

MAINE STATE LEGISLATURE

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

VOLUME IV

FIRST SPECIAL SESSION
August 21, 1989 to August 22, 1989
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STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
SECOND CONFIRMATION SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
December 12, 1989
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 four o'clock in the afternoon.
Senate called to Order by the President.

Prayer by Reverend Michael Lawry of the Old South Congregational Church in Hallowell.

REVEREND LAWRY: Let us Pray. Almighty and everlasting God, You who create us, redeem us, and set us forth in this world to do Your work of reconciliation, we lift up our prayers to You. We ask this afternoon that You bless this gathering of the Maine State Senate, that the men and women gathered here may be moved to good and right decision making, true to the task and the calling of representing all the men, the women and children of the State of Maine. Help them and help us all O God remember in all that is to be done Your vision of shared compassion, justice and peace, a realm where wolves dwell with lambs and children lead, a world of faithful people living and willing in joyous response to Your love. May the words peace on earth and good will to all be more than just a holiday sentiment, but a way of life, and may it begin with each one of us here reaching out to serve one another in the State of Maine and outward into the world. Help us O Lord to be people of good news, people who willingly feed the hungry, clothe the naked, and heal the sick, following always in the way of our Lord and Savior Jesus Christ, and who's name we are bold to pray. Amen.

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

November 29, 1989
Honorable Joy J. O'Brien
Secretary of the Senate
State House
Augusta, ME 04333
Dear Secretary O'Brien:
Please be advised that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, the Senate of Maine will convene on Tuesday, December 12, 1989, at four o'clock in the afternoon for the purpose of voting upon confirmation of the various appointments made by the Honorable John R. McKernan, Jr., Governor of the State of Maine.
Sincerely,
S/Charles P. Pray
President of the Senate
Which was READ and ORDERED PLACED ON FILE.

ROLL CALL

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

Senators ANDREWS, BALDACCI, BERUBE, BOST, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, GAUVREAU, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE,

THE PRESIDENT - CHARLES P. PRAY
30 Senators having answered to the Roll, the President declared a quorum present.

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

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

Which was READ and PASSED.

The President appointed Senator CLARK of Cumberland to deliver the message to His Excellency, the Governor.

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

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

Senator PEARSON: Mr. President, Men and Women of the Senate. For quite a long time there's been an issue going on in my area of the state that affects, I guess, the whole part of the state, and that is the disposal of ash from the waste to energy plants in the state. The decision has been made by the Board of Environmental Protection and by the Land Use Regulation Commission not to grant a permit for the disposal of that ash in the proposed site at Township 30 in Washington County, and that issue is settled.

But I would like to make a few remarks as to an article that appeared in the Bangor Daily News just a few days ago on the editorial section of the paper written by an attorney of the opposing side of the people who were proposing the ash fill in Washington County. I don't take as much difference with the article because everybody's entitled to their own point of view, although I found it very wrong. What bothered me the most of all was that the article headline on the guest editorial called Ralph Leonard, who was one of the minority people in the investment, a liar. Now that particular headline is selected by the Bangor Daily News, I mean, the editorial was submitted, but the paper composes their own headline. I honestly think that the Bangor Daily News ought to be terribly, terribly, terribly ashamed of themselves, and should apologize to Mr. Leonard for having put a headline that called him a liar on the top of an editorial that was written by somebody outside of the newspaper.

All arguments about the merits of the case aside, one does not have to resort to that kind of rhetoric, especially if you're supposed to be a responsible newspaper in this state, a newspaper whose owners and editors know Mr. Leonard personally. I want to tell the members of the Senate, that I am not alone in the Senate knowing Mr. Leonard. He is my neighbor, literally, my neighbor. He is one of the kindest, most compassionate persons I've known. He loves Maine deeply. He was in an investment to try and solve a problem. He's a neighbor, he's a friend of mine, and he's touched an awful lot of lives in the city of Old Town and the surrounding area. He's been active in just about everything that you could possibly be active in to help his fellow man in his community, and then the Bangor Daily News puts a title on a guest editorial that describes him as a liar. It's just disgusting! It's just beneath the

dignity of good journalism to do that sort of thing, and I think that they owe him an apology.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate. I rise to support the kind remarks of the good Senator from Penobscot. Having grown up with the gentlemen in question, Ralph Leonard, I find him to be all that the good Senator from Penobscot has said he is and more. I know him to be a man of honor and integrity. I know that his mission, though many of us might not agree with the mission, was a mission of honor and of dedication.

I, therefore, think that the header on this thing is a piece of journalism which could be attributed to some newspapers or publications that are often given at the checkout counter in our grocery stores, as opposed to the good journalism which we expect from the supposed largest newspaper in the State of Maine.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 30, 1989

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

Dear Senator Pray:

This is to inform you that I am today nominating Robert W. Glover, Ph.D. of Philadelphia, Pennsylvania for appointment as the Commissioner of the Department of Mental Health and Mental Retardation.

Pursuant to Title 34-B, M.R.S.A. Section 1202, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/John R. McKernan, Jr.
GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 30, 1989

Senator N. Paul Gauvreau
Representative Peter J. Manning
Chairpersons
Joint Standing Committee on Human Resources
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Robert W. Glover, Ph.D. of Philadelphia, Pennsylvania for appointment as the Commissioner of the Department of Mental Health and Mental Retardation.

Pursuant to Title 34-B, M.R.S.A. Section 1202, this nomination will require review by the Joint Standing Committee on Human Resources 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:
COMMITTEE ON HUMAN RESOURCES
ONE HUNDRED AND FOURTEENTH LEGISLATURE
November 30, 1989

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 114th Maine Legislature, the Joint Standing Committee on Human Resources has had under consideration the nomination of Robert W. Glover, Ph. D. of Philadelphia, Pennsylvania for appointment as the Commissioner of the Department of Mental Health and Mental Retardation.

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. Hepburn of Skowhegan	

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert W. Glover, Ph. D. of Philadelphia, Pennsylvania for appointment as the Commissioner of the Department of Mental Health and Mental Retardation be confirmed.

Sincerely,

S/N. Paul Gauvreau
Senate Chair

S/Peter J. Manning
House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator GAUVREAU: Thank you, Mr. President, Men and Women of the Senate. I am pleased to stand here this afternoon in support of the nomination by the Governor of Dr. Glover to assume the duties as the next Commissioner of the Department of Mental Health and Mental Retardation. I would like to briefly share with you the results of the rather lengthy confirmation hearing which was conducted by the Joint Standing Committee on Human Resources a fortnight ago.

I think the issue of mental health, and to some extent, mental retardation, has received wide spread attention in the Maine press and also, I think, in these halls, over the past twelve months. There has been a tendency, I think somewhat simplistically, by some, to reduce the problems which have beset our state and mental health and mental retardation to simply a political squabble. In fact, the problems are endemic to the system. In any system, I think, throughout our country, you will find need in the area of mental health and retardation which is not fully addressed by government, and so I think we come into this area recognizing perhaps the limitations of state government. As many of you are aware, the federal government, which a quarter century ago launched a great new experiment in community based mental health, unfortunately has not kept its share of the bargain. In the sense, it has drastically cut back funding for community mental health initiatives in past years and that, in no small way, I think, has contributed to the problems which we see in mental health today in our state and around the country.

But what is disturbing to me as I've sat on the Committee over these last twelve months is that I

have heard from a variety of sources, and from a variety of individuals, fundamental complaints in the way that we are delivering mental health services and we are delivering services to those who are mentally retarded in our state. Although perhaps AMHI has come in for the largest share of attention, I would be remiss in my duties if I did not report to you that there are other agencies, other institutions, under the rubric of the department which I think are in serious trouble, and perhaps at the head of that list might be the Pineland Training Center. And once again we heard during the confirmation hearing from persons who are very concerned about the situation at Pineland. We heard from the Citizens Advisory Board and members of that board advised our Committee that, in their judgment, the State of Maine is out of compliance with the Federal Consent Decree which was issued some years ago. I do not want to take the time now to enumerate the problems, but I would like to stress that the problems are not limited to simply one acute care mental health hospital in Augusta, but, in fact, the problems are pervasive and affect many agencies and institutions under the department's jurisdiction.

We obviously questioned at some length Dr. Glover regarding his views on those problems, regarding his past experience to ascertain his familiarity of these problems and his approach, how he would address these problems in our state. I was very pleased to learn from Dr. Glover that he, while supporting, fully, quality services delivered in our institutions, also shares a commitment to upgrade the tenor and the quality of services made available in our communities, and therein I think lies the ultimate resolution to the problems that we have been seeing over the past several months. Unless we have a vibrant and a viable community infrastructure which can deliver services for those who suffer or experience mental illness or mental retardation, we will find consistently overcrowded conditions in our state's institutions.

So our Committee fully supports the efforts of Dr. Glover to address the many problems which confront our state today. I think the events of last week perhaps cast into sharp relief the nature of problems Dr. Glover will face, as well as other advocates for the mentally ill and the mentally retarded. It is very difficult in any state to muster a sustained commitment and a sustained funding for persons who are to serve as the constituency of the department when times are good. The real medal, the real test of government, I think, is when times are bad, when we go into periods where revenues available to state government are on the decline. What then will be our commitment? Will we be able to sustain programs to the mentally ill and the mentally retarded during these next coming years? I was encouraged to learn from Dr. Glover that he will, in a very candid and forthright fashion, share with our committee all budget information regarding programs which the department approves of and programs which the department decides not to recommend funding for. I think that it's incumbent, not just on Commissioner Glover, not just on Governor McKernan, not just on this Legislature, but upon all the people of our state, if we are serious in improving the quality of services to people who suffer from mental illness and those who are afflicted with mental retardation, I think the real test for us will be whether we'll be able to sustain a reasonable level of funding to maintain and improve quality programs for these people in times of fiscal austerity for our state.

It's with a great deal of hope and support for Dr. Glover that I stand before you this afternoon recommending his confirmation. Thank you.

THE PRESIDENT: The Joint Standing Committee on HUMAN RESOURCES has recommended the nomination of Robert W. Glover, Ph. D. of Philadelphia, Pennsylvania 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 114th 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, BOST, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRANNIGAN, BRAWN, EMERSON, GILL

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, 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 W. Glover, Ph. D., 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 9, 1989

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 H. Beardsley of Ellsworth, J. Michael Orenduff of Farmington, Lucia W. Smyth of Waterville, Gordon R. Pow of Belgrade, Benton A. Milster of Temple and Donald A. Kopp of West Buxton for appointment as members of the Higher Education Students Financial Assistance Board.

Pursuant to P.L. 1989, Chapter 598, 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/John R. McKernan, Jr.
 GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

November 9, 1989

Senator Stephen C. Estes
Representative Nathaniel J. Crowley, Sr.
Chairpersons
Joint Standing Committee on Education
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William H. Beardsley of Ellsworth, J. Michael Orenduff of Farmington, Lucia W. Smyth of Waterville, Gordon R. Pow of Belgrade, Benton A. Milster of Temple and Donald A. Kopp of West Buxton for appointment as members of the Higher Education Students Financial Assistance Board.

Pursuant to P.L. 1989, Chapter 598, 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.

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

December 8, 1989

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 withdrawing my nomination of William H. Beardsley of Ellsworth, J. Michael Orenduff of Farmington, Lucia W. Smyth of Waterville, Gordon R. Pow of Belgrade, Benton A. Milster of Temple and Donald A. Kopp of West Buxton for appointments as members of the Higher Education Students Financial Assistance Board. Pursuant to P.L. 1989, Chapter 598, these nominations are currently pending before the Joint Standing Committee on Education.

Thank you for your assistance in this matter.

Sincerely,
S/John R. McKernan, Jr.
GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

December 8, 1989

Senator Stephen C. Estes
Representative Nathaniel J. Crowley, Sr.
Chairpersons
Joint Standing Committee on Education
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of William H. Beardsley of Ellsworth, J. Michael Orenduff of Farmington, Lucia W. Smyth of Waterville, Gordon R. Pow of Belgrade, Benton A. Milster of Temple and Donald A. Kopp of West Buxton for appointments as

members of the Higher Education Students Financial Assistance Board.

Pursuant to P.L. 1989, Chapter 598, these nominations are currently pending before the Joint Standing Committee on Education.

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

Which was READ and ORDERED PLACED ON FILE.

ORDERS

On motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President appointed Senator CLARK of Cumberland to deliver the message to His Excellency, the Governor.

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

Off Record Remarks

On motion by Senator ERWIN of Oxford at 4:34 p.m. on Tuesday, December 12, 1989, the Honorable CHARLES P. PRAY, President of the Senate, declared the 2nd Confirmation Session of the 114th Legislature, ADJOURNED SINE DIE.