

MAINE STATE LEGISLATURE

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

VOLUME V

FIRST REGULAR SESSION

Senate

June 19, 1995 to June 30, 1995

FIRST CONFIRMATION SESSION

September 14, 1995

FIRST SPECIAL SESSION

House of Representatives

November 28, 1995 to November 30, 1995

Senate

November 28, 1995 to November 30, 1995

ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST SPECIAL SESSION
1ST Legislative Day
Tuesday, November 28, 1995

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Seventeenth Legislature in extra session, the members of the House of Representatives are to assemble in their hall at 10:00 o'clock in the morning and will be called to order by the Speaker.

Prayer by Father Royal J. Parent, Our Lady Queen of Peace Catholic Church, Boothbay Harbor.
National Anthem by Jenny Lynd Robinson, Belfast.

A roll call was taken. 136 out of 151 members were present and accordingly a quorum was found to be present.

STATE OF MAINE
PROCLAMATION
(H.C. 260)

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the enactment by the Maine Legislature of a 1996-97 Biennial Budget with a lump-sum General Fund deappropriation of \$45,186,783 to be realized through cost savings generated by improved productivity of state government operations; and

WHEREAS, the Legislature enacted Public Law 1995, Chapters 99 and 368 establishing the Productivity Realization Task Force to assist the Executive and the Legislature in realizing these cost savings and describing the procedures for realization of the lump-sum deappropriation of \$45,186,783; and

WHEREAS, the Productivity Realization Task Force has submitted a package of recommendations to the Governor and the Legislature designed to achieve a portion of the deappropriation through improved productivity of state employees, more efficient delivery of state services and the elimination of waste, duplication and unnecessary programs in state services; and

WHEREAS, the Governor has accepted and implemented many of those recommendations and has prepared legislation to present those recommendations to the Legislature for approval of the necessary changes in law and appropriate amendments to the Budget to reflect the recommendations already implemented by the Executive pursuant to Public Law 1995, Chapter 99; and

WHEREAS, this proposed legislation must be enacted by the 117th Legislature prior to the January 1996 Second Regular Session in order to expedite realization of the savings resulting from these recommendations as an essential step toward meeting the lump-sum deappropriation mandated by the Legislature in the 1996-97 Biennial Budget;

NOW THEREFORE, I, **ANGUS S. KING, JR.**, Governor of the State of Maine, by the virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Tuesday, the twenty-eighth of November, 1995 at 10:00 o'clock in the morning, in order to receive communications, review the recommendations of the Productivity Realization Task Force and the

Governor, enact the proposed legislation submitted by the Governor containing these recommendations or substitute legislation that achieves the same amount of projected savings, and conduct such other legislative business as may seem appropriate.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this eighth day of November in the Year of our Lord One Thousand Nine Hundred and Ninety Five.

S/ANGUS S. KING, Jr.
Governor

S/G. William Diamond
Secretary of State

Was read and ordered placed on file.

On Motion of Representative JACQUES of Waterville, the following Order: (H.O. 33)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

Was read and passed.

A message was received from the Senate, borne by Senator AMERO of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

The Chair appointed the following Members:
Representative KERR of Old Orchard Beach
Representative POULIOT of Lewiston
Representative JOSEPH of Waterville
Representative DIPIETRO of South Portland
Representative MORRISON of Bangor
Representative TOWNSEND of Portland
Representative DONNELLY of Presque Isle
Representative OTT of York
Representative SIMONEAU of Thomaston

On Motion of Representative MITCHELL of Vassalboro, the following Order: (H.O. 34)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Was read and passed and Representative JACQUES of Waterville was appointed to convey the message.

At this point, a message came from the Senate, borne by SENATOR LAWRENCE of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 11:00 o'clock in the morning for the purpose of extending to His Excellency, Governor Angus S. King, Jr., an invitation to attend the Convention and to make such communication as pleases him.

Subsequently, Representative JACQUES of Waterville reported that he had delivered the message with which he was charged.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 o'clock in the morning and the Speaker appointed Representative JACQUES of Waterville to convey this message to the Senate.

Subsequently, Representative KERR of Old Orchard Beach reported that the Committee had delivered the message with which it was charged.

Subsequently, Representative JACQUES of Waterville reported that he had delivered the message with which he was charged.

SENATE PAPERS

The following Communication: (H.C. 261)

Maine State Senate
State House Station 3
Augusta, Maine 04333

September 14, 1995

The Honorable Dan A. Gwadosky
Speaker of the House
117th Legislature
Augusta, Maine 04333
Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:
Upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry:

Jeffrey O. Smith of Presque Isle and Thomas Saviello of Wilton for reappointment and Jo D. Saffair of Pownal for appointment as members of the Pesticides Control Board.

Paul Murphy of Windham for reappointment and Juelle D. Clark of Bucksport for appointment as members of the Animal Welfare Advisory Committee.
Malachi Anderson of Caribou for appointment as a member of the Land Use Regulation Commission.

Upon the recommendation of the Joint Standing Committee on Business and Economic Development:

John C. Harris of Newcastle for reappointment to the Maine Real Estate Commission.

Joel B. Russ of Cape Elizabeth, Paul R. McConnell of Cape Elizabeth and Jane K. Havey of Yarmouth for appointment as members of the Maine Science and Technology Commission.

Peter C. Dyer of Mechanic Falls for appointment as a member of the Adaptive Equipment Loan Program Fund Board.

Richard J. McGoldrick of Cape Elizabeth as a member of the Finance Authority of Maine.

Anne B. Pringle of Portland and Dana F. Connors of East Winthrop for appointment as members of the Loring Development Authority of Maine.

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs:

Philip A. Dionne of Brunswick for reappointment, Weston L. Bonney of Portland and James E. Rier, Jr. of Machias for appointment as members of the State Board of Education.

Jeremy B. Weirich of Castine for appointment as the student member of the Maine Maritime Academy Board of Trustees.

Lana Waters of Fairfield for appointment as the student member of the Maine Technical College System Board of Trustees.

William H. Beardsley of Bangor for reappointment and Marilyn J. Weinberg of Woolwich and W. Michael Easton of Presque Isle for appointment as members of the Maine Education Assistance Board.

Wickham Skinner of St. George, Donald L. McDowell of Portland and Esther N. Rauch of Orono for appointment as members of the University of Maine Board of Trustees.

Frederic A. Reynolds of Machias for reappointment as a member of the Maine Educational Loan Authority.

Upon the recommendation of the Joint Standing Committee on Judiciary:

Linda E. Abromson of Portland and Kim C. Millick of Falmouth for appointment as members of the Maine Human Rights Commission.

Evan D. Richert of South Portland for appointment as a member of the Maine Indian State Tribal Commission.

Upon the recommendation of the Joint Standing Committee on Labor:

Peter M. Leslie of Cape Elizabeth for appointment and Eunice Cotton of Augusta for reappointment as members of the Maine State Retirement System Board of Trustees.

Marvin W. Ewing of Windham for reappointment as the Labor Representative and James A. Hilly of Portland for appointment as the Employer Representative of the Unemployment Insurance Commission.

Upon the recommendation of the Joint Standing Committee on Marine Resources:

Michael Hastings of Hampden for reappointment and Roger F. Woodman, Jr. of Portland, Francis P. Kulle of West Rockport, Charlton H. Ames of Cumberland Foreside, Stanley C. Sargent of Milbridge, Donald W. Perkins, Jr. of Westbrook and Charles E. Fuller, III of Boothbay for appointment as members of the Marine Resources Advisory Council.

Upon the recommendation of the Joint Standing Committee on Natural Resources:

L. Philip Soucy of Fort Kent and Charles E. Stickney, Jr. of Yarmouth for reappointment as members of the Board of Environmental Protection.

Roger Milliken, Jr. of Cumberland for appointment and Robert E. Suminsby of Northeast Harbor and Marion Fuller Brown of York for reappointment as members of the Land for Maine's Future Board.

Upon the recommendation of the Joint Standing Committee on State and Local Government:

Stephen J. Podgajny of Brunswick for appointment as Chair of the Cultural Affairs Committee.

Upon the recommendation of the Joint Standing Committee on Utilities and Energy:

Heather F. Hunt of Enfield, Connecticut for appointment as Commissioner of the Public Utilities Commission.

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication: (H.C. 262)
HOUSE OF REPRESENTATIVES
State House
Augusta, Maine 04333

July 14, 1995

The Honorable Angus S. King, Jr.
Governor, State of Maine
State House, Station #1
Augusta, Maine 04333
Dear Governor King:

I am writing to notify you that I am resigning from my position as State Representative of District 97. My resignation is effective September 1, 1995.

As a State Representative from Somerset County for 13 years, I have found the Legislature to be an exciting and rewarding challenge. I have truly enjoyed working for my constituents and the people of the State of Maine. I will miss the opportunities afforded me by the Legislature to work closely with and help Maine people.

I wish you and your Administration success in the challenges that lay ahead of you. I know the people of Maine appreciate the new leadership that you have brought to Augusta.

Sincerely,

S/Dorothy A. Rotondi

Representative, District 97

Was read and ordered placed on file.

The following Communication: (H.C. 263)
Bureau of Corporations, Elections and Commissions
Department of the Secretary of State
101 State House Station
Augusta, Maine 04333

September 6, 1995

Honorable Joseph Mayo
Clerk of the House
117th Legislature
State House Station 2
Augusta, Maine 04333
Dear Clerk Mayo:

Notification is hereby given that a vacancy exists in the representation of House District #97 due to the resignation of Dorothy A. Rotondi of Madison.

The Governor has set the date of November 7, 1995 on which to hold the special election to fill the vacancy.

Sincerely,

S/Bill Diamond

Secretary of State

Was read and ordered placed on file.

The following Communication: (H.C. 264)
Bureau of Corporations, Elections and Commissions
Department of the Secretary of State
101 State House Station
Augusta, Maine 04333

September 29, 1995

Honorable Joseph Mayo
Clerk of the House
117th Legislature
State House Station 2
Augusta, Maine 04333
Dear Clerk Mayo:

Notification is hereby given that a vacancy exists in the representation of House District #124 due to the passing of Robert E. Yackobitz of Hermon.

The Governor has set the date of November 7, 1995 on which to hold the special election to fill the vacancy.

Sincerely,

S/Bill Diamond

Secretary of State

Was read and ordered placed on file.

The following Communication: (H.C. 277)
STATE OF MAINE

Office of the Secretary of State

November 28, 1995

To the Speaker of the House of the One Hundred and Seventeenth Legislature:

I, BILL DIAMOND, Secretary of State, in accordance with the provisions of the proclamation issued by the Governor on September 1, 1995, calling for a Special Election to be held on the seventh day of November in the year one thousand nine hundred and ninety-five to elect a Representative to the Legislature in District 97 and having tabulated the returns of the votes cast; REPORT AS FOLLOWS; that Shirley Richard of Madison, having received a plurality of the votes cast, appears to have been elected Representative to the 117th Legislature in District 97:

SPECIAL ELECTION - November 7, 1995

REPRESENTATIVE TO THE LEGISLATURE

HOUSE DISTRICT 97

	Richard, Shirley Madison	Sidell, Harold Solon	OTHER
MUNICIPALITY	Democrat	Republican	
Athens	118	96	1
Cambridge	81	96	0
Harmony	141	130	0
Madison	1252	396	0
Solon	177	183	4
TOTAL:	1769	901	5
	66.13%	33.68%	0.19%

I, BILL DIAMOND, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast at the Special Election for Representative to the Legislature in District 97, as reported to me on the returns from the municipalities in that district.

S/BILL DIAMOND

Secretary of State

Was read and ordered placed on file.

The following Communication: (H.C. 278)
STATE OF MAINE

Office of the Secretary of State

November 28, 1995

To the Speaker of the House of the One Hundred and Seventeenth Legislature:

I, BILL DIAMOND, Secretary of State, in accordance with the provisions of the proclamation issued by the Governor on September 28, 1995, calling for a Special Election to be held on the seventh day of November in the year one thousand nine hundred and ninety-five to elect a Representative to the Legislature in District 124 and having tabulated the returns of the votes cast;

REPORT AS FOLLOWS; that Ralph T. Carr of Hermon, having received a plurality of the votes cast, appears to have been elected Representative to the 117th Legislature in District 124:

SPECIAL ELECTION - November 7, 1995

REPRESENTATIVE TO THE LEGISLATURE

	HOUSE DISTRICT 124		
	CARR,	RIDEOUT,	OTHER
	Ralph T.	Harry F.	
	Hermon	Hermon	
MUNICIPALITY	Democrat	Republican	
Carmel	532	354	0
Etna	200	172	0
Hermon	997	677	1
Levant	77	68	0
Plymouth	146	207	0
TOTAL:	1952	1478	1
	56.89%	43.08%	0.03%

I, BILL DIAMOND, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast at the Special Election for Representative to the Legislature in District 124, as reported to me on the returns from the municipalities in that district.

S/BILL DIAMOND
Secretary of State

Was read and ordered placed on file.

At this point, the Speaker announced the presence in the Hall of the House of Representatives-elect RICHARD from Madison and CARR from Hermon. The Speaker appointed the following Representatives to escort Representative-elect RICHARD to the Office of the Governor to take and subscribe the oath necessary to qualify her for the discharge of her official duties:

Representative JACQUES of Waterville
Representative GOULD of Greenville
Representative HATCH of Skowhegan
Representative SHIAH of Bowdoinham
Representative DEXTER of Kingfield
Representative REED of Dexter

The Speaker appointed the following Representatives to escort Representative-elect CARR to the Office of the Governor to take and subscribe the oath necessary to qualify him for the discharge of his official duties:

Representative MITCHELL of Vassalboro
Representative MORRISON of Bangor
Representative SAXL of Bangor
Representative WINN of Glenburn
Representative FISHER of Brewer
Representative STROUT of Corinth

At this point, the Speaker announced that Representative RICHARD of Madison would be assigned seat 149 and Representative CARR of Hermon would be assigned seat 32.

The following Communication: (H.C. 266)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

August 25, 1995

The Honorable Joseph W. Mayo
Clerk, Maine House of Representatives
State House, Station #2
Augusta, Maine 04333

Dear Clerk Mayo:

Pursuant to House Rule 1, I am appointing Elizabeth H. Mitchell of Vassalboro to replace Rep.

Thomas E. Poulin of Oakland as a member of the Joint Standing Committee on Utilities and Energy. This appointment takes effect immediately.

Sincerely,
S/Dan A. Gwadosky
Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.C. 267)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

September 12, 1995

The Honorable Joseph W. Mayo
Clerk, Maine House of Representatives
State House, Station #2
Augusta, Maine 04333
Dear Clerk Mayo:

Pursuant to House Rule 1, I am appointing Thomas E. Poulin of Oakland to replace Rep. Elizabeth H. Mitchell of Vassalboro as a member of the Joint Standing Committee on Utilities and Energy. This appointment takes effect immediately.

Sincerely,
S/Dan A. Gwadosky
Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.C. 268)

117th Maine Legislature

July 31, 1995

The Honorable Joseph W. Mayo
Clerk of the House
State House Station #2
Augusta, ME 04333
Dear Clerk Mayo:

Please be advised that we have made the following appointments:

Maine Task Force on Defense Realignment and the Economy; Pursuant to Title 5 MRSA § 3301-E:

Nelson E. Durgin of Bangor
Gregory J. Black of Kennebunk

Interagency Task Force on Homelessness and Housing Opportunities; Pursuant to Title 30-A MRSA § 5041:

Mary Ann Chalila of Bangor
Christalyn Cote of Augusta
Edward Rosenthal of Portland

Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife; Pursuant to Public Law 1995, Chapter 455:

Representative Paul F. Jacques of Waterville
Representative Royce W. Perkins of Penobscot
Representative Jon M. Rosebush of East Millinocket
Representative Robert L. Tufts of Stockton Springs
Representative John Underwood of Oxford

Study Commission on Property Rights and the Public Health, Safety and Welfare; Pursuant to Resolve 1995, Chapter 45:

Representative Edward L. Dexter of Kingfield
Representative Ernest C. Greenlaw of Standish
Representative Richard A. Gould of Greenville
Senator Michael H. Michaud of Penobscot
Representative Royce W. Perkins of Penobscot
Representative Julie-Marie Robichaud of Caribou
Representative Jane W. Saxl of Bangor
Representative Thomas M. Tyler of Windham

Please let us know if you have any questions regarding these appointments.

Sincerely,

S/Jeffrey H. Butland S/Dan A. Gwadosky
President of the Senate Speaker of the House
Was read and ordered placed on file.

The following Communication: (H.C. 269)

STATE OF MAINE

DEPARTMENT OF THE SECRETARY OF STATE

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this Twenty-fifth day of August in the year of our Lord one thousand nine hundred and Ninety-five.

S/Bill Diamond
Secretary of State

**RESOLUTION OF THE JOINT TRIBAL COUNCIL OF THE
PASSAMAQUODDY TRIBE,
ADOPTED AT A MEETING HELD AT THE INDIAN TOWNSHIP
RESERVATION
AUGUST 9, 1995**

WHEREAS, the Legislature of the State of Maine has passed "An Act Concerning the Jurisdiction of the Tribal Courts of the Passamaquoddy Tribe and the Penobscot Nation," which was approved by the Governor of Maine and designated P.L. 1995, c. 388, and which amends the Maine Indian Claims Settlement Act (the "Maine Implementing Act");

WHEREAS, P.L. 1995, c. 388 eliminates a "sunset" provision that would repeal the jurisdiction of the Passamaquoddy Tribal Court over Class D and E crimes committed on the reservations, as of September 30, 1995; and

WHEREAS, Section 8 of P.L. 1995, c. 388 provides that it will not become effective unless it is approved by the Joint Tribal Council of the Passamaquoddy Tribe and a certification thereof is filed with the Maine Secretary of State within 60 days of the adjournment of the Maine Legislature;

WHEREAS, Title 25, Section 1725(e) of the United States Code grants the consent of Congress to any amendment of the Maine Implementing Act affecting the Passamaquoddy Tribe when the amendment relates to (A) "the enforcement or application of civil, criminal, or regulatory laws of the Passamaquoddy Tribe . . . and the State within their respective jurisdictions," or (B) "the allocation or determination of governmental responsibility of the State and the tribe . . . over specified subject matters . . ." or (C) "the allocation of jurisdiction between tribal courts and State courts," provided the amendment is made with the agreement of the Passamaquoddy Tribe;

WHEREAS, the legislative changes made by P.L. 1995, c. 388 are deemed beneficial to the Passamaquoddy Tribe;

NOW THEREFORE, BE IT RESOLVED:

That, pursuant to the provisions of Title 3, Section 601 of the Maine Revised Statutes and Section 8 of P.L. 1995, c. 388, the Joint Tribal Council of the Passamaquoddy Tribe hereby agrees to and approves the provisions of P.L. 1995, c. 388 enacted by the Maine Legislature, and further directs that a written certification to that effect be prepared, executed and submitted to the Secretary of State of the State of Maine in accordance with the provisions of Title 3, Section 601 of the Maine Revised Statutes forthwith.

CERTIFICATION

I, the undersigned officer designated by the Joint Tribal Council of the Passamaquoddy Tribe pursuant to Title 3, Section 602 of the Maine Revised Statutes, do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Indian Township Passamaquoddy Reservation, Washington County, Maine on August 9, 1995, and do further certify that the foregoing resolution was duly adopted by the Joint Tribal Council at that meeting.

Dated: August 10, 1995

ATTEST:

S/Frederick J. Moore III
Certifying Officer

Was read and ordered placed on file.

The following Communication: (H.C. 270)

117th Maine Legislature

August 31, 1995

The Honorable Joseph W. Mayo

Clerk of the House

State House Station #2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that we have made the following appointments:

Task Force to Review the Beverage Container Deposit Laws; Pursuant to Resolve 1995, Chapter 52:

Representative Thomas M. Davidson of Brunswick

Representative Ernest C. Greenlaw of Standish

Representative Jack L. Libby of Kennebunk

Representative David C. Shiah of Bowdoinham

Maine Task Force on Defense Realignment and the Economy; Pursuant to Title 5 MRSA § 3301-E:

Nicholas Karvonides of Portland

Don Chappell of Portland

Charles Roundy of Bangor

Commission to Study Operations for Preserving the Dairy Industry in the State; Pursuant to Resolve 1995, Chapter 35:

Senator Jill Goldthwait of Hancock

Senator Willis Lord of York

Representative Marge Kilkelly of Wiscasset

Representative Robert Spear of Nobleboro

Representative Thomas Tyler of Windham

State House and Capitol Park Commission; Pursuant to Title 3 MRSA § 901-A:

Sumner Lipman of Augusta

David Silsby of Manchester

Please let us know if you have any questions regarding these appointments.

Sincerely,

S/Jeffrey H. Butland S/Dan A. Gwadosky
President of the Senate Speaker of the House
Was read and ordered placed on file.

The following Communication: (H.C. 271)

STATE OF MAINE

OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

October 2, 1995

The Honorable Dan A. Gwadosky
Speaker of the House#3 State House Station
2 State House Station
Augusta, Maine 04333-0003
The Honorable Jeffrey H. Butland
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

Dear President Butland and Speaker Gwadosky:

In accordance with 38 MRSA §341-C, this letter serves as notice to the Legislature that extension of Osmand Bonsey's term as member of the Maine Board of Environmental Protection is required to ensure fair consideration of several major matters pending before the Board, including: rulemaking pursuant to federal 1990 Clean Air Act Amendments, the Searsport licensing application, LNG project in Wells, the appeal of the Know Road Landowners' Association and rulemaking for Sand Dune permit variances. Mr. Bonsey's term is extended until completion of these applications, or until such a time as his successor is nominated by the Governor and confirmed, whichever occurs first.

Sincerely,
S/Angus S. King, Jr.
Governor

Was read and ordered placed on file.

The following Communication: (H.C. 272)
DEPARTMENT OF LABOR
Bureau of Labor Standards
45 State House Station
Augusta, Maine 04333

October 10, 1995

The Honorable Dan A. Gwadosky
Speaker of the House
117th Maine Legislature
#2 State House Station
Augusta, ME 04333

Dear Speaker Gwadosky:

I am pleased to submit the sixth annual report on substance abuse testing in Maine, in accordance with 26 M.R.S.A. Section 690.

The report covers the calendar year 1994 which was the fifth full year under the law.

This report was prepared by the Department of Labor, with the assistance of Philip Haines, Ph.D., Director, Health and Environmental Testing Laboratory, Department of Human Services and Thomas Hughes, Employee Assistance Program Coordinator, Office of Substance Abuse. The cooperative efforts of both Dr. Haines, Mr. Hughes, and William Peabody, Deputy Director, Bureau of Labor Standards, goes a long way in explaining the progress to-date in the successful implementation of the law.

If you have any questions or comments about this report, please do not hesitate to contact me at 624-6400.

Sincerely,
S/Alan C. Hinsey
Director

Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 273)
DEPARTMENT OF EDUCATION
23 State House Station
Augusta, Maine 04333-0023

October 26, 1995

The Honorable Dan A. Gwadosky
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear Speaker Gwadosky:

Under the Education Reform Act of 1984, the Commissioner of Education is required to annually publish a report on the status of public education in the State of Maine. The Performance Report on Maine's Public Schools, 1995, is enclosed for your information.

The Task Force on Learning Results, which was established by law, soon will present its final report to the State Board of Education and to the Joint Standing Committee on Educational and Cultural Affairs. The task force was charged to use Maine's Common Core of Learning to specify what all Maine students will be required to know and be able to do by the time they leave school.

Maine's Magnet School for Math and Science Education is in operation; and a task force is developing a plan to implement a school for the arts in the greater Portland area to open in September of 1996.

We are moving to connect all of Maine's high schools to a fiber optics network, and working to involve all segments of society in the education of our children. These initiatives, and many more, are a part of the narrative of this performance report. I hope you will find the information useful and that you will contact the Department if you need additional information.

Sincerely,
S/Wayne L. Mowatt, Ed.D.
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 274)
117th Maine Legislature

November 2, 1995

The Honorable Joseph W. Mayo
Clerk of the House
State House Station #2
Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that we have made the following appointments:

Interagency Task Force on Homelessness and Housing Opportunities; Pursuant to Title 30-A M.R.S.A., §5041:

Jessica Harner of Bath, as a member representing a community action agency; and, Donald H. Gean of Alfred, as a representative of homeless shelters.

Please let us know if you have any questions regarding these appointments.

Sincerely,
S/Jeffrey H. Butland S/Dan A. Gwadosky
President of the Senate Speaker of the House
Was read and ordered placed on file.

The following Communication: (H.C. 275)
STATE OF MAINE
OFFICE OF THE GOVERNOR

1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

November 13, 1995

The Honorable Dan A. Gwadosky

Speaker of the House

2 State House Station

Augusta, Maine 04333

The Honorable Jeffrey H. Butland

President of the Senate

3 State House Station

Augusta, Maine 04333

Dear President Butland, Speaker Gwadosky, and Honorable Members of the 117th Legislature:

The statute creating the Productivity Realization Task Force requires that the Legislature be immediately notified when I accept Task Force recommendations that require a statutory change to implement. This letter outlines the Task Force recommendations that I have accepted that will require approval of the Legislature prior to implementation.

These statutory changes and the corresponding budget adjustments will be forwarded to the Legislature for consideration during the Special Session called for November 28, 1995. These measures will be included in a bill that will also contain the budget adjustments reflecting the Task Force recommendations that I have already accepted and implemented.

Department of Administrative and Financial Services

1. Eliminate the requirement to provide a first aid and health service clinic in the State House complex.

2. Transfer the State Cost Allocation Program from the Bureau of the Budget to the Division of Financial and Personnel Services.

3. Require the Governor, when submitting the budget, to identify the positions that are authorized for less than 52 weeks per year as "Positions - Full-time Equivalent" and positions that authorized for 52 weeks per year as "Positions - Legislative Count."

Department of Human Services

4. Authorize the Department of Human Services to pay the legal services for individuals appealing the denial of Federal Supplemental Security Income benefits in order to reduce expenditure of General Assistance and Aid to Families with Dependent Children funds.

5. Change the Division of Public Health Nursing to the Public Nursing Program. The program will operate out of a new division called the Division of Family Health Services which results from combining the Division of Public Health Nursing and the Division of Maternal and Child Health.

6. Eliminate the Division of Dental Health and establish the Oral Health Program within the Division of Health Promotion and Education.

7. Combine the Office of Child Care Coordination with Head Start and create a new Office of Child Care and Head Start. Transfer this new office from the Bureau of Child and Family Services to the Division of Purchased and Support Services.

8. Reduce the number of the Department's regional service delivery areas from five (5) to three (3).

Department of Marine Resources

9. Authorize the department to charge a fee at the aquarium at the Marine Resources Research Facility in West Boothbay Harbor, revenues of which will be placed in a fund dedicated to supporting the

facility and programs offered there. The fee will be charged to the general public and not to schools.

Department of Conservation

10. Merge the Bureau of Public Lands and the Bureau of Parks and Recreation and establish a new Bureau of Parks & Lands.

11. Merge the Natural Areas Program with the Maine Geological Survey into a new Natural Resources Information and Mapping Center.

12. Change the name of the Division of Administrative Services to the Division of General Services.

Department of Agriculture, Food and Rural Resources

13. Amend the department's organizational statutes to reflect the new organization consisting of office directors and division directors. Update the list of major policy influencing positions to reflect the new organization as well. Under the new structure, the Deputy Commissioner, the office directors and the division directors will be listed as major policy influencing positions.

14. Allow one of several professional horticulturists to be designated as "the State Horticulturist" but clarifying that this person has no supervisory role with respect to the remaining professional horticulturists.

15. Repeal the State Soil and Water Conservation Commission; transfer the powers, duties and functions to the Commissioner of Agriculture; retain existing rules and procedures, preserve existing contracts and provide for the transfer of records property and equipment to the Department. These changes will also create the State Conservation District Advisory Council to advise the Commissioner on matters affecting the various Soil and Water Conservation Districts.

16. Repeal the Animal Welfare Board and transfer the Board's responsibilities regarding investigation of pet animal cruelty complaints to the Commissioner. Other powers and responsibilities of the Board, such as the appointment of intermittent humane agents and the operation of a spaying and neutering fund, will also be transferred to the Commissioner. The role as well as the membership of the Animal Welfare Advisory Committee will be expanded. The Committee will include one member who is or has been a licensed veterinarian, and another member who represents the interest of the public in animal welfare.

17. Establish the Maine Potato Board (currently an independent agency within the Department of Agriculture) as a public instrumentality. The potato tax would continue to be collected by the State Tax Assessor and would simply be transferred periodically to the Potato Board.

18. Eliminate the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council. These programs are funded through a dairy industry tax and would continue to operate much as they currently do. The department would carry-out the programs with the assistance and advice of a new Maine Dairy and Nutrition Advisory Council and a Maine Dairy Promotion Advisory Board. The current staff of the Maine Dairy Promotion Board and the Maine Dairy Nutrition Council would be transferred to the Department's Division of Marketing and Production Development, in order to further coordinate and streamline the dairy promotion and nutrition functions with the similar functions already carried out by the Department.

Department of Corrections

19. Clarify the administrative structure at the associate commissioner level by identifying one Associate Commissioner of Corrections responsible for adult services and one Associate Commissioner of Corrections responsible for juvenile services. The Director of Correctional Programs is retitled to Director of Policy, Legislative and Information Services.

20. Require the court to make a determination, whenever a juvenile is committed to the Maine Youth Center or put on probation with a condition of out-of-home placement, as to whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home and as to whether continuation in the home is contrary to the welfare of the juvenile. The court must review this determination at least once every 18 months until the juvenile is discharged. These judicial findings are required under federal law to allow states to draw down Title IV-E funds to support children in foster care placements.

21. Require the court to determine whether a parent or legal guardian of a juvenile is able to provide support and to provide for the costs of medical and other treatment for the juvenile and order payment except in cases of excessive hardship.

22. Abolish the Division of Probation and Parole and the position of Director of Probation and Parole and assign certain probation and parole responsibilities to the Commissioner of Corrections and the Associate Commissioners of Corrections.

23. Extend the confidentiality of certain personal information about employees of the Department of Corrections from information in the custody of the department to information in the custody of any agency or public official.

24. Require clients participating in halfway house programs who are also permitted to participate in work release programs to pay the costs of board and the cost of transportation if arranged by the halfway house. Funds received by clients for these costs must be placed in the General Fund.

25. Clarify the purposes of the Maine Youth Center to include protecting the public from dangerous juveniles.

26. Allow the Governor or his designee to order the personnel and equipment of the state military forces necessary to design and construct a security fence around a portion of the existing Maine Youth Center.

27. Authorize the Department of Corrections to enter into financing arrangements for the acquisition of an electronic intrusion system at the Maine State Prison.

28. Authorize the Department of Corrections to enter into financing agreements for the acquisition of computer hardware and software to gain efficiency from improved technology.

29. Authorize the Department of Corrections to establish, providing funds are available, limited-period positions for the purpose of performing duties for which unbudgeted overtime would otherwise be incurred.

30. Authorize the Department of Corrections, in fiscal years 1995-96 and 1996-97, to transfer by financial order appropriated dollars between accounts within the same fund for the purpose of accomplishing the initiatives contained in the department's productivity initiative accepted by the Governor.

Statewide - Attrition Savings

31. Authorize the State Budget Officer to calculate and distribute specified deappropriations from salary savings generated by vacancies that occur from projected turnover.

32. Provide for the transfer, by financial order, of salary savings between departments and agencies if projected vacancies from turnover do not occur.

Statewide - Retiree Health Insurance/Retirement Unfunded Liability

33. Authorize the State Budget Officer to calculate and transfer the Retiree Health Insurance portion of the Personal Services savings from the productivity plans to the Retiree Health Insurance Fund.

34. Authorize the State Budget Officer to calculate and transfer the Unfunded Actuarial Liability portion of the Personal Services savings from the productivity plans to the new Retirement Unfunded Liability account, to be created in the Department of Administrative and Financial Services.

Administrative Clusters

35. Designate the Department of Environmental Protection as the fiscal agent for the Department of Agriculture, Food and Rural Resources and the Department of Conservation.

36. Designate the Department of Public Safety as the fiscal agent for the Department of Defense and Veterans' Services.

37. Designate the Department of Administrative and Financial Services as the fiscal agent for the Governor's Office, Blaine House, State Planning Office and the Department of Economic and Community Development.

Department of Professional and Financial Regulation

38. Rename the Division of Licensing and Enforcement to the Office of Licensing and Registration, create a Director position to lead that office and authorize that office to perform licensing functions for other state agencies on a fee for service basis.

39. Clarify the administrative authority of the commissioner to making the commissioner the ultimate appointing authority for the department.

40. Amend the Banking Code to require the Superintendent of Banking to obtain approval from the commissioner before making organizational changes to the bureau and before employing a deputy superintendent and the Securities Administrator. Limit the Superintendent to the appointment of one deputy.

41. Amend the Insurance Code to require the Superintendent of Insurance to obtain the approval of the commissioner before making organizational changes to the bureau and before engaging in the hiring of personnel.

42. Alter the personnel authority of the Real Estate Commission and the Manufactured Housing Board to mirror that of other boards and commissions. Place the Real Estate Commission under the Office of Licensing and Enforcement. Establish fee caps for all boards and commissions within that office, so that they may alter their fees below the cap by rule.

These statutory changes reflect only pieces of the comprehensive productivity plans being recommended by the Productivity Realization Task Force. I'm anxious to share the complete story of this successful redesign of State Government with you as we prepare for the Special Session on November 28th. I look forward to seeing you all then.

Sincerely,
S/Angus S. King, Jr.
Governor

Was read and with accompanying papers ordered placed on file.

The following Communication: (H.C. 276)

STATE OF MAINE

DEPARTMENT OF THE SECRETARY OF STATE

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this Twentieth day of November in the year of our Lord one thousand nine hundred and ninety-five.

S/Bill Diamond
Secretary of State

PENOBSCOT INDIAN NATION
Office of the Governor and Council
Community Building
Indian Island
Old Town, Maine 04468

CERTIFICATION

OF RESOLUTION NUMBER 08-01-95-15

OF THE GOVERNING BODY, OF THE PENOBSCOT NATION

I, the undersigned Tribal Clerk of the Penobscot Indian Nation do hereby certify that a Regular Monthly Meeting of the Governor and Council of the Penobscot Indian Nation was duly convened and held on the 1st day of August, 1995 at which time and acting throughout, Richard Hamilton, Governor of said Nation;

Upon Motion duly made, seconded and carried, the Tribal Council voted unanimously to approve Tribal Court Bill, P.L. 388 An Act Concerning the Jurisdiction of the Tribal Courts of the Passamaquoddy Tribe and the Penobscot Nation, and send on to the General Meeting of the Penobscot Nation.

I further certify that I am the official custodian of certain records including the Minutes of the Meetings of the Council of the Penobscot Indian Nation, a federally recognized and sovereign Indian Tribe and that at the meeting there was present and acting throughout, a quorum authorized to transact business hereinafter described, and that the proceedings of said meeting were in accordance with the Laws of said Nation, and that said resolutions have not been amended or revoked and are in full force and effect.

IN WITNESS WHEREOF, I have set my hand as Tribal Clerk and affixed the Tribal seal on August 8, 1995

S/Lorraine Dana, Tribal Clerk

Was read and ordered placed on file.

The following Communication: (H.C. 265)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

November 27, 1995

The Honorable Joseph W. Mayo
Clerk of the House
State House Station #2

Augusta, Maine 04333

Dear Clerk Mayo:

On June 30, 1995, pursuant to my authority under Resolve 1995, Chapter 16, I appointed Representative G. Steven Rowe of Portland to serve on the Paper Industry Council.

On June 30, 1995, pursuant to my authority under Title 37-B, M. R. S. A., Section 792, I appointed Joseph Bolduc of Oakland to serve as the volunteer firefighter member on the State Emergency Response Commission.

On August 10, 1995, pursuant to my authority under Resolve 1995, Chapter 54, I appointed Representative Nancy L. Chizmar of Lisbon and Representative Charles D. Fisher of Brewer to serve on the Task Force on Alcoholic Beverage Sales.

On August 10, 1995, pursuant to my authority under Public Law 1995, Chapter 362, I appointed Representative Kyle W. Jones of Bar Harbor, Robert Chick of Auburn, Carol Timberlake of Strong, and Sylvia Wesley of Cape Elizabeth to serve on the Assisted Living Task Force.

On August 10, 1995, pursuant to my authority under Public Law 1995, Chapter 368, I appointed Representative Michael J. Fitzpatrick of Durham, Representative Gordon Gates of Rockport, and Representative Jeffery G. Joyner of Hollis to serve on the Task Force to Monitor Hospital Deregulation.

On August 10, 1995, pursuant to my authority under Public Law 1995, Chapter 395, Part B, I appointed Representative Beverly C. Daggett of Augusta, Representative Ruth Joseph of Waterville, and Representative Richard N. Simoneau of Thomaston to serve on the Commission on Performance Budgeting.

On August 10, 1995, pursuant to my authority under Resolve 1995, Chapter 45, I appointed Benjamin Lund of Monmouth, Beth Nagusky of Litchfield, and Sandra Neilly of Falmouth to serve on the Study Commission on Property Rights and the Public Health, Safety and Welfare.

On August 10, 1995, pursuant to my authority under Resolve 1995, Chapter 53, I appointed Representative Paul F. Jacques of Waterville to serve on the Commission to Study Trespass Laws.

On August 10, 1995, pursuant to my authority under Resolve 1995, Chapter 47, I appointed Representative Douglas J. Ahearne of Madawaska, Representative Fred L. Richardson of Portland, Representative Verdi L. Tripp of Topsham, and Senator Susan W. Longley of Waldo to serve on the Commission to Study the Growth of Tax Exempt Property in Maine's Towns, Cities, Counties and Regions.

On August 10, 1995, pursuant to my authority under Resolve 1995, Chapter 38, I appointed Representative Robert E. Keane of Old Town to serve on the Fish Hatchery Task Force.

On August 31, 1995, pursuant to my authority under Title 5, Section 49, in consultation with the Honorable Governor Angus S. King, Jr., I appointed Representative Hugh A. Morrison of Bangor as the primary member and Representative Carol A. Kontos of Windham as the associate member to serve on the Maine Quality Management Council.

On September 13, 1995, pursuant to my authority under Public Law 1995, Chapter 368, I appointed Richard Hanley, Chief Executive Officer of Downeast Community Hospital in Machias, as the representative of the Maine Hospital Association to serve on the Task Force to Monitor Hospital Deregulation.

On September 13, 1995, pursuant to my authority under Resolve 1995, Chapter 51, I appointed Representative Bonnie Green of Monmouth as a House member of the Legislature's Joint Standing Committee on Taxation, Representative Eleanor M. Murphy of Berwick as a House member of the Legislature's Joint Standing Committee on Taxation, Representative William F. Reed of Dexter as a House member of the Legislature's Joint Standing Committee on Business and Economic Development, and Representative G. Steven Rowe of Portland as a House member of the Legislature's Joint Standing Committee on Business and Economic Development to serve on the Task Force on Tax Increment Financing.

On September 13, 1995, pursuant to my authority under Public Law 1995, Chapter 395, Part Q, I appointed Honorable Michael D. Pearson of Enfield, David W. C. Putnam of Old Orchard Beach, and Superintendent J. Duke Albanese of SAD #47 to serve on the Commission on Higher Education Governance.

On September 13, 1995, pursuant to my authority under Public Law 1995, Chapter 430, I appointed Representative Robert A. Cameron of Rumford, Representative Michael V. Saxl of Portland, Betsy Fitzgerald of the Maine Educational Association, Matthew Gardner of The World Affairs Council, and Dr. Wallace Reed, Director of the Maine Maritime Academy, to serve on the Maine Committee for Global and Geographic Education.

On September 13, 1995, pursuant to my authority under Title 38, M. R. S. A., Section 551-A, I appointed Michael Hastings of Brewer to serve on the Oil Spill Advisory Committee.

Sincerely,
S/Dan A. Gwadosky
Speaker of the House
Was read and ordered placed on file.

Subsequently, Representative JACQUES of Waterville reported that the necessary oaths had been taken by the Representatives to qualify them to enter upon their official duties.

At this point, the Speaker recognized the Representative from Bangor, Representative STEVENS, the Representative from Auburn, Representative DORE, the Representative from Poland, Representative AIKMAN, the Representative from South Portland, Representative CLOUTIER, the Representative from Presque Isle, Representative DONNELLY, the Representative from Thomaston, Representative SIMONEAU and they were added to the quorum call of the First Special Session of the 117th Legislature,

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:

Legal and Veterans Affairs

Bill "An Act to Clarify the Referendum Recount Process" (EMERGENCY) (H.P. 1149) (L.D. 1588) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: O'GARA of Westbrook, STROUT of Corinth, Senator: FERGUSON of Oxford)

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Appropriations and Allocations for Fiscal Years 1995-96 and 1996-97" (EMERGENCY) (H.P. 1148) (L.D. 1587) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Senator STEVENS of Androscoggin and Representatives: BAILEY of Township 27, BOUFFARD of Lewiston, DAGGETT of Augusta, DAMREN of Belgrade, DRISCOLL of Calais, FARNUM of South Berwick, HEINO of Boothbay, MAYO of Bath, RICKER of Lewiston, STROUT of Corinth, VIGUE of Winslow, Senators: CASSIDY of Washington, O'DEA of Penobscot, PARADIS of Aroostook) (Governor's Bill)

Reference to the Committee on Transportation was suggested.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending reference and later today assigned.

By unanimous consent, L.D. 1588 having been acted upon was ordered sent forthwith.

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

IN CONVENTION

The President of the Senate, the Honorable Jeffrey H. Butland, in the Chair.

On Motion of Senator Kieffer of Aroostook, it was ORDERED, that a committee be appointed to wait upon his Excellency, Governor Angus S. King, Jr., and extend an invitation to him to attend this convention and make such communication as pleases him.

The Order was read and passed.

The Chairman appointed:

Senators	HANLEY of Oxford
	BEGLEY of Lincoln
	BERUBE of Androscoggin
Representatives	KERR of Old Orchard Beach
	POULIOT of Lewiston
	JOSEPH of Waterville
	DIPIETRO of S Portland
	MORRISON of Bangor
	TOWNSEND of Portland
	AIKMAN of Poland
	DONNELLY of Presque Isle
	OTT of York
	SIMONEAU of Thomaston

Subsequently, Senator Hanley of Oxford, for the committee, reported that the committee had delivered the message with which it was charged and we are pleased to report that the Honorable Angus S. King, Jr., Governor of the State of Maine, will attend forthwith.

At this point, the Honorable Angus S. King, Jr., Governor of the State of Maine entered the Convention Hall amid prolonged applause, the audience rising.

Governor Angus S. King, Jr. then addressed the Convention as follows:

Good Morning. I brought with me a visual aide to begin our discussion. This is a copy of a full-page ad that appeared in the Wall Street Journal in August. I will leave it here for the day so you can come, I commend it to your attention. The top of it says, "What do Maine and National Semi-Conductor have in common?" The word that you can see across the middle of the page is "vision." I would like to talk about that vision and talk about why we are here today.

The vision is a dynamic society. One where different levels of government, the private sector and individual citizens work together to create opportunity and the highest quality of life in the nation. I want to repeat that, because it is not rhetoric. The highest quality of life in the nation. That is within our grasp here in Maine.

How do we make that vision a reality? There are a number of ways that we, together, you and I, can do that. The first and in many ways the most important is the least tangible, the hardest to put into bill form or to pass as a law and that is attitude. Attitude, I think, makes all the difference in state government and in our state. Attitude, I think, is indeed everything.

A fellow last summer gave me a shirt with that on it. Attitude is Everything! I wore it so much that Mary got me a second one. It says the same thing. If you saw me with it two days in a row, they were two shirts.

In state government, the attitude we are trying to create is that the people of Maine are our customers and that our role is to find solutions, not problems. That is an important change in attitude and it is one that is working. Sitting on my desk is a stack of letters 25 to 30 deep complimenting us on the performance of the DEP. That is a change in attitude that has been positive and borne results for the State of Maine. It is also important that we have change in attitude about Maine itself. That is why I repeated the phrase the highest quality of life in the nation. We don't have to apologize to anyone about the qualities of this state. For too long we felt that we were at the end of the line that we sort of had to take the leavings from the national economy.

The old joke I remember 20 years ago was when Boston sneezes, Maine gets pneumonia. That is no longer the case. We have companies in Brewer, Maine and in Sanford, Maine and in Portland and in Augusta that are competing around the world. When I went to Japan, I went with Maine companies that are selling auto parts to Japanese auto makers. That is as high of a standard as quality can get. We are competing and succeeding. We have to believe in ourselves and have the attitude that we can create that quality of life.

What else have we done or can we do to make the vision a reality, lots of things that we did last session of the Legislature, I believe one of the most productive in a generation. We, together, made some changes that helped make that vision a reality. We took care of the last piece of the workers' comp problem. The residual deficit that has been hanging like a cloud over Maine businesses. We did that. You and I together. We provided support for

education. The first significant increase in four years. We did that. You and I together. We passed a historic piece of legislation that didn't get much publicity but will control the proliferation of regulations in Maine so that all major significant regulations must come to this group first before they are imposed upon the people of Maine. We did that. You and I together. We changed and repealed the property tax on machinery and equipment. The most significant tax change in 20 years, which has already borne fruit.

In the latter days of August and early days of September, we had announced a billion dollars of investments in the Maine economy. Surely a record for any one period of time, partially as a result of that change that you and I together made. Welfare reform, we passed one of the most significant and sweeping welfare reform laws in the nation. In Washington they are still talking about it. Here we did it. You and I together. We also started to get our house in order, our financial and fiscal house in order.

That brings us to this morning and the next three days. We made a historic decision that we were going to be the masters of our budgetary fate. We were going to decide what we could afford and what we couldn't afford, we were going to eliminate. We defined what we could afford and set up a process to make the cuts. Why did we do that? It is important to have always before us, why? In part it is for that vision. It is to achieve that vision. It all fits together, but why did we do it? Why was it so important to take care of the financial part?

Last summer the answer came to me. I was on Lisbon Street in Lewiston and a fellow drove by in a bread truck and waved at me. Jimmy Carter said, "One of the best things about being an ex-president is when people wave they use all their fingers." The guy waved at me. He said something that I think is a profound piece of political philosophy. He said, "Hey, Governor! Don't forget it is our money your spending up there." I think we could do well to have that embroidered on our pillows or something. Don't forget it is our money your spending up there. Every day across Maine that bread truck driver, bank teller and people that are digging ditches and working in hospitals and working behind a lunch counter are sending us a piece of their pay. Every time they buy something, they send us 6 percent of it. Quite often, they have a hard time affording it. I believe we have a moral and an ethical obligation to those people to spend that money as if it was our own and to be as careful as we can possibly be.

Yes, if we have two people doing what one can do in state government, that is wrong. That is a breach of our trust to those citizens of Maine who right now are going about their business just as we are beginning to go about ours. There is a second reason we have to do this and believe me this is something I have learned in the last 10 months. I don't think I knew it in my gut the way I do now. That is that we are in competition with the rest of the country and the rest of the world just as sure as Ford is in competition with General Motors.

The night of the National Semiconductor decision, one of their officers called me at home at 11:00 at night. He said, "Governor, we have decided to build the plant in Maine." I said, "Hallelujah!" He said, "I have got to tell you I had lunch with Governor George Bush of Texas today and he is not very

happy." I said, "Isn't that a shame." We are in competition with Texas, South Carolina, Louisiana and Singapore and Finland every single day and that means that we, in government, have to be as efficient as our producers. Bath Iron Works knows that in order to survive they have to outbid Ingalls. It is as simple as that. We have to understand that in order for Bath Iron Works to survive and be able to outbid Ingalls or in order for National Semiconductor to come here or for the thousands of small businesses in Maine that are trying to compete, we've got to enable them to do that.

Last spring, this Legislature created a historic moment, by putting together a task force of legislators, private citizens and members of the administration to find out where we could cut. People have said to me, you shouldn't have started with 45 million dollars, you should have said how can we downsize. The short answer is we never would have made it. If we hadn't had the discipline of those dollars, it would have become simply an academic exercise, but because we are up against the deadline of 45 million dollars, we have to look hard and harder. This is the beginning of a historic session.

You are here today in special session, not to spend money or raise taxes. You are here to vote on a plan that cuts spending and reduces the size of government. More important, this plan will make government more productive, more efficient, more responsive to the people of Maine. It will allow us to get control of the state budget and keep taxes down, which in turn will attract more investment and more jobs to Maine. Beyond the savings that you will authorize, what we do here is important to restore the public's confidence in government itself. I don't have to tell you that the public continues to be suspicious of government and what has been going on in Washington in the last two weeks has only added to deep suspicion across the country.

For too long, Maine people have doubted the courage and vision of their leaders and our ability to set priorities and make choices. In the 1980s, Maine people watched their government triple in size without a corresponding increase in services. As the economy slowed, Maine people set their priorities and made their choices. They cut household spending. They kept the car running an extra year. By the way, now is a good time to buy a new car. They didn't go out quite so often. They cut back. Unlike its citizens, Maine government has been slow to do the same until now.

Passage of the plan that you will have before you will say to Maine people that we hear you. We are committed to giving you a government that responds to your needs and a government you can afford. Passage of this plan will give Maine people and the businesses that employed them the confidence that their elected leaders know what it takes to move Maine into the future. The proposal that you'll have is the work so far of the Productivity Realization Task Force. It was their job to review state government from top to bottom. To find 45 million dollars in savings over the next two years by improving technology, reorganizing state agencies and reducing personnel.

That 45 million dollars is a significant number my friends, because of the percentage of the budget that it has to come out of. We are not talking about general purpose aid to education. We are not talking about local revenue sharing. We are not talking

about aid to our neediest citizens. They have done a great job so far. We owe them a real debt of gratitude.

Lin Bell, the Chair, has given hundreds of hours, volunteer, to keep this process moving, but the thanks really ought to go to you, the members of the Legislature, because you established the task force and you are going to participate in the completion of its work. Back in June, the task force pledged to find 25 million dollars in savings by November 1. They did better than that. The plan that you will have before you will produce more than 27 million dollars in general fund savings. A down payment toward the overall goal of 45 million dollars. They did it by bringing new eyes and experienced hands to the job of reinventing government. They did it by proposing ways to increase the productivity of state workers, provide more efficient delivery of services, and eliminating waste and duplication.

Yes, there are job eliminations in their recommendations, and there must be more to achieve the savings required. We have tried to find the savings as much through attrition as possible, which in part was created by a hiring freeze put in to place at the inauguration in January. A total of 809 positions have been eliminated, nearly 500 of those are already vacant, so that we have had layoffs of over 300. It is a small percentage of the state workforce, but that is a small consolation if you're one of the 300. The people who will lose their jobs are not unproductive, inefficient or uncaring about their work. By and large, they are talented, hard working state employees who through no fault of their own are caught in a system that grew too fast in the 80s and must change. We have taken steps and we will continue to take steps to assist our fellow citizens find new jobs in an economy that is growing because of the vision.

It would be a mistake, however, to focus strictly on cuts and assume that was the only job of this task force. The task force has also recommended major changes in supervisory areas of responsibility: management roles, eliminating redundant tasks and functions; and in some cases, it increases personnel, for example, in corrections, in the area of juvenile help; and it also invests in technology to make our workers more productive. For many of the departments, the task force proposes consolidating various regional offices, improving efficiency. The process has not been easy and it won't be easy to complete. We have all learned that the road to change has many curves and pitfalls. I can tell you from the commissioners who have been through the process, everyone of them feels that they have a better department, even though it may be smaller. They have a department that can be more responsive to the public and that the bosses are closer to the people.

In summary, these proposals will improve decision making, increase efficiency and move state government closer to the customer, the people of Maine. The process of reorganizing doesn't end here. With these three days, it begins here. There will be more recommendations when you reconvene in January. It is my hope that the work of the task force will create a culture of continuous improvement and continuous analyst of what we are doing and how we are doing it. I know that there are some of you who don't believe that these recommendations go far enough and

there are those of you who feel they have gone too far.

For me, this plan strikes a balance between what we can do and what we must do. We have had, and will continue to have, disagreements over one part of the plan or the other. That's the normal give and take of the legislative and executive process. I want you to know something that I said in my budget speech in February and I will say it again. Although it just seems to be hard to achieve, I don't consider this a contest. I want to work with you to create solutions for Maine people, not win or lose. We have got to get beyond this concept that it is a battle. That the Republicans and the Democrats have to fight with each other. That the Legislature has to fight with the administration. That the Appropriations Committee has to fight with other committees and win. We have got to get over that. We have put before you a reasonable plan that goes a long way toward filling this budget problem. It is a joint effort.

To work together to give Maine people the government they deserve at a price they can afford. We cannot afford to fail. We cannot afford to fail. If we succeed, there is a winner, the people of Maine. That is who wins. We will be long forgotten, but the people of Maine will win. As you go about your work in the next three days and in the months ahead, I ask you to remember those Maine people. They are watching us. They are less concerned about the specific outcome than they are that we reach decisions and move forward. They are waiting for the results of our work. We cannot let them down.

This morning I had the privilege of swearing in two new members of the House. I said to them something that I want to conclude with and it is something that comes to me from time to time in the rush of this place. We, you and I, have been given a rare opportunity and privilege by the people of Maine to be here at this moment, to turn Maine on a course toward the future, to turn Maine toward a future that is a vision of opportunity and the highest quality of life in the nation. Let us use this moment, this opportunity and this privilege to secure that future and to secure the vision for the people of Maine. Thank you and I look forward to working with you over this week.

At the conclusion of the address, the Governor of the State of Maine withdrew amid the applause of the Convention, the audience rising.

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

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

In the House

The House was called to order by the Speaker.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Lawrence High School Bulldogs, of Fairfield, winners of the 1995 Class A Cross Country State Championship. This is their first Class A cross country state title, and we extend our congratulations and very best wishes to them; (HLS 693) by Speaker GWADOSKY of Fairfield. (Cosponsors: Senator MILLS of Somerset, Representative CHASE of China)

On objection of Representative GWADOSKY of Fairfield was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair is very pleased to recognize, at this time, the members of the Lawrence High School cross-country team. They are the state Class A champions. I would like to give their names to you at this time and I will ask them to rise after that point. The members of the team that are here, hopefully, at this time, are Rusty Nelson, Heath MacArthur, Derek Veilleux, Jason Harris, Mike Poulin, Troy Petrie, Jamie Hartsgrove, J.P. Wells, Richard Harding, Kevin Hanscom, Scott Lary, Tristan Lawe, Brent Brockway, David Robertson, Tom Hutchins, Pat Michaud, Randy Nadeau, Abel Russell as well as Brett Hildreth. They are coached by Coach Ed Wooster. Once again, this is their first state championship. Would you please join me in giving them a warm welcome to the state house today. We wish you the best on behalf of all the members. We hope you enjoy your day. We know you are going to the other body at this time and meeting with Governor King as well. We wish you the best and we will catch up with you momentarily.

Was read and passed and sent up for concurrence.

In Memory of:

Chauncey Robbins, of Houlton, who was a former Member of the Maine House of Representatives from 1947-1952 and the Maine State Senate from 1952-1954. Mr. Robbins also served with distinction in the U. S. Navy, and in World War II was awarded the Legion of Merit and the British Distinguished Service Cross. He was a member of numerous social, civic and professional organizations, and we acknowledge his dedicated and distinguished service to his state and country; (HLS 698) by Representative CLUKEY of Houlton. (Cosponsors: Senator MICHAUD of Penobscot, Representative WHEELER of Bridgewater)

On objection of Representative CLUKEY of Houlton was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: Last week a former member of this House, Chauncey Robbins, passed away after a long illness. He served in the Legislature for eight years from 1947 to 1954, three terms in the Maine House and one in the other body.

In addition to his service in the Legislature, Chauncey Robbins had a very distinguished career in the military and held high positions in many other areas of public service. Although it is easy to forget someone who has been sick for so long and in a nursing home, anyone who chooses to enter public service should be inspired by what he accomplished in his life.

Mr. Robbins graduated from Harvard in 1932 and later, with honors, from the University of Maine Law School in 1952. He served with distinction in

the U.S. Navy for 30 years and as the Captain of the U.S.S. S.C. Davis, he supported British forces at the assault of Anzio and, for this, was later decorated with the Legion of Merit. The British also awarded then Captain Robbins the Distinguished Service Cross for his service at Anzio. The award was presented to him by the British Ambassador to the United States at a ceremony in Washington. He served in both the European and Pacific theaters of war and his other decorations included the Bronze Star and the U.S. Naval Unit Commendation.

He served as manager of the Houlton Chamber of Commerce in 1948 and 1949. He was a member of the Commission of Interstate Cooperation, serving as chairman in 1953. Also, in 1953, he was on the Board of Managers, Council of State Governments. He held various staff positions in Washington for several years, among them, as executive director of the Republican National Committee, Deputy Assistant Secretary of Defense for Public Affairs, Director of Organization for the Republican Congressional Campaign Committee.

Mr. Robbins was the first executive director of the Maine Bar Association, serving from 1967 to 1973 and was Aroostook County Judge of Probate in 1974, but had to resign the following year due to ill health. He was a trustee of the Maine Maritime Academy for six years and President of Ricker College from 1971 to 1973.

Chauncey Robbins served his community, his state and his country with high honor and distinction for his entire adult life and should be an inspiration to us all. Mr. Speaker, I respectfully request that when we adjourn today, we do so in memory of the Honorable Chauncey Robbins of Houlton.

Was read and adopted and sent up for concurrence.

At this point, the Speaker recognized the Representative from Durham, Representative FITZPATRICK, the Representative from Windham, Representative KONTOS, the Representative from Madawaska, Representative AHEARNE, the Representative from Hampden, Representative PLOWMAN and they were added to the quorum call of the First Special Session of the 117th Legislature.

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

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 the Recommendations of the Productivity Realization Task Force" (EMERGENCY) (H.P. 1150) (L.D. 1589) (Submitted by the Governor pursuant to Public Law 1995, chapter 99, Part D.)

Appropriations and Financial Affairs

Bill "An Act to Correct an Error in the Hospital Assessment Program" (H.P. 1151) (L.D. 1590) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: DIPIETRO of South Portland, MORRISON of Bangor, POULIOT of

Lewiston, TOWNSEND of Portland, Senator: BERUBE of Androscoggin) (Governor's Bill)

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Appropriations and Allocations for Fiscal Years 1995-96 and 1996-97" (EMERGENCY) (H.P. 1148) (L.D. 1587) which was tabled by Representative JACQUES of Waterville pending reference.

Subsequently, the Bill was referred to the Committee on Transportation and sent up for concurrence.

By unanimous consent, all matters requiring reference having been acted upon were ordered sent forthwith.

On motion of Representative JACQUES of Waterville, the House recessed until 3:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

ORDERS

On motion of Representative KERR of Old Orchard Beach, the following Joint Order (H.P. 1152)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills related to the Department of Marine Resources "productivity" plan as it has impacts on establishing an Aquarium and Resource Center at West Boothbay Harbor Fund to the House.

Was read and passed and sent up for concurrence.

On motion of Representative KERR of Old Orchard Beach, the following Joint Order (H.P. 1153)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills authorizing appropriations and allocations for the 1996-97 biennium and to change certain provisions of the law necessary for the operation of the State Government to the House.

Was read and passed and sent up for concurrence.

On motion of Representative KERR of Old Orchard Beach, the following Joint Order (H.P. 1154)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills related to the Department of Agriculture, Food and Rural Resources "productivity" plan as it has impacts on the Maine Harness Racing Commission to the House.

Was read and passed and sent up for concurrence.

On motion of Representative KERR of Old Orchard Beach, the following Joint Order (H.P. 1155)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills related to the Department of Professional and Financial Regulation "productivity" plan as it has impacts on the operations of the department to the House.

Was read and passed and sent up for concurrence.

On motion of Representative KERR of Old Orchard Beach, the following Joint Order (H.P. 1156)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills related to the Department of Agriculture, Food and Rural Resources "productivity" plan as it has impacts on the Animal Welfare Board, Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council to the House.

Was read and passed and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

On motion of Representative CLUKEY of Houlton, the House adjourned at 4:55 p.m. until 11:00 a.m., Wednesday, November 29, 1995 in memory of a former member of the Maine Legislature, Chauncey Robbins.