A. Blood be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of no will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

NAYS — Chapman, Collins; D., Collins; S., Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Carpenter, Conley, Merrill.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Charles A. Blood is confirmed.

Office of the Governor

May 19, 1978

Honorable Joseph Sewall

President of the Senate

Honorable John L. Martin

Speaker of the House

Dear Joe & John:

This is to officially notify you that I am today re-nominating Harold J. Rubin of Bath to continue serving as Superior Court Justice for the State of Maine.

Pursuant to Title 4, Section 101, this nomination will require confirmation by the Joint Standing Committee on the Judiciary as well as by the Senate.

Thank you for your continuing assistance.

Sincerely,

Signed:

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

The Senate of Maine

May 19, 1978

The Honorable Samuel W. Collins, Jr.

The Honorable Richard A. Spencer
Chairmen, Judiciary
108th Maine Legislature

Please be advised that Governor James B. Longley has renominated Harold J. Rubin of Bath to continue serving as Superior Court Justice.

Pursuant to 4 M.R.S.A., Section 101, this nomination is subject to review by the Committee on Judiciary.

Sincerely,
Signed: MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

May 31, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the re-nomination of Harold J. Rubin to continue serving as Superior Court Justice for the State of Maine.

After public hearing and discussion on this re-nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this re-nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Senators — 3

Representatives — 8

ABSENT — Representatives James S. Henderson and Swift Tarbell.

Eleven members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Harold J. Rubin to continue serving as Superior Court Justice for the State of Maine be confirmed.

Sincerely,
Signed: SAMUEL W. COLLINS, JR.

Senate Chairman

Signed: RICHARD A. SPENCER

House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Harold J. Rubin be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the committee.

A vote of no will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the roll.

ROLL CALL

NAYS — Chapman, Collins; D., Collins; S., Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Carpenter, Conley, Merrill.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Harold

J. Rubin is confirmed.

Office of the Governor

May 19, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to officially notify that I have today nominated Edward W. Rogers of Portland to serve as the Chief Administrative Court Judge.

Pursuant to Title 5, Section 2401 of the Maine Revised Statutes Annotated this nomination will require confirmation by the Joint Standing Committee on the Judiciary, as well as the Senate.

Thank you.

Sincerely,

Signed: JAMES B. LONGLEY

Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

May 19, 1978

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary Committee
108th Maine Legislature

Please be advised that Governor James B. Longley has nominated Edward W. Rogers of Portland to serve as the Chief Administrative Court Judge.

Pursuant to 5 M.R.S.A., Section 2401, this nomination is subject to review by the Committee on Judiciary.

Signed:

Sincerely,

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

May 31, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Edward W. Rogers to the position of Chief Administrative Court Judge.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and the nays. The committee assistant called the roll with the following result:

YEAS — Senators — 3

Representatives — 8

ABSENT — Representatives James S. Henderson and Swift Tarbell

Eleven members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Edward W. Rogers to the position of Chief Administrative Court Judge be confirmed.

Signed:

Sincerely,

SAMUEL W. COLLINS, JR.

Senate Chairman

Signed: RICHARD A. SPENCER

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Edward W. Rogers be confirmed.

The PRESIDENT: The pending question

before the Senate is: Shall the recommendation to the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the committee.

A vote of No will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D.; Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Collins, S.; Conley, Merrill.

No Senators having voted with the affirmative and 30 Senators in the negative, with 3 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Edward W. Rogers is confirmed.

Office of the Governor

May 19, 1978

Honorable Joseph Sewall
President of the Senate
Honorable John L. Martin
Speaker of the House
Dear Joe & John:

I have today nominated Dana A. Cleaves of So. Portland to the position of Associate Administrative Court Judge. Mr. Cleaves will be replacing Judge Edward Rogers who is resigning from the associate post to serve as the Administrative Court Judge.

Pursuant to M.R.S.A. Title 5, Section 2401 as amended, this nomination will require confirmation by the Legislature.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

The Senate of Maine

May 19, 1978

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary
108th Maine Legislature

Please be advised that Governor James B. Longley has nominated Dana A. Cleaves of South Portland to the position of Associate Administrative Court Judge.

Pursuant to 5 M.R.S.A., Section 2401, as amended, this nomination is subject to review by the Committee on Judiciary.

Sincerely,

Signed:

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

May 31, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Dana A. Cleaves to the position of Associate Administrative Court Judge.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomi-

nation be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Senators — 3
Representatives — 8

ABSENT — Representatives James S. Henderson and Swift Tarbell.

Eleven members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Dana A. Cleaves to the position of Associate Administrative Court Judge be confirmed.

Sincerely,

Signed:

SAMUEL W. COLLINS, JR.
Senate Chairman

Signed:

RICHARD A. SPENCER
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Dana A. Cleaves be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the committee.

A vote of No will be in favor of sustaining the recommendation of the committee.

Is the Senate ready for the question.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

NAYS — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Greeley, Hewes, Hichens, Huber, Jackson, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Farley, Katz, Merrill.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Dana A. Cleaves is confirmed.

Office of the Governor

May 22, 1978

Honorable Joseph Sewall
President of the Senate

and
Honorable John Martin
Speaker of the House

Dear Joe and John:

This is to officially notify you that I have today nominated Jack O. Smith of Auburn to serve as District Court Judge, District V.

Pursuant to M.R.S.A., Title 4, Section 151, this nomination will require confirmation by the Joint Standing Committee on Judiciary as well as the Senate.

Thank you for your assistance in the area of appointments.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine
Augusta

May 22, 1978

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary Committee
108th Maine Legislature

Please be advised that Governor James B. Longley has nominated Jack O. Smith of

Auburn to serve as District Court Judge, District V.

Pursuant to 4 M.R.S.A., Section 151, this nomination is subject to review by the Committee on Judiciary.

Sincerely,

Signed:

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

May 31, 1978

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Jack O. Smith to the position of District Court Judge, District V.

After public hearing and discussion on this nomination, the committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee assistant called the roll with the following result:

YEAS — Senators 3
Representatives 8

ABSENT

Representatives James S. Henderson and Swift Tarbell.

Eleven members of the committee having voted in the affirmative and none in the negative, it was the vote of the committee that the nomination of Jack O. Smith to the position of District Court Judge, District V, be confirmed.

Sincerely,

Signed:

SAMUEL W. COLLINS, JR.
Senate Chairman

Signed:

RICHARD A. SPENCER
House Chairman

Which was Read and Ordered on File.

Mr. PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Jack O. Smith be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 5, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendation of the Committee.

A vote of no will be in favor of sustaining the recommendation of the committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

NAYS — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Merrill.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the committee's recommendation be accepted. The nomination of Jack O. Smith is confirmed.

Senator O'Leary of Oxford was granted unanimous consent to address the Senate on the Record.

Mr. President and Members of this Senate: On a number of occasions, I have been critical

of the bureaucracy here in Augusta. On a number of occasions I have heaped praise upon a certain individuals, such as Richard Barringer, the Commissioner of Conservation. Praise for Ken Stratton for his efforts in changing the image of LURC. Praise for Donald Hoxie and Eugene Moreau in Health Engineering for their efforts on a new and improved plumbing code.

And I've even apologized on this Senate floor — and had struck from the records — the remarks I made about the former Director of the Department of Environmental Protection. And I apologized for a remark I made about some people in the Department of Education.

I've also stood here at my desk and made that remark that "A Deputy Attorney General can issue an opinion, which then becomes law and must be challenged in the courts before it can be reversed."

Mr. President and Members of this Senate — I resent it and I believe we should be concerned when any department head uses the office of the Attorney General to interpret any law — to be used in any way — that is not the intent of this Legislature.

Mr. President — I, along with many other members of this body, voted for the so-called agency bill to permit agency stores in remote areas that wanted liquor, but it was not feasible to establish these stores. The intent of that piece of legislation was not to close any of the existing state stores nor to replace them with agency stores — but that is exactly what our present director of the Bureau of Alcoholic Beverages.

It must be remembered that the same stores the commission is closing are those that were established under enabling legislation — and I doubt his or their authority to do so.

On or about May 1st, in a letter to me by the director he asked for my views on the closing of the state stores in Mexico and Rangeley. He cited L. D. 1122 and about intermittent employees and these stores would be replaced by agency stores permitted to operate between the hours of 9 a.m. and 12 p.m.

I drove to Augusta a week later. The director was in California. However, I did express my views to the other two commissioners that were present and they said they would pass them on to the director for their May 23rd meeting.

The town officials of the town of Mexico directed the town manager to convey their views to the commission and their opposition to any agency store in the town.

On May 25th I called the director of the bureau. He informed me that the commission voted to close the two stores — and to open agency stores. I told him I would not object to the Rangeley store. I understand the remoteness of it and the cost of the operation there. If he must close the store in Mexico fine, but, no agency store in the town, that is what we do not want in the Town of Mexico. He informed me that regardless of how I felt — of the town officers felt — he had the authority — and he would establish and agency store in the town of Mexico.

There is a state store in Rumford and there is one in Mexico. Each gross more than \$400,000.00 annually. The cost of operation is below that 8 percent figure that we heard tossed around during debate on another bill.

The cost of operating the Mexico store is less than the Rumford store. I believe the figure was 7.4 percent. With the recent increase in liquor prices — the cost would be nearer 7 percent — can you believe it — we are going to have to have an agency store — give someone 8 percent to sell the liquor and put two persons out of work.

Mr. President, when I expressed my concerns on who or what type of person might be operating the agency store — he assured me that there would be input from local officials before a decision was made as to who it would be. I asked if he had any idea as to who would

make application for the agency. His reply was that a certain well known company, I won't name the company had indicated a desire for it.

Mr. President — the Mexico State Liquor Store is in a complex owned by this certain company. I know that there are a great number of state liquor stores located in complexes owned by this company and I wonder how many more will become agency stores. Mr. President as long as state liquor stores rented space at a price that was comparable to that of other renters in these complexes — I did not — and would not object.

But I have an uneasy feeling that perhaps this certain company will wind up with a statewide network of agency stores and the state will be out of the business. It seems certain in my mind that the agency concept for the town of Mexico was brought about because of this certain company's interest in it.

Mr. President — each of us here today are public servants. We try to represent our constituents and their desires. Each employee of this state is a recipient of the taxpayers' dollars and therefore also public servants, and they should not forget it.

I find it intolerable when a man is appointed to a position of trust and then flagrantly abuses that power to subvert the intent of the legislature and then dictates what he will or will not do.

I submit that the actions and performance of our present director of the Bureau of Alcoholic Beverages, Keith Ingraham, is highly suspect. Thank you.

Senator Lovell of York was granted unanimous consent to address the Senate on the record.

Mr. LOVELL: Mr. President and Members of the Senate: As Chairman of the Liquor Control Committee I feel that I should make some response to the good Senator, Senator O'Leary. I have only been on in the last session but it was my understanding when I went on the Liquor Control Committee that any liquor, State Liquor Store that did not show a 15 percent net profit could be eliminated when the lease was up in that area or community and a non-participating liquor store could be named.

Now four years ago they stated, the Liquor Control Committee stated that the Liquor Commission would be allowed thirty such grocery stores. Well we have one down in Wells, the Harris Grocery Store and in the last session of the Legislature we had two bills in. One to raise the profit for the grocery store or drug store that sold the hard liquor to 15 percent and one to 12 percent at the present time with the excise tax the profit is 10 percent and with the excise tax the store only makes 8 percent. But we argued on the Senate floor if you remember that a drug store for example sells newspapers, sells cigarettes and makes little or no profit but he does it to get the people in the store. Now we will admit that 8 percent profit is not a very high profit but on the other hand the liquor control, the Department, handling liquor makes \$25 million a year on some \$4 million business. And we felt that if we raised this up to 12 or 15 percent for the grocery store that it would cut the profit of the liquor stores down considerably.

Now as far as running a store is concerned in a community. If the store does not make sufficient net profit to make it worthwhile to have that store in that community then, I do not care if it is a liquor store or a hardware store or a grocery store, they are going out of business and then maybe somebody else will start right up in a different area or in that same town. Well that is the way the liquor thing was set up as my understanding. And I could stand to be corrected, but the State Liquor Commission was allowed 30 stores and they reported to the Liquor Control Committee last year that, no I guess that it was this year, that their 30 stores

have been successful and they had 29 at the time and they had been successful, and they had made good money and they would like the Liquor Control Committee to allow them to have more stores in the State of Maine having hard liquor in grocery stores which would permit them to make a good profit to take care of towns that were so far away from a liquor store that the people might have to travel 30 or 40 miles to get liquor which would be quite inconvenient. For a heavy drinker certainly. So consequently, the Liquor Control Committee voted to allow the commission to open more stores in various areas of the State. Now I think that that covers about what I had to say, and I do not think that I do not know the exact profit of what the Mexico store made. I do know that the Rangeley store was under the net profit that it should be and I am sorry to see the Rangeley store closed because the owner of the store is a former state Senator, Senator Noyes and I would like to see if I could his store stay open. But I just cannot take sides on this. And I thank you for your patience.

The PRESIDENT: The chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I now move that we adjourn sine die.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate stand adjourned sine die. Is it the pleasure of the Senate? It is a vote.

Thereupon, at 1:03 p.m. on Wednesday, June 14, 1978 the Honorable Joseph Sewall, President of the Senate, declared the Senate of the 108th Legislature Adjourned Sine Die.