

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD
OF THE
One Hundred and Ninth
Legislature

OF THE
STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

ERRATA:

**The header on pages 1-10
in the First Confirmation Session**

should read

“SENATE, AUGUST 3, 1979”

instead of

“HOUSE, AUGUST 3, 1979”

STATE OF MAINE
One Hundred and Ninth Legislature
First Confirmation Session
JOURNAL OF THE SENATE
August 3, 1979

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

Senate called to order by the President.

Prayer by Reverend Howard K. Lind, Winthrop Street Universalist Church, Augusta.

Reverend LIND: Eternal Spirit of life sustaining, we pause at the beginning of these proceedings to invoke Thy blessings upon these men and women. Grant to them the understanding, the insight, and the compassionate sensitivity to do the work set before them this afternoon.

In the spirit of service to the people of the State of Maine have they gathered and in Thy name do we seek the blessings of life upon them. Amen.

STATE OF MAINE
Senate Chamber
President's Office

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 5, Part 1, section 8 of the Constitution of Maine, the Senate of Maine will convene on August 3, 1979, at two o'clock in the afternoon for the purpose of voting upon confirmation of the various appointments made by The Honorable Joseph E. Brennan, Governor of the State of Maine.

Sincerely,
S/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, Clark, Collins, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

30 Senators having answered to the Roll Call the President declared that a quorum was present.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Katz of Kennebec, ORDERED, that a message be sent to His Excellency the Governor, informing him that in accordance with Article 5, 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.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Senator Katz to deliver the message to his Excellency the Governor.

Subsequently, Senator Katz, reported that he had delivered the message with which he was charged.

Communications
OFFICE OF THE GOVERNOR

June 25, 1979

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

This is to inform you that I am nominating

Richard E. Barringer of Hallowell to be Commissioner of the Department of Conservation.

Pursuant to Title 12, Section 5011, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

June 25, 1979

The Honorable James A. McBreairty
The Honorable William B. Blodgett
Chairmen, Energy and Natural
Resources Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Richard E. Barringer of Hallowell to be Commissioner of the Department of Conservation.

Pursuant to Title 12, Section 5011, this nomination will require review by the Committee on Energy and Natural Resources.

Sincerely,
S/MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

July 11, 1979

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 38 of the 109th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Richard E. Barringer to the position of Commissioner of Conservation.

After public hearing and discussion on the nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators
Donald R. O'Leary of Oxford
Howard M. Trotzky of Penobscot
Representatives

William B. Blodgett of Waldoboro
Donald M. Hall of Sangerville
Andrew J. Doukas of Portland
John M. Michael of Auburn
Sherry F. Huber of Falmouth

NAYS:

Senators
James McBreairty of Aroostook
Representatives
Paul F. Jacques of Waterville
Edward L. Dexter of Kingfield
Bernard H. Austin of Bingham
Frank Peltier of Houlton
Laurence L. Kiesman of Fryeburg

ABSENT:

None
Seven members of the Committee having voted in the affirmative and six in the negative, it was the vote of the Committee that the nomination of Richard E. Barringer to the position of Commissioner of Conservation be confirmed.

Sincerely,
S/JAMES McBREAIRTY
Senate Chairman
S/WILLIAM BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

On Motion by Senator Katz of Kennebec, the

nomination of Richard E. Barringer, Tabled until later in today's session, pending Consideration.

OFFICE OF THE GOVERNOR

June 25, 1979

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

This is to inform you that I am nominating Harold Reynolds, Jr. of Cape Elizabeth to be Commissioner of the Department of Education and Cultural Services.

Pursuant to Title 20, MRSA, Section 1-A, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

June 25, 1979

The Honorable Howard M. Trotzky
The Honorable Laurence E. Connolly, Jr.
Chairmen, Education Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Harold Reynolds, Jr. of Cape Elizabeth to be Commissioner of the Department of Educational and Cultural Services.

Pursuant to Title 20, MRSA, Section 1-A, this nomination is subject to review by the Committee on Education.

Sincerely,
S/MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

COMMITTEE ON EDUCATION

July, 13, 1979

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Harold Reynolds, Jr., to the position of Commissioner of the Department of Education and Cultural Services.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2
Representatives 10

NAYS:

Senators 0
Representatives 0

ABSENT: 1

Senator Howard Trotzky — Penobscot

Twelve members of the Committee having voted in the affirmative and none in the negative with one being absent, it was the vote of the Committee that the nomination of Harold Reynolds, Jr., to the position of Commissioner of the Department of Education and Cultural Services be confirmed.

Sincerely,
S/LAURENCE E. CONNOLLY, Jr.
House Chairman

Which was Read and Ordered Placed on File.

On Motion by Senator Katz of Kennebec, the nomination of Harold Reynolds, Jr., Tabled until later in today's session, pending Consideration.

ation.

OFFICE OF THE GOVERNOR

July 6, 1979

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

This is to inform you that I am today nominating Justice Harry P. Glassman for appointment to the Supreme Judicial Court of the State of Maine. I am also nominating Justice Thomas E. Delahanty for appointment as an Active Retired Justice of the Supreme Judicial Court.

Pursuant to the Maine Constitution Art. V Part I Section 8 and Title 4 M.R.S.A. Section 6, these nominations will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/JOSEPH E. BRENNAN

Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

July 10, 1979

The Honorable Samuel W. Collins, Jr.
The Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Justice Harry P. Glassman to the Supreme Judicial Court. Governor Brennan has also nominated Justice Thomas E. Delahanty to serve as an Active Retired Justice of the Supreme Judicial Court.

Pursuant to the Maine Constitution, Article V, Part 1, Section 8 and Title 4 M.R.S.A., Section 6, these nominations require review by the Committee on Judiciary.

Sincerely,

S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

COMMITTEE ON JUDICIARY

July 23, 1979

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 38 of the 109th Maine Legislature, the Joint Standing Committee on Judiciary has under consideration the nomination of Harry P. Glassman to 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 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2
Representatives 7

NAYS:

Senators 0
Representatives 0

ABSENT:

Senators 1
Senator Trafton
Representatives 3

Reps. Hughes, Sewall, Laffin

9 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 Harry P. Glassman to the position of Justice of the Supreme Judicial Court be confirmed.

Sincerely,

S/SAMUEL W. COLLINS, JR.

Senate Chairman

S/BARRY J. HOBBS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Harry P. Glassman be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEA — Hichens, Redmond

NAY — Ault, Carpenter, Chapman, Clark, Collins, Cote, Danton, Devoe, Emerson, Farley, Gill, Huber, Katz, Lovell, Martin, McBreaity, Minkowsky, Najarian, Perkins, Pierce, Pray, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall

ABSENT — Conley, O'Leary, Trotzky

2 Senators having voted in the affirmative and 28 Senators in the negative, with 3 Senators 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 Harry P. Glassman is confirmed.

COMMITTEE ON JUDICIARY

July 23, 1979

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 38 of the 109th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Thomas Edward Delahanty to the position of Active Retired Justice to 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 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2
Representatives 7

NAYS:

Senators 0
Representatives 0

ABSENT:

Senators 1
Senator Trafton
Representatives 3

Reps. Hughes, Sewall, Laffin

9 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 Thomas Edward Delahanty to the position of Active Retired Justice to the Supreme Judicial Court be Confirmed.

Sincerely,

S/SAMUEL COLLINS JR.

Senate Chairman

S/BARRY HOBBS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Thomas Edward Delahanty be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3

M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the Question?

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

ROLL CALL

YEA — None

NAY — Ault, Carpenter, Chapman, Clark, Collins, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreaity, Minkowsky, Najarian, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Conley, O'Leary, Trotzky.

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 Thomas Edward Delahanty is confirmed.

OFFICE OF THE GOVERNOR

July 9, 1979

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

This is to inform you that I am nominating Neil Hapworth of Winslow and Sterling Dow of Kennebunk to be members of the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. Section 341, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/JOSEPH E. BRENNAN

Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

July 9, 1979

The Honorable James A. McBreaity
The Honorable William B. Blodgett
Chairmen, Energy and Natural Resources Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Neil Hapworth of Winslow and Sterling Dow, III of Kennebunk to be members of the Board of Environmental Protection.

Pursuant to Title 38, Section 341, these nominations will require review by the Committee on Energy and Natural Resources.

Sincerely,

S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

July 27, 1979

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 38 of the 109th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Neil Hapworth of Winslow to the position on the Board of Environmental Protection.

After public hearing and discussion on the nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomina-

tion be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
Senators — 2
Representatives — 8
NAYS:

Senators —
Representatives —
ABSENT: 3
Senator Trotzky, Rep. Doukas, Rep. Dexter.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Neil Hapworth to the position of the Board of Environmental Protection be confirmed.

Sincerely,
S/JAMES MCBREAIRTY
Senate Chairman
S/WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Neil Hapworth be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Trotzky.

No Senators having voted in the affirmative and 32 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 Neil Hapworth is confirmed.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

July 27, 1979

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 38 of the 109th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Sterling Dow, III of Kennebunk to the position on the Board of Environmental Protection.

After public hearing and discussion on the nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
Senators: 2
Representatives: 8
NAYS:
Senators:
Representatives:
ABSENT: (3)

Senator Trotzky, Rep. Doukas, Rep. Dexter. Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Sterling Dow, III to the position on the Board of Environmental Protection be confirmed.

Sincerely,
S/JAMES MCBREAIRTY
Senate Chairman
S/WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Sterling Dow, III be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Ault, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Carpenter, Trotzky.

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 Sterling Dow, III is confirmed.

OFFICE OF THE GOVERNOR

July 10, 1979

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

This is to inform you that I am today nominating seven people for appointment to the Maine Labor Relations Board. I am nominating Don Ralph Ziegenbein and Wallace J. Legge for appointment as the employer and employee members respectively. I am nominating Kenneth T. Winters for reappointment as an alternate employer member and Thacher E. Turner for appointment as an alternate employer member. Harold Noddin and Robert W. Rush are nominated for appointment to the alternate employee category. I am also nominating Gary F. Thorne as an alternate public member of the board.

Pursuant to Title 26 M.R.S.A. Section 968, these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

I appreciate your assistance in this matter.
Sincerely,
S/JOSEPH E. BRENNAN
Governor
Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

July 10, 1979

The Honorable Roland L. Sutton
The Honorable Jasper S. Wyman
Chairmen, Labor Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated seven people to the

Maine Labor Relations Board. Don Ralph Ziegenbein and Wallace J. Legge have been nominated as the employer and employee members respectively. Kenneth T. Winters has been re-nominated as the alternate employer member. Thacher E. Turner has been nominated as an alternate employer member. Harold Noddin and Robert W. Rush have been nominated as alternate employee members and Gary F. Thorne as an alternate public member.

Pursuant to Title 26 M.R.S.A. Section 968, these nominations will require review by the Joint Standing Committee on Labor.

Sincerely,
S/MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

COMMITTEE ON LABOR

July 23, 1979

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 38 of the 109th Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Don Ralph Ziegenbein to the Maine Labor Relations Board as the employer.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
Senators 2
Representatives 5
NAYS:
Senators 0
Representatives 0

ABSENT:
Senator Pray
Representatives Lewis, A.; Martin, Tuttle, Dexter, McHenry.

Seven members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Don Ralph Ziegenbein to the position of employer on the Maine Labor Relations Board be confirmed.

Sincerely,
S/ROLAND SUTTON
Chairman
S/JASPER WYMAN
Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Don Ralph Ziegenbein be confirmed.

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 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEA — Sewall.

NAY — Ault, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher.

ABSENT — Carpenter, Trotzky.
One Senator having voted in the affirmative

and 30 Senators in the negative, with 2 Senators being absent and one 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 Don Ralph Ziegenbein is confirmed.

COMMITTEE ON LABOR

July 23, 1979

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 38 of the 109th Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Wallace J. Legge to the Maine Labor Relations Board as the employee member.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the nomination to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with following result:

YEAS:

Senators 2
Representatives 5

NAYS:

Senators 0
Representatives 0

ABSENT:

Senator Pray
Representatives Lewis, A.; Martin, Tuttle, Dexter, McHenry.

Seven members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Wallace J. Legge to the position as employee member on the Maine Labor Relations Board be confirmed.

Sincerely,
S/ROLAND SUTTON
Chairman
S/JASPER WYMAN
Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Wallace J. Legge be confirmed.

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 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEA — None.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreaarty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Farley, Trotzky.

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 Wallace J. Legge is confirmed.

COMMITTEE ON LABOR

July 23, 1979

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 38 of the 109th Legislature, the Joint Standing Committee on Labor has had under consideration the re-nomination of Kenneth T. Winters to the Maine Labor Relations Board as the alternate employer member.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2
Representatives 5

NAYS:

Senators 0
Representatives 0

ABSENT:

Senator Pray
Representatives: Lewis, A. Martin, Tuttle, McHenry, Dexter.

Seven members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Kenneth T. Winters to the position as alternate employer member on the Maine Labor Relations Board be confirmed.

Sincerely,
S/ROLAND SUTTON
Chairman
S/JASPER WYMAN
Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Kenneth T. Winters be confirmed.

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 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEA — None.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreaarty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Farley, Trotzky.

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 Kenneth T. Winters is confirmed.

COMMITTEE ON LABOR

July 23, 1979

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 38 of the 109th Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Thacher E. Turner to the Maine Labor Relations Board as alternate employer

member.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2
Representatives 5

NAYS:

Senators 0
Representatives 0

ABSENT:

Senator Pray
Representatives: Lewis, A. Martin, Tuttle, Dexter, McHenry.

Seven members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Thacher E. Turner to the position as alternate employer member on the Maine Labor Relations Board be confirmed.

Sincerely,
S/ROLAND SUTTON
Chairman
S/JASPER WYMAN
Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Thacher E. Turner be confirmed.

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 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEA — None.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreaarty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Farley, Trotzky.

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 Thacher E. Turner is confirmed.

COMMITTEE ON LABOR

July 23, 1979

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 38 of the 109th Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Harold Noddin to the Maine Labor Relations Board as an alternate employee member.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2

Representatives 5

NAYS:

Senators 0

Representatives 0

ABSENT:

Senator Pray

Representatives: Lewis, A. Martin, Tuttle, Dexter, McHenry.

Seven members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Harold Noddin to the position as alternate employee member on the Maine Labor Relations Board be confirmed.

Sincerely,
S/ROLAND SUTTON
Chairman
S/JASPER WYMAN
Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Harold Noddin be confirmed.

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 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEA — Minkowsky.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairey, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Farley, Silverman, Trotzky.

1 Senator having voted in the affirmative and 29 Senators in the negative, with 3 Senators being absent, and one 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 Harold Noddin is confirmed.

COMMITTEE ON LABOR

July 23, 1979

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 38 of the 109th Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Robert W. Rush to the Maine Labor Relations Board as an alternate employee member.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2

Representatives 5

NAYS:

Senators 0

Representatives 0

ABSENT:

Senator Pray

Representatives: Lewis, A. Martin, Tuttle, Dexter, McHenry.

Seven members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Robert W.

Rush to the position as alternate employee member on the Maine Labor Relations Board be confirmed.

Sincerely,
S/ROLAND SUTTON
Chairman
S/JASPER WYMAN
Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Robert W. Rush be confirmed.

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 5, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEA — None.

NAY — Ault, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Carpenter, Farley, Trotzky.

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 W. Rush is confirmed.

COMMITTEE ON LABOR

July 23, 1979

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 38 of the 109th Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Gary F. Thorne to the Maine Labor Relations Board as an alternate public member.

After public hearing and discussion on this nomination the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 2

Representatives 5

NAYS:

Senators 0

Representatives 0

ABSENT:

Senator Pray

Representatives: Lewis, A. Martin, Tuttle, Dexter, McHenry.

Seven members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Gary F. Thorne to the position as alternate public member on the Maine Labor Relations Board be confirmed.

Sincerely,
S/ROLAND SUTTON
Chairman
S/JASPER WYMAN
Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Com-

mittee on Labor has recommended that the nomination of Gary F. Thorne be confirmed.

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 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEA — None

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Farley, Trotzky.

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 Gary F. Thorne is confirmed.

OFFICE OF THE GOVERNOR

July 11, 1979

The Honorable Joseph Sewall
President of the Senate
State House

Augusta, ME 04333

Dear Senator Sewall:

This is to inform you that I am nominating David P. Cluchey of Topsham for appointment as a consumer member on the Heath Facilities Cost Review Board.

Pursuant to Title 22 M.R.S.A. Section 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

July 11, 1979

The Honorable Barbara A. Gill
The Honorable Sandra K. Prescott
Chairmen, Health and Institutional
Services Committee

109th Legislature

Please be advised that Governor Joseph E. Brennan has nominated David P. Cluchey of Topsham to serve as consumer member on the Health Facilities Cost Review Board.

Pursuant to 22 M.R.S.A. Section 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services.

Sincerely,
S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

COMMITTEE ON HEALTH & INSTITUTIONAL SERVICES

July 25, 1979

The Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has and under consideration the nomination of

David P. Cluchey to the position of Member on the Health Facilities Cost Review Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th 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 7

NAYS:

Senators 0

Representatives 0

ABSENT:

Senators 0

Representatives 3 (Rep's Vincent, Norris & Matthews)

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David P. Cluchey to the position of Member on the Health Facilities Cost Review Board be confirmed.

Sincerely,

S/BARBARA A. GILL

Senate Chairman

S/SANDRA K. PRESCOTT

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of David P. Cluchey be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Ault, Carpenter, Chapman, Clark, Collins, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Conley, Farley, Troitzky.

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 David P. Cluchey is confirmed.

OFFICE OF THE GOVERNOR

July 12, 1979

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, ME 04333

Dear Senator Sewall:

I am today nominating Leonard C. Mead and the Very Reverend Richard E. Harvey for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P & SL Chapter 37, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/JOSEPH E. BRENNAN

Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

July 12, 1979

The Honorable Howard M. Troitzky
The Honorable Laurence Connolly, Jr.
Chairmen, Education Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Leonard C. Mead and the Very Reverend Richard E. Harvey to serve on the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P & SL Chapter 37, these nominations will require review by the Joint Standing Committee on Education.

Sincerely,

S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

COMMITTEE ON EDUCATION

August 1, 1979

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Leonard C. Mead to serve on the Board of Trustees of the Maine Maritime Academy.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 1

Representatives 10

NAYS:

Senators 0

Representatives 0

ABSENT: 2

Senator Howard Troitzky, Penobscot

Senator Barbara Gill, Cumberland

Eleven 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 Leonard C. Mead to serve on the Board of Trustees of the Maine Maritime Academy be confirmed.

Sincerely,

S/LAURENCE E. CONNOLLY, JR.

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Leonard C. Mead be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Ault, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Carpenter, Farley, Troitzky.

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 Leonard C. Mead is confirmed.

COMMITTEE ON EDUCATION

August 1, 1979

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of the Very Reverend Richard E. Harvey to serve on the Board of Trustees of the Maine Maritime Academy.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 1

Representatives 10

NAYS:

Senators 0

Representatives 0

ABSENT: 2

Senator Howard Troitzky, Penobscot

Senator Barbara Gill, Cumberland

Eleven 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 the Very Reverend Richard E. Harvey to serve on the Board of Trustees of the Maine Maritime Academy be confirmed.

Sincerely,

S/LAURENCE E. CONNOLLY, JR.

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of the Very Reverend Richard E. Harvey be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 5, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Ault, Carpenter, Farley, Martin, Troitzky.

No Senators having voted in the affirmative and 28 Senators in the negative with 5 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 the Very Reverend Richard E. Harvey is confirmed.

On motion by Senator Katz of Kennebec, the Senate voted to remove from the Table the nomination of Harold Reynolds, Jr. to the position of Commissioner of the Department of Ed-

ucational and Cultural Services, Tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending Consideration.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Harold Reynolds, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th 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.

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

Senator CONLEY: Mr. President and Members of the Senate: As a, and I take great pleasure in saying this, as a former member of the Portland City Council, it certainly was my pleasure over a period of approximately seven years, to have worked with Mr. Reynolds as the Superintendent of the Portland School System. Not to say that Mr. Reynolds and I on occasion did not disagree, but that again shows we are normal people, and there is always room for disagreement.

I just want this Senate to know that the Portland School System certainly has what I consider one of the finest Superintendents that the system or the city has ever had. We certainly in Portland were very pleased, we had a man of this caliber to serve in the field of education.

I therefore would urge the Senate to confirm and support the recommendations made by the Joint Standing Committee on Education.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: I know this is nearly the last item on our agenda and we are all warm and anxious to leave for the day, but I do think this nomination raises an issue that is important enough to just take a few minutes to consider it. Important enough so that I, at least, would like to say a few remarks for the Record.

You remember our last session, and how could any of us forget it. Perhaps the bitterest division and problem that we had was not over really any issue, it was over the process and whether or not we were acting in good faith with due process between the bodies, when some of us felt very, very strongly that an individual had grossly misused and abused the power given him.

I think that I must mention today that I am concerned with the process that this nomination has undergone. This commissioner is nominated differently by law than any of the other commissioners.

It seems to me that the Governor has handled this situation less than in an admirable fashion. I think that the reputation of the State Board of Education has been tarnished. I think clearly the intent of the Legislature when it passed this law has been subverted.

I am concerned that this process was dragged out for 9 months after the Governor's election before we today are going to confirm a Commissioner of Education. Who if not the most important commissioner is certainly one of the most important people in state government, August the 3rd before we have the commissioner.

I remember last session being lectured on more than one occasion by our Governor who said that "if you do not like the law, then change it," propose a change.

I would just say publicly to Governor Brennan today what is good for the goose is good for the gander. Why don't you practice what you preach? If you do not like this law, and you have said you don't, then why don't you propose

some legislation to change it?

I submit that perhaps as long as the law is subverted and gotten around that no positive legislation will be introduced. I think that is a travesty and something should be corrected.

Having served on the Education Committee and being involved in Education I have run across our nominee today on many occasions and also by reputation. I think that he undoubtedly will be an excellent Commissioner of Education, but I am concerned about the process, certainly not about the nominee. In fact, I would go so far as to predict that this Commissioner will probably be one of the few bright lights in all dark administration.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: We have been given a great privilege by the people of this State when our constituency elected us and gave us the opportunity for this forum.

I think that the remarks by the previous speaker in reference to the chain of events which have taken us up to this time, his comparison of another situation that took place during the last Legislature has completely overlooked the fact that what we were debating in the last session was on the State Employee Pay Raise; and at this time it is the Legislature's role, the activities in which the Legislature, the role the Legislature plays in the process.

I do not fault him for using this forum to express his discontent with the Governor. I agree with him wholeheartedly that the qualifications, which is the issue again, the Legislative role which we are debating at this time, of the individual before us, is very good and probably will be unanimously approved.

I do resent the fact he would mislead and use this forum as to the role of the Legislature. The statutes are very clear on the State Employees Pay Raise issue as to what the Legislature's role was, and it is very clear at this time as to what the Legislature's role is in reference to the confirmation process. To start calling apples and oranges into one basket and saying that they're the same thing that is erroneous.

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

Senator CONLEY: Mr. President and Members of the Senate: I am sorry that the Assistant Majority Floorleader has taken this occasion to express his view on the handling of this nominee. In fact it was only a few months ago that I recall that the Assistant Majority Floorleader was criticizing the Governor for his slowness in the appointment of members of his cabinets.

Let's look at the Commissioner's of Education post. We were three months into the Legislative Session before the State Board of Education even submitted three names to the Governor. As the Chief Executive of this State and as one who is charged with the responsibility of selecting the best qualified individuals to serve in those posts, he certainly is entitled to that time to totally evaluate the names of the nominees that were submitted to him, by the State Board of Education.

He had great reservations about those names, he had reservations as to the philosophy that the individuals represented. He certainly has the right to be concerned with every citizen in this State as to who the Commissioner of Education is going to be.

In fact, it wasn't but a short time ago, when I had the opportunity of sitting not only with the Governor but with both the majority and the assistant majority floorleader for supper one evening and we discussed this very issue. The Governor had stated that he was not happy with the way the statutes read in dealing with the selection of the Commissioner of Education, certainly that he could not do anything about it for this administration in the past Regular Session.

In fact, it was suggested by one of those in attendance at that meal that he hold off and wait at least until the second part of the biennium before he introduced any type of Legislation that would change it.

We all know why that statute was written the way it was written. We all debated it here in this Senate Chamber. It was because we had enough concern at that time, not knowing what the future held for us at that time, as to who the Chief Executive was going to be for the next four years. We wanted to protect, many of us anyway, the post of the Commissioner of Education to make sure or to be insured that we did have this type of individual that we would like to see heading up that Department.

I agree with the Assistant Majority Floorleader, I feel that Mr. Reynolds has without any question the most capable, certainly the ability, to carry on in a fashion that the citizens of this State would like to see. Therefore, once again, I would urge the Senate to vote for confirmation.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: As a member of the Committee on Education, that analyzed this particular issue very thoroughly as to the concerns brought up by the Assistant Majority Leader, I guess that most of us on the committee will be in full concurrence, but as we progressed through about 2½ hours of hearings relevant to Mr. Reynolds in my estimation there is not a single member of that committee, that had any reservations as to the caliber, the quality, leadership and the innovative ideas that would be brought forth in our Department of Education.

In fact the statement was rendered that maybe the entire matter was a blessing in disguise, so that we did have the opportunity even though Mr. Reynolds is part of a committee that screened and evaluated the three original applicants. It really was a blessing in disguise that it was turned about entirely, that we had an opportunity to listen very intently to an outstanding person.

After listening to the testimony, I think in the fourteen years I have been here, I was never so impressed as I have been with the nominee we have before us this afternoon. I think he is an outstanding example of the caliber of person we should have heading almost everyone of our departments in the State of Maine.

I really believe that the Senate unanimously endorses the nomination of Harold Reynolds as our new Commissioner of Education.

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

Senator KATZ: Mr. President, how lucky the nominee is because all the other nominees went under the hammer without any discussion. Now we have all had an opportunity to say that Commissioner Reynolds, is by any standard, an outstanding educational leader and he darn well is. We are lucky to have him and I look forward to working with him.

But directing my attention again to the process, I would like to modify just a little bit the Minority Leaders remarks it was closer to 2 to 2½ months of time during which the State Board of Education did its work and did its work very well indeed. It conducted a national search advertized in appropriate periodicals, identified the procedures for affirmative action, actually turned up excellent women candidates, and then passed the names along to the Governor.

Actually the process would have been faster if the in-coming administration had been a little faster identifying some funds to conduct the search but that slowed it down and that is understandable when a new Administration comes in. The thing that concerns me, is from the period of mid-March until here we are in

August, this administration has delayed the nomination, leading up to the confirmation of an Educational Commissioner.

This is simply not acceptable, absolutely unacceptable. I suggest that this Legislature take a look at the procedures that are required under the present law. There are only 5 Governors in the entire United States that have any role whatsoever in the selection of an Educational Commissioner. The other four States have an even lesser role.

I would urge this Senate to join together our colleagues to review this Legislation and see if we can not simply tighten it up. It was not handled and it is only by the grace of God and the presents in the State of Mr. Reynolds, that we are ending up with a top-notch Educational Commissioner.

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

Senator CONLEY: Mr. President, again I hate to continue this running debate, but it has been sort of a dull afternoon.

The reason that Mr. Reynolds is before us today as a candidate or a nominee for the Commissioner of Education is because again the Governor himself has weighed each of his nominees extremely carefully. The fact that he was posted in June again takes away a few more months, the fact that this is August 4, if that is the date I have lost all record since I left here.

The law is a lousy law if one wants to look at it, you know. If the Governor has the right to post his Commissioner of Human Services, without any outside board given a blessing or somewhat. Commissioner of Mental Health and Corrections or so forth right down the line. Why shouldn't the Governor have the right to present his nominee to the Joint Standing Committee on Education for the purpose of having him serve as a Commissioner? What is so sacred about Education, that isn't equally as sacred with Mental Health or Human Services, or the Department of Transportation, right down the line? I mean that it is ludicrous.

So again, I urge that when we come back next January both the good Senator from Kennebec, Senator Katz and the poor little Senator from Cumberland Senator Conley, the minority set down and put our brains and wit, I have a lot of the latter, I am sure that the good Senator from Kennebec, can exercise the former, we can change the law so that it will suit the benefits of the citizens of this State.

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

Senator CLARK: Mr. President and Men and Women of the Senate. Well it is good to be back swinging the old partisan fist.

It is my understanding that we are here this afternoon to respond either positively or negatively to the recommendation of the Joint Standing Committee on Education. I think that it is perfectly acceptable that the Governor of this State submit the name of Ron Reynolds from Portland as the Commissioner of Education.

I think it is equally as acceptable, that the former Commissioner of Education, soon to be the former, H. Sawin Millett, Jr. who has done such an outstanding job in education for this State, maintain his position as Commissioner through the first session of this 109th Maine Legislature.

We came here this afternoon to confirm or not confirm let's get on with it.

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

Senator KATZ: Mr. President, Fifi and For Shame, if there are any partisan implications in this debate they have escaped me. I am going to vote for this nomination and I have voted for every single nominee of the Governor and in January I made it clear that whatever the Governor wants he is going to get from me unless he nominates a Cretin and thank God he hasn't done that yet.

I think that I have earned the right to express

some concern about the Educational Commission of this State without being nailed on any bad partisan rap which sits rather difficult with me.

I am concerned that this procedure has not been acceptable. I did not vote for this law because I was afraid of the previous incumbent Governor.

I wanted this Legislature to take a stand to lay away the appointment of this Commissioner from partisan politics or cronyism just like almost every other state in the United States has done. I hope when we come back to look at any possible changes in the law, that we do two things that we keep as non-partisan as we always have succeeded in doing in Education at least, and second thank God for the fact that we have a great Commissioner setting across the walk-way in the Education Building.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Usher, Sewall.

ABSENT — Trotzky.

No Senators having voted in the affirmative and 32 Senators in the negative with one 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 Harold Reynolds, Jr. is confirmed.

The President laid before the Senate the nomination of Richard E. Barringer to the position of Commissioner of Conservation, tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending Consideration.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Richard E. Barringer be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th 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 PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate: After 2 public hearings, many hours of testimony, and many letters and phone calls, I believe the appointment of Dr. Richard Barringer has been one of the most controversial appointments ever made in the State of Maine.

The testimony, the letters, and the phone calls have been equally divided for and against the appointment.

When the 2 votes taken by the Energy and Natural Resources Committee are combined we have a 13 to 13 tie vote. The impression some have that the opposition to Barringer's appointment was coming only from the paper companies was proved to be very untrue. During the many hours of testimony we had good, responsible people from many walks of life testifying on both sides of the issue. Dedicated state employees from the Department of Conservation testified both for and against the appointment.

It seemed to me quite clear at the conclusion of the hearing on the Dr. Barringer appoint-

ment that the sum total of all the testimony against the nominee was that he had failed to communicate in any significant way, not only with the leaders of the forest products community but with many Legislators and experienced people within his own department. Because of this failure of communications, Dr. Barringer has neither come to understand nor appreciate the land structure of this State, and has not become acquainted as he should have with the people that presently run that structure. I'm sure now that my problem with Dr. Barringer was due to his rejection of my attempt to communicate with him back in 1976.

Although Dr. Barringer was at least partly correct in the latest hearing when he said that part of his problem was attempting to reconcile the conflicting goals within his department. I would point out that there are no major regulatory policy-making functions in the department that Dr. Barringer is responsible for. LURC is more or less an independent agency. That leaves us with the basic contention that conservation is a service department, service to the public in general, and to constituent groups, particularly in those areas of concern that the department operates.

The committee's constant call for specifics to substantiate the various complaints against the nominee went partially unanswered because of this very lack of communication and contact. This lack of communication and contact was the very essence of the complaints heard. Where there was contact many of those who attempted to work with Dr. Barringer felt that they were used to promote goals the commissioner had not disclosed. Again the cause at least in part was lack of communication which lead to suspicion and mistrust.

Apparently Barringer's communication problem was also with a significant number of the personnel within his own department. Those state employees who volunteered information or testified against Barringer showed special courage and commitment to this State. I personally am proud that we have such dedicated state employees. I hope their dedication and courage will continue to be appreciated by all concerned.

In his testimony, Dr. Barringer admitted he had made mistakes and had learned from his mistakes. The only way Dr. Barringer can be successful as Commissioner of Conservation is to establish better communications between himself and many different groups who are concerned with the natural resources problems of this State. We have many serious problems that cannot be solved unless we set aside our differences and work together as a team. Dr. Barringer has a long way to go. I honestly hope that he will be successful for the sake of the people and the natural resources of this State.

During the many hours of hearings each side was given ample time to present its case, both for and against Commissioner Barringer. If ever an appointee was told what his good points and problems are, I'm sure Dr. Barringer is that appointee.

While I still have serious reservations about this appointment, I feel it is time to end the controversy and allow the operation of the Department of Conservation to be carried out. I made the statement at the last hearing that if the committee confirmed Dr. Barringer's nomination, that we all should try to establish better communication and everyone concerned should work together in the best interest of the State of Maine. To keep faith with my statement, I am going to vote today to confirm the nomination of Dr. Barringer as Commissioner of Conservation, and do my best to establish better communications so that we might do what's best for the State of Maine. Under the present circumstances I believe my vote will be in the best interest of the State of Maine. Thank you.

The PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I didn't prepare any text for today. I'm only too happy to hear the remarks of our good Senate Chairman.

Mr. President, there were accusations made after our first hearing on Dr. Barringer that the hearings were unfair. Certain charges were leveled against our Chairman of the Committee.

Mr. President and Members of the Senate, as a member of that Committee, I can only endorse the actions taken by our Committee Chairman. The feeling was the hearing was fair. Everyone was given an equal opportunity. I would say that the chairman of our committee has a lot more patience than I.

Mr. President, our Chairman insisted that we listen to everyone who travelled throughout the State of Maine at our last hearing that lasted a little over 13 hours. It was a trying experience for our committee, our chairman and those people who attended.

Mr. Chairman and Members of this Senate, there was a certain gentleman of the press, a fellow by the name of Peter Slocum. I'm sure that at one time or another you've read his column. It's the type of articles that this gentleman prints that ruins the image of state government. State government, I suppose, is bad enough, but we don't need the type of writings that this gentleman perpetrates upon the people of the State of Maine and misleads them.

Mr. President, I was prepared to read into the Record testimony that I thought was perhaps the best I've listened to, but in view of the words spoken to our Committee Chairman I shall forego this. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I wish to pair my vote with the Senator from Penobscot, Senator Trotzky, who if he were here would be voting No, and I would be voting Yes.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now requests leave of the Senate to pair his vote with the Senator from Penobscot, Senator Trotzky, who if he were here would be voting Nay, and the Senator from Sagadahoc, Senator Chapman, would be voting Yea.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate, just a word or two if I might.

I don't know the gentleman that is being voted on. The only thing I do know is that I voted against him last time, because of the way that the committee vote was.

Now at this particular time the committee vote, in my opinion was just about the same, Senator Trotzky had to be brought down on a bed. He didn't hear the hearing at all, as I understand it, that day.

Now Senator McBreaity from Aroostook did hear the hearing, he voted against it previously, now he's changing a vote for it. I don't know how I want to vote. I'd like to have some comment on why Senator Trotzky changed his vote? What happened to get him to change his vote? What was involved in the whole setup because Senator McBreaity changing his vote now? Do I change my vote now or do I stick the way I voted before? I'd like to have some comment on that.

The PRESIDENT: The Senator from York, Senator Lovell, has posed a question through the Chair.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and

Members of the Senate: I, too, concur with the Senator from York, Senator Lovell.

We've watched this process as far as the Committee hearings on the Commissioner of Conservation. I have people back in my hometown, in my area that are saying that the process used, the way that the news reported it, accurate or inaccurate, makes that committee look like a bunch of dumbbells. First they vote against the man, then they vote for the man.

I think it's very unbecoming for the Maine Senate and the Maine Legislative process to go through the antics of refusing the man, not coming up with specifics on the floor of the Senate, and then coming in, and now I hope approving the man.

We just heard a speech by the Assistant Majority Floorleader on the operation of our system and what he disliked about it. Well I'll speak as an Independent, I will say that those back home have said to me that one Senator made his committee look like a bunch of dumbbells, I'll have to concur with them. Thank you.

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

Senator KATZ: Mr. President, is there no opportunity in this Senate Chamber to accept at face value the honest statement of a colleague? Is there no reason not to accept it at face value the fact that one member of this Body who perhaps anguishes more than any of the rest of us on even the simplest of his votes, anguished on this one and changed his mind? Does there have to be a back-room deal? Is there anything in our swearing of the Oath of Office that says once we make a vote however inappropriate, we have to stick to it for the rest of our days?

I haven't been involved in this business, thank heavens! I have admired and anguished Senator McBreaity's conduct throughout this affair as he dealt with a very, very difficult situation. I spent unwillingly, I might say, a very long day, along with the Committee, in the Majority Floor Leader's Office with Howard Trotzky and his wife, and was involved in getting him up here by ambulance, involved in trying to insulate him from any further physically debilitating burden on him.

The guy changed his mind. He made the mistake, the terrible cardinal error of picking up the phone and speaking to Dr. Barringer and saying "I think that the key to this whole thing is getting somebody to run that division of your department who's acceptable, who has a name that's recognizable, that's trusted by the people he's going to be working with, namely, the Forest Products Industry. Is this terrible?"

Then he went to the Governor. The Governor didn't come to him. If anybody here hints at a deal, this guy to my left is going to be all over you in 2 seconds. He sat down with the Governor. He discussed the exact same area. The Governor agreed that whoever the Commissioner appointed should be somebody who had the confidence of the industry.

Howard had nobody's name in mind, I'm sure the Governor had nobody's name in mind, whoever the man is, or woman, I don't know who it is. Senator Trotzky changed his mind! He's guilty of no deal! He's not guilty any more of subverting a system than all the years of the Executive Council, which was well represented by Washington County, when all the backroom deals were concluded, the negotiating. You get this Commissioner, we'll get this commissioner. It reached its height when there was a Democratic Governor and an all-Republican Council. It didn't do us any credit at all.

Now we have a system that's brand new. It's out in the open. There are never any doors closed. It's always covered by the press. We've had some anguish. Nobody promised you a rose garden when you took this away from the Executive Council. I think it worked pretty painfully, but it worked. The responsibility for the performance of this Department is where it should be, on the shoulders of our current Governor and his nominee!

But to subvert this into any sly innuendoes about the integrity of a man who belongs to this Body, is completely inappropriate. Dislike what the man did in changing his mind, and the inconvenience he caused us, but accept him as just as honest as you are. Just as sincere and anxious to do the right thing as you are, because anything less demotes the reputation of this Body more than anything that's been done.

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

Senator LOVELL: Mr. President and Members of the Senate: That Committee which I didn't attend, that hearing, the first hearing lasted 10 hours. We voted 17 to 10 against the candidates. Now when a hearing lasts 10 hours, probably 4 or 5 hours of testimony against the candidate tends to change my mind, that there must be some question with regard to that candidate's ability to handle the job as desired by the citizens or the people of the State of Maine. At the second hearing, I understand also went 10 hours. Consequently there have to be a lot of problems brought up against that gentleman that we are going to vote on shortly.

With all those problems, no reflection on the Senate, but with all those problems, the good Senator from Kennebec, Senator Katz. I appreciated him bringing down Senator Trotzky, and keeping him in his office in the bed or wheelchair or whatever it is, certainly he did a fine job on him, but nevertheless, I still feel that if you are going to have 20 hours of testimony, probably 6 to 7 to 8 hours of testimony against that candidate. Well we just had 7 candidates on the Committee on Labor, Senator Sutton will tell you, we had 7 candidates, we all voted for them. You all voted for them, except I guess Walter Hichens voted against one and the President voted against one, they had their personal reasons, I don't blame them, but nevertheless is this the best thing for the State of Maine? Putting in a man that has not pleased and has had so much testimony against him? I urge you to think very carefully before you vote on this issue.

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

Senator MCBREAIRTY: Mr. President and Members of the Senate: I guess you people that have worked with me the last 5 years realized that I don't change my mind very easy. Usually when I take a stand, I continue through on it.

I resent very much anyone in this chamber indicating that our committee looked like a bunch of dumbbells, because we spent, as Senator Lovell says, probably 20 hours trying to come up with a fair decision on this appointment.

I tried to explain my reason for changing my vote. I think the controversy has gone on long enough, any further controversy won't be good for the Natural Resources of the State of Maine.

If I was to bet in that 20 hours of testimony which side had the most people testifying, I wouldn't know how to do it. As I said before, we had very responsible people on both sides of the issue, half of them felt he was the best Commissioner we could get, the other half seemed to feel otherwise. We had college professors; We had housewives; We had farm organizations; We had them split. They weren't together. They weren't one. They were split. So my reason for changing and hoping that this nomination will be confirmed so that we can all hopefully work together is to end the controversy. I hope that that's what we'll do. As I stated before, I'm going to make a much stronger effort than I did before to work with Dr. Barringer. Hopefully it will come out for the best. Thank you.

The PRESIDENT: Is the Senate ready for the question?

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

ROLL CALL

YEA — Collins, Cote, Devoe, Hichens,

Lovell, Minkowsky, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Usher.

NAY — Ault, Carpenter, Clark, Conley, Danton, Emerson, Gill, Huber, Katz, Martin, McBreairty, Najarian, O'Leary, Pray, Silverman, Trafton, Sewall.

ABSENT — Farley.

PAIRED — Chapman-Trotzky

13 Senators having voted in the affirmative and 17 Senators in the negative, with 2 Senators pairing their votes, and 1 Senator being absent, and 13 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 Richard E. Barringer is confirmed.

Senator O'Leary was granted unanimous consent to address the Senate, On the Record.

Senator O'LEARY: Mr. President and Members of the Senate: This past few years in this Body, I have taken the floor to speak about Route 17 that goes between the Town of Mexico and the town of Oquossoc.

We had a lengthy hearing with a room full of interested citizens on a Bill I presented for \$4,500,000 Bond Issue. At the Committee Hearing, there was one person, a Mrs. Cal O'Brien, whose husband is well known throughout the State of Maine and the United States as a sports fisherman. In the testimony it was brought out that on his way from Rangeley to Rumford that he died from a heart attack.

Mr. President, I would like to at this time say that last Saturday evening my dad suffered a heart attack in the Kennebago area. The ambulance service of Rangeley responded. The clinic ordered that he be taken to the Rumford Community Hospital. He lived to get there. He lived for another 45 minutes or so.

Mr. President, I've spoken a number of times on the condition of that road, 35 miles that takes you more than an hour to traverse.

Mr. President, and Members of the Senate, whenever there is anyone in need of medical attention in the Town of Rangeley, they are transported to the Rumford Hospital, not to Farmington, because we have the best hospital care in the vicinity. I know our costs are higher in the Rumford Community Hospital than they are in any other hospital in the State of Maine. We have a staff there, well trained. We have the facilities to take care of people.

Mr. President, I've spoken with the Commissioner of the Department of Transportation, I don't know how many times in the last few years. I'm in a dilemma as to what I should do next. I had thought of retiring from the Senate. I had other things in mind for the future. Mr. President, I'll serve notice on the Commissioner of Transportation I shall return here, return here, and return here until such time as the road is completed.

I've even thought of a little torture treatment for our Commissioner of the Department of Transportation. That's before he collects his pay check, he start from my home and pick up his paycheck in Oquossoc. That would be torture enough. He wouldn't be too happy.

Mr. President, at this time I would like to take the opportunity to thank the Secretary of the Senate for her consideration in sending flowers on behalf of the Senators of Maine. Thank you, Mr. President.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Conley of Cumberland, ORDERED, that a message be sent to His Excellency, the Governor informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed the Senator from Cumberland, Senator Conley, to deliver the message to his Excellency the Governor.

The Senator subsequently reported that he

had performed the duties with which he was charged.

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

Senator LOVELL: Mr. President, it being a very warm day, Ladies and Gentlemen of the Senate and I am very anxious to get back to the beach, I am going to make my speech very short.

It was very nice to see you all again, and I hope that the price of gasoline and oil do not go up too much before January 1st. I hope that you all have good health and get back here by January 1st, and we will pass some good Bills in the next session.

Now I move that we Adjourn Sine Die.

On Motion by Senator Lovell of York, at 4:00 p.m. on Friday, August 3, 1979 the Honorable Joseph Sewall, declared the Senate of the First Special session of the 109th Legislature, adjourned Sine Die.