

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 10, 1992 to March 31, 1992

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

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

In Senate Chamber
Thursday
November 19, 1992

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 eleven o'clock in the morning.
Senate called to Order by the President.

Prayer by the Honorable Beverly Miner Bustin of Kennebec.

SENATOR BEVERLY MINER BUSTIN: Today's prayer is a very simple and well known prayer and it's in honor of my mother, it was her favorite prayer and she died in the month of November.

The Lord is my shepherd I shall not want. He maketh me to lie down in green pastures. He leadeth me beside the still waters. He restoreth my soul. He leads me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death I will fear no evil, for thou art with me. Thy rod and thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies. Thou annointest my head with oil, my cup runneth over. Surely goodness and mercy shall follow me all the days of my life and I will dwell in the house of the Lord forever. Amen.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

November 10, 1992
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 Thursday, December 19, 1992, at eleven o'clock in the morning 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, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, DUTREMBLE, EMERSON, ESTY, GAUVREAU, GILL, GOULD, KANY, MILLS, PEARSON, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

26 Senators having answered to the Roll, the President declared a quorum 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 Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

November 5, 1992

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 James Mackie of South Portland, Lawrence W. Carr, Jr. of Fairfield, Susan M. Pinette of Brunswick, and Eugene Sanborn of Bucksport as the labor representatives and Cheryl H. Russell of Lincoln Center, Ronald O. Guay of Jay, Debra J. Chaloux of Cumberland, and Charles R. Weeks of Old Town as the management representatives for the Workers' Compensation Board.

Pursuant to P.L. 1992, Chapter 885, these nominations will require review by the Joint Standing Committee on State & Local Government 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

November 5, 1992

Senator Georgette B. Berube
Representative Ruth Joseph
Chairpersons
Joint Standing Committee on State & Local Government
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following for appointments to the Workers' Compensation Board as Labor and Management Representatives.

Labor Representatives:

Eugene Sanborn of Bucksport
Susan M. Pinette of Brunswick
Lawrence W. Carr, Jr. of Fairfield
James Mackie of South Portland

Management Representatives:

Debra J. Chaloux of Cumberland
Ronald O. Guay of Jay
Cheryl H. Russell of Lincoln Center
Charles R. Weeks of Old Town

Pursuant to P.L. 1992, Chapter 885, these nominations will require review by the Joint Standing Committee on State & Local Government 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 STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FIFTEENTH LEGISLATURE
November 16, 1992

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 State and Local Government has had under consideration the nomination of Lawrence W. Carr, Jr. of Fairfield, for appointment to the Workers' Compensation 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: Sens. 3 Berube of Androscoggin
 Bustin of Kennebec
 Emerson of Penobscot
 Reps. 8 Joseph of Waterville
 Heeschen of Wilton
 Kilkelly of Wiscasset
 Gray of Sedgwick
 Look of Jonesboro
 Nash of Camden
 Savage of Union
 Kerr of Old Orchard Beach

NAYS: 0
ABSENT: Reps. 2 Larrivee of Gorham
 Waterman of Buxton

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 Lawrence W. Carr, Jr. of Fairfield, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Sen. Georgette Berube S/Rep. Ruth Joseph
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on State and Local Government has recommended the nomination of Lawrence W. Carr, Jr. of Fairfield be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State and Local Government 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, DUTREMBLE,
 EMERSON, ESTY, GAUVREAU, GILL, GOULD,
 KANY, MILLS, PEARSON, SUMMERS,
 THERIAULT, TITCOMB, TWITCHELL, VOSE,
 WEBSTER, THE PRESIDENT - CHARLES P. PRAY
ABSENT: Senators CONLEY, ESTES, FOSTER,
 HOLLOWAY, LUDWIG, MATTHEWS, MCCORMICK,
 RICH

RESIGNED: Senator BRAUN
No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 8 Senators being absent, and 1 Senator having resigned, 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 Lawrence W. Carr, Jr., was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FIFTEENTH LEGISLATURE
November 16, 1992

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 State and Local Government has had under consideration the nomination of Debra J. Chaloux of Cumberland, for appointment to the Workers' Compensation 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: Sen. 3 Berube of Androscoggin
 Bustin of Kennebec
 Emerson of Penobscot
 Reps. 8 Joseph of Waterville
 Heeschen of Wilton
 Kilkelly of Wiscasset
 Gray of Sedgwick
 Look of Jonesboro
 Nash of Camden
 Savage of Union
 Kerr of Old Orchard Beach

NAYS: 0
ABSENT: Reps. 2 Larrivee of Gorham
 Waterman of Buxton

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 Debra J. Chaloux of Cumberland, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Sen. Georgette Berube Senate Chair S/Rep. Ruth Joseph House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on State and Local Government has recommended the nomination of Debra J. Chaloux of Cumberland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State and Local Government 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, DUTREMBLE, EMERSON, ESTY, GAUVREAU, GILL, GOULD, KANY, MILLS, PEARSON, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY
Senators CONLEY, ESTES, FOSTER, HOLLOWAY, LUDWIG, MATTHEWS, MCCORMICK, RICH

ABSENT:

RESIGNED: Senator BRAWN

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 8 Senators being absent, and 1 Senator having resigned, 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 Debra J. Chaloux, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FIFTEENTH LEGISLATURE

November 16, 1992

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 State and Local Government has had under consideration the nomination of Ronald O. Guay of Jay, for appointment to the Workers' Compensation 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: Sen. 3 Berube of Androscoggin
Bustin of Kennebec
Emerson of Penobscot
Reps. 8 Joseph of Waterville
Heeschen of Wilton
Kilkelly of Wiscasset
Gray of Sedgwick
Look of Jonesboro
Nash of Camden
Savage of Union
Kerr of Old Orchard Beach
NAYS: 0
ABSENT: Reps. 2 Larrivee of Gorham

W

aterman of Buxton

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 Ronald O. Guay of Jay, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Sen. Georgette Berube Senate Chair S/Rep. Ruth Joseph House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on State and Local Government has recommended the nomination of Ronald O. Guay of Jay be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State and Local Government 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, DUTREMBLE, EMERSON, ESTY, GAUVREAU, GILL, GOULD, KANY, MILLS, PEARSON, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY
ABSENT: Senators CONLEY, ESTES, FOSTER, HOLLOWAY, LUDWIG, MATTHEWS, MCCORMICK, RICH

RESIGNED: Senator BRAWN

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 8 Senators being absent, and 1 Senator having resigned 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 Ronald O. Guay, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:
COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FIFTEENTH LEGISLATURE
 November 16, 1992

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 State and Local Government has had under consideration the nomination of James H. Mackie of South Portland, for appointment to the Workers' Compensation 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: Sen. 3 Berube of Androscoggin
 Bustin of Kennebec
 Emerson of Penobscot
 Reps. 8 Joseph of Waterville
 Heeschen of Wilton
 Kilkelly of Wiscasset
 Gray of Sedgwick
 Look of Jonesboro
 Nash of Camden
 Savage of Union
 Kerr of Old Orchard Beach

NAYS: 0
 ABSENT: Reps. 2 Larrivee of Gorham
 Waterman of Buxton

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 James H. Mackie of South Portland, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Sen. Georgette Berube S/Rep. Ruth Joseph
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on State and Local Government has recommended the nomination of James Mackie of South Portland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State and Local Government 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, DUTREMBLE,
 EMERSON, ESTY, GAUVREAU, GILL, GOULD,

KANY, MILLS, PEARSON, SUMMERS,
 THERIAULT, TITCOMB, TWITCHELL, VOSE,
 WEBSTER, THE PRESIDENT - CHARLES P. PRAY
 ABSENT: Senators CONLEY, ESTES, FOSTER,
 HOLLOWAY, LUDWIG, MATTHEWS, MCCORMICK,
 RICH

RESIGNED: Senator BRAWN

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 8 Senators being absent, and 1 Senator having resigned 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 Mackie, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FIFTEENTH LEGISLATURE
 November 16, 1992

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 State and Local Government has had under consideration the nomination of Susan M. Pinette of Brunswick, for appointment to the Workers' Compensation 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: Sen. 3 Berube of Androscoggin
 Bustin of Kennebec
 Emerson of Penobscot
 Reps. 8 Joseph of Waterville
 Heeschen of Wilton
 Kilkelly of Wiscasset
 Gray of Sedgwick
 Look of Jonesboro
 Nash of Camden
 Savage of Union
 Kerr of Old Orchard Beach

NAYS: 0
 ABSENT: Reps. 2 Larrivee of Gorham
 Waterman of Buxton

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 Susan M. Pinette of Brunswick, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Sen. Georgette Berube S/Rep. Ruth Joseph
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on State and Local Government has recommended the nomination of Susan M. Pinette of Brunswick be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State and Local Government 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, DUTREMBLE, EMERSON, ESTY, GAUVREAU, GILL, GOULD, KANY, MILLS, PEARSON, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators CONLEY, ESTES, FOSTER, HOLLOWAY, LUDWIG, MATTHEWS, MCCORMICK, RICH

RESIGNED: Senator BRAWN
 No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 8 Senators being absent, and 1 Senator having resigned 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 Susan M. Pinette, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FIFTEENTH LEGISLATURE
 November 16, 1992

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 State and Local Government has had under consideration the nomination of Cheryl H. Russell of Lincoln, for appointment to the Workers' Compensation 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: Sen. 3 Berube of Androscoggin
 Bustin of Kennebec
 Emerson of Penobscot
 Reps. 8 Joseph of Waterville
 Heeschen of Wilton
 Kilkelly of Wiscasset
 Gray of Sedgwick
 Look of Jonesboro
 Nash of Camden
 Savage of Union
 Kerr of Old Orchard Beach

NAYS: 0

ABSENT: Reps. 2 Larrivee of Gorham
 Waterman of Buxton

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 Cheryl H. Russell of Lincoln, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Sen. Georgette Berube S/Rep. Ruth Joseph
 Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on State and Local Government has recommended the nomination of Cheryl H. Russell of Lincoln Center be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State and Local Government 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: THE PRESIDENT - CHARLES P. PRAY
 NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, DUTREMBLE, EMERSON, ESTY, GAUVREAU, GILL, GOULD, KANY, MILLS, PEARSON, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER

ABSENT: Senators CONLEY, ESTES, FOSTER, HOLLOWAY, LUDWIG, MATTHEWS, MCCORMICK, RICH

RESIGNED: Senator BRAWN
 1 Senator having voted in the affirmative and 25 Senators having voted in the negative, with 8 Senators being absent, and 1 Senator having resigned and 1 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Cheryl H. Russell, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FIFTEENTH LEGISLATURE
 November 16, 1992

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 State and Local Government has had under consideration the nomination of Eugene Sanborn of Bucksport, for appointment to the Workers' Compensation 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: Sen. 3 Berube of Androscoggin
Bustin of Kennebec
Emerson of Penobscot
Reps. 8 Joseph of Waterville
Heeschen of Wilton
Kilkelly of Wiscasset
Gray of Sedgwick
Look of Jonesboro
Nash of Camden
Savage of Union
Kerr of Old Orchard Beach

NAYS: 0
ABSENT: Reps. 2 Larrivee of Gorham
Waterman of Buxton

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 Eugene Sanborn of Bucksport, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Sen. Georgette Berube S/Rep. Ruth Joseph
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on State and Local Government has recommended the nomination of Eugene Sanborn of Bucksport be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State and Local Government 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, DUTREMBLE,
EMERSON, ESTY, GAUVREAU, GILL, GOULD,
KANY, MATTHEWS, MILLS, PEARSON,
SUMMERS, THERIAULT, TITCOMB, TWITCHELL,
VOSE, WEBSTER, THE PRESIDENT - CHARLES
P. PRAY

ABSENT: Senators CONLEY, ESTES, FOSTER,
HOLLOWAY, LUDWIG, MCCORMICK, RICH

RESIGNED: Senator BRAWN

No Senators having voted in the affirmative and 27 Senators having voted in the negative, with 7 Senators being absent, and 1 Senator having resigned 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 Eugene Sanborn, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

**COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

November 16, 1992

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 State and Local Government has had under consideration the nomination of Charles R. Weeks of Old Town, for appointment to the Workers' Compensation 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: Sen. 3 Berube of Androscoggin
Bustin of Kennebec
Emerson of Penobscot
Reps. 8 Joseph of Waterville
Heeschen of Wilton
Kilkelly of Wiscasset
Gray of Sedgwick
Look of Jonesboro
Nash of Camden
Savage of Union
Kerr of Old Orchard Beach

NAYS: 0
ABSENT: Reps. 2 Larrivee of Gorham
Watermann of Buxton

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 Charles R. Weeks of Old Town, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Sen. Georgette Berube S/Rep. Ruth Joseph
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. I'm particularly pleased with this particular nomination. I would like to say why that is. This particular nominee has been involved in safety aspects of a rather large company in my part of the state for a long time. I'm also pleased because this particular individual has been involved in community affairs but is not involved, a great deal, in the partisan politics of the state and I think that is extremely important for this particular Board. I think that no matter who you are, labor or management, on this particular Board the sensitiveness of it has been demonstrated over the past several years. If a person is going to take this position and is going to get himself or herself involved in partisan political activities they ought not to be on this Board. That's my opinion because it will not serve the job well nor will it serve politics in this state well. This particular individual is somebody who I think will carry out the duties of that responsibility very well. Thank you.

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

Senator BOST: Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd just like to say a

couple of words about the nominee, Charlie Weeks. Charlie is someone who I've become acquainted with over the last several years. He has served as the Vice President for safety and personnel at H.E. Sargent in Stillwater which is the company that is known throughout the state for its excellence and workplace safety record. In my estimation he will bring a depth of knowledge and above all fairness and a balanced approach to this very important Board and I am certainly pleased today that he is willing to serve and wish him very much success.

THE PRESIDENT: The Joint Standing Committee on State and Local Government has recommended the nomination of Charles R. Weeks of Old Town be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State and Local Government 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, DUTREMBLE, EMERSON, ESTY, GAUVREAU, GILL, GOULD, KANY, MATTHEWS, MILLS, PEARSON, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators CONLEY, ESTES, FOSTER, HOLLOWAY, LUDWIG, MCCORMICK, RICH

RESIGNED: Senator BRAWN

No Senators having voted in the affirmative and 27 Senators having voted in the negative, with 7 Senators being absent, and 1 Senator having resigned 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 R. Weeks, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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.

Senator **KANY** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It just seemed appropriate to recognize some of the many contributions of our Senate Majority Leader, Nancy Clark, who served the Maine Senate and the Maine House with grace for many years. Speaking about being brief, Mr. President, I've noticed that in the last several years our Senate Majority Leader has even learned to be brief, so it's really too bad that once she's accomplished that she will not be here next term. She has many accomplishments and has made many contributions for a number of years, especially in the House. She chaired the Legislature's Business Legislation Committee, where she provided leadership as a consumer advocate in the complex areas of banking and insurance, and consumer credit. She sponsored the Manufactured Housing Act, the Used Car Information Law, prior approval of hospital rates and Maine's consumer credit code. At the same time she understood and appreciated the needs of the business community and made certain its views were listened to carefully and considered in the development of public policy. Senator Clark has served as an eloquent spokesperson on behalf of the handicapped, the elderly and the abused. Among the laws she sponsored were the elderly low-cost drug program, funds for emergency shelters and services for victims of domestic violence, accessible polling places, and a long term care plan for the physically handicapped and elderly and minimum standards for Medicare supplement insurance policies. In the area of education she sponsored student educational loans, the Teacher of the Year Program, energy conservation improvements for the University of Maine and public schools and the establishment of the Women's Training and Employment Program. She sponsored our animal welfare law, and income tax check-off for non-game wildlife management and guidelines for genetic engineering experimentation. Senator Clark is an environmental leader in the state, sponsoring water quality laws, the Maine Clean Indoor Air Act and the produce labeling requirement for post-harvest treatments. Most recently she sponsored the Constitutional Amendment providing State funding for any mandates imposed on municipalities which was approved by Maine citizens at the ballot box on November 3.

So as one State Senator serving with Senator Clark, I have had the opportunity and privilege of witnessing first hand her ever present grace under fire and her statesperson approach to negotiating and problem solving and her deep caring for the people of her Senate district and all of Maine. Thank you.

Senator **DUTREMBLE** of York was granted unanimous consent to address the Senate on the Record.

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I also want to echo the remarks of the Senator from Kennebec, Senator Kany about my boss, Senator Clark. I've enjoyed working with her for the past six years. I guess there is no finer person that I have had the opportunity to work so closely with and I appreciate all she has done and all of her guidance and all of her advice. We will certainly miss her.

I also, before leaving want to say a few words about our President. I think it's really important before we leave, Charlie, that we all pay tribute to the work that you have done on behalf of this state.

You've been a fine President, a great President. You've been a good Senator, a great Senator. You've been an advisor to a lot of us, a counselor, a companion and most of all, to all of us you've been a friend. Regardless of what the situations were I think that you were able to hold out that sort of friendship with Democrats or Republicans, whatever the occasions, to bring things together in the Senate over the past years, especially in the last two. I will certainly remember, as all of us will, how you rose to the occasion of the last two years and pulled this Legislature and this thing back together. The people of the State of Maine should always remember that. During your years here you have done a lot for the State and the State is better for it, the people of the State of Maine are better for it and this Chamber is better for it. I'm sure that when you leave today you will always look back on this day and on these years that you have spent in the Senate, and you will remember all the good times that we had, like the little office in the back when I first got here, trying to squeeze in a number of people to try and decide what we were going to do for the day, to the bad times. So on behalf of the Senate members, and I think I speak for both sides of the aisle when I say that we thank you sincerely for all that you've done for us, for the State, for the Chamber. We thank you for your years of service, we thank you for your sacrifices. We know that during those years you have sacrificed time with your wife and your two sons and your home, I think that should be mentioned. That you have made those sacrifices and so have they and we want to thank your family for the sacrifices they made during those years and allowing us to share your great leadership here in the Senate. So, Mr. President, good luck to you and best wishes. Thank you.

THE PRESIDENT: I guess since I came in each time that you chose me as your leader with a few remarks I would just as soon close with a few remarks. The conclusion of this confirmation session marks the end of legislative service for many of us in the body. Each of you deserve recognition for the dedication that you have given to this state with your service. The conclusion comes to some by choice, and some not by the choice of themselves but by the choice of others. For myself it does mark the end of eighteen years of service to this Senate, and the last eight years as your presiding officer. Before anybody thinks I'm going to start reminiscing about the last eighteen years let me tell you I'm not. I simply want to say that beyond the joys of home and family I've found my years of service in the Senate to be the richest, most rewarding years of my life. I still can walk into this building and this chamber and feel the excitement of helping people, of serving State and Country. It has been rewarding not only for what we have accomplished, and I think that we have accomplished a great deal on behalf of those that we represent, on behalf of those who elected us, but also the people who made up the Senate for the past two decades that I've had the privilege of serving, both in the minority and the majority. I have always attempted to use the lessons that I learned from my predecessors, Republican and Democrat. The years of Joe Sewall's four terms as presiding officer was something I always used as a benchmark for the way that we conducted the Senate.

My mentor, in some sense, Gerry Conley, Sr. who I served as the Assistant Minority Leader to and under his tutelage and his constant advice learned to respect and appreciate each and every one of you for having your own particular perspective on what we should do in resolving the problems of the people in this state, that each one of us has the right to have an opinion that may differ from everybody else and we could still be a minority of one. I received a card from my former seat mate the other day, Dick Pierce. I sat in what is now Senator Collins' seat and Senator Pierce sat in what is now Senator Matthews' seat, we went from those two seats to both being assistant leaders, but in the closing days of us sitting in that chair we were on an issue that the vote was 31 to 2 and in his note to me he said that there are worse things than losing an election, you could always be on the losing side of a 31 to 2 vote, of which he and I had debated for several hours trying to win. I think the more we talked the more votes we lost but never the less a reflection from those members whom I have served with in the past, many of them who have sent cards and to each and every one of them I want to express my appreciation because it was a sign of friendship that crossed party alliances. I've had the good fortune to serve in this body with a very special group of men and women. Each and every one of you who are here today and those who have served in the past. Special because you've had the courage to get involved in the process, rather than sit on the sidelines and complain about it. Special because you saw the problems facing our citizens and you were willing to try to solve them. Special because you saw society's wounds and tried to heal them. Special because you had the compassion to put the welfare of your fellow human beings ahead of personal and financial gains, of which many of you have sacrificed to serve in this body. I'm still taken back by the number of people who think that somewhere at 2:00 a.m. in the morning we voted to give ourselves a \$38,000.00 pay raise, I'm constantly being reminded of that in and out of coffee shops. And you're all special because although we didn't solve every problem we did meet every task head on and never stopped trying from our own particular perspective. There have been good times, difficult times, there have been successes and there have been failures but through it all over the past eighteen years I can truly say that the membership of the Maine Senate have never shied away from the challenges that were placed before them. We always rose to the occasion. You have acquitted yourselves quite well in this body and I want to tell you that it has been a privilege and an honor to stand at this rostrum and to wield this gavel on behalf of trying to conduct the business of this state. I would give one word of concern, and that is the constant attack that the institution of the Legislature itself is under. Under because many have failed their civic responsibilities and understanding the role of an elected official in the chamber and the other house to represent them, to carry out the charge of the public. It is an institution that deserves your respect and your protection with the citizens. You need to educate and enlighten them to the true facts. It is my hope that I have been worthy of the confidence and the faith and the trust that you have put into me over the last eight years. I would point out, always using Joe Sewall as a benchmark, in his four terms as Senate President he

presided over this body for 659 days. I've had the privilege of working with Sally Tubbesing and the non-partisan staff, and with the partisan offices here trying to make the Legislature more accountable and responsible. In my eight years I have presided over this body for 604 days. We have reduced the amount of time while we've had an increase of around 25% in the number of bills, we've almost reduced 10% of the amount of time that we spend in session and accomplishing 25% more.

I want to thank you for the assistance, the direction, the understanding, the kindness, and particularly the friendship from both sides of the political aisle that you have given me over these many years. I'll never forget any of you. God bless each and every one of you.

On motion by Senator **EMERSON** of Penobscot at 12:00 p.m. on Thursday, November 19, 1992, the Honorable **CHARLES P. PRAY**, President of the Senate, declared the 4th Confirmation Session of the 115th Legislature, **ADJOURNED SINE DIE**.