

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

***Volume II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

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STATE OF MAINE  
One Hundred and Tenth Legislature  
First Confirmation Session  
JOURNAL OF THE SENATE

August 28, 1981

Pursuant to the provisions of Article 5, Part 1, section 8 of the Constitution and the laws of the State of Maine, the Senate convened at two o'clock in the afternoon.

Senate called to order by the President.

Prayer by the Reverend David L. Glusker of the Green Street Methodist Church of Augusta.

REVEREND GLUSKER: Let us pray. Lord God, we do not so much seek Your presence as we acknowledge it, as we gather together this afternoon. We recognize that You are present in all of the events of life, and particularly in an event of this type.

Lord God, we thank You for the talents, gifts, and opportunities that You provide for each of us. We thank You for the State and the Nation of which we are a part. We thank You for the freedoms that we share, even the freedom to accept or reject You and Your will.

We seek Your blessing upon all of us, especially upon those who will be confirmed this day. Bless them with wisdom and good judgment. Bless them with understanding and compassion. Bless them with the sense of responsibility to the people. Bless them by blessing them in Your will, that they may seek justice, and walk humbly before You. Amen.

**Senate Chamber  
President's Office**

May M. Ross  
Secretary of the Senate of Maine  
State House  
Augusta, Maine

Dear Madam Secretary:

Please be advised that in accordance with Article 5, Part 1, section 8 of the Constitution of Maine, the Senate of Maine will convene on August 28, 1981, at two o'clock in the afternoon for the purpose of voting upon confirmation of the various appointments made by The Honorable Joseph E. Brennan, Governor of the State of Maine.

Sincerely,  
S/JOSEPH SEWALL

Which was Read and Ordered Placed on File.

The Roll being called, the following Senators answered to their names:

Ault, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Kerry, McBreaarty, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Viollette, Wood, The President — J. Sewall.

27 Senators having answered to the Roll, the President declared that a quorum was present.

Out of Order and Under Suspension of the Rules:

On motion by Senator COLLINS of Knox, ORDERED, that a message be sent to His Excellency, the Governor, informing him that in accordance with Article 5, Part 1, section 8 of the Constitution of Maine, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Collins of Knox to deliver the message to his Excellency the Governor.

Subsequently, Senator Collins of Knox reported that he had delivered the message with which he was charged.

(Off Record Remarks)

**Communications  
Office of the Governor  
August 6, 1981**

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

Dear Senator Sewall:

This is to notify you that I am nominating Gordon L. Weil of Harpswell for the position of Public Advocate.

Pursuant to Title 35 MRSA, Section 1-A, subsection 1, this nomination will require review by the Joint Committee on Public Utilities and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

Which was Read and Ordered Placed on File.

**The Senate of Maine**

August 6, 1981

The Honorable Howard M. Trotzky  
The Honorable Richard S. Davies  
Chairmen, Public Utilities Committee  
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Gordon L. Weil of Harpswell for the position of Public Advocate.

Pursuant to Title 35 MRSA, Section 1-A, Subsection 1, this nomination will require review by the Joint Standing Committee on Public Utilities.

Sincerely,  
S/MAY M. ROSS  
Secretary of the Senate

Which was Read and Ordered Placed on File.

**Committee on Public Utilities**

August 19, 1981

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

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Public Utilities has had under consideration the nomination of Gordon L. Weil of Harpswell to the position of Public Advocate.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:	
Senators	2
Representatives	9
NAYS:	
Senators	0
Representatives	0

ABSENT: 2 — Senator Trafton of Androscoggin, Rep. Ridley of Shapleigh

Eleven members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Committee that the nomination of Gordon L. Weil of Harpswell to the position of Public Advocate be confirmed.

Sincerely,  
S/HOWARD M. TROTZKY  
Senate Chairman  
S/RICHARD S. DAVIES  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Public Utilities has recommended that the nomination of Gordon L. Weil be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Public Utilities be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th 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 Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, the position that we're asked to confirm today is of Dr. Gordon Weil for the position of the Public Advocate. This is a new position that was created by this Legislature.

I just want to quickly state that the Public Advocate represents the using and consuming public in matters within the jurisdiction of the Public Utilities Commission with regards to rates, service, and so on. In his or her discretion, the Public Advocate may review, investigate, and make recommendations on these matters to the PUC, may intervene in proceedings before the Commission, and appeal, and so on. The Public Advocate represents the consuming public in matters before the Public Utilities Commission.

We have right now three Public Utilities Commissioners which were appointed by the Governor and confirmed by the Senate. They are supposed to determine fair, just, reasonable rates, however, the public in the State of Maine has seen the rates, electric rates rise. Basically it's because the OPEC oil rates, the oil prices, have gone up, and up and up. These are just passed through on the fuel adjustment clauses. The public is saying, who down here in Augusta is controlling their rates, the rates they pay on their bills.

We found out, our Committee this Session, that the Wall Street firms, financial houses, in rating public utilities commissions around the country, rate our Commission as one of the toughest commissions in the country in terms of regulating public utilities. Private investors who invest in the public utilities, Central Maine Power, New England Telephone, and so on, are being told that the Maine Public Utilities Commission is tough on public utilities.

However, because there is a great deal of concern, and there is a referendum coming up in November, we created an office called the Public Advocate, to try and reassure the public that there is someone down there who is going to bat for them. In reality, our Public Utilities Commission has been doing a good job.

The man that we're asked to confirm today to this position is Dr. Gordon Weil, who has served in many capacities in state government, recently as the Director of the Office of Energy Resources, and as Commissioner of the Department of Business Regulation. He has many excellent credentials. I've passed out this sheet to you so everyone can see them. He was born in New York, I see.

He's a fighter. I've seen this before my Committee. Whatever cause Dr. Weil takes up, he fights, whether it was during the bottle, the returnable container bill referendum, he represented one group, not a group that I agreed with, but he fought hard. In front of the Committee, he fought hard for the Governor's positions, was loyal to the Governor. Many times I disagreed with him, but I respected the fact that he represented the person that he was hired by, and he fought hard. I believe he will fight hard in his position for the consumer and the State of Maine.

Unfortunately, in November we are facing a referendum. False hopes are being held out to the public that if you elect commissioners, you're going to get lower rates. As we all know, when you go with State-wide elections, the money often determines who gets elected, because you have to go into the media. It's very possible that if you go to elected commissioners, you're going to end up with the utilities putting people in as commissioners.

The feeling of the Committee, or at least specifically of myself, is that the Public Utilities Commission in Maine is doing a good job, but we hope that the Public Advocate will reassure

that public that there is someone down there specifically that they can identify with, who represents their interests. We feel that this is a well-qualified and top man for the position.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I also had supported the Public Advocate Bill during the last Regular Session of the Legislature. I think the scenario that was played out by the Chairman of the Public Utilities Committee was very accurate. I think the public does need somebody that they can rap their concerns with.

As I started to research Mr. Weil's job descriptions, as well as his participation in various agencies in state government, I began to wonder about one particular factor. Starting off with the Department of Business Regulation, his credentials are, according to his resume, impeccable. According to the people in the Department, he did an outstanding job, but he only did that job for about one year. Then he moves on to the Energy Resources Department, and now on as Public Advocate.

We in the Senate go through the confirmation process, and ordinarily you would anticipate that people who are selected for these different posts, in state government, would at least serve during the term of the Governor, meaning the four year span of time. My assumption at the present time, either the man is so qualified and is capable of being the Governor of the State of Maine, or possibly the Governor's not satisfied or is moving him around so much as he has in the past two years.

Another concern that came up was an article that appeared in the paper a few weeks ago. That was relevant to the Public Advocate position, where it was brought up that Mr. Bradford, who will be retiring from the Nuclear Regulatory Commission, chances are because he won't be reappointed by President Reagan, is looking for a similar job.

Now, are we going to go through the confirmation process again next year, when Mr. Weil is moved from one department to another department, and Mr. Bradford is the nominee by the Governor, at least from the assumption I got from the newspaper, that he will then be considered the prime candidate for that particular slot? I don't like the game that's being played. I think we have enough skilled, competent, qualified people in the State of Maine that should be, that we should find a person that can handle these jobs and stay on during the duration of the term of the Governor.

To go through this manipulation process by moving one man three times, and using the confirmation process three times, is intolerable. I'm unsure at the present time, really how I'm going to vote on this particular issue. I felt it was incumbent, and at least from the discussion I had with my constituency, they had some reservations of exactly what's going on.

These are the points I wanted to bring out at this Senate Session this afternoon, because I don't think this should go by without having something on record exactly how at least one Senator feels about this particular thing, of a person being moved around three times in the course of one and half or two years.

These jobs, in my estimation, are too important. Whether it's Business Regulation, or Energy Czar, or as Public Advocate, but again, I go back to my original thought. That is that we have enough competent, qualified people in the State of Maine that the Governor could select from to fill these different slots without taking one person and shifting him around as many times as he had, regardless of his credentials. Thank you very much, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

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

#### ROLL CALL

YEA — None.

NAY — Ault, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — Brown, Hichens, Huber, Pierce, Trafton.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 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 Gordon L. Weil is confirmed.

#### Office of the Governor

August 13, 1981

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

This is to inform you that I am today nominating Ray B. Owen, Jr. of Orono for appointment to the Land Use Regulation Commission.

Pursuant to Title 12 MRSA Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter:

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

Which was Read and Ordered Placed on File.

#### The Senate of Maine

August 13, 1981

The Honorable James A. McBreairey  
The Honorable Donald M. Hall  
Chairmen, Energy and Natural Resources  
Committee  
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Ray B. Owen, Jr., of Orono to the Land Use Regulation Commission.

Pursuant to Title 12 MRSA Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources.

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

#### Office of the Governor

August 14, 1981

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

This is to inform you that I am nominating Suzanne E. K. Smith of Woolwich for appointment as a Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 MRSA Section 91, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor  
Which was Read and Ordered Placed on File.

#### The Senate of Maine

August 14, 1981

The Honorable Dana C. Devoe  
The Honorable Barry J. Hobbins  
Chairmen, Judiciary Committee  
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Suzanne E. K. Smith of

Woolwich for appointment as a Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 MRSA Section 91, this nomination will require review by the Joint Standing Committee on the Judiciary.

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

#### Office of the Governor

August 14, 1981

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

This is to inform you that I am nominating Robert L. Browne of Bangor for reappointment as a Superior Court Justice.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor  
Which was Read and Ordered Placed on File.

#### The Senate of Maine

August 14, 1981

The Honorable Dana C. Devoe  
The Honorable Barry J. Hobbins  
Chairmen, Judiciary Committee  
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Robert L. Browne of Bangor for reappointment as a Superior Court Justice.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on Judiciary.

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

#### Office of the Governor

August 14, 1981

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

This is to inform you that I am nominating Elmer H. Violette of Van Buren for appointment to the Supreme Judicial Court of the State of Maine.

Pursuant to the Maine Constitution Art. V Part 1 Section 8, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor  
Which was Read and Ordered Placed on File.

#### The Senate of Maine

August 14, 1981

The Honorable Dana C. Devoe  
The Honorable Barry J. Hobbins  
Chairmen, Judiciary Committee  
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Elmer H. Violette of Van Buren for appointment to the Supreme Judicial Court of the State of Maine.

Pursuant to the Maine Constitution Article V Part 1 Section 8, this nomination will require review by the Joint Standing Committee on the Judiciary.

Sincerely,  
S/MAY M. ROSS  
Secretary of the Senate

Which was Read and Ordered Placed on File.

# Office of the Governor

August 14, 1981

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

This is to inform you that I am nominating Daniel E. Wathen of Augusta for appointment to the Supreme Judicial Court of the State of Maine.

Pursuant to the Maine Constitution Art. V Part 1 Section 8, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

Which was Read and Ordered Placed on File.

# The Senate of Maine

August 14, 1981

The Honorable Dana C. Devoe  
The Honorable Barry J. Hobbins  
Chairmen, Judiciary Committee  
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Daniel E. Wathen of Augusta for appointment to the Supreme Judicial Court of the State of Maine.

Pursuant to the Maine Constitution Article V Part 1 Section 8, this nomination will require review by the Joint Standing Committee on the Judiciary.

Sincerely,  
S/MAY M. ROSS  
Secretary of the Senate

Which was Read and Ordered Placed on File.

# Office of the Governor

August 14, 1981

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

This is to inform you that I am today nominating William B. Manheimer of Monmouth for reappointment to the Maine Guarantee Authority.

Pursuant to Title 10 MRSA Section 751, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

Which was Read and Ordered Placed on File.

# The Senate of Maine

August 14, 1981

The Honorable David R. Ault  
The Honorable Judy C. Kany  
Chairmen, State Government Committee  
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated William B. Manheimer of Monmouth for reappointment to the Maine Guarantee Authority.

Pursuant to Title 10 MRSA Section 751, this nomination will require review by the Joint Standing Committee on State Government.

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

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

**Communications**  
**Committee on State Government**  
August 28, 1981

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

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of William B. Manheimer of Monmouth for reappointment to the Maine Guarantee Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:  
Senators 2  
Representatives 7

NAYS:  
Senators 0  
Representatives 0

ABSENT: Sen. Violette of Aroostook, Rep. Small of Bath, Rep. Lisnik of Presque Isle and Rep. Boisvert of Lewiston.

9 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of William B. Manheimer for reappointment to the Maine Guarantee Authority be confirmed.

Sincerely,  
S/DAVID R. AULT  
Senate Chairman  
S/JUDY C. KANY  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of William B. Manheimer be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th 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

YEA—None.

NAY—Ault, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT—Brown, Hichens, Huber, Pierce, Trafton.

No Senators having voted in the affirmative and 28 Senators in the negative with 5 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 William B. Manheimer is confirmed.

**Committee on Energy and Natural Resources**  
August 28, 1981

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

In Accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Ray B.

Owen, Jr., to the position on the Land Use Regulation Commission.

After public hearing and discussion on the nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:  
Senators 2  
Representatives 5

NAYS:  
Senators 0  
Representatives 0

ABSENT: Senator O'Leary, Rep. Davies, Rep. Michael, Rep. Huber, Rep. Dexter and Rep. Michaud.

Seven 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 Ray B. Owen, Jr., to the position on the Land Use Regulation Commission be confirmed.

Sincerely,  
S/JAMES A. MCBREAIRTY  
Senate Chairman  
S/DONALD M. HALL  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Ray B. Owen, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th 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

YEA—None.

NAY—Ault, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

No Senator having voted in the affirmative and 28 Senators in the negative with 5 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 Ray B. Owen, Jr. is confirmed.

# Committee on Judiciary

August 28, 1981

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Suzanne E. K. Smith of Woolwich as a Commissioner of 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 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee clerk called the roll with the following result:

YEAS:  
Senators 3

Representatives 10

NAYS:

Senators 0  
Representatives 0

ABSENT:

Senators 0  
Representatives: 0

13 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Suzanne E. K. Smith be confirmed.

Sincerely,  
S/DANA C. DEVOE  
Senate Chairman  
S/BARRY J. Hobbins  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Suzanne E. K. Smith be confirmed.

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 38 of the 110th 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

YEA — None.

NAY — Ault, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — Brown, Hichens, Huber, Pierce, Trafton.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 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 Suzanne E. K. Smith is confirmed.

#### Committee on Judiciary

August 28, 1981

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

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Robert L. Brown of Bangor as Superior Court Justice of the State of Maine.

After public hearing and discussion on this nomination the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee clerk called the roll with the following result:

YEAS:  
Senators 3  
Representatives 10

NAYS:

Senators 0  
Representatives 0

ABSENT:

Senators 0  
Representatives: 0

13 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Robert L. Browne be confirmed.

Sincerely,

S/DANA C. DEVOE

Senate Chairman

S/BARRY J. Hobbins

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Robert L. Browne be confirmed.

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 38 of the 110th 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

YEA—None.

NAY—Ault, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT—Brown, Hichens, Huber, Pierce, Trafton.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Robert L. Browne is confirmed.

(Off Record Remarks)

#### Committee on Judiciary

August 28, 1981

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

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Elmer H. Violette to the Supreme Judicial Court of the State of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:  
Senators 3  
Representatives 10

NAYS:

Senators 0  
Representatives 0

ABSENT:

Senators 0  
Representatives 0

13 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Elmer H. Violette be confirmed.

Sincerely,

S/DANA C. DEVOE

Senate Chairman

S/BARRY J. HOBBS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Elmer H. Violette be confirmed.

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 38 of the 110th 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 Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I will be brief. It is a real pleasure to be here today to vote on the nomination of Elmer Violette, to the Supreme Judicial Court of the State of Maine. It is a very proud day for all of us people from Aroostook County, especially those who have known Elmer for a number of years.

Elmer Violette, who is hopefully about to become a Supreme Court Justice, has served in public life, in the public sector for a large part of his life and he has contributed a great deal to the welfare of the people of the State of Maine, and I can't think of no finer gentleman, no finer person in the State of Maine, to sit on the Supreme Court, the highest court in our State, than this extremely capable jurist, who we have a little pride for just because he happens to be from Aroostook County, and because his son happens to be one of our colleagues in here.

He was a former member of this Body, he has been a Superior Court Justice and a fine one for a number of years, and I just wanted to put a few words in the record, to say how pleased I am that this day has come about and we have a chance to vote for a very, very fine person for the Maine Supreme Judicial Court. Thank You.

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

Senator CONLEY: Mr. President and Members of the Senate, for the lack of attorneys in the Maine Senate, it was my opportunity of sitting on the Judiciary Committee, and certainly one of the most enjoyable moments was today, because at the hearings on the nominees that were presented to the Judiciary Committee was sort of quoted as being Aroostook County Day. That both of the justices that have been nominated, to fill vacancies on the Maine Supreme Judicial Court, are originally from Aroostook County.

I can speak only authentically on one of those nominees. I have known Judge Wathen for a short period of time, but Judge Violette and I do go back a considerable number of years, in fact the first time that I came to Augusta during the 102nd Legislature, Judge Violette served as Chairman, Chairman of the Joint Standing Committee on Judiciary. That is when the very fine former Senator from Aroostook County served as the Majority Floor Leader in this Body, and did a very outstanding job.

As years past Senator Violette returned to these Chambers and we became what we are today, but we are getting stronger, we became the Minority Party.

Back in those days I didn't really like what the Majority Party did to the Democrats. I served as the Assistant Floor Leader, and in scurrying about the State Office Building looking for some small office that they were going to give Senator Violette at that time and his assistant Senator Conley from Cumberland, they stuck us up on the fourth floor, or third floor, fourth floor, across from the Senate Retirement Room, was a room that was about 9 x 12. They put a partition up, and I thought that the partition was to separate both Judge Violette and Senator Conley from one another so that we could entertain or talk with our constituents as they came from Aroostook County and as they came up from Cumberland County, only did I realize that the partition was put in to separate the secretary from the two Senators. So I can say that I got to know Senator Violette extremely well over those 2 years and shortly

thereafter as you all know if you have followed his illustrious career somewhat, he made a decision to run for Congress.

I can honestly say and standing on this floor today, that I have met no warmer and cordial and friendlier person than Justice Violette. Not only will he continue to be an outstanding jurist but he will still remain, continue to remain one of Maine's outstanding citizens, and I would urge the Senate to vote to confirm this nomination.

The PRESIDENT: Is the Senate ready for the question?

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

#### ROLL CALL

YEA — None.

NAY — Ault, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — Brown, Hichens, Huber, Pierce, Trafton.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 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 Elmer H. Violette is confirmed.

#### Committee on Judiciary

August 28, 1981

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Daniel E. Wathen of Augusta to the Supreme Judicial Court of the State of Maine.

After public hearing and discussion on this nomination the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee clerk called the roll with the following result:

YEAS:

Senators 3  
Representatives 10

NAYS:

Senators 0  
Representatives 0

ABSENT:

Senators 0  
Representatives 0

13 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Daniel E. Wathen be confirmed.

Sincerely,  
S/DANA C. DEVOE  
Senate Chairman  
S/BARRY J. Hobbins  
House Chairman

Which was Read and Ordered Place on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Daniel E. Wathen be confirmed.

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 38 of the 110th 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

YEA — None.

NAY — Ault, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — Brown, Hichens, Huber, Pierce, Trafton.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 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 Daniel E. Wathen is confirmed.

Out of Order and Under Suspension of the Rules.

On motion by Senator Conley of Cumberland, ORDERED, that a message be sent to His Excellency, the Governor, informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Senator Conley of Cumberland to convey the message to his Excellency the Governor.

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

Senator Sewall of Lincoln was granted unanimous consent to address the Senate, Off the Record.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I move that the Senate Adjourn Sine Die.

On motion by Senator McBreairty of Aroostook, at 2:57 p.m. on Friday, August 28, 1981, the Honorable Joseph Sewall declared the Senate of the First Confirmation Session of the 110th Legislature, Adjourned Sine Die.