

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME IV

FIRST SPECIAL SESSION
August 21, 1989 to August 22, 1989
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FIRST CONFIRMATION SESSION
October 30, 1989
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SECOND CONFIRMATION SESSION
December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
10th Legislative Day
Thursday, January 25, 1990**

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

Prayer by Reverend Calvin O. Dame, All Souls Unitarian Universalist Church, Augusta.

The Journal of Monday, January 22, 1990, was read and approved.

Quorum call was held.

COMMUNICATIONS

The following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333**

January 22, 1990

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that pursuant to my authority under 3 M.R.S.A., Section 227, I have today reappointed Rep. Judy Paradis, of Frenchville, and Don Cyr, of Lille-Sur-St. Jean, to the Maine-Canadian Legislative Advisory Commission.

Sincerely,
S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
M E M O R A N D U M**

TO: The Honorable John L. Martin, The Honorable Charles P. Pray, The Honorable Nancy Randall Clark, The Honorable Charles M. Webster, The Honorable Dan Gwadosky and The Honorable Mary Clark Webster
FROM: John R. McKernan, Jr., Governor
SUBJECT: Temporary Curtailment of Allotments
DATE: January 22, 1990

Pursuant to Title 5, MRSA, Section 1688, I am notifying each of you that I have today approved a Financial Order amending Financial Order 02284, signed on January 4, 1990. Today's Financial Order amends the third quarter allotments contained in the January 4 Financial Order and replaces them with specific allotment reductions that are backed up by financial impact analysis submitted by the various agencies and departments of State Government in response to my December request for budget reduction proposals for FY90. A copy of the impact analysis sheets for each of the accounts curtailed by today's Financial Order will be on file in the Office of Fiscal and Program Review.

Was read and ordered placed on file.

The following Communication: (H.P. 1612)
**STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

January 23, 1990

The Honorable John L. Martin, Chair
Legislative Council

Maine Legislature
State House
Augusta, ME 04333
Dear Mr. Chair:

The Joint Standing Committee on Judiciary is pleased to submit the attached report of our study of the Jurisdiction of the District Court and the Administrative Court and the Relationship to the Jurisdiction of the Superior Court, pursuant to the order of the Legislative Council. We hope you find this report useful.

Sincerely,

S/Sen. Barry J. Hobbins S/Rep. Patrick E. Paradis
Senate Chair House Chair

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, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" (EMERGENCY) (H.P. 1616) (L.D. 2238) (Submitted by the State Compensation Commission pursuant to the Maine Revised Statutes Annotated, Title 3, section 2-A.)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies" (H.P. 1598) (L.D. 2222) (Presented by Representative MARSANO of Belfast) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Provide Private Remedies for Elderly Consumers Injured by Unfair Insurance Trade Practices" (H.P. 1600) (L.D. 2224) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Senator BRANNIGAN of Cumberland, Representative CONSTANTINE of Bar Harbor and Senator CLARK of Cumberland) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act Concerning the Bulk Transfer Provisions of the Uniform Commercial Code" (H.P. 1606) (L.D. 2219) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator MATTHEWS of Kennebec, Representative GURNEY of Portland and Representative SHELTRA of Biddeford) (Approved by introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Require School Transportation for High School Students" (H.P. 1605) (L.D. 2218) (Presented by Representative BEGLEY of Waldoboro) (Cosponsored by Senator HOLLOWAY of Lincoln, Representative KILKELLY of Wiscasset and Senator ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Clarify the Negotiability of Sabbatical Leave Agreements" (H.P. 1613) (L.D. 2230) (Presented by Representative OLIVER of Portland) (Cosponsored by Senator ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Clarify the Governance of Mackworth Island Public Trust Lands" (H.P. 1608) (L.D. 2221) (Presented by Representative ADAMS of Portland) (Cosponsored by Representative REED of Falmouth, Representative JOSEPH of Waterville and Senator ESTY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act Concerning Investigation of Allegations by the Office of Advocacy" (H.P. 1609) (L.D. 2225) (Presented by Representative HEPBURN of Skowhegan) (Cosponsored by Representative CLARK of Brunswick, Senator GILL of Cumberland and Senator GAUVREAU of Androscoggin) (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.)

Bill "An Act to Amend the Laws Governing the Military and Naval Children's Home" (H.P. 1610) (L.D. 2226) (Presented by Representative SMALL of Bath) (Cosponsored by Representative HOLT of Bath, Senator CAHILL of Sagadahoc and Senator CLARK of Cumberland) (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.)

Bill "An Act to Amend the Child and Family Services and Child Protection Act" (H.P. 1611) (L.D. 2227) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Senator COLLINS of Aroostook, Senator GAUVREAU of Androscoggin and Representative DIPIETRO of South Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Strengthen the Drug Laws" (H.P. 1614) (L.D. 2231) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Senator MATTHEWS of Kennebec, Representative PRIEST of Brunswick and Representative JALBERT of Lisbon) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Increase the Penalties for Possession of Certain Controlled Substances" (H.P. 1615) (L.D. 2232) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative WEBSTER of Cape Elizabeth, Senator HOLLOWAY of Lincoln and Representative MACOMBER of South Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act Regarding Attorney's Fees in Workers' Compensation Cases" (H.P. 1607) (L.D. 2220)

(Presented by Representative CONLEY of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)
Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Clarify the Tax Lien Discharge Law" (H.P. 1599) (L.D. 2223) (Presented by Representative MARSANO of Belfast) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory of:

Candace Johnson Vinette, of Belgrade, who through 10 years of dedicated service in the University of Maine System Financial Aid Department provided financial planning and counseling to hundreds of Maine families, and who was a community leader and a role model for the young women in her area; (HLS 1032) by Representative TRACY of Rome. (Cosponsors: Representative AULT of Wayne, Representative NORTON of Winthrop, Senator KANY of Kennebec)

On motion of Representative Tracy of Rome, was removed from the Special Sentiment Calendar.

Was read, adopted and sent up for concurrence.

At this point, a message came from the Senate, borne by Senator DUTREMBLE of that Body, proposing a Joint Convention to be held in the Hall of the House at 6:40 p.m. for the purpose of extending to His Excellency, John R. McKernan, Jr., Governor of Maine, an invitation to attend and to make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 6:40 p.m. and the Speaker appointed Representative GWADOSKY of Fairfield to convey this message to the Senate.

Subsequently, Representative GWADOSKY of Fairfield reported that he delivered the message with which he was charged.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative TARDY from the Committee on Taxation on Bill "An Act to Clarify the Tax-exempt Status of Equipment Leased to Hospitals" (H.P. 1393) (L.D. 1923) reporting "Ought Not to Pass"

Representative MADEAU from the Committee on Taxation on Bill "An Act to Exempt Sickness Benefits from Income Taxation" (H.P. 1378) (L.D. 1909) reporting "Ought Not to Pass"

Representative MELENDY from the Joint Select Committee on Corrections on Bill "An Act to Encourage Development and Use of Private Community Corrections Programs" (H.P. 370) (L.D. 501) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative WALKER from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Composition of the Advisory Council to the Department of Inland Fisheries and Wildlife" (H.P. 1436) (L.D. 2006) reporting "Leave to Withdraw"

Representative PINES from the Committee on Agriculture on Resolve, Regarding Harness Racing (EMERGENCY) (H.P. 1548) (L.D. 2147) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Continue the Percent for Art Program" (H.P. 1502) (L.D. 2082) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1362) (L.D. 1879) Bill "An Act to Promote Sound Capital Investment As Part of Local Growth Management Programs" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-737)

(H.P. 1349) (L.D. 1866) Bill "An Act to Amend the Law Concerning the Use of Replacement Motor Vehicles" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-738)

(H.P. 38) (L.D. 38) Resolve, Creating the Blue Ribbon Commission to Study the Establishment of a Cabinet-level Department of Children within State Government Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-739)

(H.P. 1352) (L.D. 1869) Bill "An Act to Give the Department of Conservation an Option on Abandoned Railroad Lines" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-740)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, January 26, 1990, under the listing of 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. 1148) (L.D. 1591) Bill "An Act Relating to the Status of Nursing Professions in Maine" (C. "A" H-734)

(H.P. 1341) (L.D. 1858) Bill "An Act to Integrate Relief Provided by the Maine Residents Property Tax Program with Poverty Abatements"

(H.P. 1331) (L.D. 1848) Bill "An Act Relating to the Designation of Beneficiaries by Members of the Maine State Retirement System"

(H.P. 1422) (L.D. 1974) Bill "An Act to Clarify the Status of Court Mediators, Court Appointed Special Advocates and Bail Commissioners with Respect to Civil Liability"

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENACTED
Emergency Measure

An Act to Amend the Charter of the Hallowell Water District (H.P. 1348) (L.D. 1865)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Ensure That Unwilling Sellers Are Provided Fair Treatment in the Land for Maine's Future Process (S.P. 739) (L.D. 1943)

An Act to Create a Standard for Respiratory Rescue Personnel Who Are State Employees (H.P. 645) (L.D. 879)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY
UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment on Monday, January 22, 1990, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of Unfinished Business:

Bill "An Act Regarding Preliminary Protection Orders in Child Protective Cases" (H.P. 1530) (L.D. 2115)

- In House, Referred to the Committee on Judiciary on January 5, 1990.

- In Senate, Referred to the Committee on Human Resources in non-concurrence.

TABLED - January 22, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

Subsequently, the House voted to recede and concur.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory of:

Lieutenant Rene A. Goupil, of West Buxton, Commander of the Maine State Police Academy, whose untimely death has shocked and saddened family, friends and colleagues. Lt. Goupil, a Saco native, joined the Maine State Police in 1970 and was a patrol supervisor in Scarborough prior to his promotion to lieutenant. Lt. Goupil was an active member of Saint Ann's Church, in Gorham, a member of the Masons and Past Master of the Buxton Lodge; (HLS 1035) by Representative NADEAU of Saco. (Cosponsored by Representative DONALD of Buxton, Representative PENDLETON of Scarborough and Senator HOBBS of York)

On motion of Representative Nadeau of Saco, was removed from the Special Sentiment Calendar.

Was read, adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The House was 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 Charles P. Pray in the Chair.

The Convention was called to order by the Chairman.

On motion of Senator DUTREMBLE of York, it was ORDERED, that a Committee be appointed to wait upon the members of the Governor's Cabinet inviting them to attend the Convention.

The Chairman appointed:

- Senators: BERUBE of Androscoggin
ESTES of Cumberland
CARPENTER of York
- Representatives: JOSEPH of Waterville
ROTONDI of Athens
DAGGETT of Augusta
HEESCHEN of Wilton
LARRIVEE of Gorham
CAHILL of Mattawamkeag
WENTWORTH of Wells
BEGLEY of Waldoboro
McCORMICK of Rockport
CURRAN of Westbrook

Subsequently, Senator BERUBE of Androscoggin, for the Committee, reported that the Committee had discharged the duty assigned it and that the Governor's Cabinet members would attend forthwith.

Subsequently, the Governor's Cabinet members entered the House gallery, amid applause, the audience rising.

On motion of Senator CLARK of Cumberland, it was ORDERED, that a Committee be appointed to wait upon his Excellency, Governor John R. McKernan, Jr., and inform him that the two branches of the Legislature were in Convention assembled, ready to receive such communication as he may be pleased to make.

The Chairman appointed:

- Senators: PEARSON of Penobscot
BRANNIGAN of Cumberland
PERKINS of Hancock
- Representatives: CARTER of Winslow
CHONKO of Topsham
LISNIK of Presque Isle
McGOWAN of Canaan
RIDLEY of Shapleigh
POULIOT of Lewiston
CARROLL of Gray
HIGGINS of Scarborough
FOSTER of Ellsworth
FOSS of Yarmouth

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

The Chairman welcomed Governor McKernan's wife, Olympia Snowe, to the Convention. (applause, audience rising)

At this point, Governor John R. McKernan, Jr., entered the Convention Hall, amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Members of the 114th Maine State Legislature:

Welcome to a new decade -- a decade in which the leaders of the 21st Century will be educated, a decade in which fiscal prudence will be crucial, a decade in which it will be more important than ever before that we strike a balance between growth and environmental protection.

Fortunately, our accomplishments over the last three years have prepared us for this decade. We have worked together to provide more opportunities than ever for the people of our state. We have invested in Maine people and for Maine people. The results of that commitment have been a cleaner environment, new levels of prosperity, opportunities for those previously neglected, and a state government that is prepared for the 90's.

We charted a progressive course for Maine during a time of unprecedented growth. In that effort, we have focused on our most precious resource -- our people. We began by attending to the needs of our children. We have expanded the Head Start and preschool programs for handicapped children. We have increased state spending on child care 13-fold and will soon be opening child care centers in Augusta and Bangor for the children of our state employees. This concern for our youngest citizens explains why a Children's Defense Fund study ranked Maine second in the nation in caring for its children. Because of our efforts, they are healthier and better protected than children across the country. (applause)

Bob Keeshan, better known as Captain Kangaroo, best summarized why this is such a wise investment. He noted, "You have been told that students dropping out of high school is a critical problem across the nation, but children don't drop out in high school, they drop out in kindergarten and wait ten years to make it official."

We simply cannot afford to have our children dropping out of school because their education is the most fundamental investment that we can make in our future. Education fights drug abuse by teaching kids not to experiment in the first place; education fights homelessness by endowing Maine people with the skills they need to get and hold a job; education drives our economy by producing a quality work force that will attract businesses to the state and provide those already here with the work force they need to grow and expand.

But simply increasing spending on education is not the answer. The answer is innovation and accountability. And that has been our approach.

We have instituted reforms that other states are just beginning to consider. We introduced report cards for Maine schools so parents, teachers, administrators, and students will be better informed about whether they are receiving the best education that their community can offer.

We are experimenting with restructuring our schools to deliver a quality education. We've implemented an Instructional Television Network that links classrooms across the state via television. Now teachers from Calais to Rumford and Berwick to Fort Kent can continue their professional education

without leaving home. Residents of North Haven can take courses from the University of Maine without leaving the island. I might point out that we have also been able to beam John Martin throughout the state teaching his course at the University. (applause)

Because of our efforts, Maine was one of only five states in the nation cited by a federal study as having instituted programs aimed at encouraging local districts to find creative ways of improving classroom instruction.

Our commitment to our children has not stopped at the 12th grade. I believe every student who wants to go to college should be able to go. Period. (applause) In Maine, that is a reality. Financial aid has been packaged for "one-stop shopping", and it means new opportunities for those talented Maine kids who, in the past, couldn't afford a better future.

Nor have our efforts in education stopped with our children and there is a reason for that. Ninety percent of those who will be in the labor force in the year 2000 are adults who are already working, but fifty percent of the jobs that we will be performing in the next century don't yet exist. That means that people in the labor force must be constantly learning new skills, so we developed job training programs to teach skills to people who are unemployed and to train Maine people for the careers which are expected to be the fastest-growing in the 1990's.

We've enacted legislation that eliminated the fee for adults taking the GED exam and by doing so helped to remove a barrier for the 238,000 Maine adults still without a high school degree. In 1988, I said that I wanted to double the number of GED's awarded in the next five years. One year into that program, we are seventy-one percent of the way to our goal, and Maine has over three thousand new high school graduates. (applause)

Finally, to break the cycle of poverty, to teach people to help themselves, we reformed our welfare system and implemented the ASPIRE program. Since we started that program, 6,000 new people have been served. AFDC recipients are going back to school, so that they will not be subjected to a lifetime of moving from one minimum wage job to the next. When they become self-sufficient, everyone benefits.

Melissa Nickerson of Somerset County is a good example. As a single mother of two young children, she was dependent on state assistance and dead-end jobs. She never had the time or money to get training for a more skilled position. The ASPIRE program provided Melissa with child care and transportation reimbursement so that she could enter a three month clerical training program. That was the boost she needed to go from a welfare mother to a contributing citizen. She now has a good job with full benefits, and she has already receive her first promotion. We offered the opportunity and she seized it. (applause)

But there are some in society who need even more help and thanks to your efforts, we are beginning to provide it. Since we took office, we have increased spending at AMHI by sixty percent. We are restoring quality care to an institution that was described by independent reports as having years of accumulated problems and a management structure that was 20 years out of date. In addition, we have increased the funding to BMHI by 35 percent and to community mental health programs by 145 percent. (applause)

We have not turned our backs on those who are in the twilight of life. Funding available for in-home services for frail elders has increased sixty percent. We have more than doubled the funding for supportive services for elderly people living in

subsidized housing. These services are now available in every county in Maine.

We have begun to address the growing concerns about the homeless, affordable housing, and affordable health care. These and other emerging issues will compete with existing programs for limited resources that will be available in the future.

Just as there are Maine citizens who have special needs, there are certain industries and areas of the state to which we have devoted special attention. We have set up Job Opportunity Zones to channel needed resources to parts of Maine that have not shared equally in the state's prosperity.

We've developed innovative marketing programs for our farm products. Now, after a year of excellent prices for milk, potatoes, Christmas trees, and other Maine staples, agriculture is leading rather than trailing the rest of the economy. (applause)

Since the prosperity of Maine industries throughout the state depends on our transportation network, we've developed a far-sighted plan to meet our transportation needs in the year 2,000 and beyond.

Progress and prosperity at the expense of Maine's unique way of life would be a hollow victory. Maine has always been a national leader in protecting its air, land, and water. More of us than ever are concerned about the Maine that we will be leaving to our children.

The Land for Maine's Future program has ensured that our children will know the Maine we know. One hundred years from now, our grandchildren's grandchildren will be able to look upon such places as Mt. Kineo and the Bold Coast in Washington County. They will be able to see bald eagles and Maine black ducks in their native habitats. They will be able to walk for miles along the rocky shore of a tidewater farm without the intrusion of development. (applause)

Our Growth Management legislation has ensured that communities will not rush unprepared in the 90's. It will preserve the delicate balance between growth and the environment.

In addition, we have become a national leader in recycling and we have also acted to ban products that deplete the ozone by releasing chloroflourocarbons.

Maine has also done more than any other state in the region to protect its forest lands. Our efforts have included programs like the new Forest Practices Act and LURC's Gem Lakes Protection program.

Passing rigorous environmental legislation is only half the battle. For many years, enforcement of these laws has been lax. We have made a commitment to enforcing our environmental laws; and, with the help of the Attorney General's office, the results are impressive. In 1987, a total of only \$390,000 in fines were levied. Halfway through fiscal 1990, we are already approaching the \$2 million mark. The people who gain from that increased enforcement are the citizens of Maine.

They have benefited from another kind of enforcement. We have also made progress during the last three years fighting the war on drugs. President Bush declared the war, and Maine has been at the front lines. We created a new agency whose sole mission is to stop the flow of drugs into our state and punish those responsible. In the past year, agents arrested 338 individuals, twice the number they arrested in 1988. (applause)

In this state, the war on drugs includes alcohol. I stood at this rostrum in 1988 and declared that drunk driving in our state would not be tolerated. We introduced strict drunk driving laws and the results have been fewer tragedies, fewer

families who have experienced personal loss. The number of alcohol-related highway deaths in 1989 was cut in half from previous years. I thank the media, parents, teachers, advocacy groups, and those of you in the legislature who worked with us to make our roads safe.

All of us can be proud of these accomplishments and we should be proud of the state work force that has made them possible. Without their dedication to public service, our many programs would never have been implemented. Over the past three years, we have been able to give our employees more resources to do their jobs even better. These investments, during the years of unprecedented growth, will allow us now to set our priorities to match our available resources in this period of slower growth.

As successful as we have been, the true test of our mettle — our commitment to bipartisanship and the welfare of the people of Maine — will be these first few months of this new decade. A slowing economy in Maine and throughout the Northeast will be the most significant problem that we confront this session.

We all wish we had the luxury this year to fund worthy new programs at the pace of the last decade, but the only way we could do it would be to reach deeper into the pockets of Maine's working people and I am not prepared to do that. (applause)

Taxpayers across the state have tightened their belts. We in state government must do the same.

Maine is certainly not alone in this task. According to the Wall Street Journal, political leaders in 30 state capitals, from Sacramento to Augusta, are revising their budgets. Our neighboring state of New Hampshire projects a \$160 million deficit. Massachusetts, a bellwether economy for Maine, has a deficit approaching a billion dollars. Connecticut has almost a \$100 million problem, and that's after a \$900 million tax increase. In New York, Governor Cuomo has revised his budget six times, and his state is still working to correct a \$1.5 billion shortfall.

This scenario is being repeated all over the country. The running joke in New Jersey is that when newly-elected Governor James Florio took over the State House and found out how bad the state finances really were, he demanded a recount.

Maine, too, has a serious budget shortfall, but it would be even more serious if we had not reduced spending last year in anticipation of declining revenues. If current revenue trends continue, 1990 will be the first time in over 30 years that general revenues for a fiscal year have not exceeded revenues from the previous year.

It is not just government that is suffering. The unpredictable nature of the economy has confounded the private sector as well. Two weeks ago, one of Maine's largest and most successful businesses announced that sales growth was fifty percent less than projected.

In spite of the enormity of our challenge, I believe that working together, we can preserve the most important functions of state government and still balance the budget.

As Abigail Adams once observed, "Great necessities call out great virtues." Our virtues will be tested by the budget necessities that we face this session. As we undertake this task together, we must understand that our very credibility is at stake. Massachusetts has faced a far greater revenue shortfall but the greatest liability in that state has been that its political leaders have been unable to reach agreement on a solution. In the meantime,

their deficit has ballooned, and their bond rating has dropped to the lowest of any state in the nation.

Maine has one of the highest bond ratings possible, and its continuation depends on our ability to work together to make the tough decisions necessary to reconcile our budget. The Standard and Poor's rating agency informed me yesterday that we have retained our AAA rating because they have confidence that we can work together to solve this problem. So do I. (applause)

Our budget problems are primarily a result of the softening of the regional economy, which has now affected Maine.

Our citizens are, quite simply, spending less. In these times, it does not make economic sense, nor is it responsible government, to ask people for more in taxes when they are cutting their own family budgets. (applause)

That is especially true given our ability over the last decade to invest in the needs of the state. Our general fund spending over the last ten years has increased from just under \$600 million to almost \$1.7 billion — a 190 percent increase over a decade when the cumulative effect of inflation was fifty percent.

The average annual increase in Maine's general fund from 1982-1988 was the highest in the nation.

We have been able to expand government services in the good times, but we must be prepared to exercise restraint in a faltering economy.

We in government are no different from the people we represent. When a healthcare worker's hours are cut back, he or she cuts back the family budget.

When sales drop at the local hardware store, expenses are reduced.

When property taxes rise, citizens petition town hall for budget reductions. State government should be no exception. (applause)

That is why we have already reduced spending this year through executive and financial orders. We have also informed the Appropriations Committee of \$58 million in proposed reductions in spending over the next two years. And as you already know, we hired an independent consulting firm last fall to review revenue projections when we began to see signs of softening in our economy. Those consultants will finalize their report by the middle of next week, and we will be submitting a comprehensive budget to you by the following Monday.

There will be some who will be unable to resist playing politics with the decisions we must make, but I hope most of you will agree that we must all rise to a higher level if we are to preserve state services for those who are most in need.

I want to thank those of you who have told us of your willingness to work with us. Members of the Appropriations Committee, especially, have a thankless task, but we appreciate your professionalism and constructive suggestions.

In my inaugural address in 1987, I said I was committed to making Maine the opportunity state — to giving opportunity to those who for too long had been neglected, whether it was a high school student in Houlton, an unemployed shoe worker in Skowhegan, or a woman on welfare in Windham, we've given hope to those who had been neglected by the system. We have no intention of abandoning them now. (applause)

I also believe that there is a limit to what we can ask of our taxpayers. We must set priorities. We must live within our means. Government must never take more from its citizens than is fair. When we realized that Federal tax reform would produce a windfall of unexpected tax revenues for the state in 1986, I promised to return those dollars to the taxpayers and we did.

When we had more money than we needed for state government two years ago, we gave it back to the people.

In each case, it would have been tempting to spend those extra dollars, but that money rightfully belonged to the people of Maine. And if we had spent it, our budget problems would be tens of millions of dollars worse.

Today, we must, once again, resist the temptation to tap Maine workers' hard-earned wages as a first solution to our budget problems.

To Maine taxpayers, I repeat the promise I made when you elected me as your Governor, I will not propose or support an increase in either the income or sales tax. (applause)

In my legislative package for this session, I am proposing several bills that will complement our accomplishments over the past three years.

We have submitted three bills to strengthen Maine's drug laws. The first tightens drug-trafficking laws; the second increases the penalty on LSD manufacturers; the third extends the forfeiture laws to growers of 100 or more marijuana plants. These changes are necessary if people are to understand that we are in a drug war, not a drug skirmish.

Although Maine has been praised for its laws on domestic violence, events over the recent past, indicate that we must do more to prevent the violence which victimizes family members, particularly women. The Department of Public Safety reported 2600 cases of abuse last year, but that's only a fraction of the abuse that actually takes place.

I will be submitting a bill to give the victim more rights and greater access to the criminal justice system. (applause)

Finally, we must be unflagging in our efforts to retain what is so precious about our natural resources and our rivers are of preeminent concern. (applause) I sense a bipartisanship flavor to that response. Yesterday, we announced we will introduce far-reaching legislation to reduce color, odor, and foam in our rivers.

This bill, which is the result of six months of study, is as stringent, if not more stringent, than the legislation proposed last year and is tailored to be river specific.

Maine will still be the first state in the nation to address color discharge, and we are doing it in a responsible and prudent manner.

Tomorrow, I will submit a second piece of legislation that will turn back the ecological clock and make sportsmen rejoice.

This afternoon I informed the owners of Edwards Dam on the Kennebec River and officials of the city of Augusta of our intent to acquire that dam for the purpose of breaching it. Once again, salmon, bass, and shad will have free passage on the Kennebec beyond Augusta. The people of Maine will once again be able to enjoy the uninterrupted flow of one of Maine's great rivers. To Representative Don Carter, who for so long has been a proponent of breaching that dam, I say that after 153 years, you will be able to fish for Atlantic Salmon and striped bass from the banks of the Kennebec in Winslow. I don't mean to imply that you've been around all 153 years to do that.

In the event that negotiations with the current owners fail, I am submitting legislation that will grant the Atlantic Sea Run Salmon Commission power of eminent domain for the purpose of acquiring the dam before its license expires in 1993.

The acquisition of Edwards Dam, in addition to our past protection of other precious natural

resources in our state, will help us in the midst of rapid economic change to protect our way of life which is so uniquely Maine.

We face a daunting challenge as the economy slows, but I know we will not fail. If we need strength, we need only look among your members to Dick Gould and the recovery that he has made from his accident. (applause)

We need only look at the events of the past few months as people all over the world rose up to far more difficult challenges. We watched the crumbling of the Berlin Wall. We watched dictator after dictator turned out of power. We watched the peoples of Eastern Europe exercise freedoms unknown for fifty years. Those countries are in the process of completely restructuring their economies. They are building governments. Let their determination be our inspiration as we face our own challenges here in Maine. 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.

The SPEAKER: I would like to take this opportunity to thank our interpreter, Linda Pelletier, for the great job that she did this evening. (applause)

The Chair is also pleased to recognize Barbara McKernan in the gallery. (applause)

On motion of Representative Nadeau of Saco,
Adjourned until Friday, January 26, 1990, at
twelve o'clock noon in memory Lieutenant Rene A.
Goupil.