

MAINE STATE LEGISLATURE

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ERRATA:

**The permanent edition of the
Legislative Record includes
no Senate proceedings for
May 31, 1990.**

**The relevant pages from
the Senate Journal here follow
to indicate the work of the chamber
on that day.**

**STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
THIRD CONFIRMATION SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
May 31, 1990

Pursuant to the provisions of Article 5, Part 1, Section 8 of the Constitution and the laws of the State of Maine, the Senate convened at four o'clock in the afternoon.

Senate called to Order by the President.

Prayer by the Honorable Edgar E. Erwin of Oxford.

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333**

May 11, 1990

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 Thursday, May 31, 1990, 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.

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

ROLL CALL

Senators BERUBE, BOST, BRANNIGAN, BRAUN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

32 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 the Senator from Cumberland, Senator CLARK to deliver the message to the Governor.

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

May 3, 1990

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

Dear President Pray:

This is to inform you that I am withdrawing my nomination of Dwight Sewell of Presque Isle for appointment as Executive Director of the Maine State Housing Authority.

Pursuant to Title 30, MRSA Section 4602, this nomination is currently pending before the Joint Standing Committee on Housing and Economic Development 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

May 3, 1990

Senator Dennis L. Dutremble
Rep. Gregory G. Nadeau
Chairpersons
Joint Standing Committee on Housing and Economic Development
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Dwight Sewell of Presque Isle for appointment as Executive Director of the Maine State Housing Authority.

Pursuant to Title 30, MRSA Section 4602, this nomination is currently pending before the Joint Standing Committee on Housing and Economic Development.

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

May 3, 1990

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

Dear President Pray:

This is to inform you that I am today nominating Dwight Sewell of Presque Isle for appointment as Executive Director of the Maine State Housing Authority.

Pursuant to Title 30, MRSA Section 4602, this nomination will require review by the Joint Standing Committee on Housing and Economic Development 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.

Thursday, May 31, 1990

Pg. 4

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

May 3, 1990

Senator Dennis L. Dutremble
Rep. Gregory G. Nadeau
Chairpersons
Joint Standing Committee on Housing and Economic Development
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dwight Sewell of Presque Isle for appointment as Executive Director of the Maine State Housing Authority.

Pursuant to Title 30, MRSA Section 4602, this nomination will require review by the Joint Standing Committee on Housing and Economic Development 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:

**ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT**

April 20, 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 Housing and Economic Development has had under consideration the nomination of Dwight Sewell of Presque Isle, for appointment as Executive Director of the Maine State Housing Authority.

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

YEAS: Senators 2
Representatives 7

NAYS: 3

ABSENT: 1 Sen. Andrews of Cumberland

Nine 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 Dwight Sewell of Presque Isle, for appointment as Executive Director of the Maine State Housing Authority be confirmed.

Sincerely,

S/Senator Dennis L. Dutremble
Senate Chair

S/Rep. Gregory G. Nadeau
House Chair

Which was READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on HOUSING AND ECONOMIC DEVELOPMENT 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 was taken by the Yeas and Nays.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators None

NAYS: Senators BERUBE, BOST, BRANNIGAN, BRAUN,
BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS,
DILLENBACK, DUTREMBLE, EMERSON, ERWIN,
ESTES, ESTY, GAUVREAU, GILL, GOULD,
HOLLOWAY, KANY, LUDWIG, MATTHEWS, PERKINS,
RANDALL, THERIAULT, TITCOMB, TWITCHELL,
WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, BALDACCI, WEYMOUTH

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 Dwight Sewall, 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**

May 3, 1990

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

Dear President Pray:

This is to inform you that I am withdrawing my nomination of Andrew M. Mead of Bangor for appointment as Judge of the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination is currently pending before the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thursday, May 31, 1990

Pg. 6

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

May 3, 1990

Senator Barry J. Hobbins
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Andrew M. Mead of Bangor for appointment as Judge, Maine District Court.

Pursuant to Title 4, MRSA Section 157, this nomination is currently pending before the Joint Standing Committee on Judiciary.

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

May 3, 1990

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

Dear President Pray:

This is to inform you that I am today nominating Andrew M. Mead of Bangor for appointment as Judge, Maine District Court.

Pursuant to Title 4, MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

May 3, 1990

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

Dear President Pray:

This is to inform you that I am today nominating Honorable Morton A. Brody of Waterville for appointment as Justice of the Maine Supreme Judicial Court.

Pursuant to the Maine Constitution, Article V, Part I, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/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**

May 3, 1990

Senator Barry J. Hobbins
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Morton A. Brody of Waterville for appointment as Justice of the Maine Supreme Judicial Court.

Thursday, May 31, 1990

Pg. 8

Pursuant to the Maine Constitution, Article V, Part I, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Please be advised that Governor John R. McKernan, Jr. has nominated Andrew M. Mead of Bangor for appointment as Judge, Maine District Court.

Pursuant to Title 4, MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

May 15, 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 Judiciary has had under consideration the nomination of Morton A. Brody of Waterville, for appointment as Justice of the Maine Supreme Judicial Court.

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

YEAS:	Senators	3
	Representatives	9

NAYS:		0
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ABSENT: 1 Rep. MacBride of Presque Isle

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 Morton A. Brody of Waterville, for appointment as Justice of the Maine Supreme Judicial Court be confirmed.

Sincerely,

S/Senator Barry J. Hobbins
Senate Chair

S/Rep. Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on JUDICIARY be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote was taken by the Yeas and Nays.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators None

NAYS: Senators BERUBE, BOST, BRANNIGAN, BRAUN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators ANDREWS, BALDACCI, WEYMOUTH

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 Morton A. Brody, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

May 15, 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 Judiciary has had under consideration the nomination of Andrew M. Mead of Bangor, for appointment as Judge of the Maine District Court.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. MacBride of Presque Isle

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 Andrew M. Mead of Bangor, for appointment as Judge of the Maine District Court be confirmed.

Sincerely,

S/Senator Barry J. Hobbins
Senate Chair

S/Rep. Patrick E. Paradis
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote was taken by the Yeas and Nays.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators None

NAYS: Senators **BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

ABSENT: Senators **ANDREWS, BALDACCI, WEYMOUTH**

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Andrew M. Mead**, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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 the Senator from Cumberland, Senator **CLARK** to deliver the message to the Governor.

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

On motion by Senator **EMERSON** of Penobscot at 4:24 p.m. on Thursday, May 31, 1990, the Honorable **CHARLES P. PRAY**, President of the Senate, declared the 3rd Confirmation Session of the 114th Legislature, **ADJOURNED SINE DIE**.