

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fifteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

House of Representatives  
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
3rd Legislative Day  
Thursday, January 3, 1991

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

Prayer by Father Renald LaBarre, St. Philip's Catholic Church, Auburn.

Pledge of Allegiance.

The Journal of Friday, December 21, 1990, was read and approved.

**(ORDER (Out of Order))**

(under suspension of the rules)

On motion of Representative CHONKO of Topsham, the following Joint Resolution: (H.P. 79)  
(Cosponsors: Senators PEARSON of Penobscot, BRANNIGAN of Cumberland, FOSTER of Hancock, KANY of Kennebec, MATTHEWS of Kennebec, Representatives POULIOT of Lewiston, CARROLL of Gray, MICHAUD of East Millinocket, RYDELL of Brunswick, PARADIS of Frenchville, JACQUES of Waterville, JOSEPH of Waterville, POULIN of Oakland, PARENT of Benton, FOSS of Yarmouth, MacBRIDE of Presque Isle and REED of Falmouth.

**JOINT RESOLUTION IN HONOR AND RECOGNITION OF THE LATE DONALD V. CARTER**

**WHEREAS**, the Legislature has learned with shock and deep regret of the passing of Donald V. Carter, Representative from Winslow; and

**WHEREAS**, Representative Carter was a friend to all of us and a Legislator with a singular record of service to this body and to the people of the State of Maine; and

**WHEREAS**, Representative Carter began his 25 years of legislative service as a Senator from Kennebec County in the 102nd Legislature, entered the House of Representatives as the Representative from Winslow in the 104th Legislature and has served continuously with us since that time; and

**WHEREAS**, among his many accomplishments, Representative Carter served on the Joint Standing Committee on Appropriations and Financial Affairs for 20 years, and provided sustained and committed leadership to that committee since 1982; and

**WHEREAS**, Representative Carter was not only known for his encyclopedic knowledge of our State's fiscal matters but was also recognized for his contributions to this Legislature's efforts to provide for public access to Maine's lands and waters, to improve the quality of the Kennebec River and reintroduce its native salmon and sturgeon, and to address the issues of solid waste management and substance abuse; and

**WHEREAS**, Don Carter was also known for his 22 years of service on the Winslow Town Council, his service to the Winslow Lions Club, the Veterans of

Foreign Wars and the Disabled American Veterans and his leadership of the Independent Insurance Agents Association of Maine and the Friends of Fort Halifax; and

**WHEREAS**, Don Carter was known to all of us for his ready smile and gentle wit, and for his calm and gentlemanly presence even in the most intense waning hours of each legislative session, and we will greatly miss those precious qualities; and

**WHEREAS**, Donald V. Carter died as he lived, in the service of the State and the people of Maine; now, therefore, be it

**RESOLVED**: That We, the Members of the 115th Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity to express our sorrow at the passing of Representative Donald V. Carter of Winslow; and be it further

**RESOLVED**: That our membership pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share our sorrow at the passing of Representative Carter and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the memory of him; and be it further

**RESOLVED**: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be prepared and presented to his widow Wilma and to his 4 children as expressions of our esteem.

Was read.

At this point, the members stood in a moment of silence.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative **GWADOSKY**: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the Clerk read through the description of Don Carter and I think no one can argue with the things we have known about Don Carter over the years, a gentleman who was a gentleman, who was a statesman, who had a knowledge of state fiscal affairs, probably unmatched by anyone. He was a person who loved the environment, perhaps more than anyone I knew.

There is one passage in this Order that had a special meaning for me that I want to repeat. "Don Carter was known to all of us for his ready smile and gentle wit and for his calm and gentlemanly presence even in the most intense waning hours of each legislative session, and we will greatly miss those precious qualities." I can't tell you how many times I was ready to come into the House, particularly on those days when it was going to be potentially confrontational, potentially partisan, where the outcome was uncertain, a risk of our actions was great, that I would come into the House fifteen minutes before session invariably to see Don Carter sitting up in Seat 122 probably finishing a crossword puzzle. I can't think of how many times I went up to Don Carter and said, "Think we are going to make it Don? Do you think it is going to work out all right?" Invariably, he would just kind of smile and say, "I think we will work it out."

Don had seen it all before. He understood the process, he understood the various stages the process took and he wasn't fazed by a great deal of it but he believed in the process tremendously.

An article appeared (an editorial) immediately after Don Carter passed away and I want to share with you a portion of it. "Don Carter recently engaged a Sentinel editorial writer on the issue of term limitations and Don was not for them." The writer said, "It wouldn't apply to you, it would only apply to politicians, you are an elected public official." That was the huge distinction between Representative Don Carter of Winslow and many others who hold public office.

"Carter's death in an untimely auto accident Saturday afternoon stunned and saddened many friends throughout central Maine and the state. His death deprives Maine, his community, and the state, of his outstanding caring service of an elected public official. Representative Carter was entering his 13th session of the legislature, serving as co-chairman of the Appropriations Committee. He was second in legislative service only to House Speaker John L. Martin."

He was a long-term member of the Winslow town council and served on a variety of boards and organizations committed to public service work. It was not unusual for Don Carter to run for office unopposed and, when it came time to organize projects and get things done, his services were greatly sought. By simply loaning his name and reputation to a fledgling community undertaking, Don Carter could assure credibility.

He was a lifelong member of the Democratic Party but he was pragmatic on issues, large and small. He spearheaded efforts of industrial and business development in Winslow on the Mid-State Development Corporation at the legislative level and afield in Canada and Europe. At the same time, he was a concerned environmentalist who had researched issues extensively. He insisted on a balance when such opposite sides collided and would serve as a policeman for compromise for both sides.

Representative Carter had worked tirelessly for most of his years in the legislature to obtain approval for a second Waterville-Winslow bridge. The project won approval about three years ago and is now in the planning stages. "I will finally believe it the day that they cut the ribbon" he once said of years of effort on the project. If a bridge deserves to bear the name of its foremost advocate, this one deserves to be named for Don Carter.

When the great flood of 1987 wiped out Winslow's landmark, Fort Halifax, many will remember it was Don Carter at the end of a telephone rallying a rebuilding effort almost immediately before the ground was dry.

Don Carter's life will be recalled repeatedly for its example on how a fine, decent man could function with dedication and principle in the arena of public affairs. Devoid of ego and arrogance, he epitomized the great difference between careerist politicians and those who serve the people who elected them.

Representative Don Carter will be missed by those he served.

The day after our swearing-in back in December, a picture appeared in the Morning Sentinel and it was a picture of Don Carter sitting in his seat, his grandson on his lap. A member of my staff shared the photo with me and said, "That's a side of Don Carter

you don't see very often." In retrospect, that person was probably right. Most of us forget that we deal with each other in a professional capacity day in and day out but as individuals we have a very personal side.

Don Carter was, among many things, a devoted husband to Wilma, his wife of 36 years, a dedicated family man to his four children and seven grandchildren, to his nine brothers and sisters and it was that same large and caring family that provided so much support and compassion to Don when he attended the funeral of his mother just about a month ago.

Don Carter died after leaving negotiations with the Appropriations Committee, a committee that had been called upon to deal with a budget crisis, a committee that worked virtually around the clock throughout the Christmas holidays. We took people away from their families, they all accepted that responsibility, they knew it came with the territory, but that doesn't make it any nicer when you have to explain that sometimes to your kids and your grandchildren.

On that Saturday, when we had finally carved out a couple of days for a break for the Appropriations Committee and others who had been following that process, we told people to go home for a couple of days, spend New Year's with their family, recharge their batteries and it was certainly a cruel twist of fate that we would lose one of our members that afternoon.

People deal with death in many different ways. Some are frustrated, some are angry, others are very confused. If there was a meaning to Don Carter's death, I am at a personal loss to explain it. It should, however, remind us all of our shared mortality, that our time here is very temporary, and that our time for life is the moment that we are living today.

The funeral attracted a great deal of interest for the Winslow community — state officials, TV stations covered Don Carter's funeral in an attempt to capture the event and its effect on those people who served and knew Don Carter.

One station had done a particularly outstanding job and I was commenting with the reporter just yesterday how pleased I was at how they covered it and how important I think it was for Don's family. The last frame of their coverage was meant to be an opportunity after the burial at the Veteran's Cemetery to come down to the House Chamber and take one last picture of Don's name on the tote board and perhaps a picture of his desk. The reporter told me that when they came into the House Chamber, they were unsure of exactly where his desk was but, given that he was a member with great seniority, they assumed that it would probably be towards the front of the Chamber surrounded by important documents from the Appropriations Committee. They looked for several moments before they were able to focus to Seat 122 and see a single, solitary red rose upon a cleaned off desk. The reporter told me that both he and his camera person were overwhelmed with emotion at that point. I explained to him that the tradition of placing a single red rose on a deceased member's desk was a practice that had been used as long as I had been in the legislature, that it was a tradition, not for the press, not for the public, but it was a tradition for you and I, it was a tradition for the members of this House, an opportunity for us to show

our respect for a deceased member, to be mindful of their commitment to public service, to be mindful of their sacrifices they made for that commitment to public service.

"Memory", said Cicero, "is the treasurer and guardian of all things." "Praising what is lost", said Shakespeare, "makes the remembrance so dear." We meet here today in an attempt to treasure and praise one who has been lost to us, to help make that memory that much more meaningful. As we remember Don Carter today with a single, solitary red rose on desk 122, each of us can draw from that remembrance an idea that will live forever.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: All too often in the last few years, we have stood together as a body, talked with each other about this occurrence. It shocks and saddens each one of us in an individual way when someone we have been close to leaves us in this Chamber. I think each person in the Chamber has a personal memory that they try to hang onto about an individual that they each know in an individual way.

As the good Representative from Fairfield mentioned, I, too, came into this Chamber yesterday when it was quiet, saw the desk with the rose on it, didn't think to look up to the board, but came to my desk and the sheet laying on the top was some notes from the debate that we had on the 21st. In fact, on the top of the sheet, which I hold in my hand now, are notes from Carter. I took notes from the presentation that Representative Carter made and one of the things that I have underlined here was a comment and I don't know where he ever came up with all these comments but I can tell you as a legislator, I always dreaded when Representative Carter stood up to oppose me on issues because I knew that we were done. The phrase "treated like a mushroom." That was a Representative Carter phrase as only he could say it, that had an impact that none of us, frankly, could overcome.

The loss of Representative Carter is a loss to the entire State of Maine. I think that was brought home to me even more when I attended the services in Winslow, and after the service, when I saw the face of a former Representative of this body, the former Representative from Paris, Susan Bell, with tears streaming down her face. I think that we do our job in a political sense of presenting opposing viewpoints in the whole body and especially in that committee. The people understand and appreciate the abilities that each other have. That said it to me — Sue Bell couldn't bring herself to words but that said it to me more than words.

The loss of Representative Carter has an impact on us all, on the citizens of this state, and I can say without qualification that I as an individual legislator am proud to have served with such a statesman as Don Carter.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Members of the House: Patrician, erudite, tenacious, fair, hardworking — Representative Carter personified all the values we hold very dear in this state. He was a faithful husband, a loyal son, a loving father and grandparent, a proud soldier, a successful businessman, a worthy, responsible legislator.

Almost three decades of public service didn't temper the fire of passion Don had for what is right and just in our daily dealings. He looked for the truth, the good, and the beautiful in people and would speak the truth always. He proved that public service was, indeed, an honorable profession and I will miss my seatmate for his joy and his optimism that he brought to my life.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Today is a sad day for this legislature. Representative Carter, who I had served with for 18 years, and over the last 12 years, having served in a seat in front of Representative Carter, a good many times I would come into this Chamber in the morning and he would always greet me with "Good morning Representative Don Strout and how are all the little Strouts?" My answer to him just about a month ago was that "those little Strouts are now grown and are bigger Strouts."

When I came in today to see the seat empty, it hit me because, as many of you know, Don Carter and myself have always commuted when we attend legislative sessions. Outside of one night in 18 years I have done this and, to my knowledge, Representative Carter had always done this. Even though his distance was shorter than mine, we traveled the same route a good many times.

When I received the call last Saturday from Representative Michaud, it shocked me because my question to Representative Michaud was, "No way he could have been traveling on Route 201." A good many sessions when we have been here late at night and on stormy nights Representative Carter would say to me, "Don, make sure when you go home, go the interstate, don't take 201." We did this for a number of years and when I talked to Representative Michaud, I said, "Could it have been the conditions of the road or was it that maybe Representative Carter was fatigued from what he had been through the previous three days?" I was pretty much assured that it was not the fatigue.

To me, Representative Carter was a gentleman, he was a friend, he was a municipal official who I have been associated with in town government since 1970 and, when you serve in those capacities as well as a member of the legislature, it takes a lot away from your family. Even with those meetings that we both had, we always discussed a lot of issues, and I bring to you today words that he used to say to me — "Don, do you think on the local level that we would have done the same thing that they are doing at the state level?" We discussed a lot of these issues and it really is a sad day for the state and it is a sad day for me. I can tell you that, as I leave my seat, for a good many days after we leave here today, I am going to have Don Carter in my memory.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: You know, Don Carter loved this body very much. Don was the kind of politician that people look for today in the time of ABSCAM when you have Congress people stuffing their pockets full of cash, when you have ethics that seem to be abandoned in the United States, you have a guy like Don Carter come along. Over the years, we have said good-bye to quite a few members of this body who have passed while we were here, some we knew well and some

we had only known a short time. I remember every one of them and I will always remember every one of them.

Unfortunately for me, I have known Don for pretty nearly 20 years. I knew him this side as my seatmate who sat in front of me and I also knew him on the side that Representative Gwadosky talked about — the side of him at home. That was because I was lucky enough to spend some time with Don and his family at home.

Don Carter was extremely proud of his ethnic background as we all should be, Franco-American. He was very proud of coming from a large family that had morals, standards, and a thread that held that family together. Don never forgot his roots. He came from what we call "the Sand Hill area" of the town of Winslow and he always remembered those people.

As I said to a reporter the day of the funeral, the thing that will be missed most in my opinion about Don Carter is, when the time came to cut up the pie (so to speak) and the group of people in this state that did not have a high paid lobbyist looking out for their interest, that's the people that Don Carter made sure got at least a little bit of that pie. He never forgot where he came from.

Don, in his struggle to get a fish passage in the Kennebec River, was never discouraged by the roadblocks that were put forward by either the paper companies or the utility companies. Every time they put another wall up, Don would dig under it, climb over it, go around it or knock it down, but he just kept right on going. I have got to say that many men and women would have been discouraged and thrown in the towel long before now. Don didn't live to see his fishway or his bridge but, as he told me often, he never really was fighting for the fishway or the bridge for himself but for his children and his grandchildren. He told me many times that, if someday, his children and grandchildren and the children and grandchildren of the people in the Waterville-Winslow area could fish the Kennebec River, then it would all have been worthwhile.

Probably the greatest tribute that I feel we can give Don, as someone who served the people here, is that Don Carter never looked for what he could get today, what was in it for him today, what was in it for us today, what was in it for the State of Maine today — Don always looked at what was in it for us today, tomorrow, and 50 years down the line. He never strayed from that belief, he was not a fly-by-nighter, his values and his ideals were firmly entrenched from the large family that he grew up with.

I would like to tell you a little story that I think really exemplifies Don Carter and the type of values and family that he came from and his love for the outdoors. Don has a brother named Jean who took up Atlantic Salmon fishing about 12 years ago. Don was a very big man as all his brothers are, those of you who got to know them, but they are not bullies, they do not use their size to their advantage. Don's brother Jean had been fishing on the Penobscot for (I guess) 12 or 13 years and his wife could never understand his repeated failed attempts to try to hook on to the Atlantic Salmon, through rain, snow, cold and the whole ball of wax. Finally, not too long ago, Jean Carter caught his first Atlantic Salmon and it was a good one. He played the fish and everybody on the river bank was watching and when they brought it up and they tailed the fish, Jean released the fish and let it go into the river. When he got home, he told his wife and family that he had

finally caught the Atlantic Salmon he had been fishing for for so long. His wife said, "That's wonderful, where is it?" He said, "I let it go." She said, "You let it go after all these years in the cold, getting up at four o'clock in the morning, driving up there and fishing for that fish — you let it go, can you tell me why?" He said, "Yes I can, because I had so much fun catching that fish, I wanted to make sure somebody else would have that same opportunity." That was like Don Carter. That is the kind of family that this man came from, making sure that everybody had every opportunity that they could enjoy. Big man, kind man, a real friend to us all.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the Maine House of Representatives: This Representative from District 98 (called West Winslow) remembers Don Carter in many ways. We all know that Don Carter was a very special person and a wise person. Representative Carter has been called a "perfect legislator." Don, like all of us, had his likes and his dislikes. On the top of his list of likes, loves and priorities were his family, his community, his heritage, his state and his country. Don had a firm belief in the sanctity of the Constitution of this state and of the United States. He believed strongly, as you heard the last time we met, on three co-equal branches of government. He remained calm when all others were not because he truly believed in the political process.

On a lighter side, Don enjoyed his environmental excursions with the former Director of the Office of Fiscal and Program Review, Bent Schlosser. Occasionally, I was allowed to accompany them on these field trips and it was always a learning experience. Don disliked with a passion longitudinal ruts and their causes in county government.

To be more parochial, if and when there is a second bridge over the Kennebec connecting Waterville and Winslow, it should be named, as his brother asked the other night, the Donald V. Carter Bridge in his memory. We need to remember that Don spent at least two decades working for this bridge. If there is to be a fishway passage on the Kennebec and the salmon do swim north of Augusta and Don's grandson, Eric and his cousins fish for salmon, the fishway should bear the memory of Don Carter.

Another side of Don — if there is to be a Department of Children and Families in state government, we should remember Don Carter's commitment to families with children and we should remember his determination to deal with the roots of the problems facing families and children in this state. Don Carter always said, "We pay now or we pay later." His caring, concern, and love for those who need services from government was sincere and it was genuine. Don was a wise man.

To his wife, Wilma, their children and their grandchildren, who are proud to call him Dad, Pepere, friend, husband, partner, in the hours of your sorrow and sadness, we remember Don Carter.

Subsequently, was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

COMMUNICATION

MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333

STATE OF MAINE  
DEPARTMENT OF STATE

January 2, 1991

Augusta, Maine  
January 2, 1991

The Honorable Charles P. Pray  
The Honorable John L. Martin  
Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Student Financial Aid Transition Advisory Committee is pleased to send you this copy of its report. The report has been submitted to the Joint Standing Committee on Education pursuant to P.L. 1989, c. 698.

Sincerely,

S/Sen. Stephen M. Bost            S/J. Michael Orenduff  
Chair                                    Co-Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE  
EXECUTIVE DEPARTMENT  
STATE PLANNING OFFICE  
184 STATE STREET  
AUGUSTA, MAINE 04333

December, 1990

Senate President Charles P. Pray,  
Speaker of the House John L. Martin, and  
Members of the 115th Maine Legislature

Dear President Pray, Speaker Martin and Members of the Maine Legislature:

I am pleased to submit herewith the 1990 Governor's Report to the Legislature on Maine's use of Exxon, Stripper Well, and Diamond Shamrock Petroleum Violation Escrow (PVE) funds.

This report is submitted to the Legislature pursuant to Section 6 of Chapter 818 of the Public Laws of 1986, Section 5 of Chapter 533 of the Public Laws of 1987, and Chapter 119 of the Private and Special Laws of 1989. It is based on information provided by the State agencies responsible for the conduct of programs and activities funded with PVE monies. The report contains information on the status of each program Maine has funded with oil overcharge monies and the amounts of all unexpended balances.

Copies of the report are being distributed to each member of the Legislature, agencies responsible for PVE-funded programs, and other interested parties.

Sincerely,

S/Richard H. Silkman

To the President of the Senate and the Speaker of the House of Representatives of the One Hundred and Fifteenth Legislature of the State of Maine:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Governor in the several cities, towns and plantations in the State of Maine at the General Election held on November 6, 1990, as submitted by the appropriate officials of the municipalities involved immediately following said election.

Respectfully,

S/G. William Diamond  
Secretary of State

Was read and with accompanying papers ordered placed on file.

COMMUNICATIONS

The following Communication:

COMMISSION TO ASSESS THE IMPACT OF  
INCREASED STATE SPENDING ON THE  
UNIVERSITY OF MAINE SYSTEM  
MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333

December 21, 1990

The Honorable John L. Martin  
Speaker of the House of Representatives  
115th State Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

The Commission to Assess the Impact of Increased State Spending on the University of Maine System is pleased to submit its report in accordance with Resolves of 1989, Chapter 101.

Respectfully submitted,

S/John O'Dea  
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STUDENT FINANCIAL AID TRANSITION  
ADVISORY COMMITTEE

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE  
BUREAU OF ALCOHOLIC BEVERAGES  
STATE HOUSE STATION 8  
AUGUSTA, MAINE 04333

December 28, 1990

Joint Standing Committee on Legal Affairs  
115th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Senate and House Chair:

Upon reviewing the alternatives available to the Bureau of Alcoholic Beverages, the Maine State Liquor Commission is proposing to close ten (10) State Liquor Stores which would result in net savings to the State in the amount of \$350,000 per annum.

Please accept this communication as formal notice of our intent to close the following stores by the date of March 30, 1991:

Ashland	Mechanic Falls	Pittsfield
Fort Fairfield	Milo	Stonington
Limestone	Patten	Van Buren
		Winslow

The above stores are principally one (1) person stores with high overhead costs and would not have high impact on licensee sales.

In accordance with Title 28-A MRSA, Section 402, Subsection 6, you may hold a public hearing on this proposed closing and advise the Liquor Commission of your findings.

Please do not hesitate to contact my office should you have any questions regarding this issue or any others you may want to discuss.

Very truly yours,

S/Guy A. Marcotte  
Director

Was read and referred to the Joint Standing Committee on Legal Affairs.

The following Communication:

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

December 31, 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 Chapter 816 of the Public Laws of 1987, I have today reappointed Donald E. Nicoll, of Portland, to the Maine Health Policy Advisory Council for another two-year term.

Sincerely,

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following Communication:

115th Maine Legislature

December 31, 1990

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

Dear Clerk Pert:

Pursuant to our authority under M.R.S.A. Title 24-A, section 2072, we have appointed Andrew J. Finnegan of Greenville to the Special Select Commission on Access to Health Care. He replaces Frank Phillips, who has resigned. He will serve as that Commission's health provider representative.

Pursuant to our authority under Chapter 500 of the Public Laws of 1987, we have appointed George Gagnon of Millinocket to the Commission on Job Opportunity Zones. He will replace Mr. Roy Taylor, who has moved out of state.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bills and Resolve 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:

**Agriculture**

Bill "An Act Authorizing Certified Breeders of Domestic Animals to Administer Rabies Vaccinations" (H.P. 61) (L.D. 89) (Presented by Representative



RICHARDS of Hampden) (Cosponsored by Representative LORD of Waterboro, Representative TARDY of Palmyra and Senator TITCOMB of Cumberland)

Bill "An Act Amending the Potato Branding Laws" (H.P. 73) (L.D. 101) (Presented by Representative TARDY of Palmyra) (Cosponsored by Senator TWITCHELL of Oxford)

Ordered Printed.  
Sent up for Concurrence.

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**Banking and Insurance**

Bill "An Act Regarding the Acceptance of Certain Checks" (H.P. 57) (L.D. 85) (Presented by Representative HANDY of Lewiston) (Cosponsored by Senator BUSTIN of Kennebec, Representative JOSEPH of Waterville and Representative GEAN of Alfred)

Bill "An Act Concerning Consent to Dental Care" (H.P. 60) (L.D. 88) (Presented by Representative Small of Bath) (Cosponsored by Senator GILL of Cumberland, Senator Holloway of Lincoln and Representative MacBRIDE of Presque Isle)

Ordered Printed.  
Sent up for Concurrence.

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**Education**

Bill "An Act to Require That Phonics Be Taught from Kindergarten to Grade 3" (H.P. 63) (L.D. 91) (Presented by Representative HANLEY of Paris) (By Request)

Bill "An Act to Require that Handwriting be Taught from Kindergarten to Grade 6" (H.P. 64) (L.D. 92) (Presented by Representative HANLEY of Paris) (By Request)

Ordered Printed.  
Sent up for Concurrence.

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**Agriculture**

Bill "An Act to Promote Cranberry Cultivation in Maine" (EMERGENCY) (H.P. 69) (L.D. 97) (Presented by Representative CARROLL of Southwest Harbor) (Cosponsored by Representative LOOK of Jonesboro and Representative DUFFY of Bangor)

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

On motion of Representative Jacques of Waterville, was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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**Judiciary**

Bill "An Act Regarding Possession of Certain Weapons, Implements or Aids" (H.P. 78) (L.D. 106) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative RUHLIN of Brewer, Representative LEBOWITZ of Bangor and President PRAY of Penobscot)

Bill "An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension" (H.P. 71) (L.D. 99) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative HASTINGS of Fryeburg, Senator CONLEY of Cumberland and Representative O'DEA of Orono)

Bill "An Act to Eliminate the Requirement of Mediation in Certain Domestic Cases" (H.P. 72) (L.D. 100) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative ANTHONY of South Portland, Representative HASTINGS of Fryeburg and Senator CONLEY of Cumberland)

Bill "An Act to Dispense with Final Hearings in Uncontested Divorces or Modifications to Decrees" (H.P. 74) (L.D. 102) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative HANLEY of Paris)

Bill "An Act to Include the Testator's Birth Date in Statutory Living Wills" (EMERGENCY) (H.P. 77) (L.D. 105) (Presented by Representative STEVENS of Bangor) (Cosponsored by Representative COTE of Auburn, Representative MacBRIDE of Presque Isle and Senator GAUVREAU of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

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**Labor**

Bill "An Act to Amend the Law Concerning Family Medical Leave" (H.P. 75) (L.D. 103) (Presented by Representative CLARK of Brunswick) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator CLARK of Cumberland and Senator ESTES of York)

Ordered Printed.  
Sent up for Concurrence.

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**Legal Affairs**

Bill "An Act Designed to Make the Use and Storage of Firearms Safer" (H.P. 59) (L.D. 87) (Presented by Representative NORTON of Winthrop) (By Request)

Ordered Printed.  
Sent up for Concurrence.

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**TABLED AND ASSIGNED**

Bill "An Act to Prohibit Shooting from or across an Accepted Road" (H.P. 62) (L.D. 90) (Presented by Representative MERRILL of Dover-Foxcroft)

(The Committee on Reference of Bills had suggested reference to the Committee on **Legal Affairs**.)

On motion of Representative Jacques of Waterville, tabled pending the motion of Representative Paul of Sanford to refer to the Committee on **Legal Affairs** and specially assigned for Monday, January 7, 1991.

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**Legal Affairs**

Bill "An Act Concerning the Licensing of Organizations Operating Games of Chance or Beano" (H.P. 67) (L.D. 95) (Presented by Representative ERWIN of Rumford) (Cosponsored by Representative JALBERT of Lisbon, Senator TWITCHELL of Oxford and Senator PEARSON of Penobscot)

Ordered Printed.  
Sent up for Concurrence.

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**Marine Resources**

Bill "An Act Concerning the Season for Harvesting Scallops" (H.P. 66) (L.D. 94) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative CARROLL of Southwest Harbor, Representative RUHLIN of Brewer and Representative BAILEY of Township 27)

Ordered Printed.  
Sent up for Concurrence.

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**State and Local Government**

Bill "An Act to Modify the Territory of the Northport Village Corporation" (H.P. 58) (L.D. 86) (Presented by Representative MARSANO of Belfast) (By Request)

Ordered Printed.  
Sent up for Concurrence.

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**LATER TODAY ASSIGNED**

Bill "An Act to Authorize the Issuance of State Identification Cards to People Under the Age of 21" (H.P. 76) (L.D. 104) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative HANLEY of Paris and Representative MacBRIDE of Presque Isle)

(The Committee on Reference of Bills had suggested reference to the Committee on **State and Local Government**.)

Representative Joseph of Waterville moved that L.D. 104 be referred to the Committee on **State and Local Government**.

On motion of Representative Macomber of South Portland, tabled pending the motion of Representative

Joseph of Waterville that L.D. 104 be referred to the Committee on **State and Local Government** and later today assigned.

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**State and Local Government**

Resolve, Authorizing the State to Release Its Interest in Certain Real Property in Rumford, Maine (H.P. 68) (L.D. 96) (Presented by Representative ERWIN of Rumford) (Cosponsored by Senator MILLS of Oxford)

Ordered Printed.  
Sent up for Concurrence.

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**Taxation**

Bill "An Act Concerning Notifications of Action on Requests for Tax Abatements" (H.P. 70) (L.D. 98) (Presented by Representative DiPIETRO of South Portland)

Ordered Printed.  
Sent up for Concurrence.

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**Transportation**

Bill "An Act to Authorize Certified Reserve Officers to Enforce Motor Vehicle Registration Laws" (H.P. 65) (L.D. 93) (Presented by Representative LIBBY of Kennebunk) (Cosponsored by Representative CARROLL of Southwest Harbor, Representative BAILEY of Township 27 and Representative PAUL of Sanford)

Ordered Printed.  
Sent up for Concurrence.

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**Reported Pursuant to Resolve**

Representative LAWRENCE for the Commission to Study Public Financing of State Elections, pursuant to Resolve 1989, Chapter 59 ask leave to submit its findings and to report that the accompanying Bill "An Act to Enhance the Capabilities of the Commission on Governmental Ethics and Election Practices" (H.P. 52) (L.D. 73) be referred to the Joint Standing Committee on **Appropriations and Financial Affairs** for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on **Appropriations and Financial Affairs**, ordered printed and sent up for concurrence.

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**Reported Pursuant to Public Law**

Representative FARNSWORTH for the Commission to Study Maine's Oil Spill Clean-up Preparedness, pursuant to Public Law 1989, chapter 868 ask leave to submit its findings and to report that the

accompanying Bill "An Act Regarding Liability for Persons Responding to Oil Spills" (H.P. 53) (L.D. 74) be referred to the Joint Standing Committee on **Judiciary** for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on **Judiciary**, ordered printed and sent up for concurrence.

**Reported Pursuant to Resolve**

Representative CONSTANTINE for the Commission to Study the Level of Services for Maine's Elderly Citizens, pursuant to Resolves 1989, chapter 58 ask leave to submit its findings and to report that the accompanying Bill "An Act to Protect Insurance Consumers and Encourage Long-range Financial Planning" (H.P. 54) (L.D. 75) be referred to the Joint Standing Committee on **Banking and Insurance** for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on **Banking and Insurance**, ordered printed and sent up for concurrence.

**Study Report - Subcommittee to Study Salmon Aquaculture in Maine**

Representative COLES from the Subcommittee to Study Salmon Aquaculture in Maine to which was referred by the Legislative Council the Study Relative to the Aquaculture Industry in the State have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Regarding Aquaculture" (H.P. 55) (L.D. 76) be referred to the Joint Standing Committee on **Marine Resources** for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on **Marine Resources**, ordered printed and sent up for concurrence.

**Reported Pursuant to Public Law**

Representative FARNSWORTH for the Commission to Study Maine's Oil Spill Clean-up Preparedness, pursuant to Public Law 1989, chapter 868 ask leave to submit its findings and to report that the accompanying Bill "An Act to Extend the Commission to Study Maine's Oil Spill Clean-up Preparedness and to Improve Marine Oil Spill Prevention, Planning and Response" (EMERGENCY) (H.P. 56) (L.D. 77) be referred to the Joint Standing Committee on **Energy and Natural Resources** for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on **Energy and Natural Resources**, ordered printed and sent up for concurrence.

The SPEAKER: As you may know, because of the passing of Don Carter, we have lost the Chairman of the Appropriations Committee. As a result, it becomes my responsibility to appoint someone immediately to take over because of the impending budget crisis that the state is now in. After a great deal of thought and consultation, I will now tell you what I have decided and those appointments are effective immediately as they occur. To be the permanent Chair of the Appropriations, the Chair will appoint the Representative from Topsham, Representative Chonko. Because of the passing of Representative Carter and the impact emotionally and otherwise, Representative Chonko has asked that it be delayed for a couple of weeks. As a result, the Chair is appointing the Representative from Eagle Lake, Representative Martin, to that position until the work is completed on L.D. 108. At that time, I will come off the committee and the slot that remains vacant will be filled by the Representative from Howland, Representative Hichborn. Representative Hichborn will replace me at that time.

I hope that all of you will help us in the pending crisis, complicated by the death of Don Carter, who was one of the most knowledgeable individuals in the budgetary process that this state has had in many a year.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby Bill "An Act Regarding Possession of Certain Weapons, Implements or Aids" (H.P. 78) (L.D. 106) was referred to the Committee on **Judiciary**.

On further motion of the same Representative, tabled pending reference and specially assigned for Monday, January 7, 1991.

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues" (EMERGENCY) (H.P. 10) (L.D. 13) (C. "A" H-6)

Was reported by the Committee on **Bills in the Second Reading** and read the second time.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby Committee Amendment "A" (H-6) was adopted.

On further motion of the same Representative, Committee Amendment "A" (H-6) was indefinitely postponed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "B" (H-9) to Committee Amendment "A" (H-6) and moved its adoption.

House Amendment "B" (H-9) to Committee Amendment "A" (H-6) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

At this point, a message came from the Senate, borne by Senator CLARK of Cumberland proposing a Convention of both branches of the Legislature to be held at 6:30 P.M. at the Augusta Civic Center for the purpose of administering to the Honorable JOHN R. MCKERNAN, JR., Governor-elect, the oath required by the Constitution to qualify him to enter upon the discharge of his official duties.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 6:30 P.M. and the Speaker appointed Representative GWADOSKY of Fairfield to convey that message to the Senate.

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

The Chair laid before the House the following matter: Bill "An Act to Authorize the Issuance of State Identification Cards to People Under the Age of 21" (H.P. 76) (L.D. 104) which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that L.D. 104 be referred to the Committee on **State and Local Government**.

Representative Joseph of Waterville withdrew her motion that L.D. 104 be referred to the Committee on **State and Local Government**.

On motion of the same Representative, was referred to the Committee on **Transportation**, ordered printed and sent up for concurrence.

At this point, the Speaker appointed the following members to the Joint Select Committee on the Gubernatorial Vote on the part of the House:

Representative ERWIN of Rumford  
Representative O'DEA of Orono  
Representative SWAZEY of Bucksport  
Representative HALE of Sanford  
Representative PENDLETON of Scarborough  
Representative STEVENSON of Unity  
Representative LEBOWITZ of Bangor

At this point, the Speaker also appointed to the Joint Select Committee to consider the Governor's message and report a reference of its several subjects to appropriate committees the following members on the part of the House:

Representative CLARK of Millinocket

Representative MARTIN of Van Buren  
Representative KETTERER of Madison  
Representative AULT of Wayne  
Representative SMALL of Bath  
Representative SALISBURY of Ellsworth

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

#### SENATE PAPERS

The following Joint Order: (S.P. 55)

ORDERED, the House concurring, that the returns of votes for the Governor, given in the several cities, towns and plantations of the State for political years 1991, 1992, 1993 and 1994, be referred to a Joint Select Committee of seven on the part of the Senate, with such as the House may join.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

#### SENATE PAPERS

The following Joint Order: (S.P. 56)

ORDERED, the House concurring, that a Joint Select Committee of three on the part of the Senate, with such as the House may join, be appointed to consider the Governor's Message and report a reference of its several subjects to appropriate committees.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following item was taken up out of order by unanimous consent:

#### COMMUNICATIONS

The following Communication: (S.P. 57)

REPORT OF THE JOINT SELECT COMMITTEE ON  
GUBERNATORIAL VOTE  
STATE OF MAINE

January 3, 1991

The Honorable Charles P. Pray  
President of the Senate  
The Honorable John L. Martin  
Speaker of the House of Representatives  
State House  
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Joint Select Committee of the One Hundred and Fifteenth Legislature on returns of votes for Governor given in at the several cities, towns and plantations of this State for the political years 1991, 1992, 1993 and 1994, has attended to its duty and asks leave to report that the whole number of votes returned for Governor was 523,082; that Andrew Adam of Augusta had 48,377 votes; Joseph E. Brennan of Portland had 230,038 votes; John R. McKernan, Jr., of Auburn had 243,766 votes; and Others had 311.

S/Gerard P. Conley, Jr.  
Chairman on the part of of the Senate

S/Phyllis R. Erwin  
Chairman on the part of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

At this point, the Speaker appointed a Committee to wait upon the Honorable JOHN R. MCKERNAN, JR., and inform him he had been duly elected Governor of the State of Maine for the political years 1991, 1992, 1993, and 1994, the following members on the part of the House:

- Representative LARRIVEE of Gorham
- Representative ROTONDI of Athens
- Representative TAMMARO of Baileyville
- Representative O'GARA of Westbrook
- Representative MURPHY of Berwick
- Representative REED of Falmouth
- Representative PINES of Limestone

The following item was taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Joint Order: (S.P. 59)

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable John R. McKernan, Jr., and inform him that he had been duly elected Governor of the State of Maine for the political years 1991, 1992, 1993 and 1994.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

January 3, 1991

Mr. Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, ME 04333

Dear Clerk Pert:

The President today appointed the following Senators on the part of the Senate to the Joint Select Committee on Gubernatorial Vote:

- Senators:
- Conley of Cumberland
  - Estes of York
  - Brannigan of Cumberland
  - Bost of Penobscot
  - Brawn of Knox
  - Gill of Cumberland
  - Gould of Waldo

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate  
Augusta, Maine 04333

January 3, 1991

Mr. Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, ME 04333

Dear Clerk Pert:

The President today appointed the following Senators on the part of the Senate to the Joint Select Committee to consider the Governor's Message and report a reference of its several subjects to appropriate committees.

- Senators:
- Bustin of Kennebec
  - Twitchell of Oxford
  - Gill of Cumberland

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate  
Augusta, Maine 04333

January 3, 1991

Mr. Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, ME 04333

Rotondi of Athens  
Daggett of Augusta  
Heeschen of Wilton  
Larrivee of Gorham  
Cahill of Mattawamkeag  
Hanley of Paris

Dear Clerk Pert:

The President today appointed the following Senators on the part of the Senate to the Committee to inform the Honorable John R. McKernan that he has been duly elected Governor.

Senators: Clark of Cumberland  
Dutremble of York  
Emerson of Penobscot

Sincerely,

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

Was read and ordered placed on file.

(Recessed until 6:15 p.m. at the Civic Center)

(After Recess)

The House was called to order by Speaker Martin at the Civic Center.

At this point, the Senate entered the Auditorium and a Joint Convention was formed.

**IN CONVENTION**

The President of the Senate, the Honorable Charles P. Pray, in the Chair.

On motion of Senator CLARK of Cumberland, it was

ORDERED, that a committee be appointed to wait upon the Governor's Cabinet inviting them to attend the Convention which was convened for the purpose of administering to the Honorable John R. McKernan, Jr., Governor-Elect, the oath required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Chair appointed:

Senators: Theriault of Aroostook  
Esty of Cumberland  
Carpenter of York

Representatives: Joseph of Waterville

Subsequently, Senator Theriault, for the Committee, reported that the Committee had delivered the message with which it was charged and that the Honorable Members of the Governor's Cabinet would attend forthwith.

At this point, the Sergeant-at-Arms escorted the Honorable Members of the Governor's Cabinet into the Auditorium.

On motion of Senator Dutremble of York, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Associate Chief Justices of the Supreme Judicial Court and the Chief Justice of the Superior Court inviting them to attend the Convention which was convened for the purpose of administering to the Honorable John R. McKernan, Jr., Governor-elect, the oath required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Chair appointed:

Senators: Bustin of Kennebec  
Estes of York  
Holloway of Lincoln

Representatives: Paradis of Augusta  
Cote of Auburn  
Stevens of Bangor  
Anthony of So. Portland  
Farnsworth of Hallowell  
Ketterer of Madison  
MacBride of Presque Isle  
Hanley of Paris  
Hastings of Fryeburg  
Richards of Hampden

Subsequently, Senator Bustin, for the Committee, reported the Committee had delivered the message with which it was charged and that the Judiciary would attend forthwith.

At this point, the Sergeant-at-Arms escorted the Associate Justices of the Supreme Court, the Honorable David Roberts, the Honorable Daniel Wathen, the Honorable Caroline Glassman, the Honorable Robert Clifford and the Chief Justice of the Superior Court, the Honorable Morton A. Brody, to the rostrum.

At this point, the Sergeant-at-Arms escorted the Clergy, Reverend Arlan Baillie, Rabbi Seth H. Frisch, and Father Peter C. Chrisafideis, to the rostrum.

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The Chairman of the Convention extended a welcome to State Treasurer, Samuel Shapiro; Attorney General, James Tierney and Attorney General-elect, Michael E. Carpenter.

The Chairman also extended a welcome to the various foreign dignitaries present in the Auditorium.

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At this point, the members of the Governor-elect's family entered the Auditorium and were escorted to the rostrum by the Sergeant-at-Arms, amid the applause of the Convention, the audience rising.

The Chairman extended a welcome to Congresswoman Olympia J. Snowe, wife of the Governor-elect; Barbara G. McKernan, his mother; Peter A. McKernan, his son; Robert T. McKernan and Kim McKernan, his brother and sister-in-law.

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On motion of Senator Clark of Cumberland, it was

ORDERED, that a Committee be appointed to wait upon the Honorable John R. McKernan, Jr., Governor-elect, and inform him that the two branches of the Legislature were in Convention, assembled, ready to administer to him the oaths of office required by the Constitution to qualify him to enter upon the discharge of his official duties and receive from him such communication as he may be pleased to make.

The Chair appointed:

Senators: Clark of Cumberland  
Dutremble of York  
Webster of Franklin

Representatives: Tardy of Palmyra  
Aliberti of Lewiston  
Nutting of Leeds  
Hussey of Milo  
Bell of Caribou  
Pines of Limestone  
Parent of Benton  
Carlton of Wells  
Spear of Nobleboro

Subsequently, Senator Clark, for the Committee, reported that the Committee had delivered the message with which it was charged and that the Governor-elect would attend forthwith.

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At this point, the Boy Singers of Maine, directed by F. Stewart Shuster, sang "Amazing Grace", which was arranged by John Coates.

Subsequently, "Olympic Fanfare" was performed by the 195th Army Band.

At this point, the Herald announced the procession and Governor-elect, John R. McKernan, Jr. escorted by the Honorable Chief Justice, Vincent L. McKusick, Adjutant General Park, and G. Wm. Diamond, Secretary of State, entered the Auditorium amid applause, the audience rising.

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The Convention was called to order by the Chairman and he thanked the Boy Singers of Maine and the 195th Army Band for their performances.

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The invocation was given by Reverend Arlan Baillie of the All Souls Congregational Church in Bangor.

The National Anthem was sung by the Boy Singers of Maine.

A reading was then given by Rabbi Seth Frisch of the Temple Beth El in Portland.

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Thereupon, the Governor-elect, John R. McKernan, Jr., before the presiding officer of the Convention, the Honorable Charles P. Pray, in the presence of both branches of the Legislature, the Chief Justice and Associate Chief Justices of the Supreme Judicial Court, the Chief Justice of the Superior Court, took and subscribed the oaths required by the Constitution (Wife Olympia J. Snowe and son Peter held the bible) to qualify him to enter upon the discharge of his official duties.

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The Chairman of the Convention then called upon the Secretary of State, the Honorable G. Wm. Diamond, to read the Proclamation:

**PROCLAMATION**

The voted given on the sixth day of November last, in the cities and towns and plantations of the State of Maine for Governor, the returns of which have been made to the Office of the Secretary of State, having been examined and counted by the Legislature which has declared a plurality thereof was given to John R. McKernan, Jr., and that he is duly elected and he, having in the presence of the two branches of the Legislature in Convention assembled, taken and subscribed the oaths required by the Constitution to qualify him to discharge the duties of that office, I, therefore, declare and make known to all persons in this state who are in the exercise of any public trust, as well as all good citizens thereof, that John R. McKernan, Jr., is Governor and Commander-in-Chief of the State of Maine, and that due obedience should be rendered to all his acts and commands as such.

**GOD SAVE THE STATE OF MAINE**

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The Chairman of the Convention then presented Governor John R. McKernan, Jr., to the Convention. amid applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Members of the 115th Legislature, Mr. Chief Justice and Members of the Judiciary, Mr. Secretary of State, Members of the Clergy, and Fellow Citizens:

Before I begin, I want to say to the members of the Legislature, that I know we meet here tonight with heavy hearts, having lost a colleague this past week, one of the most respected members of the Legislative Branch of government, the House Chairman of the Appropriations Committee, Representative Don Carter. I know his tragic death has left us all saddened. His commitment to public service and his view that our job is to do what is best for the people of Maine should inspire us to work together during these next six months to reach agreement on the many crucial financial issues facing our state. He expected no less and the people of Maine share his expectations.

There have been few times in the history of this state when the dual threats of war and a faltering economy have so dramatically and precipitously affected our lives. In the next two weeks, our President may have to decide whether or not this country will fight in the Persian Gulf. Each one of us has been affected by that impending conflict. Two weeks ago, I watched John Cashwell, director of the Maine Forest Service, and Dave White, the state pilot, depart for Germany with their National Guard unit. These are people with whom I've worked closely, and I know that every person listening this evening probably has a similar story.

The threat of war has cast a pall over the nation. In barbershops and supermarkets and workplaces all over the country, people are talking about the Middle East, and they are apprehensive. Here in the Northeast, this uncertainty has compounded our economic problems. People have adopted a "wait and see" attitude; businesses are preparing for the storm. And Maine has suffered because of it. Our budget problems are the manifestation of thousands of personal misfortunes all across our state. Every one of us knows someone who has lost a job or is having trouble paying their bills. Earlier this week I, personally, had to make one of the toughest decisions I've had to make as Governor — to lay off almost 500 of our state employees. I agonized over this decision because I am fully aware of the personal hardship for these employees and their families. And I empathize with others all across the state who will be affected by similar decisions as we face the reality of a recession.

As your Governor, I will do whatever is necessary to guide us through these difficult times and prepare us for a brighter future. I will always put the common good above the special interests.

We are grappling with economic problems that are shaped by events beyond the borders of our state and, indeed, our nation. But they have happened on my watch. And it is my obligation to steer us through the troubled times. I accept that responsibility,

and, more importantly, I accept the inevitable criticism that goes with it. John F. Kennedy once said, "When things don't go well (people) like to blame the Presidents, and that is one of the things Presidents are paid for." Governors are no different.

Like most of our neighboring states, we did not accurately predict the magnitude of the impending economic downturn, and we have been roundly criticized for that error. The downturn has been quick and deep. One economist was recently quoted as saying our economy is "showing signs of caving in, almost falling off a cliff." And a recent Wall Street Journal article called these times a "steep economic downturn." Just yesterday, the President said we were entering a recession.

Maine has not escaped that trend. In November, our unemployment rate jumped from 5.1 percent to 6.6 percent, the largest single-month increase in over 30 years. Also in November, the New England Economic Project revised their 1991 economic projections sharply downward from moderate real growth to an actual decline. Economic and budget forecasters are now saying that without corrective action Maine's budget will be out of balance by over \$100M by June.

The sudden downturn in the economy has caused some to ask why we didn't see this much earlier. Believe me, I wish we had. But the fact is that just this week we ended December, half way through our fiscal year, with our revenues actually ahead of projections. Yet because of the now-predicted recession in the next six months, there is a consensus among the experts that by June our revenue projections will turn out to have been overly optimistic. We simply misjudged the economy as did at least 28 other states also facing budget deficits. The Northeast has been most severely hit. Last month in New York, Governor Cuomo worked with the Legislature to close a \$1 billion deficit. Three days later, the projected budget shortfall had grown by an additional \$500 million. And the problems in Rhode Island and Connecticut are even worse.

Despite the enormity of our challenge, make no mistake about the fact that we shall balance the budget. (applause) This is going to be a painful process. But we owe it to the taxpayers of this state to determine the size of state government Maine people can afford. (applause) Now is the time to examine exactly what services state government ought to provide. Legislators — and Governors — do not usually come to Augusta to eliminate programs. We come with good intentions and the desire to meet the needs of our constituents. A booming economy gave us the luxury of meeting more of those needs than ever before. But the new economic realities call for restraint and discipline. They call for saying "no" instead of "yes" to new spending.

The simple truth is that the state cannot be all things to all people. (applause) Maine people cannot afford it. However well motivated, some programs must be reduced, and some must be eliminated altogether. It is time to restore the concept of value to government. It is time to create a state government Maine people can afford. And we must begin now.



We cannot allow the delay and paralysis we have seen in Washington, and which has plagued our neighbors, to derail our efforts in Maine. These are not ordinary times. They call for swift and decisive action.

To my colleagues in the Legislature, I acknowledge that the decisions we need to make will be politically unpopular, but the consequences of not acting will be far more harmful to those who depend on state government. With every day that passes, the impact of the decisions we must make will become more disruptive and more painful.

We have worked around the clock to formulate plans for dealing with declining revenues. As soon as we have had information, we have shared it. As soon as we have developed plans, we have shared them. We have made every effort to act quickly and responsibly. The people of Maine expect and deserve no less. That is why I have put forth two budget proposals. You have rejected one already. I now call upon you for your cooperation, and most importantly, for your action in finding savings in state government. If we cannot work together, then, for the good of the state, I will be forced to act alone.

But our budget problems will not end with this fiscal year. We must be equally diligent and decisive as we look to the next two year budget.

To ensure we operate state government as efficiently as possible, I am proposing to you tonight that we form a commission to work with our state employees to streamline the structure and services of state government. (applause) I do not believe it is fair or proper to turn to taxpayers for new taxes unless we have examined every other alternative. (applause) I will also be proposing to double the size of our Rainy Day Fund so that we can put money aside during good times to allow us to better weather the bad times. (applause)

We must endeavor to meet the challenge confronting us without raising taxes. Special interest groups will be clamoring for a tax increase. But in my opinion, now is not the time to take more money out of the pockets of Maine's working men and women. (applause) Economically distressed states that raised taxes last year, when we did not, found that it did not solve their fiscal problems.

Therefore, I do not intend to raise taxes to solve our problems for the remainder of this fiscal year. Nor will I be including broad-based taxes in our 1991-93 budget next week. My approach will allow us to identify exactly what services Maine people will and will not receive within our existing tax revenues. Only in this way will the taxpayer be sure we engage in a proper cost-benefit analysis of our budget priorities before deciding whether to take more money out of the pockets of hardworking Maine men and women. I will amend my budget package and propose new revenues only if it is necessary in order to maintain vital services, and only after I've exhausted every other alternative for reducing the cost of state government. (applause) We cannot afford "business as usual" in Augusta.

As difficult as these times will be, we cannot neglect programs important to our future. As Franklin Delano Roosevelt said, in times much more difficult than these, "This great nation will endure as it has endured, will revive and will prosper." And so will Maine.

In my Inaugural Address in 1987, I said I envisioned Maine as the "Opportunity State." That is still the case, and if you ask the workers who have benefited from our job training programs, the students who have participated in drug prevention programs, the teachers who have helped formulate our Common Core of Learning, the families who have benefited from our student aid efforts, and the adults who have received their GED degrees, they will tell you that Maine people have had new opportunities.

And perhaps most important, we have made a commitment to our young people. We created the Common Core of Learning to define the skills our high school graduates should possess and we have begun restructuring our schools. We began giving schools report cards and intensified the effort to make our kids aware of the danger of drugs. We focused on our University, technical colleges, literacy training, and adult education. In fact, when Isabelle LeBorgne received her GED degree two years ago at age 82, she reminded us all that learning is a life-long process.

To ensure that more of our young people will be life-long learners, we have also focused on a more intangible component of our children's development, their aspirations. Across the state, businesses working with the schools in their communities have formed aspirations compacts to give kids opportunities they could only dream about in the past. We have tried to teach our young people that to aspire is to succeed, for if you set out to become a Nobel-prize winner, teacher of the year, or an Olympic athlete, you are bound to accomplish great things.

I continue to believe the key to prosperity and opportunity for Maine in this decade and beyond will be a well-trained and well-educated workforce. This education must begin in the family and with the schools in our communities. Over the past four years, we have made substantial investments in our schools. The economic times do not allow us to sustain the rate of that growth. Now is the time to focus on the other components of successful education. I believe the greatest variable in educational performance — more important than money, or buildings, or even teachers — is parental involvement. We can spend millions of dollars on a revolutionary curriculum, but it won't mean a thing if there isn't someone in the home willing to turn off the television. In the 1990's, homework will be for parents, too.

Just as the American work ethic shaped this country, the education ethic will be imperative for success in the years to come. I'm reminded of a boy from Kuwait who attended the same college as my son. His father insisted that he graduate in three years, which seemed an excessive demand at the time. He explained quite prophetically, "In this part of the world, you never know what will happen or where you will end up. But if you have a degree, then you will

be valuable anywhere."

That advice is just as important for our own children. We must be sure that parents of the children of our state understand this new reality. To begin the process of educating our parents on how they can better prepare their children for the next century, we will initiate a program of parental involvement in the early education of their children called "Parents as Teachers."

All of us, especially Maine businesses, have recognized that we have not only an obligation to help our schools but a vested interest in their performance. In this regard, UNUM and L.L. Bean have been leaders in the business community, providing not only financial support but encouragement for employees to be actively involved in the schools. I encourage other companies to follow their lead.

We also must ensure that all children have an equal chance when they begin formal schooling, and we plan to focus on our pre-school programs for children who need additional help.

And we must continue restructuring our schools. Our goal is to have an educational system that responds to the needs of our children, not a system that forces our children to fit a rigid structure which no longer meets the demands of our times.

We intend to reduce the dropout rate by expanding our Jobs for Maine's Graduates program and helping many of our at-risk youth with the critical school-to-work transition.

And to be sure the door to higher education is open to all students, regardless of their families' financial situation, I will, once again, propose a state guaranteed "Loan of Last Resort." This program will send the powerful message to the young people of our state that their future will be determined, not by the size of their families' wallets, but by their own abilities and academic accomplishments. (applause)

These investments in education are essential to lay the foundation to make Maine the "Opportunity State." The cornerstone of our economic agenda will be to promote the creation of good jobs for Maine workers. Jobs and economic growth are the best way for us to increase revenues to state government so we are able to meet the needs of our citizens. We must aggressively position Maine businesses to compete in the new global economy in Europe, Canada, and the Far East.

In the coming months, we will announce the results of a task force I formed last spring to examine both short and long-term measures to create jobs. There are three areas where we have already identified the need for reforms: workers' compensation; our environmental permitting process; and health care. (applause) In talking with thousands of employers from Madawaska to Kittery, those are concerns I have heard, time and time again.

Our current workers' compensation system places Maine employers at a competitive disadvantage and, more importantly, results in lost jobs and lower wages for our workers. The 1987 reforms we

instituted stabilized the system and averted a crisis. Now is the time to eliminate our competitive disadvantage by bringing our costs more in line with our neighboring states.

We must also tackle the high cost of health care while maintaining its high quality. Spiraling health care costs remain the single greatest barrier to providing greater access to health care for all citizens. When health care costs are no longer affordable for the average working Maine family, it is a problem that requires a solution. To help maintain and expand access to health care for the employees of small business, I shall be proposing legislation to allow a basic, more affordable health insurance policy for employees of Maine's small businesses. (applause)

The third area we need to address is the streamlining of the DEP permitting process so that projects will create jobs and stimulate the economy can be completed sooner. Over the last four years, we have shortened the permitting time by one-third and cut the backlog of applications in half. But more needs to be done. We will be filing legislation this session to further streamline the permitting process in an attempt to provide better service to those who seek environmental permits. We will, however, continue to be vigilant in our efforts to enforce our environmental laws. Our environmental decisions will largely determine the quality of life in this state for decades to come. (applause) Our environment cannot be neglected, in good times or bad.

From the early days of our bottle bill, the people of Maine have a commitment to cleaning up our environment, reducing solid waste, and recycling. We now have the most aggressive recycling goals in the country. (applause) I intend to see that commitment honored and do whatever is necessary to ensure we meet our recycling goals for 1992 and 1994. I urge all of you to join with me in reaffirming our dedication to that effort. I can tell by your response you will join me in that effort.

We face some daunting challenges. As we look at the next six months, we face the two choices anyone has when dealt a difficult hand: we can wallow in the problem and pity ourselves or we can do something about it. We can bemoan the cards we were dealt or we can play the hand to the best of our ability. Nothing brought that home to me more than Frances Peabody, a woman who should be an inspiration to anyone considering folding a bad hand and giving up.

Frannie Peabody is 87. Six years ago, she lost a grandson to AIDS. The loss was a tragedy, compounded by the fact that the disease was not fully understood, nor was society accepting of its victims. The temptation was to curse fate, mourn the loss, and move on.

But Frannie decided to tackle the problem. A few years shy of 90, she founded the AIDS Project in Portland. She devoted herself to educating the community about AIDS, caring for those afflicted, and comforting their families. She did not wallow in her problem or make excuses for inaction. She acted and she made a difference in the lives of people of this state.

And that is what we have to do. The cards have been dealt, and nobody is going to argue that we have a good hand. But now is not the time to point fingers. Now is the time to act — to prepare our state for a better tomorrow. In times like these, the people of Maine put their trust in us to make the difficult but right decisions. Only by working together will we prove worthy of that trust. I am confident we will not fail. (applause)

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At the conclusion of the address, benediction was offered by Father Peter Chrisafideis of the Greek Orthodox Church of the Holy Trinity in Lewiston.

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The Governor and his suite then withdrew amid the applause of the Convention, while the 195th Army Band performed "Liberty Fanfare." (applause, the audience rising)

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The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved.

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The House then retired to its Chamber at the State House.

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**In the House**

The House was called to order by the Speaker.

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The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues" (EMERGENCY) (H.P. 10) (L.D. 13) which was passed to be engrossed as amended by Committee Amendment "A" (H-6) as amended by House Amendment "B" (H-9) thereto in the House on January 3, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-6) as amended by Senate Amendment "A" (S-3) thereto in non-concurrence.

The House voted to recede and concur.

By unanimous consent, was ordered sent forthwith to Engrossing.

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The following items appearing on Supplement No. 3

were taken up out of order by unanimous consent:

**SENATE PAPERS**

Bill "An Act Concerning Monitoring and Inspection of Boarding Homes" (S.P. 50) (L.D. 80)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

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Bill "An Act to Change the Process of Selecting the Commissioner of Education" (S.P. 51) (L.D. 81)

Bill "An Act to Update Special Education Costs" (S.P. 52) (L.D. 82)

Came from the Senate, referred to the Committee on **Education** and Ordered Printed.

Were referred to the Committee on **Education** in concurrence.

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Bill "An Act to Strengthen the Involuntary Commitment Laws" (S.P. 49) (L.D. 79)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

Was referred to the Committee on **Judiciary** in concurrence.

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Bill "An Act to Amend the Child Support Guidelines" (S.P. 53) (L.D. 83)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Human Resources**.)

Was referred to the Committee on **Judiciary** in concurrence.

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RESOLUTION, Proposing an Amendment to the Constitution of Maine to Define "Just Value" (S.P. 54) (L.D. 84)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

On motion of Representative Gwadosky of Fairfield, tabled pending reference in concurrence and later today assigned.

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Bill "An Act to Eliminate the Front Motor Vehicle License Plate" (S.P. 48) (L.D. 78)

Came from the Senate, referred to the Committee

on **Transportation** and Ordered Printed.

Was referred to the Committee on **Transportation** in concurrence.

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**Reported Pursuant to Resolve**

Report of the Commission to Study the Use of Herbicides, pursuant to Resolve 1989, chapter 98 ask leave to submit its findings and to report that the accompanying Bill "An Act Regarding the Forestry, Natural Habitat, Water Quality and Environmental Impacts of Pesticide Use" (S.P. 46) (L.D. 72) be referred to the Joint Standing Committee on **Agriculture** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **Energy and Natural Resources** and ordered printed.

Report was read and accepted and the bill referred to the Committee on **Energy and Natural Resources** and ordered printed in concurrence.

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**Reported Pursuant to Resolve**

Report of the Commission to Study Public Financing of State Elections, pursuant to Resolve 1989, chapter 59 ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Political Action Committees Organized Outside of the State" (S.P. 45) (L.D. 71) be referred to the Joint Standing Committee on **Legal Affairs** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **Legal Affairs** and ordered printed.

Report was read and accepted and the bill referred to the Committee on **Legal Affairs** and ordered printed in concurrence.

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By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

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The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues (H.P. 10) (L.D. 13) (S. "A" S-3 to C. "A" H-6)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The **SPEAKER:** The Chair recognizes the

Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: By way of explanation, very quickly before we enact this piece of legislation, currently the cash balance in our General Fund checking account, the account that we use to pay our bills on a day-to-day basis, the current balance today, January 3rd, is minus \$159,424,000. That particular balance has been in the red and in the negative for 122 consecutive days, in excess of \$100 million for the last 56 consecutive days.

Because of this situation, we found ourselves in the position of having to borrow from various reserve funds in state government at approximately 8 percent. The purpose of this bill is to allow short-term borrowing to allow the Treasurer of the State of Maine to issue some tax anticipation notes at approximately five and three-quarters to six percent and that would save us anywhere from \$1.2 to \$1.6 million between now and the end of this fiscal year on June 30th.

It is a proposal that needs to get in place so the Treasurer can act by the middle of January. It has been our intention to push forward on this particular item since we came back into session and would certainly encourage your favorable adoption of this particular bill on enactment.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 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.

By unanimous consent, ordered sent forthwith to the Senate.

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The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Joint Order: (S.P. 60)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, January 7, 1991, at 4 o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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On motion of Representative Martin of Eagle Lake, Adjourned at 9:59 p.m. until Monday, January 7, 1991, at four o'clock in the afternoon pursuant to Joint Order (S.P. 60) in honor and lasting memory of Donald V. Carter.