

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Thursday, February 13, 1975

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. John Morgan of Poland.

The journal of yesterday was read and approved.

**Papers from the Senate  
Non-Concurrent Matter**

Joint Order relative to Listing of State Employees and Salaries (H. P. 448) which was read and passed on February 6 in the House.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: The unholy alliance of so-called snoop book supporters sends up the white flag and is looking over to the gentleman from Lewiston, Mr. Jalbert, who can go home this weekend with pride.

I move that we recede and concur.

Thereupon, on motion of Mr. LaPointe of Portland, the House voted to recede and concur.

Bills from the Senate requiring reference were disposed of in concurrence.

**Reports of Committees  
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Appropriating Funds for Replacement Volumes of the Revised Statutes" (S. P. 72) (L. D. 212)

In accordance with Joint Rule 17-A, was placed in the legislative files in concurrence.

**Leave to Withdraw**

Report of the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution Providing for Convening the Legislature on a Day other than New Years Day (S. P. 82) (L. D. 236) reporting Leave to Withdraw.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Divided Report**

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Resolution, Proposing an Amendment to the Constitution Changing the Legislature to a Single Chamber, Unicameral System, with Single Member Districts (S. P. 33) (L. D. 91)

Report was signed by the following members:

Messrs. WYMAN of Washington  
CURTIS of Penobscot

— of the Senate.

Mrs. SNOWE of Auburn  
Messrs. STUBBS of Hallowell  
PELOSI of Portland  
QUINN of Gorham  
LEWIN of Augusta  
CARPENTER of Houlton

— of the House.

Minority Report of same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-5).

Report was signed by the following members:

Mr. GRAHAM of Cumberland  
— of the Senate.

Mrs. KANY of Waterville  
Messrs. WAGNER of Orono  
COONEY of Sabattus  
FARNHAM of Hampden

— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I move acceptance of the "ought to pass" report.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves acceptance of the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, I move that this Resolution and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Talbot, moves that this Resolution and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Men and Women of the House: After yesterday's debate on reducing the size of the House, debate on this bill, with its amendment, is no doubt just an academic exercise, so I would just like to give you one quote.

Benjamin Franklin once said that setting up a two-house legislature was like hitching a horse to each end of a cart and letting them pull in opposite directions.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that this Resolution and all accompanying papers be indefinitely postponed. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. LaPointe of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that this Resolution and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Curran, P.; Curran, R.; Curtis, DeVane, Drigotas, Durgin, Dyer, Fenlason, Finemore, Fraser, Garsoe, Goodwin, K.; Gray, Hall, Henderson, Hennessey, Hewes, Higgins, Hunter, Hutchings, Immonen, Ingegneri, Jalbert, Jensen, Joyce, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairey, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Palmer, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rollins, Saunders,

Shute, Silverman, Smith, Snowe, Sprowl, Strout, Stubbs, Susi, Talbot, Theriault, Torrey, Tozier, Truman, Walker, Webber, Wilfong, Winship, Mr. Speaker.

NAY — Burns, Cooney, Cote, Cox, Davies, Doak, Dow, Farnham, Faucher, Gould, Hobbins, Hughes, Jacques, Kany, LaPointe, MacEachern, MacLeod, Morton, Najarian, Norris, Peakes, Perkins, S.; Snow, Spencer, Twitchell, Usher.

ABSENT — Binnette, Carter, Connolly, Dam, Dudley, Farley, Flanagan, Gauthier, Goodwin, H.; Greenlaw, Hinds, Jackson, Kelleher, Laffin, Leonard, Post, Rolde, Tarr, Teague, Tierney, Tyndale, Wagner.

Yes, 103, No, 26; Absent, 22.

The SPEAKER: One hundred three having voted in the affirmative and twenty-six in the negative, with twenty-two being absent, the motion does prevail.

Sent up for concurrence.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Appropriations and Financial Affairs**

Bill "An Act Appropriating Funds for Southern Maine Vocational-Technical Institute so that the Present Student Enrollment will not have to be Reduced" (H. P. 535) (Presented by Mr. Hinds of So. Portland)

Bill "An Act Providing Compensation for Members of Inland Fisheries and Game Advisory Council" (H. P. 542) (Presented by Mr. Martin of Saint Agatha) (Cosponsor: Mr. Mills of Eastport)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act Relating to the Membership, Terms and Allowable Expenses of the Fish and Game Advisory Council" (H. P. 534) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act Transferring the Institutional Resident Advocate Program of the Department of Mental Health and Corrections to the Human Rights Commission" (H. P. 541) (Presented by Mr. Goodwin of So. Berwick)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act Clarifying Sprinkler System Requirements in Boarding Homes and Existing Places of Assembly" (H. P. 531) (Presented by Mr. Berry of Buxton)

Bill "An Act Relating to Conveyance or Loan of Property to the Cumberland County Recreation Center" (H. P. 540) (Presented by Mr. LaPointe of Portland)

(Ordered Printed)

Sent up for concurrence.

**Liquor Control**

Bill "An Act Relating to the Definition of Restaurant under the Liquor Laws" (H. P. 532) (Presented by Mr. Farnham of Hampden)

(Ordered Printed)

Sent up for concurrence.

**Natural Resources**

Bill "An Act to Reclassify Prestile

Stream" (H. P. 530) (Presented by Mr. Churchill of Orland)

Bill "An Act to Establish the Maine Flood Hazard Area Management Act" (H. P. 536) (Presented by Mr. Stubbs of Hallowell)

(Ordered Printed)  
Sent up for concurrence.

#### Tabled and Assigned

Bill "An Act Relating to the Appointment of Clerks of the Judicial Courts" (H. P. 533) (Presented by Mrs. Najarian of Portland)

The Committee on Reference of Bills suggested the Committee on Performance Audit.

On motion of Mr. Henderson of Bangor, tabled pending reference and specially assigned for Tuesday, February 18.

#### Taxation

Bill "An Act to Amend the Elderly Householders Tax and Rent Refund Act" (H. P. 538) (Presented by Mr. Curran of So. Portland) (Cosponsors: Mr. Bennett of Caribou, Mr. Kennedy of Gray)

Bill "An Act to Repeal An Act Relating to Property Taxation which was Enacted by the 106th Legislature" (H. P. 539) (Presented by Mr. Connors of Franklin)

(Ordered Printed)  
Sent up for concurrence.

#### Orders

Mr. Walker of Island Falls presented the following Joint Order and moved its passage: (H. P. 528)

State of Maine

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-five

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Katahdin High School of Sherman Station Eastern Maine Class C girls' basketball champions for the academic year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Joint Order was read and passed and sent up for concurrence.

Mrs. Berube of Lewiston presented the following Joint Order and moved its passage: (H. P. 529)

WHEREAS, the 106th Legislature has expressed its concern for the conduct of the State's Aid to Families with Dependent Children Program by commencing a study of the program by the Program Review and Evaluation Division of the State Department of Audit, such study still being in its early stages at this date; and

WHEREAS, there is currently before the 107th Legislature proposed legislation that, if enacted, will substantially increase the cost of the program to the State and Federal Government; and

WHEREAS, the subject of Welfare in general and Aid to Families with Dependent Children in particular is extremely complex and interwoven with federal and state laws, regulations, administrative practices and court rulings; and

WHEREAS, it is important to the people of this State that the Aid to Families with Dependent Children Program be conducted with the highest possible degree of economy, efficiency and effectiveness consistent with existing federal laws and regulations and court rulings; and

WHEREAS, it has recently been brought to the attention of the Legislature's Joint Standing Performance Audit Committee that the federal agency of Health, Education and Welfare has available to the states, at no cost and conditioned only upon the joint request of the respective legislatures and governors, a highly skilled, competent and experienced team of experts to review Aid to Families with Dependent Children Programs and make detailed written reports of findings and recommendations; now, therefore, be it

ORDERED, the Senate concurring, that the 107th Legislature join with the Governor of the State in filing a formal request with the U.S. Secretary of Health, Education and Welfare for such complete and thorough study to be made by his representatives of the State of Maine's Aid to Families with Dependent Children Program. It will be further requested that a detailed report of findings and recommendations be made available to both the legislative and executive branches of government; and be it further

ORDERED, that the Joint Standing Performance Audit Committee be directed to act on behalf of the Legislature in aiding the aforementioned study team in their conduct of the review and analyzing the associated findings and recommendations; and be it further

ORDERED, that the Joint Standing Performance Audit Committee be directed to report the results of their analysis of findings and recommendations to the full body of the 107th Legislature at the earliest practical time in the judgment of the committee chairman; and be it further

ORDERED, upon final passage, that suitable copies of this order be forwarded forthwith to the parties named in this order.

The Joint Order was Read and Passed and sent up for concurrence.

Mr. Palmer of Nobleboro presented the following Joint Order and moved its passage: (H. P. 543)

WHEREAS, the Medicaid Program and the Department of Health and Welfare spends \$50,000,000 each year in payment of medical service bills for recipients of welfare assistance; and

WHEREAS, the Department of Health and Welfare has requested additional appropriations to continue certain programs during the remainder of the fiscal year 1975; and

WHEREAS, these programs have incurred obligations which amount to a projected deficit of over \$1,800,000, a deficit which has not been satisfactorily explained to the Legislature; and

WHEREAS, the Legislature needs to know if any of those payments are excessively expensive or wasteful and could therefore be eliminated; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Performance Audit of the 107th Legislature is hereby directed to investigate all aspects relating to the expenditure of funds for these programs and to collect information concerning the extent of the projected deficit and the reasons for its occurrence; and be it further

ORDERED, that the committee report the results of its findings and audit of performance together with any proposed recommendations and necessary implementing legislation as expeditiously as possible to the regular or next special session of the 107th Legislature. H. P. 543

The Joint Order was read and passed, sent up for concurrence.

Mrs. Najarian of Portland presented the following Joint Order and moved its passage: (H. P. 544)

WHEREAS, the office of the Attorney General has rendered a formal opinion on August 13, 1974, to the effect that expenses of Professor Orlando Delogu were lawfully incurred and should be paid by the State; and

WHEREAS, in view of the earlier opinion, that office now cannot effectively defend an action which, among other things, seeks a declaration that the defendant's refusal to make such payments is unlawful; and

WHEREAS, in that opinion, based upon an interpretation of Title 38, section 361, reasonable argument has been made why Professor Delogu's traveling expenses should be paid; now, therefore, be it

ORDERED, the Senate concurring, that the portion of Joint Order H. P. 78, directing the Commissioner of Environmental Protection, the State Controller and the Treasurer of State to withhold payment, be rescinded.

The Joint Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: As you know, some time ago the Majority Leader, Mr. Rolde, presented an order that directed the Commissioner of Environmental Protection, the State Controller and the Treasurer of the State to withhold payment of some \$4,000 in expenses incurred by Professor Orlando Delogu as a member of the Board of Environmental Protection. The order mentioned two specific reasons for withholding payment to Professor Delogu. The first reason was to allow the Legislative Council to seek legislative action to insure that the conditions that led us to the situation could not occur again. The Legislative Council has drafted legislation to this effect, and this hopefully will prevent a similar occurrence in the future.

The other point of the order was to give the present Attorney General the opportunity to review the decision of the former Attorney General, whose opinion stated that the state was obligated to pay these expenses. We have the opinion of Attorney General Brennan in a letter to Senator Speers, Chairman of the Legislative Council. This communication, dated February 4, states:

"We recommend that Mr. Delogu's travel expenses be paid. Mr. Delogu has brought an action to recover the expenses, and if he is successful in collecting the sum, together with attorney's fees, the state might well be required to pay legal fees in excess of Mr. Delogu's travel expenses."

In view of the Attorney General's opinion, Mr. Rolde asked me to offer this order today which rescinds his original order. The legislation will be introduced to correct this loophole in our present statutes.

The SPEAKER: The Chair recognizes



House Amendment "B" (H-19) to House Amendment "A" (H-12) was read by the Clerk and adopted.

House Amendment "A" as amended by House Amendment "B" thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "B" thereto in non concurrence and sent up for concurrence.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act Relating to Compatibility of State Income Tax Law with Federal Law" (S. P. 59) (L. D. 139)

Tabled -- February 11, by Mr. Drigotas of Auburn.

Pending — Passage to be engrossed.

Mr. Drigotas of Auburn offered House Amendment "A" (H-18) and moved its adoption.

House Amendment "A" (H-18) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Mr. Binnette of Old Town presented the following Order and moved its passage:

ORDERED, that C. Everett Dam of Skowhegan be excused the week of February 24 for legislative business.

The Order was received out of order by unanimous consent, read and passed.

The Chair laid before the House the following matter, which was tabled earlier in the day and later today assigned:

Bill "An Act to Require that Minors Between the Age of 16 and 18 Years who Legally Purchase Alcohol be Tried in District Court," (H. P. 128) (L. D. 147)

Tabled — By Mrs. Najarian of Portland

Pending — Motion of Mr. Gauthier of Sanford to accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker and Members of the House: Dealing with young people, as I do, I felt that this was a very good bill. We have many problems with young people, and I felt that this bill, taking them out of juvenile court and putting them in district court, would serve the purpose to discouraging them from continuous buying alcoholic beverages illegally. However, I will go along with the "Ought not to Pass" report.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

#### (Off Record Remarks)

At this point, a message came from the Senate, borne by Senator Speers of Kennebec of that body, proposing a Joint Convention to be held in the hall of the House at 10 a.m. today, for the purpose of extending to His Excellency, Governor James B. Longley an invitation to attend the Convention and make such communication as he may be pleased to make.

Mrs. Najarian of Portland was charged with and conveyed a message to the Senate announcing that the House concurred in the above proposition for a Joint Convention.

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Order: (S. P. 191)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 18, at ten o'clock in the morning.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Mr. Nicholas of the Passamaquoddy Tribe was granted unanimous consent to address the House.

Mr. NICHOLAS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to say that I now know how nervous and how Custer felt when he was surrounded by Indians. Also, at this time I would like to make an apology, because one of the highlights of our times was January 22 when this House approved a special order introduced by the gentlelady from Waterville to seat the representatives to this House.

At the preconference I had stated that you had made me feel welcome. Now you have invited me to your House to speak, and hopefully I will be able to do this with equal justice to my Tribe and with the idea of being level-headed and using every day, good common sense. It is my anticipation, therefore, to act as a liaison and hopefully help those who couldn't quite understand who we really are, hopefully that I can convey through my actions in any way possible who the Passamaquoddy's are. I didn't want to leave here today without conveying the deep gratitude that we have for the 107th Legislature. It is a feather in your hat as well, and if you keep this up, you might end up with both feathers and the chief, and we will let you dance with us.

The thought that I would like to leave is a thought that I have used quite often and tried to live by — so long as we love, we serve. So long as we are loved by others, we are indispensable and no one is useless while he has a friend. Thank you, friends. (Applause)

At this point, Mrs. Najarian of Portland reported that she had delivered the message with which she was charged.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

#### In Convention

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Trotky of Penobscot, it was

ORDERED, that a Committee be appointed to wait upon His Excellency, Governor James B. Longley, and inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communications as he may be pleased to make.

The Chairman appointed:

Senators:

SPEERS of Kennebec  
BERRY of Cumberland  
DANTON of York

Representatives:

CLARK of Freeport  
POST of Owls Head  
GOODWIN of Bath  
POWELL of Wallagrass  
Plantation  
BERRY of Madison

SNOWE of Auburn

CALL of Lewiston

Senator Speers of Kennebec for the Committee subsequently reported that the Committee had attended to the duty assigned to it and that the Governor would attend the Convention forthwith.

Whereupon, Governor James B. Longley entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker and Honorable Members of the 107th Legislature.

I appreciate the opportunity to present my first Legislative Program. The legislative package is very brief but I feel a very positive and constructive one for the future of Maine. It contains only items which I feel are essential to the ongoing operations of State Government and those which I am convinced will improve the State Government without imposing an additional burden on the taxpayers of the State.

I only ask that you give my proposals fair consideration and I pledge to you this will be my posture when your proposals reach my desk. In addition, I will be willing and eager to listen to any suggestions any of you might have regarding the legislation I am presenting.

While Thomas Edison said, "There's a better way to do it, find it. . . ." once again I would state my philosophy of life . . . Don't find fault unless you've got a way to do it better.

Despite the modest package being presented by the Governor's Office, there are many items for this Legislature to consider. I am told the legislators alone will introduce more than 2,000 bills. In addition, our departments of government have submitted many proposals, some of which are not included in the Governor's package. Because we do not specifically endorse a department bill does not mean that we oppose it. We have selected for the Governor's program the items that we feel have particular merit for consideration at this time. However, I will oppose any department spending bill that was not included in the Budget Message I presented this Legislature last week unless they are fully documented and supported and we mutually feel they meet the priority of human needs on which our original budget was promulgated.

I think this session is an opportunity for the Legislative and Executive branches to show the people of Maine and this country that we do not have Government by special interests and that we place the best interest of the State above a party or a special interest.

I also hope that the history of this Legislature and this Governor . . . either with this Legislature or at the very latest the Legislature elected two years hence . . . will find us returning government to the people and government by the people and for the people as drafted and executed by the Governor and the Legislature and not by bureaucrats or advisory boards using departments of government to override the Executive and Legislative intent. (Applause)

#### Constitutional Revisions

The Maine Constitution is a basic, sound document but from time to time, to keep pace with a changing society and the changes needed in our State, this document has to be changed.

Several bills have been introduced this session to abolish the Executive Council. As I have stated previously, I endorse this change. I endorse this change. I am certain this body will give careful consideration to each proposal that has been introduced. If the Council is abolished, this Legislature must decide where to transfer the Council's confirming powers and its duties concerning pardons and paroles.

It is the feeling of the Governor and the current Executive Council that pardons and paroles could best be handled by an independent, experienced board charged with the humanitarian responsibility of recognizing a responsibility for an effort directed more toward rehabilitation than incarceration. I also am confident we can agree on legislation to transfer the confirming powers of the Council on key appointments to another body.

I will introduce legislation to have the Attorney General appointed by the Governor. More and more vital questions of law and more complex dealings with the Federal Government necessitate a close working relationship between the Governor and the Attorney General. We should take a lead from those states in which this practice worked so well. However, in order to provide checks and balances the legislation that I will recommend will include a provision that would authorize the Attorney General to take action against a Governor by a vote of the Legislature.

I said in my Inaugural Address that I would introduce legislation to make the Office of Secretary of State elective and to have that person be first in line of succession should a Governor leave office before his term is concluded. However, I have learned much since my inauguration. I have had an intense short course in State Government and now feel that adding further statewide elective offices within the Executive Branch would further dilute the already limited powers and authority of the Governor of Maine. I would not want to impose this situation on future Governors. The job is difficult enough as it is. As I had previously been told by experts in State Government that the Governor of Maine has an almost impossible job as he does not have the authority to accompany the heavy responsibility he carries. As a matter-of-fact, I have been told and the facts appear to support that the Governor of Maine ranks either 50th or at least close to the bottom based on the authority he has. There has been no short course in experience and my experience now supports that unfortunate conclusion. Therefore, I would not want to introduce legislation that might directly or indirectly further weaken the authority of a future Governor of Maine.

I think there is a great need for a smoother transition of State Government when we have a change of administrations. There are several areas which should be studied by this Legislature.

One effective change would be to have a new administration and a new Legislature sworn in together. The joint body could assemble for the Inaugural Address. The Legislature could elect the constitutional officers, the leadership spokesmen and then assign committee chairmen. Then the Legislature could adjourn for a month. This would give the new Governor, the new Legislature and the newly appointed department heads a full month to organize

the basic logistics of the operations of State Government.

The Legislature should also consider giving the incoming Governor additional time to submit his budget, possibly until March 1st. Also, to strengthen the co-terminous provisions already in the statutes regarding gubernatorial appointments, the Legislature should consider giving the Governor the right to remove those persons he appoints. I feel strongly this right should be afforded a Governor who is elected by all the people and who is responsible for the actions of those he appoints.

I am asking the Appropriations Committee to review our entire budget process and make recommendations for desirable changes, including annual sessions and giving the Governor-elect additional time to submit his budget.

#### Education

I believe one of the greatest needs of education in Maine is long-range planning and a complete examination of our goals and priorities within our University System.

To help start the State in this direction, I will ask this Legislature to approve creation of the Maine Commission on Higher Education. This commission was approved by the 106th Legislature but vetoed by the Governor. In the meantime, I plan to create, by executive order, the Governor's Advisory Committee on the University. Because of what I feel is a great need for a fresh start in our University System, I will ask the Board of Trustees of the University of Maine to submit letters of resignation to this Committee. I will ask the Committee, in turn, to submit to the Governor a slate of nominees to reconstitute this Board. I will post the names given me by the Committee, whether they be new ones or persons presently serving. I told the people of Maine I would do this and I think they expect it.

I hope the present Board of Trustees will volunteer to take this step, and I feel they should and will do so, if its members have the interest of the University at heart. I feel it is a necessary step if we are to make the University more accountable to the taxpayers and the students and if we are to accomplish the fresh start that is needed and expected by the people of Maine.

Many might feel strongly about the present board of trustees, as well about the Governor and our inter-relationships. I am not questioning the present board of trustees individually or personally and nobody feels any more strongly in favor of the University than I do but we are polls apart about the University and the students we must serve. Therefore, I am willing to step aside as Governor in restructuring and restructuring the board of trustees and future appointments to the board of trustees.

I am so appreciative that some of Maine's most outstanding citizens, with deep feelings for the university as well as the State of Maine, have already committed and are willing to allow the Governor to step aside and avoid any possibility of having the Governor accused of handpicking a board of trustees currently or in the future. This is the reason in good conscience I made the commitment previously as a candidate for Governor, that I thought it was in the best interest of the University trustees to be willing to resign, and that is why I am keeping this campaign commitment,

because I feel even more strongly after our budget deliberation and questions that people other than your Governor and your present board of trustees would be in a fairer and more objective position to determine the proper blend of responsibility and talent and experience to help the University in these difficult days and also to better serve the students of the University in future days.

I hope and pray the trustees are as willing to step aside as your Governor is going to step aside to the extent that he is asking an impartial board to select a list of future board of trustees from whom the Governor, with the Executive Council approval, will make the final selection.

#### Economic Development

In the area of economic development, I propose emergency legislation to restructure the Department of Commerce and Industry, and reorganize its functions, as has been suggested by past Governors and legislative spokesmen. The marketing and development functions of D.C.I. would be placed under the direction of the Governor, who is in an excellent position to pursue the contacts and develop the marketing approach and bring jobs to Maine and help, not only the unemployed but the underemployed from the standpoint, higher paying opportunities and a higher opportunity and potential for a higher quality of life. (Applause) This State Development Office would be the action arm of industrial development. This would focus on our targets in the marketplace and accelerate our day-to-day salesmanship, with the Governor providing the incentive for the promotional and marketing activities.

The planning and research functions of D.C.I. would be transferred to the State Planning Office to more effectively concentrate our priorities as we look toward the year 2000. Along with these changes, I see the Governor's Energy Advisor working in the State Planning Office to insure the fullest utilization of our researching marketing efforts. Maine has immense year-round attractions. Besides our already established winter recreational activities, we can re-emphasize our coastal assets for recreational sailing and boating and give more and more of our coastal recreational capacities back to the people of Maine. We have tourism potential yet untapped. We need foresight. We need concerted effort.

#### Consumerism

I support the movement in this country to open up the processes of government to public scrutiny. To this end, I urge your swift approval of legislation which would prohibit public rule-making bodies, in all but the most necessary instances, from holding sessions which are closed to the public.

In addition, I intend to introduce a comprehensive political reform bill. The intent of this legislation is to clarify existing laws relating to campaign contributions, mandate the filing of more meaningful periodic campaign financial statements, and require detailed financial disclosure and reporting from political lobbyists. In the area of lobbying, I feel we should stop playing with the intent of existing laws and that there should be strict and accurate reporting in this area. Those persons who lobby for a special interest should reveal all sources of income and all related companies or groups. They also should reveal any amounts paid to entertain elected or



appointed state officials, whether it be in the form of a gift or a meal. Violations of this proposed act would carry heavy fines and the willful violation could result in prison terms.

In the area of campaign disclosure and reporting, I feel strongly that any candidate for public office should disclose the names of any municipal, county, state or federal employee paid directly or indirectly to work in a campaign. The taxpayers should not be subsidizing political campaigns.

In any event, the public has the right to know whether or not taxpayer dollars are being used directly or indirectly to perpetuate political office holders or parties, or even worse, political dynasties.

I also believe we should have a consumer member on all boards and commissions. I favor the creation of an Office of Citizen Assistance, functioning out of the Governor's Office. The office would be a consumer-advocate coordinator for State governmental agencies, departments and commissions. This office would provide instant attention to citizen distress. Also, this would simplify the process whereby a citizen can get permits for individual projects. If a citizen needs five permits for a project, the citizen should not have to consume time and effort running around to five separate offices. The citizen should be able to obtain the applications from one central office, which will also distribute the completed forms from that point to the various agencies concerned. The processed forms could be returned to that central office and returned back to the citizen at a specified time.

One major function of State Government is the regulation of business organizations, professions and trades whose activities are related to the public interest. Our responsibility is to safeguard vital industries as well as protect consumers from possible fraud and incompetence. Until the Department of Business Regulation was created in 1973, these dozens or so industries and professions were regulated by independent agencies and boards. The 1973 re-organization brought banking, insurance, real estate, and boxing under a single administrative office. Other regulatory and licensing boards should also be placed within this department to eliminate unnecessary duplication and achieve comparable economies in their operation.

I will submit legislation which would create a single Professional and Occupational Licensing Bureau within the Department of Business Regulation. This bureau would consist of the thirty-odd existing examining and certifying boards who would retain their policy making, examination, and regulation activities. However, the bureau would have responsibility for evaluating the management effectiveness of these boards and establish standards for effective licensing, reporting and financing procedures. As with other commissions, I am recommending that a public member be appointed to each of these boards to help make them accountable to the public as well as to their respective professions and industries.

I favor the act to revise the laws relating to financial institutions. After two years of examining Maine's banking statutes, the 26-man Banking Study Advisory Committee recommended revisions to help insure that Maine's financial institutions are effectively and fairly

servicing the needs of Maine people on equitable and sufficient terms. The new statutes would encourage an orderly and reasonable development of the State's financial institutions over the next ten years.

I am proposing the enactment of a law limiting the utility companies' practice of demanding customer deposits without affirmative proof that a customer is likely to be a credit risk or to damage the property of the utility. This is an exorbitant penalty to expect the average consumer to absorb. (Applause)

In addition, I recommended the passage of a bill to limit the fuel adjustment clauses that are increasing the financial burden of consumers. This legislation will allow the Public Utilities Commission to require precise information regarding the source, amount and prices of the fuel whose costs have changed. (Applause)

I am including in my program a bill requiring charitable organizations soliciting public contributions in this State to file a financial breakdown with the Bureau of Consumer Protection in the Department of Business Regulation. This accounting will insure that charitable organizations are complying with the Solicitation of Charitable Funds Act, intended to assure that the monies collected reach those in need.

#### Human Services

The needs of our elderly citizens must be a priority with all of us. To the greatest extent possible, we attempted to address this priority in our Budget Message. However, much remains to be done. I feel that in the months ahead we must examine every avenue possible to make certain that needed medicines and pharmaceuticals are provided without charge to our elderly citizens who cannot afford them. My office will be looking into this matter and I would appreciate any suggestions and recommendations from members of this body.

Proposed legislation to translate into law the recommendations of the Study Committee on Corrections has been submitted for your consideration. These measures deserve your careful scrutiny to modernize our system of corrections. I am vitally interested in guaranteeing that a meaningful system of rehabilitation for offenders is implemented.

I am submitting for your consideration, legislation that will bring Maine laws into conformity with the 14th Amendment of the U.S. Constitution, the United States Civil Rights Act and the Maine Human Rights Act. A survey of Maine laws was undertaken last year resulting in this legislation which amends and deletes unlawful distinctions based on a person's sex.

And while we are on the subject of responsiveness to human need, let us put a more explicit label on the Department of Health and Welfare. Let us call it the Department of Human Services, so we can begin eliminating the word welfare from our vocabulary. I will introduce legislation to make this change.

#### Improving Governmental Operations

The Legislature in the last session, in partial response to a recommendation of the Maine Management and Cost Survey, advanced the yearly collection date of the gross receipts tax on telephone and telegraph companies from June 30th to March 31st. This could produce an additional annual income of hundreds of thousands of dollars. I now ask you to complete the implementation of this

recommendation by requiring monthly collection of such taxes.

In addition to providing this additional income to the State of Maine and benefitting taxpayers, this says to the insurance companies and utilities: pay us the money that belongs to us as soon as you expect your customers to pay you the money they owe you. This is an unfortunate example I feel of how special interests have operated on money that belongs to the State and has added an unfair burden to the taxpayers and citizens of Maine. I am now calling on these special interests to practice what they preach to the extent they maintain money should be paid them when due and that they do not in fact recognize and accept their humanitarian and corporate social responsibilities.

To answer the demands of Equal Opportunity, Affirmative Action, the Fair Labor Standards Act, federal standards for State Personnel Systems and the extension of collective bargaining rights to state employees, I urge your serious consideration of the proposed legislative changes and study of the State Personnel System recommended by the Committee on State Government in their report on the "Necessary Evolution of the State Personnel System". Additionally, I will submit legislation to reorganize the Department of Personnel providing for appointment of the director by the Governor, and the appointment of a three-member Personnel Advisory Board. This board would not represent either employees or the State, but be comprised of individuals with experience and demonstrated expertise in personnel management. This board would review the State's personnel policies and administration and make recommendations to the Governor. The Director of Personnel would be responsible for the development and maintenance of a modern, civil service system and formulation of policies and procedures for over-all personnel administration, including such services as recruitment, testing, orientation and in-service training.

I am introducing legislation to allow a bureau chief in the Department of Business Regulation to serve simultaneously as the Commissioner of that Department. This change could result in an annual savings of at least \$24,000 and based on the historical buildup in government of office staff and expense this could save as much as \$100,000 a year.

Time has come to reorganize the Department of Manpower Affairs to clarify administrative direction. The Commissioner should have full responsibility for the administrative function of the Employment Security Program. On a part-time basis, the Commissioners would be continued, to carry out appeal and policy functions. There would be some monetary savings resulting from this improved change in management. To further strengthen our Department of Manpower Affairs during this period of high unemployment, I have assigned the planning and grants administration activities of the Comprehensive Employment Training Act to the Department.

I am including legislation proposed by the Department of Environmental Protection to amend the Site Location of Development Act. In addition to clarifying the existing statutes, this bill will allow the Board of Environmental Protection to



solicit and receive testimony in regard to the economic influence of a project on the well-being of the citizens of the State of Maine. (Applause)

#### Conclusion

My Legislative and Budget Programs do not include all the things I would like to see done for the people of Maine. However, it represents the key steps I feel the Governor and Legislature can take at this time, considering the funds that are available.

I had planned to ask this Legislature to reduce the Governor's salary for the present term from \$35,000 to \$20,000. However, I am informed that the Governor's salary legally cannot be raised or lowered during his term. Therefore, I will continue to do as I said I would and return to the Treasurer \$15,000 of the salary or do whatever is legal in order to make certain it is returned directly or indirectly.

As I said in my Inaugural Address, I pledge this Legislature my full cooperation for any measure that is designed to help the people of Maine. However, I have to renew my request for the Legislature to avoid new spending programs unless an old program can be eliminated.

These have not only been difficult days for your Governor but some very discouraging days for your Governor. However, once again I am reminded of a great philosophy from a great lady who said, "When you were discouraged it was attributed to one of three things: One, you thought you were better than you were; two, you overestimated people and three, you underestimated people," and this is a particularly meaningful challenge to me these days. But once again, I pledge this Legislature, elected by the people of Maine and in whom the people in Maine have placed faith, trust, and confidence to be fair to an Independent Governor elected by the people of Maine.

I want to say again that the responsibility to cooperate and coordinate with a separate but equal branch of government elected by the people as well is responsibility primarily of your Governor. I pledge my very best efforts in this mutual endeavor and I heard Representative Nicholas say so well and so appropriately, "so long as we love, we serve." To quote another person, that also had some very discouraging days, Abraham Lincoln, "let us have faith that right makes might" and in that faith do our duty.

Thank you very much.

At the conclusion of the Governor's address, the Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers, amid applause of the House, the members rising.

#### In the House

The House was called to order by the Speaker.

On motion of Mr. DeVane of Ellsworth, Adjourned until Tuesday, February 18, 1975 at ten o'clock in the morning.