

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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AUGUSTA, MAINE

SENATE

Friday, September 16, 1977

In accordance with Article 4, Part 1, Section 8, the Senators convened in the Senate Chamber at ten o'clock in the morning and were called to order by the President.

Prayer by Reverend Valmont R. Gilbert of St. Augustine Church in Augusta.

Father GILBERT: Let us Pray. We are thankful O Lord, for the leaders you have given the State of Maine. Today we pray that those who for the first time in the history of our State are to be confirmed in different gubernatorial appointments by Members of the Senate. May they be worthy and always see the common good of the people of our state. May they like you, show no partiality in serving their fellow men, remembering always, that those in power over the multitude. And they who exercise authority will be judged as they have treated others. May justice and mercy prevail in all they do, since you made the great as well as the small, and provide for all. We ask O Lord, to grant all here present the serenity to except the things we cannot change, the courage to change the things we can, and wisdom to know the difference. Amen.

The Secretary read the following communication:

President's Office
August 8, 1977

May M. Ross
Secretary of the Senate of Maine
State House
Augusta, Maine 04333

Dear Madam Secretary:

Please be advised that in accordance with Article 4, Part 1, section 8 of the Constitution of Maine, the Senate of Maine will convene on September 16, 1977, at ten o'clock in the morning for the purpose of voting upon confirmation of the various appointments made by The Honorable James B. Longley, Governor of the State of Maine.

Sincerely,
JOSEPH SEWALL

Which was Read and Ordered Placed on File.

The roll being called, the following Senators responded to their names:

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pray, Snowe, Speers, Trotzky, Wyman, Sewall.

ABSENT — Martin, Pierce, Redmond, Usher.

29 Senators having answered to the roll call, and 4 Senators being absent, the President declared that a quorum was present.

Out of order and under suspension of the rules,

On Motion of Mr. Speers of Kennebec.

ORDERED, that a message be sent to his Excellency, the Governor, informing him that in accordance with Article 4, Part 1, section 8 of the Constitution of Maine, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

The PRESIDENT: The Chair will appoint the Senator from Kennebec, Senator Speers, to deliver the message.

(At Ease)

Senate called to order by the President.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I have delivered the message with which I was charged.

The PRESIDENT: The Chair hears the message and thanks the messenger.

Is it now the pleasure of the Senate that Out of Order and Under Suspension of the Rules the following matters be placed before the Senate? It is a vote.

Communications
Office of the Governor

August 2, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you that Herbert T. Silsby, Esq. of Ellsworth was nominated today to serve on the Superior Court.

In accordance with M.R.S.A., Title 4, Section 1 as amended, this nomination is subject to review by the Joint Standing Committee on the Judiciary and to confirmation by the Legislature. As you probably know, Mr. Silsby will be filling the pending vacancy on the Superior Court created by the appointment of David Nichols to the Supreme Court.

Your assistance in this area is appreciated.

Very truly yours,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine
Augusta

August 5, 1977

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary Committee
108th Maine Legislature

Please be advised that Governor James B. Longley nominated Herbert T. Silsby of Ellsworth to serve on the Superior Court on August 2, 1977.

Pursuant to 4 M.R.S.A., section 1, as amended, this nomination is subject to review by the Committee on Judiciary.

Sincerely,
MAY M. ROSS

Secretary of the Senate
Which was Read and Ordered Placed on File.

Committee on Judiciary

August 18, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Herbert T. Silsby to the position of Justice of the Maine Superior Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEA — Senators 3, Representatives 10

NAYS: Senators 0, Representatives 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Herbert T. Silsby to the position of Justice of the Maine Superior Court be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.
Senate Chairman
RICHARD A. SPENCER
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I think it is likely that the administration of Governor Longley will achieve a great deal of recognition in the years ahead because of the excellence of his appointments to the bench.

I am not going to make a lot of speeches this morning as we consider seven nominations to the Judiciary. I do want to say that every one of these nominations has received the support of the Committee, and I do want to say that we support these nominations with enthusiasm. This first nomination, Herbert T. Silsby, is one of those, and as we go down through the list, I am sure that others will have remarks to offer. Speaking in general for the Committee, for the entire list of seven nominees, I want to say that we urge the support of the Senate to confirm these nominations. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I would like to tell you all here, that I have known Herbert T. Silsby since he was a small child, and I can assure you that he has held the highest regards in Hancock County, and in other places, and I feel honored to vote for his confirmation today.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Herbert T. Silsby be confirmed.

The PRESIDENT: 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 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrill, O'Leary, Pierce, Pray, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Greeley, Martin, Redmond.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Herbert T. Silsby is confirmed.

Office of the Governor

August 8, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John L. Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you that Stephen L. Perkins and Daniel E. Wathen were nominated today to serve on the Maine Superior Court.

Mr. Perkins will be replacing Justice Lincoln Spencer who will be retiring from the Court on September 1, 1977. Mr. Wathen will be replacing the late Justice James Bishop.

In accordance with M.R.S.A., Title 4, Section 1 as amended, these nominatins are subject to review by the Joint Standing Committee on the Judiciary and to confirmation by the Legislature.

Your assistance in this area is appreciated.

Very truly yours,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine
Augusta

August 9, 1977

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary Committee
108th Maine Legislature

Please be advised that Governor James B. Longley nominated Stephen L. Perkins of South Portland and Daniel E. Wathen of Augusta to serve on the Superior Court on August 8, 1977.

Pursuant to 4 M.R.S.A., section 1, as amended, these nominations are subject to review by the Committee on Judiciary.

Sincerely,
MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

August 18, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Stephen L. Perkins to the position of Justice of the Maine Superior Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3, Representatives 10

NAYS: Senators 0, Representatives 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 Stephen L. Perkins to the position of Justice of the Maine Superior Court be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.

Senate Chairman
RICHARD A. SPENCER
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Stephen L. Perkins be confirmed.

The PRESIDENT: 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 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trozky, Usher, Wyman, Sewall.

ABSENT — Martin.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote

of the Senate that the Committee's recommendation be accepted. The nomination of Stephen L. Perkins is confirmed.

Committee on Judiciary

August 18, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37, of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration of the nomination of Daniel E. Wathen to the position of Justice of the Maine Superior Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3, Representatives 10

NAYS: Senators 0, Representatives 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 Daniel E. Wathen to the position of Justice of the Maine Superior Court be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.
Senate Chairman
RICHARD A. SPENCER
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Daniel E. Wathen be confirmed.

The PRESIDENT: 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 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trozky, Usher, Wyman, Sewall.

ABSENT — Martin.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Daniel E. Wathen is confirmed.

Office of the Governor

August 9, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you that I have nominated Vincent L. McKusick today to the position of Chief Justice, Supreme Judicial Court.

In accordance with M.R.S.A. Title 4, Section 1,

this nomination requires confirmation by the Joint Standing Committee on the Judiciary and confirmation by the Legislature.

Your assistance in the area of appointments is greatly appreciated.

Sincerely,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine
Augusta

August 9, 1977

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary Committee
108th Maine Legislature

Please be advised that Governor James B. Longley nominated today Vincent L. McKusick of Cape Elizabeth to the position of Chief Justice, Supreme Judicial Court of Maine.

Pursuant to 4 M.R.S.A., section 1, as amended, this nomination is subject to review by the Committee on Judiciary.

Sincerely,
MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

August 18, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Vincent L. McKusick to the position of Chief 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 of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3, Representatives 9

NAYS: Senators 0, Representatives 1 (Rep.

Henderson)

ABSENT: 0

Twelve members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Vincent L. McKusick to the position of Chief Justice of the Supreme Judicial Court be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.

Senate Chairman
RICHARD A. SPENCER
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, this is perhaps an occasion that will not be duplicated for many of us, and because it is an historic experience, and because we have today for the State of Maine an unusual opportunity, I do want to say just a word about the nomination of Vincent McKusick to be Chief Justice of our State.

Educated in the public schools of Piscataquis County, Bates College, MIT, Harvard Law School, President of the Harvard Law Review, Clerk to Judge Learned Hand, Clerk to Supreme Court Justice Felix Frankfurter, with academic honors too numerous to count. I knew Vincent McKusick best as Chairman of the Committee on the Rules of Civil Procedure, set up under the leadership of the late Chief Justice Robert Williamson to rewrite Maine Practice in the

Courts. Serving on that Committee for 10 years, I had the first hand opportunity to know the strengths of Vincent McKusick's intellect, and his ability to work constructively with a group of lawyers.

During the extensive hearing that we held on this nomination, the nominee was asked at one point how he, who has represented the rich, the powerful, the establishment of Maine as it were, could possibly represent all of the people of the State of Maine and address the basic needs and concerns of all Maine citizens regardless of their stake in life, and regardless of their status in wealth in our existing society. Mr. McKusick responded in a way that I feel I must make a part of our record today. He said in part, "The responsibilities of the job are sobering, and indeed I hope I am up to the job. Let me make two comments on that. I grew up on a dairy farm up in Piscataquis County during the depression of the 30's, and my twin brother and I did a full day of farm chores before and after going to school. I worked my way through Bates. I went to MIT and Harvard Law School principally because of the beneficence of the GI Bill, and I have always considered myself one of the working classes, if you want to call it that. I have always been a worker, and necessarily so.

The other point that I would make is that I have been proud of the fact, that I and our law firm too, have never turned anybody away from the door no matter what we like to think. Nothing is too large for us to handle and certainly no matter is too small for us to take, and if I showed you my list of clients, I have an awful lot of the little old ladies in tennis shoes, and indeed since my nomination. I have had more expressions of regret that I was not going to be able to help them any longer from them, than I have had for many of my corporate clients."

So, I recommend to the Senate, that we seize and rejoice this opportunity to have an outstanding man in the prime of life come to the leadership of our Judicial Department. Thank you Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate, I would like to echo the remarks of the good Senator from Knox, Senator Collins.

I would like to speak not as a lawyer, but as a friend and fellow townsman of McKusick's for the past 17 years. We all know that he is respected, loved and admired by the Members of the Bar, that he has had the fine legal training and background that the good Senator just mentioned, but he is a humble man. A man of complete integrity, fairness, friendliness, conscientiousness, compassion and love of man. The good Senator from Knox mentioned that Mr. McKusick grew up on a farm. I remember seeing him just a few weeks ago out mowing the lawn of his home. He is a worker and is of the working ilk. He and his lovely wife Nancy have raised four children and they are credits to the community. She has been an asset to him.

I feel that Governor Longley could not have nominated a better qualified attorney for this most important position. I shall vote for confirmation, I urge you to do likewise.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, it is perhaps unusual for a layman to stand up and speak of the appointment of an attorney. However, my dealings with Mr. McKusick have been very brief.

But I would like to say that several years ago, when the Legislature used to have a Committee referred to as the Legislative Research Committee, that I had the honor of serving during one of the interims on that particular Committee, and was assigned to a sub-committee dealing with the problems of alcoholism. Mr.

McKusick, probably one of the most menial tasks he has had in his long career, was serving as one of the Uniform Commissioners dealing with uniform acts throughout the Country. The sub-committee that I served on dealing with the treatment of alcoholics was to try to model legislation somewhat after the uniform act, and after working with the Attorney General's Office, working with many citizens throughout the State and have them put the draft pretty much together, the committee requested that perhaps Mr. McKusick take time from his very successful, and perhaps one of the most successful law firms in the City of Portland, and at that time, little did I realize just how important an individual Mr. McKusick was, but I would say that not only on one occasion, but on two occasions he came to Augusta to sit down and make recommendations and offered his support in trying to bring the Legislation that we were to present to the future session of the Legislature, recommendations that he felt would be very acceptable as a whole and would help in putting across Legislation that was adopted.

I am very happy to say that my very brief encounter with Mr. McKusick certainly was a pleasurable one, and I intend to support the confirmation, and I again would commend the Governor on his very high and excellent choices of those candidates he has posted for the Court.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, the Chairman of the Judiciary Committee, the Senator from Knox, Senator Collins, has stated this is an historic occasion, and it is partly historic because of the procedure in which we find ourselves. I do not know if I speak for my colleagues, Senator Snowe from Androscoggin, and Senator Carpenter from Aroostook, but some of us might have a certain part of authorship in the drafting of the Constitutional Amendment in the Committee that recommended it to this Senate a few years ago to provide for this new procedure, and at the time frankly, we were somewhat concerned that the entire process would work smoothly. The most serious comment that I have heard so far in criticism of the process is that, it is unusual to hear a group of Legislators who are usually promoting something positively to be saying more then a hundred no's in one day. So I think perhaps we ought to rephrase the question that is posed to the Senate in the matter of confirmation. Other than that, I think that the process is an extremely important one, and here we have an example of a situation which certainly has led to a greater amount of understanding and cooperation and we hope greater rapport in the future among the branches of State Government. It certainly is remarkable for the Legislature to have an opportunity and the Judiciary Committee in particular to ask questions of the person who will be leading for at least 7 years, and I would hope many more after that, the co-equal branch of State Government, the Judiciary.

You have had before you, an opportunity to read the testimony of Mr. McKusick, and the document you have is more than 60 pages long. You could tell what some of the issues were that were of concern to the Judiciary Committee. It is interesting that so many members of the Judiciary Committee who are not lawyers had some of the best questions to ask. I was particularly interested in the response that was given to one question asked by Representative Henderson of Bangor, when he inquired of the Chief Justice designate, "Are you nervous right now?" and when speaking to these 13 Members of the Judiciary Committee he answered, "Quite considerably I expect." It is an exhilarating experience for any attorney who has made his presentation before the Courts of the State and before the Law Court of the State of

Maine, to have an opportunity to ask the Chief Justice some questions. Some of those questions, I think, were right on point considering the Legislation which we have dealt with this past year. In particular, I would like to refer to some of the problems that we have seen this past year regarding court administration, and I would like to read to you part of the answer that Mr. McKusick provided when he was asked by the Senator from Androscoggin, Senator Mangan about his views on the question of court administration. Mr. McKusick said, "Let me answer that by commenting perhaps a little more comprehensively about my views on court management. As I see it, the State has precious resource in the group of its Judges. It has 6 Associate Justices of the Law Court, 12 Superior Court Justices and one active retired — Some 44 Judges. In aggregate legal training and experience it is a most impressive resource there. As I see the purpose of court management, it is twofold; number 1, to build and maintain an atmosphere in which those judges have high morale and so produce at their very best; and secondly, it is to relieve those Judges from attacks that are distracting from their judging. After all, their judging is what the Courts are all about, and they need to be relieved of the burdens of routine, administrative detail, and tasks. Now I have no panacea, and indeed I don't pretend I even have any analysis of things that need to be done or need to be cured. I do think that perhaps I will have, if I am confirmed, some advantage in coming in as a completely fresh face without any prior commitment, and I am going to approach the court management job from the point of view that I am going to have to do an awful lot of listening and learning. I would propose that if I am confirmed to meet privately with the entire group of Superior Court Judges for several talk sessions, as long as it takes. I would do the same thing with the District Court Judges, a thorough talk session, myself and them; and just as soon as I could develop a worthwhile meaningful agenda, I would propose to convene the Judicial Conference of the State of Maine which is provided in 4 MRSA, Section 471. I would hope that would be by mid-winter at the latest. And it is through that process, I can't give you either any analysis of what problems or non-problems there are, or any panaceas for solving them, but I would hope that the process I suggest may produce the ability of the Judges as a team, as a Judicial partnership, identifying what can be done to improve the Judicial system, then move about doing it."

So I would conclude by addressing myself to some of the issues that have been raised in question of this particular nomination. The first one being that Mr. McKusick has not served on the Judiciary before, and respond by saying first of all that the Law Court is an Appeals Court, it is not a Trial Court, and secondly, that some of the matters that are of extreme importance to the Judiciary today involve the question of court management and administration, and I think that a new face is an appropriate face to introduce into the court system at this time.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, this day is indeed historic. It is the first time that the Maine Senate has gathered solely for the purpose of confirming appointments, and certainly we have before us today many people who are highly qualified and so it is an enjoyable task to be here and to be involved in that confirmation process. But I think that it would be too bad, unfortunate, if someone did not take the opportunity today to praise the conduct of the Democratic Party in particular with regards to the appointments of Members to the Court and all of the appointments that it

has handled. I am proud in fact, that it was during the Democratic Legislature and when there was a Democratic Executive Council that we finally removed it, and in the face of what has been an overwhelming number of appointments which happen to be Republican, that the Democratic Party has not seized upon that as an opportunity to act in a purely partisan manner and to vote against those appointments because happenstance of the enrollment of the people who have been appointed. Which as I say has been overwhelmingly Republican. And as we stand here today confirming for the first time a Chief Justice, by this new process, I cannot help but compare the procedures here today, and the procedures that have led up to today with what took place the last time a Chief Justice was appointed. At that time, everyone will recall, there was an all Republican Executive Council, there was a Democratic Governor, and the person who was being proposed by that Governor to be Chief Justice was in fact a Democrat himself. In the name of a tradition, which was the tradition of the senior member of the court would be appointed to be Chief Justice when the vacancy arrived the Executive Council held up for over two months the appointment of Chief Justice Dufresne. Finally, in the face of growing public discontent with that activity, Chief Justice Dufresne was appointed, and I think has served the Court and the State very well, and has certainly upheld the former Governor Curtis' faith in him, and I hope today that the difference in the procedure, the difference in the fact that there is none of that sort of discussion is a testament to the new process, and I have every reason to believe and certainly hope that when the shoe is reversed, if it ever is, that the other party will conduct itself with the same lack of partisanship to this new process that characterizes the Democratic party's approach to these appointments here today. I never believed that the tradition of appointing someone who has served on the Supreme Court before was a tradition without merit, and I feel some personal regrets that the Governor did not choose somebody from the Supreme Court. Certainly as a person who has among his constituency Justice Wernick, I would have felt very happy had he been appointed. He certainly is a highly qualified individual as are others on the Court. But we have before us today a highly qualified individual who has served the Bar well, and I will be proud to cast my vote today in favor of upholding the Committee's recommendation. And hope that in our activity here today, and in the activity of the Judiciary Committee proceeding that we have set a new high standard that will be followed in the appointment of Judges which will not in the future involve partisan politics the way they have in the past. If we accomplish that, by this new process, we have accomplished, I think, our highest hopes. And I wish the next Chief Justice of the Supreme Court, Mr. McKusick, all the good fortune that one could have in that job because it is a great task indeed to lead the Courts, because they are asked to do what I suppose is an impossible task, and that is to uphold the tradition that we are a nation of laws and not of men, and unfortunately, I suppose, men have to uphold that tradition, and we all come to our jobs with certain bias and prejudices and it is the job of a good lawyer, and a good judge to overcome those and I have every faith that Mr. McKusick will be able to do so and will lead our Court in the same great tradition that it has been led in the past by such men as of Chief Justice Williamson and Chief Justice Dufresne.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Vincent L. McKusick be confirmed.

The PRESIDENT: 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 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Martin — EL

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Vincent L. McKusick is confirmed.

Office of the Governor
August 30, 1977

Honorable Joseph Sewall
President of the Senate
and
Honorable John Martin
Speaker of the House
Dear Joe & John:

This is to officially notify you I have nominated today Chief Justice Armand A. Dufresne to serve as Active Retired Justice, Supreme Judicial Court upon his retirement effective September 3, 1977.

I have also renominated Associate Justice Sidney W. Wernick of Portland to the Supreme Judicial Court and Justice Lewis I. Naiman to the Maine Superior Court.

In accordance with M.R.S.A. Title 4, Section 1, these nominations require confirmation by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

As always, your assistance is deeply appreciated.

Very truly yours,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine
Augusta
Augusta 30, 1977

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary Committee
108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Chief Justice Armand A. Dufresne, Jr., to serve as Active Retired Justice, Supreme Judicial Court upon his retirement.

The Governor also renominated Associate Justice Sidney W. Wernick of Portland to the Supreme Judicial Court and Justice Lewis I. Naiman of Augusta to the Superior Court.

In accordance with 4 M.R.S.A., section 1, these nominations are subject to review by the Committee on Judiciary.

Sincerely,
MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary
September 15, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Armand A. Dufresne, Jr. to the position of 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 of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3, Representatives 8
NAYS: Senators 0, Representatives 0
ABSENT: Representatives Bennett and Hughes (2)

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 Armand A. Dufresne, Jr. to the position of Active Retired Justice of the Supreme Judicial Court be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.
Senate Chairman
RICHARD A. SPENCER
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate, I think that we ought to note today what a very distinguished man is doing for his state.

Armand Dufresne has been on the Bench for many years. I can remember as a young lawyer, trying cases before him in the Superior Court, and I can remember the wisdom and the compassion that he exercised in that Court. He came to the Chief Justiceship in time of turmoil in our legal system has been an explosion in constitutional law, there has been an explosion in the criminal courts, and in the volume of litigation generally, and many of those problems that have grown out of this time in which we live have increased the burden of the Chief Justice tremendously.

Chief Justice Dufresne was the leading backer of a move to encourage a younger court permitting judges to retire at the age of 65 after 12 years of service, and he himself would have retired at age 65 had he not been so thoroughly immersed in projects within the court system that needed the continuity that he could bring to it, and now that many of those projects are going under their own steam he retires but he does not leave the service of the State of Maine, and I think that it is important to remember that if he went home and did nothing, the State of Maine would be paying him the same amount of money that he will receive in the capacity of active retired judge, but as an active retired judge, I predict that Armand Dufresne will bring to our legal system a great deal of value, a lot of hard work, as he has always given the system, and that we are most fortunate to have this man of experience and judgment and the strong and fine record continue to give his life to the service of the State of Maine. Thank you, Mr. President.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Armand A. Dufresne, Jr. be confirmed.

The PRESIDENT: 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 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Martin.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Armand A. Dufresne, Jr. is confirmed.

Committee on Judiciary

September 15, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Sidney W. Wernick to the position of Associate 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 of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3, Representatives 8

NAYS: Senators 0, Representatives 0

ABSENT: Representatives Bennett and Hughes (2)

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 Sidney W. Wernick to the position of Associate Justice of the Maine Supreme Judicial Court be confirmed.

Sincerely,
SAMUEL W. COLLINS, JR.

Senate Chairman

RICHARD A. SPENCER

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, there has been a great deal of talk in this state and in the papers and indeed here in the Senate today, about the great job that Governor Longley has done in appointing people to the Courts, and that is a feeling that I share. Sometimes, I think, unfortunately, as some people might have concluded from that, that we have not been well served by a good, and in many cases great Judiciary by people who have been appointed by previous Governors. I would simply like to use the occasion of the reappointment of Justice Wernick as a point in case to make the point that we in Maine have been fortunate over the years to be very well served by some great men who have served on our Court, and in many cases a considerable financial sacrifice. Certainly, Sidney Wernick is such a man, and watching his performance on the Supreme Court of our State, I have been impressed on every occasion that here is a man who could serve on any Court in the land, and serve with distinction. And it is a great honor for me today

to be able to cast a vote to keep him on the Court and to have him continue to serve this State in the great tradition which he has set.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President and Members of the Senate, the nomination of Sidney Wernick came up before the Judiciary Committee yesterday afternoon, and I was under the impression that there were so few questions being asked of Sidney Wernick probably because most of the Committee was in awe of this great man.

No political consideration ever came into the deliberations of the Committee, and every Member of the Committee came for a great period of time to just sit and listen to the dialogue this tremendous man was giving, Sidney Wernick as a Justice on the Supreme Judicial Court. I have had a few opportunities to practice before him, I have been in deep admiration of this man. He is one of the most brilliant Judges that I have ever practiced before. He is one of the keenest intellects, and certainly, I have a very deep respect for his ability and temperament.

We have discussed here this morning some of the records of the judges, I think that Sidney Wernick's record is outstanding. Anyone can attest to his ability to reading any of his many opinions that he has drafted. The man cannot be beaten in many many ways.

I am afraid that now with both Vincent McKusick and Sidney Wernick on the Supreme Judicial Court that we are going to have the United States Supreme Court searching out Maine opinions for the direction as to how the country should go. We are going to have one of the most outstanding Courts, I believe, in this country, and probably on the face of this earth. These two men are outstanding, and I think that Sidney Wernick should be confirmed by 39 Senators. We should add some. The man is fantastic. I would urge his confirmation.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Sidney W. Wernick be confirmed.

The PRESIDENT: 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 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Martin.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Sidney W. Wernick is confirmed.

(Off Record Remarks)

Committee on Judiciary

September 15, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Lewis I. Naiman to the position of Justice of the Maine Superior Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3, Representatives 8

NAYS: Senators 0, Representatives 0

ABSENT: Representatives Bennett and Hughes (2)

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 Lewis I. Naiman to the position of Justice of the Maine Superior Court be confirmed.

Sincerely,

SAMUEL W. COLLINS, JR.

Senate Chairman

RICHARD A. SPENCER

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Lewis I. Naiman be confirmed.

The PRESIDENT: 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 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Martin.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Lewis I. Naiman is confirmed.

(Off Record Remarks)

Office of the Governor

August 3, 1977

Honorable Joseph Sewall
President of the Senate

and

Honorable John L. Martin
Speaker of the House

Dear Joe and John:

This is to formally notify you that Diantha A. Carrigan, Esq., of South Bristol was nominated today to serve on the Public Utilities Commission.

In accordance with M.R.S.A., Title 35, Section 1 as amended, this nomination is subject to review by the Joint Standing Committee on Public Utilities confirmation by the Legislature. As you probably know, Diantha Carrigan will be filling the unexpired term of Peter Bradford created by his resignation effective August 13, 1977.

Very truly yours,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

August 5, 1977

The Honorable Minnette H. Cummings
The Honorable Edward C. Kelleher
Chairmen, Public Utilities Committee
108th Maine Legislature

Please be advised that Governor James B. Longley nominated Diantha A. Carrigan of South Bristol to serve on the Public Utilities Commission on August 3, 1977.

Pursuant to 35 M.R.S.A., section 1, as amended, this nomination is subject to review by the Committee on Public Utilities.

Sincerely,
MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Public Utilities

August 22, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Public Utilities has had under consideration the nomination of Diantha A. Carrigan to the position of Commissioner, Public Utilities Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators Cummings of Penobscot, Collins of Aroostook, Carpenter of Aroostook, Representatives Nadeau of Sanford, Berry of Buxton, Pearson of Old Town, Wood of Sanford, Tarr of Bridgton, Lunt of Presque Isle, Smith of Mars Hill, Cunningham of New Gloucester.

NAYS: Representatives Kelleher of Bangor, McHenry of Madawaska.

ABSENT: 0

Eleven members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Diantha A. Carrigan to the position of Commissioner, Public Utilities Commission be confirmed.

Sincerely,
MINNETTE H. CUMMINGS
Senate Chairman
EDWARD C. KELLEHER
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, Diantha Carrigan appeared before our Committee twice. Not because there was any conflict nor were there any deep questions of her capability, of her integrity, but more of perhaps her previous position toward certain fundamental problems that have to do with whether utilities should be publicly or privately run. In my mind, she answered these questions with a great level headed judgment. She could not be forced into making a statement which she felt that she had not had enough information to know both sides of the question. She was not exactly harassed but there were times when she was asked questions again and again, and she never lost her cool. She displayed an extremely quick recognition of the questions, the import of the questions that were asked of her. The letters we received

from her fellow lawyers came in the highest of terms. She is, as I said, a very young person, I think that she is more interested in serving the State than some other appointee might be. She is not doing this for any increase in salary; quite the reverse. So I think that she is taking this not as a step to anything else, but rather as the best means that she has been offered to serve the State of Maine, and it is in my best judgment that I think she would do the customers and the utilities and the State of Maine a good service in her next term.

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

Mr. COLLINS: Mr. President and Members of the Senate, I would like to echo the thoughts and remarks of the good Senator from Penobscot, Senator Cummings. Our nominee is a native of the State of Maine, a graduate of Smith College, Boston University School of Law. I think we are indeed fortunate to have an attorney on the Commission. She replaces a member of the Commission who also was an attorney. She offers youth, experience, a keen analytical mind, and I think that she will serve the State of Maine well.

The PRESIDENT: The Joint Standing Committee on Public Utilities has recommended that the nomination of Diantha A. Carrigan be confirmed.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Public Utilities be overridden? In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of overriding the recommendations 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Martin.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Diantha A. Carrigan is confirmed.

Office of the Governor

August 26, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe & John:

This is to officially notify you I have nominated today William L. Vaughan of Hallowell, Robert H. Cuillio of Springvale and Woodbury E. Brackett of Auburn to serve on the Maine Land Use Regulation Commission.

Mr. Vaughan, Mr. Cuillio and Mr. Brackett will be replacing Sherwood Libby, Malcolm Coulter and Kenneth Cianchette, respectively, whose terms expired earlier this month.

In accordance with MRSA Title 12, Section 683, these nominations are subject to the review of the Joint Standing Committee on Natural Resources and confirmation by the Senate.

I hope these nominations can be acted upon in time for the proposed September 16th meeting date of the Senate.

Thank you.

Very truly yours,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

August 26, 1977

The Honorable Howard M. Trotzky
The Honorable William B. Blodgett
Chairmen, Natural Resources Committee
108th Maine Legislature

Please be advised that Governor James B. Longley today nominated William L. Vaughan of Hallowell, Robert H. Cuillio of Springvale and Woodbury E. Brackett of Auburn to serve on the Land Use Regulation Commission.

Pursuant to 12 M.R.S.A., section 683, as amended, these nominations are subject to review by the Committee on Natural Resources.

Sincerely,
MAY M. ROSS

May M. Ross
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Natural Resources

September 14, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of William L. Vaughan to the position of member of the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 2, Representatives 8

NAYS: Senators 0, Representatives 0

ABSENT: 2

Ten members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Committee that the nomination of William L. Vaughan to the position of member on the Land Use Regulation Commission be confirmed.

Sincerely,
HOWARD M. TROTZKY
Senate Chairman
WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, William Vaughan of Hallowell has been nominated by the Governor to serve on the Land Use Regulation Commission in that position that requires a specific knowledge in the field of conservation.

Mr. Vaughan is a resident of Hallowell, an operator of the successful Elm Hill Dairy Farm. He is well respected for his service and contributions as a State Legislator during the 96, 97, and 98th Sessions of the Maine State Legislature. He has also served on the Hallowell City Council and Hallowell Planning Board, and is familiar with local and regional planning. He attended Colby College. He is a member of the Natural Resources Council of Maine, the Audubon Society, and the Nature Conservancy, and is also a Maine guide, and it was the Committee's feeling that he should be confirmed.

The PRESIDENT: The Joint Standing Committee on Natural Resources has recommended that the nomination of William L. Vaughan be confirmed.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Collins, S.; Martin.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of William L. Vaughan is confirmed.

Committee on Natural Resources
September 14, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Robert H. Ciullo to the position of member on the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 2, Representatives 8

NAYS: Senators 0, Representatives 0

ABSENT: 2

Ten members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Committee that the nomination of Robert H. Ciullo to the position of member on the Land Use Regulation Commission be confirmed.

Sincerely,
HOWARD M. TROTZKY
Senate Chairman
WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, Robert Ciullo has been nominated by the Governor to serve on the Land Use Regulation Commission with a specific requirement that he be knowledgeable in the field of fisheries and wildlife. Robert Ciullo has a doctorate in philosophy. Dr. Ciullo has a Ph.D in Zoology from the University of New Hampshire. He is presently a professor of biology at Nason College, and is past president of the Maine Biologist Association. He has quite extensive credentials and many scientific

publications in the zoology field, and is well qualified to serve in this position.

The PRESIDENT: The Joint Standing Committee on Natural Resources has recommended that the nomination of Robert H. Ciullo be confirmed.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Collins, S.; Martin, Redmond.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Robert H. Ciullo is confirmed.

Committee on Natural Resources
September 14, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Woodbury E. Brackett to the position of member on the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 2, Representatives 8

NAYS: Senators 0, Representatives 0

ABSENT: 2

Ten members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Committee that the nomination of Woodbury E. Brackett to the position of member on the Land Use Regulation Commission be confirmed.

Sincerely,
HOWARD M. TROTZKY
Senate Chairman
WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, Woodbury Brackett has been nominated to serve on the Land Use Regulation Commission with that specific requirement for that position that he be knowledgeable in the field of commerce and industry. Mr. Woodbury Brackett is an engineer by profession and served for 12 years as the City Manager of Auburn, Maine.

The PRESIDENT: The Chair recognizes the

Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate, I am privileged to vote for the confirmation of Woodbury Brackett to the position of the Land Use Regulation Commission.

I am well acquainted with Mr. Brackett as he has been actively involved in our community for a number of years and it was under his leadership and direction as City Manager of Auburn, that Auburn experienced tremendous growth and development. All those who know him, know him as a man of outstanding character and a marvelous individual. On the basis of his expertise, his experience, and dedication, I know he will make significant contributions to the Land Use Regulation Commission.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, Mr. Woodbury Brackett, former City Manager of the City of Auburn, is one of the most important nominations, I believe, that came before this Committee. Mr. Ciullo, perhaps is going to bring a lot of expertise to the Land Use Regulation Commission, and I am not going to speak on any of the others. However, I would like to point out to Members of the Senate, that there was no opposition to any of the nominations that came before the Committee on Natural Resources on the Governor's appointees, but it would seem odd to me, Mr. President, as a native of the State of Maine, that the Governor of this State has to look outside for people who are not native to the State of Maine for the planning of our State and the future of our State. Of the six nominees that appeared before our Committee only one, and that is Mr. Woodbury Brackett, is a native of the State of Maine, and to me he is one of the best qualified.

The PRESIDENT: The Joint Standing Committee on Natural Resources has recommended that the nomination of Woodbury E. Brackett be confirmed.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Danton, Farley, Martin.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Woodbury E. Brackett is confirmed.

Office of the Governor
August 26, 1977

Honorable Joseph Sewall
President of the Senate
and
Honorable John Martin
Speaker of the House
Dear Joe & John:

This is to officially notify you I have nominated today Sylvia V. Lund of Augusta and

Evelyn S. Jephson of Kennebunk to serve on the Board of Environmental Protection.

Mrs. Lund's nomination will be contingent upon Diantha Carrigan's confirmation by the Senate. Mrs. Jephson will be replacing Irwin Douglass who resigned from the Board earlier this year.

In accordance with M.R.S.A. Title 38, Section 361, these nominations are subject to the review of the Joint Standing Committee on Natural Resources and confirmation by the Senate.

I hope these nominations can be acted upon in time for the proposed September 16th meeting date of the Senate.

Thank you.

Very truly yours,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

August 26, 1977

The Honorable Howard M. Trotzky
The Honorable William B. Blodgett
Chairmen, Natural Resources Committee
108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Sylvia V. Lund of Augusta to serve on the Board of Environmental Protection, replacing Diantha Carrigan — contingent upon her confirmation to the Public Utilities Commission. Governor Longley also nominated Evelyn S. Jephson of Kennebunk to serve on the Board of Environmental Protection.

Pursuant to 38 M.R.S.A., section 361, as amended, these nominations are subject to review by the Committee on Natural Resources.

Sincerely,
MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Natural Resources

September 14, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Sylvia V. Lund to the position of member of the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 2, Representatives 8
NAYS: Senators 0, Representatives 0
ABSENT: 2

Ten members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Committee that the nomination of Sylvia V. Lund to the position of member of the Board of Environmental Protection be confirmed.

Sincerely,
HOWARD M. TROTZKY
Senate Chairman
WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, Mrs. Sylvia Lund has completed a term as Chairperson for three years on the

State Board of Education. At the hearing people testified in her favor and the adjectives used to describe her as being fair, objective, conscientious, and bright with the willingness for hard work and courage to stand up and be counted. In summary, I would say that, and it was stated at that hearing that the Board of Environmental Protection's gain will be the State Board of Education's loss.

The PRESIDENT: The Joint Standing Committee on Natural Resources has recommended that the nomination of Sylvia V. Lund be confirmed.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Conley, Cummings, Curtis, Danton, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Collins, S.; Farley, Martin.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Sylvia V. Lund is confirmed.

Committee on Natural Resources

September 14, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Evelyn S. Jephson to the position of member of the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 2, Representatives 8
NAYS: Senators 0, Representatives 0
ABSENT: 2

Ten members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Committee that the nomination of Evelyn S. Jephson to the position of member of the Board of Environmental Protection be confirmed.

Sincerely,
HOWARD M. TROTZKY
Senate Chairman
WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, Mrs. Evelyn Jephson was formerly a Member of the Board of Environmental Protection for 9 years, however, there has been

a rather significant turnover in the Members of the Board of Environmental Protection in a relatively short time, and therefore, her confirmation to the Board is probably important because of some continuity and experience on her part. She has been through long hearings such as refinery hearings, nuclear power plant hearings, and understands many of the scientific terms necessary to understand the environmental problems. Her civic activities are her membership on the Knox and Lincoln County Soil Conservation District, the Saco River Corridor Association, and the National Audubon Society, and she is a Maine citizen who is sincerely concerned about Maine's environment and its protection.

The PRESIDENT: The Joint Standing Committee on Natural Resources has recommended that the nomination of Evelyn S. Jephson be confirmed.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Conley, Cummings, Danton, Farley, Greeley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Collins, S.; Curtis, Jackson, Martin.

No Senators having voted in the affirmative and 29 Senators in the negative, with 4 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Evelyn S. Jephson is confirmed.

Office of the Governor

August 30, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe & John:

This is to officially notify you I have nominated today Clifton E. Wood and Morton A. Brody, Esq., to serve as members of the State Employees' Appeal Board.

Mr. Wood will be replacing Samuel Shapiro, whose term on the Board expired earlier this month. Mr. Brody will be replacing Daniel Wathen, contingent upon his confirmation by the Senate to the Maine Superior Court.

In accordance with Title 5, Section 751, these nominations are subject to the review of the Joint Standing Committee on Labor and confirmation by the Senate.

I hope these nominations can be acted upon in time for the proposed September 16th meeting date of the Senate.

Thank you.

Very truly yours,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

The Senate of Maine

Augusta

August 30, 1977

The Honorable Cecil H. McNally
The Honorable David W. Bustin

Chairmen, Labor Committee
108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Morton A. Brody, Esquire, of Waterville to serve as a member of the State Employees' Appeal Board, replacing Daniel Wathen, contingent upon his confirmation to the Maine Superior Court. Governor Longley also nominated Clifton E. Wood of Brewer to serve on the Employees' Appeal Board.

Pursuant to 5 M.R.S.A., section 751 these nominations are subject to review by the Committee on Labor.

Sincerely,
MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Labor
September 12, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Morton A. Brody as member of the State Employees Appeals Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senator Cecil H. McNally, Hancock; Senator Andrew Redmond, Somerset; Senator Charles Pray, Penobscot; Rep. David W. Bustin, Augusta; Rep. James Flanagan, Portland; Rep. Frank Peltier, Houlton; Rep. James Elias, Madison; Rep. Joyce Lewis, Auburn; Rep. Stanley Laffin, Westbrook; Rep. Edward McHenry, Madawaska; Rep. Gail Tarr, Bridgton;

NAYS: Rep. Edith Beaulieu, Portland.

ABSENT: Rep. Lucien Dutremble, Biddeford.

Eleven members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Morton A. Brody as member of the State Employees Appeals Board be confirmed.

Sincerely
SEN. CECIL H. McNALLY
REP. DAVID W. BUSTIN

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I am extremely pleased today that not only the Governor has nominated Morton Brody from Waterville, but also that Mort has accepted the nomination.

I did have an opportunity to attend the hearing on his confirmation, and feel that he answered the Committee's questions in a very good fashion.

Mort is an outstanding citizen of one of the cities that I represent, Waterville. He is outstanding really in many ways. Not only is he a fine family man, but he contributes a great deal to the community through his work and charitable organizations, through various clubs, and serving on several boards in the area. Professionally, I think undoubtedly he is one of the top attorneys in Central Maine, and perhaps in the State, certainly his reputation is unblemished in that field. I really can think of no one who I would rather see serve on this board than Mort Brody. I think perhaps his greatest

abilities lie in the fact that he is able to make fair decisions, impartial decisions, and at the same time tough decisions. He has had some experience with the Board already, serving as a counsel for them on occasion in the past. So, I do today, highly endorse the nomination of Morton Brody to serve on this important Board.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President, as a friend of long standing of Mr. Morton Brody, I would also like to echo the sentiments of the good Senator from Kennebec, Senator Pierce. Mort Brody is not only a man of impeccable integrity and high intelligence, he is also a very warm humane and personal human being. I am very pleased to vote for confirmation of Morton Brody to the State Employee's Appeal Board today.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Morton A. Brody be confirmed.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

YEA — None.

NAY — Carpenter, Chapman, Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Collins D.; Jackson, Martin.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Morton A. Brody is confirmed.

September 6, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe & John:

This is to officially notify you I have nominated today Gerda S. Haas of Lewiston and Carleton Day Reed of Woolwich to serve as members of the State Board of Education.

Mrs. Haas and Mr. Reed will be replacing Martin Dibner and Sylvia Lund, whose terms on the Board expired this month.

In accordance with Title 20, Section 51, these nominations are subject to the review of the Joint Standing Committee on Education and confirmation by the Senate.

I hope these nominations can be acted upon in time for the proposed September 16th meeting date of the Senate.

Thank you.

Very truly yours,
JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

The Senate of Maine
Augusta

September 6, 1977

The Honorable Bennett D. Katz
The Honorable Arthur P. Lynch
Chairmen, Education Committee
108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Gerda S. Haas of Lewiston and Carleton Day Reed, Jr., of Woolwich to serve as members of the State Board of Education.

Pursuant to 20 M.R.S.A., section 51, these nominations are subject to review by the Committee on Education.

Sincerely,
(Signed) MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Education
September 15, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04330
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Gerda S. Haas to the position of member of the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following results:

YEAS: Senators 3; Representatives 9

NAYS: Senators 0; Representatives 0

ABSENT: Representatives 1

Twelve (12) members of the Committee having voted in the affirmative and none (0) in the negative, it was the vote of the Committee that the nomination of Gerda S. Haas to the position of member of the State Board of Education be confirmed.

Sincerely,
(Signed) BENNETT D. KATZ
Senate Chairman
(Signed) ARTHUR P. LYNCH
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, Gerda Haas is an extraordinary woman, went to college in her 40's, Phi Beta Kappa, is now a professional librarian at Bates College, extraordinarily dedicated to community work, is willing to make a significant commitment to this job. We noted earlier that Sylvia Lund is stepping down and this is one of the seats that Mrs. Haas will fill. I think there is a great future for her in her new role.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Gerda S. Haas be confirmed.

The PRESIDENT: 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 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Jackson, Martin.
No Senators having voted in the affirmative

and 31 Senators in the negative, with 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Gerda S. Haas is confirmed.

Committee on Education

September 15, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04330
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Carlton Day Reed to the position of member of the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3, Representatives 9

NAYS: Senators 0, Representatives 0

ABSENT: Representatives 1

Twelve (12) members of the Committee having voted in the affirmative and none (0) in the negative, it was the vote of the Committee that the nomination of Carlton Day Reed to the position of member of the State Board of Education be confirmed.

Sincerely,
BENNETT D. KATZ
Senate Chairman
ARTHUR P. LYNCH
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, senator Katz.

Mr. KATZ: Mr. President, in 1964, disaster struck. The Maine Senate was taken over by the Democrats, and Carlton Day Reed became President of the Senate. To make this matter even more difficult, and more serious there were only five Republicans to help him steer the Senate upon the proper course. But in the face of these difficulties, Bud Reed prevailed, and performed a distinguished service for the State of Maine holding the State together until the Republicans were able to take over in the 103rd. For the past seven years, he has served with distinction as a Member of the Board of Trustees of the University of Maine. After the hearing, the attitude of the Committee on Education was one of gratitude that a man who has given so much would be willing to take on another assignment in the State Board of Education. He is an extraordinary human being, and I think we have been blessed by a great appointment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, during that great tragedy that took place in 1964, or 65, I had the opportunity of spending my time down at the other end of the hall with the good Senator from Kennebec, Senator Katz, and I think we got a lesson in what government was all about. However, back to the nomination at hand, all of us know Carlton Day Reed, and those of us who have not met him, have a lot to look forward to. Bud Reed served not only as President of this Body, but he also served in the same capacity that I share, and that being of Minority Floor Leader. He is a very warm individual. He has done a great deal for mankind, he certainly has done an extraordinary job in offering what talents he has in the capacity of serving on various boards and commissions. It would certainly be my sen-

timents to urge each and every one of you to vote for confirmation, and I can only say that the state again would be for the best.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, I had not intended to speak, but I served with Carlton Day Reed in the 101st Session of the Maine Senate, and Carlton Reed sat over in front of me, I sat in seat 13, and he sat in front of me, and many Bills, we did not have very many Democrats in the Senate in the 101st and many Bills that he wanted put in, which were good Bills, but which probably the Republicans would not like too well, he would come to me and have me put in the Bills. So consequently, quite a few Democratic bills got through in that Session of the 101st and in the 102nd I was kicked out with some of the other good Republicans.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I heard the 102nd referred to as a disaster and I will remind the good Senator from York, Senator Lovell, the 101st was 29 to 5 with Republicans. The 102nd was 29 to 5 Democratic, and I had the opportunity to sit in the chair occupied by the good Senator from Cumberland, Senator Hewes. However, under the leadership of Carlton Day Reed as President of the Senate, I think history will prove that it was not a disaster, Bud Reed was fair to all of us, and we did use the Republican Members in the Senate very well as the Republicans have used some of us Democrats. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate: I cannot help but to take this opportunity to offer a few brief remarks about my friend and neighbor, Carlton Day Reed, Jr. Since we both live in the village of Days Ferry, in the town of Woolwich, I can speak with first hand knowledge of this gentleman and his family, and by family, I mean his parents, his sister and her family, and his wife and their children. They are all outstanding credits to our community. I have always been impressed with the fact that Bud Reed is strongly family oriented, he loves his children. It is a familiar scene to see him at his home or elsewhere joining in some activity with his children. He obviously cares very much about how they are being brought up, about the influences that will be molding their developing sense of value. He has six children all of whom either attended or are attending the local public school system. His four oldest daughters have all gone on to college in Maine. You heard the Senator from Kennebec, Senator Katz point out some of the fine credentials and achievements of this gentleman. I can only further add that he is a highly respected citizen in our town, and in the Bath area, and it is with much pleasure and confidence that I support this nomination and I urge the Senate to do so.

(Off Record Remarks)

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Carlton Day Reed be confirmed.

The PRESIDENT: 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 37 of the 108th 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 Secretary will call the roll.

ROLL CALL

YEA — None.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — None.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Carlton Day Reed Jr. is confirmed.

Office of The Governor

September 6, 1977

Honorable Joseph Sewall
President of the Senate
and
Honorable John Martin
Speaker of the House
Dear Joe & John:

This is to officially notify you I am today nominating Henry E. Warren of Augusta to serve as Commissioner, Department of Environmental Protection.

In accordance with M.R.S.A. Title 38, Section 341, this nomination requires confirmation by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Thank you very much for your continued assistance in this area.

Sincerely,
(Signed) JAMES B. LONGLEY
Which was Read and Ordered Placed on File.

The Senate of Maine
Augusta

September 6, 1977

The Honorable Howard M. Trotzky
The Honorable William B. Blodgett
Chairmen, Natural Resources Committee
108th Maine Legislature

Please be advised that Governor James B. Longley today nominated Henry E. Warren of Augusta to serve as Commissioner of the Department of Environmental Protection.

Pursuant to 38 M.R.S.A., section 341, this nomination is subject to review by the Committee on Natural Resources.

Sincerely,
(Signed) MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

Committee on Natural Resources

September 14, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Henry E. Warren to the position of Commissioner, Department of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 2; Representatives 8

NAYS: Senators 0; Representatives 0

ABSENT: 2

Ten members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Commit-

tee that the nomination of Henry E. Warren to the position of Commissioner, Department of Environmental Protection be confirmed.

Sincerely,
 (Signed) HOWARD M. TROTZKY
 Senate Chairman
 (Signed) WILLIAM B. BLODGETT
 House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: Henry Warren served as acting Commissioner since the resignation of William Adam as Deputy Commissioner under former Commissioner William Adams. He was recommended by Commissioner Adams to be successor. It is significant, I think, that this nomination represents an appointment from within the Department and from within the State Government, and I believe that his nomination should be confirmed.

The PRESIDENT: The Joint Standing Committee on Natural Resources has recommended that the nomination of Henry E. Warren be confirmed.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of YES will be in favore 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 Secretary will call the roll.

ROLL CALL

YEA — Pierce, Pray.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Merrill, Minkowsky, Morrell, O'Leary, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Martin.

2 Senators having voted in the affirmative and 30 Senators in the negative, with 1 Senator being absent, and 2 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Henry E. Warren is confirmed.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I now move we adjourn sine die.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate stand adjourn sine die. Is it the pleasure of the Senate? It is a vote.

Thereupon, at 12:03 p.m. on Friday, September 16, 1977 the Honorable Joseph Sewall, President of the Senate, declared the Senate of the 108th Legislature adjourned sine die.