

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME II

SECOND REGULAR SESSION

April 3 - April 16, 1986

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
THIRD CONFIRMATION SESSION
JOURNAL OF THE SENATE

Out of order and under suspension of the Rules,
the Senate considered the following:

COMMUNICATIONS

The Following Communication:

In Senate Chamber
Tuesday
July 15, 1986

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

Pursuant to the provisions of Article 5, Part 1,
Section 8 of the Constitution and the laws of the
State of Maine, the Senate will convene at three
o'clock in the afternoon.

July 2, 1986

Senate called to Order by the President.

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

Dear Secretary O'Brien:

Prayer by The Honorable Thomas H. Andrews of
Cumberland.

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 Tuesday, July 15,
1986 at three o'clock in the afternoon for the
purpose of voting upon confirmation of the various
appointments made by the Honorable Joseph E. Brennan,
Governor of the State of Maine.

SENATOR ANDREWS: Let us pray. Lord, bless this
Chamber and all who are here. Bless those who will
be confirmed in the service, today. Thank You for
blessing us with the great State of Maine, and for
this wonderful season for us to enjoy. Amen.

Sincerely,

S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

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

Senators, ANDREWS, BALDACCI, BERUBE, BLACK,
BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND,
DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY,
MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE,
STOVER, TRAFTON, TWITCHELL, VIOLETTE, WEBSTER, THE
PRESIDENT - CHARLES P. PRAY

Out of Order and under Suspension of the Rules,
on motion by Senator VIOLETTE of Aroostook the
following Senate Order:

29 Senators having answered the Roll, the
President declared a quorum present.

ORDERED, that a message be sent to His
Excellency, Governor Joseph E. Brennan, informing him
that in accordance with Article 5, Part 1, Section 8
of the Constitution of Maine, a quorum of Senators is
assembled for consideration of such business as may
come before the Senate.

Which was READ and PASSED.

The President appointed Senator VIOLETTE of
Aroostook to deliver the message to the Governor.
The Sergeant-At-Arms escorted the Senator to the
Governor's Office.

Senate at Ease

Senate called to order by the President.

Subsequently, Senator VIOLETTE of Aroostook 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

June 27, 1986

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Elizabeth H. Mitchell of Vassalboro for appointment as the Executive Director of the Maine State Housing Authority.

Pursuant to Title 30, M.R.S.A Section 4602, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

June 27, 1986

Senator Thomas H. Andrews
Representative Dan A. Gwadosky
Chairpersons
Joint Committee on State Government
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Elizabeth H. Mitchell of Vassalboro for appointment as the Executive Director of the Maine State Housing Authority.

Pursuant to Title 30 M.R.S.A Section 4602, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

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 TWELFTH LEGISLATURE
COMMITTEE ON STATE GOVERNMENT

July 14, 1986

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Elizabeth H. Mitchell of Vassalboro, as Executive Director of the Maine State Housing Authority.

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 2
Representatives 7

NAYS: 3

ABSENT: 1 Sen. Hichens of Eliot

Nine 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 Elizabeth H. Mitchell of Vassalboro, as Executive Director of the Maine State Housing Authority be confirmed.

Sincerely,
S/Thomas H. Andrews
Senate Chair

S/Dan A. Gwadosky
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended that the nomination of Elizabeth H. Mitchell of Vassalboro be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State Government be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th 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: Senators, MAYBURY, SEWALL, WEBSTER

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MCBREAIRTY, PEARSON, PERKINS, SHUTE, STOVER, TRAFTON, TWITCHELL, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DUTREMBLE, HICHENS, MATTHEWS, TUTTLE, USHER

RESIGNED: Senator NAJARIAN

3 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 5 Senators being absent and 3 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Elizabeth H. Mitchell was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 27, 1986

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Robert W. Clifford of Lewiston 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 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:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

June 27, 1986

Senator Michael E. Carpenter
Representative Patrick E. Paradis
Chairpersons
Joint Committee on Judiciary
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Robert W. Clifford of Lewiston 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 and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Chair made note of the presence of the Senator from Kennebec, Senator MATTHEWS.

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON JUDICIARY

July 14, 1986

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Robert W. Clifford of Lewiston, to the 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	9
NAYS:		0
ABSENT:		0

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 Robert W. Clifford of Lewiston, to the Supreme Judicial Court be confirmed.

Sincerely,
S/Michael E. Carpenter
Senate Chair
S/Patrick E. Paradis
House Chair

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Robert W. Clifford was CONFIRMED.

Which was READ and ORDERED PLACED ON FILE.

The Secretary has so informed the Speaker of the House.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended that the nomination of Robert W. Clifford of Lewiston 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 112th 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: Senators None
NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DUTREMBLE, HICHENS, TUTTLE, USHER

RESIGNED: Senator NAJARIAN

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 27, 1986

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Elmer H. Violette of Van Buren for appointment as an Active Retired Justice of the Maine Supreme Judicial Court.

Pursuant to Title 4 M.R.S.A Section 6, this nomination will require review by the Joint Standing Committee on 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 Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

June 27, 1986

Senator Michael E. Carpenter
Representative Patrick E. Paradis
Chairpersons
Joint Committee on Judiciary
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Elmer H. Violette of Van Buren for appointment as an Active Retired Justice of the Maine Supreme Judicial Court.

Pursuant to Title 4 M.R.S.A Section 6, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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 TWELFTH LEGISLATURE
COMMITTEE ON JUDICIARY

July 14, 1986

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Elmer H. Violette of Van Buren, as Active Retired 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	9
NAYS:		0
ABSENT:		0

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 Elmer H. Violette of Van Buren, as Active Retired Justice of the Maine Supreme Judicial Court be confirmed.

Sincerely,

S/Michael E. Carpenter
Senate Chair

S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

Senator CARPENTER of Aroostook was granted unanimous consent to address the Senate On the Record.

Senator CARPENTER: Mr. President and Members of the Senate. Just briefly, it sometimes troubles me when persons with long traditions of State service, either retire from the public sector, or in this particular case, become less active in public service. I would like to make a couple of comments. Yesterday, my Committee had under consideration, the nomination of Justice Elmer Violette, to the position of Active Retired Justice. Justice Violette certainly is not just going to fade completely from the scene, but 1987 will be the first time in my memory as a Member of the Legislature and somebody who has followed State Government, that there has not been a Violette in an active, full time service to the State. While we may have some things to say later on today, about the other Violette, the present Junior Senator from Aroostook, I thought I would just make a couple of comments about the former Senior Senator from Aroostook, and present Justice of Maine Supreme Judicial Court, Elmer H. Violette.

We have all known and loved Justice Elmer Violette. I have known Elmer Violette for the past 12 years, at least, as a jurist, and I think in that capacity, he has conducted himself extremely well. Elmer Violette is a man of compassion. He is a man of dedication, who has thrown himself into his work on the Supreme Court, to a degree which probably, if the truth were to be known, it has, in fact, injured his health.

Justice Violette came before my Committee yesterday, and informed us that his health was not that great, and that was the reason he was asking to step down from the Supreme Court and accepting a nomination from Governor Brennan to be Active Retired status.

ROLL CALL

YEAS: Senators None

Elmer Violette, both as a State Legislator and a State Senator from Aroostook County, and later as a Member of the Bench, in two different capacities, has been a truly outstanding credit, not only to his area of the State, his County, his name, his culture, but to the State. The fact that Elmer Violette is not going to be sitting on the Maine Supreme Judicial Court as an active member, is truly the States' loss. I just wanted to share that thought with you, this afternoon, as this little bit of history, if you will, passes from the scene. In an active status, I suspect we are going to see a great deal more of Justice Violette sitting in a variety of different areas, as an Active Retired Judge. I know, speaking on behalf of the Judiciary Committee, and I'm sure in behalf of the entire Maine Senate, we would wish him nothing but well, and we are very pleased that his health has stabilized to the point where he can continue in this Active Retired role. Thank you.

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DUTREMBLE, HICHENS, TUTTLE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Elmer H. Violette was CONFIRMED.

The Chair made note of the presence of the Senator from Cumberland, Senator USHER.

The Secretary has so informed the Speaker of the House.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended that the nomination of Elmer H. Violette of Van Buren 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 112th 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.

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 27, 1986

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Harvey E. DeVane of Gardiner for appointment as Commissioner of Administration.

Pursuant to Title 5 M.R.S.A Section 1874, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

June 27, 1986

Senator Thomas H. Andrews
Representative Dan A. Gwadosky
Chairpersons
Joint Committee on State Government
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Harvey E. DeVane of Gardiner for appointment as Commissioner of Administration.

Pursuant to Title 5 M.R.S.A Section 1874, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

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 TWELFTH LEGISLATURE
COMMITTEE ON STATE GOVERNMENT

July 14, 1986

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Harvey E. DeVane of Gardiner, as Commissioner of Administration.

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	10
NAYS:		0
ABSENT:	2 Sen. Andrews of Portland; Sen. Hichens of Eliot	

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 Harvey E. DeVane of Gardiner, as Commissioner of Administration be confirmed.

Sincerely,

S/Thomas H. Andrews
Senate Chair

S/Dan A. Gwadosky
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended that the nomination of Harvey E. DeVane of Gardiner be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State Government be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with joint Rule 38 of the 112th 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: Senators None

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DUTREMBLE, HICHENS, TUTTLE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Harvey E. DeVane was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 30, 1986

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Paul A. Fritzsche of Pownal for appointment as Justice of the Maine Superior Court.

Pursuant to Title 7 M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on 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 Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

June 30, 1986

Senator Michael E. Carpenter
Representative Patrick E. Paradis
Chairpersons
Joint Committee on Judiciary
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Paul A. Fritzsche of Pownal for appointment as Justice of the Maine Superior Court.

Pursuant to Title 7 M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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 TWELFTH LEGISLATURE
COMMITTEE ON JUDICIARY

July 14, 1986

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Paul A. Fritzsche of Pownal as Justice of the Maine Superior 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	2
	Representatives	7
NAYS:		4
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 Paul A. Fritzsche of Pownal as Justice of the Maine Superior Court be confirmed.

Sincerely,

S/Michael E. Carpenter
Senate Chair

S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended that the nomination of Paul A. Fritzsche of Pownal be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee of Judiciary be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th 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.

LEGISLATIVE RECORD - SENATE, JULY 15, 1986

ROLL CALL

YEAS: Senators, BLACK, EMERSON, GILL, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, WEBSTER

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, ERWIN, GAUVREAU, KANY, KERRY, MATTHEWS, TRAFTON, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DUTREMBLE, HICHENS, TUTTLE, VIOLETTE

RESIGNED: Senator NAJARIAN

Senator EMERSON requested and received Leave of the Senate to change his vote from Nay to Yea.

11 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 4 Senators being absent and 11 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Paul A. Fritzsche was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 27, 1986

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Rodney L. Scribner of Augusta for appointment as Commissioner of the Department of Finance.

Pursuant to Title 5 M.R.S.A Section 281, this nomination will require review by the Joint Standing Committee on Appropriations and Financial Affairs 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:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

July 1, 1986

Senator Michael D. Pearson
Representative Donald V. Carter
Chairpersons
Joint Committee on Appropriations and Financial Affairs
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Rodney L. Scribner of Augusta for appointment as Commissioner of the Department of Finance.

Pursuant to Title 5 M.R.S.A Section 281, this nomination will require review by the Joint Standing Committee on Appropriations and Financial Affairs and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

July 15, 1986

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Appropriations and Financial Affairs has had under consideration the nomination of Rodney L. Scribner of Augusta as Commissioner of the Department of Finance.

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. Foster of Ellsworth

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 Rodney L. Scribner of Augusta, as Commissioner of the Department of Finance.

Sincerely,
S/Michael D. Pearson
Senate Chair
S/Donald V. Carter
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS has recommended that the nomination of Rodney L. Scribner of Augusta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Appropriations and Financial Affairs be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th 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: Senators None

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DIAMOND, DUTREMBLE, HICHENS, TUTTLE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and None being less than two-thirds of the the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Rodney L. Scribner was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

Off Record Remarks

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

June 30, 1986

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 30, 1986

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Jane S. Bradley of Freeport for appointment as District Court Judge of District V.

Pursuant to Title 4 M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on 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.

Senator Michael E. Carpenter
Representative Patrick E. Paradis
Chairpersons
Joint Committee on Judiciary
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Jane S. Bradley of Freeport for appointment as District Court Judge of District V.

Pursuant to Title 4 M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON JUDICIARY

July 15, 1986

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Jane S. Bradley of Freeport, as District Court Judge of District V.

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	8
NAYS:		0
ABSENT:	1 Rep. Carrier of Westbrook	
ABSTAINED:	1 Rep. Priest of Brunswick	

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 Jane S. Bradley of Freeport, as District Court Judge of District V. be confirmed.

Sincerely,

S/Michael E. Carpenter
Senate Chair

S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

Senator PERKINS of Hancock was granted unanimous consent to address the Senate On the Record.

Senator PERKINS: Mr. President and Members of the Senate. I rise today, not to voice opposition with the appointment of Jane Bradley to the District Court, but only to voice my disappointment that with the many practicing and capable attorneys in Hancock County, they have, once again, been overlooked in the process. I feel, very strongly, that Jane Bradley's credentials are satisfactory, and she is very well qualified for this position.

But, I think the people within this district deserve representation, at some time, on this Court. I therefore, even though I will be voting for this candidate, because I think she has exemplary experience, exemplary credentials, I do have reservations of the appointment, because I feel that the people in my area are not being wholeheartedly considered.

Senator CARPENTER of Aroostook was granted unanimous consent to address the Senate On the Record.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. I think the qualifications of Jane Bradley, and the confidence that the Judiciary Committee showed in her, yesterday, speak for itself. Senator Perkins, as he has indicated, did come before my Committee and expressed his concerns. I think there is some validity to the concerns that he has expressed. I would, however, ask you to consider this nomination on its' own merits, on the merits and qualifications of Jane Bradley, to be a District Court Judge, moving from the Workers Compensation Commission, and moving her life and her family to District 5, the District Court which encompasses Waldo and Hancock Counties. I can certainly understand where Senator Perkins is coming from, but again, I would just ask that the Members of the Senate, in considering their vote today, consider the qualification, the outstanding qualifications, of this particular nominee for the position.

We saw absolutely nothing coming before my Committee to indicate that Jane Bradley would not make a judge, and an outstanding judge, and a credit to her profession. I would hope there would be an unanimous confirmation of the Maine Senate here this afternoon. Thank you.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended that the nomination of Jane S. Bradley of Freeport 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 112th 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: Senators None.
- NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY
- ABSENT: Senators, DIAMOND, DUTREMBLE, HICHENS, TUTTLE
- RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Jane S. Bradley was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

On motion by Senator VIOLETTE of Aroostook, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor Joseph E. Brennan, 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 VIOLETTE of Aroostook to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Senate at Ease

Senate called to order by the President.

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

On motion by Senator STOVER of Sagadahoc, at 3:58 p.m. on Tuesday, July 15, 1986, the Honorable CHARLES P. PRAY, President of the Senate, declared the Third Senate Confirmation Session of the 112th Legislature, ADJOURNED SINE DIE.