

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

Senate

December 5, 1990 to May 20, 1991

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Wednesday  
February 20, 1991

Senate called to Order by the President.

Prayer by The Honorable Gerard P. Conley, Jr. of  
Cumberland.

**SENATOR GERARD P. CONLEY, JR.:** Believing that  
You, O God, listen more attentively to short prayers,  
let us pray that the members of this Body will work  
harder to understand the differences which separate  
our Parties and our districts, so that we might find  
meaningful solutions to problems facing our  
constituents, who like You, God, don't care what  
Party, or what district any of us are from. Amen.

Reading of the Journal of Tuesday, February 19, 1991.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication:

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
STATE HOUSE STATION 16  
AUGUSTA, MAINE 04333

February 15, 1991

The Honorable Charles P. Pray  
President, Maine Senate  
State House Station 3  
Augusta, Maine 04333

Dear President Pray:

It is my pleasure as Chairperson of the Motor  
Fuel Tax Evasion Committee to transmit to you for  
your information a copy of the Committee's Final  
Report. In accordance with Public Law 1990, Chapter  
921, Part E, this report has been submitted to the  
Legislature's Joint Standing Committee on  
Transportation, along with legislation necessary to  
accomplish some of the report's recommendations.

The Motor Fuel Tax Evasion Committee, which  
consists of members of the Legislature, State  
Government, and private industry, was charged with  
undertaking "a comprehensive review to evaluate the  
fiscal impact caused by individuals and businesses  
who evade paying the motor fuel tax as mandated by  
Maine Revised Statutes, Title 36, Section 2903, or  
any other applicable user fees." The enclosed report  
summarizes the results of that review, and recommends  
a number of measures to address the problem of motor  
fuel tax evasion. These measures include formation  
of an ongoing coordinating group of state agencies  
concerned with fuel tax enforcement, administrative  
changes to improve the effectiveness of fuel tax  
monitoring, and enforcement, and increased fines and  
trip permit fees.

I have also enclosed a copy of the legislation  
which has been submitted to the Joint Standing  
Committee on Transportation.

Sincerely,

S/Dana F. Connors  
Chairperson  
Motor Fuel Tax  
Evasion Committee

Which was READ and with Accompanying Papers  
**ORDERED PLACED ON FILE.**

The Following Communication: S.P. 261

STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
AUGUSTA, MAINE 04333

February 15, 1991

Honorable Charles P. Pray, President  
Maine State Senate  
State House Station 3  
Augusta, Maine 04333

Dear Senator Pray:

I want to inform you that effective 14 February,  
1991, coverage for enrollees in the Maine Health  
Program was terminated. While the program itself  
remains in existence, there are currently no funds to  
pay benefits.

I have been advised by the Attorney General's  
Office that I do not have the authority to continue  
to administer a program when the appropriation is  
totally exhausted.

I have been diligent in taking all steps  
available to me and have exercised my limited  
rule-making authority to avoid the Maine Health  
Program's termination. However, at this point in  
time, I lack the authority to pay benefits or  
otherwise incur obligations. This took effect  
February 14, 1991.

The Department of Human Services and I stand ready to work with you toward a final resolution of this program.

Thank you for your time and consideration in this very important matter.

Sincerely,

S/Rollin Ives  
Commissioner

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

Sent down for concurrence.

The Following Communication:

**STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
AUGUSTA, MAINE 04333**

February 15, 1991

Honorable Charles P. Pray, President  
Maine State Senate  
State House Station 3  
Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that as of 4:00 p.m. today, Kennebec County Superior Court has issued a Temporary Restraining Order regarding termination of coverage for enrollees in the Maine Health Program.

The Order requires the Department to continue paying benefits in the Maine Health Program.

I will let you know the status of this situation as it develops. This letter takes the place of my most recent correspondence.

Sincerely,

S/Rollin Ives  
Commissioner

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

**SENATE PAPERS**

Bill "An Act Relating to the Maine Rainy Day Fund"  
S.P. 258 L.D. 716

Presented by President **PRAY** of Penobscot  
Cosponsored by Speaker **MARTIN** of Eagle Lake,  
Representative **CHONKO** of Topsham and Senator  
**PEARSON** of Penobscot

Which was referred to the Committee on  
**APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED  
PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend the Law Governing the  
Election of Members to Regional Vocational Boards"  
S.P. 252 L.D. 710

Presented by Senator **BOST** of Penobscot  
Cosponsored by Representative **CROWLEY** of Stockton  
Springs, Representative **HANDY** of Lewiston and  
Representative **NORTON** of Winthrop

Bill "An Act to Protect the Confidentiality of  
Library Records at Libraries of the University of  
Maine System"  
S.P. 260 L.D. 718

Presented by Senator **BOST** of Penobscot  
Cosponsored by Senator **ESTES** of York,  
Representative **CROWLEY** of Stockton Springs and  
Representative **O'DEA** of Orono

Which were referred to the Committee on **EDUCATION**  
and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Restrict the Transportation of  
Low-level Radioactive Waste"  
S.P. 250 L.D. 708

Presented by Senator **WEBSTER** of Franklin  
Cosponsored by Representative **HUSSEY** of Milo,  
Representative **GOULD** of Greenville and Senator  
**SUMMERS** of Cumberland

Bill "An Act to Dedicate Fines Collected from  
Political Subdivisions to a Technical Assistance  
Program"  
S.P. 257 L.D. 715

Presented by Senator **KANY** of Kennebec  
Cosponsored by Representative **JACQUES** of  
Waterville, Representative **MITCHELL** of Freeport  
and Representative **LORD** of Waterboro

Which were referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Increase the Maximum Permissible Fines for Class D and Class E Crimes"  
S.P. 255 L.D. 713

Presented by Senator **CONLEY** of Cumberland  
Cosponsored by Representative **PARADIS** of Augusta

Bill "An Act to Waive Restrictions on Certain Physicians"  
S.P. 256 L.D. 714

Presented by Senator **GILL** of Cumberland  
Cosponsored by Representative **MANNING** of Portland, Representative **CLARK** of Brunswick and Senator **BOST** of Penobscot

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Require the Filing of Current Tax Maps Annually in the Registry of Deeds"  
S.P. 253 L.D. 711

Presented by Senator **LUDWIG** of Aroostook  
Cosponsored by Representative **TUPPER** of Orrington and Representative **JALBERT** of Lisbon

Which was referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Provide Special License Plates for Recipients of the Purple Heart"  
S.P. 259 L.D. 717

Presented by Senator **GOULD** of Waldo  
Cosponsored by Senator **MILLS** of Oxford, Representative **HALE** of Sanford and Representative **BAILEY** of Farmington

Which was referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Provide for Fiscal Year Accounting and Pretreatment Provisions for the Kennebec Sanitary Treatment District"  
S.P. 251 L.D. 709

Presented by Senator **KANY** of Kennebec  
Cosponsored by Representative **JACQUES** of Waterville, Representative **JOSEPH** of Waterville and Representative **POULIN** of Oakland

Bill "An Act to Amend the Charter of the Portland Water District"  
S.P. 254 L.D. 712

Presented by Senator **BRANNIGAN** of Cumberland  
Cosponsored by Senator **GILL** of Cumberland and Representative **REED** of Falmouth

Which were referred to the Committee on **UTILITIES** and **ORDERED PRINTED**.

Sent down for concurrence.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

**COMMUNICATIONS**

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE**

February 19, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of Duane R. Lander of Greenville, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS: Senators 2  
Representatives 4

NAYS: 6

ABSENT: 1 Rep. Jacques of Waterville

Six 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 Duane R. Lander of Greenville, for appointment to the Inland Fisheries and Wildlife Advisory Council be denied.

Sincerely,

S/Senator Zachary E. Matthews S/Rep. Dorothy Rotondi  
Senate Chair House Chair

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

On motion by Senator **CAHILL** of Sagadahoc, Nomination Tabled until Later in Today's Session, pending **CONSIDERATION**.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **DUTREMBLE** of York, **RECESSED** until 10:50 a.m.

After Recess

Senate called to order by the President.

**ORDERS OF THE DAY**

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

**NOMINATION** - of Duane R. Lander of Greenville for appointment to the Inland Fisheries and Wildlife Advisory Council

Tabled - February 20, 1991, by Senator **CAHILL** of Sagadahoc

Pending - **CONSIDERATION**

(In Senate, February 20, 1991, Communication from the Committee on **FISHERIES AND WILDLIFE READ** and **ORDERED PLACED ON FILE**.)

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I speak to you this morning in a perplexed manner. The issue that we are dealing with, the nomination of Duane Lander to the Advisory Council of Fisheries and Wildlife, yesterday, failed in Committee with a vote of six to six, with one member being absent.

It has long been a complaint of many sportsmen that these positions on the Advisory Council go to persons too closely associated with the Inland Fisheries and Wildlife Department, or the members of the Legislative Committee. This appointment would provide some valuable balance to this Committee. The nominee is from the Greenville area and is well known and respected. He is former member of the Body down the hall, and served in the 112th Legislature, and he may be very well known to many of you here. The members of the Committee voted in a six to six tie yesterday, and the motion failed. However, I should point out that the members of the Committee grilled this nomination for an hour and a half yesterday on several questions whether they were pertinent or not to his nomination. The nominee fielded the questions very well. There was not a single person that came to that Committee Meeting yesterday who testified against the nomination of this person.

Some of Mr. Lander's qualifications are that he is the owner and manager of the D.R. Lander Construction Company, a firm which conducts residential, commercial, and public construction. He has been Managing Director and President and General Manager of Squaw Mountain in Moosehead. He has also held various positions with the Scott Paper Company. He is a veteran of the U.S. Army. He is a graduate of Piscataquis Community High School, and has attended the University of Maine at Orono. His community activities includes serving ten years as Director of the Greenville Chamber of Commerce. Chairman of the Greenville Airport Committee, and a member of the Moosehead Lake Planning Commission. He has also been a member of the Governor's Advisory Board of Economic Development. He has also served as Director of Mount View Farm and President of the Greenville Kiwanis Club. Mr. Lander, I should also point out, is a licensed pilot and he is also a registered Maine Guide. He has an impressive career in public service, both in his home area of Greenville and to the State of Maine. And as I mentioned before, growing up in Piscataquis County, he has a deep appreciation of the Maine mountains, woods, waterways, and has a keen understanding of the recreational value of Maine's great outdoors. His personal and professional experiences and commitment to serving Maine would be, and should be a positive addition to the Council.

Again, I want to mention that there were over seven speakers that spoke in favor of this gentlemen, there were none, zero who spoke against him. Therefore, it is my recommendation this morning that the members of the Senate vote to override the Committee's recommendation and confirm the nomination of Mr. Duane R. Lander. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator **TWITCHELL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, sat there for an hour and a half, or maybe two hours, and I listened very carefully to the confirmation of this gentlemen. I found him to be unqualified for the position. He may be good for tourism, or he might be put on the DEP Board. He might be good on something else, but not on this one. He stated in his background check that we had that he was a Maine Guide, but he hasn't been a Maine Guide since 1987. I voted no, and I believe in my own heart that he wasn't qualified for the position.

**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have to beg to differ with the good Senator from Oxford, Senator Twitchell. He had mentioned that he felt the nominee was not qualified, and I should point out that he too said that he was a Maine Guide until 1987. That maybe true, but I believe at that point it became a requirement for Guides to be certified in CPR. He is currently taking a course that will certify him in CPR and again restore him as a Maine Guide.

I also want to point out, and I think it is very important that we realize that this is a Citizens Committee. It is very important that we have a strong balance on this Committee. If every member of this Committee had to either be a registered Maine Guide, or a Wildlife Biologist than there would be no point in opening these appointments up to the public. As I stated before, Mr. Lander would provide a good balance to the Committee, he is well aware of the needs of outdoor recreation, the problems facing it, and when questioned by myself yesterday, I asked the nominee whether or not he would be committed and devote the time necessary to this position, to which he answered, "Yes".

This Council is much like the Citizen Legislature in the State of Maine, regardless of your background, regardless of your education, everyone has an opportunity to serve if they so desire. Mr. Lander demonstrated yesterday in over an hour and a half of questioning, that he has the qualification, he has the desire and the ability, not only to serve on this Council, but to serve well. I urge every member of this Body to take this into consideration, and vote to override the recommendation of the Committee. Thank you Mr. President.

**THE PRESIDENT**: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise just to put on Record a couple of points to clarify the Record.

First of all, I voted also in favor of this nomination, and did so rather reluctantly, I must tell you. We understand, those of us that have been here, serving in this Body a number of years, that the confirmation process is a very important intricate process in protecting, as was mentioned from the good Senator from Cumberland, Senator Summers, the Citizen Legislature, and what we are here, the Citizens Body, the court of last resort. We had an hour and a half, almost two hours of

questioning. That, at least in my experience with many confirmations in the past, is rather a short amount of time. We have had some confirmations that have gone much longer. That is part of the process. I appreciate the members of my Committee for their very intelligent questions. Questions on both side of the aisle, and as you see here, a vote that is members of both sides of the political aisle on either side of this confirmation.

It came down to my decision in the final analysis to vote for Mr. Lander because I didn't see any glaring reason not to vote to confirm, and I guess that has been somewhat of a personal way that I approach these confirmations. Is this a person who is willing to listen to his people in his area? I believe that he will do that. Is this a person who will work very closely with his legislative delegation? Yes, he will do that. And I should say that his Legislator spoke very eloquently for him, someone who is a good friend of mine, and served very well down here, the local Representative from Greenville. Is this a person who will bring some expertise? I think he will bring some expertise, certainly, his background has maybe been in the business field a little more than in the wildlife field, but as the good Senator from Cumberland, Senator Summers, has said, it is not necessarily a bad thing, it behooves us to have some balance there.

But all in all, I voted to give this gentlemen an opportunity to show us that he can be a good member of the Advisory Council, and did so for that reason. I respect the members of my Committee, and I think that is exactly what the confirmation process has been envisioned when it was started here under the Constitution that it would be a thorough investigation, a thorough dialogue in questioning every nominee, because we are here to do the citizens business, and that is important business. I would urge you to vote to override this recommendation. Thank you Mr. President.

**THE PRESIDENT**: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, I would like to thank the good Majority Leader and the good Presiding Officer for giving the Minority Party a couple minutes to regroup and caucus on this important nomination to Inland Fisheries and Wildlife Advisory Council.

I spoke with the Representative from the Governor's Office that handles appointments to Boards of Commissions, Kim Russell, and asked her why I was not apprised earlier than two seconds before the nomination hit the floor today, that this nomination had failed. She said the reason was that she was taken somewhat off guard. She had requested from the Chairs of the Committee on Inland Fisheries and Wildlife that this nomination be held in that Committee until the Governor could extend the courtesy to Mr. Lander that we usually extend to people that are about to be confirmed or rejected to withdraw his position. The Governor's Office did not have that opportunity. The good Presiding Officer of this Body did inform me that once a nomination has been voted on in Committee, that it is not allowed to be held in Committee, and I accept that, except I do

find it a bit curious that the Committee on Housing and Economic Development had a Confirmation Hearing on Valentine's Day. We voted those people out unanimously at a Committee, and yet those nominations have yet to hit the floor of the Senate. So I find it a bit curious, but I do appreciate being able to regroup for fifteen minutes and at least getting our "ducks in a row", if you will, on this particular nomination.

As far as the qualification of Duane Lander, frankly, I do not know what the particular qualifications for this is, I think we have to leave that in the hands of the people that went to the Public Hearing and the seven people that spoke in support of Mr. Lander. I know Mr. Lander only as a former Representative and a Legislative candidate. I find him to be in that regard a man of high standing in his community and I think it is very unfortunate that we have people who are willing to take on the responsibilities of these particular Boards and Commissions that we are turning it down for no other reason than a couple members of the Committee felt that person wasn't qualified. I urge you to vote Yes on this question.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As Chairman of the Housing Economic and Development Committee, I apologize its tardiness, I did not get to sign that letter until late last night. Too late to go on the Calendar today, I guess, and if there is any blame, it is mine, and I humbly accept it. Thank you.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am glad that we are not longer curious as to where two former Reports from Confirmation Hearings are, and I extend my gratitude to the Senator from Cumberland, Senator Brannigan, for "owning up". It is good to no longer be curious, because I was going to join my counterpart, the good Senator from Sagadahoc, Senator Cahill, in being more curious than perhaps she was.

But to the case in point, when the confirmation process was developed in the mid-seventies, it was developed with a bipartisan flavor. You remember in those days, perhaps you don't, we had an Independent Governor, a Democratically controlled other Body, and a Republican controlled Senate. So the process for all appearances, and for operation, and with its proud history has been a more cursory examination of candidates. It is a comprehensive process which places, as we read so frequently in our editorials of our Maine Press, great responsibility on the Committee, leaving only the confirmation process to be the responsibility of this Body. It is that Committee, and the members of that Committee, who stand in judgment of the nominee.

While I think, that we may have been very efficient in bringing this confirmation to the floor, thus not allowing our Chief Executive the opportunity to ask Mr. Lander, as a result of this negative Report before us, to withdraw his nomination, thus

saving us from action today. We also precluded an expansive, full flank, steam ahead, lobbying effort on behalf of the Chief Executive, to overturn the Committee Report. If you have one opportunity to withdraw, you also must acknowledge that there is also an opportunity to lobby. So, we have been spared both of those alternatives, and thus we are faced with our responsibility to confirm, or not to confirm, to approve, to concur with the recommendation of the Committee with its negative tie Report, or to overturn that Report.

I submit to you, that we acknowledge that Mr. Lander has a keen desire to serve his fellow men and women in the State of Maine. He possesses fine qualifications for public service, having already exhibited same. That he has pledged that he will devote full faith, time and energies to serve. But in this capacity before us today, he has been found lacking. And is generally the process here in this Chamber, that lacking lends us an opportunity to confirm the negative Report. I extend to Mr. Lander, my commendations for this willingness to step forward and accept this responsibility, and like the good Senator from Oxford, Senator Twitchell, I invite Mr. Lander to step forward and accept nominations for our Chief Executive for a number of other opportunities in which he can make a meaningful contribution, for I believe he does have a number of qualities that will enhance service on a number of Boards, Panels and Commissions, many of which have apparent vacancies.

In his desire to serve, I would offer him my best wishes for success, but in so doing, I also have to acknowledge that the wisdom of the Committee is divided. There are six equally qualified people to sit in judgment that recommend that his confirmation be denied. It is in that favor that you will find me voting today to reflect the Committee Report. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I request that the Secretary read the Roll Call from the Committee Report, please.

**THE PRESIDENT:** The Chair would advise the Senator that is not part of the Report that comes up. The Senate only receives the letter of recommendation from the Committee. The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to start out with saying that I fully admire and respect the comments of the good Senator from Cumberland, Senator Clark. I think in her address she brought out many valid points about the confirmation process. But it is one point in particular that she touched on that I think needs closer scrutiny.

She mentioned that six votes were in favor of the nominee, and six votes were against. That was a full Committee of able individuals that had cast their vote in a tie thus failing the nomination. That is not quite correct. The Committee consisted of thirteen people. One member was absent. That would



suggest that then there is a possibility of that member either voting in favor or against. That would suggest that possibly the process wasn't completely served. So in order to prove beyond a shadow of a doubt that this very well qualified, very committed individual, an individual who received bipartisan support, not only on the Committee, but by the people who spoke in favor of him, I have to reiterate that I think the Senate will be making a great mistake in not voting to override the recommendation of what was not the full Committee. The full Committee did not vote on this, this recommendation deserves to be overridden. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Aside from what my good colleague from Cumberland, Senator Clark, says, I think that this debate is going to bring about yet another rerun of scathing editorials from the Portland papers, who on occasion say, "We do not have many original ideas". Well, I think we pale in comparison to their lack of the same. They will certainly be running one in reference to this debate.

Now, something about confirmation votes in general bother me, and it particularly bothers me when I see two members of leadership from the opposite Parties get up and kind of try to get a little bit of a nose into it one way or the other. I have felt as a member from the other Body, the Body that really controls the nominations around here, I unfortunately would have to tell the members here. We should really judge these nominations, whether they go up or down, not on whether the Governor is a Democrat or a Republican, but on what the qualifications of this person, whoever he or she might be, are, in fact, to be!

Now I don't know Mr. Lander from Bullwinkle the Moose. I have no idea who this man is, except, based on what I have heard from the people who have spoken here today. And only I would say, with all due deference to the good Senator from Oxford, and the Senator from Cumberland, only Senator Summers from Cumberland has said anything about this man's qualifications. What has he done in his past life to make him eligible to serve the people of this state in the position in which he is being elevated or being asked to serve them? I guess I would like to hear more. I am a proud member of this Body who can say I have an "F" minus from the NRA, that is my rating. So, if anybody is objective on these matters, it is going to be me. I don't have an ax to grind one way or the other in reference to who serves on this particular Body that we are discussing. But I would like to know a little bit more about this individual. Philosophically where is he at, is he in favor of preserving our natural resources? Is he in favor of strict regulation of hunters and their activities? Is he in favor of more public access to lands? These are the types of things that I would like to know. I would say based on what I have heard right now, Senator Summers has made the most convincing case for why this man should be appointed. I have heard nothing else to make me feel otherwise. I would certainly welcome any other comments to enlighten me as to who this man is, if I

hear none, than I intend to vote with the Senator from Cumberland, Senator Summers.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Now I rise for two reasons, and I was going to rise for one, but I must add another one.

First, I want to comment to at least the implication that has been raised from the good Senator from Sagadahoc, Senator Cahill, that the Governor's Office was not afforded an opportunity to fully participate in the confirmation process. I guess, that if anyone is responsible, if that in fact is true, than it is me, and I will own up to that. My only reason for bringing it to this Body today in quick fashion, if you wish, if there is ever quickness involved with the legislative process, is to get this process moving. You know, we are on a time frame here in Augusta. We do have a Budget to deal with sometime in the next day or two. We do have many issues to get going with, and I have seen this process over the years sometimes go so slowly that the folks back home begin to have some questions. So if I have made a mistake as Chair of the Committee, it is been to try to expedite the legislative process and move this process to its eventual finality sometime in June, hopefully, and I admit that.

The second comment raised by the good Senator from Cumberland, Senator Conley, as I have said, and the good Senator from Cumberland, Senator Summers has said, this gentlemen did get the support of members of the Committee. He has shown, in my estimation in the Hearing yesterday, a willingness to listen to the people of his area that he will serve as a member of the Fisheries and Wildlife Advisory Council. He has been involved with hunting, and fishing, and trapping activities in his life. He has been a lifetime residence of Greenville. He has qualifications that made this Senator vote in favor of his nomination. Without retracing the entire two hours of discussion as the Chair of the Committee of Fisheries and Wildlife, I recommend his confirmation, today, and I am urging a two-thirds reversal of members of the Committee.

Also, as I have said, I respect especially the good Senator from Oxford, Senator Twitchell, who I have called over these years having the real pleasure and opportunity of serving with him, my coach. He is a very good friend, he has obviously distinguished himself in this Body with his residence, and has some questions about the nominee. But I think the process has been well served. When there is a division out of the Committee on a nomination on a confirmation, it tells me something that somebody has some questions, and that is what the process is about. And getting it to the floor to be voted on, at least as far as I have been told is what we are to do down here, move the process, get done our work and get back home. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator **TWITCHELL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am going on nineteen years here, and I have never voted against a confirmation to my knowledge in nineteen years. This is the first time that I have ever done so. I have a background check of this gentlemen, and after reading it over, and read it over, and read it over, he doesn't hunt and fish, he doesn't like Augusta or government. He is not knowledgeable at all about fish and wildlife. He is a nice gentleman. He would be outstanding if he was on DEP, and if he ever applies for that position I would be glad to go down there and speak in his behalf. He was on Tourism I believe as a Director. If he would like to get back on that, I would be the first one to go down and speak for him on his behalf. He is an awful nice person. He was one of us in the 112th. A very nice man, but he is just not qualified for this position.

**THE PRESIDENT**: The Senator from Cumberland Senator Summers, asks Leave of the Senate to speak a fourth time. Is it the pleasure of the Senate to grant this Leave? It is a vote. The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, like my good friend the Senator from Kennebec, Senator Matthews, I, too, respect Senator Twitchell. I respect his opinion, and I feel that he has taken this matter into deep consideration, but I do feel that he did error when he mentioned that Mr. Lander is not an outdoors man, or a hunter, or a fisherman. Even though his fishing license has currently lapsed, Mr. Lander held a hunting license for over twenty years. Again, he has been a registered Maine Guide, he has run hunting camps, he has a better than general knowledge of the outdoor sports, and I just felt the need to perhaps bring that to the attention of this Body. Thank you Mr. President.

**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland.

Senator **CLARK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. It is amazing how fast we can move when we have a little bit of debate, and this movement has resulted in my being able to respond to you with reference to the suggestion on behalf of the good Senator from Cumberland, Senator Summers, that in fact, the entire Committee was not present or attentive during the entire hearing process on this nominee.

So I have the pleasure of telling you with his permission, that if the person who is listed as absent on the Roll Call on the Supplement before us were present at the time that the vote were taken, he has given me permission to say that he would not have voted for confirmation, that he should not be confirmed. That the Senate should follow the Committee's lead, and that he left the Hearing in a distressed mood because the nominee did not carry the credentials as a hunter or a fisherman, and that the proponents, all seven of them, as well as others in the room, were all there as we usually are, and we know and recognize in support of the nominee, and that his vote in fact, would have been negative in conclusion with reference to his recommendation that

Mr. Lander be confirmed for appointment to this Inland Fisheries and Wildlife Advisory Council.

I think it is generally acknowledged that the gentlemen has a need, a desire, and an ability to serve, but is found lacking for service in the capacity for which he was nominated. I believe that the members of this Chamber, particularly, are sincere in their pledge that he would receive a favorable report should he be nominated to something that is more in line with his background. Thank you Mr. President.

**THE PRESIDENT**: The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator **EMERSON**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I testified in behalf of Duane Lander yesterday, because I thought he was well qualified for the position. I still think he is well qualified. I think he has a broad background in recreation, which I believe would be useful on that Committee.

But I just wonder in listening when you talk about his qualifications. I just wonder if that Commission shouldn't have somebody on there that might just possibly think about people that don't hunt, that don't fish, but like to enjoy the wildlife. There are a lot of people, including myself, well I guess I would fish if I could catch a fish, but I don't hunt, but I do enjoy seeing wildlife. And I just wonder if someone on the Commission shouldn't kind of think about those people once in a while. I would urge that you overturn the Committee Report. Thank you.

**THE PRESIDENT**: The Joint Standing Committee on Fisheries and Wildlife has recommended the nomination of Duane R. Lander of Greenville be denied.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th 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 Chair noted the absence of the Senator from Cumberland, Senator **GILL**, and further excused her from today's Roll Call votes.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators BERUBE, BRAUN, CAHILL, CARPENTER, COLLINS, CONLEY, EMERSON, FOSTER, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, MCCORMICK, RICH, SUMMERS, THERIAULT, THE PRESIDENT - CHARLES P. PRAY

(In Senate, February 14, 1991, **READ**. Division Requested.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE**.

NAYS: Senators BALDACCI, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, DUTREMBLE, ESTES, ESTY, KANY, TITCOMB, TWITCHELL, VOSE

The Chair laid before the Senate the Tabled and Specially Assigned matter:

ABSENT: Senators GAUVREAU, MILLS, PEARSON, WEBSTER

Bill "An Act to Provide for Local Control in the Selection of Artists and Writers for Funding" H.P. 418 L.D. 601

EXCUSED: Senator GILL

Tabled - February 19, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(In Senate, February 14, 1991, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**. Subsequently, **RECONSIDERED**.)

(In House, February 13, 1991, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **REFERENCE**.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

JOINT RESOLUTION - Supporting the Men and Women of Our Armed Forces H.P. 455

Tabled - February 19, 1991, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION**

(In Senate, February 14, 1991, **READ**.)

(In House, February 13, 1991, **READ** and **ADOPTED**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION**.

Off Record Remarks

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having been excused, and 17 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Duane R. Lander, is **DENIED**.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

JOINT RESOLUTION - Supporting the United States Armed Services in the Persian Gulf S.P. 249

Tabled - February 19, 1991, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION**

(In Senate, February 19, 1991, **READ**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION**.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

JOINT ORDER - Establishing the Joint Select Committee on Family and Children S.P. 243

Tabled - February 19, 1991, by Senator **BUSTIN** of Kennebec.

Pending - **PASSAGE**

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication:

ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

February 14, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Ray D. Hews of Presque Isle, for appointment to the Natural Resources Financing and Marketing Board.

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

YEAS: Senators 2  
Representatives 10

NAYS: 0

ABSENT: 1 Sen. Dutremble of York

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ray D. Hews of Presque Isle, for appointment to the Natural Resources Financing and Marketing Board be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. Rita B. Melendy  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

**THE PRESIDENT:** The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Ray D. Hews of Presque Isle be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A Vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators GAUVREAU, MILLS, PEARSON, WEBSTER

EXCUSED: Senator GILL

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having been excused, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Ray D. Hews, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication:

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

February 14, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Cynthia T. Spires of South Gardiner, for appointment to the Adaptive Equipment Loan Program Fund Board.

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

YEAS: Senators 2  
Representatives 9  
  
NAYS: 0  
  
ABSENT: 2 Sen. Dutremble of York, Rep. Graham of Houlton

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Cynthia T. Spires of South Gardiner, for appointment to the Adaptive Equipment Loan Program Fund Board be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. Rita B. Melendy  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

**THE PRESIDENT:** The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Cynthia T. Spires of South Gardiner be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A Vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators GAUVREAU, MILLS, PEARSON, WEBSTER

EXCUSED: Senator GILL

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator having been excused, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Cynthia T. Spires, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Out of order and under suspension of the Rules, the Senate considered the following:

**COMMUNICATIONS**

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE**

February 19, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of Alanson B. Noble of Oxford, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS: Senators 3  
 Representatives 10  
 NAYS: 0  
 ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Alanson B. Noble of Oxford, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Sincerely,

S/Senator Zachary E. Matthews S/Rep. Dorothy Rotondi  
 Senate Chair House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Inland Fisheries and Wildlife has recommended the nomination of Alanson B. Noble of Oxford be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Inland Fisheries and Wildlife be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A Vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senator EMERSON

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, ESTES, ESTY, FOSTER, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators GAUVREAU, MILLS, PEARSON, WEBSTER

EXCUSED: Senator GILL

1 Senator having voted in the affirmative and 29 Senators having voted in the negative, with 4 Senators being absent, with 1 Senator having been excused, and 1 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Alanson B. Noble, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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On motion by Senator **CONLEY** of Cumberland, **ADJOURNED** until Thursday, February 21, 1991, at 11:00 in the morning.