

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**January 3, 1979 to May 4, 1979**

## HOUSE

Thursday, February 8, 1979

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

Prayer by Father Jim Michaud of St. Augustine's Catholic Church, Augusta.

Father MICHAUD: We pray. Heavenly Father, you who unconditionally love your children, inspire our State Representatives and State leaders this day. May their deeds, thoughts, words and decisions be in harmony with the compassion and with the love you have for the citizens of the State of Maine they humbly serve. We ask this of Christ, Our Lord. Amen.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Madison, Mr. Elias, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Elias of Madison assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

The journal of yesterday was read and approved.

## Papers from the Senate

A Joint Resolution in memory of Harold "Tubby" Collier, a prominent citizen of Bar Harbor. (S. P. 176)

Came from the Senate read and adopted.

In the House, was read and adopted in concurrence.

Bill "An Act Concerning the Accountancy Statutes" (S. P. 175) (L. D. 367)

Bill "An Act Concerning the Maine Property Insurance Cancellation Control Act to Make Nonpayment to an Agent Equivalent to Nonpayment to the Insurer" (S. P. 171) (L. D. 371)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, were referred to the Committee on Business Legislation in concurrence.

Bill "An Act Relating to Plumbing Inspectors" (S. P. 153) (L. D. 369)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Encourage Retraining of Handicapped Workers" (S. P. 164) (L. D. 368)

Came from the Senate referred to the Committee on Labor and ordered printed.

In the House, was referred to the Committee on Labor in concurrence.

Bill "An Act to Increase the Term of Special Licenses under the Marine Resources Law" (S. P. 169) (L. D. 370)

Came from the Senate referred to the Committee on Marine Resources and ordered printed.

In the House, was referred to the Committee on Marine Resources in concurrence.

## Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Permit Privately Owned Snowplows to Keep Warning Lights on When on the Highways as well as Private Property" (S. P. 52) (L. D. 77)

Report was signed by the following members:

Mr. O'LEARY of Oxford

— of the Senate.

Messrs. McKEAN of Limestone  
STROUT of Corinth

Mrs. HUTCHINGS of Lincolnville

Messrs: ELIAS of Madison  
McPHERSON of Eliot  
LOUGEE of Island Falls  
BROWN of Mexico

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs: USHER of Cumberland  
EMERSON of Penobscot

— of the Senate.

Messrs. CARROLL of Limerick  
JACQUES of Lewiston  
HUNTER of Benton

— of the House.

Came from the Senate with the bill and accompanying papers indefinitely postponed.

In the House: Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I move we accept the Minority "Ought Not to Pass" Report.

The SPEAKER pro tem: The gentleman from Limerick, Mr. Carroll, moves that the House accept the Minority, "Ought Not to Pass" Report.

The gentleman may proceed.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: The great problem today is that everybody wants to have lights on their vehicles. You have got your red lights, you have got your ambulance units with red lights, you have got your blue domes running around, and every constable in the country wants a blue dome on his vehicle, and now we have everybody that has got a little snow plow, he wants an orange light on his vehicle going down the road and flashing. I am certainly convinced that if we give this privilege to everybody, people are not going to pay attention to a flashing amber light or orange light. Therefore, when they go down the road and they do meet a big state plow or a big town plow, something that takes more than eight feet and is a cumbersome vehicle to manage, they are not going to be alert; therefore, they are very apt to have a serious accident.

So, it was for that reason and that reason alone that I felt we should be very careful who this privilege is given to and we should reserve it for the big vehicles on the highways that we have to have to plow the state roads and town roads, and that is the reason I signed the Minority "Ought Not to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I signed the Majority "Ought to Pass" Report, and I would like to give you a few reasons why I did sign it.

I can speak from some personal experiences, because I did have a snow plow. It was a small one, it was a three-quarter ton truck. Some of you who were here during the 108th probably saw the truck. It was a big, old green truck. I plowed for three years with that particular vehicle. I found that backing in and out of driveways was no problem; this was easy because you were always on the alert and you notice traffic coming to and from. So even with the yellow light on, you were more alert . . . . .

The SPEAKER pro tem: Would the gentleman kindly defer for a moment that I might recognize the Majority Floor Leader from the Senate. At this point, a message was received from the Senate, borne by Senator Katz of Kennebec of that body, proposing a Joint Convention of both branches in the Hall of the House for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and to make such com-

munication as he may wish.

Thereupon, the House voted to concur in the proposal for a Joint Convention and the Chair appointed the gentleman from Lisbon Falls, Mr. Tierney, to convey a message to the Senate to that effect.

Subsequently, Mr. Tierney reported that he had delivered the message with which he was charged.

The SPEAKER pro tem: The Chair recognizes the gentleman from Limestone, Mr. McKean, who may proceed.

Mr. McKEAN: The problem I had, as I said before, it was running back and forth from one place to another while I was plowing on the public ways. People who were passing my particular vehicle did not know that I had a plow in front of it because I had no way of warning them. They would oftentimes cut in very close to the front edge of my plow. This could cause me to veer to the right, which I did a number of times. The plow blade would stick into the snow on the right-hand bank and would cause the rear end of my vehicle to swing out into the middle of the road. This was quite a frequent occurrence and it happens to a lot of your smaller vehicles with plows on them.

Oncoming drivers was another problem. A lot of times your oncoming drivers would stick close to the middle of the road. In the evenings or at nighttime, they did not know that there was a plow-type vehicle, and that plow sticks out a little further than the actual side of the vehicle itself. When their lights picked up the plow and they could see the plow, they would veer to the right. Well, you can imagine what this does when you have an icy or snowy road. It is slick and it causes them to oftentimes fish-tail or lose control of the automobile and this can also cause an accident.

When you are riding on a highway with a plow on the front of your vehicle, you are nervous, you are quite nervous, and you stay that way. It is not that you don't trust yourself; you don't trust the guy in the other vehicle, and that plow makes it just twice as difficult for you. On our narrow roads when we have a lot of snow and your plow has banked the snow up very steep, you have to stick as close to the side of the road as you can, and people don't know you have a plow on until it is too late.

This yellow or amber light would give them sufficient warning so they wouldn't see it at the last minute and they wouldn't do these things that can cause accidents.

Those of you who noticed my vehicle, it had a crumpled fender on the back of it. This is exactly what happens. An oncoming driver got too close to me. He had plenty of room, but he didn't know I had a plow on there. It was late in the evening. I had to veer to the right, my plow stuck in the snow and the rear end of the vehicle came out and he hit it. Somebody could have been very seriously injured.

I would hope that you would defeat the motion to accept the minority report and in the interest of safety, let's accept the majority report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the gentleman from Limestone, Mr. McKean, and I would ask all of you to read L. D. 77 and see what changes we are asking for. What it says in the bill is that such lighting shall only be in use on a public way. The present law says, "when entering in or upon such public ways in the course of plowing private driveways and other off-highway locations." All we are doing is deleting "entering in or upon such public ways in the course of plowing," and replacing it with "while the vehicle is plowing private driveways connected with the public way."

I think there have been some discrepancies in the law, and it is my understanding that at the present time the law says you may use this

amber light. I think in the interest of providing safety, this little change would be a great addition to those people with small plows across the state.

I know one of the arguments is that the Department of Transportation feels this is going to create a problem, to have amber lights conflicting with the state highway trucks. I don't think this is accurate. I think it is going to be of benefit as far as safety, and I would urge you to vote against the indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I would like to respond to my two fellow men of my committee in this manner. I pose a question to either one of them if they so care to answer. How many pickup trucks and small vehicles do we have throughout this state with snow plows on them? You are going to have the highways looking like Christmas trees at Christmastime.

The SPEAKER pro tem: The gentleman from Limerick, Mr. Carroll, has posed a question through the Chair to either the gentleman from Limestone or Corinth.

The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I think Christmas trees are real pretty. In the interest of safety, I would enjoy a Christmas tree, and I request a division.

The SPEAKER pro tem: The chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support my good friend and our good friend, Representative Carroll. Since I have been up here, he has always championed the cause of the little guy out there.

My sympathies go to the man from Limestone. I don't want to do anything to discourage him going out and playing with his plow on his 40 acres. When you drive that pickup truck down through my city, through my county, and it is in front of a house plowing a driveway, and I think at times we have more pickup trucks with plows than we do vans and automobiles, and when we pass those ambulances going to the Maine Medical Center, the Osteopathic Hospital and Mercy Hospital, people are confused with flashing lights. How well you can understand when you drive through the city and during a snowstorm come to a flashing yellow light. Many motorists feel that they must stop at flashing yellow lights. Many motorists feel that they must stop at flashing red lights and never move forward. This bill would only add to the confusion.

I feel we could move forward today and stand up and support the motion of "Ought Not to Pass," because I have yet to know the person in this House who has ever been misled by our Representative Carroll.

The SPEAKER pro tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would ask a question that someone in this body might be able to answer. You may have seen in the paper the other day where the Department of Transportation is going to cut back on the snow plowing in the state. It has also been a thought of the department that they might use pickups to remove some of the snow on the access ways to save on gasoline consumption. I would ask you, if the state should use some of these pickups with the amber lights, what is the difference having a private individual using these lights for safety or the Department of Transportation?

The SPEAKER pro tem: The gentleman from Corinth, Mr. Strout, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker and Members

of the House: It is my understanding that the pickup trucks of the State Highway Department were not going to be equipped with plows but were going to be equipped with small sanding units, so the people who are out on the midnight patrols, we call them, the rural road patrols and the night patrols in storms, when they come to a bad hill, they can sand it and save calling out a big truck. This is what we call an economy measure.

I do not recall, although I may not have been alert at the time, that they were going to equip these with snowplows.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted in non-concurrence. The Bill was read once and assigned for second reading tomorrow.

#### Messages and Documents

The following Communication: (S. P. 163)  
January 15, 1979

Senator Barbara A. Gill  
Senate Chairperson  
Representative Sandra Prescott  
House Chairperson  
Joint Standing Committee on  
Health and Institutional Services  
State House  
Augusta, Maine 04333

Dear Senator Gill, Representative Prescott, and members of the Committee:

§ 2147, Chapter 464, P.L. 1977 as enacted by the 108th Maine Legislature requires the Bureau of Mental Retardation of the Department of Mental Health and Corrections, to prepare a plan which "indicates the most effective and efficient manner in which to implement services for mentally retarded persons while safeguarding and respecting the legal and human rights of these persons."

The Statute further requires that such plan must be prepared biennially and submitted to your Committee no later than January 15th of every odd-numbered year.

I am submitting this letter and three attached documents in fulfillment of the above statutory requirement.

The first attachment is a report divided into four subsections for review of the Committee. The four subsections include: 1) Key Legislative Developments During the Past 18 months, 2) Plan for Provisions of Services 1979-1980, including Legislative Proposals, 3) Plan for Pineland Center, 1979-80, and 4) Issues Which May Require Attention by the 109th Legislature.

The second and third attachments are Appendix "A" and Appendix "B" respectively, of the Pineland Consent Decree which was signed by all parties and entered by the Federal Court effective July 14, 1978. Since these Appendices are extremely specific in the delineation of requirements placed on the State of Maine, and since both services at Pineland and throughout Maine are covered by this Consent Judgment, these Appendices reflect the major plans and direction for services to Maine's retarded over this Biennium. The Consent Decree incorporates as well the language and goals of 34 MRSA Chapter 186-A and 34 MRSA Chapter Pt. 4-A Chapter 221 ff. Which were enacted by the 108th Maine Legislature.

A related, and important part of this plan will be the budget request authorized by the Governor in the coming weeks which shall be necessary to continue to provide needed care and services to Maine's mentally retarded persons.

Respectfully submitted,  
S/KEVIN W. CONCANNON  
Director  
Bureau of Mental Retardation

S/GEORGE A. ZITNAY  
Acting Commissioner  
Department of Mental Health and Corrections  
Came from the Senate, read and with accompanying papers ordered placed on file.

In the House, was read and with accompanying papers ordered placed on file in concurrence.

The following Communication:  
State of Maine  
EXECUTIVE DEPARTMENT  
State Planning Office  
184 State Street, Augusta

February 6, 1979

Ed Pert  
Clerk of the House  
State House  
Augusta, Maine 04333  
Dear Mr. Pert:

The accompanying report is submitted pursuant to Chapter 580 of the Public Laws of 1977 ("An Act to Prohibit the Practice of a Mandatory Retirement Age") which directed the State Planning Office, in conjunction with the Committee on Aging, to study and evaluate procedures for an orderly phase-in of a prohibition of mandatory retirement ages in the private sector.

Sincerely,  
(Signed) ALLEN PEASE, Director  
State Planning Office

The Communication was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 360)  
MAINE CRIMINAL JUSTICE ACADEMY  
Department of Public Safety  
93 Silver Street, Waterville

TO: President of the Senate, the Speaker of the House and the members of the 109th Legislature of the State of Maine

SUBJECT: Employee Turnover in the State Corrections Institutions

Pursuant to L.D. 2104, sec. 10 we are enclosing a report on Employee Turnover as mandated by the 108th Legislature.

High personnel turnover among line staff Corrections personnel has been a chronic personnel problem. This has had obvious implications for the effectiveness of the corrections institutions.

These personnel turnovers, i.e. retired, released and quit, have other adverse effects upon personnel cost and performance. They necessarily increase the cost associated with recruitment and training, and they are an obvious symptom of low personnel morale.

In the analysis of the information it seems that both economic factors such as pay, and working conditions such as lack of staff and tension of overcrowding contribute to the high personnel turnover.

The recommendations reflect this analysis by proposing review of the job benefits, selection standards and training, and guidelines for the proper use of authority by the line officer.

Additional insights were obtained from the related comments of the respondents to the questionnaire concerning aspects of their job. These comments were considered and are reflected in the recommendations.

S/OTIS N. LaBREE  
Chairman, Board of Trustees  
Maine Criminal Justice Academy

The Communication was read and with accompanying report ordered placed on file and sent up for concurrence.

#### Petitions, Bills and Resolves Requiring Reference

The following Bills were received and referred to the following Committees:

**Aging, Retirement and Veterans**

Bill "An Act to Limit Additional Retirement Benefits under the Maine State Retirement System" (H. P. 331) (Presented by Mr. Morton of Farmington)  
(Ordered Printed)  
Sent up for concurrence.

**Business Legislation**

Bill "An Act Relating to Lending Institutions and Selection of Title Attorneys" (H. P. 332) (Presented by Mr. Higgins of Scarborough)

Bill "An Act Concerning Notice of Right to Cure Defaults under the Consumer Credit Code" (H. P. 333) (Presented by Mr. Howe of South Portland)

Bill "An Act to Clarify Certain Provisions of the Banking Laws Relating to Savings Banks" (H. P. 334) (Presented by Mr. Howe of South Portland)

Bill "An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code" (Emergency) (H. P. 335) (Presented by Mrs. Wentworth of Wells) (Cosponsor: Mrs. Prescott of Hampden)  
(Ordered Printed)  
Sent up for concurrence.

**Joint Selection Committee on Correctional Institutions**

Bill "An Act to Create Incentives to Improve County Jails and the Correctional Systems" (H. P. 336) (Presented by Mrs. Kany of Waterville) (Cosponsors: Ms. Lund of Augusta, Mrs. Prescott of Hampden, and Mr. Drinkwater of Belfast)  
(Ordered Printed)  
Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act Relating to the Fiscal Year of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties" (Emergency) (H. P. 337) (Presented by Mrs. Locke of Sebec)

Bill "An Act to Increase the Size of the Human Services Fraud Investigation Unit" (H. P. 338) (Presented by Mrs. Prescott of Hampden and Mr. Theriault of Rumford)  
(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Compensate Police Officers for Testifying During Off Hours" (H. P. 339) (Presented by Mr. Rolde of York)  
(Ordered Printed)  
Sent up for concurrence.

**Labor**

Bill "An Act to Clarify the Municipal Public Employees Labor Relations Law" (H. P. 340) (Presented by Mr. Bowden of Brooklin)

Bill "An Act to Revise the State Employee Labor Relations Act" (H. P. 341) (Presented by Mr. Rolde of York)

Bill "An Act to Narrow the Exemption Allowing Certain Persons to Voluntarily Leave their Job and Still Qualify for Unemployment Benefits" (H. P. 342) (Presented by Mr. McKean of Limestone)

Bill "An Act to Extend the Time in which Appeals from Deputies' Decisions may be Taken in Unemployment Compensation Cases" (H. P. 343) (Presented by Mr. Boudreau of Waterville)

Bill "An Act to Amend the Labor Law in Relation to Items to be Furnished Employees by Railroad Corporations with Every Payment of Wages" (H. P. 344) (Presented by Mr. Jacques of Waterville) (Cosponsors: Mr. Gwadosky of Fairfield and Mr. Boudreau of Waterville)

Bill "An Act to Allow Prorated Benefits for Times When a Person is Available for Work but Cannot Work for Important Personal Reasons" (H. P. 345) (Presented by Mr. Bowden of Brooklin)

Bill "An Act to Extend Collective Bargaining Rights to Deputy Sheriffs" (H. P. 346) (Presented by Mr. Rolde of York) (Cosponsor: Mr. Gould of Old Town)

Bill "An Act to Clarify the State Employees Labor Relations Law" (H. P. 347) (Presented by Mr. Bowden of Brooklin)  
(Ordered Printed)  
Sent up for concurrence.

**Local and County Government**

Bill "An Act to Increase Recording Fees for the Registry of Deeds" (H. P. 348) (Presented by Mr. Dow of West Gardiner)  
(Ordered Printed)  
Sent up for concurrence.

**Marine Resources**

Bill "An Act to Establish a Mandatory One-year License Suspension for a Second Violation of a Municipal Shellfish Conservation Ordinance" (H. P. 349) (Presented by Mr. Bowden of Brooklin) (Cosponsor: Mr. Jackson of Yarmouth)  
(Ordered Printed)  
Sent up for concurrence.

**Public Utilities**

Bill, "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission" (H. P. 350) (Presented by Mr. Kelleher of Bangor)

Bill "An Act Concerning Residential Utility Consumer Action Groups" (H. P. 351) (Presented by Mr. Wood of Sanford)  
(Ordered Printed)  
Sent up for concurrence.

**State Government**

Bill "An Act to Place Responsibility for Preparation and Implementation of Emergency Evacuation Plans in the Bureau of Civil Emergency Preparedness" (H. P. 352) (Presented by Mr. Boudreau of Waterville)

Bill "An Act Creating the Bureau of Records Management Services within the Department of Finance and Administration" (H. P. 353) (Presented by Mrs. Bachrach of Brunswick)

Bill "An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing" (H. P. 354) (Presented by Mr. Brannigan of Portland)

Bill "An Act to Reorganize the Department of Defense and Veterans Services within the Office of the Governor" (H. P. 355) (Presented by Mr. Drinkwater of Belfast)  
(Ordered Printed)  
Sent up for concurrence

**Taxation**

Bill "An Act to Exempt Historical Societies and Museums from State Sales Tax" (H. P. 356) (Presented by Miss Brown of Bethel)

Bill "An Act to Exempt Purchased Meals for the Elderly Meals Program from the State Sales and Use Tax" (H. P. 357) (Presented by Mr. Brennerman of Portland) (Cosponsors: Mrs. MacBride of Presque Isle, Mr. Diamond of Windham, and Mr. Gillis of Calais)

Bill "An Act Relating to Exempting from the Maine Sales and Use Tax Fuel Used for the Generation of Electricity" (H. P. 358) (Presented by Mr. Conary of Oakland)  
(Ordered Printed)

Sent up for concurrence.

**Transportation**

Bill "An Act to Require Slow-moving Vehicles to Display Slow-moving Vehicle Emblems while Operating on Maine's Highways" (H. P. 359) (Presented by Mr. Torrey of Poland)  
(Ordered Printed)

Sent up for concurrence.

**Orders**

On motion of Mr. Cox of Brewer, it was ORDERED, That representative Louis Jalbert of Lewiston be excused Wednesday, Feb-

ruary 7, 1979 for duration of his illness;

AND BE IT FURTHER ORDERED, that Representative Paul Boudreau of Waterville be excused Friday, February 9, 1979 for personal reasons;

AND BE IT FURTHER ORDERED, that Representative Swift Tarbell of Bangor be excused Wednesday, February 7, 1979 for legislative business.

**House Reports of Committees Divided Report**

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Provide for Review of Nominations to the Workers' Compensation Commission by the Joint Standing Committee on Labor" (H. P. 111) (L. D. 115)

Report was signed by the following members:

Messrs: SUTTON of Oxford  
AULT of Kennebec — of the Senate.  
Mr. LANCASTER of Kittery  
Mrs. KANY of Waterville  
Messrs: BARRY of Fort Kent  
CONARY of Oakland  
Mrs. DAMREN of Belgrade  
Ms. LUND of Augusta  
Mrs. MASTERTON of Cape Elizabeth — of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Mr. MARTIN of Aroostook — of the Senate.  
Mrs. BACHRACH of Brunswick  
Mr. PARADIS of Augusta  
Mrs. REEVES of Pittston — of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I move acceptance of the Majority "Ought Not to Pass" Report.

Whereupon, Mr. Davies of Orono requested a division.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: Several points have come to light since the hearing on this bill which I think will convince you to follow the minority report. I would like to explain why the bill ought to pass and why it would be proper for the legislature to transfer the confirmation hearings to the Labor Committee from the Judiciary Committee on the Workmen's Compensation Commissioners.

Lawyers at the hearing argued that because the commissioners were lawyers, the only proper and suitable place for them to be considered is the Judiciary Committee, not the Labor Committee. But I would like to read to you from the Maine State Government Annual Report, Page 283.

"The purpose and objectives of the Workers' Compensation Commission are to safeguard the interest of injured workers in the State of Maine through efficient administration of the Workers' Compensation Act and Occupational Disease Law. The Commission is responsible for general administration of the Workers' Compensation Act and the Occupational Dis-

ease Law."

So if the function of these commissioners are judicial or administrative, it is administrative. The commissioners administer labor law which comes from the Labor Committee, not the Judiciary Committee, and the commission is concerned with the welfare and protection of Maine workers, and this is the exact jurisdiction of the Labor Committee, not the Judiciary Committee.

Also, the Public Utilities Commissioners, who have a quasi-judicial function and hold courtlike hearings, are confirmed by the Public Utilities Committee, because this committee has the expertise to judge their qualifications. The Labor Committee has the technical knowledge of labor law to judge the qualifications of the Workers' Compensation Commissioners.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: The bill proposes to change the committee assigned to recommend confirmation of Workers' Compensation Commissioners from the legislature's Judiciary Committee, where it now resides, to the Labor Committee.

Mrs. Reeves aptly described a large portion of the functions of the commissioners. By the way, these were called the Industrial Accident Commissioners until just last year, and I believe that either committee, the Labor Committee or the legislature's Judiciary Committee would do a good job—no question about that.

I voted for the "ought not to pass" report for several reasons. First, I am extremely hesitant to change the assigned statutory committee dealing with a confirmation unless there is some overwhelming reason for doing so, and the authors of the constitutional language kind of felt the same way. I would just like to read you what the Constitution says.

It says, "All statutes enacted to carry out the purposes of this section shall require the affirmative vote of two thirds of the members of each House present and voting," and that is so we wouldn't be going back and forth and back and forth on the statutorily assigned committee for confirmation purposes. It just seemed to me as if there was no overwhelming reason to change. The Judiciary Committee can do a good job. I do believe the function is primarily a judicial one. The old Industrial Accident Commission or each individual Workers' Compensation commissioner more or less holds a court and in a very judicial manner makes a determination over various rights.

It is kind of interesting just how judicially these commissioners are treated within our laws. In fact, the only way they can be removed would be by address of both branches of the legislature or by impeachment. To tell you the truth, I don't think this is the most important bill that we will have through the House, even though the motivation was certainly a very positive one from the sponsor of the bill, but that is why I signed the report that I did.

I really hope that you will go along with the majority "ought not to pass" motion.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I hope that you will vote to defeat the "ought not to pass" report and accept the "ought to pass" report.

One fact that hasn't been brought to light here is that the members of this board are required to be lawyers in any case; therefore, it isn't a question of this type of qualification. They are obviously versed in the law. But if the Labor Committee is selected as the reviewing committee on this board, they will be able to understand whether they are really versed in the law concerning labor matters. I think this is essential for this board, that they should in fact be well acquainted with the labor laws.

Therefore, I would hope that you would defeat this motion and go on to vote the "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker and Members of the House: This commission acts as a judging body. It makes monetary awards or makes determinations of amount of injury, and it was set up to act as a judging body. So I urge you to support the Majority "Ought Not to Pass" Report.

Mr. Davies of Orono requested a roll call vote

The SPEAKER pro tem: 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 and having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Barry, Benoit, Bordeaux, Boudreau, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Churchill, Conary, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Fenlason, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Joyce, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, Master-ton, Matthews, McKean, McPherson, McSweeney, Morton, Nelson, A.; Paul, Payne, Peltier, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Twitchell, Vose, Wentworth, Whittemore

NAY — Bachrach, Baker, Beaulieu, Berube, Birt, Blodgett, Bowden, Brannigan, Brodeur, Carter, F.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dow, Fillmore, Hall, Hobbins, Howe, Kane, Laffin, Lizotte, Locke, MacEachern, Mahany, Martin, A.; McHenry, Michael, Mitchell, Nadeau, Nelson, N.; Norris, Paradis, Pearson, Post, Reeves, P.; Rolde, Tuttle, Vincent, Violette, Wood, Wyman

ABSENT — Berry, Brenerman, Cunningham, Elias, Fowlie, Hughes, Jacques, E.; Jalbert, Marshall, Maxwell, McMahon, Nelson, M.; Simon, Soulas, Tierney

Yes, 91; No, 44; Absent, 15.  
The SPEAKER pro tem: Ninety-one having voted in the affirmative and forty-four in the negative, with fifteen being absent, the motion does prevail.

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

Mrs. KANY: Mr. Speaker, having voted on the prevailing side, I now move to reconsider and I hope you will all vote against me.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, I would like to table this for one legislative day.

Whereupon, Mr. Joyce of Portland requested a roll call vote.

The SPEAKER pro tem: 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 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 pro tem: The pending question is on the motion of the gentlewoman from Pittston, Mrs. Reeves, that this matter be tabled pending the motion of Mrs. Kany of Waterville to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brodeur, Brown, A.; Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dow, Dudley, Dutremble, L.; Fowlie, Hall, Hobbins, Howe, Kane, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, Michael, Mitchell, Nelson, N.; Norris, Paradis, Post, Reeves, P.; Rolde, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman.

NAY — Aloupis, Austin, Barry, Benoit, Berube, Bordeaux, Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, McSweeney, Morton, Nadeau, Nelson, A.; Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Wentworth, Whittemore.

ABSENT — Berry, Brenerman, Elias, Huber, Hughes, Jalbert, Kelleher, Marshall, Maxwell, McMahon, Nelson, M.; Simon, Soulas, Tierney, Mr. Speaker.

Yes, 51; No, 85; Absent, 14.

The SPEAKER pro tem: Fifty-one having voted in the affirmative and eighty-five in the negative, with fourteen being absent, the motion does not prevail.

The pending question now is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. The Chair will order a vote. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

Sent up for concurrence.

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Joint Order, An expression of Legislative Sentiment recognizing that:

February 8, 1979, marks the 70th wedding anniversary of James and Mary Murphy of Millinocket and the celebration of that happy event with friends and relatives (S.P. 177)

Came from the Senate read and passed.

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

At this point, Speaker Martin returned to the Rostrum.

Speaker MARTIN: The Chair would like to thank the gentleman from Madison, Mr. Elias, for acting as Speaker pro tem.

Thereupon, Mr. Elias returned to his seat on the floor and Speaker Martin resumed the Chair.

#### Consent Calendar First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar

for the First Day:

(H. P. 52) (L. D. 61) Bill "An Act to Increase the Total Authorized Indebtedness of the Kennebunk Light and Power District from \$300,000 to \$2,000,000" — Committee on Public Utilities reporting "Ought to Pass"

(H. P. 55) (L. D. 64) Bill "An Act to Provide that the County Commissioners shall have the Power to Authorize the Use of Superior Court Facilities when the Court is not in Session" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-16)

(H. P. 101) (L. D. 108) Bill "An Act to Increase the Amount which the District Court is Allowed to Deposit each Month into the District Court Building Fund from \$3,000 to \$10,000" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-17)

(H. P. 42) (L. D. 53) Bill "An Act to Limit Disability Retirement Payments to Persons Restored to Service under the State Retirement System" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 9, under listing of the Second Day.

#### Consent Calendar

##### Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 51) (L. D. 60) Bill "An Act Converting Long Island Plantation into the Town of Frenchboro" (Emergency)

(H. P. 109) (L. D. 118) Bill "An Act Concerning Appointments of Justices of the Peace" (Emergency)

(H. P. 72) (L. D. 81) RESOLVE, Authorizing the Bureau of Public Lands to Convey by Sale to the Town of Dennysville the State's Interest in Certain Real Property in Edmunds, Washington County (C. "A" H-14)

No objections having been noted at the end of the Second Legislative Day, the House Papers were apssed to be engrossed and sent up for concurrence.

#### Orders of the Day

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of Revenues Which may be Raised by Taxes in any Fiscal Year (H. P. 330) (Committee on State Government suggested)

Tabled—February 7, 1979 by Mrs. Kany of Waterville.

Pending—Motion of Mrs. Post of Owl's Head to refer to Committee on Taxation.

Thereupon, the Resolution was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

#### (Off Record Remarks)

##### At Ease

Called to order by the Speaker.

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

#### In Convention

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

On motion of Senator Katz of Kennebec, it was

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

The Chairman appointed:

#### Senators:

HUBER of Cumberland  
CONLEY of Cumberland  
NAJARIAN of Cumberland

#### Representatives:

PEARSON of Old Town  
CARTER of Winslow  
KELLEHER of Bangor  
CHONKO of Topsham  
DIAMOND of Windham  
MORTON of Farmington  
HIGGINS of Scarborough  
BOUDREAU of Waterville  
SMITH of Mars Hill

Senator Huber, for the Committee, subsequently reported that the Committee had discharged the duty assigned it, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Honorable Members of the 109th Legislature, fellow citizens of Maine: The presentation of the Biennial Budget to the Legislature is a statutory obligation of a Governor. For me, it has been more than that.

The budget process has been an education in State government. It has been the basic training that a new governor must go through, for it has involved the most minute examination of all that occurs in the name of the State of Maine. It has provided an overview of what we do here.

Four years ago, my predecessor responded to a growing mood in the State and the Nation and set a new course for the State.

Under his leadership, this State called a halt to the continuing process of growth of government and that gave us all the opportunity to reflect on what we as a State wanted from our government.

Five weeks ago today, I stood before you and set out my ideas for the new directions I intended to take during my administration. The budget I present today is consistent with those priorities and it reflects what I believe is the mood of the public today.

It is a budget without a tax increase. It is a budget that presents the first stage in a continuing program of meaningful property tax relief. It is a budget that takes initiative by using transportation as the foundation for economic development. It is a budget that addresses our future by beginning the process of strengthening our institutions of higher education. It reflects my belief that we can keep a tight rein on public spending while continuing to run a government that truly cares about the quality of life of every citizen.

Let me add a personal note. As you know, for 8 years I sat where you now sit. I listened to the budgets presented for 4 bienniums. I realized then, as I am sure you do now, that the presentation of this Message is but the beginning of a long and difficult process, that just as our office, with the participation of the cabinet officers and the budget examiners and after unprecedented public hearings, has sifted through reams of material and hundreds of meritorious requests to come up with the best recommendations we can to fund the most pressing priorities, now you must do the same.

On your shoulders rests the responsibility for testing our recommendations.

For reexamining our priorities.

For weighing competing and worthy demands.

I believe that you will find this budget a sound and justified ordering of priorities, but I also recognize that we are not infallible and we cannot have anticipated every contingency and have measured every public concern with precise accuracy. So, I welcome your participation as the democratically elected

Representatives from all parts of our state in the fundamental work of our government in providing for the greatest needs of the people in the fairest and most responsible manner we can.

#### (General Fund)

##### (Part I — Current Services)

Requests for funding under Part One, the current services section of the General Fund Budget totalled \$1.1 billion for the two years. We were able to pare this total request down to \$996.9 million for the biennium.

This commendable job was performed ably by Rodney L. Scribner, the Commissioner of the Department of Finance and Administration, and Otto W. Siebert II, State Budget Officer.

These able gentlemen and the dedicated staff of the Bureau of the Budget closely scrutinized the part one requests with an eye toward eliminating those funding requests that appeared to surpass legislative authorization. Their dedication has been my greatest assistance in the preparation of the budget.

I am pleased to report that the first-year part one recommendation of \$484.9 million represents a growth of only 6.3 percent over the current year's actual appropriation, a figure substantially lower than the nation's inflation rate.

Furthermore, our second-year recommendation represents an ever smaller growth rate of 5.6 percent over fiscal 1980.

The strictest guidelines were utilized in developing the Part One Budget.

Public hearings and numerous conferences were held to ensure that only essential increases were approved.

Examples of such increases approved are collective bargaining agreements for state troopers and insitutional employees and allowances for inflationary cost increases for supplies and materials.

#### (Financing the Budget — General Fund Revenues)

As shown in the accompanying chart, we have projected \$1.1 billion to be available from undedicated revenues to the General Fund: \$507.8 million in fiscal year 1980, and \$556.2 million in 1981.

This amount plus \$31.5 million in federal revenue sharing and a surplus available after emergency needs and the capital construction and repair program will finance recommended services and provide a sufficient balance for collective bargaining, homestead tax relief, and for other legislative documents shown on the following summary.

#### (General Fund)

##### (Part II — Supplemental Services)

The part two budget, our recommendations for new or expanded services, contains the hardest decisions that must be made by the governor during the budget process. Here the Governor's ideals, wishes and plans collide with the reality of limited resources. Here worthy causes compete among themselves for my approval . . . and . . . ultimately . . . yours.

I received part two requests totalling \$84 million.

In reviewing these requests, I was guided by several considerations. These included:

1. The knowledge that the public has reached the limit of its ability to pay taxes and in response is putting government spending under microscopic scrutiny as never before.

2. Creation of new state government positions must be well justified for the benefits to the public as a whole.

A genuine need, and in many cases urgency, had to be demonstrated when the requests were checked by the budget office, my staff, and often by me personally.

3. The discontinuance of federal funds could not be considered sufficient reason in and of itself for continuing a program or a position.

To these I add one final consideration:

I felt the overall presentation of part two had



to be a reflection of the priorities I stated during the election campaign last fall. To do otherwise would represent a breach of faith with the people. It would further erode public confidence in the political process and in all elected officials.

Accordingly we reduced the part two requests by 63.5 percent to \$14.6 million for the first year and to \$16 million for the second year.

The part two requests that remain in the budget are in line with the priorities I have repeatedly stated.

There is an emphasis on education. . . including both the University of Maine and our vocational technical educational system.

—New spending in the area of natural resources is aimed principally at determining the best future economic use of our renewable resources without depleting them.

—Our social service spending takes as its goal improving not the quantity. . . but the quality of our services. . . and wherever possible. . . is intended to increase the role of the family and the community and decrease the role of the institution.

Some of the highlights of part two include the following:

#### (Education Funding)

This year, I am asking for authorization to change the subsidy index for our basic education allocation from 10 mills to 9.6 mills. This will permit the state to maintain its portion of the cost of local education at 53.5 percent.

Funding at this level represents a commitment of \$11.8 million for the biennium. It is the largest single line in the part two budget and makes up about one-third of the total supplemental services appropriation we are requesting. It honors our commitment to maintain our funding of the established percentage of aid to local education.

#### (University of Maine)

I have repeatedly expressed my desire to see Maine develop a university system of high academic standards and achievements.

The benefits of a strong university are many. College graduates have a better chance to earn more and to enjoy a higher standard of living.

They are better equipped as individuals and we are better equipped as a society to face and solve the complex problems of today's world, and a strong university attracts a strong faculty.

A healthy university system can offer the state more tools to address our economic, agricultural, fishing, natural resources, and human service problems.

Today, Maine ranks near the bottom in spending on higher education.

Morale is low.

Nothing any governor can do will solve the problems of the university in short order, but today I wish to propose a modest start.

I am recommending a total of \$5.2 million in part two funding to strengthen the university. It is not as much as they asked for, but it is a beginning.

We are providing funding for pay increases that are fair to both the employees of the university and to the public which ultimately bears the cost.

We have budgeted \$1.9 million in part two for these wages and salaries in addition to part one funding.

We are recommending funding for several new programs with the general intention of improving access by the public to the university's facilities.

I intend to keep in close touch with the University's trustees to follow-up and be sure that this money is well-spent, for if this new initiative is unsuccessful. . . it may be many years before any governor may be able to make a new commitment to the university.

#### (Department of Educational and Cultural Services)

#### (Vocational/Technical Institutes)

I know of no area of state government where the benefits of our spending are as certain for both the participants and the State as that of the vocational technical institutes.

For many VTI students, the specialized training they can receive there represents their only opportunity to be trained in a marketable skill.

Most graduates have no trouble finding work, and they become another and the most important asset we can promote as we continue the increasingly competitive drive to attract new industry.

For these reasons, I have included a major part two recommendation for the vocational technical institutes.

If you approve our recommendations we will add training programs in sheet metal technology, power engineering technology and property tax assessment at the Central Maine VTI.

We will add training programs in welding and heating technology at the Eastern Maine VTI.

We will continue the previously federally funded program in wood harvesting at the Northern Maine VTI.

We will continue the previously federally funded marine center at Washington County, add staff for the building construction program at Southern Maine VTI, and add staff for a program in physics at Northern Maine.

We will increase our support of the Kennebec Valley VTI.

The cost of all this is \$1.5 million for the biennium. I believe it is worth it.

The Vocational Technical Institutes have proven their value to the state time and again.

I believe there is no better educational value for the tax money spent in the State of Maine today, and I urge you to join me in this expression of support for our VTI's.

#### (Human Services)

One of our most tragic social problems is child abuse.

Much attention has been focused on it and the Legislature has responded with concern.

Increasing public awareness of this problem has led to overwhelming caseloads for the workers in the Department of Human Services' Child Protective Services Program.

To help maintain work loads at levels consistent with legislative intent and good service, the department has requested funding and support in the amount of \$398,000 for 12 supervisory positions.

A second urgent need in human services is for additional staff to handle applications under A.F.D.C. and medically needy programs.

We have requested \$1.3 million for 56 positions, which would be matched by federal funding for an additional 56 positions.

Today's backlogs are so high that there is no efficient way of processing applications with existing staff.

These added positions for eligibility workers and clerical staff will make it possible to make eligibility determinations more accurately.

Thus, this part two recommendation is likely to result in net savings for the state.

Other human services requests approved for part two funding include \$65,000 in start-up costs for an Alcoholism Treatment Program at St. Mary's Hospital in Lewiston.

#### (Maine Health Systems Agency)

We have approved a recommendation of \$50,000 to enable the Maine Health Systems Agency Incorporated to expand its efforts to involve the general public in its decision-making process.

In this age of soaring medical costs, the public has a right to be heard in the decisions that are made on proposed medical facilities.

This would represent the only State appropriation received by the agency.

#### (Division of Community Services)

We are adding to our support of the Young Adult Conservation Corps which provides train-

ing and employment for young people.

V.A.C.C. enrollees are currently working on the winterization of Camp Lincolnwood at the Camden Hills State Park for the eventual year-round use of the public. We are requesting an appropriation of \$100,000.

The Division of Community Services, which administers this program for the State, would also receive in part two \$400,000 to help provide home insulation services for the elderly and other low-income homeowners.

#### (Mental Health and Corrections)

By far, the greatest problems we must confront with regard to the Department of Mental Health and Corrections is the pressing need presented by overcrowding of correctional facilities.

Upgrading and expanding our capability to cope with the increasing numbers of adjudicated criminals will be carefully evaluated and our recommendations will be presented in a special message to you on this issue.

In the meantime, we are recommending an emergency appropriation of \$500,000 for a correctional improvement program to meet our immediate needs.

The problems addressed by the Department of Mental Health and Corrections are among the hardest to solve.

We cannot meet all the requests.

Indeed . . . A billion dollar budget could not meet every need, but Maine continues to make progress.

At the Pineland Center, for example, A few years ago administrators looked forward to the day when the number of staff would equal the number of residents. Today, with 424 residents and 719 staff, there are nearly two staff for every resident.

We can take pride in the efforts we have made and will continue to make in the future.

Our total part two recommendation for the department is \$4.3 million dollars.

It includes: \$425,000 to staff the new Security Treatment Unit at the Maine Youth Center. . . which is scheduled to be ready for occupancy in the fall.

\$2.5 million in payments to several schools for mental health services to children. . .

And \$250,000 for increased development of community-based services for mentally retarded infants.

#### (Department of Conservation)

We are recommending an appropriation of \$344,000 for the Bureau of Forestry to augment next year's national timber census. This will provide information that will greatly benefit the planning for the future use and wise conservation of our forests.

We also ask your approval of funds for a study of the serious problem of beach erosion along the Southwestern Coast. This problem is costing millions of dollars to homeowners and the Recreation Industry. We request \$81,000 for this study.

#### (Judiciary)

We will recommend two part two appropriations for the Judiciary this biennium.

The first is a project that is making an innovative approach to a problem of great concern to me, that of our overcrowded courts.

The Court Mediation Project is a program under which parties in a legal dispute are given the Opportunity to settle their case before a Lay Mediator.

The initial results have been encouraging and I wish to see it continued.

The \$49,000 that we request are modest compared to the potential savings in court costs to the general public.

We are also asking for funds to provide pay increases for court employees within the President's wage guidelines.

#### (Maine Commission For Women)

For several years, the Maine Commission For Women has been operating on a token budget with volunteer help.

I have asked for funding for two permanent



staff members as a way this administration can demonstrate its commitment to seeing to it that women have the opportunity to assume a truly equal status in our society.

(Loaned Executive Program)

As you all know, several years ago, a team of business executives conducted a study of State Government — to determine recommendations for saving public funds.

I believe it is appropriate that an incoming governor conduct a similar study, and I have asked for an appropriation of \$10,000 to cover the start-up costs of the program.

Aside from these initial expenses, there will be no other costs to the State. We intend to recruit a group of business executives who will donate their time and expenses. We anticipate that their recommendations could save millions of taxpayers' dollars.

(State Retirement System)

This year, I am recommending a one-time appropriation of \$150,000 to fund a study of the entire State Retirement System, including the Teachers Retirement Program, Health Insurance Benefits, and Deferred Compensation.

I ask your approval of this item in order that we can take a long, hard look at the potential benefits and drawbacks of consolidating all these programs.

(Capital Improvement Program)

I will ask the Legislature to approve \$6.2 million under this budget's capital improvement program.

The most urgently needed items as listed by the Bureau of Public Improvements include:

\$140,000 to install a sprinkler system at the Governor Baxter School for the Deaf

\$95,000 to install smoke detectors at the Augusta Mental Health Institute.

And \$1.5 million to improve access to buildings by the handicapped.

(Highway Program)

I am sure you are aware that financing of the highway program has become increasingly difficult since the energy crisis in 1973.

Because of the Maine Department of Transportation's use of petroleum-based products and the rapid increase in the prices of these and other commodities, the costs of just continuing the basic operations in the highway program have been increasing at an estimated ten percent per year.

However, the gas tax, the chief source of revenue for the dedicated highway funds, has been increasing at only a two percent annual pace as a result of otherwise commendable conservation measures, such as more fuel-efficient cars, lower speeds, and other factors.

I am recommending a highway program that will continue town aid programs and resurface 853 miles of road in the first year and 1,250 miles in the second year.

The proposed program will continue essential bridge maintenance activities and will provide sufficient funds to match available federal funds for highway, bridge and safety improvements.

In order to carry out these essential programs, I am recommending a continuation of our historic program of bond financing for a major portion of the capital improvement needs.

It is estimated that approximately \$11 million in bonds will be retired during the coming biennium.

I am urging consideration of a \$22 million bond issue for bridges and highway safety programs to carry on these important programs.

Given our highly inflationary economy and rapidly increasing construction costs, delaying construction of essential bridge and other projects will only add significantly to their costs.

In addition, given the basic long-term financial problems in the highway fund, I am committed to initiating a joint executive-legislative in-depth review of the alternatives available to assure adequate financing for this portion of

our transportation system that is so important to Maine's overall economy.

This effort will be completed and we will be making major policy recommendations to the 110th Maine Legislature at its first regular session two years from now.

In the interim, in order to assure a safe highway system and to provide sufficient funds to meet the needs of collective bargaining for the dedicated employees in this department, I am recommending an adjustment in the basic vehicle registration fees subject to a sunset provision in two years.

This two-year registration increase will be five dollars for automobiles and a proportionate increase for trucks. There has been no increase since 1960.

Despite all the tremendous increases in costs to the highway user, these fees have remained constant for approximately twenty years.

Approval of this financial approach should allow us to maintain Maine's highway system in a reasonably safe and satisfactory condition for the next two years and will ensure that our highway employees are adequately compensated.

(Other Transportation Programs)

I am recommending a General Fund Transportation Improvement Program in the amount of \$11.8 million for various statewide transportation improvements. Among these improvements are:

A new program for development of public fish piers along the coast of Maine.

Through the efforts of the Committee on Coastal Development and Conservation, which has recommended this approach to assist the fishing industry, and the Department of Transportation working with the Department of Marine Resources, initial priority projects are proposed for Boothbay Harbor, Kennebunkport, Portland, Rockland, Stonington, and Vinalhaven.

The availability of good airport facilities is becoming increasingly important to our efforts to encourage economic development.

To respond to these needs, I have included in our proposed program \$1.3 million for continuing the cooperative program between state, local and federal governments for airport improvements throughout the state.

Projects include further expansion of the passenger terminals at both Bangor and Portland to accommodate increased traffic, improvements to runways and other existing facilities, installation of navigational aids, and other safety improvements.

Projects are proposed over 30 public airports from Sanford to Caribou and from Princeton to Rangeley.

Other projects included respond to needs associated with the Maine State Ferry Service to the need for improvements at the Maine State Pier to ensure continuation of existing services and to accommodate increased activity at this major import-export facility.

We have also included a very modest sum to ensure that Maine railroads can take advantage of available federal funds to rehabilitate their lines.

I am also proposing a major new state effort and direction in the area of public transportation.

An appropriation of \$400,000 is proposed for each year of the biennium to implement a coordinated and improved public transportation system throughout the state.

I am also submitting appropriate legislation directing the Department of Transportation to further study the feasibility of developing general cargo port facilities on the Maine coast.

(Homestead Tax Relief)

We are also recommending that the process of permanent property tax reform be initiated at this session of the Legislature.

We propose that a homestead exemption of \$2,000 of the value of year-round residential property from property taxation be provided in

the first year of the biennium. Then, for the second year, we propose that the exemption be increased to \$3,000.

This is a modest beginning, but one we can afford within the limits of this proposed budget, and it is a beginning toward basic reform, since an across-the-board exemption will inevitably give the greatest break proportionately to those who need it most, those with modest homes.

(State Employees)

As you know, the State's negotiating teams are now bargaining with the unions representing many State employees. We are working hard in good faith to compromise wherever we can to reach a fair agreement within our means.

We have left money in the budget for a fair agreement. The amount set aside is consistent with my statutory obligation to present a balanced budget.

We are also developing proposals for compensating our confidential managerial employees, and these proposals will be submitted to the Legislature this session.

These employees are excluded from bargaining units by law. They have not received a general salary increase since July, 1977. As managers of state programs and our work force, their treatment should not be dependent on what their employees' unions negotiate.

(Conclusion)

In addition, my budget includes funding for worthy legislative documents.

In the weeks and months ahead, you will be examining each line of this budget, sometimes from the perspective of different priorities and values.

I fully expect that we will be able to conclude our mutual constitutional obligations in the spirit of compromise which I expressed to you five weeks ago today.

I submit this budget to you today knowing that we share the same ultimate goal — making our state an even better place to live. (Applause)

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.

The Speaker appointed Mr. Diamond of Windham to serve as Speaker pro tem for tomorrow's session, Friday, February 9.

On motion of Mr. Hickey of Augusta, Adjourned until twelve o'clock noon, tomorrow.