

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Sixteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME VII**

**SECOND REGULAR SESSION**

**Senate**  
April 7, 1994 to April 14, 1994

**SECOND CONFIRMATION SESSION**  
May 11, 1994

**THIRD CONFIRMATION SESSION**  
July 29, 1994

**FOURTH CONFIRMATION SESSION**  
November 14, 1994

**Index to 116<sup>th</sup> Legislative Record**

**HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
SECOND CONFIRMATION SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Wednesday  
May 11, 1994

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 Wednesday, May 11, 1994, at three 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/Dennis L. Dutremble  
President of the Senate

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 three o'clock in the afternoon.

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

Senate called to Order by the President, Dennis L. Dutremble of York.

**CALLING OF THE ROLL**

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

Prayer by the Honorable Dale McCormick of Kennebec.

Senators AMERO, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MCCORMICK, O'DEA, PEARSON, PINGREE, SUMMERS, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

**SENATOR DALE MCCORMICK:** I thought that today we would meditate on the incredible changes that have happened in South Africa in the last two days which have moved me to tears as I have watched the news. We should all remind ourselves that we, here in this body, had a role in that. We actually supported the economic sanctions that brought about this kind of change, this peaceful change that probably no one in this room could have imagined would happen. Let us also be inspired by the leadership of both ex-President DeKlerk and current President Nelson Mandela, who proved by their actions that bold leadership doesn't just go halfway can often carry the day and has given the world a new excitement and faith that democracy can work.

30 Senators having answered to the Roll, the President declared a quorum present.

Amen.

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

**COMMUNICATIONS**

**ORDERED,** that a message be sent to 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.

The Following Communication:

Which was **READ** and **PASSED**.

STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333

The President appointed the Senator from Cumberland, Senator **ESTY** to deliver the message to the Governor.

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

April 27, 1994

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

The Following Communication:

Dear Secretary O'Brien:

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

April 25, 1994

The Honorable Dennis L. Dutremble  
 President of the Senate of Maine  
 116th Maine Legislature  
 State House  
 Augusta, Maine 04333

**ROLL CALL**

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Kermit V. Lipez of South Portland, for appointment as a Justice of the Supreme Judicial Court.

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

YEAS:	Sen.	3	Conley of Cumberland, Berube of Androscoggin, Hanley of Oxford
	Rep.	7	Cote of Auburn, Farnsworth of Hallowell, Caron of Biddeford, Faircloth of Bangor, Saxl of Bangor, Ott of York, Plowman of Hampden
NAYS:		0	
ABSENT:		3	Rep. Cathcart of Orono, Rep. Ketterer of Madison, Rep. Lipman of Augusta

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kermit V. Lipez of South Portland, for appointment as a Justice of the Supreme Judicial Court be confirmed.

Signed:

S/Gerard P. Conley, Jr.  
 Senate Chair

S/Constance D. Cote  
 House Chair

April 25, 1994

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

**THE PRESIDENT:** The Joint Standing Committee on Judiciary has recommended the nomination of Kermit V. Lipez of South Portland be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th 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.

YEAS: Senators None

NAYS: Senators AMERO, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MCCORMICK, O'DEA, PEARSON, PINGREE, SUMMERS, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, GOULD, MARDEN, PARADIS, TITCOMB

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 Kermit V. Lipez, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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Off Record Remarks

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The Following Communication:

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

The Honorable Dennis L. Dutremble  
 President of the Senate of Maine  
 116th Maine Legislature  
 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 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of the Honorable Samuel W. Collins, Jr. of Rockland, for appointment as an Active Retired Justice of the Supreme Judicial Court.

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

YEAS: Sen. 2 Berube of Androscoggin, Hanley of Oxford

Rep. 6 Cote of Auburn, Farnsworth of Hallowell, Caron of Biddeford, Saxl of Bangor, Ott of York, Plowman of Hampden

NAYS: 0

ABSENT: 5 Sen. Conley of Cumberland, Rep. Cathcart of Orono, Rep. Ketterer of Madison, Rep. Faircloth of Bangor, Rep. Lipman of Augusta

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 Samuel W. Collins, Jr., was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of the Honorable Samuel W. Collins, Jr. of Rockland, for appointment as an Active Retired Justice of the Supreme Judicial Court be confirmed.

The Following Communication:

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

Signed:

April 25, 1994

S/Gerard P. Conley, Jr.  
Senate Chair

S/Constance D. Cote  
House Chair

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
116th Maine Legislature  
State House  
Augusta, Maine 04333

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

Dear Mr. President:

**THE PRESIDENT:** The Joint Standing Committee on Judiciary has recommended the nomination of Samuel W. Collins, Jr. of Rockland be confirmed.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of John R. Atwood of Damariscotta, for appointment as a Justice of the Maine Superior Court.

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

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:

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th 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.

YEAS:	Sen.	3	Conley of Cumberland, Berube of Androscoggin, Hanley of Oxford
	Rep.	8	Cote of Auburn, Farnsworth of Hallowell, Caron of Biddeford, Faircloth of Bangor, Saxl of Bangor, Ott of York, Lipman of Augusta, Plowman of Hampden

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: 0

NAYS: Senators AMERO, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MCCORMICK, O'DEA, PEARSON, PINGREE, SUMMERS, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: 2 Rep. Cathcart of Orono, Rep. Ketterer of Madison

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John R. Atwood of Damariscotta, for appointment as a Justice of the Maine Superior Court be confirmed.

Signed:

ABSENT: Senators BALDACCI, GOULD, MARDEN, PARADIS, TITCOMB

S/Gerard P. Conley, Jr.  
Senate Chair

S/Constance D. Cote  
House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Judiciary has recommended the nomination of John R. Atwood of Damariscotta be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th 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 AMERO, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MCCORMICK, O'DEA, PEARSON, PINGREE, SUMMERS, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, GOULD, MARDEN, PARADIS, TITCOMB

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 John R. Atwood, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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Off Record Remarks

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The Following Communication:

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

April 25, 1994

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
116th Maine Legislature  
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 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Paul K. Vestal, Jr. of Plymouth, for appointment to the Human Rights Commission.

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

YEAS:	Sen.	2	Berube of Androscoggin, Hanley of Oxford
	Rep.	6	Cote of Auburn, Farnsworth of Hallowell, Caron of Biddeford, Saxl of Bangor, Ott of York, Plowman of Hampden
NAYS:		0	
ABSENT:		5	Sen. Conley of Cumberland, Rep. Cathcart of Orono, Rep. Ketterer of Madison, Rep. Faircloth of Bangor, Rep. Lipman of Augusta

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Paul K. Vestal, Jr. of Plymouth, for appointment to the Human Rights Commission be confirmed.

Signed:

S/Gerard P. Conley, Jr.  
Senate Chair

S/Constance D. Cote  
House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Judiciary has recommended the nomination of Paul E. Vestal, Jr. of Plymouth be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th 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 AMERO, BEGLEY, BERUBE,  
BRANNIGAN, BUTLAND, CAHILL, CAREY,  
CARPENTER, CIANCHETTE, CLEVELAND,  
CONLEY, ESTY, FOSTER, HALL, HANDY,  
HANLEY, HARRIMAN, KIEFFER, LAWRENCE,  
LUDWIG, LUTHER, MCCORMICK, O'DEA,  
PEARSON, PINGREE, SUMMERS, VOSE, THE  
PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BUSTIN, GOULD,  
MARDEN, PARADIS, TITCOMB, WEBSTER

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 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 Paul E. Vestal, Jr., was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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**ORDERS**

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

**ORDERED**, that a message be sent to 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 **ESTY** to deliver the message to the Governor.

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

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On motion by Senator **BEGLEY** of Lincoln at 3:47 p.m. on Wednesday, May 11, 1994, the Honorable **DENNIS L. DUTREMBLE**, President of the Senate, declared the Second Confirmation Session of the 116th Legislature, **ADJOURNED SINE DIE**.