

STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
SECOND CONFIRMATION SESSION  
JOURNAL OF THE SENATE

Off Record Remarks

In Senate Chamber  
Thursday  
December 6, 2001

Pursuant to the provisions of Article 5, Part 1, Section 8 of the Constitution and the laws of the State of Maine, the Senate convened in the Senate Chamber at eleven o'clock in the morning and was called to order by President **MICHAEL H. MICHAUD** of Penobscot County.

Prayer by Reverend Donald Mayberry of the First Congregational Church in South Paris.

**REVEREND MAYBERRY:** Would you join me in prayer for the words of the invocation. O God, on this occasion that is both routine yet uniquely special, it is my prayer that the respected members of this Senate will be mindful of the various ongoing prayers and hopes of the people of the State of Maine. May they hear the voice of the small businessperson struggling to make their American dream a success, while they also hear the prayers of the single parent needing quality, affordable childcare. O God, may these members also hear the prayers both of the factory workers and the factory owners just as they hear the hopes and dreams of our children who want and need a quality education. In the roar of needs, may they also remember our aging population who need assistance with their living and all of us who have a need for affordable healthcare. It is a tremendous responsibility, a weight on each of your shoulders, to try to hear all of these voices and more simultaneously. Although we know that the government cannot and should not do everything for everyone, God help this body to be mindful of the many needs of the people of our state. As we gather here today, O God, may these men and women of the Maine Senate feel a sense of pride and satisfaction in their personal accomplishments, of being selected to fulfill these various roles. Yet may they never become separate from the people who have put their trust in them. Finally, it is my prayer that although we know the wisdom of the "separation of church and state," thankfully, our country has not attempted to separate "God and state." With that distinction in mind, we call upon the grace of God to bless this Senate, to bless their families, to bless the people of the State of Maine, and to bless our country and our world during these unsettled times so that we all may know Your peace. Amen.

Pledge of Allegiance led by Senator David L. Carpenter of York County.

National Anthem performed by Kristen Short of Norway.

COMMUNICATIONS

The Following Communication: S.C. 504

120<sup>TH</sup> LEGISLATURE  
SENATE OF MAINE  
OFFICE OF THE PRESIDENT

November 29, 2001

The Honorable Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
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 6, 2001 at eleven o'clock in the morning for the purpose of voting upon confirmation of various appointments made by the Honorable Angus S. King, Jr., Governor of the State of Maine.

Sincerely,

S/Michael H. Michaud  
President of the Senate

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Chair noted the absence of the Senator from Hancock, Senator **GOLDTHWAIT**, the Senator from Aroostook, Senator **KNEELAND**, the Senator from Penobscot, Senator **MITCHELL**, and the Senator from Kennebec, Senator **TREAT** and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#210)

PRESENT: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GAGNON, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, O'GARA, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TURNER,

WOODCOCK, YOUNGBLOOD, THE PRESIDENT -  
MICHAEL H. MICHAUD

The Honorable Angus S. King, Jr., Governor of the State of  
Maine, entered the Senate Chamber. (Amid applause, the  
Members rising.)

EXCUSED: Senators: GOLDTHWAIT, KNEELAND,  
MITCHELL, TREAT

27 Senators having answered the Roll with 4 Senators being  
excused, the Chair declared a quorum present.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by  
Senator **DAVIS** of Piscataquis, the following Senate Order:  
S.O. 20

ORDERED, pursuant to Senate Rule 103, Senator Richard A.  
Bennett of Oxford County is to assume the duties of President,  
Senator Michael H. Michaud of Penobscot County is to assume  
the duties of President Pro Tem, Pamela L. Cahill of Woolwich is  
to assume the duties as Secretary, and Joy J. O'Brien of Portland  
is to assume the duties of Assistant Secretary.

**READ and PASSED.**

Out of order and under suspension of the Rules, on motion by  
Senator **SMALL** of Sagadahoc, the following Senate Order:  
S.O. 21

ORDERED, that a message be sent to Governor Angus S. King,  
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 the purpose of confirming his various nominations.  
Furthermore, his presence is requested for the purpose of  
administering to the officers of the Senate the oaths of office  
necessary to discharge their duties.

**READ and PASSED.**

The Chair appointed a Committee to wait upon the Governor,  
Senator **SMALL** from Sagadahoc, Senator **DAVIS** of Piscataquis,  
and Senator **DAGGETT** of Kennebec. The Sergeant-At-Arms  
escorted the Committee to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

Subsequently, Senator **SMALL** of Sagadahoc reported that the  
Committee had delivered the message with which they were  
charged and Governor Angus S. King, Jr. would attend forthwith.

**ORGANIZATION OF THE SENATE**

**THE PRESIDENT:** The election a year ago shows me that we  
are not a nation or a state deeply divided. We are closely divided.  
Here, in the Maine Senate, we are particularly closely divided.  
What a minute, I think I brought the wrong speech. This is  
actually Senator Bennett's speech that he usually gives. For  
those of you who don't have the opportunity to get around the  
state as much as Senator Bennett and I do, we usually have a lot  
of speaking engagements together. I have heard his speech  
several times and he's heard mine several times. The good part  
for me anyway, at least for another 10 or 15 minutes, is that I  
always get to go first. But in all seriousness, let me first say what  
an honor it has been to serve as President of the Senate for the  
last year. Each of you have given me an opportunity of a lifetime.  
I also want to have each of you join me in thanking Secretary of  
the Senate, Joy O'Brien, and her staff as well. As always,  
Secretary O'Brien, you have brought honor and dignity to this  
chamber and you have our sincere appreciation. I also want to  
take this time to thank my family for their patience over the past  
year with having me in this position. I really appreciate all the love  
and support that you have given me this past year, as throughout  
my years growing up.

A lot has changed in the world since we adjourned back in  
June. Who could have imagined the tragic events that were to  
unfold right before our eyes on September 11<sup>th</sup>? Yes, our country  
may be shaken today, but we are more united than ever. For  
most Americans, September 11<sup>th</sup> was a wake-up call. Suddenly  
Americans looked around and realized that we need each other.  
We need the firemen and the police. We need the public health  
employees and the postal workers. Suddenly the average  
Americans, the people who work every day to do their job, were  
the heroes.

I'm proud of each of you here today. While we, like so many  
Americans, have felt the profound sadness of September 11<sup>th</sup>,  
this chamber has already begun to embrace the lessons many  
Americans have just started to relearn. We learned we  
accomplish more when we work together. We make those who  
elect us proud when we work together. And those aren't just  
hollow words. For those of you who have been around when  
Senator Bennett and I have been speaking around the state, we  
just had a little meeting a few weeks ago with the Maine Credit  
Union League, and as of last week, I've heard a lot of positive  
remarks from members at that meeting. They did not realize what  
we go through here in Augusta. But one of the things that they  
did realize was that with the power sharing agreement and the  
work that is done, not only between Senator Bennett and myself  
but between each and every one of you, that they were really  
proud of the State of Maine and proud of the State Senate for  
what we have been able to accomplish over the past year. We  
succeed when we do work together. In short, what makes  
government work is when we all work together. In an evenly  
divided Senate, we were able to get more done for Maine's  
people than when one party or the other controlled the actual

majority. I want to extend my sincere thanks to you and to my colleague, Senator Rick Bennett, for working with me to put partisanship aside and to do what's right for the people of the State of Maine. I think we've both learned a lot from each other during this past year. Though we did not always agree on the issues, we agreed a year ago to set aside the rhetoric and politics and get something done for everyone in the State of Maine. I want to wish him the best of luck and look forward to another year of working together. I also want to extend my sincere best wishes to Pam Cahill. You have been an absolute pleasure to work with and you will do a fine job this session. I am looking forward to working with you this upcoming year.

So once again, I want to thank each and every one of you for this tremendous experience that you have given me over this past year. God bless.

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

Senator **SMALL:** Thank you, Mr. President. The Governor looks healthy enough for me to delay the swearing in for just a moment with just a few thoughts as we change power in the Senate. I find that this is a remarkable day after a remarkable session. That was a session, I think, marked by its cooperation and its civility. This is so much due to the leadership of our President, Mike Michaud. Mike has set the standard and I praise and I commend you and I want to thank you for bringing this chamber together to do the important work of the state. Thank you, Mr. President, for your humor, for your thoughtfulness, and for your grace. I look forward to working with you in your important position as President Pro Tem in the upcoming session.

**THE PRESIDENT:** It feels pretty good to bang that gavel. I'm sure you'll welcome that feeling, Senator Bennett, when you get up here. The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you, Mr. President. Members of the Senate. It's hard to believe that about one year ago, a little more than a year ago, we found ourselves, here in the Maine Senate, in a situation that had been briefly contemplated a few years ago but never happened. A year ago we found ourselves in a tie. I think prior to that many of us had never paid a lot of attention to some of the other states that had found themselves in similar situations. But when we did, we looked around to other states. In fact, not long after we found ourselves in that situation, our federal Senate found itself there too. I would just like to say today that I don't think that any chamber, anywhere, anytime, has handled it any better than the Senate of Maine. I think a large part of that is clearly due to our President at this time and to the current President Pro Tem and the leadership that they have shown. Over the past few months, it has been a time when we have really looked to the institutions of government to provide the kind of stability that we really need. I think that this Senate has shown how important and how capable and how stable government is. I do want to say that it's been wonderful with you at the podium, President Michaud, and your managing the affairs of the day and your sense of humor and your ability to deal with all of us in a wonderful way has been terrific. I know that we are all looking forward to another year of continued cooperation and good humor and doing the state's business. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you very much, Mr. President. It's not out of concern of my good friend and our fine Governor's health that I will brief. It is more my tradition to be brief and to get to the point. I stood here one year ago, Mr. President, and I said that the State of Maine had every reason to be proud of the new President that it had in the Maine State Senate. My words have proven true because of your actions. You have dealt honestly and fairly and with courage and conviction. I am very proud to have served under you. The State of Maine has been greatly blessed because of your term in office and I look forward to another year of your leadership and look forward to our new President, Senator Bennett. Thank you very much, Mr. President.

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The President requested the Sergeant-At-Arms escort President Pro Tem **BENNETT** of Oxford to the well of the Chamber.

Senator **RICHARD A. BENNETT** of Oxford took and subscribed to the oaths of office required by the Constitution to qualify him to discharge his duties as President of the Senate, pursuant to the Rules of the Senate.

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Senate called to order by President **RICHARD A. BENNETT** of Oxford.

**THE PRESIDENT:** They haven't quite told me where all the buttons are up here, so I'll need to learn. I'm sure I'll find some that I didn't know existed before.

Thank you. Good morning. Governor King, President Pro Tem Michaud, fellow Senators, honored guests. Thank you all for coming. I am deeply touched that so many of my family and friends are here to share this special day, this historic day, with us here in the Maine Senate. For me, the privilege of serving as President of the Senate marks the high point of my work in public service. So many people have been supportive of that work; many are with us today. I want to express my heartfelt thanks to those who have made my service possible.

First, I thank my wife and best friend, Karen, who realized 12 years ago that she was becoming involved with a politician, but was not deterred from building a life and a family with me. My children, Abigail and Nathaniel, are the loveliest creatures on earth; I thank them for being a constant source of joy and inspiration and for making life easy for their mom. My parents; Luna and Ron Martin and Dean and Sheila Bennett. They brought me up right; if you are unhappy in anyway with the product of their rearing, it's not their fault. Also, I want to recognize and thank my in-laws, Ken and Mary Green, my grandmother Elsie Bennett, my Aunt Barbara, Mike and Penny, Brian and Linda. I want to thank Steve, my college roommate, who has come all the way from Boston to be up here with us. Family is the root of my consciousness and it is the essential character of Maine.

Second, I thank my partners in my 'real' job, Lens Investment Management, most notably Bob Monks and John Higgins, who are with us today, for their constant friendship and support of me. It is difficult enough to organize a successful business enterprise

in Maine. It is particularly difficult to do so with someone who disappears to Augusta frequently. But thanks to their extraordinary tolerance and the power of the Internet, we have muddled through.

Third, I want to thank my extraordinary staff, led by Brian Whitney, including Diane Jackson, Chris Jackson, Tarren Bragdon, and Diane Johanson. Also Jen, Seth, Sarah, and Bob. Without them, and their artful covering of my delinquencies, I could not serve. I also want to thank and recognize the professionalism of Secretary Pam Cahill and Assistant Secretary Joy O'Brien and their staff, our chamber staff, David Boulter, and the incredible people on the non-partisan staff. Without all of their good work, none of us could serve.

Fourth, I thank my colleagues, all of you here in the Maine Senate, of all partisan persuasions, for your faith and your trust in me. As your President, I will do my best to empower each of you to do your jobs as effectively as possible. I particularly thank the party leaders on both sides, Senator Small, Senator Daggett, Senator Davis, and Senator Treat. It has been a pleasure and an honor to work with you. I want to specially recognize my friend and my colleague Senator Michaud of Penobscot; in your steady, good-natured, and bi-partisan leadership you have made our rather odd arrangement here in the Senate function very well. Thank you, sir, for setting the course for me to follow.

Finally, I deeply thank the citizens of the 15 towns in western Maine who put their faith and their trust in me and elected me three times to the Maine Senate. It's an extraordinary honor to serve the Oxford Hills and Lakes Region communities. The service of their interests is the lamp that guides me.

Today I become President of the Maine Senate under a unique power sharing arrangement among the 17 Republicans and the 17 Democrats and the one Independent who comprise this body. The method by which we have arrived at this historic moment was unique and precedent setting. One year ago we stood in this historic chamber after many days of negotiation and took a great leap of faith together in front of the people of Maine. That action required a great deal of trust among the members of the 120<sup>th</sup> Senate.

In our small way, confronted with a divided Senate where everyone is in the minority, we rejected bickering and blame-casting and instead embraced our shared responsibility for governing in a civil society. This sense of common stewardship has brought to us this day of notable transition, a peaceful passing of the gavel from one party to another. The peaceful transition of power is a solemn occasion, a long thread, well-woven into the tapestry of our nation's history. This is the ideal of the American experience.

I recently completed David McCullough's remarkable new biography of John Adams, a man responsible for the most significant transition in our country's history. John Adams was racked with self-doubt about his ability to follow as President of the newly United States the greatest American leader of that tumultuous time, George Washington. Many wanted George Washington to serve for life, to be a monarch. John Adams was a humble lawyer from Braintree, Massachusetts. But with dogged determination and steady commitment to the ideals of the American Revolution, John Adams pulled it off and set a precedent for the peaceful transfer of power in our nation.

Since those time, we have taken this for granted, like so much else given us by the sweat and blood of our ancestors. But recent events have reminded us that none of this should be taken for granted, not peaceful transitions, not civil respect, and not

even common regard for humanity. The basic tenets of modern civilization are being assaulted. And once again, Americans are shedding blood and giving lives to preserve our nation's principles.

None of our lives have been the same since September 11<sup>th</sup>. Our priorities have changed. Right now, there are young, freedom loving men and women across the globe, particularly in the Middle East and south Asia, fighting our war against terrorism. Prior to 9-11, I heard people lament that today's generation didn't have the mettle to defend the United States in the event of a national calling. My grandfather, Donald Bennett of Locke Mills, Maine, was a member of the Greatest Generation. He was a humble man who served proudly in the Seebes in the Pacific in World War II. I know he would be proud of the work of today's young military servicemen and women fighting our enemies at home and abroad. They will achieve the desired and required end.

Governor King stood here on the last day of session two years ago and told those of us who were here then that happiness comes from doing three things at the same time: working hard, with other people, on something worthwhile. This is not about any one of us, this is about all of us. All of us have a job to do here. It's not going to be easy. We are facing challenges here in Maine that will require leadership from each of us individually and by all of us together. Still, I ask that we go about our work with humility and renewed determination and that we think about and dedicate ourselves to the young American men and women who fight, even as we speak, to preserve our freedom to so assemble. Thank you very much.

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The President requested the Sergeant-At-Arms escort Senator **MICHAUD** of Penobscot to the well of the Chamber.

Senator **MICHAEL H. MICHAUD** of Penobscot took and subscribed to the oaths of office required by the Constitution to qualify him to discharge his duties as President Pro Tem of the Senate, pursuant to the Rules of the Senate.

The President requested the Sergeant-At-Arms escort **PAMELA L. CAHILL** of Woolwich to the well of the Chamber.

**PAMELA L. CAHILL** of Woolwich took and subscribed to the oaths of office required by the Constitution to qualify her to discharge her duties as Secretary of the Senate, pursuant to the Rules of the Senate.

The President requested the Sergeant-At-Arms escort **JOY J. O'BRIEN** of Portland to the well of the Chamber.

**JOY J. O'BRIEN** of Portland took and subscribed to the oaths of office required by the Constitution to qualify her to discharge her duties as Assistant Secretary of the Senate, pursuant to the Rules of the Senate.

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The Following Communication: S.C. 502

**OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

November 16, 2001

The Honorable Michael H. Michaud  
President of the Senate  
#3 State House Station  
Augusta, Maine 04333-0003

Dear Mr. President:

This is to inform you that I am today nominating the Honorable Leigh Ingalls Saufley of Portland for appointment as Chief Justice of the Maine Supreme Judicial 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.

Thank you for your assistance in this matter.

Sincerely,

S/Angus S. King, Jr.  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 503

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

December 6, 2001

Hon. Anne M. Rand  
Senate Chair, Joint Standing Committee on  
Judiciary  
Hon. Charles C. LaVerdiere  
House Chair, Joint Standing Committee on  
Judiciary  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Rand and Representative LaVerdiere:  
Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Leigh Ingalls Saufley of Portland for appointment as Chief Justice of the Maine Supreme Judicial 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/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 507

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON JUDICIARY**

December 5, 2001

The Honorable Michael H. Michaud  
President of the Senate of Maine  
120th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of the Honorable Leigh Ingalls Saufley of Portland, for appointment as Chief Justice of the Maine Supreme Judicial 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	3	Ferguson of Oxford, McAlevey of York, Rand of Cumberland
	Representatives	8	Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mitchell of Vassalboro, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton
NAYS		0	
ABSENT		2	Rep. Mendros of Lewiston, Rep. Muse of South Portland

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 the Honorable Leigh Ingalls Saufley of Portland, for appointment as Chief Justice of the Maine Supreme Judicial Court be confirmed.

Signed,

S/Anne M. Rand  
Senate Chair

S/Charles C. LaVerdiere  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

Senator **RAND:** Thank you, Mr. President. I believe I'm the first one of the members to address you as Mr. President. We've made some history in the State of Maine today. I'm very proud to be a part of that.

I'd like to continue in that vein and ask you all to join with the unanimous committee report of the Judiciary Committee to support the nomination of Justice Leigh Saufley for Chief Justice of the Supreme Court here in Maine. I want to thank the Governor for his extremely wise choice. If he hadn't nominated this person, we would not be here discussing her ascent to such a lofty position today.

I'd like to tell you a little bit about this nominee. Justice Saufley has served as a Justice in the Maine Superior Court; Judge-at-Large in the Maine District Court; she's served honorably and well in the office of the Attorney General; she was Assistant General Counsel at Togus; and she also served in private practice. Justice Saufley is a product of Maine public schools, which I think we can all be proud of, from kindergarten right straight through to law school, the University of Maine Law School. She will be the first woman to assume this position. For a moment I would like all of the fine gentlemen present in this room to put yourselves in the position that the women in this room and the women of this state have been in. I want you to imagine that everyone who has ever held the esteem job of Governor of the State of Maine has been a female. Just try to imagine that. I would like you to try to imagine that every picture hanging on the wall outside this chamber is female. Down in the other chamber, the wall out there had only pictures of females, save one. Maybe you can get an inkling of how very special and very important today is for the women and girls of this state. Not only do we have in the opinion, the unanimous opinion, of the Judiciary Committee one of the most qualified people ever for this position, we have a woman. I wish that I had a video tape and could replay that public hearing. It was absolutely wonderful. Someone with intelligence, with knowledge, with experience. But I cannot understate the importance to all of you, and I believe for the majority of women and girls in this state, the fact that there will be a woman Chief Justice. I urge you strongly to give unanimous support by, of course, voting no so that we can make today an even more special and more historic day in the State of Maine. Thank you very much.

The President laid before the Senate the following: "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 506 of the 120<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#211)**

YEAS: Senators: None

NAYS: Senators: ABROMSON, BROMLEY,  
CARPENTER, CATHCART, DAGGETT, DAVIS,  
DOUGLASS, FERGUSON, GAGNON, KILKELLY,  
LAFOUNTAIN, LEMONT, LONGLEY, MARTIN,

MCALLEVEY, MICHAUD, O'GARA, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

Pursuant to Title 10, M.R.S.A. §965, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/Angus S. King, Jr.  
Governor

**READ and ORDERED PLACED ON FILE.**

ABSENT: Senators: EDMONDS, MILLS, NUTTING, PENDLETON

EXCUSED: Senators: GOLDTHWAIT, KNEELAND, MITCHELL, TREAT

No Senator having voted in the affirmative and 27 Senators having voted in the negative, with 4 Senators being absent and 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the **Honorable Leigh Ingalls Saufley** of Portland, for appointment as Chief Justice of the Maine Supreme Judicial Court was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

**THE PRESIDENT:** The Chair recognizes in the well of the Senate Chamber the Honorable Leigh Ingalls Saufley of Portland, with her family. Would they please rise and accept the greetings and warm wishes of the Senate and its' guests.

**THE PRESIDENT:** The Chair is also pleased to recognize with us today Associates Justice Robert Clifford, Associates Justice Howard Dana, Associates Justice Susan Caukins, Associates Justice Paul Rudman, Associates Justice Donald Alexander, retired District Court Judge Paul McDonald, and Edith Hary who served as Law Librarian from 1947 to 1982. Will they please rise and accept the greetings of the Senate and our guests.

The Following Communication: S.C. 496

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

December 6, 2001

Hon. Kevin L. Shorey  
Senate Chair, Joint Standing Committee on  
Business and Economic Development  
Hon. John Richardson  
House Chair, Joint Standing Committee on  
Business and Economic Development  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Shorey and Representative Richardson:

Please be advised that Governor Angus S. King, Jr. has nominated Theodora J. Kalikow of Farmington for appointment as a member of the Finance Authority of Maine.

Pursuant to Title 10, M.R.S.A. §965, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

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

**READ and ORDERED PLACED ON FILE.**

Off Record Remarks

The Following Communication: S.C. 493

**OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

November 13, 2001  
The Honorable Michael H. Michaud  
President of the Senate  
#3 State House Station  
Augusta, Maine 04333-0003

Dear Mr. President:

This is to inform you that I am today nominating Theodora J. Kalikow of Farmington for appointment as a member of the Finance Authority of Maine.

The Following Communication: S.C. 506

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
BUSINESS AND ECONOMIC DEVELOPMENT**

December 4, 2001

The Honorable Michael H. Michaud  
President of the Senate of Maine

120th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Business and Economic Development has had under consideration the nomination of Theodora J. Kalikow of Farmington, for appointment to the Finance Authority of Maine.

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	Shorey of Washington, Youngblood of Penobscot
	Representatives	9	Clough of Scarborough, Dorr of Camden, Duprey of Hampden, Hatch of Skowhegan, Michaud of Fort Kent, Morrison of Baileyville, Murphy of Kennebunk, Richardson of Brunswick, Thomas of Orono
NAYS		0	
ABSENT		2	Sen. Bromley of Cumberland, Rep. Bryant of Dixfield

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 Theodora J. Kalikow of Farmington, for appointment to the Finance Authority of Maine, be confirmed.

Signed,

S/Kevin L. Shorey  
Senate Chair

S/ John G. Richardson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#212)**

YEAS: Senators: None



NAYS: Senators: ABROMSON, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GAGNON, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD, O'GARA, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: EDMONDS, MILLS, NUTTING, PENDLETON

EXCUSED: Senators: GOLDTHWAIT, KNEELAND, MITCHELL, TREAT

No Senator having voted in the affirmative and 27 Senators having voted in the negative, with 4 Senators being absent and 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Theodora J. Kalikow** of Farmington, for appointment to the Finance Authority of Maine was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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The Following Communication: S.C. 495

**OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

November 13, 2001

The Honorable Michael H. Michaud  
President of the Senate  
#3 State House Station  
Augusta, Maine 04333-0003

Dear Mr. President:

This is to inform you that I am today nominating Brenda Schertz of Portland for appointment as a member of the Baxter Compensation Authority.

Pursuant to Public Law 2001, Chapter 439, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/Angus S. King, Jr.  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 498

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

December 6, 2001

Hon. Anne M. Rand  
Senate Chair, Joint Standing Committee on  
Judiciary  
Hon. Charles C. LaVerdiere  
House Chair, Joint Standing Committee on  
Judiciary  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Rand and Representative LaVerdiere:

Please be advised that Governor Angus S. King, Jr. has nominated Brenda Schertz of Portland for appointment as a member of the Baxter Compensation Authority.

Pursuant to Public Law 2001, Chapter 439, 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

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 508

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON JUDICIARY**

December 5, 2001

The Honorable Michael H. Michaud  
President of the Senate of Maine  
120th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Brenda Schertz of Portland, for appointment to the Baxter Compensation 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 Ferguson of Oxford, Rand of Cumberland  
Representatives 7 Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Mitchell of Vassalboro, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton

NAYS 0

ABSENT 4 Rep. Madore of Augusta, Sen. McAlevey of York, Rep. Mendros of Lewiston, Rep. Muse of South Portland

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 Brenda Schertz of Portland, for appointment to the Baxter Compensation Authority be confirmed.

Signed,

S/Anne M. Rand  
Senate Chair

S/Charles C. LaVerdiere  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "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 506 of the 120<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#213)**

YEAS: Senators: None

NAYS: Senators: ABROMSON, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GAGNON, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD, O'GARA, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: EDMONDS, MILLS, NUTTING, PENDLETON

EXCUSED: Senators: GOLDTHWAIT, KNEELAND, MITCHELL, TREAT

No Senator having voted in the affirmative and 27 Senators having voted in the negative, with 4 Senators being absent and 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Brenda Schertz** of Portland, for appointment to the Baxter Compensation Authority was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

**THE PRESIDENT:** The Chair will interrupt proceedings to recognize in the rear of the Chamber the former Chief Justice of the Maine Supreme Court, Daniel Wathen. Will he please wave and accept the greetings of the Senate.

The Following Communication: S.C. 494

**OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

November 13, 2001

The Honorable Michael H. Michaud  
President of the Senate  
#3 State House Station  
Augusta, Maine 04333-0003

Dear Mr. President:

This is to inform you that I am today nominating Jean T. Wilkinson of Cumberland Foreside for reappointment as a member of the Board of Environmental Protection.

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

Thank you for your assistance in this matter.

Sincerely,

S/Angus S. King, Jr.  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 497

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

December 6, 2001

Hon. John L. Martin  
Senate Chair, Joint Standing Committee on  
Natural Resources  
Hon. Scott W. Cowger  
House Chair, Joint Standing Committee on  
Natural Resources  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Representatives 6 Cowger of Hallowell,  
Crabtree of Hope, Daigle of  
Arundel, Koffman of Bar  
Harbor, Tobin of Windham,  
Twomey of Biddeford

NAYS 0

ABSENT 4 Rep. Annis of Dover-Foxcroft,  
Rep. Baker of Bangor, Rep.  
Clark of Millinocket, Rep.  
Duplessie of Westbrook

Dear Senator Martin and Representative Cowger:

Please be advised that Governor Angus S. King, Jr. has  
nominated Jean T. Wilkinson of Cumberland Foreside for  
reappointment as a member of the Board of Environmental  
Protection.

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 Jean T. Wilkinson of Cumberland Foreside, for  
reappointment to the Board of Environmental Protection, be  
confirmed.

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

Signed,

Sincerely,

S/John L. Martin  
Senate Chair

S/Scott W. Cowger  
House Chair

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

**READ and ORDERED PLACED ON FILE.**

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the  
recommendation of the Committee on **NATURAL RESOURCES**  
be overridden?"

The Following Communication: S.C. 509

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with  
Joint Rule 506 of the 120<sup>th</sup> Legislature, the vote was taken by the  
Yeas and Nays.

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
NATURAL RESOURCES**

The Doorkeepers secured the Chamber.

December 5, 2001

The Secretary opened the vote.

The Honorable Michael H. Michaud  
President of the Senate of Maine  
120th Maine Legislature  
State House  
Augusta, Maine 04333-0003

**ROLL CALL (#214)**

YEAS: Senators: None

NAYS: Senators: ABROMSON, BROMLEY,  
CARPENTER, CATHCART, DAGGETT, DAVIS,  
DOUGLASS, FERGUSON, GAGNON, KILKELLY,  
LAFOUNTAIN, LEMONT, LONGLEY, MARTIN,  
MCALEVEY, MICHAUD, O'GARA, RAND,  
ROTUNDO, SAVAGE, SAWYER, SHOREY,  
SMALL, TURNER, WOODCOCK, YOUNGBLOOD,  
THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: EDMONDS, MILLS, NUTTING,  
PENDLETON

EXCUSED: Senators: GOLDTHWAIT, KNEELAND,  
MITCHELL, TREAT

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule  
505 of the 120th Maine Legislature, the Joint Standing Committee  
on Natural Resources has had under consideration the  
nomination of Jean T. Wilkinson of Cumberland Foreside, for  
reappointment 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 Martin of Aroostook, Sawyer  
of Penobscot, Shorey of  
Washington

No Senator having voted in the affirmative and 27 Senators having voted in the negative, with 4 Senators being absent and 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jean T. Wilkinson** of Cumberland Foreside, for reappointment to the Board of Environmental Protection was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

On motion by Senator **SAVAGE** of Knox, the Honorable **RICHARD A. BENNETT**, President of the Senate, declared the Second Confirmation Session of the 120th Legislature, **ADJOURNED SINE DIE** at 12:28 in the afternoon.

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The Honorable Angus S. King, Jr., Governor of the State of Maine, withdrew from the Senate Chamber. (Amid applause, the Members rising.)

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**ORDERS**

**Senate Order**

On motion by President Pro Tem **MICHAUD** of Penobscot, the following Senate Order:

S.O. 22

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

**READ and PASSED.**

The Chair appointed President Pro Tem **MICHAUD** of Penobscot to deliver the message. The Sergeant-at-Arms escorted the President Pro Tem to the Governor's Office.

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Off Record Remarks

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Subsequently, President Pro Tem **MICHAUD** of Penobscot reported that he had delivered the message with which he was charged.

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Off Record Remarks

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God Bless America performed by Kristen Short of Norway, accompanied by Heather Pierson.

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