

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE
One Hundred and Ninth Legislature
Second Confirmation Session
JOURNAL OF THE SENATE

December 7, 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 convened 2:00 o'clock in the afternoon.

Senate called to order by the President.

Prayer by the Reverend David Glusker,
Green Street Methodist Church of Augusta.

Reverend GLUSKER: Let us pray! Lord God we stand in your presence, first of all to remind ourselves that you are God. Secondly we do so as we call upon you, that you may be active within this Chamber, that you may in fact use us as your instruments, and that your will, will ultimately be accomplished through us and even in spite of us.

We give you thanks for the beauty of this day, and for the new opportunities which come into our lives, and into the life of our State day by day.

With gratitude for all, we pause. Amen.

STATE OF MAINE
Senate Chamber
President's Office
October 25, 1979

May M. Ross
Secretary of the Senate of Maine
State House
Augusta, Maine
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 December 7, 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,
JOSEPH SEWALL

Which was Read and Ordered Placed on File.

ROLL CALL

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

Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Farley, Hichens, Katz, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Sewall.

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

Communications
OFFICE OF THE GOVERNOR
October 24, 1979

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

This is to inform you that I am nominating Samuel M. Zaitlin of Biddeford to be a member of the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. Section 341, 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,
JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE
October 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 Samuel M. Zaitlin of Biddeford to be a member of the Board of Environmental Protection.

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

Sincerely,
MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

**COMMITTEE ON ENERGY
AND NATURAL RESOURCES**

November 13, 1979

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

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 Samuel M. Zaitlin 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 3

Representatives 7

NAYS:

Senators 0

Representatives 0

ABSENT: 3

Rep. Blodgett

Rep. Hall

Rep. Huber

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 Samuel M. Zaitlin to the position of the Board of Environmental Protection be confirmed.

Sincerely,
JAMES MCBREAIRTY
Senate 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 Samuel M. Zaitlin 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.

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

Senator O'LEARY: Mr. President, although I voted in the affirmative, for the consideration of this gentleman to the Board of Environmental Protection, I think that I would like to say just a few words.

There was no one that appeared in opposition to this nomination, but after the hearing I let the gentleman know that I was not too pleased with some of the answers that he gave to certain members of the committee.

As the members of this Senate, who were here during the last session of the Legislature, will recall, at one time we had in the laws of

the State of Maine that there would be certain members or people from certain groups that would be nominated to these various positions on the Board of Environmental Protection, such as those who were environmentalists, those who were industrialists, those who were for unions, and those who were public members. Much to my disappointment the law was enacted and we did away with all classifications. Mr. President, this gentleman has indicated to our committee that he was opposed to Dickey-Lincoln, that's one; he's opposed to nuclear power, that's two; he's opposed to a coal-fired plant at Sears Island, I couldn't find what he would be in favor of.

Mr. President, I consider myself an environmentalist, as much as most anyone should be, I suppose, there's got to be a balance. I would suggest that the next appointee of our Governor, in order to create a balance would be someone that was in favor of all three.

Mr. President, it's my hope that the Governor will get this message and make sure that our boards are balanced. That's all I have to say, Mr. President. 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 — None.

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

ABSENT — Danton, Gill, Huber, Lovell, Usher.

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 Samuel M. Zaitlin is confirmed.

OFFICE OF THE GOVERNOR

October 25, 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 F. Wihry of Orono to be a consumer member of the Health 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,
JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

October 25, 1979

The Honorable Barbara A. Gill
The Honorable Sandra K. Prescott
Chairmen, Health and Institutional Services
Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated David F. Wihry of Orono to serve as the consumer member on the Health 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.

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

COMMITTEE ON HEALTH
AND INSTITUTIONAL SERVICES

November 8, 1979
The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine
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 had under consideration the nomination of David F. Wihry of Orono 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: 3

Rep. Brodeur, Auburn
Rep. Payne, Portland
Rep. Vincent, Portland

10 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 F. Wihry to the position of Member on the Health Facilities Cost Review Board be confirmed.

Sincerely,
BARBARA A. GILL
Senate Chairman
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 F. Wihry 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, Conley, Cote, Devoe, Emerson, Farley, Hichens, Katz, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Sewall.

ABSENT — Danton, Gill, Huber, Lovell, Usher.

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 David F. Wihry is confirmed.

OFFICE OF THE GOVERNOR

November 14, 1979

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

Dear Senator Sewall:

This is to inform you that I am nominating William A. Knight, Jr. of Belfast to be a member of the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

I appreciate your assistance in this matter.

Sincerely,

JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

November 14, 1979

The Honorable Melvin A. Shute
The Honorable Gary W. Fowlie
Chairmen, Marine Resources Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated William A. Knight, Jr., of Belfast to serve on the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA, Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources.

Sincerely,

MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

COMMITTEE ON MARINE RESOURCES

December 4, 1979

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine
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 Marine Resources has had under consideration the nomination of William A. Knight, Jr. to the position of member of the Marine Resources Advisory Council.

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 9

NAYS:

Senators 0

Representatives 0

ABSENT: 2

Senator Chapman of Sagadahoc
Representative Small of Bath

11 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 William A. Knight, Jr. to the position of member of the Marine Resources Advisory Council be confirmed.

Sincerely,

MELVIN A. SHUTE
Senate Chairman
GARY W. FOWLIE
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Marine Resources has recommended that the nomination of William A. Knight, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Marine 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, Devoe, Emerson, Farley, Hichens, Katz, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Sewall.

ABSENT — Danton, Gill, Huber, Lovell, Usher.

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 William A. Knight, Jr. is confirmed.

OFFICE OF THE GOVERNOR

November 19, 1979

The Honorable Joseph Sewall
President of the Senate
332 Stillwater Avenue
Old Town, Maine
Dear President Sewall:

This is to inform you that I am nominating Richard I. Morin of St. Agatha for appointment to the University of Maine Board of Trustees.

Pursuant to Title 20, MRSA, Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH E. BRENNAN
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

November 19, 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 Richard I. Morin of St. Agatha to serve on the University of Maine Board of Trustees.

Pursuant to Title 20, MRSA, Section 2551, this nomination will require review by the Joint Standing Committee on Education.

Sincerely,

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

COMMITTEE ON EDUCATION

November 28, 1979

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine
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 Richard I. Morin to the position of member of the Board of Trustees to the University of Maine.

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 Carroll E. Minkowsky

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 Richard I. Morin to the position of member of the Board of Trustees to the University of Maine be confirmed.

Sincerely,

HOWARD M. TROTZKY

Senate Chairman

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 Richard I. Morin 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 Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, and Members of the Senate, for the purpose of the Record and the Record only, I'd like to have it clarified that even though it says I was absent from the Education Committee Hearing relevant to Richard I. Morin, the point was that I had been excused because of a previous commitment.

I also want the Record to state very clearly that I support the nomination of Richard I. Morin to the Board of Trustees of the University of the State of Maine.

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

Senator MARTIN: Mr. President, Ladies and Gentlemen of the Senate, last year we voted and confirmed the nomination of Richard Morin from St. Agatha as a member of the State Board of Education. Today we are asked to vote and confirm his nomination as a member of the University of Maine Trustees.

Simply for the Record, Mr. President, I would like to point out that the Governor's Office have in their possession a letter of resignation from Mr. Morin, resigning from the State Board of Education, assuming obviously that this Senate confirms his nomination to the Board of Trustees. Thank you, Mr. President.

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, Devoe, Emerson, Farley, Hichens, Katz, Martin, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Sewall.

ABSENT — Danton, Gill, Huber, Lovell, Usher.

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 Richard I. Morin is confirmed.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, On the Record.

Senator KATZ: Mr. President, over the years one tends to have a feeling of partnership with those who plow in the same fields with us

day after day. Such a partner is Elaine Apostola, who has covered this Legislature so very, very well and professionally for UPI over recent years.

It's my understanding that Elaine is leaving us to go to Boston for reasons which completely escape me as being rational, other perhaps than money and career development. I'm sure the Senate wants Elaine to know that she goes with our blessings, our admiration for her professional job the entire time she has visited with us, and a hoped for career advancement and better professionalism than ever, in the years ahead.

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, On the Record.

Senator CONLEY: Mr. President and Members of the Senate, I certainly echo the good words of the Senator from Kennebec, Senator Katz. Knowing that everybody is going to be making a mad rush for the door very shortly, I would just like to take this opportunity to wish each and every one of you, whom I love dearly, with the possibility of one or two exceptions, a very happy, and joyful Holiday Season in the event that we don't see one another before the first of January.

Out of Order and Under Suspension of the Rules:

On Motion by Senator 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 Senator Conley of Cumberland to convey the message to the Governor.

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

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

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

Senator KATZ: Mr. President, it is a longstanding tradition that the oldest member of the Senate Adjourn the Senate, but this tradition was broken during the Regular Session, when Senator Pierce, one of the youngest members of the Senate, adjourned the Senate. In keeping with the tradition of youth adjourning, I move that the Senate stand Adjourned Sine Die.

On Motion by Senator Katz of Kennebec, at 2:39 PM on Friday, December 7, 1979, the Honorable Joseph Sewall, declared the Senate of the 109th Legislature, Second Confirmation Session, Adjourned Sine Die.