

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

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FIRST CONFIRMATION SESSION

October 2, 1991

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

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

In Senate Chamber
Wednesday
October 2, 1991

Pursuant to the provisions of Article 5, Part 1, Section 8 of the Constitution and the laws of the State of Maine, the Senate will convene at four o'clock in the afternoon.

Senate called to Order by the President.

Prayer by the Honorable Pamela L. Cahill of Sagadahoc.

SENATOR PAMELA L. CAHILL: I would like to begin today's session by quoting from a book, Oh the places you will go, in the memory of Dr. Seuss. "Wherever you fly, you will be the best of the best. Wherever you go, you will top all the rest. Except when you don't, sometimes you won't. I am sorry to say, but sadly its true, that bangups and hangups can happen to you. You can get all hung up in a prickly perch, and the gang will fly on, you will be left in a lurch. You will come down from the lurch with an unpleasant bump, and chances are that you will be in a slump. When you are in slump, you are not in for much fun, unslumping yourself is not easily done." Let us pray. Dear God, we need Your help with this apparent slump that we are in. Please give us the strength of character necessary to make the right decision before us today. Amen.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

September 11, 1991

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

Dear Secretary O'Brien:

Please be advised that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, the Senate of Maine will convene on Wednesday, October 2, 1991, at four o'clock in the afternoon for the purpose of voting upon confirmation of the various appointments made by the Honorable John R. McKernan, Jr., Governor of the State of Maine.

Sincerely,

S/Charles P. Pray
President of the Senate

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

CALLING OF THE ROLL

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

Senators, BALDACCI, BERUBE, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

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

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

ORDERED, that a message be sent to Governor John R. McKernan, Jr., informing him that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, a quorum of Senators is assembled for consideration of such business as may come before the Senate.

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

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

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

The Chair noted the presence of Senator BOST of Penobscot.

Senate at Ease

Senate called to order by the President.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 23, 1991

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

Dear President Pray:

This is to inform you that I am today nominating John H. Cox of Bangor for appointment to the Harness Racing Commission.

Pursuant to Public Law 1991, Chapter 579, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 23, 1991

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

Dear President Pray:

This is to inform you that I am today nominating Lincoln O. Orff of Jefferson for appointment to the Animal Welfare Board.

Pursuant to Public Law 1991, Chapter 267, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 23, 1991

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

Dear President Pray:

This is to inform you that I am today nominating Jeffrey O. Smith of Presque Isle for appointment to the Board of Pesticides Control.

Pursuant to Title 22, MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

August 23, 1991

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Pursuant to Title 22, MRSA Section 1471-B, Jeffrey O. Smith of Presque Isle for appointment to the Board of Pesticides Control.

Pursuant to P.L. 1991, Chapter 267, Lincoln O. Orff of Jefferson for appointment to the Animal Welfare Board.

Pursuant to P.L. 1991, Chapter 579, John H. Cox of Bangor for appointment to the Harness Racing Commission.

These nominations will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

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

The Following Communication:

**COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

September 17, 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 Agriculture has had under consideration the nomination of John H. Cox of Bangor, for appointment to the Harness Racing Commission.

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

YEAS: Senators 2
Representatives 9

NAYS: 0

ABSENT: 2 Sen. Titcomb of Cumberland, Rep. Nutting of Leeds

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John H. Cox of Bangor, for appointment to the Harness Racing Commission be confirmed.

Sincerely,

S/Sen. R. Donald Twitchell S/Rep. Robert J. Tardy
Senate Chair House Chair

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

Off Record Remarks

Senator **CLARK** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BOST** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of John H. Cox of Bangor be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Agriculture 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of John H. Cox, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

September 16, 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 Agriculture has had under consideration the nomination of Lincoln O. Orff of Jefferson, for appointment to the Animal Welfare 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 8

NAYS: 0

ABSENT: 3 Sen. Titcomb of Cumberland, Rep. Nutting of Leeds, Rep. Hussey of Milo

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 Lincoln O. Orff of Jefferson, for appointment to the Animal Welfare Board be confirmed.

Sincerely,

S/Sen. R. Donald Twitchell S/Rep. Robert J. Tardy
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Lincoln O. Orff of Jefferson be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Agriculture 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Lincoln O. Orff, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

October 1, 1991

The Honorable Charles P. Pray
President of the Senate
State House
Augusta, Maine 04330

Dear Mr. President:

The Joint Standing Committee on Agriculture was notified of the appointment of Jeffrey O. Smith of Presque Isle to the Board of Pesticides Control on August 23, 1991.

The nominee was not available within the 30 day statutory period required by 3 MRSA, section 151, therefore the Committee did not hold a public hearing on Mr. Smith's nomination.

Sincerely,

S/R. Donald Twitchell
Senate Chair

S/Robert J. Tardy
House Chair

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

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 23, 1991

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

Dear President Pray:

This is to inform you that I am today renominating Peter Bell of Northeast Harbor for appointment to the Maine Maritime Academy Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/John R. McKernan, Jr.
GOVERNOR

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

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

August 23, 1991

Senator Stephen C. Estes
Rep. Nathaniel J. Crowley, Sr.
Chairpersons
Joint Standing Committee on Education
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Peter Bell of Northeast Harbor for appointment to the Maine Maritime Academy Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

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

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 27, 1991

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

Dear President Pray:

October 1, 1991

This is to inform you that I am today renominating Michael W. Aube of Bangor for reappointment and Margaret C. Duncan of Presque Isle for appointment to the Board of Trustees of the Maine Technical College System.

The Honorable Charles P. Pray
President of the Senate
State House
Augusta, Maine 04330

Pursuant to Title 20-A, MRSA Section 12705, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Dear Mr. President:

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

The Joint Standing Committee on Education was notified of the following appointments:

on August 23, 1991, Peter Bell of Northeast Harbor, Member, Maine Maritime Academy Board of Trustees and

on August 27, 1991, Michael W. Aube of Bangor and Margaret C. Duncan of Presque Isle, Members, Board of Trustees, Maine Technical College System.

The Committee was unable to hold a public hearing on these nominations within the 30 day statutory period required by 3 MRSA, section 151.

Sincerely,

S/Stephen C. Estes
Senate Chair

S/Nathaniel Crowley, Sr.
House Chair

Which was READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

August 27, 1991

August 23, 1991

Senator Stephen C. Estes
Rep. Nathaniel J. Crowley, Sr.
Chairpersons
Joint Standing Committee on Education
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Michael W. Aube of Bangor for reappointment and Margaret C. Duncan of Presque Isle for appointment to the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

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

Dear President Pray:

This is to inform you that I am today nominating Osmond C. Bonsey of Surry for appointment to the Board of Environmental Protection.

Pursuant to Title 38, Section 341-C, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Which was READ and ORDERED PLACED ON FILE.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

The Following Communication:

COMMITTEE ON EDUCATION
ONE HUNDRED AND FIFTEENTH LEGISLATURE

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

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

August 23, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Osmond C. Bonsey of Surry for appointment to the Board of Environmental Protection.

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

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

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

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

September 12, 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 Energy and Natural Resources has had under consideration the nomination of Osmond C. Bonsey of Surry, for appointment to the Board of Environmental Protection.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Mitchell of Freeport

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 Osmond C. Bonsey of Surry, for appointment to the Board of Environmental Protection be confirmed.

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

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

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. Normally I don't inject debate into the confirmation process, but Osmond Bonsey, a former constituent of mine from the Town of Yarmouth is before us. My classroom duties at Freeport High School precluded my attendance at his Confirmation Hearing, and I wish to be on Record as recognizing with sincere admiration and respect Osmond Bonsey's laudable public service record across the State of Maine.

He was unofficially retired when he was the Town Manager of Brunswick, also having served as the Town Manager of the Town of Falmouth and the Town of Freeport, and a number of other smaller communities prior to that time. He was one of the first Executive Directors of the Greater Portland Council of Governments, and has earned not only his communities respect and admiration, but that of all who have associated with him over his many years in public office, not elected, but public office and service nevertheless. It is important to note that he was named as President of the International City Managers Association in 1987, an honor which he brought to Maine, and which he thoroughly enjoyed as a culmination of his public service.

I am delighted, and frankly, pleased that our Governor has nominated Osmond Bonsey to this position. He is eminently capable, qualified, and dedicated. Thank you Mr. President.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Osmond C. Bonsey of Surry 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 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Osmond C. Bonsey, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 29, 1991

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

Dear President Pray:

This is to inform you that I am today nominating Charles O'Brien of West Forks for appointment to the Land Use Regulation Commission.

Pursuant to Title 12, MRSA Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

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

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

August 29, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Charles O'Brien of West Forks for appointment to the Land Use Regulation Commission.

Pursuant to Title 12, MRSA Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

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

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

September 12, 1991

ROLL CALL

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

YEAS: Senators None

Dear Mr. President:

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

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 Energy and Natural Resources has had under consideration the nomination of Charles O'Brien of West Forks, for appointment to the Land Use Regulation Commission.

ABSENT: Senators BRAWN, ESTES, MCCORMICK

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:

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Charles O'Brien, was **CONFIRMED**.

YEAS: Senators 3
 Representatives 9

NAYS: 0

ABSENT: 1 Rep. Mitchell of Freeport

The Secretary has so informed the Speaker of the House.

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 Charles O'Brien of West Forks, for appointment to the Land Use Regulation Commission be confirmed.

Sincerely,

The Following Communication:

S/Sen. Bonnie L. Titcomb
 Senate Chair

S/Rep. Paul F. Jacques
 House Chair

STATE OF MAINE
 OFFICE OF THE GOVERNOR
 AUGUSTA, MAINE 04333

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

August 27, 1991

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Charles O'Brien of West Forks be confirmed.

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

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

Dear President Pray:

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.

This is to inform you that I am today nominating Raymond G. Pepin of Westbrook for reappointment and James Tabor of Naples and Milton Seekins of Augusta for appointment to the Board of Trustees, Sludge and Residuals Utilization Research Foundation.

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

Pursuant to Public Law 1988, Chapter 799, these nominations are will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

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.

Sincerely,

S/John R. McKernan, Jr.
 GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

August 27, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on
Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Raymond G. Pepin of Westbrook for reappointment and James Tabor of Naples for appointment to the Board of Trustees, Sludge and Residuals Utilization Research Foundation.

Pursuant to Title 38, MRSA Section 1382, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

August 27, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on
Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Milton Seekins of Augusta for appointment to the Board of Trustees, Sludge & Residuals Utilization Research Foundation.

Pursuant to Title 38, MRSA Section 1382, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

September 12, 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 Energy and Natural Resources has had under consideration the nomination of Raymond G. Pepin of Westbrook, for reappointment to the Board of Trustees, Sludge and Residuals Utilization Research Foundation.

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 9

NAYS: 0

ABSENT: 1 Rep. Mitchell of Freeport

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 Raymond G. Pepin of Westbrook, for reappointment to the Board of Trustees, Sludge and Residuals Utilization Research Foundation be confirmed.

Sincerely,

S/Sen. Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

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

September 12, 1991

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Raymond G. Pepin of Westbrook be confirmed.

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

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

Dear Mr. President:

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.

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 Energy and Natural Resources has had under consideration the nomination of James Tabor of Naples, for appointment to the Board of Trustees, Sludge and Residuals Utilization Research Foundation.

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

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:

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEAS: Senators 3
 Representatives 9

NAYS: 0

ABSENT: 1 Rep. Mitchell of Freeport

ROLL CALL

YEAS: Senators None

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 James Tabor of Naples, for appointment to the Board of Trustees, Sludge and Residuals Utilization Research Foundation be confirmed.

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

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

ABSENT: Senators BRAWN, ESTES, MCCORMICK

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

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Raymond G. Pepin, was **CONFIRMED**.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of James Tabor of Naples be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

The Secretary has so informed the Speaker of the House.

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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of James Tabor, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

September 5, 1991

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

Dear President Pray:

This is to inform you that I am withdrawing my nomination of Milton Seekins of Augusta for appointment to the Board of Trustees, Sludge and Residuals Utilization Research Foundation.

Pursuant to Title 38, MRSA Section 1382, this nomination is currently pending before the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

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

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

September 5, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Milton Seekins of Augusta for appointment to the Board of Trustees, Sludge & Residuals Utilization Research Foundation.

Pursuant to Title 38, MRSA Section 1382, this nomination is currently pending before the Joint Standing Committee on Energy and Natural Resources.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

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

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

September 5, 1991

The Following Communication:

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

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

September 25, 1991

Dear President Pray:

This is to inform you that I am today nominating for reappointment Rebecca Flechtner of Old Town to the Maine State Housing Authority.

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

Pursuant to Title 30-A, MRSA Section 4723, Paragraph B, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Dear Mr. President:

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

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 Rebecca Flechtner of Old Town, for reappointment to the Maine State Housing Authority.

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

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 8

NAYS: 0

ABSENT: 3 Sen. Dutremble of York, Rep. Graham of Houlton, Rep. Lebowitz of Bangor

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

September 5, 1991

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 Rebecca Flechtner of Old Town, for reappointment to the Maine State Housing Authority be confirmed.

Senator Joseph C. Brannigan
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on
Housing and Economic Development
115th Legislature
Augusta, Maine 04333

Sincerely,

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

Dear Chairs:

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

Please be advised that Governor John R. McKernan, Jr. has nominated Rebecca Flechtner of Old Town for reappointment to the Maine State Housing Authority.

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Rebecca Flechtner of Old Town be confirmed.

Pursuant to Title 30A, MRSA Section 4723, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

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

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

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.

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

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.

Sincerely,
S/John R. McKernan, Jr.
GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Rebecca Flechtner, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

August 29, 1991

Senator Joseph C. Brannigan
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on
Housing and Economic Development
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Penny Nevers of Dyer Brook for appointment to the Maine State Housing Authority.

Pursuant to Title 30, MRSA Section 4601-A, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 29, 1991

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

Dear President Pray:

This is to inform you that I am today nominating for appointment Penny Nevers of Dyer Brook to the Maine State Housing Authority.

Pursuant to Title 30, MRSA Section 4601-A, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

The Following Communication:

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

September 25, 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 Penny Nevers of Dyer Brook, for appointment to the Maine State Housing Authority.

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 7

NAYS: 1

ABSENT: 3 Sen. Dutremble of York, Rep. Graham of Houlton, Rep. Lebowitz of Bangor

Nine members of the Committee having voted in the affirmative and One in the negative, it was the vote of the Committee that the nomination of Penny Nevers of Dyer Brook, for appointment to the Maine State Housing Authority be confirmed.

Sincerely,

S/Sen. 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 Penny Nevers of Dyer Brook 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Penny Nevers, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 27, 1991

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

Dear President Pray:

This is to inform you that I am today nominating Rosalyn S. Bernstein of Portland and Elinor W. Goldblatt of Auburn for reappointments and Robert A. Strong of Bangor for appointment as members of the Health Care Finance Commission.

Pursuant to Title 22, MRSA Section 383, these nominations will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

August 27, 1991

Senator Gerard P. Conley, Jr.
Representative Peter J. Manning
Chairpersons
Joint Standing Committee on Human Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Elinor W. Goldblatt of Auburn and Rosalyne S. Bernstein of Portland for reappointments and Robert A. Strong of Bangor for appointment to the Health Care Finance Commission.

Pursuant to Title 22, MRSA Section 383, these nominations will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

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

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES**

September 23, 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 Human Resources has had under consideration the nomination of Rosalyne S. Bernstein of Portland, for reappointment to the Health Care Finance Commission.

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

YEAS: Senators 2
Representatives 9

NAYS: 0

ABSENT: 2 Sen. Conley of Cumberland, Rep. Simonds of Cape Elizabeth

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 Rosalyne S. Bernstein of Portland, for reappointment to the Health Care Finance Commission be confirmed.

Sincerely,

S/Sen. Gerard P. Conley, Jr. S/Rep. Peter Manning
Senate Chair House Chair

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

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. It is not often that I rise to talk about individuals. But this woman is probably one of the most able public servants in the state. I am impressed with her brilliance every time that I am in her presence. I think it is one of the finest appointments that any Governor could make.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise and echo the comments of my good friend and colleague from Penobscot, Senator Pearson. In fact, I appreciate the gentlemen rising this evening. I had wanted to speak on my admiration for Rosalyne Bernstein, and I will share some insights with you. Rosalyne has served for the past five years on the Health Care Finance Commission during a period of time when that agency has been in flux as it has responded to the truly dynamic tenure of health care regulation in the State of Maine. During that time, Rosalyne Bernstein has not only devoted tireless hours, and energy, and good will to the often times tempestuous process of trying to harmonize the diversion interests in health care, but she has brought truly a fresh and innovative perspective to health care policy. Hers, in fact, is one of the strongest and important voices in the articulation of public policy, and I congratulate our Governor for repositing this most able individual to the Health Care Finance Commission position. Thank you Mr. President.

THE PRESIDENT: The Joint Standing Committee on Human Resources has recommended the nomination of Rosalyne S. Bernstein of Portland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Human Resources 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Rosalyn S. Bernstein, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES**

September 23, 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 Human Resources has had under consideration the nomination of Elinor W. Goldblatt of Auburn, for reappointment to the Health Care Finance Commission.

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

YEAS: Senators 2
Representatives 7

NAYS: 2

ABSENT: 2 Sen. Conley of Cumberland, Rep. Simonds of Cape Elizabeth

Nine members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Elinor W. Goldblatt of Auburn, for reappointment to the Health Care Finance Commission be confirmed.

Sincerely,

S/Sen. Gerard P. Conley, Jr. S/Rep. Peter Manning
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on Human Resources has recommended the nomination of Elinor W. Goldblatt of Auburn be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Human Resources 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Elinor W. Goldblatt, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

ONE HUNDRED AND FIFTEENTH LEGISLATURE COMMITTEE ON HUMAN RESOURCES

September 24, 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 Human Resources has had under consideration the nomination of Robert A. Strong of Bangor, for appointment to the Health Care Finance Commission.

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

YEAS: Senators 3
Representatives 2

NAYS: 6

ABSENT: 2 Rep. Simonds of Cape Elizabeth,
Rep. Duplessis of Stillwater

Five 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 Robert A. Strong of Bangor, for appointment to the Health Care Finance Commission be denied.

Sincerely,

S/Sen. Gerard P. Conley, Jr.
Senate Chair

S/Rep. Peter Manning
House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I do not know Mr. Strong. I do not know anybody that knows Mr. Strong from my area. I have questioned some members of the Committee in relation to how he stood on different issues. I am in a quandary. I would like to tell the members of the Senate why, and if Mr. Strong were to read this, why I made these remarks.

I am very concerned about the smaller hospitals in the state, particularly the hospital in Millinocket, and the hospital in Lincoln. They are in absolute fear of their lives as Institutions. My particular hospital in the northern part of my District is a Hospital Administrative District, which is a unique operation in the state. I think it is the only one, maybe there are two. It was recognized by the state that there was a need for a hospital in that area. We are making an appointment at MCPHIC that could very well determine the fate of that hospital, and hospitals that are in similar size in rural character.

I don't know what to do. I don't know who this person is and what he stands for, or where we are headed. I somehow or other think that I have a responsibility to smaller hospitals, and I don't mean just that one, but to other hospitals, Presque Isle or anywhere else. I somehow think that the Bangor Hospitals, and the Lewiston Hospitals, and the Portland Hospitals are going to somehow survive. Consequently, I am worried about my own. Not to say that the people in Old Town aren't served by Bangor because they are, but they will survive. I am worried about small hospitals.

I have not had a lot of guidance on this particular individual as to how they stand. Some people say don't worry, some people say they are not sure, so I am in a quandary. I guess that I have to hope for the best, but I hope that in the future specific questions will be asked, real specific questions about their commitment for their rural health care.

I told the members of my caucus this story, and I am going to tell you. I am sorry that I have taken so long, but it means a great deal to me. My personal physician has been appointed to a Rural Health Care Advisory Committee, whose first meeting was in Portland. I thought that was kind of ironic. At that first meeting in Portland, one physician who was on the Committee suggested that if one was to

take the big view of Maine health care in the future, we really should be doing the delivery of babies in only three locations in the state. He was just aghast, and I was, too. That is so crazy! I know that is not going to happen. But it is that kind of an attitude that worries me a great deal. Where would those three locations be? Presque Isle, Bangor, and Portland? You would say no if you were living in Lewiston. I have rambled on long enough, but I am very concerned.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As one of the individuals who voted in favor of this nominee, and being a part of the minority who voted in favor of this nominee, and did not intend to speak, but now having been addressed some questions, and legitimate questions by the good Senator from Penobscot, Senator Pearson, I feel compelled to rise and perhaps explain some of my rationale for the Committee vote for the Record here today.

I would begin by saying that I am a fairly forgiving person when it comes to individuals. I find it much easier to deal with issues than people. And speaking for myself, I am more willing to give the benefit of the doubt to a person. It is easier to find out how I stand on issues, and I don't think that anybody in this Chamber have had any doubt where I have stood on issues.

I preface my remarks about this nominee with those remarks about myself to say the following. I believe that the majority of the Committee which decided to reject this nominee had very good reasons for doing so. Their rationale is extremely defensible. Mr. Strong presented himself, in my opinion, and I can see in many of my own Party and in the caucus that we held on this argued these points, as a person who is unfamiliar with the process that goes on at MCPHIC, with the issues that MCPHIC is charged to deal. He presented himself as a person who did not have a vision of where we should be in reference to hospitals and the type of health care that we should be providing for the citizens of this state. I believe that the Administration did not prepare this man for the questions that he would have to face in those areas. I also feel that one could perceive Mr. Strong as an individual who was not sensitive to consumer issues in reference to hospitals, particularly the type of people that need access to health care. I thought that he was particularly insensitive to those who are down and out, some of the mentally ill, and people in our society who have a lot less going for themselves than us. I believe that is what the majority of the Committee perceived Mr. Strong as an individual to be, that he was naive in the way that he presented himself to the Committee the types of things that MCPHIC should be looking at. I respect the majority of the Committee. I stand here as an individual not asking this Body to override the will of the Committee. Mr. Strong made an impression on me in reference to your questions about regulation of hospitals. I do not think that he would be a person who sees the role of MCPHIC as being a strong regulator. I think that in reference to smaller hospitals that would be in a large District such as

yours, Senator Pearson, I think that he would show a great deal of sympathy for the hospital. That would be my perception. Others who heard him speak may feel differently, but I think that he may gel with you in his care about hospitals. I think if anything, members on the Committee felt that he was too questioning, particularly as a consumer, someone who is going on as a consumer member of this Board, too questioning about consumers and not questioning enough about hospitals. I think that again is my perception. I voted as an individual Senator, and I am not urging this Body to adopt my position.

Mr. Strong impressed me as a person who has done a lot of voluntarism. He impressed me as a person who has a son with a hearing disability. I felt that he showed a certain amount of sensitivity to people who need access to those types of services that people with a hearing impairment need. I can assure you that he was not well prepared for the Hearing, and did not do a very good job before the Committee. I very frequently felt sorry for him during the Hearing. This is an individual who had obviously a great deal of intelligence. His expertise is in the area of bonds, financial statements, certainly something which could be used by the MCPHIC Board. But that was a very isolated part of his testimony. I am sorry that he did not do a better job, and was not better prepared as he appeared before the Committee. But the will of the majority in this vote is very easy to support. I, for reasons which I hope that I have explained, and probably for weaknesses that I deal with appointments, saw fit to support him.

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

Senator **GILL:** Thank you Ladies and Gentlemen of the Senate. It is interesting to me that some members of the Committee looked on Robert Strong as coming down on the sides of the hospitals. I can recall when Rosalyn Bernstein was nominated to the MCPHIC Board, and that there was some concern there because her previous experience had been working on a Finance Committee, volunteering her time on a Finance Committee of the Maine Medical Center in Portland. It occurs to me that we had two members of this Body rise today to say wonderful things about Rosalyn Bernstein on her role on the MCPHIC. Rosalyn is Chairing that Committee now, and she has done a superb role. If those people had voted against her at that point in time, we wouldn't have the person of her caliber serving as Chair of the MCPHIC today.

I believe that Robert Strong is an educated individual. He has superb credentials. He is a West Point graduate. He is a Professor at the University of Maine in Finance. I believe as an educated individual he certainly will be able to take all the facts that are presented to MCPHIC in that Commission, and weigh them appropriately and make the appropriate decisions. I have no quarrels about that! Robert Strong has been a consumer of health care. He has a deaf child. He had to seek out the help that was needed by he and his family to take care of this child. For anyone who has had a child go through a traumatic event like that in their lives, there is a lot of work involved in trying to

seek out the best people available to assist them. I was struck by the fact that this gentlemen could sit on his laurels. He obviously comes from a middle income family. I don't know that for a fact. I assume from hearing him. He didn't come from the same neighborhood that Senator Conley from Cumberland and I came from, which was a poor, working class neighborhood. And we were poor. This man could sit on his laurels and enjoy the benefits that he has available to him. But he has chosen to make a commitment not only to his community, but to people in society in general by volunteering. He is in soup kitchens. He is in homeless shelters. I think that he deserves some credit for doing those things. There are some of us in this Body that could do a lot more than what we do, yet we are content to do the little that we do for those who are in more unfortunate situations than we are. Don't fault the man for that! I think that we have a good strong candidate here. I think that we can use someone with his financial background. He has been used by other people in other states. He has done a lot of writing. He has done a lot of strategic planning. I think that we are really very fortunate to have a man of his caliber. I would urge you all to vote yes and vote against the recommendation of the Committee.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. As it apparent, maybe all too apparent to some members in this building, I no longer serve on the Committee on Human Resources. My heart and my spirit rests in the articulation of health policy. The spirited remarks of my friend and colleague from Cumberland, Senator Gill, prompted me to rise for the second occasion this evening. Let me cast my obligatory apologies to all membership thus assembled that will have to experience another presentation by me.

I don't believe that the question with respect to Dr. Strong is his character or his frailty to volunteerism, or whether or not, in fact, that he does share our common value to help others and make this a better state to live. I think that was demonstrated. It is not really an issue in that regard. From my prospective as I decide to cast my vote this evening, I would be guided by the nominees ability to address such issues as the development of a whole new set of regulations by MCPHIC. As we know, some of us have worked carefully in health policy. That agency was given a new mission two years ago. We are going into a two tier regulatory system, which will hopefully address the concerns voiced by the Senator from Penobscot, Senator Pearson, and try to foster and preserve the essence of rural health care in our state, and provide quality health care institutions for rural Mainers. At the same time, to have a system with the requisite, valuableness, and flexibility to allow hospitals with enlarging regions the required flexibility to develop new programs.

A concern that I have also would be in the area of mental health. Because under the consent decree that the state has entered into, in Bates versus Glover, we will be seeing the transfer of the large portion of acute mental health hospitals from AMHI and BMHI into our community hospitals. It seems to

me that a germane question would be, how does the nominee view these changes? What prospective can he bring to this citizen commission to facilitate the orderly transition of those patients into community hospitals, and imbue the hospitals with the requisite financial resources to accomplish their task? It seems to me that is the germane issue, not whether this individual has an appropriate collegiate background.

I was a member of the Committee on Human Resources when Rosalyne Bernstein was posted, and I was delighted that she was posted. I felt then, and obviously I feel today that she had the intelligence and the curiosity, and the zest for truth. She would, in fact, reach out for new ideas, and develop those ideas. She has shown us, in fact, that is truly a characteristic of hers.

As I understand the concerns raised by this nominee, it is that he has a specific, rigid ideological philosophy. The question is whether or not he would be able to distance himself in crafting health policy from any predisposition. That seems to me as the germane inquiry. I would appreciate members of the Committee commenting on the level of questioning in that regard, and their prospective, and their perception in terms of how the nominee will be able to develop, and truly be on the cutting edge of health care policy in this period of major fluidity in health care regulation of our hospitals. Thank you Mr. President.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am taken by the fact that someone who did not appear at the Hearing has made a judgment call on someone elses ideas and future policy making decisions. Perhaps the Senator has had conversations that we don't know about, and has been able to make that judgment accordingly.

I sat at the Hearing. I was struck by the fact that this was an educated individual who hadn't really made up his mind. He really didn't know the health care delivery system as well as some others might wish him to know it. I am struck by the fact that we as Senators sit here in this Body, and when we are first elected, we know very, very little about what we are about to do as work in this Chamber. There are heavy policy decisions that we are making every single day when we are in session. We didn't go through a training period. We didn't go through a program that would dictate to us what every single part of the job would involve. I have trust in this individual who is well educated, who can make decisions with basic facts presented to him, and do the right thing for the people of the State of Maine.

I have to say as a Senator from the Greater Portland area, from South Portland and Cape Elizabeth, when I vote on things in this Body I don't necessarily vote on what is best for South Portland and Cape Elizabeth. I look to the rural areas. There are a lot of issues that we are all dealing with here. I think as we continue this way and we start to get involved in every nuance before the person has an opportunity to function in a role,

then we are going to be left with very few people willing to participate in the roles that we expect them to participate in State Government. I think that it is a shame if this individual is voted down, because there is no concrete information about something he did that is just the worse possible thing you could look in a candidate for a position like this. I think that we had better think about what we are doing here. I would continue to urge you to vote against the recommendation of the Committee, and vote yes when the vote is taken.

THE PRESIDENT: The Joint Standing Committee on Human Resources has recommended the nomination of Robert A. Strong of Bangor be denied.

The pending question before the Senate is: "Shall the recommendation of the Committee on Human Resources 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 BALDACCI, BERUBE, BOST, CAHILL, CARPENTER, COLLINS, CONLEY, DUTREMBLE, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, RICH, SUMMERS, THERIAULT, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BRANNIGAN, BUSTIN, CLARK, CLEVELAND, ESTY, GAUVREAU, MILLS, TITCOMB, TWITCHELL

ABSENT: Senators BRAWN, ESTES, MCCORMICK

23 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 3 Senators being absent, and 23 being more than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **OVERRIDDEN** and the nomination of Robert A. Strong, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 23, 1991

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

Dear President Pray:

This is to inform you that I am today nominating Rae Ann French of Augusta for appointment as Judge-at-Large of the Maine District Court.

Pursuant to Title 4, Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

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

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

August 23, 1991

Senator N. Paul Gauvreau
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Rae Ann French of Augusta for appointment as Judge-at-Large of the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

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 Following Communication:

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

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

ROLL CALL

September 23, 1991

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

YEAS: Senators None

Dear Mr. President:

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

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 Judiciary has had under consideration the nomination of Rae Ann French of Augusta, for appointment as Judge-at-Large of the Maine District Court.

ABSENT: Senators BRAWN, ESTES, MCCORMICK

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:

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Rae Ann French, was CONFIRMED.

YEAS: Senators 1
Representatives 8

NAYS: 0

ABSENT: 4 Sen. Berube of Androscoggin, Sen. Holloway of Lincoln, Rep. Farnsworth of Hallowell, Rep. Ott of York

The Secretary has so informed the Speaker of the House.

Nine 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 Rae Ann French of Augusta, for appointment as Judge-at-Large of the Maine District Court be confirmed.

Off Record Remarks

Sincerely,

S/Sen. N. Paul Gauvreau Senate Chair
S/Rep. Patrick E. Paradis House Chair

The Following Communication:

Which was READ and ORDERED PLACED ON FILE.

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Rae Ann French of Augusta be confirmed.

August 26, 1991

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

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

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.

Dear President Pray:

August 26, 1991

This is to inform you that I am today nominating The Honorable Bruce W. Chandler of South China and The Honorable Stephen L. Perkins of Windham for reappointments as Justices of the Maine Superior Court.

Pursuant to Const., Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/John R. McKernan, Jr.
GOVERNOR

Senator N. Paul Gauvreau
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable Stephen L. Perkins of Windham and the Honorable Bruce W. Chandler of South China for reappointments and John R. Atwood of Damariscotta for appointment as Justices of the Maine Superior Court.

Pursuant to Const., Article V, Part 1, Section 8, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

Which was READ and ORDERED PLACED ON FILE.

August 26, 1991

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

The Following Communication:

COMMITTEE ON JUDICIARY
ONE HUNDRED AND FIFTEENTH LEGISLATURE

Dear President Pray:

October 1, 1991

This is to inform you that I am today nominating John R. Atwood of Damariscotta for appointment as Justice of the Maine Superior Court.

Pursuant to Const., Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/John R. McKernan, Jr.
GOVERNOR

The Honorable Charles P. Pray
President of the Senate
State House
Augusta, Maine 04330

Dear Mr. President:

The Joint Standing Committee on Judiciary convened a Public Hearing on September 25, 1991 to consider the nomination by the Governor of John R. Atwood as a Justice of the Maine Superior Court.

The Committee was unable to complete it's consideration of Mr. Atwood's appointment within the 30 day statutory period required by 3 MRSA, section 151, and has, therefore, tabled the nomination.

Sincerely,

S/N. Paul Gauvreau
Senate Chair

S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

September 23, 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 Judiciary has had under consideration the nomination of Bruce W. Chandler of South China, for reappointment as Justice of the Maine Superior Court.

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

YEAS: Senators 1
Representatives 9

NAYS: 0

ABSENT: 2 Senator Berube of Androscoggin,
Representative Ott of York

ABSTAINED: 1 Senator Holloway of Lincoln

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 Bruce W. Chandler of South China, for reappointment as Justice of the Maine Superior Court be confirmed.

Sincerely,

S/Senator N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Bruce W. Chandler of South China 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 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.

Senator HOLLOWAY from Lincoln requested and received leave of the Senate to be excused from voting due to the appearance of a conflict of interest.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRAWN; ESTES, MCCORMICK

EXCUSED: Senator HOLLOWAY

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, with 1 Senator being 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 Bruce W. Chandler, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

September 23, 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 Judiciary has had under consideration the nomination of the Honorable Stephen L. Perkins of Windham, for reappointment as Justice of the Maine Superior Court.

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

YEAS: Senators 2
Representatives 8

NAYS: 0

ABSENT: 3 Senator Berube of Androscoggin,
Representative Hanley of Paris,
Representative Ott of York

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 the Honorable Stephen L. Perkins of Windham, for reappointment as Justice of the Maine Superior Court be confirmed.

Sincerely,

S/Senator N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Honorable Stephen L. Perkins of Windham 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 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Honorable Stephen L. Perkins, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 23, 1991

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

Dear President Pray:

This is to inform you that I am today nominating Nancy D. Mills of Cornville for appointment as Judge-at-Large of the Maine District Court.

Pursuant to Title 4, Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

August 23, 1991

Senator N. Paul Gauvreau
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Nancy D. Mills of Cornville for appointment as Judge-at-Large of the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

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

The Following Communication:

ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

September 23, 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 Judiciary has had under consideration the nomination of Nancy D. Mills of Cornville, for appointment as Judge-at-Large of the Maine District Court.

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

YEAS: Senators 2
Representatives 7

NAYS: 0

ABSENT: 4 Senator Berube of Androscoggin,
Representative Stevens of Bangor,
Representative Farnsworth of
Hallowell, Representative Ott of York

Nine 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 Nancy D. Mills of Cornville, for appointment as Judge-at-Large of the Maine District Court be confirmed.

Sincerely,

S/Senator N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Nancy D. Mills of Cornville 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 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, BUSTIN, CAHILL, CARPENTER,
CLARK, CLEVELAND, COLLINS, CONLEY,
DUTREMBLE, EMERSON, ESTY, FOSTER,
GAUVREAU, GILL, GOULD, HOLLOWAY, KANY,
LUDWIG, MATTHEWS, MILLS, PEARSON, RICH,
SUMMERS, THERIAULT, TITCOMB, TWITCHELL,
VOSE, WEBSTER, THE PRESIDENT - CHARLES
P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Nancy D. Mills, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 23, 1991

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

Dear President Pray:

This is to inform you that I am today nominating John B. Wlodkowski of Augusta for appointment as a neutral member and Chair of the Unemployment Insurance Commission.

Pursuant to Title 26, Section 1081, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

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

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

August 23, 1991

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

Dear President Pray:

This is to inform you that I am today nominating Peter Dawson of Hallowell for reappointment as Primary Neutral Member and Chair, Pamela Chute of Brewer as Alternate Neutral Member, and James Libby of Gorham as Alternate Neutral Member of the Maine Labor Relations Board.

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

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

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

The Following Communication:

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

August 23, 1991

Senator Donald E. Esty, Jr.
Rep. Edward A. McHenry
Chairpersons
Joint Standing Committee on Labor
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Pursuant to Title 26, MRSA Section 1081, John B. Wlodkowski of Augusta for appointment as a neutral member and Chair of the Maine Unemployment Insurance Commission.

Pursuant to Title 26, MRSA Section 968, Pamela Chute of Brewer and James Libby of Gorham for reappointments as Alternate Neutral Members of the Maine Labor Relations Board. Peter Dawson of Hallowell for reappointment as Primary Neutral Member and Chair of the Maine Labor Relations Board.

These nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON LABOR**

September 16, 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 Labor has had under consideration the nomination of Pamela Chute of Brewer, for reappointment as Alternate Neutral Member of the Maine Labor Relations 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. Conley of Cumberland

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 Pamela Chute of Brewer, for reappointment as Alternate Neutral Member of the Maine Labor Relations Board be confirmed.

Sincerely,

S/Sen. Donald E. Esty, Jr. S/Rep. Edward A. McHenry
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Labor has recommended the nomination of Pamela Chute of Brewer 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 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Pamela Chute, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON LABOR**

September 16, 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 Labor has had under consideration the nomination of Peter Dawson of Hallowell, for reappointment as Primary Neutral Member and Chair of the Maine Labor Relations 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. Conley of Cumberland

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 Peter Dawson of Hallowell, for reappointment as Primary Neutral Member and Chair of the Maine Labor Relations Board be confirmed.

Sincerely,

S/Sen. Donald E. Esty, Jr. S/Rep. Edward A. McHenry
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Labor has recommended the nomination of Peter Dawson of Hallowell 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 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Peter Dawson, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON LABOR**

September 16, 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 Labor has had under consideration the nomination of James Libby of Gorham, for reappointment as Alternate Neutral Member of the Maine Labor Relations 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. Conley of Cumberland

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 James Libby of Gorham, for reappointment as Alternate Neutral Member of the Maine Labor Relations Board be confirmed.

Sincerely,

S/Sen. Donald E. Esty, Jr. S/Rep. Edward A. McHenry
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Labor has recommended the nomination of James Libby of Gorham 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 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, BUSTIN, CAHILL, CARPENTER,
CLARK, CLEVELAND, COLLINS, CONLEY,
DUTREMBLE, EMERSON, ESTY, FOSTER,
GAUVREAU, GILL, GOULD, HOLLOWAY, KANY,
LUDWIG, MATTHEWS, MILLS, PEARSON, RICH,
SUMMERS, THERIAULT, TITCOMB, TWITCHELL,
VOSE, WEBSTER, THE PRESIDENT - CHARLES
P. PRAY

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of James Libby, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON LABOR**

September 23, 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 Labor has had under consideration the nomination of John B. Wlodkowski of Augusta, for appointment as a Neutral Member and Chair of the Maine Unemployment Insurance Commission.

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

YEAS: Senators 3
 Representatives 2

NAYS: 5

ABSENT: 3 Representative Ruhlin of Brewer,
Representative Hastings of Fryeburg,
Representative Lipman of Augusta

Five members of the Committee having voted in the affirmative and Five in the negative, it was the vote of the Committee that the nomination of John B. Wlodkowski of Augusta, for appointment as a Neutral Member and Chair of the Maine Unemployment Insurance Commission be denied.

Sincerely,

S/Sen. Donald E. Esty, Jr. S/Rep. Edward A. McHenry
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today to urge you to override the recommendation of the Committee on Labor, and vote to confirm the nomination of John Wlodkowski. As the neutral member and Chair of the Unemployment Insurance Commission,

as my distinguished colleagues can see from the Committee Report, our Committee split 5 to 5 on this issue, with three members absent at the time of the vote. Had full membership been present and voting, the Committee Report may have well been different, and the Senate would find us with a different decision before us today.

The bottom line, the question that each of us must ask and answer for ourselves is a simple one. Is John qualified to serve as the neutral member and Chair of the Unemployment Insurance Commission? The answer to that question is yes. First he is a lawyer. This is a qualification that is now a necessity, because in 1987 the Statute governing the Unemployment Commission was changed, requiring that the neutral member and Chair be a lawyer. That law grandfathered in the Chair who was serving at that time for the duration of his term. Mr. Wlodkowski is the first person to be nominated to this position under the new law. John Wlodkowski has spent a substantial part of his career in government service, which he has enjoyed and found rewarding. His work as Chief Council for the Department of Transportation, and as an Assistant Attorney General, gives him solid experience and understanding of the legal issues and the administrative process. John is a fair minded individual who has dedicated a great deal of his life to public service, and wishes to return to state service as a Chair of the Unemployment Insurance Commission.

After listening to testimony presented at his Hearing, my Senate colleagues on the Labor Committee, and I, are convinced that John is qualified for this position. Therefore, men and women of the Senate, I urge you to vote yes to override the Committee's 5 to 5 recommendation, and confirm John Wlodkowski as the neutral member and Chair of the Unemployment Insurance Commission. Thank you.

THE PRESIDENT: The Joint Standing Committee on Labor has recommended the nomination of John B. Wlodkowski of Augusta be denied.

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 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 BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER

NAYS: Senators None

ABSENT: Senators BRAWN, ESTES, MCCORMICK

31 Senators having voted in the affirmative and No Senators having voted in the negative, with 3 Senators being absent, and 31 being more than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **OVERRIDDEN** and the nomination of John B. Wlodkowski, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

September 10, 1991

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

Dear President Pray:

This is to inform you that I am today nominating William M. Nugent of Yarmouth for appointment as Commissioner of the Public Utilities Commission.

Pursuant to Title 35-A, MRSA Section 105, this nomination will require review by the Joint Standing Committee on Utilities and confirmation by the Senate.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

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

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

September 10, 1991

Senator John J. Cleveland
Rep. Herbert E. Clark
Chairpersons
Joint Standing Committee on Utilities
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated William M. Nugent of Yarmouth for appointment as Commissioner of the Public Utilities Commission.

Pursuant to Title 35-A, M.R.S.A. Section 105, this nomination will require review by the Joint Standing Committee on Utilities and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON UTILITIES

September 30, 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 Utilities has had under consideration the nomination of William M. Nugent of Yarmouth, for appointment as Commissioner of the Public Utilities Commission.

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

YEAS: Senators 3
Representatives 5

NAYS: 4

ABSENT: 1 Representative Lipman of Augusta

Eight members of the Committee having voted in the affirmative and Four in the negative, it was the vote of the Committee that the nomination of William M. Nugent of Yarmouth, for appointment as Commissioner of the Public Utilities Commission be confirmed.

Sincerely,

S/Sen. John J. Cleveland
Senate Chair

S/Rep. Herbert E. Clark
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator CLEVELAND: Thank you Mr. President. Ladies and Gentlemen of the Senate. As the Senate Chair of the Utilities Committee, it is my pleasure to report that on September 30th, the Utilities Committee held a Public Hearing on this nomination. We held a comprehensive and thorough review of Mr. Nugent's qualifications for the position of the Commissioner of the Public Utilities Commission. It was the majority vote of the Committee. We found Mr. Nugent to be intelligent, and an articulate individual. It was also presented by Mr. Nugent and representatives of the Governor's Office, that Mr. Nugent is a very fair and balanced individual in his judgments, and he could bring that to this Commission. He has no personal agendas in regards to energy policy that he is bringing to this Commission at this point. It was also our understanding in his representation that he also understands the social, as well as the economic aspects of regulations in the State of Maine. It was further our understanding, in particular my understanding, from Mr. Nugent's testimony on the major policy issues of conservation and Demand Side Management, alternative energy and small power production, and the Maine Energy Policy Act, known as MEPA, that he has no quarrel with any of these items. It is my understanding, and I believe that it is the majority of the Committee's understanding, that no major change in the substance of any of those particular policies are intended by Mr. Nugent at this time. Based on those understandings and presentations, I, and the majority of the Committee supported Mr. Nugent for this position.

THE PRESIDENT: The Joint Standing Committee on Utilities has recommended the nomination of William M. Nugent of Yarmouth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Utilities 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.

Off Record Remarks

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRAWN, ESTES, MCCORMICK

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of William M. Nugent, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

ORDERS

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

ORDERED, that a message be sent to Governor John R. McKernan, Jr., informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

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

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

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

On motion by Senator **EMERSON** of Penobscot at 7:27 p.m. on Wednesday, October 2, 1991, the Honorable **CHARLES P. PRAY**, President of the Senate, declared the First Confirmation Session of the 115th Legislature, **ADJOURNED SINE DAY**.