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
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First Special Session
September 6, 1978 — September 15, 1978
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October 18, 1978
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Third Special Session
December 6, 1978
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APPENDIX
The Senators then retired to the Hall of the Senate where a quorum was present and your Legislative Records were printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research (S. P. 779). Which was Read and Passed. Sent down for concurrence forthwith.

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

Paper from the House House Paper

Bill, An Act to Provide for Property Tax Relief. (H. P. 2347) (L. D. 2214)

Comes from the House, Referred to the Committee on Taxation and Ordered Printed. Which was Referred to the Committee on Taxation and Ordered Printed, in concurrence.

(Off Record Remarks)

On Motion of Mr. Speers of Kennebec, Re-ceded until the sound of the bell.

R E C E S S

After Recess

Senate called to order by the President

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

Communications OFFICE OF THE GOVERNOR

September 21, 1978

The Honorable Joseph Sewall
President of the Senate
Box 433
Old Town, Maine 04468

and

The Honorable John L. Martin
Speaker of the House
Box 276
Eagle Lake, Maine 04739

Dear Joe and John:

This is to officially notify you that I have today nominated Paul R. Copeland, Jr. of Brunswick to serve as a member of the Maine State Liquor Commission. Mr. Copeland has been nominated to replace Carol Shapiro whose term on the Commission has expired. According to Maine State Revised Statutes Annotated, Title 28, Section 51, this appointment will require conformation by the Joint Standing Committee on Liquor Control and confirmation by the Senate. Thank you for your cooperation.

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

September 21, 1978

The Honorable Ralph M. Lovell
The Honorable Sidney D. Maxwell
Chairmen, Liquor Control Committee

108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Paul R. Copeland, Jr. of Brunswick to serve as a member of the State Liquor Commission.

Pursuant to 28 M.R.S.A., section 51, this nomination is subject to review by the Committee on Liquor Control.

Sincerely,

MAY M. ROSS
The Honorable Joseph Sewall
President of the Senate of Maine

DEAR PRESIDENT:

...and five members in the negative with two being absent, it was the vote of the Committee that the nomination of Paul R. Copeland to the position of member of the Liquor Commission be confirmed.

Sincerely,

Senator RAPEL M. LOVELL
President of the Senate

Representative SIDNEY MAXWELL
House Chairman

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, I would request unanimous consent that the nomination of Paul R. Copeland to the position of member of the Liquor Commission be confirmed.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

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

Dear President Sewall:

...and two being absent, it was the vote of the Committee that the nomination of Paul R. Copeland to the position of member of the Liquor Commission be confirmed.

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

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

Dear President Sewall:

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Sincerely,

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Governor

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

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State House
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Governor

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State House
Augusta, Maine 04333

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State House
Augusta, Maine 04333

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Governor

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

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JAMES B. LONGLEY
Governor

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State House
Augusta, Maine 04333

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State House
Augusta, Maine 04333

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

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Governor

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

Dear President Sewall:

...and five members in the negative with two being absent, it was the vote of the Committee that the nomination of Paul R. Copeland to the position of member of the Liquor Commission be confirmed.

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

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

Dear President Sewall:

...and five members in the negative with two being absent, it was the vote of the Committee that the nomination of Paul R. Copeland to the position of member of the Liquor Commission be confirmed.

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

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

Dear President Sewall:

...and five members in the negative with two being absent, it was the vote of the Committee that the nomination of Paul R. Copeland to the position of member of the Liquor Commission be confirmed.

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.
System, Board of Trustees be confirmed.

Sincerely,

Senator SAMUEL W. COLLINS, JR.
Senate Chairman
Representative ALBERT THERIAULT
House Chairman

Which was Read, and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Veterans and Retirement has recommended that the nomination of Llewellyn W. Jensen be confirmed. The Doorkeeper will secure the Senate. The Secretary will call the roll.

ROLL CALL

NAYS—None.


ABSENT—None.

No Senators having voted in the affirmative and 33 Senators in the negative, 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 Llewellyn W. Jensen is confirmed.

September 29, 1978

Honorable Joseph Sewall
President of the Senate

Honorable John L. Martin
Speaker of the House

Dear Joe and John;

This is to officially notify you that I have today nominated Richard H. Bagley of Machias and Richard I. Morin of St. Agatha to serve on the State Board of Education.

Both have been nominated to serve three-year terms on the State Board and will replace Julius Nault of Machias and Floyd Haskell of Houlton respectively. Pursuant to Title XX, Section 51 of the Maine State Revised Statute Annotated, both nominations will require confirmation by the Joint Standing Committee on Education and by the Senate.

Thank you for your assistance in this regard.

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read, and Ordered placed on File.

September 28, 1978

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

Please be advised that on September 28, 1978, Governor James B. Longley nominated Richard H. Bagley of Machias and Richard I. Morin of St. Agatha to serve on the State Board of Education.

Pursuant to 20 M.R.S.A., section 51, these nominations are subject to review by the Committee on Education.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read, and Ordered Placed on File

Committee on Education

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 Richard H. Bagley 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 confirm the nomination of Richard H. Bagley to the position of member of the State Board of Education.

The pending question is: be overriden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the vote of the Senate that the Committee's recommendation be accepted. The nomination of Richard H. Bagley is confirmed.

Sincerely,

BENNETT KATZ
Senator Chairman

Which was Read, and Ordered Placed on File.

October 10, 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 Richard I. Morin to the position of member of the 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 3

Senator KATZ, Kennebec
Senator PIERCE, Kennebec
Senator Usher, Cumberland

Representatives 5

Rep. LEWIS, Auburn
Rep. PLOURDE, Fort Kent
Rep. BAGLEY, Winslow
Rep. WYMAN, Pittsfield
Rep. BIRT, E. Millinocket

NAYS: Senators 0

Representatives 4

Rep. CONNOLLY, Portland
Rep. FENASON, Danforth
Rep. MITCHELL, Vassalboro
Rep. BEAULIEU, Portland

ABSENT: Rep. LYNCH, Livermore Falls

8 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 Richard H. Bagley to the position of member of the Board of Education be confirmed.

Sincerely,

BENNETT KATZ
Senator Chairman

Which was Read, and Ordered Placed on File

October 10, 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 Richard I. Morin to the position of member of the 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 3

Senator KATZ, Kennebec
Senator PIERCE, Kennebec
Senator Usher, Cumberland

Representatives 5

Rep. LEWIS, Auburn
Rep. PLOURDE, Fort Kent
Rep. BAGLEY, Winslow
Rep. WYMAN, Pittsfield
Rep. BIRT, E. Millinocket

NAYS: Senators 0

Representatives 4

Rep. CONNOLLY, Portland
Rep. FENASON, Danforth
Rep. MITCHELL, Vassalboro
Rep. BEAULIEU, Portland

ABSENT: Rep. LYNCH, Livermore Falls

12 members of the Committee having voted in the affirmative and 9 in the negative, it was the vote of the Committee that the nomination of Richard I. Morin to the position of member of the Board of Education be confirmed.

Sincerely,

BENNETT KATZ
Senator Chairman

Which was Read, and Ordered Placed on File
Aroostook County, I can say that I have known Richard Morin for well over fifteen years, besides being a good and personal friend of mine, he is also my banker. Mr. Morin is an individual of high morals, and is respected by the banking community at great length. He also works well with his superiors and subordinates. Presently Mr. Morin is manager of the Fort Kent — correction of the Northern National Bank in Fort Kent. And is also one of their vice-presidents. Among his many community involvements include the fact that he is trustee and vice-president of the Northern Maine Medical Center Hospital of Fort Kent. He is also a director of the Fort Kent Chamber of Commerce. He is past chairman and director of the SAD 33, a small SAD district in Frenchville and St. Agatha. has been a member for the past 9 years. He is a past director of the Aroostook Mental Health Center and he has been involved also for the past 9 years with the Saint John Valley Bilingual Project Entitled, SEVEN. I hope today and wish today that the Senate confirms the nomination of Richard I. Morin.

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

Mr. KATZ: Mr. President this Richard Morin is not the Richard Morin who was the manager of the Kennebec Journal for some years. This is the young man a very nice young man a very dynamic young man, and it was fascinating to us to discover how many backers are Demons.

The PRESIDENT: Is the Senate ready for question?

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 Standing Committee will call the roll.

YEAS—None

No Senator voting in the affirmative and 31 Senators in the negative, 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 Richard I. Morin is confirmed.

Office of the Governor September 29, 1978

The Honorable Joseph Sewall
President of the Senate

The Honorable John L. Martin
Speaker of the House

Dear Joe and John:

This is to officially notify you that I have today nominated Bradford S. Wellman to serve on the Maine Guarantee Authority.

Mr. Wellman will be replacing Henry Lowe whose term on the MGA expires next week. Pursuant to M.R.S.A. Title 10, Section 701, this nomination will require confirmation by the Joint Standing Committee on State Government and the Maine Senate.

Thank you for your assistance.

Sincerely, JAMES B. LONGLEY Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

September 29, 1978

The Honorable Donald F. Collins
Chairman, State Government Committee

The Honorable Peter J. Curran
Chairman, State Government Committee 108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Bradford S. Wellman to serve as a member of the Maine Guarantee Authority.

Pursuant to M.R.S.A., Section 701, this nomination is subject to review by the Committee on State Government.

Sincerely, MAY M. ROSS Secretary of the Senate

Which was Read, and Ordered Placed on File.

Committee on State Government

October 17, 1978

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

Augusta, Maine 04333

Dear Joe and John:

In accordance with M.R.S.A. Title 10, section 701, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Bradford S. Wellman 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 today's nominations 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 7
NAYS—Senators 0
Representatives 0

No Senator voting in the affirmative and 31 Senators in the negative, 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 Bradford S. Wellman is confirmed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook Senator Katz.

Mr. KATZ: Mr. President this Richard Morin is not the Richard Morin who was the manager of the Kennebec Journal for some years. This is the young man a very nice young man a very dynamic young man, and it was fascinating to us to discover how many backers are Demons.

The PRESIDENT: Is the Senate ready for question?

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 Standing Committee will call the roll.

YEAS—None

No Senator voting in the affirmative and 31 Senators in the negative, 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 Richard I. Morin is confirmed.

Office of the Governor September 29, 1978

The Honorable Joseph Sewall
President of the Senate

The Honorable John L. Martin
Speaker of the House

Dear Joe and John:

This is to officially notify you that I have today nominated Eugene W. Beaulieu, Esq. of Old Town and David C. Pomery, Esq. of Cumberland Center to serve as commissioners on the Workers Compensation Commission.

Pursuant to Maine State Revised Statutes Annotated, Title 39, section 91, these appointments will require confirmation by the Joint Standing Committee on Judiciary and by the Maine Senate.

Thank you for your cooperation in this area.

Sincerely, JAMES B. LONGLEY Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

September 29, 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 today nominated Eugene W. Beaulieu, Esq. of Old Town and David C. Pomery, Esq. of Cumberland Center to serve as Commissioners on the Workers Compensation Commission.

Pursuant to M.R.S.A., section 91, these nominations are subject to review by the Committee on Judiciary.

Sincerely, MAY M. ROSS Secretary of the Senate

Which was Read, and Ordered Placed on File.

COMMITTEE ON JUDICIARY

October 17, 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 Eugene W. Beaulieu, Esq. to the position of Commissioner on the Workers Compensation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the question 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
In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine 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.

Mr. President: The Joint Standing Committee on Judiciary has had under consideration the nomination of David C. Pomeroy, Esq., to the position of Commissioner on the Workers Compensation 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 - 2
Representatives - 7
NAYS: Senators - 1
Representatives - 0

ABSENT: Senator Mangan and Representative Henderson, Hughes and DeVoe

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 David C. Pomeroy, Esq., to the position of Commissioner on the Workers Compensation Commission be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.
Chairman

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.

The President: The Chair recognizes the Senator from Penobscot Senator Curtis.

Mr. Curtis: Mr. President, in accordance with the provisions of the recently enacted law, to improve the administration of the Worker's Compensation Law, Governor Longley, has recommended two highly qualified nominees for commissioners.

Eugene W. Beaulieu of Milford, is a 58 year old attorney, who possesses the requisite knowledge, experience, and concern for the proper administration of the Worker's Compensation Law.

Mr. Beaulieu is a native of Old Town, and is a graduate of Old Town Schools, St. Joseph's University, and Suffolk Law School. He has been practicing law since 1958, has been a very effective Assistant District Attorney in Penobscot County, and has extensive trial experience.

Mr. Beaulieu made a most favorable impression on the Judiciary Committee. In my opinion, Governor Longley has made an outstanding choice in nominating Eugene W. Beaulieu to the position of Commissioner, and the people of Maine will most ably be served by confirmation of this dedicated public servant.

The President: Is the Senate ready for the question?

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

YEAS—None
ABSENT—Huber, Katz, Martin.

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 Eugene W. Beaulieu is confirmed.

Committee on Judiciary
October 17, 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 Paul A. MacDonald of Woolwich to serve as an Active Retired Judge of the Maine District Court.

Pursuant to 4 M.R.S.A., section 157B, this nomination is subject to review by the Committee on Judiciary.

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 Committee on Judiciary has had under consideration the nomination of Paul A. MacDonald to the position of Active Retired Judge of the Maine District Court.

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
Representatives - 8
NAYS: Senators - 5
Representatives - 0


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 Paul A. MacDonald to the position of Active Retired Judge of the Maine District Court be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.
Chairman

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.

The President: The Chair recognizes the Senator from York Senator Hincks.

Mr. Hincks: Mr. President and Members of the Senate: It is with great reluctance that I stand and oppose the recommendations of this Judiciary Committee. But I have on my desk a copy of a newspaper, which states that the Rockland City Council opposes MacDonald as Active Retired Judge and the Selectmen of the Towns of Thomaston and Warren, also oppose his recommendation. I think that these representatives...
and these council members and selectmen know Judge MacDonald much more than I do and I think we should take their recommendations under consideration as we vote this afternoon.

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

Mr. Collins: Mr. President, the objections that were raised that have been mentioned by the Senator from York, Senator Hichens, were also presented to the Judiciary Committee. They were carefully considered and the committee felt that they should look at the over all picture of the judicial system from the popular dissatisfaction with certain specific acts of a particular judge. It is undoubtedly true that this judge has made mistakes, most judges do. Judges sometimes have to dismiss cases, sometimes for good reason, sometimes for bad reason. Sometimes this is the fault of the prosecution, sometimes it is the fault of the police, sometimes it just a matter of circumstances, but those decisions have to be made according to the rules of law that are given to us by statute by decisions of our courts, at all levels. The judge is active retired is a substitute. He is not in office. He is serving people as substitute judge. He goes throughout the State where he is needed, sometimes to catch up a docket when a particular case load gets behind. This system of having a judge help is important in the system. It doesn't cost the State any money, the judge gets no extra pay, he gets his regular retirement pay. The only expense to the State is his moving expense when he is coming to the docket. We have 3 active retired judges now in the District Court System and they fill in when they are needed. I have been in the experience of having a judge help in the State from Dover-Foxcroft, to take a day of hearing Civil Matters, Divorces, Custody, Collections in the Small Claims Court, various matters that are not asked too often but is able to ask it. He is more important in the system. And, we need this kind of help in our system if we want justice to be promptly administered we need to have our system moving ahead at full speed and not delayed by the inevitable problems that come with illness and disproportionate case loads. I recognize that my own vote will not be the most popular, it is in areas of my district, and in other areas of my district I think that it is recognized that a man should not necessarily be condemned because he has made some mistakes during his career. I would urge you to vote No.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. PRAY: Mr. President, and Members of the Senate: I am not as well aware of the Judicial System as my colleague from Knox, Senator Collins on the rules of law. But I am aware of the Legislative process in which we either desire to pass legislation as an emergency, which becomes effective immediately or some set time period less than the 90 days, at which regular legislation becomes law, if it makes it through the process. I think that the comments given by the Senator from Knox, Senator Collins is well taken. I think that Judge MacDonald came to at least my attention and to fame thoughout the state was not a mistake. He knew exactly what he was doing. He decided that he would rush a law that he was sure would be a matter of days before it would be effective and he disregarded the proper process of which we have established and under that brief statement. I hope that the Senator from York, Senator Hichens in voting against the nomination that before us. I would hope that many of you would stop and take a look at these instances because we have not only judges in our society, which we call law and tend to interpret it the way they want to. It is a small mistake that he has made I agree in this one instance, but it is mistakes like this which multiply, by others as they see others get away with it.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

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

Mr. MANGAN: Mr. President and Members of the Senate: I would urge you to vote No.

Mr. PRAY: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. PRAY: Mr. President, and Members of the Senate: I would urge you to vote No.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mangan.
As Amended

Dear Joe and John:

The vote of the Senate on September 30, 1978, shall be confirmed. The vote was taken by the Senate of Maine District VI.

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., Governor Chapter 221, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the three-fifths of the membership present, it is the vote of the Senate that the Committee's recommendation be overridden. The nomination of Alan C. Pease is confirmed.

Sincerely,

JAMES B. LONGLEY

President of the Senate

Which was Read and Ordered Placed on File.

The Senate of Maine

October 2, 1978

The Honorable Samuel W. Collins, Jr.

The Honorable Richard A. Spencer
Chairmen, Judiciary Committee

108th Legislature

Please be advised that Governor James W. Longley, on September 30, 1978, nominated Alan C. Pease of Wiscasset to serve as Judge of the Maine District Court, District VI.

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

Sincerely,

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

October 17, 1978

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

Dear Governor:

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 Alan C. Pease, Esq., of Wiscasset to the position as Judge of the Maine District Court, District VI.

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 7

NAYS: Representatives 0

ABSENT: Representatives Hobbs, Henderson, and Dyno.
Ten 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 Alan C. Pease, Esq., to the position of Judge of the Maine District Court, District VI be confirmed.

Sincerely,

SAMUEL W. COLLINS, JR.

Senate Chairman

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 Alan C. Pease be confirmed.

Sincerely,

JAMES B. LONGLEY

Governor

Which was Read and Ordered Placed on File.

Office of the Governor
September 30, 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 have today named Paul C. MacDonald, Esq., of Wiscasset as I do to serve as Judge of the Maine District Court, District VI.

Alan Pease will be replacing Paul A. MacDonald who has resigned, effective upon his re-placement confirmation.

Pursuant to MRSA, Title 4, section 151, this appointment will require confirmation by the Joint Standing Committee on Judiciary and the Maine Senate.

Thank you for your assistance.

Sincerely,

JAMES B. LONGLEY

President of the Senate

Which was Read and Ordered Placed on File.

The Senate of Maine

October 2, 1978

The Honorable Richard A. Spencer
Chairman, Judiciary Committee

108th Legislature

PRESIDENT:

Mr. Speaker:

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciay be overridden? In accordance with 3 M.R.S.A., Governor Chapter 221, 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 sustaining the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

The Committee Assistant called the roll with the following result:


ABSENT—Merrill, Usher.

No Senators having voted in the affirmative and 31 Senators in the negative, 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 Alan C. Pease is confirmed.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House Committee Report
Ought to Pass - As Amended

The Committee on Taxation, on Bill An Act to Provide for Property Tax Relief. (H. F. 2347) (L. D. 2214) reports that the same Ought to Pass as amended by Committee Amendment "B" (H. 1297)

Comes from the House, the bill passed to be Engrossed as amended by Committee Amendment "B" of the 108th Legislature.

Which Report was Read.

On Motion of Mr. Speers of Kennebec, tabled until later in today's session.

At Ease

Legislative Record

Off Record Remarks

On Motion of Mr. Huber of Cumberland, Re­cessed until the sound of the bell.

Recess

After Recess

Senate called to order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

September 29, 1978

Honorble Joseph Sewall
President of the Senate
and
Honorble John Martin
Chairman of the House

This is to officially notify you I have today nominated Paul Haney of South Portland to serve as the alternate labor representative on the Maine Labor Relations Board.

Mr. Haney will replace Gary Cook whose term on the Board has expired.

Pursuant to Maine State Revised Statutes Annotated, Title 26, section 968, this appointment will require confirmation by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your ongoing assistance in this area.

Sincerely,

JAMES B. LONGLEY

Governor

Which was Read and Ordered Placed on File.

September 29, 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 today nominated Paul Haney of South Portland to serve as the alternate labor representative on the Maine Labor Relations Board.

Pursuant to 26 M.R.S.A., section 968, this appointment is subject to review by the Commis-
SENATE, OCTOBER 18, 1978

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

Augusta, Maine 04333

Dear Joe and John:

Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT—Conley, Minkowsky.

No Senators having voted in the affirmative and 31 Senators in the negative. 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 Annalee Rosenblatt is confirmed.

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

H.ichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Morrell, O’Leary, Pierce, Pray, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT—Conley, Minkowsky.

No Senators having voted in the affirmative and 31 Senators in the negative. 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 Annalee Rosenblatt is confirmed.

Sincerely,

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

September 29, 1978

The Honorable Cecil McNally
Chairman, Labor Committee

101st Legislature

Please be advised that Governor James B. Longley today nominated Annalee Z. Rosenblatt to serve as a member of the State Personnel Board.

Pursuant to 5 M.R.S.A., Section 591, this nomination is subject to review by the Committee on Labor.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read, and Ordered Placed on File.

November 18, 1978

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

Augusta, Maine 04333

Dear Mr. President:

Mr. President: The Joint Standing Committee on Labor has recommended that the nomination of Paul Hayne to serve as alternate Labor representative on the Maine Labor Relations Board be accepted. The nomination be accepted. The nomination of Paul Hayne to serve as alternate Labor representative on the Maine Labor Relations Board is confirmed.

Sincerely,

CECIL M'CNALLY
Chairman

DAVID BUSTIN
House Chairman

Which was Read and Ordered Placed on File.

Annalee Rosenblatt will be replacing Asa Richardson who resigned from the Board.

Pursuant to 3 M.R.S.A., Title 5, section 591, this appointment will require confirmation by the Joint Standing Committee on Labor and by the Senate.

Thank you for your assistance.

Sincerely,

ROBERT A. DAVIS

Chairman

Office of the Governor

September 29, 1978

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

and

Honorable John Martin
Speaker of the House

Dear Mr. President and Members of the Senate:

I am today nominating Annalee Z. Rosenblatt to serve as a member of the State Personnel Board.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Chairman

Which was Read and Ordered Placed on File.

The Senate of Maine

September 29, 1978

The Honorable Cecil McNally
Chairman, Labor Committee

101st Legislature

Pursuant to 5 M.R.S.A., Section 591, this nomination is subject to review by the Committee on Labor.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read, and Ordered Placed on File.

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

Augusta, Maine 04333

Dear Mr. President:

Mr. President: The Joint Standing Committee on Labor has recommended that the nomination of Annalee Rosenblatt be confirmed.

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 recommended that the nomination of Annalee Rosenblatt to serve as a member of the State Personnel Board be accepted. The nomination be accepted.

Sincerely,

ROBERT A. DAVIS

Chairman

Office of the Governor

September 29, 1978

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

and

Honorable John Martin
Speaker of the House

Dear Mr. President and Members of the Senate:

I am today nominating Annalee Z. Rosenblatt to serve as a member of the State Personnel Board.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Chairman

Which was Read and Ordered Placed on File.

The Senate of Maine

September 29, 1978

The Honorable Cecil McNally
Chairman, Labor Committee

101st Legislature

Pursuant to 5 M.R.S.A., Section 591, this nomination is subject to review by the Committee on Labor.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read, and Ordered Placed on File.

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

Augusta, Maine 04333

Dear Mr. President:

Mr. President: The Joint Standing Committee on Labor has recommended that the nomination of Annalee Rosenblatt be approved.

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 recommended that the nomination of Annalee Rosenblatt to serve as a member of the State Personnel Board be accepted. The nomination be accepted.

Sincerely,

ROBERT A. DAVIS

Chairman

Office of the Governor

October 18, 1978

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

Augusta, Maine 04333

Dear Mr. President:

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

Mr. President: The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overriden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine 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. Shall the recommendation of the Committee be accepted? The Senate ready for the question?

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

ROLL CALL

YEAS—none


ABSENT—Conley, Minkowsky, Morrell.

No Senators having voted in the affirmative and 30 Senators in the negative, 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 Paul Hayne is confirmed.

Office of the Governor

September 29, 1978

Honorable Joseph Sewall
President of the Senate and

Honorable John Martin
Speaker of the House

Dear Joe and John:

I am today nominating Annalee Z. Rosenblatt to serve as a member of the State Personnel Board.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Chairman

Which was Read and Ordered Placed on File.

The Senate of Maine

September 29, 1978

The Honorable Cecil McNally
Chairman, Labor Committee

101st Legislature

Pursuant to 5 M.R.S.A., Section 591, this nomination is subject to review by the Committee on Labor.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read, and Ordered Placed on File.

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

Augusta, Maine 04333

Dear Mr. President:

Mr. President: The Joint Standing Committee on Labor has recommended that the nomination of Annalee Rosenblatt be confirmed.

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 recommended that the nomination of Annalee Rosenblatt to consideration the nomination of Annalee Rosenblatt to the position of member of the State Personnel 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—Unanimous

YEAS: Representatives—Unanimous

ABSENT: Rep. James Ellias, Madison

11 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 Hayne to the position of alternate Labor representative on the Maine Labor Relations Board be accepted. The nomination be accepted. The nomination of Paul Hayne to serve as alternate Labor representative on the Maine Labor Relations Board is confirmed.

Sincerely,

CECIL M'CNALLY
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 Annalee Rosenblatt be confirmed.

Pursuant to 5 M.R.S.A., Section 591, this nomination is subject to review by the Committee on Labor.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read, and Ordered Placed on File.

Committee on Labor

October 18, 1978

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

Augusta, Maine 04333

Dear Mr. President:

Mr. President: The Joint Standing Committee on Labor has recommended that the nomination of Annalee Rosenblatt be confirmed.

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 recommended that the nomination of Annalee Rosenblatt to consideration the nomination of Annalee Rosenblatt to the position of member of the State Personnel 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—Unanimous

YEAS: Representatives—Unanimous

ABSENT: Rep. James Ellias, Madison

11 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 Annalee Rosenblatt to consideration the nomination of Annalee Rosenblatt to the position of member of the State Personnel Board.

Sincerely,

CECIL M'CNALLY
Chairman

DAVID BUSTIN
House Chairman

Which was Read and Ordered Placed on File.
The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate, I have a very short proposal to try to discuss our factual situation. It is 3 weeks before an election and 2 days after a full moon. The proposal before us is a $20 million tax rebate, exact amount for collective bargaining. This is the way the bill was presented to the Legislature and this is one of its peculiar features. The bill purports to grant $20 million - a $20 million tax rebate, based on our cash position, not only our, cash on hand, but also cash estimated to be available from our main fund balance. It is not for anything to do with property taxes and it does, as presented, have a peculiar feature, in that, people on various forms of State support would receive rebates. The Governor has raised some concern that I warned the Legislature about early November we'll issue $14 million of bonds, further incurring debt service, and that would be a cause for concern and I think it should be a cause, for concern, to the entire Legislature. In the departmental requests and going back to early November, the overall appropriation increases, would I point out that if you look at the 3 biggest departments; namely, Education, Human Services and Mental Health and Corrections - these are the biggest departments and have had commissioners that have acted very responsively in the past. The increases in these departments are 12.6% - excuse me, 12.5% and 20.6% respectively. They are considerably higher than the assumption, I used in my calculation and the results of my calculation indicate deficits of $20 million in each of the fiscal years 80 and 81. I think that the facts of our budget right now are, that to continuing existing programs, the legislature will have to make the type of cuts, it has not been willing to make in the past, simply to continue what we are doing now. And again I don't dispute the Governor's revenue estimates, but the Legislature has been provided the surplus, from which this proposal, is usually that departmental revenues and expenditures. As I said this is based on a cash position, this proposal. The Governor's budget recommendation approximately in mid-November. The Legislature then further analysis the departmental requests and presented the Governor, as the Governor's budget recommendation approximately in mid-February. The Legislature then further analyzed the Governor’s recommendations, conducted the internal analysis, as the Governor and we have received these in the summary form so at least we have this one item of information available to us and I have distributed to the members of the Appropriations Committee. As Chairman of the Appropriations Committee, I feel that it is my duty to present the best and most complete information to the Legislature prior to the entrance of politics, political considerations, in our actions. I admit, that at this point, our information concerning the effect of this proposal on the next bimonthly on fiscal years 80 and 81 is meager. However, with this meager information I've tried to make some assumptions, as best I can, and these are presented to you this morning. I used the assumption that revenues, other than the income tax, would increase as they have in the past 3 years, namely by 9.8 percent. I used the Governor's upward revision of income tax revenues, in the 1979 figures, that you should have before you. Incidentally the revenue figures for 80 and 81 used labors come to June 30, 1979. I think the Legislature to consider and to try to make some provisions for a cost that our law says is going to be coming upon us is absurd. The position which I have taken is that if the argument is made that the Legislature should not inject itself into the process in such a way as to suggest the final outcome. The position I have taken is the position on me who were representatives of an employee group, or representatives of the employer, I would tell them, that I thought it was improper. However, I think that it is only prudent, proper, and part of our duty to consider the expenditures that we might face which include, legally the expenditures that will come about when the collective bargaining agreements are successfully negotiated with the largest bargaining agent, that is the State Employees Association, to find ourselves in a difficult position. It would be the least we can do to ignore this possible expenditure. As wrong as it would be for us to try to set the exact amount that would be settled on. But for another reason, I suggest that this Legislature to consider and to try to make some provisions for a cost that our law says is going to be coming upon us is absurd. The position which I have taken is that if the argument is made that the Legislature should not inject itself into the process in such a way as to suggest the final outcome. The position I have taken is the position on me who were representatives of an employee group, or representatives of the employer, I would tell them, that I thought it was improper. However, I think that it is only prudent, proper, and part of our duty to consider the expenditures that we might face which include, legally, the expenditures that will come about when the collective bargaining agreements are successfully negotiated with the largest bargaining agent, that is the State Employees Association, to find ourselves in a difficult position. It would be the least we can do to ignore this possible expenditure. As wrong as it would be for us to try to set the exact amount that would be settled on. But for another reason, I suggest that this Legislature to consider and to try to make some provisions for a cost that our law says is going to be coming upon us is absurd. The position which I have taken is that if the argument is made that the Legislature should not inject itself into the process in such a way as to suggest the final outcome. The position I have taken is the position on me who were representatives of an employee group, or representatives of the employer, I would tell them, that I thought it was improper. However, I think that it is only prudent, proper, and part of our duty to consider the expenditures that we might face which include, legally, the expenditures that will come about when the collective bargaining agreements are successfully negotiated with the largest bargaining agent, that is the State Employees Association, to find ourselves in a difficult position. It would be the least we can do to ignore this possible expenditure. As wrong as it would be for us to try to set the exact amount that would be settled on. But for another reason, I suggest that this Legislature to consider and to try to make some provisions for a cost that our law says is going to be coming upon us is absurd. The position which I have taken is that if the argument is made that the Legislature should not inject itself into the process in such a way as to suggest the final outcome. The position I have taken is the position on me who were representatives of an employee group, or representatives of the employer, I would tell them, that I thought it was improper. However, I think that it is only prudent, proper, and part of our duty to consider the expenditures that we might face which include, legally, the expenditures that will come about when the collective bargaining agreements are successfully negotiated with the largest bargaining agent, that is the State Employees Association, to find ourselves in a difficult position. It would be the least we can do to ignore this possible expenditure. 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The position I have taken is the position on me who were representatives of an employee group, or representatives of the employer, I would tell them, that I thought it was improper. However, I think that it is only prudent, proper, and part of our duty to consider the expenditures that we might face which include, legally, the expenditures that will come about when the collective bargaining agreements are successfully negotiated with the largest bargaining agent, that is the State Employees Association, to find ourselves in a difficult position. It would be the least we can do to ignore this possible expenditure.
The President: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. Katz: Mr. President. There’s one executive function, the very executive function that the Governor has, I think, been used in a manner that really disturbs me about what is appropriate and what is not addressed.

Chair: Senator Katz.

Mr. Katz: Mr. President. Ten days after we returned home from our last extraordinary occasion, the Governor of the State wrote each of us a letter expressing his concerns and desires that we meet again. Under the Constitution he has the authority to determine that it is an extraordinary occasion and we once again have responded to his invitation to come to Augusta. Mr. President, I share the concern that has been expressed many times that we are on the very edge of revisiting that single issue, that has been presented to us. As a matter of fact, I have been told that the necessities of that particular constituency, that I try to represent, would have to be set aside, at least in the fashion I would like to see them addressed, because there was a lack of money on the part of the state. I have heard discussions that there may be a serious problem involving the reimbursements that hospitals in the state are entitled to and that there is a sixty day delay for reimbursement from the Department of Human Services as to the reimbursement that is available in that particular program. And that a fund may run out in February. Mr. President, I am not sure of the answer to that question. I hope that somebody who is familiar with that problem and others would address them. I’ve heard that there are problems regarding capital construction. I know that one of the projects that I was most concerned about and one of the issues under consideration in that, that was announced for the hundredth anniversary of the University of Maine, that would be in a position to make determinations on such a major issue, the expenditures of apparently all or a large part of the surplus that might exist. I expressed a concern that I might think about how that surplus will go and receive the confirmation or the new vote of the people they that represent, would be in a position to make determinations on such a major issue.

The President: Is it now the pleasure of the Senate to adjourn?

Mr. Katz: Mr. President. Well, that proposal like so many others was not meeting with the approval and even the interest of the people of this State. I didn’t think he would save any money for us this year. It has been suggested that the necessities of that particular division of the University of Maine might be addressed. I sympathize with that problem and I of course, represent an area which has a fairly large number of the employees of the University of Maine, who are dependent upon the State Legislature and the Governor for the appropriations that make their salaries available, through the University of Maine. I believe the necessity of discussion about the University’s problems, but in the last session and in previous sessions I have raised this issue before the legislature and I have, usually have been told that the necessities of that particular constituency, that I try to represent, would have to be set aside, at least in the fashion I would like to see them addressed, because there was a lack of money on the part of the state. I have heard discussions that there may be a serious problem involving the reimbursement that hospitals in the state are entitled to and that there is a sixty day delay for reimbursement from the Department of Human Services as to the reimbursement that is available in that particular program. And that a fund may run out in February. Mr. President, I am not sure of the answer to that question. I hope that somebody who is familiar with that problem and others would address them. I’ve heard that there are problems regarding capital construction. I know that one of the projects that I was most concerned about and one of the issues under consideration in that, that was announced for the hundredth anniversary of the University of Maine, that would be in a position to make determinations on such a major issue, the expenditures of apparently all or a large part of the surplus that might exist. I expressed a concern that I might think about how that surplus will go and receive the confirmation or the new vote of the people they that represent, would be in a position to make determinations on such a major issue.

The President: The Chair recognizes the Senator from Kennebec, Senator Katz has ably described the legislature as a locomotive—as it gets up steam and starts to consider all of the problems that face the State of Maine would be in a better position to establish priorities. I’ve heard recently that various people in this business building at the University of Maine are concerned with the funding of the retirement fund, the bonded indebtedness and whether or not it might be wiser to expend our resources on the future generations, dollars of interest, rather than provide an immediate rebate available to people now. I’ve heard a great deal of expression that the State Legislature and the Governor have been told that the necessities of that particular constituency, that I try to represent, would have to be set aside, at least in the fashion I would like to see them addressed, because there was a lack of money on the part of the state. I have heard discussions that there may be a serious problem involving the reimbursement that hospitals in the state are entitled to and that there is a sixty day delay for reimbursement from the Department of Human Services as to the reimbursement that is available in that particular program. And that a fund may run out in February. Mr. President, I am not sure of the answer to that question. I hope that somebody who is familiar with that problem and others would address them. I’ve heard that there are problems regarding capital construction. I know that one of the projects that I was most concerned about and one of the issues under consideration in that, that was announced for the hundredth anniversary of the University of Maine.
should be spending money that has not yet been received by the State of Maine. In making decisions directly affecting the priorities that 109th Legislature is able to set. So with this concern with fiscal responsibility and for the establishment of priorities, I would be very concerned and oppose this legislative proposal at this time, which does as the Governor request. In particular, I hope that if something is passed that somebody would look at this legislation and be concerned about the surplus. I raised one issue earlier today and the answer to my question. I thought was an interesting one, and that has to do with again a problem that is unique almost immediately, but I think you would find in your own areas similar problems that has to do with the question of the fairness of providing a $32 renter rebate for every fraternity brother in a fraternity located at Orono, for example, which pays property taxes to the town of Orono. But not providing $32 in rent rebate to a resident of a dormitory. Now if that isn't sex discrimination, I'm not sure what would be. It's this type of specific problem that needs to be addressed by a legislation which has the time and is able to address the concerns that are outside of the time-limited, and the problems of a pending election that should require us. I suggest, to reject the proposal that is before us today and to address the problems in the campaign that we are going on, the vote of the people in November and finally by the 109th Legislature.

When that was accepted in concurrence, and the Bill Read Once.

Committee Amendment "B" was Read. The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: I now offer Senate Amendment A to Committee Amendment B and move its passage.

The PRESIDENT: The Senator from Cumberland, Senator Hewes now offers Senate Amendment A to Committee Amendment B and moves its adoption.

Committee Amendment "A" to Committee Amendment "B" (S-637) was Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: The simple purpose of this amendment is to prevent this Bill becoming law after January 15, which is the date of the budget office. Under the old days the federal government provided what we call - a cliche property tax to communities but on the other hand both recipients qualify to the same type of program, those under public housing as I said as a generic term under the old formula have to pay the same 25% maximum of their yearly earnings for rent and it's just a question, in my mind today, the way the drafting of this bill is that there would be discrimination against those individuals who live under public housing and who pay absolutely - the units pay absolutely no property tax whatsoever to the city, the city has forever lost any source of revenue from it but the individuals, still have to pay the 25% of their maximum of their yearly earnings and I just think it is in fairness that this amendment should be adopted to give equal protection to all people who are under what we call the public housing act.

The PRESIDENT: The Chair recognizes the Senator from Aroostook.

Mr. MARTIN: Mr. President, and Ladies and Gentlemen to the Senate. For those of you who are contemplating or thinking of supporting or voting for this amendment, I would ask you to take a second and carefully read through it. I hesitate to say what I am going to say but we have studied this in Committee yesterday and at the time and I am sure about the amendment and I'm scared its going to open the door to places like Loring Air Force, Brunswick, Fraternity Houses and the same things that Senator Curtis implied. I would request a Division Mr. President.

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would like to ask the Senator from Cumberland, Senator Conley, Mr. President, I mean Senator from Aroostook. The amendment that was presented as part of the legislation that would give rise to a situation where, for example, in South Portland when subsidized housing was constructed and agreement was made with the city that the tenants would contribute a certain amount of their income in the form of taxes? How would that situation be affected by the Senator's amendment?

The PRESIDENT: The Chair recognizes the Senator from Aroostook.

Mr. CONLEY: Mr. President, and Members of the Senate: It would be my belief that if the housing authority was paying in lieu of property tax the monies to the city that these individuals would then be eligible as bona-fide recipients. We have Blue Cross-Blue Shield and other insurers where the subscriber pays the premium out of their income. Under the charter that was passed by the State; they in the city of Portland make in lieu of property taxes, make exactly what they would pay if they were paying property taxes, and would pay to the city of Portland. It seems to me that his housing authority in lieu of property taxation was making a contribution to the city that they would be eligible bona-fide recipients.

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

Mr. MERRILL: Mr. President, I would like to ask the Senators of the Senate: I might suggest that an equally interesting question is raised or maybe more interesting question is raised, in the absence of any amendment, in the legislation that has been made — money that this housing development and the people who had homesteads within it — it was paying money to the city in lieu of prop-
erty taxes as I understand it would be eligible for no reimbursement whatsoever, because the property tax is something that like any other tax, there is the possibility of being subpoenaed and having to turn over your property to pay the tax. That does not raise a question as to the result, but it certainly raises a question as to the equity of it.

The PRESIDENT: A Division has been requested. All of those Senators in favor of the adoption of Senate Amendment "B" to L. D. 2214 rise in their places until counted. Those opposed will please rise in their places until counted.

The PRESIDENT: Six Senators having voted in the affirmative and 21 in the negative, the negative vote having exceeded the affirmative, the adoption of Senate Amendment "B" to L. D. 2214 falls into the negative. The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I request a roll call vote on the affirmative and negative as it pertains to the appropriateness of providing tax relief through income tax payers or property taxpayers. I don't intend to renew the debate, but I have had an opportunity to have had some discussions with the Governor, and as I see it, if one assumes that my position would be in favor of property tax, and certainly at least a modest study of various means used to relief property taxpayers and some form of direct relief in the various states around the United States and I think that's one method I see for property tax relief. There's another method that's been advocated in this state which would provide through the income tax vehicle, but which attempts to freeze a level at a percent of a person's pay and receive 10% a year. That's another method that's been advocated that's high-bred form of income tax relief, or a credit as described in that vein.

Senator George Katz.

Mr. KATZ: Mr. President, I like to make a brief observation, if I could, in regards to the remarks made by the Senator from Kennebec, Senator Katz, the Senator from Penobscot, Senator Trotzky as it pertains to the appropriateness of providing tax relief through income tax payers or property taxpayers. I don't intend to renew the debate, but I have had an opportunity to have had some discussions with the Governor, and as I see it, if one assumes that my position would be in favor of property tax, and certainly at least a modest study of various means used to relief property taxpayers and some form of direct relief in the various states around the United States and I think that's one method I see for property tax relief. There's another method that's been advocated in this state which would provide through the income tax vehicle, but which attempts to freeze a level at a percent of a person's pay and receive 10% a year. That's another method that's been advocated that's high-bred form of income tax relief, or a credit as described in that vein.

Will all those Senators in favor of a Roll Call on the engrossment of this Bill please rise in their places to be counted. Obviously more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is the engrossment of L. D. 2214 as amended. A Yeas vote will be in favor of Passage to be Engrossed. A Nay vote will be opposed. The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL


NAYS—Curtis, Huber, Katz, Mangan, Merrill, Minsky.

ABSENT—None.

29 Senators having voted in the affirmative and 6 Senators in the negative, with no Senators being absent, this Bill is Passed to be Engrossed, as amended, in non-concurrence. Sent down forthwith for concurrence.

At Ease

The Senate called to order by the President. Out or Order and Under Suspension of the Rules, the Senate voted to consider the following:

Office of the Governor

October 5, 1978

Honorable Joseph Sewall
President of the Senate

and

Honorable John Martin
Speaker of the House

Dear Joe and John:

In accordance with M.R.S.A. Title 22, Chapter 105, Section 353, these nominations will require confirmation by the Senate. If I could, in regards to the remarks made by the Governor regarding the appropriate level of relief, I would suggest, because there are two fairly small connections with which to refer to this with any degree of complete candor. As a property tax relief mechanism. The present proposal which is related to the income tax credit. Now I don't say this to suggest that there is no subject to property taxation. There's another method that's been advocated that's high-bred form of income tax relief, or a credit as described in that vein.

Senator Curtis.

Mr. CURTIS: Mr. President, I request a roll call vote on the affirmative and negative as it pertains to the appropriateness of providing tax relief through income tax payers or property taxpayers. I don't intend to renew the debate, but I have had an opportunity to have had some discussions with the Governor, and as I see it, if one assumes that my position would be in favor of property tax, and certainly at least a modest study of various means used to relief property taxpayers and some form of direct relief in the various states around the United States and I think that's one method I see for property tax relief. There's another method that's been advocated in this state which would provide through the income tax vehicle, but which attempts to freeze a level at a percent of a person's pay and receive 10% a year. That's another method that's been advocated that's high-bred form of income tax relief, or a credit as described in that vein.

Mr. P. TROTZKY: Mr. President, I request a roll call vote on the affirmative and negative as it pertains to the appropriateness of providing tax relief through income tax payers or property taxpayers. I don't intend to renew the debate, but I have had an opportunity to have had some discussions with the Governor, and as I see it, if one assumes that my position would be in favor of property tax, and certainly at least a modest study of various means used to relief property taxpayers and some form of direct relief in the various states around the United States and I think that's one method I see for property tax relief. There's another method that's been advocated in this state which would provide through the income tax vehicle, but which attempts to freeze a level at a percent of a person's pay and receive 10% a year. That's another method that's been advocated that's high-bred form of income tax relief, or a credit as described in that vein.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Health and Institutional Services

October 18, 1978

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

State House
Augusta, Maine 04333

Dear President Sewall,

In accordance with M.R.S.A. Title 22, Chapter 105, Section 353, and with Joint Rule 57 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Gerald W. Fuller to the position of a member of the Health Facilities Cost Review Board.

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


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 Gerald W. Fuller to the Health Facilities Cost Review Board be confirmed.

Sincerely,

OLYMPIA SNOWE
Senate Chairman

HARLAND GOODWIN, JR.
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Gerald W. Fuller be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 57 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.

YEAS—None


ABSENT: Cummings, Curtis, Hewes, McNally, Merrill, Wyman.

The Maine Health Care Association

John A. Nettis of Saco—five years experience in the field of health insurance

Robert C. Dyer of South Watertford, public member

James R. Saunders of Lewiston, public member

Elizabeth Hamilton of Caribou, public member

Ronald A. Blais of Lewiston, public member

Richard Spencer of Bangor, public member

Pursuant to 22 M.R.S.A., Chapter 105, section 353, these nominations are subject to review by the Committee on Health and Institutional Services.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Health and Institutional Services

October 18, 1978

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

State House
Augusta, Maine 04333

Dear President Sewall,

In accordance with M.R.S.A. Title 22, Chapter 105, Section 353, and with Joint Rule 57 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Gerald W. Fuller to the position of a member of the Health Facilities Cost Review Board.

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


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 Gerald W. Fuller to the Health Facilities Cost Review Board be confirmed.

Sincerely,

OLYMPIA SNOWE
Senate Chairman

HARLAND GOODWIN, JR.
House Chairman

Which was Read and Ordered Placed on File.

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Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 57 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.

YEAS—None


ABSENT: Cummings, Curtis, Hewes, McNally, Merrill, Wyman.
No Senators having voted in the affirmative and 27 Senators in the negative, 6 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 and overridden. The nomination of Gerald W. Fuller is confirmed.

Committee on Health and Institutional Services
October 18, 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 22, Chapter 105, Section 353 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of John A. Notis to the position of a member of the Health Facilities Cost Review Board.

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


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 Robert C. Dyer to the position of a member of the Health Facilities Cost Review Board be confirmed.

Sincerely,

OLYMPIA SNOWE
Secretary
HARLAND GOODWIN, JR.
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: the Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Robert C. Dyer be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services 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—None.


ABSENT—Carpenter, Cummings, Curtis, Farley, Hewes, McNally, Wyman.

No Senators having voted in the affirmative and 27 Senators in the negative, 6 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 overridden. The nomination of Robert C. Dyer is confirmed.

Committee on Health and Institutional Services
October 18, 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 22, Chapter 105, Section 353 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Robert C. Dyer to the position of a member of the Health Facilities Cost Review Board.

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


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 Robert C. Dyer to the position of a member of the Health Facilities Cost Review Board be confirmed.

Sincerely,

OLYMPIA SNOWE
Secretary
HARLAND GOODWIN, JR.
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: the Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Robert C. Dyer be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services 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—None.


ABSENT—Carpenter, Cummings, Curtis, Farley, Hewes, McNally, Wyman.

No Senators having voted in the affirmative and 27 Senators in the negative, 6 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 overridden. The nomination of Robert C. Dyer is confirmed.

Committee on Health and Institutional Services
October 18, 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 22, Chapter 105, Section 353 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Robert C. Dyer to the position of a member of the Health Facilities Cost Review Board.

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
Mr. PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Elizabeth Hamilton be confirmed.

Mr. PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Joint Standing Committee on Health and Institutional Services be overridden? In accordance with 3 M. R. S. A., Chapter 6, Section 151, and with Joint Rule 57 of the 108th Legislature, the vote will be taken by ayes 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 Knox County, Mr. Collins.

Mr. Collins: Mr. President, I think you said the name of Elizabeth Hamilton, and the next document says that it was withdrawn. I wonder if you meant to say the name of James Saunders?

The PRESIDENT: The Chair would advise the Senator, that I meant to say what was written on the sheet that was given to me, which I did.

The information that the Chair has is the nomination of Denis A. Blais, James R. Saunders and Richard Spencer, have been withdrawn and not Elizabeth Hamilton.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEA—None


ABSENT—Carpenter, Cummings, Curtis, Farley, Hiewes, McNally, Wyman.

No Senators have voted in the affirmative and 27 Senators in the negative, 7 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 overridden. The nomination of Elizabeth Hamilton is confirmed.

Office of the Governor

October 17, 1978
Honorable Joseph Sewall
President of the House

Honorable John L. Martin
Speaker of the House

Dear Joe and John:

Pursuant to Maine State Revised Statutes Annotated, Title 3, Section 151, I am today withdrawing the nominations of Denis A. Blais, James R. Saunders, and Richard Spencer, who were nominated on October 2, 1978, to serve as public members of the Health Facilities Cost Review Board.

At the time we made these nominations there was some question as to whether individuals could serve as corporators of local hospitals and also serve on the Health Facilities Cost Review Board. In light of an Attorney General's opinion issued today, we feel there is sufficient enough question as to whether these individuals can serve as both the Health Facilities Cost Review Board. Therefore, I am officially withdrawing these nominations and respectfully request you convey this information to the Committee on Health and Institutional Services.

Thank you for your assistance.

Sincerely,

Olympia Snowe
Chairman

Harland Goodwin, Jr.
House Chairman

Which was Read and Ordered Placed on File.

The Senate of Maine

October 17, 1978

The Honorable Olympia J. Snowe
The Honorable Harland C. Goodwin, Jr.
Chairmen, Committee on Health and Institutional Services

108th Maine Legislature.

Please be advised that Governor James B. Longley wishes the nominations of Denis A. Blais, James R. Saunders and Richard Spencer who were nominated to serve as public members of the Health Facilities Cost Review Board.

Sincerely,

May M. Ross

Chairman

The Joint Standing Committee on Health and Institutional Services.

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Knox County, Mr. Collins.

Mr. Collins: Mr. President, I ask unanimous consent to address the Senate on the record. Is there objection? The Chair hears none of the Senators may proceed.

The PRESIDENT: The Senator from Knox Senator Collins now requests unanimous consent to address the Senate on the record. Is there objection? The Chair hears none of the Senators may proceed.

Mr. Collins: Mr. President and Members of the Senate: May I just briefly invite your attention to a document that was placed on our desks this morning. Entitled An Act to Establish the Maine Probate Code. The 106th Legislature, is actually savings and what there is no distribution, unless you send in pay for the distribution of a proposed public nation, from the communities to take an interest in it. Thank you.

Mr. President. I think you said the name of Elizabeth Hamilton, and the next document says that it was withdrawn. I wonder if you meant to say the name of James Saunders?

The information that the Chair has is the nomination of Denis A. Blais, James R. Saunders and Richard Spencer, have been withdrawn and not Elizabeth Hamilton.

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Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEA—None


ABSENT—Carpenter, Cummings, Curtis, Farley, Hiewes, McNally, Wyman.

No Senators have voted in the affirmative and 27 Senators in the negative, 7 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 overridden. The nomination of Elizabeth Hamilton is confirmed.

Office of the Governor

October 17, 1978
Honorable Joseph Sewall
President of the House

Honorable John L. Martin
Speaker of the House

Dear Joe and John:

Pursuant to Maine State Revised Statutes Annotated, Title 3, Section 151, I am today withdrawing the nominations of Denis A. Blais, James R. Saunders, and Richard Spencer, who were nominated on October 2, 1978, to serve as public members of the Health Facilities Cost Review Board.

At the time we made these nominations there was some question as to whether individuals could serve as corporators of local hospitals and also serve on the Health Facilities Cost Review Board. In light of an Attorney General's opinion issued today, we feel there is sufficient enough question as to whether these individuals can serve as both the Health Facilities Cost Review Board. Therefore, I am officially withdrawing these nominations and respectfully request you convey this information to the Committee on Health and Institutional Services.

Thank you for your assistance.

Sincerely,

Olympia Snowe
Chairman

Harland Goodwin, Jr.
House Chairman

Which was Read and Ordered Placed on File.

The Senate of Maine

October 17, 1978

The Honorable Olympia J. Snowe
The Honorable Harland C. Goodwin, Jr.
Chairmen, Committee on Health and Institutional Services

108th Maine Legislature.

Please be advised that Governor James B. Longley wishes the nominations of Denis A. Blais, James R. Saunders and Richard Spencer who were nominated to serve as public members of the Health Facilities Cost Review Board.

Sincerely,

May M. Ross

Chairman

The Joint Standing Committee on Health and Institutional Services.

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The Secretary will call the roll.

ROLL CALL

YEA—None


ABSENT—Carpenter, Cummings, Curtis, Farley, Hiewes, McNally, Wyman.

No Senators have voted in the affirmative and 27 Senators in the negative, 7 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 overridden. The nomination of Elizabeth Hamilton is confirmed.

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The Senate of Maine

October 17, 1978

The Honorable Olympia J. Snowe
The Honorable Harland C. Goodwin, Jr.
Chairmen, Committee on Health and Institutional Services

108th Maine Legislature.

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Sincerely,

May M. Ross

Chairman

The Joint Standing Committee on Health and Institutional Services.
Chair accepts with regret, but every dark cloud has a silver lining, as the Chair is appointing Senator Carroll Minkowsky to fill the vacancy caused by the resignation of Senator Merrill. The Chair wishes Senator Minkowsky the best of luck in his new endeavor.

At Ease

The Senate was called to Order by the President:

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House

Joint Resolution

STATE OF MAINE
In the Year of Our Lord One Thousand Nine Hundred and Seventy Eight

Joint Resolution Concerning Enforcement of Public Law 1977, Chapter 676

WHEREAS, the Maine State Legislature, has enacted Public Law 1977, Chapter 676, which establishes a condition of reciprocity between the State of Maine and any state, district, province or county which prohibits, in any way, the transportation of pulpwood or logs upon Maine truck owners and operators; and

WHEREAS, these restrictions are causing undue financial deprivation to hundreds of Maine truckers and their families and are perpetrating an anticompetitive discriminatory practice against the Maine truckers; and

WHEREAS, the provisions of Public Lay 1977, Chapter 676, require that the State of Maine shall not make similar restrictions upon the truck owners and operators from the Province of Quebec; and

WHEREAS, there has been failure, despite a sufficient period of time, to enforce the clearly stated provisions of chapter 676 against the Canadian Province of Quebec: now, therefore, be it

RESOLVED: That we the members of the 108th Legislature assembled at the second special session respectfully and urgently request commencement of immediate enforcement of the provisions of Public Law 1977, chapter 676, as it presently pertains to the Canadian Province of Quebec: and be it further

RESOLVED: That upon passage of this resolution in concurrence, a suitable copy of this resolution be sent to the Honorable James B. Longley, Governor of the State of Maine. (H. P. 2348)

Comes from the House. Read and Adopted.

Which Resolution was Read.

The President: The Chair recognizes the Senator from Penobscot, Senator Pratt.

Mr. PRAY: Mr. President and Members of the Senate: I cannot sit here and let this Resolution go by without saying a few words on it, particularly how it will be the last time many of us will be here together. I can remember in my first term that I sat in the front row one time and I got into a little debate with the Majority Floor Leader, the Senator from Kennebec. Senator Speers basically in reference to legislation that was being attempted to be introduced at that time dealing with very same matter. At that time the bill didn't go very far, it did have a study order on it and the next legislation we were able to have basically the legislation that is talked about right here now. for those of us who live in a center part or northern part of the state, the area of the state where the natural resource is our trees and the importance of the economy is based upon that, many of us have addressed the concerns of the people who are the people who have addressed the concerns of the people who are living in Aroostook County and have addressed the concerns of the people who are living in Aroostook County, Senator Carpenter. I just hope that when the unemployment in Greenville was around 27% I would go into Greenville many times and people would sit there and say, wanted to know why they were not working in the woods but there were no jobs going through everyday on their way to campground. The second question to explain to some of them that's it, nothing that the State Legislature can deal with, it's basically the Federal Government deals with it in its trade laws. Federal questions have been addressed as far as we can handle it in this legislation. I met with a number of these individuals, one of which who is known here in the State House, in the Speaker's Office and in the hallways and in this chamber and they have great concerns for what has been happening since this law has been passed. They feel that the Legislature has been circumvented by the Executive Branch in their inability to enforce such legislation. I think that this Joint Resolution and a request to send a copy to the Governor would be the first step that this Legislature can take at this time to not only let these people know, but let the Governors know our concern is not only with the legislative process as this law goes through, but it is clear that our intentions are carried out afterwards. So I would hope that this body would hastily agree with the other body on this resolution.

The President: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. Not to be labor the point because it is late and we have another piece of very important business in front of us but I think I am concerned about very concerned about this Joint Order and the Chapter of the Public Laws that it pertains to. The more concerned I guess, in the long term about early today we had confirmations and discussions about the judiciary, selectively enforcing laws, it is something we have to be very conscious of and if you will, not being turned to the members of the judiciary, selectively enforcing laws that we pass, in effect circumventing the intent of the Legislature and in a particular instance, the Governor. This Joint Resolution, other assets of State Government if you will, not being turned to the attention of a particular law as Senator Pratt mentioned, and I am not suggesting a problem. I do have dealt with it over in Somerset county the last two or three months and it's very serious and things are just not being enforced or not being done the way they should be done. I hope that if there happens to be appropriate people listening at this late at night and I doubt that they are, that perhaps when they read the legislative record tomorrow they will understand how upset the legislature is that, in fact, we know why they were not working in the woods and people would sit there and say, wanted to know why they were not working in the woods but there were no jobs going through everyday on their way to campground.

The President: The Chair recognizes the Senators from Cumberland, Senator Huber.

Mr. HUBER: I would request a Roll Call. The President: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call on the Enactment of this Legislation please rise in their places to be counted. Obviously more than one fifth having arisen, a roll call is ordered.

The pending question before the Senate is the Enactment of L. D. 2214-Bill an Act to Provide for Property Tax Relief. A Yes vote will be in favor of enactment. A Nay vote will be opposed. The Roll Call will be recorded. The Secretary will call the Roll.

ROLL CALL

YEAS—Carpenter, Chapman, Collins, D., Collins, S., Conley, Dayton, Farley, Greene, Hewes, Hichens, Jackson, Levine, Lovell, Martin, McNally, Morrell, O'Leary, Pierce, Pray, Redmond, Snow, Speers, Trotzky, Udall, White, Wells, Wilcox, Wills, Young

NAYS—Curtis, Huber, Katz, Mangan, Merri, Minkowsky.

ABSENT—Cummings

Out of Order and Under Suspension of the Rules, motion by Mr. Speers of Kennebec, Ordered, that a message be sent to His Excellency, Governor James B. Longley, informing him that the Senate has completed all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President: The Chair recognizes the Senator from Cumberland Senator Conley to convey the message.

Subsequently, Senator Conley reported that he had delivered the message with which he was charged.

The President: The Chair recognizes the Senator from Cumberland Senator Merrill.

Mr. MERRILL: Mr. President, I just want to make an inquiry to the Chair as we prepare the adjournment order whether or not it would be proper to have words "prospectively" as well as "retrospectively" so that we might adjourn any future sessions that the Chief Executive called previous to November.

At Ease

At this point, a message was received from the House, through Representative Palm, of Nobleboro, informing the Senate that the House had transacted all of its business and was ready to adjourn without day.

At Ease

Out of Order and Under Suspension of the Rules, motion by Mr. Conley of Cumberland.
Ordered, that a message be sent to the House of Representatives informing that Body that the Senate has completed all the business which has come before it and is ready to Adjourn Without Day. Which was Read and Passed.

The President appointed the Senator from Kennebec, Senator Speers, to convey the message. Subsequently, Senator Speers reported that he had delivered the message with which he was charged.

At Ease

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

Mr. GREELEY: Mr. President, I move that this Senate Adjourn sine die.

The PRESIDENT: The Senator from Waldo Senator Greeley now moves that the Senate adjourn sine die. Is this the pleasure of the Senate?

Thereupon at 9:48 p.m. on Wednesday, October 18, 1978, the Honorable Joseph Sewall, President of the Senate, declared the Senate of the 108th Legislature adjourned sine die.