

# 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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**SECOND SPECIAL SESSION**

May 28 - May 30, 1986

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**THIRD CONFIRMATION SESSION**

July 15, 1986

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August 29, 1986

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November 24, 1986

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COMMUNICATIONS

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

The Following Communication:

STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333

August 18, 1986

In Senate Chamber  
Friday  
August 29, 1986

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

Dear Secretary O'Brien:

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 Friday, August 29, 1986 at ten o'clock in the morning for the purpose of voting upon the confirmation of various appointments made by the Honorable Joseph E. Brennan, Governor of the State of Maine.

Sincerely,

S/Charles P. Pray  
President of the Senate

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 ten o'clock in the morning.

Senate called to Order by the President.

Which was READ and ORDERED PLACED ON FILE.

Prayer by The Honorable Jean Chalmers of Knox.

SENATOR CHALMERS: Praise be Thy holy name, Thou has made Thy eternal law our portion and has given us a goodly heritage. Open our eyes to the beauty of Thy truth and help us so to exemplify it in our lives that we may win all men for Thy law of righteousness. Gather all Thine children around the banner of Thy truth that Thy name may be hallowed through us in all the world and the entire human family be blessed with truth and peace. Amen.

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

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

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

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

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 CLARK of Cumberland 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 CLARK of Cumberland reported that she had delivered the message with which she was charged.

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

August 15, 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 Roland A. Cole of Wells 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

August 15, 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 Roland A. Cole of Wells 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

August 28, 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 Roland A. Cole of Wells, 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 1  
Representatives 10  
NAYS: 0  
ABSENT: 2 Sen. Carpenter of Aroostook,  
Sen. Sewall of Lincoln

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 Roland A. Cole of Wells, 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 Roland A. Cole of Wells 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, BUSTIN, CARPENTER, CHALMERS, CLARK, DOW, EMERSON, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, DIAMOND, DUTREMBLE, ERWIN, HICHENS, TUTTLE, USHER, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 25 Senators having voted in the negative, with 8 Senators being absent and 1 Senator having resigned, 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 Roland A. Cole 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

August 15, 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 Edwin R. Smith of Bar Harbor for reappointment as an Active Retired Judge of the Maine District Court.

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.

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

August 15, 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 Edwin R. Smith of Bar Harbor for reappointment as an Active Retired Judge of the Maine District Court.

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.

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON JUDICIARY

August 28, 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 Edwin R. Smith of Bar Harbor, as Active Retired Judge of the Maine District Court.

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

YEAS: Senators 1  
Representatives 9

NAYS: 0

ABSENT: 3 Sen. Carpenter of Aroostook,  
Sen. Sewall of Lincoln,  
Rep. Stetson of Damariscotta

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 Edwin R. Smith of Bar Harbor, as Active Retired Judge of the Maine District 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 Edwin R. Smith of Bar Harbor 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

Thank you for your assistance in this matter.

YEAS: Senators None

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

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

Which was READ and ORDERED PLACED ON FILE.

ABSENT: Senators, BROWN, DIAMOND,  
OUTREMBLE, ERWIN, HICHENS,  
TUTTLE, USHER, VIOLETTE

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

RESIGNED: Senator NAJARIAN

August 15, 1986

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 8 Senators being absent and 1 Senator having resigned, 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 Edwin R. Smith was CONFIRMED.

Senator Ronald E. Usher  
Representative Michael H. Michaud  
Chairpersons  
Joint Committee on Energy and Natural Resources  
112th Legislature  
Augusta, Maine 04333

The Secretary has so informed the Speaker of the House.

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated George Campbell of Cape Elizabeth for appointment to the Board of Environmental Protection.

The Following Communication:

Pursuant to Title 38 M.R.S.A. Section 431, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

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

August 14, 1986

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

Which was READ and ORDERED PLACED ON FILE.

Dear Senator Pray:

This is to inform you that I am today nominating George Campbell of Cape Elizabeth for appointment to the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. Section 431, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES

August 28, 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 Energy and Natural Resources has had under consideration the nomination of George Campbell of Cape Elizabeth, to the Board of Environmental Protection.

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: 0

ABSENT: 4 Sen. Usher of Cumberland,  
Rep. Ridley of Shapleigh,  
Rep. Hoglund of Portland,  
Rep. Brown of Livermore Falls

Nine 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 George Campbell of Cape Elizabeth, to the Board of Environmental Protection be confirmed.

Sincerely,

S/Ronald E. Usher  
Senate Chair

S/Michael H. Michaud  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended that the nomination of George Campbell of Cape Elizabeth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 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, BUSTIN,  
CARPENTER, CHALMERS, CLARK, DOW,  
EMERSON, GAUVREAU, GILL, KANY,  
KERRY, MATTHEWS, MAYBURY,  
MCBREAIRTY, PEARSON, PERKINS,  
SEWALL, SHUTE, STOVER, TRAFTON,  
TWITCHELL, WEBSTER, THE  
PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BROWN, DIAMOND,  
DUTREMBLE, ERWIN, HICHENS,  
TUTTLE, USHER, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 8 Senators being absent, and 1 Senator having resigned, 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 George Campbell 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

August 15, 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 Andre G. Janelle of Farmingdale for appointment as District Court Judge of District Ten.

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.

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

August 15, 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 Andre G. Janelle of Farmingdale for appointment as District Court Judge of District Ten.

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.

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON JUDICIARY

August 28, 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 Andre G. Janelle of Farmingdale, as District Court Judge of District Ten.

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 9

NAYS: 0

ABSENT: 2 Sen. Sewall of Lincoln,  
Rep. Allen of Washington

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 Andre G. Janelle of Farmingdale, as District Court Judge of District Ten be confirmed.

Sincerely,

S/Michael E. Carpenter  
Senate Chair

S/Patrick E. Paradis  
House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. I am very pleased with this nomination. I couldn't help but think, when I heard about it some time ago, that this is probably one of the better nominations to the Judicial Branch that I have seen in a long time.

I think everybody in here knows this gentleman. He is a very reasonable, listening kind of person and I am very pleased with this nomination.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended that the nomination of Andre G. Janelle of Farmingdale 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.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators, BROWN, DIAMOND, DUTREMBLE, ERWIN, HICHENS, TUTTLE, USHER, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 8 Senators being absent, and 1 Senator having resigned, 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 Andre G. Janelle was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

August 15, 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 Lendall L. Smith of Brunswick for appointment to the Workers' Compensation Commission.

Pursuant to Title 39 M.R.S.A. Section 91, 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

August 15, 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 Lendall L. Smith of Brunswick for appointment to the Workers' Compensation Commission.

Pursuant to Title 39 M.R.S.A. Section 91, 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

August 28, 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 Lendall L. Smith of Brunswick, for appointment to the Workers' Compensation Commission.

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

YEAS: Senators 2  
Representatives 9

NAYS: 0

ABSENT: 2 Sen. Sewall of Lincoln,  
Rep. Allen of Washington

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 Lendall L. Smith of Brunswick, for appointment to the Workers' Compensation Commission 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 Lendall L. Smith of Brunswick 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.

ROLL CALL

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

YEAS: Senators None

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

Senate at Ease

Senate called to order by the President.

ABSENT: Senators, BROWN, DIAMOND, DUTREMBLE, ERWIN, HICHENS, TUTTLE, USHER, VIOLETTE

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

RESIGNED: Senator NAJARIAN

Off Record Remarks

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 8 Senators being absent, and 1 Senator having resigned, 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 Lendall L. Smith was CONFIRMED.

On motion by Senator STOVER of Sagadahoc, at 10:49 a.m. on Friday, August 29, 1986, the Honorable CHARLES P. PRAY, President of the Senate, declared the Fourth Senate Confirmation Session of the 112th Legislature, ADJOURNED SINE DIE.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

ORDERS

On motion by Senator CLARK of Cumberland, 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.