

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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**FOURTH CONFIRMATION SESSION**

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STATE OF MAINE  
One Hundred and Eleventh Legislature  
Second Regular Session  
JOURNAL OF THE SENATE  
In Senate Chamber  
Wednesday  
February 29, 1984

Senate called to Order by the President.

Prayer by the Honorable Senator Michael Carpenter of Aroostook.

SENATOR CARPENTER: Our Heavenly Father, we ask You to give us guidance, we ask You to help us in our deliberations as we look at the problems of the State and the problems of our own personal lives.

We ask that You make us heed the words of Rabbi Bernstein yesterday when he told us to do unto ourselves only from such a manner as it benefits the people we represent.

In God's name we pray. Amen.

Reading of the Journal of Yesterday.

**COMMUNICATION**

The Following Communication:  
COMMITTEE ON PUBLIC UTILITIES  
111th Legislature

February 28, 1984

The Honorable Gerard P. Conley  
President of the 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 Public Utilities has had under consideration the nomination of David Moskovitz of Whitefield, as a Commissioner of the Public Utilities 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 Committee Clerk called the roll with the following result:

YEAS: Senators 3  
Representatives 6

NAYS: 4 (Rep. Weymouth of West Gardiner, Rep. Paradis of Old Town, Rep. Robinson of Auburn, Rep. Roderick of Oxford)

ABSENT: 0

Nine members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of David Moskovitz of Whitefield, as a Commissioner of the Public Utilities Commission be confirmed.

Sincerely,  
S. SENATOR JOHN BALDACCI

Senate Chair

S. REP. HARRY L. VOSE

House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot the Joint Standing Committee on Public Utilities' recommendation that the nomination of David Moskovitz be confirmed was TABLED until later in today's session, pending confirmation.

**SENATE PAPERS**

Bill "An Act Relating to Changes in the Composition and Functioning of the Harness Racing Commission" S. P. 801

Presented by Senator ERWIN of Oxford.

Cosponsors: Representative MICHAEL of Auburn, Senator CHARETTE of Androscoggin, Representative ROLDE of York.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Bill "An Act Concerning Brucellosis in Livestock" (Emergency) S. P. 802

Presented by Senator CARPENTER of Aroostook.

Cosponsor: Representative CARROLL of Limerick.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which were referred to the Committee on AGRICULTURE and ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act to Clarify the Eligibility Provisions for Accident and Sickness or Health Insurance Program for State Employees" S. P. 803

Presented by Senator DOW of Kennebec.

Cosponsors: Representative HICKEY of Augusta, Representative PERKINS of Brooksville. Submitted by the Department of Finance and Administration pursuant to Joint Rule 24.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Providing for the Abandonment of the State-owned Dam on Dead River, Androscoggin County" S. P. 804

Presented by Senator DOW of Kennebec.

Cosponsor: Representative DAGGETT of Manchester.

Submitted by the Department of Agricultural, Food and Rural Resources pursuant to Joint Rule 24.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park" (Emergency) S. P. 805

Presented by Senator PRAY of Penobscot.

Cosponsors: Representative MASTERMAN of Milo, Representative CLARK of Millinocket, Representative MICHAUD of E. Millinocket.

Committee on ENERGY AND NATURAL RESOURCES suggested.

On motion by Senator PRAY of Penobscot TABLED until later in today's session, pending REFERENCE.

Bill "An Act to Allow Certain Fish and Wildlife Offenses to be Treated as Civil Violations" S. P. 806

Presented by Senator USHER of Cumberland.

Cosponsors: Representative MacEACHERN of Lincoln, Senator COLLINS of Knox.

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

**COMMITTEE REPORTS**

**House**

**Leave to Withdraw**

The following LEAVE TO WITHDRAW report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Relating to Juvenile Employment" H. P. 1508 L. D. 1983

**Ought to Pass**

The Committee on PUBLIC UTILITIES on Bill "An Act to Amend the Charter of the Van Buren Water District" (Emergency) H. P. 1563 L. D. 2065

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on PUBLIC UTILITIES on Bill "An Act to Amend the Charter of the Van

Buren Light and Power District" (Emergency) H. P. 1562 L. D. 2064

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ.

On motion by Senator PRAY of Penobscot TABLED 1 Legislative Day, pending ACCEPTANCE OF THE OUGHT TO PASS REPORT.

**Ought to Pass As Amended**

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund Rape Crisis Centers" H. P. 1535 L. D. 2020

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-485).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-485) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds for the Governor's Commission on the Status of Education in Maine" (Emergency) H. P. 1518 L. D. 1999

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-484).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-484) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act to Change the Name of Coho Salmon to Pacific Salmon" H. P. 1484 L. D. 1947

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-478).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-478) as Amended by House Amendment "A" (H-487) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-478) was READ.

House Amendment "A" (H-487) to Committee Amendment "A" (H-478) was READ.

THE PRESIDENT: The Chair Recognizes the Senator from Penobscot, Senator PRAY.

SENATOR PRAY: Thank you Mr. President. Mr. President and Ladies and Gentlemen of the Senate, I have probably just one or maybe a couple of questions on this Bill having decided that how a committee could amend, and the House could amend a Bill which simply changed the name of a fish from one name to another. When I look at the House Amendment to the Committee Amendment, I see that it allows that nothing prohibits the Commissioner from changing the limit on Pacific Salmon that may be taken by hook and a line with a single hook. It seems a little bit different than changing just the name. So then I decided I'd better go back and look at the Committee Amendment to see what that does, since we're talking about a Bill that changes the name of a species of fish, and I find that the Committee Amend-

ment may, if I understand this correctly, establish a different fee system.

Could the Chairman of the Marine Resources Committee respond to basically what the Bill will now do with these two amendments on it versus what it was originally intended to do?

**THE PRESIDENT:** The Senator from Penobscot, Senator PRAY, has posed a question through the Chair to any member of the Senate who may wish to respond if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

**SENATOR MINKOWSKY:** Mr. President, Members of the Senate, originally the Bill was to address the term Coho Salmon, changing it to Pacific Salmon, since it is a species that's brought in from the West Coast. It is brought in primarily for commercial harvesting in the Casco Bay area, in particularly, around the Cousins Island Station. It has been the term "centered" to zero in when they go out to sea to come back to that particular area.

There was great concern during the segment of time that this Bill was put in that there was many areas in the existing law that refers specifically as to the species of Coho Salmon and we want to be sure all areas were covered to indicate that it would be changed to Pacific Salmon, since it is the same species.

Secondly, there were as the first run came in there were many people in the Casco Bay area that were dragging, that were picking up these fish before they got back to the point for commercial harvesting. The end result was the people who had made such a large investment in this commercial field were rather concerned so that's why the hook and line and a limitation on the fish were placed on this particular Bill.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Pearson.

**SENATOR PEARSON:** Mr. President, Men and Women of the Senate, when I was first elected to the Maine Legislature, one of the very first acts that I introduced was a resolution on Coho Salmon. At that time there was a real concern in the Department of Inland Fisheries and Wildlife that Coho Salmon should be banned from this State for the introduction into Maine waters because of the voracious appetite that they had and that they were anadromous fish and that they could cause a real difficult situation for the introduction of Atlantic Salmon. I'm really kind of fascinated with this discussion. I did not know that it was going to take place nor that it was a bill of this nature.

I was under the impression that it was State policy not to allow the introduction of Coho Salmon in this State. I am surprised that they have been introduced. Apparently, they are not contained in any commercial type of self-contained operation and I think from what I was able to gather at that time, this is an ominous sign on the horizon for Atlantic Salmon if Coho Salmon proliferate, because of their voracious appetite.

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

**SENATOR MINKOWSKY:** Mr. President and Members of the Senate, I can't speak for the previous policy of the Department of Marine Resources regarding the Pacific Salmon or Coho Salmon as to what their original thinking was. But, I guess it bears out a fact that expert opinions do change in time and I guess we look at maybe fifteen or twenty years ago the experts say one thing, today they reverse their decision, which is a very common trend in everything we deal with in America and in the State today.

If that particular problem was prevalent, I'm quite sure the Department would not have taken a positive posture on this particular Bill in endorsing it.

House Amendment "A" (H-487) to Committee Amendment "A" (H-478) was ADOPTED in concurrence.

Committee Amendment "A" (H-478) as amended by House Amendment "A" (H-487) thereto ADOPTED in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

#### Divided Report

The Majority of the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act Concerning the Use or Disposition of Fort Gorges in Casco Bay" H. P. 1520 L. D. 2002

Reported that the same Ought Not To Pass.

Signed:

Senators:

ERWIN of Oxford  
TWITCHELL of Oxford  
SHUTE of Waldo

Representatives:

WENTWORTH of Wells  
BROWN of Gorham  
WALKER of Skowhegan  
ROBERTS of Buxton  
INGRAHAM of Houlton

The Minority of the same Committee on the same subject reported that the same Ought To Pass as Amended by Committee Amendment "A" (H-481).

Signed:

Representatives:

McHENRY of Madawaska  
ROTONDI of Athens  
BOST of Orono  
CURTIS of Waldoboro  
DAGGETT of Manchester

Comes from the House, the Minority Ought To Pass as Amended by Committee Amendment "A" (H-481) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481)

Which Reports were READ.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Twitchell.

**SENATOR TWITCHELL:** I move to accept the Majority Ought Not to Pass Report.

**THE PRESIDENT:** The Senator from Oxford, Senator TWITCHELL, moves that the Senate accept the Majority Ought Not to Pass Report.

#### (Off Record Remarks)

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Najarian.

**SENATOR NAJARIAN:** Mr. President, I request a division on the motion, and Members of the Senate I'd like to speak briefly on this Bill.

It concerns Fort Gorges in Casco Bay which was offered to the State about twenty years ago by the Federal Government and they refused to take it and so it was offered to the City of Portland, I guess under provision that it be kept in the public domain or access to the public for twenty years.

What this Bill does is it provides that if the City plans to have it developed commercially or for private development, that the State would be notified and would again have an opportunity to reassess it's position about this property and have a six month option to decide whether they want to do anything with it or let the City, (City of Portland) do with it what it wishes. Of course they could decide immediately that they didn't want to have anything to do with it or they have that six month period.

The concern is that this is a historic monument, it's built on the design of Fort Sumter in South Carolina which was the first battle of the Civil War. Although it was never used in battle in Maine, they were ready in case they were needed.

It really belongs more to the people of the State of Maine than it does to the citizens of Portland and my concern is that the City, for the last several years, has been obsessed, and I guess obsessed isn't the right word because it has a negative connotation but they've been profoundly concerned with increasing property taxes at the same time that they have to

reduce services. So, the pressure is on them to get as much new property on the rolls, tax rolls, as possible. I'm just concerned that this issue being paramount in their minds, they wouldn't be as concerned in keeping this as an historical piece. You know, it needs a lot of work to be restored and it may not even be possible to rehabilitate it, but I think that it ought to stay in the public domain with the State or the City.

It just would provide notice to the State, it requires a written notice to the State that the City is considering letting it go to private development and it gives the State an opportunity to again reassess its position. So I hope that you will reject the Ought not to Pass and accept the Minority Ought to Pass Report as amended.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Twitchell.

**SENATOR TWITCHELL:** Thank you, Mr. President and Members of the Senate. As you know, I voted with the Majority Ought Not to Pass Report. You probably think I'm standing here today to try and kill this Bill and that's not so. I have been on my feet three times now and I have tried to pass one bill and kill two others and as of today, Mr. President, my batting average is zero. I have changed, Mr. President, I have seen the light, and I think this is a pretty good bill.

Before I sit down and we all vote on this bill, there are a couple of points I think that you should know. The State had a chance to buy this piece of property twenty years ago. They didn't want it then and nor do they want it now. The City of Portland phoned the State two weeks ago and they asked them if they were interested in this piece of property and they said no.

Number two, would you vote for this if you knew what the price tag was? And the price tag on this Bill here right now is approximately two million dollars, one million for the purchase price and one million to fix it up and restore it.

The City Officials of Portland are against this Bill, the sponsors never met with them, nor did they ever discuss the Bill with him, the State can't afford it and the City of Portland can't afford it either. If the State really wanted this piece of property, they could take it over by eminent domain anyway. And Mr. President, whatever happened to home rule? I request a roll call.

**THE PRESIDENT:** A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from York, Senator Wood.

**SENATOR WOOD:** Mr. President and Men and Women of the Senate, I rise today because one of my avocations is history and while many of you write local political columns, I am known from my local history columns.

I think Maine is blessed with a number of historic sites. I think if all of us look within our thirty-three districts we have locations within those districts that are important to our localities and, also, are important State-wide. One can think of the Arcadian Village to the North, the Longfellow House, Two Lights, even in Washington County I've been assured that there are some historic sites. And these sites sometimes are local in nature, such as in the Town of Alfred that's where the first elephant in American history was shot and buried. Well, that's got some local flavor to it, but there are some sites that transcend that and they have a State-wide significance.

I think Fort Gorges is one of those sites that really the City of Portland can't lay claim to, it is a site that belongs to all the people in this State.

It is similar, if you considered the Statue of Liberty was completely the domain of New York City, or the Gettysburg Battlefield was simply the domain of Gettysburg, Pennsylvania, or the Redwood Forest of California simply belonged to California. These are national treasures, they belong to the people of this Country and should be preserved for future generations.

In Maine we, also, have national treasures and we have State-wide treasures and they have to be preserved. So I think the argument of local control rings hollow because these are things that we want future generations, when we visit Portland, to be able to point out to our children and to their children, also.

So I think sometimes we have to move beyond that issue of local control and say "are these sites important to the State and should we take some steps to preserve them?" and I think this is a very modest step. It is simply saying, if the site is going to be sold the State should have an option. Now, there might be a price tag on it but at that point it would be this Legislature's decision whether to buy it or not, but I think we should have that opportunity to make that decision and I think this is simply what this Bill provides.

I think that it's important for our history, for our heritage, and one that comes from York County and Sir Fernando Gorges, the person whom the Fort was named after was the first proprietor of Maine and York County was the first County and the only county. I think if we had seen what some of the other counties had done, we'd stayed the only county, but we didn't have that choice. But anyway, Fort Gorges was the first proprietor from Gorges and he had this fort named after him and I think it's only fitting that the first proprietor of this great State have some kind of lasting monument and I would urge you to vote against the Majority Report and support the Minority Report.

#### (Off Record Remarks)

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

SENATOR ERWIN: Mr. President, Ladies and Gentlemen of the Senate, I don't think there's a person in this room that is against preserving our historical sites or buildings, but at some point in time there will be a price tag on this project. We will have to decide, or someone will have to decide at that point in time, the priorities and the way that we spend the money of our taxpayers. Much as we would like to preserve this site, with the figures that have been mentioned, and with inflation rates, what will those figures be? I predict it will be much larger than this. Plus, if it is owned by the State, than we will have to provide access for wheelchair people, and never having been on the island, only by it, I'm not sure just what that would involve. Ramps, perhaps elevators, what kind of fancy boat landing would be involved. I think that you should consider all these possibilities and think about the priorities and where we are going, or someone, at some point in time, is going to spend the taxpayers money.

THE PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Twitchell, that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought Not to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary called the roll with the following result:

#### ROLL CALL

YEAS—Carpenter, Emerson, Erwin, McBreairty, Perkins, Pray, Twitchell.

NAYS—Baldacci, Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Gill, Hayes, Hichens, Kany, Minkowsky, Najarian, Pearson,

Sewall, Teague, Trafton, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Collins, Dutremble, Redmond, Shute, Violette.

A Roll Call was had.

7 Senators having voted in the affirmative and 21 Senators having voted in the negative with 5 Senators being absent, the motion to ACCEPT the Majority OUGHT NOT TO PASS Report FAILED.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

SENATOR TWITCHELL: Thank you Mr. President, Members of the Senate, I just want you to know right now I'm batting four and zero.

The Minority OUGHT TO PASS as AMENDED Report was ACCEPTED in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-481) was READ and ADOPTED in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

#### Senate Leave to Withdraw

The following LEAVE TO WITHDRAW report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill, "An Act to Appropriate Funds for the Removal of Certain Hazardous Waste from the McKin Site in Gray, Maine." S. P. 614 L. D. 1750

#### SECOND READERS

The Committee on BILLS IN THE SECOND READING reported the following:

Bill "An Act to Clarify the Power of the Supreme Judicial Court to Issue Rules for Probate Courts" H. P. 1468 L. D. 1920

Bill "An Act to Increase Mileage Payments to Jurors" H. P. 1434 L. D. 1879

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

#### House As Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Authorized Bonds H. P. 1410 L. D. 1832 (C "A" H-483)

Bill "An Act to Amend the Cessation of Employment Law" H. P. 1450 L. D. 1902 (C "A" H-482)

Bill "An Act to Exempt Certain Materials that have no Insurable Value from Insurance Requirements" H. P. 1504 L. D. 1980 (C. "A" H-480)

Bill "An Act to Clarify Disposition of Assets of Maine Self-Insurance Guarantee Association in the Event of Dissolution" (Emergency) H. P. 1419 L. D. 1864 (C "A" H-479)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senator PRAY of Penobscot moved that the Senate RECONSIDER its action of earlier in today's session whereby it REFERRED to the Committee on JUDICIARY.

Bill "An Act to Allow Certain Fish and Wildlife Offenses to be Treated as Civil Violations" S. P. 806

#### Senate At Ease

Senate called to order by the President.

On motion by Senator PRAY of Penobscot referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Sent down for concurrence.

#### ORDERS OF THE DAY

On motion by the Senator PRAY of Penobscot the Senate voted to remove from the Table.

Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park" (Emergency) S. P. 805

Tabled earlier in today's session, on motion by Senator PRAY of Penobscot.

Pending—REFERENCE.  
(Committee on ENERGY AND NATURAL RESOURCES suggested)

On further motion by the same Senator, referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator PRAY of Penobscot the Senate voted to remove from the Table:

The Joint Standing Committee on Public Utilities' recommendation that the nomination of David Moskovitz be confirmed.

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending—CONFIRMATION.

THE PRESIDENT: The Joint Standing Committee on PUBLIC UTILITIES has recommended that the nomination of David Moskovitz be confirmed.

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

YEAS—Sewall.

NAYS—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Dow, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Shute, Teague, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Collins, Dutremble, Redmond, Violette.

1 Senator having voted in the affirmative and 28 Senators having voted in the negative, with 4 Senators being absent, and 1 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be Accepted.

The nomination of David Moskovitz was confirmed.

The Secretary has so informed the Speaker of the House.

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

#### COMMUNICATION

The Following Communication: (S. P. 807)

THE SENATE OF MAINE

AUGUSTA

February 28, 1984

Joy J. O'Brien  
Secretary of the Senate  
State House  
Augusta, Maine 04333  
Dear Madam Secretary:

Pursuant to my authority under Title 1, M.R.S.A. Chapter 25, sub-section 1002, I am today reappointing Douglas I. Hodgkin of Lewiston to the Commission on Governmental Ethics and Election Practices.

Sincerely,  
S/SAMUEL W. COLLINS, JR.  
Senate Minority Leader

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: Pursuant to M.R.S.A. Title 1, section 1002, chapter 25, this appointment requires the affirmative vote of two-thirds of the membership present and voting.

Will all those Senators in favor of the appointment of Douglas I. Hodgkin, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

27 Senators having voted in the affirmative and No Senators having voted in the negative, and 27 being more than two-thirds of the Senators present it is the vote of the Senate that the reappointment of Douglas I. Hodgkin is CONFIRMED.

Sent down for concurrence.

(Off Record Remarks)

**Senate At Ease**

Senate called to order by the President.

THE PRESIDENT: Today is the 29th Day of February. I'm sure we're all aware of that, I'm also sure that many of us would like to at least have some future date on the horizon when we can return to our families. The Chair again is going to once more request that the Committees and Chairmen of those Committees make every effort to report out of committee, immediately, any legislation and all legislation that can be handled by either Body.

It is amazing as to the number of bills that are still in Committee and, again, if we're, someone's talking about the 13th Day of April, by the time we'll leave this Chamber, the way I see bills still coming in to the Session, we could very well be here until the 13th of May. So I, once again, would plead with all the Chairmen of the Committees to make every effort to hold workshops and to get the bills reported out on the Floor.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate Off the Record.

On motion by Senator CARPENTER of Aroostook,

ADJOURNED until Friday, March 2, 1984 at 8:30 o'clock in the morning.