

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
Index

FIRST CONFIRMATION SESSION
October 30, 1989
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SECOND CONFIRMATION SESSION
December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
January 9, 1990

Senate called to Order by the President.

Prayer by Father Francis Kane of the Veterans Administration Center at Togus.

FATHER FRANCIS KANE: Let us pray. Lord God, we ask Your blessing upon this assembly. Grant the wisdom of Your spirit to these men and women gathered here, called as they are to the service of the citizens of our State of Maine. Bestow on them, Lord, an awareness of our people's needs and a compassion and determination to respond to them. Give them, as well, the humble recognition of the awesome responsibility that is theirs as leaders of our people. Help them to recognize and appreciate the value and dignity of each and every human life and their duty to respect and protect each life. And guide them, we pray, in all their deliberations, that their decisions may redound to the good of Your people and to the glory of Your holy name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Pertaining to the Generation of Electric Power Through the Use of Wood"
H.P. 1552 L.D. 2150

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act Establishing Ownership of and Liability for Nuclear Waste"
H.P. 1538 L.D. 2123

Committee on JUDICIARY suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council"
H.P. 1551 L.D. 2149

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 Amend the Maine Human Rights Act with Regard to Housing Discrimination on the Basis of Handicap"
H.P. 1542 L.D. 2127

Comes from the House referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Which was referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Property Valuation for Tax Purposes"
H.P. 1550 L.D. 2148

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

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

Senator DUTREMBLE of York was granted unanimous consent to address the Senate off the Record.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

On motion by Senator ANDREWS of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The Chair made note of the absence of Senator CLARK of Cumberland, and excused the same Senator from today's roll call votes.

COMMUNICATIONS

The Following Communication: H.P. 1549

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
December 29, 1989

The Honorable John L. Martin, Chair
Legislative Council
Maine Legislature
State House
Augusta, ME 04333
Dear Mr. Chair:

The Joint Standing Committee on Human Resources is pleased to submit the attached report of our study of Mental Health Services pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts.

Sincerely,

S/Sen. N. Paul Gauvreau S/Rep. Peter J. Manning
Chair Chair

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE, in concurrence.

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON EDUCATION
January 5, 1990

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 Education has had under consideration the nomination of William H. Beardsley of Ellsworth, for appointment to the Higher Education Students Financial Assistance 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 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 H. Beardsley of Ellsworth, for appointment to the Higher Education Students Financial Assistance Board be confirmed.

Sincerely,

S/Stephen C. Estes Senate Chair
 S/Nathaniel J. Crowley, Sr. House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of William H. Beardsley of Ellsworth 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 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators COLLINS, EMERSON
 EXCUSED: Senator CLARK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, 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 H. Beardsley, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON EDUCATION
 January 5, 1990

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 Education has had under consideration the nomination of Donald A. Kopp of West Buxton, for appointment to the Higher Education Students Financial Assistance 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 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 Donald A. Kopp of West Buxton, for appointment to the Higher Education Students Financial Assistance Board be confirmed.

Sincerely,

S/Stephen C. Estes Senate Chair
 S/Nathaniel J. Crowley, Sr. House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Donald A. Kopp of West Buxton 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 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators COLLINS, EMERSON
 EXCUSED: Senator CLARK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, 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 Donald A. Kopp, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON EDUCATION
 January 5, 1990

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 Education has had under consideration the nomination of Benton A. Milster of Temple, for appointment to the Higher Education Students Financial Assistance Board.

LEGISLATIVE RECORD - SENATE, JANUARY 9, 1990

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 Benton A. Milster of Temple, for appointment to the Higher Education Students Financial Assistance Board be confirmed.

Sincerely,
S/Stephen C. Estes Senate Chair
S/Nathaniel J. Crowley, Sr. House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Benton A. Milster of Temple 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 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators COLLINS, EMERSON
EXCUSED: Senator CLARK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, 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 Benton A. Milster, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON EDUCATION
January 5, 1990

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 Education has had under consideration the nomination of J. Michael Orenduff of Farmington, for appointment

to the Higher Education Students Financial Assistance 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 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 J. Michael Orenduff of Farmington, for appointment to the Higher Education Students Financial Assistance Board be confirmed.

Sincerely,
S/Stephen C. Estes Senate Chair
S/Nathaniel J. Crowley, Sr. House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of J. Michael Orenduff of Farmington 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 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, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators COLLINS, EMERSON
EXCUSED: Senator CLARK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, 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 J. Michael Orenduff, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON EDUCATION
January 5, 1990

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 Education has had under consideration the nomination of Lucia W. Smyth of Waterville, for appointment to the Higher Education Students Financial Assistance 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	2
	Representatives	8
NAYS:		3
ABSENT:		0

Ten members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Lucia W. Smyth of Waterville, for appointment to the Higher Education Students Financial Assistance Board be confirmed.

Sincerely,
S/Stephen C. Estes S/Nathaniel J. Crowley, Sr.
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Lucia W. Smyth of Waterville 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 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:	Senator BOST
NAYS:	Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT:	Senators COLLINS, EMERSON
EXCUSED:	Senator CLARK

1 Senator having voted in the affirmative and 31 Senators having voted in the negative, with 2 Senators being absent, 1 Senator being excused, and 1 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 Lucia W. Smyth, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON EDUCATION
January 5, 1990

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 Education has had under consideration the nomination of Gordon R. Pow of Belgrade, for appointment to the Higher Education Students Financial Assistance 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	3
NAYS:		8
ABSENT:		0

ABSTAINED: 1 Rep. Kilkelly of Wiscasset

Four members of the Committee having voted in the affirmative and eight in the negative, and one abstained, it was the vote of the Committee that the nomination of Gordon R. Pow of Belgrade, for appointment to the Higher Education Students Financial Assistance Board be denied.

Sincerely,
S/Stephen C. Estes S/Nathaniel J. Crowley, Sr.
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator GILL: Thank you. Mr. President, Men and Women of the Senate. Today we have before us a divided report. The majority report asks you to not confirm Gordon Pow to the position. I am on the minority side of that report and I stand today to consider the individual whose nomination came before the Education Committee.

Gordon Pow came to the Education Committee eminently qualified for the position. He has been a banker for over 17 years. At Key Bank, he is currently Executive Vice-President and senior loan officer. He is responsible for administering and the performance of the Key Bank entire loan portfolio, has daily responsibility for all commercial lending activities and all educational lending functions of the bank, and under his leadership Key Bank has become one of the major educational lenders in the United States as the result of the development of several educational loan products to both students and parents. Under his leadership, Key Bank has grown to be one of the top three lenders, nationally, in the medical and dental educational lending programs.

In addition, Gordon has ten years of banking experience outside the state of Maine. Gordon is more than just a banking professional. He is a conscientious and committed citizen who has dedicated a great deal of time and talent to numerous worthwhile civic activities and projects. His public experience includes being President of the Augusta Board of Trade. He is First Vice-President and Director of the National Council on Alcoholism in Maine. He is a member of the Advisory Board of Accounting Curriculum at Thomas College. He is a Lecturer of the Northern New England School of Banking and The American Institute of Banking. He is a member of the Eastern Maine Development Corporation. He is a member of the Small Business Advisory Committee. He is past President and Director of Kennebec Valley Chamber of Commerce. He is past Treasurer of the and Director Kennebec Valley YMCA. He is past Treasurer and Founding Director of the Community Shelter for Children. He is past Director of Junior Achievement, and more pertinent

for this appointment, he is Vice-President of the University of Maine - Augusta Foundation. He is Director of the Maine Education Marketing Corporation, and he is Chairman of Maine Educational Loan Authority.

Without a doubt, Gordon Pow is one of the most experienced and qualified, if not the most experienced and qualified banker in student lending. Ironically, the reason that a majority of the Committee voted against him was that he had the public service and he spent some of this public service as a director of MELMAC and was involved in the MELA program. Granted, few people in this state have had the time and energy to be involved in these three projects, but Gordon has volunteered for this. He is the one man most qualified to do these. He has volunteered for this position because of his commitment to students, the teachers and parents of Maine. His experience is greatly needed to provide continuity and a smooth transition as this new Board begins to develop and understand the complexities of a comprehensive one-stop shopping for student financial aid.

The first step in building any good program is a sound understanding of the programs currently in place, and what does and does not work in any given field. Gordon Pow has that knowledge and understanding. He is, without a doubt, the only banker in Maine who knows the details and the complexities of MELMAC and MELA.

He is the only banker who could provide this vital information to the new Board which needs the information and expertise so badly. Gordon Pow is so dedicated to seeing that the new Higher Education Students Financial Assistance Board succeed, that, in light of the concerns expressed by the Committee, he volunteered to resign both from MELMAC and MELA upon confirmation. I think that shows a lot of integrity on Gordon Pow's behalf. The man has a keen intellect. He is dedicated to public service, and as I said, in the fields of education and with children.

I think that Gordon Pow's peers have been kind of upset about the news coming out of the Committee. There have been many calls from bankers and other people in the field who are highly regarded professionals who wonder why people would come to the Legislature for confirmation, for any purpose, when someone is willing to volunteer their time without pay and do a community service, and put themselves on the line and be degraded as I feel Gordon Pow was degraded. With all of the experience he has had, I think it's an abomination and I am somewhat ashamed of the process that we did go through. There is no good reason that Gordon Pow was not given a full vote by the Education Committee this time around.

Gordon Pow, in 1988, came before this Committee for confirmation to MELA. He was appointed to the MELA board and most of the members who are presently serving on the Education Committee, at that time did give him the full vote. None of the things that were brought up were brought up at that time. So, I think that, at this point, we've got an opportunity to have, what I consider, inside information. I know, that in some circles, insider information is not an ethical or a positive thing to have, but, I think, in this circumstance, where we're trying to develop a brand new Board to handle all the student loans in the state of Maine, that all the experienced people we can get on this Board is crucial. I can't think of anyone better than Gordon Pow with all the experiences he's had, the good and the bad, knowing the inside of how MELMAC worked and knowing how MELA works and bringing that into the transition process. It could be invaluable to the state of Maine. So I'm

going to ask you today to vote Yes to override the Committee report that came out in the majority in the negative.

MR. PRESIDENT: The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you Mr. President, Ladies and Gentlemen of the Senate. I do agree with the good Senator from Cumberland, that Gordon Pow has a long impressive list of civic and other activities. He is indeed a very busy man, but I rise to urge you to support the majority report of the Education Committee to deny confirmation.

At the end of the last session, you may remember that there was a dramatic, and what I feel a very practical, compromise on L.D. 1169, the one-stop shopping student financial assistance bill. It resulted in the creation of a new financial aid division within the Finance Authority of Maine. In special session in August, a seven member Higher Education Student Financial Assistance Board was created and charged with the future oversight and implementation of this new financial aid division. It would act in an advisory capacity to the FAME Board, which would, undoubtedly, act upon the recommendations of the Advisory Board, in most cases. Two members of this Advisory Board would also sit as members of the FAME Board, which would make all the final decisions. Of the seven members, one member of the Advisory Board is to be a representative of a state financial institution that is active in student lending, the position for which Mr. Pow was nominated.

Mr. Pow was presented by the Governor's representative as a "vital transitional link for the new Board" because of his multiple positions. First as a director of MELMAC or Maine Education Loan Marketing Corporation, as Chairman of the Maine Education Loan Authority, which is called MELA, and as a member of the Transition Advisory Committee.

You received last week on your desks, a copy of the final report of the Student Financial Aid Transition Advisory Committee with its recommendations. There's a lot of work that still has to be done in order for one-stop shopping to become a reality. Many members of the Committee had questions and concerns about Mr. Pow's association with MELMAC and MELA, particularly in regard to potential conflicts and biases involved in these interlocking directorships and their influence on his appointment to the new Advisory Board under FAME.

Back last spring, I remember the difficult time we had getting answers to questions about the functioning of MELMAC and its relationship to MELA and how it would fit into this one-stop shopping concept. With the compromise that resulted in the creation of a new division in FAME, we knew that the Transition Advisory Committee was going to have to take a look at those questions that we did not get answers to last spring. There were numerous attempts through September and October to solicit the information. Mr. Pow, who sat on the Transition Advisory Committee, did not, in my knowledge, volunteer any information. When Mr. Pow was asked last week in his appearance before the Education Committee, why the Education Committee last spring, and later, the Transition Committee this past summer, were not able to obtain pertinent information that was requested concerning MELMAC and MELA, he responded by saying that we "did not ask the right questions." We found that to be one of several disturbing responses. Mr. Pow, as a member of MELMAC and MELA and as a member of the Transition Committee, I believe, knew exactly what information was being sought. Certainly, as a member of the Transition

Committee, he was in a position where he could have helped to formulate the right questions. As a member of MELA and MELMAC, he could have been far more cooperative in providing the information that he knew was needed.

The challenges that are facing the new Higher Education Students Financial Aid Board are great, and again, FAME has its work cut out for it. In confirming the Governor's nomination, we must be assured that each member of this Board is not only committed, but that they are also going to be candid, cooperative, and forthcoming in their exchange with FAME, and the Legislature, in order to meet those challenges that lie ahead. In the final analysis, I am convinced that Mr. Pow's conflicting associations would prevent him from participating in this type of constructive change. I believe the Majority of the Education Committee voted in good conscience, and I urge you to support that vote to deny confirmation.

MR. PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, Ladies and Gentlemen of the Senate. I enter into this debate today because of my belief that the one-stop shopping approach to education loan funding is a concept that most Maine parents and guidance counselors and students need. They really need this one-stop shopping approach. I speak from personal experience. I'm not ashamed to say that I've looked for my daughter for education funding, in the past, and will, in the future, look for her education funding. As parents, as young parents, the increasing demand on the costs of education, college education, funding for children is just tremendous. You just can't imagine how tremendous it is unless you've actually done it and rather recently, I might add. If you haven't heard from the people in your district, the parents in your district, I also can assure you that they are very concerned about the current system, or lack thereof, a current system regarding educational loan funding.

When the one-stop shopping approach was debated during the last session of the Legislature, I felt that, somehow, we were going to get some relief and in the near future. We put it off once, but it seemed, to me, that everyone was going together and we were finally going to get this program underway. Now, with the events surrounding Mr. Pow's nomination, I question whether this is going to continue to be a political football, because, if it is, I think we're doing a terrible disservice to the people, the parents and educators, and the students of the State of Maine.

If you own a British sports car and you have trouble with the engine, you take that sports car to a person that specializes in British auto mechanics, if you have heart disease, you go to a heart specialist and if you have your life savings, maybe it's \$1,000, maybe it's \$10,000, and you want to safely invest that money, you go to a person whose specialty is investments. Gordon Pow's specialty, ladies and gentlemen, is education loan funding. I believe the State is extremely fortunate to have a man of Mr. Pow's integrity, who is willing to give of his time, to sit on this new Board, who would administer the new program in education loan funding and I highly commend Governor McKernan for finding a person so eminently qualified as Gordon Pow for this position. I won't go in, I intended to, but I think Senator Gill from Cumberland very aptly stated all of Mr. Pow's qualifications from business qualifications to civic qualifications.

Without a doubt, Mr. Gordon Pow is probably as qualified of a person as we can possibly find for the

position that we're seeking and, more importantly, Mr. Pow wants to serve on this Board. He really wants to have the opportunity to help the parents and the students and the guidance people of the State of Maine. Yet, the Education Committee has seen fit to deny him, a volunteer, without pay, a position on this new Board and it's apparently because of his affiliations with MELA and MELMAC.

It seems to me that these affiliations can only enhance Mr. Pow's worth to the Education Loan Committee. He provides continuity and, I think, that's important when you have a brand new program just getting off the ground. We need continuity. Mr. Pow offered to the Education Committee to resign from the Boards of both MELA and MELMAC, so he could have this opportunity to volunteer on the Board and, still, the Committee said, "No, Mr. Pow, we don't want you to serve on this Board." I think by doing this, the Education Committee has done an injustice to the students and the education loan community.

I hope that the Senate today will be more circumspect with their vote and will decide to override that recommendation. Apparently, some of the information that the Education Committee requested involved the financial disclosure of MELMAC and it is my understanding that Maine law requires that MELA, Maine Education Loan Authority, disclose its records to the Legislature, but there's no such requirement for MELMAC. In other words, the Legislature has recognized that there is a special relationship to the State enjoyed by MELA, carries with it the responsibility of financial disclosure, but, MELMAC is an entirely different situation. It's a private entity and it does not have statutory disclosure requirements that it has to abide by.

I would encourage you to vote Yes when confirming Mr. Pow and override, what I believe is, the Education Committee's short-sightedness. Thank you.

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

Senator BOST: Thank you. Mr. President, Men and Women of the Senate, there is always a certain degree of reluctance in standing up and opposing a gubernatorial nomination. Considerable deference is usually given to a Governor's choice in filling positions throughout state government and, as you all know, the Senate's endorsement of a nominee is usually made easier when that individual has credentials which appear to match the task, and the good Senator from Cumberland, Senator Gill, has highlighted this nominee's resume in great detail.

If experience were the only criteria the Education Committee applied to the nominees for the Higher Education Students Financial Assistance Board, this nominee might be appearing on the calendar this evening with a different recommendation. Unfortunately, a clear majority of the Committee had deep reservations regarding other aspects of this particular nomination.

As you are all aware, and has been alluded to by several of the preceding speakers, determining the best method of delivering student financial aid was a difficult issue in the First Regular Session of the Legislature. That's perhaps an understatement. The Education Committee emerged with a compromise which was generally regarded as a very good one by all parties involved and that placed the delivery of student financial aid under the jurisdiction of the Finance Authority of Maine. An integral component of that compromise was the creation of the Financial Aid Transition Advisory Committee, which I had the opportunity to chair, and, which met throughout the summer and fall to carry out its charge.

During the deliberations, both within the Education Committee and within the Transition Advisory Committee, one of the most troublesome tasks was attempting to get answers about MELMAC, the Maine Education Loan Marketing Corporation, otherwise known as the secondary market. Given the fact that MELMAC is a creation of Executive Order and handles millions of dollars in public funds, as well as the fact that MELMAC has an essentially captive audience in Maine, we attempted to get basic data regarding MELMAC's operations. At each juncture, the Committee was rebuffed with logic such as "the issue is simply too complex for you folks to understand" or "it's simply none of your business".

Unbelievably, MELMAC does differ from other agencies as the good Senator from Sagadahoc, Senator Cahill, indicated to you, in that it is not required by Maine law to file any annual reports to the Legislature, to the Governor or any oversight agency of state government, despite it being a creature of state government. Legislation will be introduced this session to require such disclosure on an annual basis due to what many of us feel to be the gravity of this situation.

Now the nominee before us today is both a director of MELMAC and chairman of MELA, the Maine Education Loan Authority, but, during our deliberations, was not forthcoming about basic questions regarding the intricacies of MELMAC. When questioned during the confirmation hearing about this, as one previous Senator has already indicated, the nominee replied that we simply did not ask the right questions. Now if that is an example of the candidate's candor or his willingness to assist FAME with information in its immense task of taking over financial aid programs which will have to, I might add, deal directly with MELMAC, we had considerable cause for concern.

Secondly, and equally troublesome, was the nominee's contention that he did not "believe that the Board of either entity, MELA or MELMAC, is aware of the full extent and nature of requests or the conversations involved." With this statement, he is referring to verbal and written inquiries from the Transition Advisory Committee regarding MELMAC's operations. This, despite the fact that the nominee serves on both boards, as well as the Transition Advisory Committee, and despite a letter from Richard Pierce, President of MELMAC which states to the contrary that the Board did, in fact, meet to discuss the Committee's informational requests. It was the nominee, in addition to the letter, who informed them of that request.

Thus, it was given these discrepancies and a sense that it would be business as usual, once he was in place on the Student Assistance Board, that the Education Committee voted in the majority not to confirm.

I wanted to make brief reference to a couple of comments by previous speakers. First, with regard to a statement made by the good gentlewoman from Cumberland, Senator Gill, who shared with us, that the nominee before us is the only banker in Maine who knows MELMAC firsthand, as justification to support his nomination.

The Committee felt, that given that particular position the nominee holds, that all the more reason this nominee be willing to answer basic rudimentary questions about the operation of the Board upon which he serves.

I couldn't let the British sports car analogy go unanswered from the good Senator from Sagadahoc, Senator Cahill. I believe that if one went to that experienced mechanic that she referred to and that

mechanic worked on your engine, but didn't tell you what he did or how he did it, I think you would probably have some questions about your bill.

Thus, I urge you, this evening, to support the majority recommendation of the Committee so that the Governor can recommend a nominee who does not pose these same problems and so that the Finance Authority of Maine can go forward with its immense task. Thank you very much.

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

Senator GILL: Thank you. Mr. President, Men and women of the Senate, I also have before me the Transition Committee Report and on page 17 of that report, under number two - Secondary Market - I'll read it. It says, "a final area which the Transition Committee investigated was the possibility of a secondary market role for FAME. After discussion by the Committee at its meeting held on September 8, it was concluded that it is not advisable for FAME to consider entering into such an activity without considerable review." It goes on to give several reasons why they didn't feel it was appropriate to go into the secondary market.

So I guess I'm bewildered about why we have to get involved in MELMAC, which is a private entity, to find out about their secondary market when there's no transition for FAME to get involved in that. So I see no relevant reason why we should try to open the books of that private entity any more than we should of Senator Whitmore's insurance company or Senator Baldacci's restaurant or the President's business. I see no good reason. I don't want to know what they're doing, but I feel that if FAME was going to get involved in that area then, sure, let's talk about it, but even the Transition Committee decided it was not appropriate at this time.

I also have to say there are a couple pieces of correspondence that went between Senator Bost and the President of MELMAC and Senator Bost made an inquiry into further information from MELMAC and the reply was that they would be happy to provide balance sheet information and summary, if the Committee believed it was helpful. I'd like to ask Senator Bost if he took advantage of that situation. If that was information he felt was pertinent, did he take advantage of getting that information as a stepping stone for whatever else he was looking for? I would pose that question to the good Senator.

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

Senator BOST: Thank you. Mr. President, Men and Women of the Senate, in answer to the gentlewoman from Cumberland, Senator Gill's, question, first, I would like to respond to her recitation of the recommendation on the secondary market.

I had a hand in formulating the language as did the nominee on that recommendation. I don't believe the good Senator was present during the formulation of that recommendation, but had she been present, she would have known that it was the unanimous agreement of those present at that Committee meeting that we not close the door for FAME to eventually exploring the secondary market, which is now held, in large part, by MELMAC, but, that should FAME consider entering into the secondary market, that they modify its covenant structure. I believe that represented considerable compromise on both sides, both parties involved, as the Senator will remember, during the last session, that was certainly a bone of contention as to whether FAME should, in fact, assume the responsibilities of MELMAC and everything that goes along with it.

With regard to the concern of the good Senator that this is no different from someone's insurance business or another person's restaurant business, I don't believe that either the insurance business that she's referring to or the restaurant that she's referring to were established by Executive Order or partly financed by public funds. Certainly, the public contributes to the insurance agency by buying policies and certainly, the public contributes to the restaurant by eating at the restaurant, but, there, the analogy ends. I hope that answers the question.

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

Senator GAUVREAU: Thank you. Mr. President, Men and Women of the Senate, let me offer my customary apologies for rising at this late hour to extend the discussion on this particular nominee, but I do so because I want to stress a point as far as our responsibility as individual legislators. Let me preface my remarks by saying I have great respect for all those who have engaged in the discussion this evening regarding the Governor's nomination of this gentleman for the position in question.

I am concerned about intimations that, perhaps, certain of the members of the Joint Standing Committee on Education did not exercise their best judgement in casting their votes either for or against this particular nominee. That is a source of great concern to me and that concern was exacerbated when I arrived at the State House yesterday morning, picked up a copy of the Kennebec Journal which was on my desk and I read a quotation which was an outtake. The quotation was from the chief executive officer of our state and I have to assume, at this juncture, that the Associated Press correctly quoted the Governor. If I am mistaken, I would like to be advised of that. The quotation was, this is the Governor making reference to the legislative committee action on the nomination of Mr. Pow, "It's apparent that the Democrats will not do the right thing. "This, to me, is a case of first impression where the chief executive is expressing moral suzerainty over judgements of the Legislature.

It seems to me that we have to use our own best judgement. We are elected to use our best judgement in reviewing the Governor's nominations. I certainly don't call into question the integrity, or the judgement, of the good Senator from Cumberland, Senator Gill, or my other colleagues in this debate, as to their positions on this particular nominee.

I think, also, it's totally inappropriate to confuse this issue with whether or not the membership agrees, in general, with the concept of one-stop shopping. I think we all agree that whatever we can do to accrue capital to facilitate our children's entry into higher education should be advanced.

This, I think, is perhaps the most difficult vote that I have had to approach in my years in the Maine Legislature. We have had other cases when committees of jurisdiction have urged us to reject a gubernatorial nominee. Usually, those differences of opinion arise on philosophical matters and occasionally, rarely, due to the competency and qualifications of individuals. It is apparent from the discussion this evening that those concerns are not present before us today, that is to say, that the philosophy of this gentleman and his qualifications are certainly not an issue. Unfortunately, there is a difference of opinion which was articulated tonight, but there seems to be a question going to a much more painful and sensitive area and that is one of credibility. If I understand correctly, 8 members of the Committee on Education cast votes in opposition to the Governor's nomination because they

were not satisfied with the candor and the credibility of this gentleman. That, I think, is a very serious allegation. I do not know the gentleman so I am at a loss in terms of making a personal judgement as to this person's credibility and that, I think, exacerbates my plight. So, I think, we have to look back to what criteria we should use in approaching or being asked to overturn the Committee's recommendation.

As every member here is aware, under the Legislative Rules, the Committee of jurisdiction is vested with confirmatory authority and, therefore, the Committee on Education has voted to reject this nomination and only if two-thirds of this membership in the State Senate overturn their judgement, should the nomination go forward and be confirmed. I think the persons who drafted those rules were sensitive of the roles of legislators in reviewing gubernatorial appointments.

This, I think, is really the heart of my concern, not this particular gentleman. It is that we are being asked to reject the judgement of a majority of the members on the Committee on Education. I have listened to the presentations from the Senator from Cumberland, Senator Gill, as well as the Senator from York, Senator Estes and the Senator from Penobscot, Senator Bost and it is a concern to me that, as I stated at the outside, their judgement, perhaps even their integrity, is being called into question. It is a very difficult choice we are being asked to make tonight. These individuals on the Joint Standing Committee on Education sat through the confirmation process. They experienced, as none of us else did, they experienced the issues involved in this drama over higher education financing and they, and only they, had a chance to personally observe the credibility and candor of the nominee.

Now perhaps, some of us in this Body know the individual, I do not. So I am being asked on a blind record to cast a vote. I don't believe, from what I've heard this evening, that we have heard evidence that shows the Committee on Education was clearly erroneous. In fact, I think we've heard evidence that there was valid reason for the majority of the members of the Committee to have serious doubts as to the candor of this nominee. I know that is an issue on which my colleagues do not agree, but I don't think, on this record, we will be justified in voting to overturn the Committee and, therefore, I will be voting this evening in support of the majority position on the Committee on Education.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Gordon R. Pow of Belgrade be denied.

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 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?

Senator THERIAULT of Aroostook, who would have voted NAY requested and received Leave of the Senate

to pair his vote with Senator COLLINS of Aroostook who would have voted YEA.

Senator DILLENBACK of Cumberland who would have voted YEA requested and received Leave of the Senate to pair his vote with Senator CLARK of Cumberland who would have voted NAY.

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BRAWN, CAHILL, CARPENTER, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PERKINS, RANDALL, WEBSTER, WEYMOUTH, WHITMORE

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, PEARSON, TITCOMB, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BUSTIN, EMERSON

PAIRED: Senators CLARK, COLLINS, DILLENBACK, THERIAULT

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 4 Senators having Paired their votes, and 2 Senators being absent, and 14 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 Gordon R. Pow, was DENIED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Law Enforcement Officers"

S.P. 843 L.D. 2162

Presented by Senator COLLINS of Aroostook
Cosponsored by Representative RYDELL of Brunswick and Senator WHITMORE of Androscoggin
Submitted by the Department of Public Safety pursuant to Joint Rule 24.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Resolve, to Study Threats to Maine Lakes (Emergency)

S.P. 841 L.D. 2160

Presented by Senator KANY of Kennebec
Cosponsored by Representative SIMPSON of Casco, Representative LORD of Waterboro and Senator TITCOMB of Cumberland
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Reduce Hunting Related Accidents"

S.P. 840 L.D. 2159

Presented by Senator GOULD of Waldo
Cosponsored by Representative SMITH of Island Falls, Representative CARROLL of Southwest Harbor and Representative DUFFY of Bangor
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.

Bill "An Act Concerning the Driving of Deer"

S.P. 842 L.D. 2161

Presented by Senator TWITCHELL of Oxford

Cosponsored by Representative WALKER of Norway, Representative HASTINGS of Fryeburg and Representative GREENLAW of Standish
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Which were referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.
Sent down for concurrence.

Pursuant to Public Law
Committee on BANKING AND INSURANCE

Senator BUSTIN for the Committee on BANKING AND INSURANCE, pursuant to Public Law 1989, Chapter 67, ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Life and Health Insurance Guaranty Association"

S.P. 844 L.D. 2163

Be referred to the Joint Standing Committee on BANKING AND INSURANCE for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

Pursuant to Private and Special Laws
COMMISSION ON MANUFACTURED HOUSING

Senator BALDACCI for the Commission on Manufactured Housing, pursuant to P&SL 1987, Chapter 139, ask leave to submit its findings and to report that the accompanying Resolve, to Require the Office of Comprehensive Land Use Planning to Study Municipal Implementation of Manufactured Housing Laws

S.P. 845 L.D. 2164

Be referred to the Joint Standing Committee on LEGAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

The Resolve referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on BANKING AND INSURANCE on Bill "An Act to Create a State Fund to Provide Workers' Compensation Insurance Coverage to Employers" (Emergency)

H.P. 952 L.D. 1320

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Provide for a Clear Definition of the High-water Mark of Artificial Bodies of Water"

H.P. 1320 L.D. 1822

Divided Report

Six Members of the Committee on TRANSPORTATION on Bill "An Act to Provide Access to Camps"

H.P. 876 L.D. 1219

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-728).

Signed:
Representatives:

MOHOLLAND of Princeton
MACOMBER of South Portland
STROUT of Corinth
HICHBORN of Howland
MARTIN of Van Buren
MILLS of Bethel

Six Members of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senators:

TWITCHELL of Oxford
GOULD of Waldo
THERIAULT of Aroostook

Representatives:

MCPHERSON of Eliot
HUSSEY of Milo
BAILEY of Farmington

Comes from the House Bill and Accompanying Papers RECOMMENDED to the Committee on TRANSPORTATION.

Which Reports were READ.

The OUGHT NOT TO PASS Report was ACCEPTED in NON-CONCURRENCE.

Sent down for concurrence.

Senate

Change of Reference

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Establish a Five-year Medical Liability Demonstration Project"

S.P. 782 L.D. 2023

Reported that the same be REFERRED to the Committee on JUDICIARY.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on JUDICIARY.

Sent down for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act to Address the Crisis Confronting Clients of the Training Programs Administered by the Bureau of Vocational Rehabilitation" (Emergency)

H.P. 1526 L.D. 2111

Tabled - January 8, 1990, by Senator DUTREMBLE of York.

Pending - REFERENCE

(In House, January 5, 1990, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.)

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

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act Regarding Preliminary Protection Orders in Child Protective Cases"

H.P. 1530 L.D. 2115

Tabled - January 8, 1990, by Senator GAUVREAU of Androscoggin.

Pending - REFERENCE

(Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)

(In House, January 5, 1990, referred to the Committee on JUDICIARY.)

On motion by Senator HOBBS of York, Tabled 1 Legislative Day, pending REFERENCE.

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act to Amend the Implementation Date of the Drug Testing Laws" (Emergency)

S.P. 837 L.D. 2145

Tabled - January 8, 1990, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED, without reference to a Committee

(In Senate, January 8, 1990, READ A SECOND TIME.)

On motion by Senator DUTREMBLE of York, Senate Amendment "A" (S-468) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended, without reference to a Committee.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 848

114TH MAINE LEGISLATURE

January 9, 1990

Senator Judy C. Kany

Rep. Michael H. Michaud

Chairpersons

Joint Standing Committee on Energy and Natural Resources

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Franklin P. Eggert of Verona Island and Richard P. Bentzel of Fairfield for reappointments as members of the Sludge & Residuals Utilization Research Foundation.

Pursuant to P.L. 1988, Chapter 799, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated Marion Fuller Brown of York for reappointment as a member of the Land for Maine's Future Board.

Pursuant to P.L. 1988, Chapter 858, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated Margaret M. Roy of Cornish for reappointment as a member of the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Which was READ and REFERRED To the Committee on ENERGY AND NATURAL RESOURCES.

Sent down for concurrence.

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

January 8, 1990

Honorable Joy J. O'Brien

Secretary of the Senate

State House Station 3

Augusta, Maine 04333

Dear Madam Secretary:

Please be advised that pursuant to my authority under 1 M.R.S.A. Section 1002, I have appointed Paul E. Violette to the Commission on Governmental Ethics and Election Practices. He will serve a two year term. If you have any questions, please contact me.

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

Which was READ and ORDERED PLACED ON FILE.

Pursuant to 1 M.R.S.A., Section 1002, this nomination requires the affirmative vote of two-thirds of the members present and voting for concurrence. 24 Senators having voted in the affirmative and no Senators having voted in the negative, and 24 being two-thirds of the members present and voting, the Senate concurred with the appointment.

ORDERS

Joint Resolution

Senator DUTREMBLE of York, requested UNANIMOUS CONSENT to present a Joint Resolution on behalf of Senator CLARK of Cumberland (Cosponsored by: President PRAY of Penobscot, Speaker MARTIN of Eagle Lake, Senator TITCOMB of Cumberland) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 847

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION TO PREVENT THE CLOSING OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE AT TOGUS, MAINE

WE, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, the United States Department of Veterans Affairs has proposed to consolidate the central office facility located at Togus, Maine with a similar facility in Manchester, New Hampshire; and

WHEREAS, this transfer will impose hardships on the veterans of our large and diverse state and will result in a loss of benefits to many as services routinely provided at Togus will no longer be provided there, requiring some veterans to travel great distances to New Hampshire to apply for certain services and to receive others; and

WHEREAS, these new hurdles will discourage eligible veterans from obtaining benefits to which they are rightfully entitled and will predictably result in a reduction in benefits received by Maine veterans and place new burdens on state veterans services and benefit programs; and

WHEREAS, many positions may be eliminated by this consolidation resulting in a reduction in the number of caring and experienced employees, a loss which will directly and indirectly affect Maine veterans, veterans' families and the other citizens of this State; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the President and the Congress of the United States to intervene and take all appropriate actions to cancel this ill-advised consolidation plan; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation.

Which was READ and ADOPTED.
Sent down for concurrence.

COMMITTEE REPORTS

Senate

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator CARPENTER for the Committee on UTILITIES on Bill "An Act to Promote the Access of Cable Television to Maine Citizens" (Emergency)

S.P. 249 L.D. 579

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator DUTREMBLE for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Allow Municipalities to Assess Impact Fees for Activities that Create or Intensify Problems for Municipalities with Respect to the Availability of Affordable Housing"

S.P. 153 L.D. 273

Change of Reference

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Remove Notarization from the Voter Registration Application Process"

S.P. 750 L.D. 1958

Reported that the same be REFERRED to the Committee on LEGAL AFFAIRS.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on LEGAL AFFAIRS.

Sent down for concurrence.

On motion by Senator Kany of Kennebec ADJOURNED until Thursday, January 11, 1990, at 4:00 in the afternoon.