

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
January 28, 1987

Senate called to Order by the President.

Prayer by Reverend Richard Hughes of the First Congregational Church in South Portland.

REVEREND HUGHES: Let us pray. Gracious and most Holy God, we gather together this day to fulfill the trust placed in us, by the voters of this state. Make us worthy of that trust by guiding us in the decisions that are to be made here. Like Solomon, we pray for wisdom, in order that the decisions that are made may be just and fair. We pray for patience, when issues before us become controversial and the debate becomes heated. Open our ears to hear the truth which others speak to us. Grant us the courage to change our minds when we are wrong, and the conviction to hold fast when we are right.

We pray that our actions may be to the glory of Your name, and the good of all the people of this state, rich and poor, male and female, young and old, north and south, comfortable and homeless, powerful and powerless. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 71

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, February 2, 1987, at 10 o'clock in the morning.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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 the House of Representatives proposing a Convention of both Branches in the Hall of the House at 10:30 in the morning, for the purpose of extending to the Honorable Vincent L. McKusick, Chief Justice of the Maine Supreme Judicial Court, and Members of the Judiciary, an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator CLARK, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Ensure Uniformity in Pesticide Regulation"

H.P. 93 L.D. 102

Comes from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

Bill "An Act to Provide Funds for Respite Care"

H.P. 92 L.D. 101

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act To Require Nonresident Moose Hunters to Employ the Services of a Licensed Maine Guide"

H.P. 91 L.D. 100

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Make Liquor Retail Prices Uniform Throughout the State"

H.P. 94 L.D. 103

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to Rate-setting Procedures by Municipally-owned Utilities"

H.P. 95 L.D. 104

Comes from the House referred to the Committee on UTILITIES and ORDERED PRINTED.

Which was referred to the Committee on UTILITIES and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 55
113TH MAINE LEGISLATURE

January 27, 1987

Senator N. Paul Gauvreau
Representative Peter J. Manning
Chairpersons
Joint Standing Committee on Human Resources
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dr. H. Rollin Ives of Falmouth Foreside for appointment as the Commissioner of the Department of Human Services.

Pursuant to Title 22, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

DOW, DUTREMBLE, EMERSON, ERWIN,
ESTES, GAUVREAU, GILL, GOULD, KANY,
KERRY, LUDWIG, MATTHEWS, PEARSON,
PERKINS, RANDALL, SEWALL,
THERIAULT, TUTTLE, TWITCHELL,
WEBSTER, WHITMORE, THE PRESIDENT -
CHARLES P. PRAY

Which was READ and referred to the Committee on
HUMAN RESOURCES.
Sent down for concurrence.

The Following Communication:
STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
January 27, 1987

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 113th Maine
Legislature, the Joint Standing Committee on
Appropriations and Financial Affairs has had under
consideration the nomination of Jean E. Mattimore of
Freeport, as Commissioner of the Department of
Finance.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Chonko of Topsham

Twelve members of the Committee having voted in
the affirmative and none in the negative, it was the
vote of the Committee that the nomination of Jean E.
Mattimore of Freeport, as Commissioner of the
Department of Finance be confirmed.

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

Which was READ and ORDERED PLACED ON FILE.

At this time, the Chair noted the absence of the
Senator from Cumberland, Senator USHER and further
excused the same Senator from today's roll call votes.

THE PRESIDENT: The Joint Standing Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS has recommended
the nomination of Jean E. Mattimore of Freeport, as
Commissioner of the Department of Finance be
confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section
151 and with Joint Rule 38 of the 113th 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, BRANNIGAN, BRAWN, BUSTIN,
CAHILL, CLARK, COLLINS, DILLENBACK,

ABSENT: Senator MAYBURY
EXCUSED: Senator USHER

No Senators having voted in the affirmative and
33 Senators having voted in the negative, with 1
Senator being absent and 1 Senator being excused, 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 Jean E. Mattimore as Commissioner of
the Department of Finance, was CONFIRMED.

The Secretary has so informed the Speaker of the
House.

The Following Communication:
STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION
January 27, 1987

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 113th Maine
Legislature, the Joint Standing Committee on Business
Legislation has had under consideration the
nomination of Susan M. Collins of Caribou, for
appointment as the Commissioner of the Department of
Professional and Financial Regulation.

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

YEAS: Senators 3
Representatives 8

NAYS: 0

ABSENT: 2 Rep. Gurney of Portland, Rep
Racine of Biddeford

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 Susan M.
Collins, for appointment as the Commissioner of the
Department of Professional and Financial Regulation
be confirmed.

Sincerely,
S/John E. Baldacci
Senate Chair
S/Carol M. Allen
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator
from Aroostook, Senator Collins.

Senator COLLINS: Thank you, Mr. President. A
inquiry, if I may. As you may know, the nominee in
this confirmation vote is my daughter. Would it be
appropriate for me to request Leave of the Senate to
be excused from voting?

THE PRESIDENT: The Chair would respond that the
Senator need abstain from voting only if the Senator
felt that there would be a conflict of interest
because of a monetary gain to himself.

The Joint Standing Committee on BUSINESS
LEGISLATION has recommended the nomination of Susan
M. Collins of Caribou, as Commissioner of the

Department of Professional and Financial Regulation be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator MAYBURY
 EXCUSED: Senator USHER

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 Susan M. Collins as Commissioner of the Department of Professional and Financial Regulation, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 January 27, 1987

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 113th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Robert R. LaBonta of Waterville, for appointment as the Commissioner of the Department of Conservation.

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

YEAS: Senators 3
 Representatives 9
 NAYS: 0
 ABSENT: 1 Rep. Dexter of Kingfield

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert

R. LaBonta of Waterville, for appointment as the Commissioner of the Department of Conservation 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 the nomination of Robert R. LaBonta of Waterville as Commissioner of the Department of Conservation 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 113th 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None
 EXCUSED: Senator USHER

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent and 1 Senator being excused, 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 Robert R. LaBonta as Commissioner of the Department of Conservation, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 January 27, 1987

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 113th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Dean C. Marriot of Cape Elizabeth, for appointment as the Commissioner of the Department 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 8
 NAYS: 0
 ABSENT: 3 Sen. Tuttle of York, Rep. Cole of Harpswell, Rep. Dexter of Kingfield

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 Dean C. Marriot of Cape Elizabeth, for appointment as the Commissioner of the Department 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 the nomination of Dean C. Marriot of Cape Elizabeth as Commissioner of the Department of Environmental Protection 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 113th 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None
 EXCUSED: Senator USHER

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent and 1 Senator being excused, 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 Dean C. Marriot as Commissioner of the Department of Environmental Protection, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

Senate at Ease
 Senate called to order by the President.

The Following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE

COMMITTEE ON HUMAN RESOURCES

January 27, 1987

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 113th Maine Legislature, the Joint Standing Committee on Human Resources has had under consideration the nomination of Nicola C. Kobritz of Bangor, as the Director of Community Services.

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

YEAS: Senators 3
 Representatives 10
 NAYS: 0
 ABSENT: 0

Thirteen 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 Nicola C. Kobritz of Bangor, as the Director of Community Services be confirmed.

Sincerely,
 S/N. Paul Gauvreau
 Senate Chair
 S/Peter J. Manning
 House Chair

Which was READ and ORDERED PLACED ON FILE.

At this point, a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives Concurs with the proposition for a Joint Convention, to be held in the Hall of the House, at 10:30, for the purpose of extending to the Honorable Vincent L. McKusick, Chief Justice of the Maine Supreme Judicial Court, and Members of the Judiciary, an invitation to attend and make such communication as pleases him.

THE PRESIDENT: The Joint Standing Committee on HUMAN RESOURCES has recommended the nomination of Nicola C. Kobritz of Bangor as Director of Community Services be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th 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?

Senator GAUVREAU was granted unanimous consent to address the Senate On the Record.

Senator GAUVREAU: Thank you, Mr. President. Men and Women of the Senate. Before we vote on the pending nomination, I would like to make a few remarks to the Senate regarding Nicola Kobritz. I do intend to support her nomination, I did yesterday, in Committee, and I would certainly urge you to support her confirmation to serve as Director of the Division of Community Services. I am commenting On the Record, this morning, because I think it is fair to say that several members on both sides of the aisle

on my Committee, had some reservation. Not about Mrs. Kobritz, because we think she is a very intelligent, sincere and dedicated individual, whose prior service in the public sector will serve her in good stead in the Administration.

However, we had some major reservations regarding what appeared to be her lack of preparation, or lack of familiarity with many of the issues with which she will be dealing with as Director of Community Services. The back ground of the Division of Community Services, or DCS, is simply the statutory successor to the Office of Economic Opportunity. As such, it serves as really, the prime advocate for the poor and the indigent in the State of Maine. A group which does not have any inherent political power. Consequently, it has always been felt that it was logical and appropriate that DCS be given high visibility in the Executive Branch of government.

Several members of the Committee were concerned because we have heard of various sources, there is discussion and consideration, that the Division may be transferred over to the State Planning Office. If that were to come to pass, many of us have reservations and concerns that the agency might not have the visibility it currently enjoys, in giving the intense in-fighting for limited dollars at the State level. Our concern is, that perhaps with a lower visibility, DCS may not vie so successfully for limited state funds. We did inquire of the nominee, as to her position in regard to the proposed transfer. She had no knowledge or awareness or position for us. If it were simply that one issue, I don't think I would be standing before you this morning.

The Committee had several questions dealing with her approach in administering the Division. As you know, the Division administers weatherization funds, surplus food funds, community block funds, and heat. It became apparent that Mrs. Kobritz really did not have a working familiarity with many of these issues.

Certainly, to some extent, that is to be understandable, because she is just fresh coming on board, but the Committee really did not have the opportunity to gain any insight as far as her position in these areas, or where she will be recommending on how she will be advising the Governor as far as how these issues should be addressed in the coming years. That is a grave concern to myself and also to many members of the Committee. A particular concern was the weatherization program. Currently, over 60,000 Maine households are served under the weatherization program, which is administered by the Division of Community Services.

In the President's budget this year, it is recommended that in the second year of the budget, that those funds be deleted, and that they are being replaced, currently, under an Exxon Oil Company overcharge fund. That is a critical concern to me. We simply have to have assurances that Maine's poor will have an adequate supply of funds to heat their residences in the winter.

Once again, when we inquired of Mrs. Kobritz, as far as her position was concerned in this area, she was sympathetic, but she just did not have the basic information available to us to respond in an appropriate fashion. I do not mean, by these remarks to any way, shape or form, to criticize Mrs. Kobritz. I think she is a fine individual, and clearly her experience in the past, working in Bangor in rural pediatrics, I think, indicates to me, that she will bring with her to the job, compassion to the interests of Maine's poor. But, I do have major reservations in terms of what appears to be her lack of preparation. That, to some extent really diluted

the ability of the Committee to engage in an informed dialogue with the nominee, so we could obtain a better perspective as far as her preferences and her approaches in administering the Division. Hopefully, in the coming months, these problems will be resolved, but I did feel compelled to make these remarks On the Record, this morning. Thank you.

THE PRESIDENT: The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator RANDALL
 EXCUSED: Senator USHER

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 Nicola C. Kobritz as Director of Community Services, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON MARINE RESOURCES
 January 27, 1987

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 113th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of William J. Brennan of Yarmouth, as the Commissioner of the Department of Marine Resources.

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

YEAS: Senators 3
 Representatives 10
 NAYS: 0
 ABSENT: 0

Thirteen 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 J. Brennan of Yarmouth, as the Commissioner of the Department of Marine Resources be confirmed.

Sincerely,
 S/Zachary E. Matthews
 Senate Chair
 S/James Mitchell
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended the nomination of

William J. Brennan of Yarmouth as Commissioner of the Department of Marine Resources 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 113th 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

EXCUSED: Senator USHER

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent and 1 Senator being excused, 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 J. Brennan as Commissioner of the Department of Marine Resources, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON STATE AND LOCAL GOVERNMENT

January 26, 1987

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 113th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of John Atwood of Damariscotta, as the Commissioner of the Department of Public Safety.

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

YEAS: Senators 3
 Representatives 9

NAYS: 0

ABSENT: 1 Rep. Boutilier of Lewiston

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John Atwood of Damariscotta, as the Commissioner of the Department of Public Safety be confirmed.

Sincerely,
 S/Senator John L. Tuttle
 Senate Chair
 S/Rep. Donnell P. Carroll
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of John Atwood of Damariscotta as Commissioner of the Department of Public Safety be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

EXCUSED: Senator USHER

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent and 1 Senator being excused, 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 John Atwood as Commissioner of the Department of Public Safety, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

Senator CLARK: Thank you, Mr. President. Mr. President and Members of the Senate. Yesterday, and today mark the end of the first phase of confirmations of Governor McKernan's appointees to his Cabinet. While some members in the news media might characterize the Legislature's confirmation process as a clearing of hurdles, we, in the Legislative Branch, most particularly in this Senate Chamber, recognize that the confirmation process is more an open process of examination, in gentle, and sometimes pointed inquiry. A process in which members of the public can contribute, either for or against the appointment of the Governor's nominee to the various departments of this State.

Please be assured further, that this Senate Chamber and the Members therein, take our responsibility in the confirmation process very seriously, and we continue to pledge to work cooperatively, and in a collaborative fashion with our Chief Executive. Thank you, Mr. President.

SENATE PAPERS

Bill "An Act to Amend the Requirements for Individual Public Self-insurers under the Workers' Compensation Act"

S.P. 63 L.D. 130

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator COLLINS of Aroostook,
Representative SIMPSON of Casco, Representative
O'GARA of Westbrook

Which was referred to the Committee on BANKING
AND INSURANCE and ORDERED PRINTED.

Sent down for concurrence.

Sent down for concurrence.

Bill "An Act Concerning Notice of Evictions for Cause in Mobile Home Parks"

S.P. 59 L.D. 126

Presented by Senator BALDACCI of Penobscot
Bill "An Act Relating to Catering Services under
the Liquor Law"

S.P. 64 L.D. 131

Presented by Senator ERWIN of Oxford
Cosponsored by: Representative JACQUES of
Waterville

Which were referred to the Committee on LEGAL
AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to Conferring of Degrees by the YDI Schools"

S.P. 67 L.D. 134

Presented by Senator PERKINS of Hancock
Cosponsored by: Representative HANDY of
Lewiston, Representative LAWRENCE of
Parsonsfield, Senator ESTES of York

Bill "An Act Relating to the Extended School Year"

S.P. 69 L.D. 136

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative SOUCY of Kittery,
Representative HICHBORN of LaGrange, Senator
RANDALL of Washington

Bill "An Act Relating to School Construction"

S.P. 70 L.D. 137

Presented by Senator CLARK of Cumberland
Cosponsored by: Senator PERKINS of Hancock,
Representative SOUCY of Kittery, Representative
HICHBORN of LaGrange

Which were referred to the Committee on EDUCATION
and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Dissolve the Madawaska Hospital District"

S.P. 57 L.D. 124

Presented by Senator THERIAULT of Aroostook
Cosponsored by: Representative MCHENRY of
Madawaska

Bill "An Act to Establish New Year's Day as a
State Holiday"

S.P. 65 L.D. 132

Presented by Senator BALDACCI of Penobscot
Cosponsored by: Senator GILL of Cumberland
Bill "An Act to Establish the State Bureau of
Identification as an Independent Bureau within the
Department of Public Safety"

S.P. 68 L.D. 135

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative LACROIX of
Oakland, Representative PARADIS of Old Town,
Senator SEWALL of Lincoln

Which were referred to the Committee on STATE AND
LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to High Speed Chases and the Penalty for Failure to Stop"

S.P. 58 L.D. 125

Presented by Senator BALDACCI of Penobscot
Bill "An Act Providing for Judicial Review of
Agency Refusals to Consent to Adoptions"

S.P. 62 L.D. 129

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative PARADIS of
Augusta, Representative ROLDE of York,
Representative TAYLOR of Camden

Bill "An Act to Permit Judges of the United
States to be Admitted to the Practice of Law in Maine
by Motion"

S.P. 66 L.D. 133

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative PARADIS of
Augusta, Senator BRANNIGAN of Cumberland

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

Sent down for concurrence.

Bill "An Act to Restrict the Transport of Hazardous Materials during Inclement Weather"

S.P. 61 L.D. 128

Presented by Senator ERWIN of Oxford
Cosponsored by: Senator PERKINS of Hancock,
Representative STROUT of Corinth, Representative
MILLS of Bethel

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

Sent down for concurrence.

Bill "An Act to Allow for Depreciation on Contributed Property"

S.P. 60 L.D. 127

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative ROLDE of York,
Representative MURPHY of Kennebunk, Senator
WEBSTER of Franklin

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

Sent down for concurrence.

Bill "An Act to Remove the Age Limitation for Apprenticeship Programs in the Maine Human Rights Act"

S.P. 56 L.D. 123

Presented by Senator CLARK of Cumberland
Cosponsored by: Senator SEWALL of Lincoln,
Representative JOSEPH of Waterville,
Representative HICKEY of Augusta

Committee on LABOR suggested and ORDERED PRINTED.

On motion by Senator BRANNIGAN of Cumberland,
referred to the Committee on JUDICIARY and ORDERED
PRINTED.

Senate at Ease

Senate called to order by the President.

At this point, the Senate retired to the Hall of
the House, where a Joint Convention was formed.

AFTER CONVENTION
IN SENATE

Senate called to order by the President.

The Adjournment Order having been returned from the House, READ and PASSED, in concurrence, on motion by Senator DUTREMBLE of York, ADJOURNED until Monday, February 2, 1987 at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
10th Legislative Day
Monday, February 2, 1987

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Bruce R. Hudson, Highland Avenue United Methodist Church, Gardiner.

National Anthem by the Mattanawcook Academy Band, Lincoln.

The Journal of Wednesday, January 28, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

The Senate of Maine
Augusta

January 28, 1987

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Appropriations and Financial Affairs, the Governor's nomination of Jean E. Mattimore of Freeport for appointment as the Commissioner of the Department of Finance.

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine
Augusta

January 28, 1987

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business Legislation, the Governor's nomination of Susan M. Collins of Caribou for appointment as the Commissioner of the Department of Professional and Financial Regulation.

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine
Augusta

January 28, 1987

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Robert R. LaBonta of Waterville for