

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

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**SPECIAL MESSAGE  
on LEGISLATION  
and  
SPECIAL MESSAGE  
on CORRECTIONS**

April 6, 1979

by

GOVERNOR JOSEPH E. BRENNAN

to the

**FIRST REGULAR SESSION**

One Hundred and Ninth Legislature

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# SPECIAL MESSAGE on LEGISLATION and SPECIAL MESSAGE on CORRECTIONS

Mr. President, Mr. Speaker, Honorable Members of the 109th Maine Legislature:

It is an honor to appear before this Legislature to present to you my first legislative program.

My message today is in four parts. The first section incorporates the bills which I am presenting for your consideration. The second part is a listing of those bills submitted by Executive departments and agencies and endorsed by the Administration. The third part is legislation recommended by the Task Force on Regional and District Organizations. The fourth section is the special message on corrections which I mentioned in my budget message address. Of necessity, my remarks today will be a considerably shortened version of the full message, and I invite your attention to the printed version of this message.

The legislative program I am presenting today is a companion piece to the budget I submitted in February.

The same standards have been applied to the final decisions that were made on the budget.

Those standards include: responsiveness to the wishes of the people of Maine, as I understand them; sensitivity to the tax burden now imposed on a population already facing double digit inflation; consistency with the objectives I outlined in my campaign; and recognition that any expansion of the power of government must be accompanied by a demonstrable service to the needs of the public.

I believe that each bill in this legislative program will make a positive difference in the lives of the people of our state or in the conduct of the business of government on behalf of the people.

Certainly, each of these proposals was measured against that test.

For, if the public cannot benefit from the legislation, it does not belong in the statutes.

We who represent the people of Maine must never forget that each of us has been elected as a stand-in for many.

This is **their** government, not ours.

And each of us knows that they have decided, and directed us to bear in mind at all times, that more government is not necessarily better government.

This legislative package is fully in accord with these ideals.

The legislation I am presenting today falls under six broad categories. They are: economic development, tax reform, justice, energy, consumer protection and social welfare.

These bills are based on conversations with thousands of Maine people during the course of my work and my campaigns. They come from talks with many of you. They are the result of meetings with representatives of business, labor, public service organizations and others who care about the way the decisions we make affect the lives of those on whose behalf we make those decisions.

## PART I LEGISLATIVE INITIATIVES

### 1. Economic Development

Each of you knows that I have placed economic development at the top of my list of goals for this Administration.

You know my belief in the importance of economic development to a state that holds so much potential, yet remains so far behind much of the rest of the nation.

And you know of my conviction that there is a connection between the economic health of the state and the community, and the strength of the social fabric that unites us all. Jobs do more to solve problems than a host of social programs.

My legislative call includes funding for fish piers and public transportation and further study of cargo port potential. These important elements have already been presented to you in my budget message and therefore I will not elaborate on them here. Today I wish to direct your attention to other important initiatives that are being proposed to further my program for advancing our state's economy.

These bills address problems confronting some of our major industries, and would create a climate favorable to the development of new business.

#### **Truck Deregulation**

We are introducing legislation to minimize regulation by the State of the intra-state transportation of freight by motor carriers in the belief that we can stimulate competition and thus lower prices.

I firmly believe that this is a measure that will prove to be of benefit to the trucking industry, to the businesses that rely on the services of truckers, and to consumers.

My bill responds to the complaints heard so often from business that they are overregulated and strangling in red tape. And it recognizes the central importance of trucking in the commerce of our state.

The aim of the bill is two-fold.

First, it will stimulate competition in an industry restricted by overregulation.

Second, it should lower the costs of freight shipments within the state by decreasing the cost imposed by government regulation.

The bill would eliminate the requirement for truckers to file rates with the Public Utilities Commission after January 1, 1982.

It also simplifies the certification process that new business must go through before it can enter into competition.

While it eliminates regulations that tend to restrain free competition, it does not in any way diminish the power of the P.U.C. to regulate the safety and operations of trucks on the highways of our state.

### **Highway Financing Study**

Because the maintenance of our highways is a key ingredient in our effort to promote economic development, we will be undertaking a major examination of the future of the funding of our highway program.

I believe that such a study is necessary in light of the increasing gap between the sharply growing costs of the highway program and the modest growth in revenues from the gas tax.

As you know, the growth of the gas tax revenues has been in the vicinity of two percent a year, while the costs of running the basic operations of the highway program increase at five times that rate.

This winter, the Department of Transportation was compelled to cut back some maintenance services. And large cuts in personnel at the Department have been required in an effort to reduce costs.

We intend to create a 14-member study committee that would report back in time for consideration of its proposals by the first regular session of the 110th Legislature.

### **Potato Industry**

I am submitting two bills which I believe will aid the troubled potato industry.

For generations, Maine potatoes have been known for their excellent quality.

But Maine's best known crop faces serious marketing problems, aggressive competition and low prices which threaten the livelihoods of many of the growers of Aroostook County.

The two bills to help the potato industry have the approval of leaders of the industry.

The first will strengthen Maine's potato branding law. It will make it possible to revoke the license of shippers who have been convicted three times of violating the state's branding law. While the overwhelming majority of potato shippers are conscientious about meeting the legal specifications for potato grades, those few who are not scrupulous cause the industry as a whole to suffer. This bill addresses the problems caused by that minority.

The second bill will require that seed potatoes grown outside Maine meet the

same rigorous standards of certification that we have set for seed potatoes grown in Maine. This bill will help protect potatoes from disease which may be imported from other states.

The effect of passage of these two bills will be the production of better quality potatoes and, over the long run, improvement of the market image of a clearly superior product.

### **Tourism**

Like the potato and fishing industries, tourism is a traditional and vital Maine business. Our natural resources, our varied physical features, climate and communities make Maine a particularly appealing vacation spot.

But, like farming and fishing, it is an industry that has seen brighter days. Its growth has fallen behind the national average even though more Americans have more leisure time than ever before.

I believe that we have an excellent product to sell. I know this view is shared by the state's broadcasting industry and a leading Maine magazine, *Down East*, both of whom have committed themselves to substantial vacation promotion plans.

The state should match their faith in the value of this industry. For my part, I have already begun work at boosting our tourism and travel income. Recently, I called a conference of experts from all phases of the industry. I look forward to working with them in a continuing partnership aimed at identifying ways that government can help the vacation travel industry develop to its fullest potential.

It is the kind of industry that lends itself well to our Maine lifestyle. It enables many Maine people to own and operate their own businesses, and I have long felt that people can be happiest and most productive when they and their families work together in their own small businesses.

Today I am asking you to join us in initiatives to strengthen our competitive position.

I am submitting two bills which have been developed at the suggestion of the Committee on Coastal Development and Conservation.

The first would increase the commitment made by the last Legislature to promotion of the industry.

Its approach would be two-fold.

First, it would make appropriations to step up our contribution to the matching fund program that assists local chambers of commerce and similar organizations to develop promotion programs. Funding local programs would be handled through the State Development Office.

Second, it would encourage special promotions through a 2 to 1 matching program. This effort would help in four general areas: increasing business in inland areas or at coastal locations out of the mainstream of tourist traffic; promoting convention facilities; helping cultural attractions within a given geographic area jointly promote themselves; and encouraging off-season business.

The amount requested for this bill is substantial, \$400,000 in each year of the biennium, but the financial return on that investment to the state and its business community is potentially great and certainly worth the appropriation.

The second bill I am submitting will provide funding to implement the state's billboard law. It will enable the Department of Transportation and the Travel Information Advisory Committee to remove signs barred by the billboard law, and to erect standardized information signs and provide traveller information services.

The cost of the bill is just over \$450,000 for the biennium. This sum will be matched on a 3 to 1 basis by the federal government so that the state will have \$1,350,000 available in all for the removal of billboards.

I feel confident that the people of Maine are as determined as I am that we not tolerate the transformation of our beautiful state into a replica of that neon alley we've all seen north of Boston. I believe that this legislation, in combination with the bottle bill and the efforts of the individual citizens, will help this state present an attractive image to the visitors who contribute to a multi-million dollar industry.

### **Workers Compensation**

Another area in which I hope to assist Maine businesses and workers is through a modest reform in the law governing the Workers Compensation Commission.

Prompt resolution of pending claims is encouraged under the bill submitted by this Administration.

It mandates that decisions be made no later than 30 days after the submission of a case to a commissioner.

By keeping backlogs to a minimum, both business and employees will benefit.

There are two advantages to business. First, it frees up money that has to be held in reserve pending the resolution of claims because the cases are resolved quickly. Second, it relieves businesses from the burden of making payments over a long period of time while a reconsideration of an award is pending.

And workers benefit from being relieved of the financial hardship of having to wait for a decision over an extended period of time.

## **2. Tax Reform**

Over the past year, I have consistently expressed my desire to provide Maine's overburdened property taxpayers with relief in the form of meaningful and permanent property tax relief.

Therefore, I am pleased to present for your consideration a measure that addresses the role rising property taxes plays in the ever-increasing inflationary spiral.

I propose a Homestead Credit based on the first \$2,000 of valuation of a person's principal residence this year and the first \$3,000 in the year beginning April 1, 1981.



The credit would be administered through the income tax. For those who are not required to file a return or pay taxes, the credit would be refundable.

Such a credit is calculated to take into account and equalize the discrepancies resulting from the use of differing tax rates in the various municipalities.

The Homestead Credit offers significant advantages in providing property tax relief.

First, I have heard concerns expressed that if property tax took the form of an exemption, localities might be tempted not to pass on the money refunded by the state. The credit avoids involvement of localities in any way. They have no added administrative burden and they have no pass-through responsibility.

Second, by making the credit a part of the income tax, we require no cumbersome new system.

Third, the credit has no effect on state valuation.

Fourth, this approach is simple to understand and administer.

Fifth, proportionately all eligible persons receive the same degree of tax relief; in dollar terms, those with the heaviest burden receive the greatest relief.

Sixth, the cost is acceptable. A credit based on \$2,000 of assessed valuation would require approximately \$8.925 million. In the second year, when the base would rise to \$3,000, the cost would be \$13.3 million. Finally, the constitutional objections which have been raised by some, relating to a limit of 50 per cent reimbursement, are eliminated by our approach.

The Homestead Credit offers the prospect for a permanent system that can eventually provide significant amounts of property tax relief. Once the mechanism is in place, the valuation base can be adjusted.

But now we should take a step which will both provide immediate help to all homeowners and establish our long-term commitment to improving our tax structure.

### **3. Justice**

More than one-third of my career in public life has been spent in the criminal justice system. As Cumberland County Attorney for two years, and as your Attorney General for four years, I participated in and observed at close range the daily workings of our courts. Over those years, I developed strong ideas about ways we could improve the justice system of the State to promote justice and efficiency for the benefit of the taxpayers who support it.

Today, it gives me particular pride to offer my court reform bill.

#### **Court Reform**

I have long been committed to a program to streamline our courts to ease the crowding of dockets and to reduce the inconvenience to citizens and law enforcement professionals who must participate in trials.

Most of all, I have been committed to eliminating our outdated two-tier method

of trying misdemeanor cases under which a defendant accused of a minor crime can receive two full trials, one at the District Court level and a second on appeal to Superior Court.

To meet these needs, I am submitting a bill to eliminate the District Courts and to merge their functions and personnel into the Superior Court. The bill would empower the Chief Justice of the Supreme Judicial Court to create divisions within the court.

Our bill will also allow the Chief Justice to make the best use of local court facilities and personnel in ways that can maximize efficiency while minimizing time and travel.

Moreover, this bill continues the vital safeguards of the rights of all citizens to a fair and impartial trial.

At the same time, it will speed up the process of bringing cases to trial. There is no question that the certainty of a prompt trial is a strong deterrent to crime. The crowded dockets, the frustrations of victims, witnesses and law enforcement personnel and the delays in the system all indicate that the time for this reform has come.

## **Slot Machines**

Several years ago, the Legislature, acting with the best of intentions, enacted a bill to ban slot machines. Unfortunately, a loophole was discovered which has permitted the introduction of similar gambling devices. While we outlaw mechanical slot machines, we permit electronic slot machines. This meaningless distinction without a difference has effectively frustrated the intentions of the Legislature. In fact, the very attempt to prohibit slot machines has inadvertently permitted them to spring up in restaurants and bars and night clubs in every part of the state.

Furthermore, the loophole has led to the creation of charities that exist on paper only, legal enough to qualify as non-profit organizations, but whose real purpose is to collect the proceeds of gambling.

Gambling takes its biggest cut from people who can least afford it. Inevitably, slot machines attract criminal elements. And at best, slot machines are an inappropriate way to raise money for worthwhile causes.

I believe the loophole should be closed and that legislation to eliminate the machines that have become commonplace in Maine should be passed. The original intent of the bill to ban slot machines has my wholehearted support, and, I hope, yours.

## **4. Consumer Protection**

I believe that Maine can be justly proud of its record in the area of consumer protection. Faced in the past with the choice between reform and inaction in the face of abuse, we have often made the wise choice. The strong Bureau of Consumer Protection, the availability of posted prescription drug prices and of generic drugs, and the absence of predatory loan companies are examples of our recognition of the role pro-consumer legislation plays in making Maine a better place to live.

Today, I am offering two bills that reflect my continuing commitment to assuring fairness in the marketplace and justice for the consumer.

### **Health Insurance**

This Administration is committed to an initiative to protect consumers by strengthening the powers of the Insurance Superintendent.

Under current law, the superintendent must prove that a proposed rate filing submitted by a nonprofit hospital or medical service organization or health insurance carrier is excessive, inadequate or unfairly discriminatory.

Placing the burden of proof on the superintendent is inconsistent with the general principles of administrative law and with laws governing other Maine rate-making authorities.

My bill would place the burden of proof where it belongs, on those seeking the higher rates. An insurance carrier ought to be able to prove it needs the higher rates. The Insurance Superintendent should not have to prove the carrier does not.

This bill is intended to assist in slowing down the ever-increasing cost of medical insurance by putting our regulatory law squarely on the side of the consumer.

### **Milk Deregulation**

One of the serious problems facing Maine consumers today has been created by government itself.

In good faith, 44 years ago, Maine established a milk commission with the power to regulate the price of milk at every level of the market.

Today, the Depression-era problems that created the need for the commission's broad authority are gone. But the powers remain. And with them remain artificially high prices and regulation that restrains trade and limits competition.

Therefore, I am submitting a bill to eliminate the commission's authority to set prices paid to milk processors. Wholesalers and retailers. It is time we did this. Maine is one of the very few states that sets prices at those levels, and, as many of you know, our retail milk prices are much higher than they are in neighboring states.

This bill will not disrupt the current formula for establishing prices paid to the farmers. The commission will retain the power to set that price. This administration does not intend to undercut the milk producer in our determination to protect the milk consumer.

The time has come for the Legislature to support a bill to make milk, one of our most basic commodities, available to the public in a free and open market with the benefits of full and fair competition.

### **5. Energy**

I believe that the energy problems facing this state and nation are profoundly serious. At the present time, we are overly dependent on petroleum to meet our energy needs. Energy availability and persistent price increases are imposing severe hardships on our citizens living on fixed incomes, draining hard earned dol-

lars from the working men and women in this state and cutting into the profitability of our industries. There is an urgent need to develop comprehensive and effective policies at the state and federal levels which will coordinate an action program to deal with our severe and serious energy problems.

We are now in the process of formulating state energy policies and strategies which will lay the ground work for this Administration's energy program.

The Maine Legislature has had and will continue to play an important role in Maine's energy future. I look forward to working closely with the Legislature to accomplish our mutual objectives of ensuring adequate supplies of energy at affordable prices.

While we are developing long term energy strategies we are faced with a current shortfall in petroleum supplies. During this past winter, Maine's heating oil inventories reached dangerously low levels. This is unacceptable. Ensuring stability in heating oil supplies must be a first priority for the major oil companies and the Department of Energy. We learned this winter that our state government can work effectively in dealing with a shortfall. But we also learned that we do not have access to accurate data to forewarn us of an impending shortfall.

I am, therefore, asking you to help us ensure that adequate inventory levels of essential petroleum products are maintained. This act will require major oil suppliers that market petroleum products in the state to report their inventory levels as well as projected deliveries to the state government. This bill has been drafted as emergency legislation and is designed to help us deal with current shortfalls.

Our long term energy strategy must include increased production and a strong effort at energy conservation. Legislation to establish energy efficiency building performance standards is an important step to ensure energy conservation in new construction. Legislation on this subject which was unanimously recommended by the Commission on Energy Efficiency Building Performance Standards created by the 108th Maine Legislature, will result in significant oil savings and save hard earned dollars for Maine homeowners and consumers. This is likewise an important piece of energy legislation and I urge the enactment of this measure as we commence to meet the demands imposed upon us by our increasingly serious energy problem.

## **6. Social Welfare**

As Governor, I pledge my support to improve the health and well-being of Maine's families, and I ask you to join with me in a mutual effort to adopt policies to preserve the family as the primary unit for the care and nurturing of children. As you know, many Maine families are living under great stress and, consequently, are experiencing increased mental health problems, runaway youths, child abuse and neglect, juvenile delinquency, children living in poverty, drug abuse and crime.

Government programs should respect the integrity of family life by providing preventive, supportive and supplemental services to families prior to any actions which would substitute other forms of care for parental care.

To further our efforts to help those who are least able to help themselves, I am pleased to announce that I have just signed into law L. D. 1169, the supplemental appropriations bill that includes funding for sexually abused children.

Moreover, we support the concept of state assistance in providing operating funds for emergency shelters which protect and support the helpless victims of family violence.

This Administration is submitting funding in its legislative program to meet the standards of the Pineland consent decree, including those standards affecting retarded persons who have been discharged from Pineland into the less restrictive environment of the community. We also intend to abolish the Mental Health/Mental Retardation Improvement Fund and to shift the funding to the General Fund. This will eliminate problems created by the existence of this special funding mechanism, but it does not affect my commitment to improvements in the level of care provided to our mentally ill and mentally retarded citizens.

My Administration will support a measure to continue the funding of a program for displaced homemakers. This program provides employment training services to widowed or divorced homemakers who, after many years of faithful service to their families, are unable to find gainful employment.

I support a measure to authorize the Legislature to participate in a study to assess how State policies, administrative acts and proposed regulations affect families. This joint effort should provide us with some of the background data and insights necessary to build public policy in the best interest of our families.

Of special concern to me are those families which must depend on State assistance for the basic necessities of life. I hope that towards the end of this session, we can re-examine our financial situation to determine whether additional funds can be found to assist Maine's neediest citizens.

As Governor, I support legislation to convene a Blaine House Conference on Families and Children. The purpose of this measure would be to establish statewide regional task forces to discuss the problems of families and, at a future date, to provide a centralized forum for a comprehensive analysis of the regional conference's findings. I am convinced that responsible action by State government can make a difference in people's lives. Let us join together and make that conviction a reality.

## **Health Care**

I intend to make health care services and costs a top priority in my Administration.

Although medical care services are generally of high quality and available to more people than ever before, costs have been rising at an alarming rate. Every citizen and taxpayer is affected. The total health care for Maine citizens soon will surpass \$1 billion annually.

The State's Medicaid program will approach \$130 million this year and one study suggests that, unless present trends are reversed, costs for Maine's program could well exceed \$200 million by 1981. The same study indicates that Medicaid

costs have risen 127% in the last five years with the greatest increase occurring in the nursing home program where costs rose an appalling 182%.

While the causes of increased medical care costs are many and complex and require some type of intervention at the national level, I believe there is much Maine can do to both control costs and at the same time promote the health of its citizens.

While many things need to be done to accomplish these goals, there are two areas in particular that require immediate attention. First, we need to plan and develop effective alternatives, where appropriate, for those individuals who do not require the expensive level of care associated with hospitals and nursing homes. Certainly, these modes of treatment are essential to a balanced network of services, but there needs to be much greater emphasis on community-based and home-based health care services.

Second, there is a great need for individuals to assume greater responsibility for their personal health. This will require increased public health education and prevention efforts designed to control the adverse effects associated with alcohol, drugs, smoking, poor nutrition, dental disease, hypertension, accidents and poor maternal and child health care.

Although several bills have been introduced into this session which would deal with some of these problems, I favor a more comprehensive approach and to this end, I will be establishing a committee consisting of both experts and members of the public to advise me on the specific actions best suited to achieve these goals and to prepare appropriate legislation.

## PART II

### DEPARTMENT AND AGENCY BILLS

We are submitting as part of this message a comprehensive list of bills that have been introduced on behalf of departments and agencies. Submission of these bills has been in accord with this Administration's policy of coordinating departmental and agency contact with the Legislature, a policy whose objective is that this Administration will speak with a single voice. These bills are not inconsistent with the policy of this Administration.

#### DEPARTMENT OF AGRICULTURE

- L. D. 641 AN ACT Relating to Native Farm Produce.
- L. D. 772 AN ACT to Regulate the Distribution, Labeling and Sale of Plant and Soil Amendments.
- L. D. 1229 AN ACT to Amend the Frozen Dairy Products Law.
- L. D. 1227 AN ACT to Revise the Statutes Governing Chemical Control of Rodents as Agricultural Pests.
- L. D. 1228 AN ACT Relating to Registration of Commercial and Custom Establishments under the Maine Meat Inspection Act.
- L. D. 1230 AN ACT Relating to Potato Quality.

L. D. 1508 AN ACT to Consolidate Aquatic Pesticide Permits into One Agency.

## **DEPARTMENT OF BUSINESS REGULATION**

L. D. 1379 AN ACT Relating to the Licensing of Auctioneers.

L. D. 1336 AN ACT Relating to Records of Sales of Used Merchandise.

L. D. 1295 AN ACT to Revise the Fees for the Licensing of Psychologists.

L. D. 1366 AN ACT Concerning Licensing Manufactured Housing Dealers, Itinerant Vendors, Lightning Rod Salesmen and Apprentices and Helper Electricians.

L. D. 1334 AN ACT Relating to the Location of the Superintendent of Insurance's Office.

L. D. 1201 AN ACT to Revise the Qualifications for Electricians.

L. D. 1196 AN ACT Concerning the Reasons for Non-renewal of Policies Under the Maine Property Insurance Cancellation and Control Act.

L. D. 1197 AN ACT to Exempt Automobile Assigned Risk Policies from the Counter Signature Requirements.

L. D. 1429 AN ACT to Amend the Maine Automobile Insurance Cancellation Control Act.

L. D. 1420 AN ACT to Rename the Bureau of Consumer Protection to be the Bureau of Consumer Credit Protection.

L. D. 1413 AN ACT to Amend the Financial Institutions and Credit Union Laws.

L. D. 1368 AN ACT to Clarify Definitions Under the Real Estate Law.

L. D. 1381 AN ACT to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities.

L. D. 1200 AN ACT Relating to the Listing of Contracts made by Real Estate Brokers and Salesmen.

L. D. 1202 AN ACT to Clarify and Correct Laws Related to Real Estate Brokers and Salesmen.

L. D. 1203 AN ACT to Amend the Manufactured Housing Act.

L. D. AN ACT to Amend the Oil Burnermen's Licensing Board Authority to Include Regulations and Selling of Fuel Equipment in the Licensing of Service People. (Not yet introduced)

## **DIVISION OF COMMUNITY SERVICES**

L. D. 1424 AN ACT to Reimburse the Division of Community Services for Expenditures Incurred in Operating an Excess Property Program.

## **DEPARTMENT OF CONSERVATION**

L. D. 1160 AN ACT to Carry Forward to June 30, 1983 Appropriated Park Development Funds.

- L. D. AN ACT to Strengthen the State's Capability to Assess Maine's Forest Resources. (Not yet introduced)
- L. D. 1247 AN ACT Relating to Mining on State Lands.
- L. D. 1392 AN ACT Relating to Municipal Recreation Grants.
- L. D. 1216 AN ACT to Transfer the State Board of Certification for Geologists and Soil Scientists to the Department of Business Regulation.
- L. D. 1204 AN ACT to Transfer the Board of Registration for Professional Foresters from the Department of Conservation to the Department of Business Regulation.
- L. D. 1158 AN ACT Relating to the Appointment of Local Plumbing Inspectors in the Unorganized Townships.
- L. D. 1217 AN ACT Concerning the Leasing and Management of Public Lands.
- L. D. AN ACT to Update and Reorganize the Maine Forest Service Statutes. (Not yet introduced)
- L. D. 1396 AN ACT to Make Substantive Changes in the Forestry Statutes.

**DEPARTMENT OF EDUCATIONAL  
AND CULTURAL SERVICES**

- L. D. 165 AN ACT Concerning the Continuation of Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children.
- L. D. 243 AN ACT to Amend the Laws Relating to the Maine Historic Preservation Commission.
- L. D. 1110 AN ACT to Clarify the Regionalization of Special Education.
- L. D. 1147 AN ACT to Amend the Method of Appointment to the Advisory Committee on Medical Education.
- L. D. 1168 AN ACT to Clarify the Education Law.
- L. D. 1186 AN ACT to Exempt Teacher Certification Records from the Freedom of Access Statutes.
- L. D. 1266 AN ACT to Amend the Statutes Governing Vocational Regions.
- L. D. 1272 AN ACT to Amend the Salary Range for the State Librarian and the Executive Director of the Historic Preservation Commission.
- L. D. 1425 AN ACT to Define Residency for School Purposes.
- L. D. 1475 AN ACT Relating to the Testing and Product Approval Authority at the Energy Testing Lab of Maine and Creating a Board of Directors for that Laboratory.
- L. D. 1517 AN ACT Altering the Organization and Governance of Community School Districts.



## **OFFICE OF ENERGY RESOURCES**

- L. D. 1294 AN ACT to Clarify the Powers and Duties of the Office of Energy Resources.
- L. D. 666 AN ACT to Establish Energy Efficiency Building Performance Standards for the State of Maine.

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

- L. D. 1316 AN ACT to Comply with the Federal Air Quality Standards in Areas Where the Air Quality does not Presently Meet the Federal Standards.
- H. P. 1139 AN ACT to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Commission.
- L. D. 1071 AN ACT to Enable Consolidation of State Water Discharge Licensing Program and the Federal National Pollutant Discharge Elimination System Permit Program.
- H. P. 1207 AN ACT to Enable Delegation of the Prevention of Significant Deterioration of Air Quality Program.
- L. D. 1131 AN ACT to Authorize a General Fund Bond Issue in the Amount of \$16.5 million to Assist Municipalities with Solid Waste Management.
- L. D. 1458 AN ACT to Allow Approved Conservation Plans to Satisfy the Requirements of the Water Pollution Abatement Licensing Program.
- L. D. 998 AN ACT to Re-classify Certain Surface Waters and Revise Water Quality Standards.
- H. P. 1239 AN ACT to Consolidate the Mining and Rehabilitation of Land Into the Site Location of Development Statute.
- L. D. 1426 AN ACT to Reduce State Review Requirements of School Projects.
- L. D. 1085 AN ACT to Reduce Duplication of Legislative Review of Air Quality and Emission Standard Regulations.
- L. D. 1459 AN ACT to Authorize the State to Provide Technical and Legal Assistance to Recipients of Waste Water Planning and Construction Grants.
- L. D. 1256 AN ACT to Allow the Board of Environmental Protection to Exempt Snow Dumps from the Waste Discharge Licensing Provisions of the Statutes.

## **DEPARTMENT OF FINANCE AND ADMINISTRATION**

### **Bureau of Alcoholic Beverages**

- L. D. 1367 AN ACT to Clarify Inconsistencies in the Liquor Laws.
- L. D. 856 AN ACT to Provide for Metric Measurements.

- L. D. 848 AN ACT to Repeal Mandatory Public Meetings by the State Liquor Commission.
- L. D. 852 AN ACT to Allow Reduced Pricing of Discontinued Liquor Items.
- L. D. 854 AN ACT to Provide for Consistent Hours of Operation by State Retail and Agency Liquor Stores.

**Bureau of Taxation**

- L. D. AN ACT to Redistribute Responsibility of Enforcement of Laws Prohibiting Certain Unfair Trade Practices. (Not yet introduced.)
- L. D. 1326 AN ACT Providing for Administrative Changes in Maine Tax Law.
- L. D. 1314 AN ACT Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation.
- L. D. 1348 AN ACT to Establish Standard Assessment Procedures for the Tax Laws.
- L. D. 1407 AN ACT Relating to Gifts and Contemplation of Death.
- L. D. 1363 AN ACT to Require Certain Out-of-State Sellers to Register Under the Maine Sales and Use Tax Law.
- L. D. 1452 AN ACT Eliminating the Requirements for Licensing Retail Cigarette Outlets and Cigarette Vending Machines.

**DEPARTMENT OF HUMAN SERVICES**

- L. D. 287 AN ACT Relating to Revisions of the Adoption Laws.
- L. D. 1251 AN ACT to Amend the Law Relating to the State Board of Social Worker Registration.
- L. D. 796 AN ACT to Centralize the Administration of Uniform Reciprocal Enforcement of Support Act Petitions Filed in the State of Maine by the Official Child Support Agency of Another State.
- L. D. 861 AN ACT to Amend the Alternative Method of Support Enforcement.
- L. D. 828 AN ACT to Facilitate the Enforcement of Child Support Obligations and Make Statutory Changes Consistent With the Administrative Procedures Act.
- L. D. 931 AN ACT to Provide an Official Seal for the Department of Human Services and to Expedite the Establishment of Court Ordered Child Support Obligations in Non-AFDC Cases.
- L. D. 330 AN ACT to Amend the State's Safe Drinking Water Act.
- L. D. 1155 AN ACT Relating to Holding Tanks for New Seasonal Dwellings.
- L. D. 369 AN ACT Relating to Plumbing Inspectors.
- L. D. 1156 AN ACT Relating to the Plumbing and Sub-surface Disposal Laws.
- L. D. 1245 AN ACT to Amend the Law With regard to the Diagnostic Laboratory of the Department of Human Services.

- L. D. 775 AN ACT Concerning Child Abuse and Neglect.
- L. D. 1395 AN ACT to Conform the Health Maintenance Organization Act of 1975, to the Certificate of Need Act of 1978.
- L. D. 1254 AN ACT to Aid the Recovery of Medicaid Funds.
- L. D. 676 AN ACT to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions.
- L. D. 157 AN ACT to Provide Interpreter Service for the Hearing Impaired.
- L. D. 372 AN ACT Relating to the Certification of Plumbing Inspectors.
- L. D. AN ACT to Amend the Laws Regarding the Duties of the Department of Human Services. (Not yet introduced.)

### **DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

- L. D. 344 AN ACT Concerning Licensing of Breeders of Game Birds and Wildlife Breeders.
- L. D. 357 AN ACT Concerning the Licensing of Head and Hide Dealers by the Department of Inland Fisheries and Wildlife.
- L. D. 392 AN ACT Concerning Reissue of Inactive Snowmobile Registration Numbers.
- L. D. 346 AN ACT Lowering the Daily Limit for Smelt Dealers to Four Quarts.
- L. D. 356 AN ACT to Regulate Hunting During Deer Season.
- L. D. 229 AN ACT to Increase the Compensation for Atlantic Salmon Commission Members to \$50 a Day.
- L. D. 15 AN ACT to Revise the Inland Fisheries and Wildlife Laws.

### **DEPARTMENT OF MANPOWER AFFAIRS**

- L. D. 292 AN ACT Relating to Penalty Provisions Under the Maine Labor Laws.
- L. D. 160 AN ACT to Amend the Maine State Apprenticeship and Training Council to Conform with Federal Recommendations Under Labor Laws.
- L. D. 1173 AN ACT to Amend the Employment Security Law Relating to Termination of Coverage.
- L. D. 1449 AN ACT to Amend Certain Provisions of the Employment Security Law.
- L. D. AN ACT to Clarify the Administration of the Department of Manpower Affairs. (Not yet introduced.)

### **DEPARTMENT OF MENTAL HEALTH & CORRECTIONS**

- L. D. 220 Authorizing Lease of Departmental Facilities.
- L. D. 1435 AN ACT to Clarify the Interstate Corrections Compact.

- L. D. 1441 AN ACT Relating to the Transfer of Prisoners to Federal Penal Institutions.
- L. D. 1393 AN ACT to Clarify Transfers from County Jails to the Correctional Facilities.
- L. D. 1191 AN ACT to Clarify Responsibilities of the State Parole Board.
- L. D. 1405 AN ACT to Eliminate the Boards of Visitors within the Department of Mental Health and Corrections.
- L. D. 1430 AN ACT Relating to the Division of Probation and Parole.
- L. D. 1358 AN ACT to Permit Conventional Registration of Institutional Vehicles.
- L. D. 1344 Emergency Assignment of Personnel.
- L. D. 1542 AN ACT Enabling the State of Maine to Enter Into an Interstate Compact on the Emotionally Disordered Offender.
- L. D. AN ACT to Clarify Rights and Responsibilities of Institutions to Dispose of Personal Property of Residents. (Not yet introduced.)
- L. D. AN ACT to Accommodate Placement of Children in Private Day Care Programs. (Not yet introduced.)
- L. D. AN ACT to Clarify the Mental Retardation Certification Process (Not yet introduced)
- L. D. AN ACT to Clarify the Housing of Federal Prisoners. (Not yet introduced.)
- L. D. AN ACT to Clarify the Uniform Act for Out-of-State Parolees Supervision. (Not yet introduced.)
- L. D. 1528 AN ACT to Establish and Protect the Rights of Recipients of Mental Health Services.
- L. D. 1537 AN ACT Establishing a Community Mental Health Services Act.

## **DEPARTMENT OF PUBLIC SAFETY**

- L. D. 1389 AN ACT Relating to the Maine Criminal Justice Academy.
- L. D. 556 AN ACT to Include the Fire Chief or his Designee in Filing Statements of Fire Occurrence.
- L. D. AN ACT Providing for a Penalty for Failure to Secure a Construction Permit Prior to Building a Hotel or Motel with Two or More Stories. (Not yet introduced)
- L. D. 680 AN ACT to Clarify the Rulemaking Procedure of the Commissioner of Public Safety.
- L. D. 555 AN ACT Relating to Section 5 State Fire Marshal.
- L. D. 557 AN ACT to Clarify the Meaning of the "Prevention of Fire" Under the Public Safety Statutes.
- L. D. 684 AN ACT Relating to the Inspection and Licensing of Motor Vehicle Racing.
- L. D. 1188 AN ACT Providing for the Fee for Examination by the Office of the State Fire Marshal of Plans for the Construction of Hotels or Motels with Two or More Stories.

- L. D. 617 AN ACT to Require Construction Permits Prior to the Building of Hotels and Motels with Two or More Stories.
- L. D. 558 AN ACT to Expand the Meaning of the Term Exits.
- L. D. 420 AN ACT to Revise the Laws Concerning Fire Exits.

#### **State Police**

- L. D. 572 AN ACT Relating to Fatal Motor Vehicle Accidents.
- L. D. 449 AN ACT to Place Responsibility for Preparation and Implementation or Emergency Evacuation Plans in the Bureau of Civil Emergency Preparedness.

#### **TRANSPORTATION**

- L. D. 1277 AN ACT to Authorize Bond Issue in the Amount of \$22,000,000 for Highway and Bridge Improvements.
- L. D. 1292 RESOLVE, Directing the Review of Statutes Relating to Junk Yards.
- L. D. 657 AN ACT to Compensate for Certain Wells Within Highway Rights of Way.
- L. D. 198 AN ACT Making Minor Revisions in the Aeronautics Law.
- L. D. 1275 AN ACT Relating to the Purchase of Railroad Rights of Way.
- L. D. 1372 AN ACT Concerning State Highways and Parking on State Controlled Property.

### **PART III**

#### **TASK FORCE ON REGIONAL AND DISTRICT ORGANIZATIONS**

With this message, I am also submitting the legislation recommended by the Task Force on Regional and District Organizations. I commend these bills for your close attention, and in doing so, wish to compliment Robert E. L. Strider of Colby College, the chairman of the task force, and the ten other members, who worked closely with the State Planning Office in undertaking the study and developing the legislation.

### **PART IV**

#### **SPECIAL MESSAGE ON CORRECTIONS**

We must give special emphasis this year to the problems of correction. Today, the state's correction facilities and county jails are crowded. Populations at Correctional Institutions have consistently reached maximum levels for several months. The state prison is full; the Maine Correctional Center is full, as are various community programs; and several county jails are closed.

This situation is the result of a trend towards increasing numbers of inmates being sentenced to correctional facilities, a trend which started at the beginning of this decade. The present crowding in correctional facilities jeopardizes the safety of the public as well as staff and inmates.

In the past several weeks, I have had the opportunity to observe firsthand some of the problems facing the state's correctional institutions. I have toured cell blocks and program areas. I have talked with staff and inmates. It is clear that some of our facilities are substandard and that we have not committed adequate resources to corrections. Despite these problems, I have come away from these visits impressed with the dedication and ability of the state's corrections personnel who have made programs with relatively limited resources.

Last year, improvements in fire safety were initiated at the Maine State Prison, Maine Youth Center and Maine Correctional Center. Updating the security system, lighting, and training for guards, is under way at all of our correctional facilities. At the Maine State Prison, electronic security devices are being installed along with additional guards to allow for increased security. Recently \$110,000 was made available to continue the upgrading process.

At the Men's Correctional Center, conditions have been enhanced by the completion of a gymnasium and a new control area. Under way at the Maine Youth Center is construction of a security cottage to house more serious juvenile offenders. Finally, Maine is one of eleven states selected by the Justice Department to undergo a self survey to measure our compliance with correctional standards promulgated by the American Correctional Association. This effort will make the adult correctional facilities eligible for future funding from the federal government to meet these standards.

This Administration recognizes the first responsibility of corrections is to protect the public. We must have secure, but humane and just correctional facilities for offenders who present a danger to the public safety. However, many offenders are not dangerous and can be safely held in less secure settings. As virtually all offenders in the state's correctional institutions eventually return to the community, we must have programs to help re-integrate into the community those who are about to be released as we strive to reduce the number of repeat offenders.

To meet the present overcrowding in our state correction institutions, we are today proposing a series of steps.

First, we propose a minimum security work release center for 33 inmates be established at the Stevens School. This facility will house and provide programs for inmates who have less than twelve months left on their sentences and have been carefully screened for placement in a minimum security program. Offenders at Stevens will participate in supervised public restitution projects and in standard work release programs in the Augusta area.

Second, we propose an additional community based work release program for 35 inmates be opened in an area where corrections officials determine the greatest need exists.

Third, we are asking funds be provided to purchase room and board for 20 state inmates throughout the county jail system.

These three steps will add a total increase of capacity for 88 prisoners in the state corrections system and help relieve some of the current crowding problems. We are submitting legislation to utilize the remaining \$415,000 requested in my

budget message to implement these proposals. At no additional cost, the Bureau of Corrections will also improve the supervision of offenders on probation through a comprehensive case management system and will implement an expanded presentence investigation and reporting system to provide better information on each offender for sentencing purposes.

The community-based work release programs will enable the Bureau of Corrections to relieve the crowding in state correctional facilities. The addition of these programs is an important step towards developing a more effective correctional system. We will also continue to closely monitor the situation and have developed contingency plans should inmate levels continue to escalate.

The crowding in the state's correctional institutions is closely related to the problem of crowding in county jails. Maine currently has ten jails open; three are under construction; and two are being renovated for reopening. In 1978, two jails were closed because of life safety code violations and early this year, the Hancock County Jail closed due to a major fire. The average age of county detention facilities is 84 years notwithstanding the four facilities opened in the past ten years. Seven jails were built before 1901. The Washington County Jail was opened in 1856; Franklin and Aroostook counties both opened their jails in 1889. Most jails are near capacity and some experience periodic overcrowding. The closing of several jails has forced transfer of inmates for distances as great as from the York county to the Aroostook County Jail in Houlton. It cost one county an additional \$100,000 for a six month period to transport and board inmates in other county jails.

The opening of three new jails this year in York, Oxford and Hancock Counties and the reopening of the Kennebec County Jail will add 110 beds to the capacity of the county correctional system. By the end of this year, many county facilities will be less than four years old. Substantial investments have already been made in replacing or renovating county jail facilities in recent years.

As a result of these various additions, there will be by the end of the year an increase in capacity for 200 inmates in State and county corrections facilities.

However, the problems confronting the counties in this area remain enormous. It is clear that we cannot continue a costly and inefficient system for housing misdemeanor offenders and pretrial detainees. I am aware of the many proposals that have been put forth to address the county jail situation. But I am wary of solutions which are hasty and which are not grounded in careful research. We need solutions to our jail problems but we must have comprehensive proposals rather than a piece-meal approach.

I suggest that before large expenditures of public funds are made it is necessary to develop clear goals for local detention and corrections. These goals should take into account cost effectiveness and efficiency in the use of correctional services. Efforts must be directed towards developing a system in which county and state corrections are more closely integrated. I pledge the full participation of the Administration in that effort, and I trust the groups now analysing our corrections problems will join together in our common effort to formulate a comprehensive response to this challenge as promptly as we can.

The problems facing our correctional system are not new. Progress is being

made, but there is much to be done. The proposals made today are a beginning. The establishment of two work release centers and the opening of newly constructed and renovated county jails will go a long way towards alleviating some of the current problems. These together with the improvements being made at our correctional institutions and the effort to meet the American Correctional Association Standards reflect renewed commitment to a correctional system that conforms to standards of safety, humanity and justice.

I recognize that the scope of this message is ambitious, for we are, in a single document, proposing major reforms in our court system, our property tax system, the milk price structure and other areas of fundamental importance to the people of Maine.

These are bills that will make a difference in the day-to-day lives of the people we serve.

We believe the impact of these measures will be felt long after this session has adjourned and long after this administration has concluded.

These are bills that demonstrate that government can make a difference.

They constitute a legislative package designed to promote economic progress and simple justice and human dignity.

I recognize that the work you have to complete in the remaining weeks of this session is a responsibility of great proportions and importance to the people of Maine.

I wish you success in the deliberations ahead.

Thank you and good afternoon.