

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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

Augusta, Maine
August 4, 1983

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 Bruce W. Meyer of the Prince of Peace Lutheran Church of Augusta.

REVEREND MEYER: Almighty God, our Heavenly Father, thank you for these days of summer and for seasons and times of leisure that you call us to use to rebuild our bodies and renew our minds. Open our spirits to the goodness of Your creation and all the signs of grace around us.

Thank you, also, for the joy of work and for giving us common tasks which we can share for the good of all. Lord in our working draw us away from trivialities and from self-center attention that keep us from seeing the large issues of life to which we can give ourselves and be used by You.

Bless those who hold office in this Government and those who will be appointed in this Session that they may do their work in a spirit of wisdom and kindness and justice, and contribute richly to the welfare of this State and her people. We pray in the Name of Him who gave Himself completely for us. Amen.

State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333

July 12, 1983

The Honorable Joy J. O'Brien
Secretary of the Senate of Maine
State House
Augusta, Maine 04333
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 Thursday, August 4, 1983 at 2:00 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/GERARD P. CONLEY
President of the Senate

Which was Read and Ordered Placed on File.

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

Senators: BALDACCI, BUSTIN, CARPENTER, CHARETTE, CLARK, COLLINS, DANTON, DOW, DUTREMBLE, EMERSON, ERWIN, GILL, HAYES, HICHENS, KANY, McBREAIRTY, MINKOWSKY, NAJARIAN, PEARSON, PERKINS, PRAY, REDMOND, SEWALL, SHUTE, TEAGUE, TRAFTON, TWITCHELL, USHER, VIOLETTE, WOOD, THE PRESIDENT — GERARD P. CONLEY.

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

(Off Record Remarks)

Out of Order and Under Suspension of the Rules:

On motion by Senator PRAY of Penobscot.

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 consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Pray of

Penobscot to deliver the message to His Excellency, the Governor.

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

Communications

The Following Communication:

State of Maine
Office of the Governor
Augusta, Maine
04333

July 1, 1983

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am nominating Carroll R. McGary of Winthrop for appointment as the Second Alternate Employer Member on the Maine Labor Relations Board.

Pursuant to Title 26 M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor 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 Following Communication:
The Senate of Maine
Augusta

July 1, 1983

The Honorable Dennis L. Dutremble
The Honorable Edith S. Beaulieu
Chairmen, Labor Committee
111th Legislature

Please be advised that Governor Joseph E. Brennan has nominated Carroll R. McGary of Winthrop for appointment as the Second Alternate Employer Member on the Maine Labor Relations Board.

Pursuant to Title 26 M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor.

Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate

Which was Read and Ordered Placed on File.

The Following Communication:
State of Maine
One Hundred and Eleventh Legislature
Committee on Labor

July 18, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
State House
Augusta, ME 04333
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Carroll R. McGary, as the Second Alternate Employer on the Maine Labor Relations Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators—1
Representatives—4
NAYS: Senators—0
Representatives—3

Absent: 5 (Sen. Dutremble, Sen. Hayes, Rep. Tuttle, Rep. Gauvreau, Rep. Zirnkilton)

Five members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the

nomination of Carroll R. McGary as the Second Alternate Employer of the Maine Labor Relations Board be confirmed.

Sincerely,
S/EDITH S. BEAULIEU
House Chair

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Carroll R. McGary be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th 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—Baldacci, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—Brown, Collins.

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 Carroll R. McGary is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:
State of Maine
Office of the Governor
Augusta, Maine
04333

July 1, 1983

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am nominating H. Alan Timm of Manchester for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P & SL Chapter 37, this nomination will require review by the Joint Standing Committee on Education 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 Following Communication:
The Senate of Maine
Augusta

July 1, 1983

The Honorable Kenneth P. Hayes
The Honorable Stephanie Locke
Chairmen, Education Committee
111th Legislature

Please be advised that Governor Joseph E. Brennan has nominated H. Alan Timm of Manchester for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P & SL Chapter 37, this nomination will require review by the Joint Standing Committee on Education.

Sincerely,
S/JOY J. O'BRIEN

Secretary of the Senate
Which was Read and Ordered Placed on File.

The Following Communication:
State of Maine
One Hundred and Eleventh Legislature
Committee on Education

July 19, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
State House
Augusta, ME 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of H. Alan Timm, as a member of the Board of Trustees of the Maine Maritime Academy.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators—3
Representatives—9

NAYS: —0

ABSENT: —1 (Rep. Murphy of Kenne-
bunk)

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of H. Alan Timm, as a Member of the Board of Trustees of the Maine Maritime Academy be confirmed.

Sincerely,
S/KENNETH P. HAYES
Senate Chair
S/STEPHANIE LOCKE
House Chair

Which was Read and Ordered Placed on File.

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

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th 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—Baldacci, Bustin, Carpenter, Charrette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—Brown.

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 H. Alan Timm is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:
State of Maine
Office of the Governor
Augusta, Maine
04333

July 1, 1983

Honorable Gerard P. Conley
President of the Senate

Senate Chambers
State House Station #3
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am today nominating Thatcher E. Turner of Norway for appointment as the Primary Employer Member of the Maine Labor Relations Board.

Pursuant to Title 26 M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor 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 Following Communication:
The Senate of Maine
Augusta

July 1, 1983

The Honorable Dennis L. Dutremble
The Honorable Edith S. Beaulieu
Chairmen, Labor Committee
111th Legislature

Please be advised that Governor Joseph E. Brennan has nominated Thatcher E. Turner of Norway for appointment as the Primary Employer Member of the Maine Labor Relations Board.

Pursuant to Title 26 M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor.

Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate

Which was Read and Ordered Placed on File.

The Following Communication:
State of Maine
One Hundred and Eleventh Legislature
Committee on Labor

July 18, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
State House
Augusta, ME 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Thatcher E. Turner, as the Primary Employer Member of the Maine Labor Relations Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators—1
Representatives—7

NAYS: —0

ABSENT: 5 (Sen. Dutremble, Sen. Hayes, Rep. Tuttle, Rep. Gauvreau, Rep. Zirkilton)

Eight 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 Thatcher E. Turner as the Primary Employer Member of the Maine Labor Relations Board be confirmed.

Sincerely,
S/EDITH S. BEAULIEU
House Chair

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Thatcher E. Turner be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th 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—Baldacci, Bustin, Carpenter, Charrette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—Brown.

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 Thatcher E. Turner is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:
State of Maine
Office of the Governor
Augusta, Maine
04333

July 1, 1983

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am nominating Carol A. Wishcamper of Freeport for appointment to the State Board of Education.

Pursuant to Title 20 M.R.S.A. Section 51, this nomination will require review by the Joint Standing Committee on Education 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 Following Communication:
The Senate of Maine
Augusta

July 1, 1983

The Honorable Kenneth P. Hayes
The Honorable Stephanie Locke
Chairmen, Education Committee
111th Legislature

Please be advised that Governor Joseph E. Brennan has nominated Carol A. Wishcamper of Freeport for appointment to the State Board of Education.

Pursuant to Title 20 M.R.S.A. Section 51 this nomination will require review by the Joint Standing Committee on Education.

Sincerely,

S/JOY J. O'BRIEN
Secretary of the Senate

Which was Read and Ordered Placed on File.

The Following Communication:
State of Maine
One Hundred and Eleventh Legislature
Committee on Education

July 19, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
State House
Augusta, ME 04333
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Carol A. Wish-

camper, as a member of the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators—3
Representatives—7

NAYS: 0

ABSENT: 3 (Rep. Thompson; Rep. Murphy; Rep. Small)

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Carol A. Wishcamper, as a member of the Maine State Board of Education be confirmed.

Sincerely,
S/KENNETH P. HAYES
Senate Chair
S/STEPHANIE LOCKE
House Chair

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Carol A. Wishcamper be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th 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—Baldacci, Bustin, Carpenter, Charrette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—Brown.

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 Carol A. Wishcamper is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:
State of Maine
Office of the Governor
Augusta, Maine
04333

July 11, 1983

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am nominating Caroline Glassman of Portland for appointment to the Supreme Judicial Court of the State of Maine.

Pursuant to the Maine Constitution Article V Part I 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 Following Communication:
The Senate of Maine
Augusta

July 12, 1983

The Honorable Richard L. Trafton
The Honorable Barry Hobbins
Chairmen, Judiciary Committee
111th Legislature
Gentlemen:

Please be advised that Governor Joseph E. Brennan has nominated Caroline Glassman of Portland for appointment to the Supreme Judicial Court of the State of Maine.

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

Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate

Which was Read and Ordered Placed on File.

The Following Communication:
State of Maine
One Hundred and Eleventh Legislature
Committee on Judiciary

July 29, 1983

The Honorable Gerard P. Conley
President of the Senate
State House
Augusta, ME 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Caroline Glassman as a Justice of the Maine Supreme Judicial Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators—3
Representatives—7

NAYS: 2 (Rep. Carrier; Rep. Reeves)

ABSENT: 1 (Rep. Livesay)

Ten members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Caroline Glassman, as a Justice of the Maine Supreme Judicial Court be confirmed.

Sincerely,
S/RICHARD L. TRAFTON
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 Caroline Glassman 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 111th 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—Baldacci, Bustin, Carpenter, Charrette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—Brown.

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 Caroline Glassman is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:
State of Maine
Office of the Governor
Augusta, Maine
04333

July 12, 1983

Honorable Gerard P. Conley
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333

Dear Senator Conley:

This is to inform you that I am nominating Thomas F. Monaghan of Portland for reappointment to the University of Maine Board of Trustees.

Pursuant to Title 20 M.R.S.A. Section 2251, this nomination will require review by the Joint Standing Committee on Education 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 Following Communication:
The Senate of Maine
Augusta

July 12, 1983

The Honorable Kenneth Hayes
The Honorable Stephanie Locke
Chairpersons, Education Committee
111th Legislature

Please be advised that Governor Joseph E. Brennan has nominated Thomas F. Monaghan of Portland for reappointment to the University of Maine Board of Trustees.

Pursuant to Title 20 M.R.S.A. Section 2251, this nomination will require review by the Joint Standing Committee on Education.

Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate

Which was Read and Ordered Placed on File.

The Following Communication:
State of Maine
One Hundred and Eleventh Legislature
Committee on Education

August 1, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
State House
Augusta, ME 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Thomas F. Monaghan, as a member of the University of Maine Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators—3
Representatives—7

NAYS: —0

ABSENT: 3 (Rep. Thompson, Rep. Murphy, Rep. Small)

Ten members having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Thomas F. Monaghan be confirmed.

Sincerely,
S/KENNETH P. HAYES
Senate Chair
S/STEPHANIE LOCKE
House Chair

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Thomas F. Monaghan be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th 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 Hayes.

Senator HAYES: Mr. President, Members of the Maine State Senate, I would like to briefly speak to the renomination of Trustee Thomas Monaghan who is recommended to this Body by a vote of 10 to 0 by the Committee on Education.

The Education Committee questioned Mr. Monaghan in some depth about the status of higher education in Maine, in particular the Committee was concerned about the downgrading of UMO from a category "1" university to a category "2-A" by the American Association of University Professors, due primarily to the funding, or lack of funding of the library, and the projected reallocation of resources from public services, such as CES including units established by Legislative Statute.

These problems indicate how important the role of a University of Maine Trustee is, and the awesome job now confronting the trustees to face up to these threats to excellence in higher education.

Indeed it is, also, the responsibility, and it seems to me, the Legislative mandate of this Legislature to, also, look into the status of education at the University of Maine and the quality of that education. Thank you.

The PRESIDENT: Is the Senate ready for the question?

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

(Off Record Remarks)

ROLL CALL

YEA—None.

NAY—Baldacci, Bustin, Carpenter, Charrette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaity, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.
ABSENT—Brown.

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 Thomas F. Monaghan is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:
State of Maine
Office of the Governor
Augusta, Maine
04333

July 18, 1983

Honorable Gerard P. Conley

President of the Senate
Senate Chambers
State House
Augusta, Maine 04333
Dear Senator Conley:

This is to inform you that I am nominating Joseph P. Kenneally of Saco, Edward E. Anderson of Scarborough and George W. McHale of East Orrington for reappointment to the State Harness Racing Commission.

Pursuant to Title 8 M.R.S.A., Section 261, this nomination will require review by the Joint Standing Committee on Agriculture 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 Following Communication:
The Senate of Maine
Augusta

July 19, 1983

The Honorable Edgar E. Erwin
The Honorable John Michael
Chairmen, Agriculture Committee
111th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Joseph E. Kenneally of Saco, Edward E. Anderson of Scarborough and George W. McHale of East Orrington for reappointment to the State Harness Racing Commission.

Pursuant to Title 8 M.R.S.A. Section 261, these nominations will require review by the Joint Standing Committee on Agriculture.

Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate

Which was Read and Ordered Placed on File.

The Following Communication:
State of Maine
One Hundred and Eleventh Legislature
Committee on Agriculture

August 3, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
State House
Augusta, ME 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Joseph P. Kenneally to the position of Member of the Maine State Harness Racing Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate 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: 4 (Sen. Hichens, Rep. Michael, Rep. McCollister, Rep. Sherburne)
ABSENT: 1 (Rep. Locke)

Seven members having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Joseph P. Kenneally be confirmed.

Sincerely,
S/SENATOR EDGAR ERWIN
Senate Chair
S/REP. JOHN MICHAEL
House Chair

Which was Read and Ordered Placed on File.

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

Senator HICHENS: Mr. President and Members of the Senate, you'll notice that under this communication that four members of the Committee voted against the nomination of

Mr. Kenneally and then under the next section, three members voted against the nomination of that gentleman. It should have been four; there was a lack of communication and I intended to have been with those four but it is on the Record that I voted for, I will be voting against the nomination when it comes up before us.

You will notice that this is a bipartisan vote with the four of us, two Democrats, two Republicans, and it is not that we are against Mr. Kenneally or Mr. Anderson, but the Governor had been implored, about being requested, to have a more equal distribution of members of the Commission throughout the State. Both of these gentlemen have served for two terms and many of these people felt, and the four members who voted against the nominations felt that there should be equal representation and we felt that the only way the Governor could be forced to make such an appointment would be to vote against these two nominees, and then repost one of the names and find someone else from another section of the State. We don't know whether this would actually work or not. I don't know that our intentions are going to have any influence on the Senate, but I feel that you should know that we have nothing against any of these nominees but the fact that we think there should be equal distribution of the Commission members throughout the State. Thank you.

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

Senator WOOD: Mr. President and Members of the Senate, I would rise to support the nominee here as well as the other two nominees. The Committee heard the testimony yesterday on these nominees there was no opposition; there was one gentleman that spoke neither for nor against any of the nominees, just pointing out the point the good Senator from York made about distribution.

Dr. Kenneally has served on the Harness Racing Commission for the past six years. He has seen that Commission grow from a fourteen million dollar industry to a twenty-three million dollar industry. The people that I talked to have found him fair, have found him hard working and conscientious and worthy of our support today.

I would point out that I think it is totally inappropriate to use the confirmation process as a bargaining tool to get the Governor to put other peoples' names up. We pass the Legislation that sets up the Maine Harness Racing Commission. We pass the Legislation that sets up all of these Commissions. If we had seen fit at the time to include areas, geographic areas, we should have put it in, but we did not. We left it up to the Governor. He made those choices. This past year we put in the Committee on Agriculture had the bill in that required confirmation of the Harness Racing. At no time did we discuss geographic distribution.

I would point out a number of Commissions, the PUC, whatever. Is there any requirement in those statutes that there be geographic distribution? I think we do a disservice to nominees when we suggest that because they come from Saco, or they come from Scarborough, that they will not have the best interest of the State at heart. I think that when we are elected we do not represent just one part or one section of our district. We represent the whole section.

I am convinced that looking at the nominees and their credentials that it really matters little where they come from but they are qualified and they will do the job, and I think it would be appropriate for the Senate to confirm all of these three nominees today.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Mr. President, Ladies and Gentlemen of the Senate, at our three hearings yesterday, we had absolutely zero opposition to any of the three nominations. Under neither for nor against on the third nomination there

was one individual from Lewiston who objected to two members of the Commission being from the same general area but even he had the highest praise.

In checking around trying to get a little background on the Racing Commission, one of the persons I checked with was Representative Ed Keller, who I think most of you know is a judge and is quite active working with these gentlemen. In talking with him yesterday afternoon and again this afternoon, he had, also, nothing but the highest praise for all three of these gentlemen that they didn't necessarily agree with the case that he had presented, but he said almost every time it was because I didn't present, meaning Representative Keller, a strong enough case. He claims that as far as he is concerned, all three are capable, dedicated and outstanding gentlemen.

I urge your support. Thank you.

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

Senator TRAFTON: Mr. President and Members of the Senate, I first want to make a disclosure. I currently serve as clerk of Lewiston Raceways Incorporated which is a Maine Corporation which runs a race track in Lewiston. I, also, serve as their attorney. I have reviewed joint rules and the statute on conflict of interests, and I feel that I do not have a conflict of interest in voting on this particular measure.

I rise not to oppose, today the Governor's nominee, because I think the Governor's nominee has demonstrated his qualifications and abilities during his past terms as a member of the State Harness Racing Commission. Rather I rise to stress the importance of geographical distribution of the Commission members; especially, when that Commission decides racing dates for tracks throughout the State. The fact that two of the nominees are residents of towns South of Portland, at least, lends to the appearance that racing meets located South of Portland have an advantage in obtaining preferential dates. I'm not sure that they in fact do have those preferential dates, but at least, the appearance is there.

I've talked to the Governor's Office about my concern, and I am confident that in the future, the Governor will consider the importance of geographical distribution of Commission members. Thank you.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, I rise today in support of the nominees for the Maine Harness Commission.

In knowing all the gentlemen and all the gentlemen who have been mentioned here previously this afternoon, I find them to have the highest integrity and the highest quality and capabilities to fulfill their office. I do hear the concerns of the Senator from Androscoggin, in respect to the geographic representation and the allocation of racing dates throughout the State. Because of this, I think the Committee through its discussions and through its vote has shown us today their concerns also, but I think they have fulfilled to the letter the process which says to us that the Committee endorses nominees of the Governor's Office and I urge you to do the same here today.

The PRESIDENT: The Joint Standing Committee on Agriculture has recommended that the nomination of Joseph P. Kenneally be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Agriculture be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th 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—Hichens, Teague, Twitchell.
NAY—Baldacci, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Kany, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Trafton, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—Brown.
3 Senators having voted in the affirmative and 29 Senators in the negative, with 1 Senator being absent, and 3 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 Joseph P. Kenneally is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:

**State of Maine
One Hundred and Eleventh Legislature
Committee on Agriculture**

August 3, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
State House
Augusta, ME 04333
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Edward E. Anderson to the position of Member of the Maine State Harness Racing Commission.

After public hearing and discussion on the nomination, the Committee proceeded to vote on the motion to recommend to the Senate 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 5
NAYS: 3 (Rep. Michael, Rep. McCollister, Rep. Sherburne)
ABSENT: 1 (Rep. Locke)

Eight members having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Edward E. Anderson be confirmed.

Sincerely,
S/SENATOR EDGAR ERWIN
Senate Chair
S/REP. JOHN MICHAEL
House Chair

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Agriculture has recommended that the nomination of Edward E. Anderson be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Agriculture be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th 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—Hichens, Teague, Twitchell.
NAY—Baldacci, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Kany, McBreairty, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Trafton, Usher,

Violette, Wood, The President Gerard P. Conley.

ABSENT—Brown, Minkowsky.
3 Senators having voted in the affirmative and 28 Senators in the negative, with 2 Senators being absent, and 3 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted.

The nomination of Edward E. Anderson is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:

**State of Maine
One Hundred and Eleventh Legislature
Committee on Agriculture**

August 3, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
State House
Augusta, ME 04333
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of George W. McHale to the position of Member of the Maine State Harness Racing Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate 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:—0
ABSENT:—1 (Rep. Locke)

Eleven members having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of George W. McHale be confirmed.

Sincerely,
S/SENATOR EDGAR ERWIN
Senate Chair
S/REP. JOHN MICHAEL
House Chair

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Agriculture has recommended that the nomination of George W. McHale be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Agriculture be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th 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—Baldacci, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, McBreairty, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.
ABSENT—Brown, Kany, Minkowsky.

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 George W. McHale is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:
State of Maine
Office of the Governor
Augusta, Maine
04333

July 21, 1983

Honorable Gerard P. Conley
 President of the Senate
 Senate Chambers
 State House
 Augusta, Maine 04333
 Dear Senator Conley:

This is to inform you that I am nominating Elizabeth Bottomley Noyce of Bremen for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P & SL Chapter 37, this nomination will require review by the Joint Standing Committee on Education 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 Following Communication:
The Senate of Maine
Augusta

July 21, 1983

The Honorable Kenneth P. Hayes
 The Honorable Stephanie Locke
 Chairpersons, Committee on Education
 111th Legislature

Please be advised that Governor Joseph E. Brennan has nominated Elizabeth Bottomley Noyce of Bremen for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P & SL Chapter 37, this nomination will require review by the Joint Standing Committee on Education.

Sincerely,
 /S/ JOY J. O'BRIEN
 Secretary of the Senate

Which was Read and Ordered Placed on File.

The Following Communication:
State of Maine
One Hundred and Eleventh Legislature
Committee on Education

August 2, 1983

The Honorable Gerard P. Conley
 President of the Maine Senate
 State House
 Augusta, Maine 04333
 Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Elizabeth Bottomley Noyce, as a member of the Board of Trustees of the Maine Maritime Academy.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
 Representatives 7

NAYS: 0

ABSENT: 3 (Rep. Thompson of South Portland; Rep. Murphy of Kennebunk; Rep. Small of Bath)

Ten members of the Committee having voted in the affirmative and none in the negative with three being absent, it was the vote of the Committee that the nomination of Elizabeth Bottomley Noyce as a member of the Board of Trustees of the Maine Maritime Academy be confirmed.

Sincerely,

/S/ KENNETH P. HAYES

Senate Chair

/S/ STEPHANIE LOCKE

House Chair

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Elizabeth Bottomley Noyce be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th 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—Baldacci, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Durtremble, Emerson, Erwin, Gill, Hayes, Hichens, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—Brown, Kany.

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 Elizabeth Bottomley Noyce is confirmed.

The Secretary was directed to inform the Speaker of the House.

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

Senator PEARSON: Mr. President, and Men and Women of the Senate, towards the concluding days, or hours of our Regular Session the Maine Forestry District Tax was abolished through a piece of Legislation, and in place of the old system was a new piece of Legislation which has caused a great deal of consternation amongst the people who live in the rural plantations and unorganized territories of this State.

Senator McBreairty and I have discussed this at some length and both of us are distressed with this. I have discussed this with the Chairman of the Taxation Committee and I hope that he will, and the other Members of the Taxation Committee will look into this particular matter because it is, in my opinion, an unmanageable, burdensome situation that now exists.

Order

On motion by Senator Carpenter of Aroostook the following Order:

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 Carpenter of Aroostook to convey the message to His Excellency, the Governor.

Subsequently, Senator Carpenter of Aroostook reported that he had delivered the message with which he was charged and the Governor thanked the Senate.

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

Senator McBREAIRTY: Mr. President, I move the Senate Adjourn, Without Day.

On motion by Senator McBreairty of Aroostook at 3:30 p.m. on Thursday, August 4, 1983, the Honorable Gerard P. Conley, declared the Senate of the First Confirmation Session of the 111th Legislature, Adjourned Sine Die.