

# 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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**FOURTH CONFIRMATION SESSION**

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**FIFTH CONFIRMATION SESSION**

November 24, 1986

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

Finally, Oh God, help us to love and preserve the diversity of this land and this State in which we live, for just as the healthy forest contains many kinds of trees, so the healthy land is made up of many races, and religious faiths, and political points of view. Bind us together in our common task, that all may have life and have it more abundantly.

Hear our prayer, God of all life, we humbly ask. Amen.

In Senate Chamber  
Monday  
November 24, 1986

COMMUNICATIONS

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 11:00 o'clock in the morning.

The Following Communication:

STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333

Senate called to Order by the President.

November 10, 1986

Prayer by Reverend Rob McCall of the First Congregational Church of Blue Hill.

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

REVEREND MCCALL: God of our life and all life, hear our prayer as we pause in silence in the midst of our business. We give thanks for Your amazing grace which gives us our very lives, our homes and loved ones, and the beauty and comfort of this land in which we live and which we serve. We give thanks for the trust and affection of those who have sent us here. May we be worthy with Your help of this trust to govern by the consent of those who are governed. Preserve us from the desire to increase our own fortune or power. Remove from among us those poor and ill-guided hireling shepherds who would feed upon the sheep in their charge rather than seeing to it that they are fed. Help us to protect those who cannot protect themselves; the children, the poor, the weak, the disenfranchised. Help us to speak for those who cannot speak for themselves; future generations, the creatures of the woodlands and the sea, and the very land itself.

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 Monday, November 24, 1986 at eleven 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

Which was READ and ORDERED PLACED ON FILE.

Just as You know, Oh God of all life, when the smallest sparrow falls; so you know what we do here. When we deliberate and debate and vote here, we ask Your presence. When the path becomes obscured and we fear that we may lose our bearings, we ask Your guidance. When we act in our capacity as elected officials, we ask Your blessing. And when we travel back and forth, we ask Your loving care, that we may return safely home.

ROLL CALL

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

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, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

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

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 10, 1986

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.

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 George W. McHale of East Orrington, Charles E. Moreshead of Augusta and James M. Begert of Lewiston for reappointment to the State Harness Racing Commission.

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

Thank you for your assistance in this matter.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

Which was READ and PASSED.

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

Which was READ and ORDERED PLACED ON FILE.

Senate at Ease

Senate called to order by the President.

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

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 10, 1986

At this point The President noted the presence of the Senator from York, Senator DUTREMBLE.

Senator Edgar E. Erwin  
Representative John M. Michael  
Chairpersons  
Joint Standing Committee on Agriculture  
112th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated George W. McHale of East Orrington, Charles E. Moreshead of Augusta and James M. Begert of Lewiston for reappointment to the State Harness Racing Commission.

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

Sincerely,

S/Edgar E. Erwin  
Senate Chair

S/John M. Michael  
House Chair

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of George W. McHale of East Orrington be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 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  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

November 20, 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 Agriculture has had under consideration the nomination of George W. McHale of East Orrington, for reappointment to the State Harness Racing Commission.

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

YEAS: Senators 2  
Representatives 7

NAYS: 0

ABSENT: Sen. Black of Cumberland,  
Rep. Ayer of Caribou,  
Rep. Lord of Waterboro,  
Rep. Daggett of Manchester

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 W. McHale of East Orrington, for reappointment to the State Harness Racing Commission be confirmed.

ROLL CALL

YEAS: Senators, None

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

ABSENT: Senators, HICHENS, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of George W. McHale, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Charles E. Moreshead of Augusta be confirmed.

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

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

November 20, 1986

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

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.

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 Agriculture has had under consideration the nomination of Charles E. Moreshead of Augusta, for reappointment to the State Harness Racing Commission.

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

YEAS: Senators 2  
Representatives 8

NAYS: 0

ABSENT: Sen. Black of Cumberland,  
Rep. Ayer of Caribou,  
Rep. Lord of Waterboro

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 Charles E. Moreshead of Augusta, for reappointment to the State Harness Racing Commission be confirmed.

Sincerely,

S/Edgar E. Erwin  
Senate Chair

S/John M. Michael  
House Chair

ROLL CALL

YEAS: Senators, None

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

ABSENT: Senators, HICHENS, VIOLETTE

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Charles E. Moreshead, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

November 20, 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 Agriculture has had under consideration the nomination of James M. Begert of Lewiston, for reappointment to the State Harness Racing Commission.

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

YEAS:       Senators        2  
             Representatives 8

NAYS:                   0

ABSENT:        Sen. Black of Cumberland,  
                 Rep. Ayer of Caribou,  
                 Rep. Lord of Waterboro

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 James M. Begert of Lewiston, for reappointment to the State Harness Racing Commission be confirmed.

Sincerely,  
  
S/Edgar E. Erwin  
Senate Chair  
  
S/John M. Michael  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of James M. Begert of Lewiston be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 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 Senatē 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, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT:        Senators, HICHENS, VIOLETTE

RESIGNED:     Senator NAJARIAN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of James M. Begert, 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

November 10, 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 William E. McKinley of Portland for reappointment as Justice, 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:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 10, 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 David G. Roberts of Bangor for reappointment as Associate Justice, Supreme Judicial Court.

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:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 10, 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 James P. Archibald of Houlton for reappointment as Active Retired Justice, 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:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 10, 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 Bernard M. Devine of Falmouth for reappointment as Judge, 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.

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:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 10, 1986

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

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated William E. McKinley of Portland for reappointment as Justice, 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.

Please be advised that Governor Joseph E. Brennan has nominated David G. Roberts of Bangor for reappointment as Associate Justice, Supreme Judicial Court.

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.

Please be advised that Governor Joseph E. Brennan has nominated James P. Archibald of Houlton for reappointment as Active Retired Justice, 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.

Please be advised that Governor Joseph E. Brennan has nominated Bernard M. Devine of Falmouth for reappointment as Judge, Maine District Court.

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

November 21, 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 William E. McKinley of Portland for reappointment 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 8

NAYS: 0

ABSENT: Sen. Chalmers of Knox,  
Sen. Sewall of Lincoln,  
Rep. Allen of Washington,  
Rep. Warren of Scarborough

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 William E. McKinley of Portland for reappointment as Justice of the Maine Superior Court be confirmed.

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

ROLL CALL

YEAS: Senators, None  
NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of William E. McKinley of Portland be confirmed.

ABSENT: Senators, CARPENTER, HICHENS, VIOLETTE

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

RESIGNED: Senator NAJARIAN

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.

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of William E. McKinley, was CONFIRMED.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

The Secretary has so informed the Speaker of the House.

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.

Off Record Remarks

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

November 21, 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 David G. Roberts of Bangor, for reappointment as Associate Justice of 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 1  
 Representatives 8

NAYS: 0

ABSENT: Sen. Chalmers of Knox,  
 Sen. Sewall of Lincoln,  
 Rep. Allen of Washington,  
 Rep. Warren of Scarborough

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 David G. Roberts of Bangor, for reappointment as Associate Justice of the 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.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of David G. Roberts of Bangor 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, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, HICHENS, VIOLETTE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of David G. Roberts, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

November 21, 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 James P. Archibald of Houlton, for reappointment as Active Retired Justice of 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:

ROLL CALL

YEAS: Senators 1  
Representatives 8

NAYS: 0

ABSENT: Sen. Chalmers of Knox,  
Sen. Sewall of Lincoln,  
Rep. Warren of Scarborough,  
Rep. Carrier of Westbrook

YEAS: Senators, None

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

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 James P. Archibald of Houlton, for reappointment as Active Retired Justice of the Supreme Judicial Court be confirmed.

ABSENT: Senators, HICHENS, VIOLETTE

RESIGNED: Senator NAJARIAN

Sincerely,

S/Michael E. Carpenter  
Senate Chair

S/Patrick E. Paradis  
House Chair

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of James P. Archibald, 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 the nomination of James P. Archibald of Houlton be confirmed.

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

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

COMMUNICATIONS

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.

The Following Communication:

A vote of Yes will be in favor of overriding the recommendation of the Committee.

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON JUDICIARY

A vote of No will be in favor of sustaining the recommendation of the Committee.

November 21, 1986

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

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 Bernard M. Devine of Falmouth, for reappointment as Maine District Court Judge.

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: Sen. Chalmers of Knox,  
Sen. Sewall of Lincoln,  
Rep. Warren of Scarborough

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 Bernard M. Devine of Falmouth, for reappointment as Maine District Court Judge 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 the nomination of Bernard M. Devine of Falmouth 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, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, CARPENTER, HICHENS, PERKINS, VIOLETTE, WEBSTER

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 25 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Bernard M. Devine, 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

November 10, 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 Carroll R. McGary of Winthrop and Thacher E. Turner of Norway for reappointment to the Maine Labor Relations Board.

Pursuant to Title 26 M.R.S.A., Section 968, these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

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

Thank you for your assistance in this matter.

COMMUNICATIONS

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON LABOR

Which was READ and ORDERED PLACED ON FILE.

November 21, 1986

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 10, 1986

Senator Dennis L. Dutremble  
Representative Edith S. Beaulieu  
Chairpersons  
Joint Standing Committee on Labor  
112th Legislature  
Augusta, Maine 04333

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 Labor has had under consideration the nomination of Carroll R. McGary of Winthrop, for reappointment to the Maine Labor Relations Board.

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

YEAS: Senators 1  
Representatives 6

NAYS: 0

ABSENT: 6 Sen. Tuttle of York,  
Sen. Black of Cumberland,  
Rep. Tamaro of Baileyville,  
Rep. Hale of Sanford,  
Rep. Hepburn of Skowhegan,  
Rep. Lander of Greenville

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Carroll R. McGary of Winthrop and Thacher E. Turner of Norway for reappointment to the Maine Labor Relations Board.

Pursuant to Title 26 M.R.S.A., Section 968, these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

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

Seven 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 Carroll E. McGary of Winthrop, for reappointment to the Maine Labor Relations Board be confirmed.

Which was READ and ORDERED PLACED ON FILE.

Sincerely,  
S/Dennis L. Dutremble  
Senate Chair  
S/Edith S. Beaulieu  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LABOR has recommended the nomination of Carroll R. McGary of Winthrop be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 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, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY
- ABSENT: Senators, CARPENTER, HICHENS, PERKINS, TUTTLE, VIOLETTE, WEBSTER
- RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 6 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Carroll R. McGary, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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 LABOR

November 21, 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 Labor has had under consideration the nomination of Thacher E. Turner of Norway, for reappointment to the Maine Labor Relations Board.

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

- YEAS: Senators 1  
Representatives 6
- NAYS: 0
- ABSENT: 6 Sen. Tuttle of York,  
Sen. Black of Cumberland,  
Rep. Tamaro of Baileyville,  
Rep. Hale of Sanford,  
Rep. Hepburn of Skowhegan,  
Rep. Lander of Greenville

Seven 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 Thacher E. Turner of Norway, for reappointment to the Maine Labor Relations Board be confirmed.

Sincerely,  
S/Dennis L. Dutremble  
Senate Chair  
S/Edith S. Beaulieu  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LABOR has recommended the nomination of Thacher E. Turner of Norway be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 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, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, SEWALL, SHUTE, STOVER, TRAFTON, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY
- ABSENT: Senators, HICHENS, PERKINS, TUTTLE, VIOLETTE, WEBSTER
- RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Thacher E. Turner, 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

November 10, 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 Charles H. Milan, III of Brewer for reappointment to the Maine State Liquor Commission.

Pursuant to Title 3 M.R.S.A. Section 151-A, this nomination will require review by the Joint Standing Committee on Legal 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

November 10, 1986

Senator Richard L. Trafton  
Representative Polly Reeves  
Chairpersons  
Joint Standing Committee on Legal Affairs  
112th Legislature  
Augusta, Maine 04333



Dear Chairs:

YEAS: Senators 2  
Representatives 6

Please be advised that Governor Joseph E. Brennan has nominated Charles H. Milan, III of Brewer for reappointment to the Maine State Liquor Commission.

NAYS: 0

Pursuant to Title 3 M.R.S.A. Section 151-A, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

ABSENT: Rep. Paul of Sanford,  
Rep. Warren of Scarborough,  
Rep. Masterman of Milo,  
Rep. Nickerson of Turner

Sincerely,

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

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Charles H. Milan III of Brewer, for reappointment to the Maine State Liquor Commission be confirmed.

Sincerely,

S/Richard L. Trafton  
Senate Chair

S/Polly Reeves  
House Chair

Which was READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE.

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

THE PRESIDENT: The Joint Standing Committee on LEGAL AFFAIRS has recommended the nomination of Charles H. Milan, III of Brewer be confirmed.

COMMUNICATIONS

The Following Communication:

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

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON LEGAL AFFAIRS

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.

November 21, 1986

A vote of Yes will be in favor of overriding the recommendation of the Committee.

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

A vote of No will be in favor of sustaining the recommendation of the Committee.

Dear Mr. President:

Is the Senate ready for the question?

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 Legal Affairs has had under consideration the nomination of Charles H. Milan, III of Brewer, for reappointment to the Maine State Liquor Commission.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

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:

ROLL CALL

YEAS: Senators, None

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

ABSENT: Senators, BALDACCI, HICHENS, PERKINS, TRAFTON, VIOLETTE, WEBSTER

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 6 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Charles H. Milan, III, 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

November 13, 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 Michael A. Liberty of Gray for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

Pursuant to Title 20-A M.R.S.A. Section 12553, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 13, 1986

Senator Larry M. Brown  
Representative Ada K. Brown  
Chairpersons  
Joint Standing Committee on Education  
112th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Michael A. Liberty of Gray for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

Pursuant to Title 20-A M.R.S.A. Section 12553, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,  
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 EDUCATION

November 24, 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 Education has had under consideration the nomination of Michael A. Liberty of Gray, for appointment to the Maine Vocational Technical Institutes, Board of Trustees.

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

YEAS:	Senators	2
	Representatives	9
NAYS:		0
ABSENT:	2	Sen. Hichens of York, Rep. Matthews of Caribou

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 Michael A. Liberty of Gray, for appointment to the Maine Vocational Technical Institutes, Board of Trustees be confirmed.

Sincerely,  
  
S/Larry M. Brown  
Senate Chair  
  
S/Ada K. Brown  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Michael A. Liberty of Gray be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 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, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY
ABSENT:	Senators, HICHENS, PERKINS, VIOLETTE, WEBSTER
RESIGNED:	Senator NAJARIAN

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Michael A. Liberty, 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

November 10, 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 James A. Storer of Brunswick for appointment and Richard Marshall of Old Orchard Beach for reappointment to the University of Maine, Board of Trustees.

Pursuant to Title 20 M.R.S.A. Section 2251, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 10, 1986

Senator Larry M. Brown  
Representative Ada K. Brown  
Chairpersons  
Joint Standing Committee on Education  
112th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated James A. Storer of Brunswick for appointment and Richard Marshall of Old Orchard Beach for reappointment to the University of Maine, Board of Trustees.

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

November 24, 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 Education has had under consideration the nomination of James A. Storer of Brunswick, for reappointment to the University of Maine, Board of Trustees.

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

YEAS:	Senators	1
	Representatives	9
NAYS:		1
ABSENT:	2	Sen. Hichens of York, Rep. Matthews of Caribou

Ten members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of James A. Storer of Brunswick, for reappointment to the University of Maine, Board of Trustees be confirmed.

Sincerely,

S/Larry A. Brown  
Senate Chair

S/Ada K. Brown  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you Mr. President and Members of the Senate. I would like to say a couple of things about the two supplements that we have, both of them deal with Trustees to the University of Maine. You notice in the first one we have under consideration there is a descending vote regarding Dr. Storer's confirmation to the Board of Trustees and I am that person.

Dr. Storer is from Brunswick. The person that he is replacing is Frances Brown of Calais. Frances Brown has served with distinction on the University of Maine Board of Trustees for a number of years and could not be reappointed. Both of these individuals we are voting on today are from the First Congressional District.

I know that some of us will say, and both of these nominees said this morning before our committee, that it makes no difference where you reside in terms of your service on the Trustees once you are appointed there. But you know it does make a difference when I live in Lubec and pass by the University of Maine Machias everyday, the kind of newspapers I read, the kind of involvements I have in communities in which I am from, how much I know the people of that area, it does make a difference where you are from. Both of these individuals, again, are from the first congressional district. Today the University of Maine Board of Trustees will be voting on whether to move the Chancellors office to Lewiston. I am sure there is a lot of difference of opinion whether that should happen or not. That is just one of the issues regarding this north south separation that people have talked about and the fact that the public is very much aware of where the Trustees are from that serve on that Board.

Dr. Storer is an outstandingly qualified person. There is not a doubt in my mind that he won't serve with distinction on that Board. I do think that it is very important when the Chief Executive appoints people to these various Boards that geography does enter into it and there are people from northern and eastern Maine who are interested in filling that position, I know of them myself. Here today, I intend to vote for the confirmation of Dr. Storer. I made what comments I had to say downstairs, but nevertheless, I wanted people to know why I voted as I did. Thank you Mr. President.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. For a long time I have been talking about this very same issue, particularly with regard to the University of Maine Board of Trustees. There are so few members of the University of Maine Board of Trustees from northern, eastern and western Maine, that you can name them on one hand.

I can't for the life of me fault any one of the appointments that the Governor has made, he has made some very good appointments. There is no question about it. Some very fine, well qualified people, but I just happen to think there are also some very fine, well qualified people in northern, eastern and western Maine.

For a long time I have brought the issue up and I am not the only one, I don't claim any pride of authorship. Senator Violette has, too, and other Senators have. We have pleaded, we have talked about it, we have asked and we have been ignored. I can remember a long time ago when I was a kid growing up interested in politics, like I was, that every time there was an election we used to hear in northern and eastern Maine about the possibility of reviving Quoddy and we used to all get excited about that and think that was just a wonderful thing. Right after the election was over it would all die down and we wouldn't hear anymore about it.

We were being taken for a ride. Well, Men and Women of the Senate, every time there is a Gubernatorial election we hear this rhetoric about making northern and eastern Maine part of the rest of the State and they understand how we have been neglected and that we ought to be taken in as part of the rest of the State with regard to economic development and appointments and all the rest of it. As soon as the election is over they forget about it. We had one member in my own party who was using that kind of rhetoric and is now promoting the moving of the Chancellors office from Bangor to Augusta. It is disconcerting to say the least, it has to end sometime. I suspect that probably the rest of you from York, Cumberland and other counties of southern Maine are probably saying well there is Senator Pearson going through his usual routine, or there is a eastern Senator, Senator Brown, going through his usual routine. People, it has become to usual for us and I am tired of it. Senator Brown has nothing to gain, he isn't going to be here anymore. I certainly have nothing to gain, except I am concerned about the imbalance. I really think that it is out of whack and I think the Chief Executive should know that it is really out of whack and I think he does. I suggested some appointments that I thought were good to the University of Maine Board of Trustees, certainly mine are not the only ones that have been suggested, I am sure. I have suggested Republicans and Democrats, I have suggested men and I have suggested women and nothing ever comes of it.

I would hope that this overwhelming imbalance will be righted as soon as possible and not along a political line or any other line, I just hope that geography is going to be taken into account. There are a lot of bright people in northern, eastern and western Maine. There are a lot of people that will spend the effort. Frances Brown, you couldn't probably have had a better Trustee in the University of Maine system. He was devoted to it and he had to travel a long way to get out of Calais to go to the meetings in the various parts of the State and he was willing to do it and there are others that are and they are bright people.

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

Senator GAUVREAU: Thank you Mr. President, Men and Women of the Maine Senate. I would like to explain my position today. I voted in committee on behalf of Dr. Storer's nomination to the University of Maine Board of Trustees. I think I owe an explanation to Senator Pearson and Members of this Body about why I endorsed his nomination.

I certainly am appreciative about the concerns underlining the presentations of Senator Pearson and Senator Brown. I listened very carefully to Senator Brown in committee today and I know that he cast his vote in accordance with his standards of integrity and fairness in government which characterized his tenure in this Legislature.

I understand his concerns as regarding a geographic imbalance on this particular Board, but from my perspective the town, city or region from which a nominee hales really should not be given any significant weight in determining that persons qualifications to enter public service. Certainly we have to assess the consequence of the actions of a particular Board in question, in this case the Board of Trustees. Has the University of Maine Board of Trustees in fashioning higher educational policies for this State excluded certain regions of our State? If it has, then I think, at that point, that is cause for serious concern and for intervention by this Legislature. It is ironic to listen to the Senator make his presentation because I represent the County of Androscoggin, the city of Lewiston and we are blessed with two outstanding individuals who serve on the Board of Trustees for the University of Maine. It is ironic because I have often times made the case that Androscoggin County has simply received inadequate treatment by the University of Maine and is an area largely underserved by the higher educational establishment of this State and yet we have, if anything, overrepresentation on the Board of Trustees. I think what we are looking for are men and women who perceive the task of serving on the Board of Trustees in a fiduciary capacity who recognize that their particular charge is to function in a disinterested fashion in crafting higher educational policies responsive to the cultural, economic and educational needs of all Maine people.

Now, certainly, I am aware and have been in the past and will be in the future of regional pressures, but I think we ought to in considering the qualifications of the people who serve on the Board of Trustees, try to separate those and look at the qualifications of the people themselves. Certainly, if there is a demonstrative pattern of inequitably allocation of higher education resources and if that can be determined to be attributable to the men and women who serve on the Board of Trustees, I think, at that point, regionalism may in fact have some merit. I have not heard that in my tenure on the Education Committee and since there was no evidence to suggest that the people who serve on the Board, presently, are not sensitive to the concerns throughout the entire state, I felt that the parochial issue, in this situation, should not be given any weight.

I would also mark, in closing, that I think Dr. Storer will be a major asset to Senator Brown's region of the State. Dr. Storer has substantial expertise in areas of international trade, marine economics and as an individual, I think, can bring some very bright and innovative ideas to the Board of Trustees in utilizing the uncapped resources of the University to encourage and facilitate economic development in the northern and eastern portion of our State, an area which clearly does need governmental assistance. I think we will find, in this particular case, Dr. Storer will be a major asset to the coastal communities and will be a major advocate for utilizing University resources in furthering marine research and international trade. Thank You.

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

Senator PEARSON: Mr. President, Men and Women of the Senate. This Senator from Androscoggin, Senator Gauvreau, says that he doesn't think that any weight should be given to where a person comes from, and the law says that as much as it is possible that should be taken into consideration. In the law that calls for the creation of the Board of Trustees, it asks for geographical balance in as much as it is possible and I submit to you that it is more possible than we have seen in the last several years. Maybe it is wrong to want that, but I can't help but think if your region, or your area was grossly unrepresented as from time to time we hear people from Androscoggin say that their area is on different issues. We hear them talk about the creation of a campus or whatever it is, economic development, then you are interested in your area as rightly you should be. I am interested in northern, eastern and western Maine, because it is not properly represented on the Board of Trustees of the University of Maine system. It is almost to the point of being scandalous.

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

Senator CLARK: Thank you Mr. President, Men and Women of the Senate. Dr. Storer comes from Brunswick and speaking this afternoon as the Senator from Senate district 26, I hope that the dialogue and the debate this morning in no way detracts from the outstanding credentials that Dr. Storer brings as a candidate of the Board of Trustees of the University of Maine system. I believe that all Members of this Senate are particularly sensitive and responsive to the concerns that have been shared with us, as they have before, but this morning and afternoon by the good Senators from the County of Washington and Penobscot, Senator Brown and Senator Pearson. Please be assured, however, that in response to the recommendation of the visiting committee of the University of Maine that all of these candidates, upon whom we are passing approval and or judgment this afternoon, have been recommended to us by a screening committee and that screening committee has recommended these candidates and I would hope that we would promptly confirm or approve the recommendations of the committee of Education. I would invite you to join me in voting No without reservation to the question which is pending before us.

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

Senator BALDACCI: Mr. President and Members of the Senate. I share the concern of the good Senator from Penobscot, Senator Pearson, and the good Senator from Washington, Senator Brown, and it is a concern that I think accumulated in the visiting committee report where it talked about the Board of Trustees in particular.

That there should be standards, there should be calibers that should be achieved by people wanting to be on the Board or people that should be reappointed. I am also torn by the fact of the problems as we perceive them in northern and eastern Maine as to what is going on within the University structure and the policies that have been set. I think the Visiting Committee recommended and saw the problems there and now are trying to introduce calibers and standards. I am not going to vote against Dr. Storer because I believe him to be a very qualified individual who has been selected by the screening committee, but the concerns and the problems in the northern and eastern part of the State that have been cumulated and set policy by the Trustees in the past, I think shouldn't hold against Dr. Storer and hopefully Dr. Storer's nomination represents the quality and caliber that are to come. Thank you.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of James A. Storer of Brunswick be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 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, MCBREAIRTY, PEARSON, SHUTE

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, SEWALL, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, CARPENTER, HICHENS, PERKINS, VIOLETTE, WEBSTER

RESIGNED: Senator NAJARIAN

4 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator having resigned, and 4 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of James A. Storer, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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 EDUCATION

November 24, 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 Education has had under consideration the nomination of Richard Marshall of Old Orchard Beach, for reappointment to the University of Maine, Board of Trustees.

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

YEAS:	Senators	1
	Representatives	5
NAYS:		5
ABSENT:	2	Sen. Hichens of York, Rep. Matthews of Caribou

Six members of the Committee having voted in the affirmative and Five in the negative, it was the vote of the Committee that the nomination of Richard Marshall of Old Orchard Beach, for reappointment to the University of Maine, Board of Trustees be confirmed.

Sincerely,

S/Larry M. Brown  
Senate Chair

S/Ada K. Brown  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you Mr. President, Ladies and Gentlemen of the Senate. There are just a couple of other comments that I wanted to make beyond what has been said concerning the geographic distribution of the Board of Trustees. If you take any one of the Trustees of the University system and look at that one individual, you will find an outstandingly, qualified capable person and Mr. Marshall is the same way. He is an outstandingly qualified person. Take that group as a whole and look at the University of Maine Board of Trustees, as a body, along with some of the things that they have been doing over the last couple of years. If they were the directors of a corporation they would be bankrupt. If you had in your power to fire them you would fire them and start off with a clean slate. They have made too many mistakes.

We don't need to list all of those mistakes, we don't need to list the Chancellor; the episode that occurred there, the moving of the college, the moving of the Chancellors office and all that we could list further, they would be bankrupt. It seems to me that we had this visiting committee that came along and came out with recommendations, which they submitted to the Governor. I, for one, was very supportive of the Trustees and their reaction to that visiting committee's report. They seem to be responsive and there is almost a smugness at this point, I guess, that things aren't going to change a great deal. It seems to me that when we reappointed this gentleman and the last gentleman that we voted for, both of their terms were up in May. So it is not like we are in any urgency here to appoint someone to the Trustees. These have been vacant for a long time. It has already been stated that people more able than myself have the authority to make appointments and it is appropriate to do so. Nevertheless, there is no urgency in appointing individuals to the Trustees. This morning I wanted to table both of these gentlemen until the 113th Legislature came in and maybe even to allow a new Chief Executive to take a look at the way the University has been functioning.

Maybe he ought to have a say in the way things are working and offer to appoint someone. I will say that it is a reacclimation that you are satisfied with the way the Trustees have been functioning in running a multi-million dollar corporation, if you vote to confirm this individual today. As I am speaking, I am not exactly sure what I will do at this point, Mr. President. Thank you Ladies and Gentlemen.

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

Senator GAUVREAU: Thank you Mr. President, Men and Women of the Senate. It is with some trepidation that I rise for the second time this afternoon to offer opposition to the remarks of my good colleague from the County of Washington, Senator Brown.



I think it is a fair statement that the primary concerns in Committee which gave rise to a very close vote on this particular nominee. We are not really related to the qualifications of the individual, but rather we are focused primarily upon a grave concern shared by all Members of the Committee as to an inappropriate method of communication between the Board of Trustees and this Legislature, the Appropriations and Education Committee in particular.

Now certainly last year, was a fortuitous aberration from the usual pattern of events, whereby there was almost no communication of any substance between the Board of Trustees and the rank and file Members of this Legislature.

We all may recall last year we had the significant effort which led to including an additional fifteen million dollars in the annual appropriation to the University of Maine system and certainly all the Members of the Education Committee recorded, in fact we had daily correspondence with leaders of the University system. I am not suggesting we have to have that type of daily contact with the Board of Trustees, but Senator Brown is absolutely correct when he points out that the usual business is for a steady flow of information, a flow of communication to fall between the Trustees and this Legislature. All of us are concerned that we maintain an appropriate level of independence in the Board of Trustees, though the Board of Trustees make decisions in a disinterested fashion in a view what is best for all the people of the State of Maine. Having said that it is absolutely critical that the Trustees do not make their decisions in a total vacuum, but rather to receive routine input from all sectors of society and certainly including this Body into what major policy formulators believe are the needs of the State of Maine. It is there that I think the remarks of the good Senator from Penobscot, Senator Pearson had merit.

All too often, it seems, the Board has fashion policies without using this Body as a founding board to determine what effects it's policies might have and quite often the result of all that is that the University loses stature in many peoples eyes and, in fact, there is a reduce support for higher education in the State of Maine. The way to rectify that problem clearly is to establish a routine means of communication between this Legislature and the Board of Trustees.

There is a critical need for that I think that Mr. Marshall, when he came before the Committee, he was the first sitting Trustee that was up for renomination and we kept him busy for about a hour and one half and I suspect if it were not for the pendency of these proceedings in the Senate, this morning, we could have had a whole day session. That is something manifest the type of concern there is in both parties and among the members who serve on the Education Committee. That was the major reason why the vote was as close as it was. People are very concerned about the lack of communication.

The other reason that I believe led to the closeness of the vote was the proximity of the Governor-elect McKernan's tenure as Governor of the State of Maine. In fact, some members did feel that we ought to defer to the new Governor's consideration before finalizing the renomination of Trustee Marshall. Speaking only for myself, I waived that consideration as follows; mindful of the fact that we elect our Governors to serve 48 months in office and not 46 months in office. Are there situations, especially now, when the executive power is to be transferred from a member of the Democratic party to a member of the Republican party or vice-versa. Are there special concerns that we ought to be attentive to which would propel us to vote against an otherwise qualified nominee for service in the Board of Trustees. Clearly there are, if there was a significant difference in policy between the outgoing Governor and the new Governor.

A George McGovern to a Ronald Reagan for example, you knew there was going to be substantial and major change in policy formulation. On the twelfth hour the current executive began the stack boards with members of his philosophy, then I think that would clearly be repugnant to the choice manifested by the policy in the selection of the new Chief Executive. In that situation clearly it would be inappropriate, in fact, it would be offensive to the world of people that we choose a person of another philosophy. That was not the case with Trustee Marshall, he was a well respected member of the Board of Trustees and the Committee heard no evidence and had no reason to believe that Trustee Marshall would disagree or act in a fashion substantially at odds with the recommendations of Governor-elect McKernan.

The second consideration will be if this was a class or any type of a political favor. The Governor was simply stacking a governmental board with his cronies at the end of his term.

Nothing of record, no reason to believe that in this particular case at all. With those too factors resolved in my own mind, those were not present in this situation. I felt there was no reason not to vote for the renomination of Trustee Marshall and I certainly would recommend that this Body vote No today on this nomination. Thank you.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Richard Marshall of Old Orchard Beach be confirmed.

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

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

November 12, 1986

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

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

Dear Senator Pray:

ROLL CALL

YEAS: Senators, BROWN, EMERSON, MAYBURY, MCBREAIRTY, PEARSON, SEWALL, SHUTE

This is to inform you that I am today nominating Dana Urquhart of Machiasport and renominating Willis M. Spear, Jr. of Yarmouth and Alvah Ames of Matinicus Island for reappointment to the Advisory Council to Marine Resources.

NAYS: Senators, ANDREWS, BALDACCII, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, DUTREMBLE, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

Pursuant to Title 12 M.R.S.A. Section 6024, these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

ABSENT: Senators, HICHENS, PERKINS, VIOLETTE, WEBSTER

Sincerely,

S/JOSEPH E. BRENNAN  
Governor

RESIGNED: Senator NAJARIAN

Which was READ and ORDERED PLACED ON FILE.

7 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having resigned, and 7 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Richard Marshall, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 12, 1986

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

Senator Jean B. Chalmers  
Representative Nathaniel J. Crowley, Sr.  
Chairpersons  
Joint Standing Committee on Marine Resources  
112th Legislature  
Augusta, Maine 04333

The Following Communication:

Dear Chairs:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

Please be advised that Governor Joseph E. Brennan has nominated Dana Urquhart of Machiasport for appointment, Willis M. Spear, Jr. of Yarmouth and Alvah Ames of Matinicus Island for reappointment to the Advisory Council to Marine Resources.

Pursuant to Title 12 M.R.S.A. Section 6024, these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

YEAS: Senators 2  
Representatives 9

NAYS: 0

ABSENT: 2 Sen. Brown of Washington,  
Rep. Rice of Stonington

Sincerely,

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

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 Dana Urquhart of Machiasport, for appointment to the Marine Resources Advisory Council be confirmed.

Sincerely,

S/Jean B. Chalmers  
Senate Chair

S/Nathaniel J. Crowley, Sr.  
House Chair

Which was READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended the nomination of Dana Urquhart of Machiasport be confirmed.

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES

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

November 24, 1986

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.

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

A vote of Yes will be in favor of overriding the recommendation of the Committee.

Dear Mr. President:

A vote of No will be in favor of sustaining the recommendation of the Committee.

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 Marine Resources has had under consideration the nomination of Dana Urquhart of Machiasport, for appointment to the Marine Resources Advisory Council.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

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:

ROLL CALL

YEAS: Senators, None

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

ABSENT: Senators, DOW, HICHENS, PERKINS, VIOLETTE, WEBSTER

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Dana Urquhart, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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 MARINE RESOURCES

November 24, 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 Marine Resources has had under consideration the nomination of Willis M. Spear, Jr. of Yarmouth, for reappointment to the Marine Resources Advisory Council.

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. Brown of Washington, Sen. Shute of Waldo Rep. Rice of Stonington

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 Willis M. Spear, Jr. of Yarmouth, for reappointment to the Marine Resources Advisory Council be confirmed.

Sincerely,

S/Jean B. Chalmers  
Senate Chair

S/Nathaniel J. Crowley, Sr.  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended the nomination of Willis M. Spear, Jr of Yarmouth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on MARINE 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, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DOW, HICHENS, PERKINS, VIOLETTE, WEBSTER

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Willis M. Spear, Jr. was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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 MARINE RESOURCES

November 24, 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 Marine Resources has had under consideration the nomination of Alvah Ames of Matinicus Island, for reappointment to the Marine Resources Advisory Council.

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. Brown of Washington,  
Rep. Rice of Stonington

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 Alvah Ames of Matinicus Island, for reappointment to the Marine Resources Advisory Council be confirmed.

Sincerely,

S/Jean B. Chalmers  
Senate Chair

S/Nathaniel J. Crowley, Sr.  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended the nomination of Alvah Ames of Matinicus Island be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on MARINE 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, BROWN, BUSTIN, CHALMERS, CLARK, DIAMOND, DUTREMBLE, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, PEARSON, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, CARPENTER, DOW, HICHENS, PERKINS, VIOLETTE, WEBSTER

RESIGNED: Senator NAJARIAN

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 6 Senators being absent, and 1 Senator having resigned, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Alvah Ames, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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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.

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

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