

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
Second Special Session
JOURNAL OF THE SENATE

September 25, 1981

In compliance with a proclamation of His Excellency, Governor JOSEPH E. BRENNAN, the Senators convened in the Senate Chamber at 10 o'clock in the morning.

Senate called to order by the President.

Prayer by Pastor Bruce W. Meyer of the Prince of Peace Lutheran Church of Augusta.

Pastor MEYER: Good and gracious God, as You ordained life to have new seasons and fresh beginnings, we ask Your blessing upon the new beginning of this Legislative Session. O'Lord, as the men and women assembled here, prepare to handle the weighty issues of responsibility before them, let there prevail, O'Lord, that spirit about which You are so passionate, the spirit of justice, which seeks to meet the basic needs and real concerns of people.

Thank You for the commitment of leaders who believe their power and purpose and influence to affect the lives of others, is ultimately subject to You.

Thank You, Father, for Your trust and confidence in calling us to be stewards of Your creation and keepers of this State, in which we are pleased to live, to love, and to serve.

Bless this new beginning, as we begin it in Your name, and offer it up to You. Amen.

The Secretary read the Proclamation.

**State of Maine
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion whereby the President and the Congress have enacted legislation changing certain categorical programs funded and administered by the Federal Government into block grants which may be administered by state governments; and

WHEREAS, implementation of these block grants by the states is scheduled to begin on October 1; and

WHEREAS, the State of Maine has indicated to the appropriate Federal agencies its intention to administer several of the new block grant programs effective October 1; and

WHEREAS, the 1st Regular Session of the 110th Legislature enacted legislation requiring legislative approval of the block grants prior to their implementation; and

WHEREAS, it is desirable to continue these programs which serve Maine people, including our elderly, ill and most needy citizens, without interruption and through state administration;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Friday, the twenty-fifth day of September, 1981 at ten o'clock in the morning, in order to receive communications, enact a block grant authorization bill, and conduct such other legislative business as may be appropriate.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this eleventh day of September in the Year of Our Lord Nineteen Hundred and Eighty-one.

S/JOSEPH E. BRENNAN
Governor

S/ELSIE I. BOWEN
Deputy

Secretary of State

A true copy. S/JAMES S. HENDERSON

Attest: Deputy Secretary of State

Which was Read and Ordered Placed on File.

The Roll being called, the following Senators

answered to their names:

Ault, Brown, Charette, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Kerry, Minkowsky, Najarian, Perkins, Pierce, Pray, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, 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 CONLEY of Cumberland,

ORDERED, that a message be sent to His Excellency, the Governor, informing him that 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 Conley of Cumberland to deliver the message to his Excellency the Governor.

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

At this point, a message was received from the House of Representatives, through Representative Mitchell of Vassalboro, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Out of Order and Under Suspension of the Rules:

On motion by Senator PIERCE of Kennebec, ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Pierce of Kennebec to convey the message, the Senator then retired to the Hall of the House, and subsequently reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Senator COLLINS of Knox,

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 10:30 o'clock for the purpose of extending to His Excellency, Governor JOSEPH E. BRENNAN, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed Senator Collins of Knox to deliver the message, the Senator then retired to the Hall of the House and subsequently reported that he had performed the duties with which he was charged.

On motion by Senator Collins of Knox, Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Senate Paper

Senator CONLEY of Cumberland, (Cosponsors: Senator COLLINS of Knox, Representative HIGGINS of Scarborough and Representative BRENERMAN of Portland) presented,

Bill, "An Act Making Appropriations, Authorizations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Relating to Federal Grants Necessary for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (S. P. 717) (Emergency)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down forthwith for concurrence.

(Off Record Remarks)

At this point a message was received from the House of Representatives, through Representative Mitchell of Vassalboro, concurring in the proposition for a Joint Convention, for the purpose of extending to His Excellency Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as pleases him.

(Off Record Remarks)

**Communications
Office of the Governor**

September 11, 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 Ronald L. Kellam of Portland for reappointment to the District Court.

Pursuant to Title 4 MRSA Section 157, 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

September 11, 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 Ronald L. Kellam of Portland for reappointment to the District Court.

Pursuant to Title 4 MRSA Section 157, 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.

Committee on Judiciary

September 24, 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 Ronald L. Kellam of Portland to the position of 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 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 8

NAYS:

Senators 0
Representatives 0

ABSENT:

Senators 0
Representatives 2; Rep. Benoit, So. Portland, Rep. Livesay, Brunswick

11 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 Ronald L. Kellam 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 Ronald L. Kellam 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, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President-J. Sewall.

ABSENT—Dutremble, Redmond.

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

At this point the Senate retired to the Hall of the House, where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report)

AFTER JOINT CONVENTION IN SENATE

The Senate called to Order by the President.

Office of the Governor

September 11, 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 Arthur J. Nadeau of Fort Kent to serve on the District Court as an Active-Retired Judge.

Pursuant to Title 4 MRSA Section 157-B, 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

September 11, 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 Arthur J. Nadeau of Fort Kent to serve as an Active-Retired Judge of the District Court.

Pursuant to Title 4 MRSA Section 157-B, 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.

Committee on Judiciary

September 24, 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 Arthur J. Nadeau of Caribou to the position of Active Retired Judge of the District Court 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 8

NAYS:

Senators 0
Representatives 0

ABSENT:

Senators 0
Representatives 2 Rep. Benoit; Rep.

Livesay

11 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 Arthur J. Nadeau 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 Arthur J. Nadeau 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, Brown, Carpenter, Charette, Clark, Collins, Conley, Devoe, Emerson, Gill, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President-J. Sewall.

ABSENT — Bustin, Dutremble, Hichens.

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 Arthur J. Nadeau is confirmed.

Office of the Governor

September 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 today nomi-

nating Beren G. Harrington of Jackman 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

September 14, 1981

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

Please be advised that Governor Joseph E. Brennan has nominated Beren G. Harrington of Jackman to serve as Conservation Member of 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

September 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 Patricia M. McDonough for reappointment to the Maine State Retirement System Board of Trustees.

Pursuant to Title 5 MRSA Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans 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

September 14, 1981

The Honorable Thomas M. Teague
The Honorable Merle R. Nelson
Chairmen, Aging, Retirement and Veterans Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Patricia M. McDonough to serve as a member of the Board of Trustees of the Maine State Retirement System.

Pursuant to Title 5 MRSA Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans.

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

Which was Read and Ordered Placed on File.

Office of the Governor

September 16, 1981

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

I am hereby withdrawing my nomination of Patricia M. McDonough of Portland for reappointment as a member of the Maine State Retirement System Board of Trustees. This

nomination is presently pending before the Joint Standing Committee on Aging, Retirement and Veterans.

Thank you for your assistance.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

September 16, 1981

The Honorable Thomas M. Teague
The Honorable Merle R. Nelson
Chairmen, Aging, Retirement
and Veterans Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has withdrawn the nomination of Patricia M. McDonough of Portland for reappointment as a member of the Maine State Retirement System Board of Trustees.

Sincerely,
S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Office of the Governor

September 16, 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 Donald L. Allen of Yarmouth for appointment as Commissioner of the Department of Corrections.

Pursuant to Title 34 MRSA Section 1, this appointment will require review by the Joint Standing Committee on Health and Institutional Services 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

September 16, 1981

The Honorable Barbara A. Gill
The Honorable Sandra K. Prescott
Chairmen, Health and Institutional
Services Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Donald L. Allen of Yarmouth to serve as the Commissioner of the Department of Corrections.

Pursuant to Title 34 MRSA Section 1, this appointment will require review by the Joint Standing Committee on Health and Institutional Services.

Sincerely,
S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Health & Institutional Services

September 24, 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 Health & Institutional Services has had under consideration the nomination of Donald L. Allen of Yarmouth to the position of Commissioner of the Department of Corrections.

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 8

NAYS:

Senators 0
Representatives 0

ABSTAINED:

Senators 1 — Senator Beverly Bustin
— Kennebec

Representative 1 — Rep. Alfred L. Brodeur — Auburn
ABSENT: 1 — Rep. Richard E. McCollister
— Canton

Ten members of the Committee having voted in the affirmative and none in the negative with two abstentions and one being absent, it was the vote of the Committee that the nomination of Donald L. Allen to the position of Commissioner of the Department of Corrections be confirmed.

Sincerely,
S/BARBARA A. GILL

Senate Chairman

S/SANDRA K. PRESCOTT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Donald L. Allen be confirmed.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending consideration.

Office of the Governor

September 16, 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 Carl O. Bradford of Yarmouth for appointment 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 in this matter.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

Senate of Maine

September 16, 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 Carl O. Bradford of Yarmouth for appointment to the Maine Superior Court.

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.

Committee on Judiciary

September 24, 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 Carl O. Bradford 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 8

NAYS:

Senators 0
Representatives 0

ABSENT:

Senators 0
Representatives 2 Rep. Benoit; Rep.

Livesay

11 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 Carl O. Bradford of Yarmouth 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 Carl O. Bradford 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, Brown, Carpenter, Charette, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President J. Sewall.

ABSENT — Bustin, Dutremble.

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

(Off Record Remarks)

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

Senate Paper

JOINT RESOLUTION

Senator PRAY of Penobscot (Cosponsors: Representative CLARK of Millinocket and Representative MICHAUD of East Millinocket) presented the following Resolution and moved its adoption:

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED
AND EIGHTY-ONE

JOINT RESOLUTION HONORING
GEORGE MURRAY OF MILLINOCKET
ON COMPLETING THE FIRST
TRANSCONTINENTAL CROSSING
BY WHEELCHAIR

WHEREAS, 1981 has been proclaimed by the United Nations as International Year of Disabled Persons; and

WHEREAS, to celebrate that event, a Milli-

rocket native, who was appointed Ambassador for the International Year of Disabled Persons, has, along with another individual, performed an historic feat never before accomplished; and

WHEREAS, this Maine native, a paraplegic since the age of 14, has successfully crossed the United States from California to New York in a wheelchair, a distance of 3,400 miles; and

WHEREAS, this remarkable accomplishment demonstrates the courage, ability and perseverance of disabled persons and stands as an inspiring symbol to show other disabled persons what can be accomplished; and

WHEREAS, to show his support for the Pine Tree Easter Seal Society of Maine, this Maine native has continued his quest from New York to his former home town of Millinocket; now, therefore be it

RESOLVED: That We, the Members of the 110th Legislature on behalf of the People of Maine take this opportunity to honor George Murray, of Millinocket, and to congratulate him and his colleague, Phil Carpenter of Holiday, Florida, on their outstanding accomplishment during the International Year of Disabled Persons. (S. P. 719)

Which was Read and Adopted.

Sent down forthwith for concurrence.

Orders

An Expression of Legislative Sentiment recognizing:

The 150th Anniversary of the Sisters of Mercy established on December 12, 1831 in Dublin, Ireland; and established in the U.S. by Catherine McCauley in 1841 and in Maine in 1865. (S. P. 720) presented by Senator CONLEY of Cumberland (Cosponsors: Representative MARTIN of Eagle Lake, Representative KELLEHER of Bangor and Representative MAHANY of Easton).

Which was Read and Passed.

Sent down forthwith for concurrence.

(Senate at Ease)

The Senate called to order by the President.

Orders of the Day

The President laid before the Senate:

The nomination of Donald L. Allen — Commissioner Department of Corrections, tabled earlier in today's session, on motion by Senator Pray of Penobscot, pending Consideration.

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

Senator BUSTIN: Mr. President and Members of the Senate, I have just entered the Chamber, are we on the Don Allen nomination?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Senator BUSTIN: I'd like to speak to that.

The PRESIDENT: The Senator has the floor.

Senator BUSTIN: Mr. President and Members of the Senate, I abstained from the vote at the Committee to confirm this nomination for a couple of reasons. Basically it was because during the course of those hearings, what I found out was there were some things that had not come to the Governor's attention. He had not had a time to deal with them. There were allegations against Don Allen, as a member of the Boy's Training Center, when he worked there as a member of the staff. I felt very strongly that I did not want to be party to accepting a nomination that the Governor had not

had adequate time to look over something that had come to light during those hearings.

I have just come from speaking to the Governor to find out if he still would stick by this nomination of Don Allen, and whether, in fact, he knew about those allegations or not. He did not know about them. He was unaware of them. He still sticks by that nomination. I feel very strongly about gubernatorial nominations, in any case, I normally go along with them because they have the opportunity to do much more interviewing than I have.

With that in mind, I will go along with this nomination, with the understanding that I still have some problems with the process. I have not been able, in all fairness to the people who made those allegations, to go back and check them out. The time constraints have not allowed me to do that. I am simply going on faith now and making it a matter of record that I hope that if, in fact, there is any kind of truth to that allegation, whether it involves Don Allen or some other member of the staff at that time, that we, as a State, and we, as a new Department of Corrections, will not be condoning that. I have every faith that we don't, that the system has improved itself and will continue to improve itself.

I urge your vote with this confirmation. Thank you.

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

Senator CONLEY: Mr. President and Members of the Senate: I'll speak very, very briefly but so much on the nomination of Donald Allen, not the nominating process itself. I think if there's been criticism levied at the Governor, over the several years that he has been in office, it has been one of taking a great deal of time in filling positions.

I've known Governor Brennan for many, many years, long prior before he ever came to these Chambers, or the Chambers at the other end of the Hall, or to serve as Chief Executive. I know the type of an individual that he is. I can assure the members of this Body that Governor Brennan would not nominate anyone for an office of high authority that would be contrary to his philosophy in dealing with justice, equal justice for all citizens of this State.

Allegations are made day, after day, after day. Allegations have been made against Gerry Conley from the day he stepped into public office. Allegations are made by other individuals in this Body. Proving allegations is another thing.

I have not always agreed with the actions of Donald Allen as the Superintendent of the South Portland Boy's Reformatory. As I stated yesterday at the public hearing, that if you're running an institution, and it's an institution of corrections, when one has 200 or more individuals in a confine such as that, the problems of managing such an institution become extremely difficult. Decisions that were made on the spot, I'm sure, a day later or perhaps even two hours later, one may have chosen a different direction than the one that was chosen at that moment.

I think Donald Allen will make a good Commissioner of Corrections. I just hope that what has been raised, the questions that have been raised, and I share the concerns of the good Senator from Kennebec, Senator Bustin, but I personally don't want to put all my faith in the basket, because of people who were former inmates of an institution, come out to blacken the eye of an individual because they happen to be inmates at the time, and want to sort of blur, or smudge, the name of the individual who has been a career employee of the State Government for many years.

I would hope and urge the Senate to vote to join the unanimous recommendations of those members of the Committee, who supported this nomination.

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

Senator GILL: Mr. President, I feel that yesterday's hearing before the Health and Institutional Committee was by no means a run-of-the-mill type hearing. I believe it was probably the longest hearing for any nominee in the history of the State of Maine. It ran close to six hours.

There were allegations made against Mr. Allen. Before the conclusion of the hearing, Mr. Allen refuted those allegations face-to-face with the four individuals who were present and made those allegations. He answered the charges affirmatively as far as ten members of the Committee were concerned.

I think there is something wrong with the process. The fact, and I think one of the biggest points that came out in the hearing yesterday was some of the members felt that there should be a time lag between the actual hearing on a nomination and the actual vote on a nomination, but because the Senate was in Session today, and because the nominee did refute those charges that were made against him, to the satisfaction of the majority of the Committee members, they felt comfortable in voting affirmatively on that nomination.

There were many people who testified in favor of Don Allen. We did have an ex-inmate who was present who testified in his behalf and said that many changes have taken place under the directorship of Don Allen in the Department of Corrections. He mentioned the classification system since the lock-down, how much that has been improved.

It wasn't all bad. We had people from, representing the sheriff's department. We had people representing the Maine Chiefs of Police, people who have worked with Don Allen through the 20 years, both within the system and surrounding the system and they had nothing, but high praise for him.

A man who I respect quite a bit is Robert Wright from Camden, who is on the parole board now. He is well-respected throughout the nation in corrections work. He stated at the hearing yesterday that he just couldn't come to a hearing and support someone who he didn't feel very strongly about. He was not there just to add another name to the list. He, throughout the system, and in corrections throughout the nation, looked upon Don Allen as being a very professional corrections administrator, and that the State of Maine was in fair shape compared to a lot of other states, because of Don Allen being there.

I think that there were so many people who spoke in favor of his professionalism, his caring for the young people that he has come in contact with through the years at the Youth Center, that that was why the Committee voted overwhelmingly to go along with this nomination.

I, myself, come from the community of South Portland. I have been in business in South Portland, and in fact have dealt, in the past, with the Youth Center through the business. I know of many complaints that the people working at the Youth Center used to bring into the business. My husband had been a legislator before me. The fact that I was, also, involved politically, and it's a forum for them. They used to come and complain about the grounds, many things, the clothes that they wore that were ripped and they weren't getting reimbursed for, some of the other personnel that was there. I never once heard anyone say that Don Allen had physically abused anybody in that facility. If they were telling me all kinds of other things, I'm sure, if the opportunity came up, they would come and relate this. They never did.

He is respected in my community because of his term at the Youth Center there. I would ask the Senate to go along with the approval.

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

Senator KERRY: Yes, Mr. President and Ladies and Gentlemen of the Senate, I was one

of the Senators who spoke at the hearing to confirm Mr. Don Allen to the position. I would like to reiterate and support the position of the good Senator from Cumberland, Senator Conley, that I think the process does reflect an open democratic, clearly just way of recommending commissioners to heads of our departments of state.

First of all, I have known Don Allen for quite some time. Over ten years ago, I did a six month study on the correctional system in Maine, as a reporter. My testimony before that Committee reflected an understanding of the parole system and the people that were involved in the parole system at that time. I interviewed many people in the correctional facilities that Mr. Allen was associated with, and many of the individuals who work with him, many of the families who had children and relatives in the facilities. I, also, spoke with people who were heads of administrative organizations in the State. I have never heard any major criticism or, in fact, any criticism of Mr. Allen.

More importantly, as I was sitting through part of the hearing, I was not able to attend the complete hearing because we were conducting hearings of our own in Judiciary, but I was surprised to hear that there were only two, or three, or four individuals testifying against Mr. Allen.

Number one, there was a national search for the most qualified person to be in charge of this system. It was obvious that any person coming in from out-of-state would not receive the full scrutiny that Mr. Allen would have received, being a native son of this State. I recall that, I'm sure there must have been more than 100,000 individuals over the last twenty years that have passed through our state facilities of which Mr. Allen has been associated with, and only three or four people showed up to testify against him.

I think, as a State Legislator, that I'm proud to see someone from our own State, who is knowledgeable within the system, who has proven himself, and who can withstand the scrutiny necessary to be confirmed. I would like to add that personal note. I find that most of the people that I know who know Don Allen well; number one, as an administrator; number two, as a person who is a good policy-maker; number three, as a person who is able to work with individuals within the system, not only inmates, but administrators within the system themselves, I think that he deserves our vote of confidence, notwithstanding the understandable criticism from inmates who might have had a difficult time during their last ten years.

A lot has changed in ten years in the State of Maine. I am for one who was very critical of the correctional system ten years ago, give great credit the Governor of this State and to, also, the heads of the Department of Mental Health and Corrections. Thank you.

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

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, I think that perhaps we're kind of going over this point a little bit too quickly in reference to the remarks by the Senator from Kennebec, Senator Bustin, in reference to the procedures. This is not the first time that the procedures have been questioned.

Let me state from the onset that clearly that I have no intentions of voting against Don Allen's nomination. I do think that the process, and it is new to the Legislature, it's going through growing pains. For an example, with the, using the Don Allen nomination just as an example in the time sequence that's taken place. If you check your calendar, you'll see that the Legislature was notified on September 16, the hearing was held on the 24th, and here we are on the 25th to make the vote.

Whether or not the allegations at yesterday's

hearing are true or not, the question as to whether or not the Committee had proper time to decide or to investigate any of the allegations, is that they didn't. They took the word of one individual, which I, personally, as a member of that Committee, would have voted for Don Allen's nomination. Still, there's a lack of time involved if anybody wants to further investigate any of these nominations.

This isn't, as I said, the first time that this situation has come up. I can remember when a couple of years ago, Senator Farley in this Chamber voted against a number of nominations because he had basically no information, that was given to him as a member of this Chamber, on any of the nominations. Only the committee members were receiving them at that time.

I think that I served on the Labor Committee, when the first individual nominated by the Governor was refused by the Committee. That was the Labor Committee. Governor Longley had nominated an individual which the Committee voted against. We adjusted to some of those problems in the early days. I would just say that the procedure on nominations and confirmations by the Senate is still going through some growing pains and will have to be changed in the future.

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

Senator COLLINS: Mr. President, there is one aspect of this Committee Report that I think should be mentioned. It follows along with some of the remarks of the Senator from Penobscot of growing pains. I participated as a committee member in many confirmation hearings in years past. At one point, the question came up from a committee member to me, as to whether that member might abstain from voting. We had a discussion of it, and checked authorities. We came to the conclusion that that member could not abstain from voting, unless he were excused in the usual process that our rules provide, because of either conflict of interest, or the appearance of conflict of interest.

This, of course, poses a dilemma to the committee member who is not satisfied, but still doesn't want to be recorded in the negative. I suggested to that committee member, if they were not satisfied at the end of the hearing, that they vote "no", or that they vote to table. Now if the motion to table, of course, does not succeed, then the member is left with the option of voting "no", or leaving the room, I suppose.

I would suggest that it is a bad precedent to accept the idea that members may abstain. Sometimes we have to vote "no" because we don't have sufficient information. Then when we get the information, we change our vote. I think there is nothing wrong whatsoever with changing your vote, when you receive new information that satisfies your questions.

I do think that the idea of abstaining is one that is not really appropriate under our rules. I would hope that it would not become a practice. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, I rise this morning not to criticize the system, but to rise in support of the Committee Report. Having been Chairman of the Committee on Corrections two years ago, and having been a visiting member on the visiting team for the lock-down a year ago, I found myself in very close contact with Donald Allen. While I repeat myself of my remarks yesterday, while I do not always agree, or did not always, and still do not always agree with Donald Allen, neither do I always agree with the other football officials, of which Donald Allen is one.

I do find myself, with Donald Allen being a very responsible very dedicated, State individual, and one who I have complete faith in with

regard to our correctional system, and could be no more pleased to have any other individual head-up, to be the first Commission of Corrections than Donald Allen.

Donald Allen has been very responsive to every situation, has gotten us out of a lock-down situation which was a very flammable, not only to the body of the prison, but also to the safety of the prisoners. He got us out of this without any injury to the prisoners, or to the facility itself. I think this, alone, without any other recommendation, is high recommendation for the man.

I, therefore, urge you to vote with me in the confirmation of Donald Allen.

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

Senator GILL: Mr. President, yesterday the question during the hearing and the vote, the question came up of whether a member could abstain from voting. We had tabled the, there was a motion to table, and we had voted to override that motion. There were still members who felt that they should abstain. The evening was late, and not having the books, parliamentary-wise, to look into, and having the Speaker of the Maine House there, I turned to him quickly and said, is it legitimate for a member who is present to abstain? He said, affirmative. That's why the two people did abstain?

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, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minikowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President-J. Sewall.

ABSENT—Dutremble.

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

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

Papers from the House House Paper

Bill, "An Act Concerning the Sale and Use of Drug Paraphernalia." (Emergency) (H. P. 1708) (L. D. 1700)

Reference to the Committee on Judiciary suggested.

Comes from the House, Passed to be Engrossed without Reference to Committee.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1700 be given it's First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Twice, and Passed to be Engrossed and Ordered Printed, without Reference to Committee, in concurrence.

Sent forthwith.

Bill, "An Act to Clarify the Status of Certain Real Estate Titles in the State." (H. P. 1706) (L. D. 1698)

Reference to the Committee on Judiciary suggested.

Comes from the House, Passed to be Engrossed without Reference to Committee.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1698 be given it's First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Twice, and Passed to be Engrossed and Ordered Printed, without Reference to Committee, in concurrence.
Sent forthwith.

RESOLVE, to Authorize Franklin County Commissioners to Expend no more than \$120,000 to Subsidize the Farmington Branch of the Maine Central Railroad. (Emergency) (H. P. 1709) (L. D. 1701)

Reference to the Committee on Local and County Government suggested.

Comes from the House, Passed to be Engrossed without reference to Committee.

The **PRESIDENT**: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1701 be given it's First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Resolve Read Twice and Passed to be Engrossed and Ordered Printed, without Reference to Committee, in concurrence.

Sent forthwith.

Bill, "An Act to Require State Bond Issues Passed at the First Regular Session and the First Special Session of the 110th Legislature to Include all Interest Involved for each Question and to be Placed on the Ballot." (Emergency) (H. P. 1707) (L. D. 1699)

Reference to the Committee on State Government suggested.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-574) without reference to Committee.

The **PRESIDENT**: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1699 be given it's First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Once without Reference to Committee. House Amendment "A" Read and Adopted in concurrence. Under Suspension of the Rules, the Bill Read a Second Time, and Passed to be Engrossed as amended and Ordered Printed, without Reference to Committee, in concurrence.

Sent forthwith.

Communication

Committee on Energy and Natural Resources

September 25, 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 Beren G. Harrington as a member of 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 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: 0

ABSENT: 2 — Senator O'Leary of Oxford and Rep. Michael of Auburn.

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 Beren G. Harrington of Parlin Pond Township, Jackman, Maine as a member of the Land Use Regulation Commission be confirmed.

Sincerely,

S/JAMES A. McBREAIRTY
Senate Chairman
S/Rep. 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 Beren G. Harrington 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, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Kerry, McBreaity, Minowsky, Najarian, Perkins, Pierce, Pray, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President-J. Sewall.

ABSENT—Dutremble, O'Leary, Redmond.

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 Beren G. Harrington is confirmed.

Committee Report Senate

Ought to Pass in New Draft

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Appropriations, Authorizations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Relating to Federal Grants Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (Emergency) (S. P. 717) (L. D. 1697)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 718) (L. D. 1702)

Which Report was Read and Accepted and the Bill in New Draft Read Once. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed.

Sent down forthwith for concurrence.

(Senate at Ease)

The Senate called to order by the President.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

(Off Record Remarks)

Senator Perkins of Hancock was granted unanimous consent to address the Senate, Off the Record.

Senator Redmond of Somerset was granted unanimous consent to address the Senate, On the Record.

Senator REDMOND: I'd like to seize the opportunity, while we're At Ease here, to say a few words on the Franklin County Bill, the railroad. I would like to state that number one, I support the Bill very strongly.

The thing is it's only authorizing the county government to spend the money because they didn't have it in their budget. They realized that the railroad, October 1, will be starting

pulling the tracks out. Everything, I suppose, was done in due process. They held some public hearings two years ago. They had been operating with the industry subsidizing part of it, and the county subsidizing another part of it.

As it is now, they have decided that they would pull out October 1. The economic developer has been working very ardently. He is very confident that if we can help him out for another year, that there will be a couple of other industries that are coming into the area. Then, hopefully the industries will be able to carry the load by themselves.

I have supported this strictly for one year. This is why I would like to ask you to go along with this Bill. Thank you very much.

Senator Ault of Kennebec was granted unanimous consent to address the Senate, On the Record.

Senator AULT: I'd like to pose a question to the Senator from Franklin County. Who is "they" that we are going to be helping out with this county subsidy?

Senator Redmond of Somerset was granted unanimous consent to address the Senate, On the Record.

Senator REDMOND: The question is, who are we subsidizing? Right? Is this my understanding? Where is the money going to? The railroad, the Maine Central Railroad, I would say, don't want to go into Farmington anymore. They want to stop at Jay. The industry, I guess Foster Manufacturing, and a couple of others, they are paying a substantial amount towards this subsidy. They have been in the last two or three years, or probably more.

For some unknown reason, I guess, I couldn't tell you the details, but I imagine an increase in costs, and the freight load hasn't increased, so this year it takes more money. I guess to answer your question, we're subsidizing, helping subsidize the railroad.

There are some, I'd like to note, to complete my answer, there are some lobbyists out here that come from the Town of Jay. The entire Town of Jay, they have, they're very opposed to this. All I can say about these lobbyists and those people from Jay is that I'm very thankful that the founding fathers, instituted in their form of government when they came here, our county government. They requested that the Legislature and the county delegation approve of the expenditures of the county government, because this is a very typical case, I think, of what they were looking for. The people of Jay are wealthy, they're growing. They have the paper mill and everything is fine. What do they care if the railroad doesn't go to Farmington and Wilton? It's the people of Farmington and Wilton that need the railroad.

I, as the member of the legislative delegation of Franklin County, support very strongly this Bill.

Senator Emerson of Penobscot was granted unanimous consent to address the Senate, On the Record.

Senator EMERSON: Are we in Session?

The **PRESIDENT**: The Chair would answer the Senator in the affirmative, however, there is no legislation before the Body at the moment, so it is a unanimous consent situation for whomever wishes to speak.

Senator EMERSON: I'll wait until we've had this before us officially.

The **PRESIDENT**: The Chair would just note that this might be a good time to talk about these things while we are awaiting papers from the House.

Senator EMERSON: Mr. President, I don't know whether I can add anything to this confusion or not. As I understand it, the federal government has been subsidizing, through the Department of Transportation, this branch for several years at the tune of \$120,000 a year. This is due to cease as of October 1, 1981. Ap-

parently, some of the businesses in that area feel that it's important to have this line. They apparently have asked us to allow the county, or to give the county authorization to subsidize it for one year.

During this period, as I understand it, the businesses and the people up there will try to decide whether they might want to buy the railroad or make some other arrangements.

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

Orders

Expressions of Legislative Sentiment recognizing:

Thomas Hundley, son of Mr. and Mrs. Robert Hundley, on attaining the high rank and distinction of Eagle Scout. (S. P. 721) presented by Senator HICHENS of York (Cosponsor: Representative McPHERSON of Eliot).

Mark Hutchins, son of Mr. and Mrs. Raymond E. Hutchins, on attaining the high rank and distinction of Eagle Scout. (S. P. 722) presented by Senator HICHENS of York (Cosponsor: Representative McPHERSON of Eliot).

James Wright, son of Mr. and Mrs. Peter Wright, on attaining the high rank and distinction of Eagle Scout. (S. P. 723) presented by Senator HICHENS of York (Cosponsor: Representative McPHERSON of Eliot).

Dick Figoli, of Hallowell, in appreciation of many years of kind attention and service to those who are retarded or handicapped. (S. P. 724) presented by Senator AULT of Kennebec (Cosponsor: Senator BUSTIN of Kennebec).

Which were Read and Passed.

Sent down forthwith for concurrence.

(Senate at Ease)

The Senate called to order by the President.

On motion by Senator DEVOE of Penobscot, ORDERED, the House concurring, that Bill, "AN ACT to Clarify the Status of Certain Real Estate Titles in the State," Senate Paper 598, Legislative Document 1594, be recalled from the Governor's desk to the Senate. (S. P. 725)

Which was Read and Passed.

Sent down forthwith for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

AN ACT to Clarify the Status of Certain Real Estate Titles in the State. (H. P. 1706) (L. D. 1698)

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

AN ACT Concerning the Sale and Use of Drug Paraphernalia. (H. P. 1708) (L. D. 1700)

Emergency

AN ACT to Require State Bond Issues Passed at the First Regular Session and the First Special Session of the 110th Legislature to Include all Interest Involved for each Question and to be Placed on the Ballot. (H. P. 1707) (L. D. 1699)

These being emergency measures and having received the affirmative votes of 25 Members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, to Authorize Franklin County Commissioners to Expend no more than \$120,000 to Subsidize the Farmington Branch of the Maine Central Railroad. (H. P. 1709) (L. D. 1701)

The PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I'm opposed to this piece of Legislation. Of the communities I represent, within the Franklin County, there is only the one community that I know of that does support this piece of Legislation. The Town of Farmington itself, the town fathers, have gone on record, although it's not in my district, as opposed to this.

I would ask for a Division on this.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, I would like to reiterate once more that I support this Bill very strongly. The people of Franklin County held meetings for about three months. The only ones who are really opposing this here today are the people of Jay and they never showed up to the meetings, except for the last meeting of all that was held. I wasn't present, and they came there to say that they were opposed to it.

The regular citizenry between Wilton and Farmington, in masses, they support, they'd like to see the railroad stay there. The regular citizenry of Jay, also, it's just the selectmen up there that don't like to see us subsidize that, because, of course, they'll be taxed by the county.

As I have mentioned a while ago, I hope that you will vote to support this. It's only for this year. The federal government has kind of dropped them. This is why this happened so quick like that. I would ask your support.

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with 3 Senators having voted in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Senator Clark of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I have the honor this afternoon of speaking on behalf of the Senate Women's Caucus in recognition of a particularly significant event, which occurred yesterday.

As you all know, a new Associate Justice of the Supreme Court of the United States of America joined the Court on September 24, 1981. What is unique in this instance and should not go unnoticed, particularly in this Body, is that this Justice is a woman, Sandra Day O'Connor, the first woman to serve on the nation's highest court.

Justice O'Connor is not only a wise and wonderful person, she has a depth of character and strong personal convictions which, coupled with her legal skills, moral character, and judicial temperament more than meet all the criteria for the position.

The evaluation of this woman to this high office was unanimously supported and confirmed as a wise choice and in the best interests of our national judicial system. It, also, serves as a magnificent example of the heights women can attain in today's world. Thank you, Mr. President.

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

Senate Paper Joint Resolution

Senator DEVOE of Penobscot (Cosponsors: Senator SUTTON of Oxford, Senator PIERCE of Kennebec and Senator AULT of Kennebec) present the following Resolution and move its adoption:

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED
AND EIGHTY-ONE

JOINT RESOLUTION HONORING SANDRA DAY O'CONNOR ON HER CONFIRMATION AS ASSOCIATE JUSTICE OF THE

UNITED STATES SUPREME COURT

WHEREAS, the Honorable Sandra Day O'Connor will soon join the United States Supreme Court as the 102nd Associate Justice in the 191 year history of the court; and

WHEREAS, this marks a truly historic occasion, ending an all-male tradition while recognizing the tremendous contributions which a woman can make to the high court; and

WHEREAS, the nomination and confirmation of Mrs. O'Connor has generated effusive praise from all regiments of government and society; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 110th Legislature on behalf of the People of Maine, hereby extend our congratulations and best wishes to the Honorable Sandra O'Connor; and be it further

RESOLVED: That a suitable copy of this Resolution be immediately submitted by the Secretary of State to the Honorable Sandra Day O'Connor. (S. P. 726)

Which was Read.

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

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, including members of the Senate Women's Caucus, this morning I had the pleasure of talking with the good Senator from Cumberland who just spoke. I remarked that I was really a little bit distressed that the Senate Women's Caucus had not taken it upon itself to offer tangible evidence of its delight in having Sandra Day O'Connor as our first woman Justice of the United States Supreme Court.

I decided, on behalf of some of my equally concerned colleagues, that this Body should do something about that. Therefore, we had this Resolution drafted, which I am now pleased to present for your consideration, and I hope, affirmative vote, that you will join with my concerned colleagues, Senator Sutton, Senator Pierce, and Senator Ault, that this body should go on record as expressing its delight for the appointment and the confirmation, or the swearing in, which I believe will take place this afternoon at the Supreme Court offices in Washington. Thank you very much, Mr. President.

Which was Adopted.

Sent down forthwith for concurrence.

(Senate at Ease)

The Senate called to order by the President.

Orders of the Day

Bill, "An Act to Clarify the Status of Certain Real Estate Titles in the State." (S. P. 598) (L. D. 1594)

(Recalled from Governor's Desk pursuant to Joint Order (S. P. 725)).

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

Senator DEVOE: Thank you, Mr. President. Mr. President, is the Senate in possession of L. D. 1594 at this time?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

On motion by Senator Devoe of Penobscot, the Senate voted to Reconsider its action whereby the Bill was Passed to be Enacted.

On motion by Senator Devoe of Penobscot, L. D. 1594 and all its accompanying papers be Indefinitely Postponed in non-concurrence.

Sent down forthwith for concurrence.

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

City of Portland firefighters John Bellino, Stephen Newcomb, Harold Stoddard and Stephen Hastings who risked their lives to save a 17-month old child. (H. P. 1710)

The Portland North Babe Ruth team, coached by Ron Lemieux, Maine's first Babe Ruth World Series representative, which finished fourth in the nation. (H. P. 1711)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Dr. Leroy Greenlaw, of Auburn, outstanding citizen and humanitarian, who served unselfishly as athletic examiner for the Maine Athletic Commission. (H. P. 1712)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

AN ACT Making Appropriations, Authorizations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Relating to Federal Grants Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (S. P. 718) (L. D. 1702)

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

Senator HUBER: Mr. President and Members of the Senate, I would like to explain very briefly the provisions of this Bill which is quite recently before you. Because you have had in your possession the original Governor's Bill, I'll try to start with that bill as a starting point, and get to LD 1702 as it now stands.

The original bill proposed an appropriation of \$3,650,000 of General Fund money to address the problems created by the recent federal budget cuts. The Appropriation Committee Bill appropriates, instead of the \$3,650,000, it appropriates \$222,000 to address the same needs.

The reason for this reduction is primarily that the original bill addressed 21 months, or the final months of our biennium. The Bill before you now addresses 9 months, which carries us to June 30, 1982.

Congress is still acting in these areas. We can respond only to what Congress actually has done, or what we clearly see or hope we see, that Congress will actually do. Therefore, this will be a continuing process. We will be back in January, and can address, at a more leisurely pace, the effects of future congressional action.

The original bill, in terms of control, technically would have appropriated six block grants, and suggested guidelines of how these would be spent by the administration. I think the block grant concept does give the opportunity to regain some legislative control over funds that previously were largely governed by congressional regulations, and over which we had little control.

The Appropriations Bill, LD 1702, does not present guidelines. It actually allocates the block grants for the 9 months to complete our Fiscal Year-1982. These allocations are governed by the same regulations that are contained in our transfer law, namely, if there are proposed deviations in excess of 5 percent, or in excess of \$50,000, the Legislature will be notified and could, if the deviations are severe enough recall itself, or be recalled by the Governor and address the problem.

Basically, the pattern of the distribution of the monies in this Bill, and I'd like to point out that these are not new and additional federal funds, they are a smaller amount of federal funds than we anticipated under the previous categorical programs, but the pattern established in this bill, and established by firm allo-

cations is similar to the various budgets adopted by this Legislature in our Regular Session.

There will obviously be areas that are squeezed by the cuts. Hopefully there are areas that administratively and otherwise that contain the savings.

One question before the Appropriations Committee was, do we have to adopt at this time all of the block grants, or should we address only the two that we really do have to address, namely low income energy assistance and the social service cuts? If we don't adopt these two block grants, the federal government, in effect, would adopt them for us, would distribute these funds and would charge us their administrative costs. It's rumor, at least, that if we did not adopt these grants, the Federal Government in fact, would probably inflate their administrative costs because they're eager for us to implement these blocks.

The remaining four grants, if we do not adopt them, we would lose \$700,000, and there seems no penalty given the legislative control contained in LD 1702. There seems no reason not to adopt them. I don't think at this time we can afford to lose \$700,000.

The Bill does continue the control currently provided by Section K in the Appropriations Act, mainly that if future block grants do come in, we will again have Legislative Review, if necessary.

I'd like to emphasize that this is not new money. It is a lesser amount of federal funds distributed in different ways. There are no new programs contained herein, except for some very small items, a \$15,000 item which is a federal mandate in the area of crisis intervention.

There are no what I would consider Regular Session items in this Bill. I do think we can consider all of the actual federal cuts and any future federal cuts in a more rational way during the Regular Session starting in January.

If there are any questions or specific areas, I warn you that I have exhaustive and very boring detail with me, and would be glad to go into this in great depth. Thank you.

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

Senator McBREARTY: Mr. President and Honorable Members of the Senate, as you may know, the Audit and Program Review Committee is reviewing the Department of Human Services. We are now in the midst of a detailed study of many aspects of the Department's operation. This review has obviously been complicated by the many possible changes associated with federal block grants. Because our deliberation takes time, and because our inner work schedule was not designed around a Special Session dealing with block grants, the Committee is not prepared to make any recommendations in connection with LD 1702 at this time.

However, the Committee would like to make a statement. We do not feel that our vote today limits our opportunity or responsibility to comment or make recommendations next session on any Human Services programs addressed in LD 1702. We may very well come back to you in January suggesting changes in some of the same programs we are acting on today. At that time we will present our recommendations for further consideration in accordance with our established sunset process. Thank you.

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

Senator GILL: Mr. President, the Health and Institutional Services Committee held a full day of hearings because many of the areas that are involved in the block grants come within the jurisdiction of the Health and Institutional Services Committee. We made recommendations to the Appropriations Committee, and I'd like to applaud the Appropriations Committee for coming out with this Bill and following the recommendations of the Health and Institutional Services Committee.

At this point a message was received from

the House of Representatives, through Representative Mitchell of Vassalboro, the Majority Floor Leader of the House, informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

This being an emergency measure and having received the affirmative votes of 31 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair would, also, like to thank, and I am sure that the Senate would join with me, thank the very excellent work of the Appropriations Committee, Senator Huber, Senator Perkins, Senator Najarian. I think the quality of their work is evidenced by the fact that approximately three hours after we have been in Session we have completed the work that was laid out before us in spite of the dire predictions of many, that we would be here two or three days. I would ask the Senate to rise and extend its congratulations and thanks to these three people.

(Applause, the members rising.)

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

John Lankford, on attaining the high rank and distinction of Eagle Scout. (H. P. 1714)

Michael T. Carr, on attaining the high rank and distinction of Eagle Scout. (H. P. 1715)

John Brown, on attaining the high rank and distinction of Eagle Scout. (H. P. 1713)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

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.

Out of Order and Under Suspension of the Rules:

On motion by Senator Collins of Knox, ORDERED, that a message be sent to the House of Representatives informing that Body 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 Collins of Knox to convey the message to the House of Representatives.

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

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

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

On motion by Senator McBrearty of Aroostook, at 1:16 p.m. on Friday, September 25, 1981, the Honorable Joseph Sewall declared the Senate of the Second Special Session of the 110th Legislature Adjourned Sine Die.