

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND REGULAR SESSION
9th Legislative Day
Monday, February 2, 1998

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

Prayer by Reverend Alison Andrea Jacobs, United Church of Christ, North Gorham.

National Anthem by Marshwood High School Concert Band, Eliot.

Pledge of Allegiance.

At this point, a message came from the Senate, borne by Senator PINGREE of Knox of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 6:30 in the evening 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.

Thereupon the House voted to **CONCUR** in the proposal for a Joint Convention to be held at 6:30 in the evening and the Speaker appointed Representative KONTOS of Windham to convey this message to the Senate.

Doctor of the day, Francis Schumann, M.D., Machias.

The Journal of Wednesday, January 28, 1998 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Resolve, to Provide Supplemental Funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities (EMERGENCY)

(H.P. 1534) (L.D. 2161)

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in the House on January 26, 1998.

Came from the Senate with the Resolve **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

JOINT ORDER - relative to recalling Bill "An Act to Change the Weekly Employee Pay Requirement in State Law," S.P. 140, L.D. 419 from the Legislative files to the House.

(H.P. 1405)

PASSED in the House on January 20, 1998.

Came from the Senate **FAILING** of **PASSAGE** in **NON-CONCURRENCE**.

On motion of Representative MORGAN of South Portland, **TABLED** pending **FURTHER CONSIDERATION** and specially assigned for Tuesday, February 3, 1998.

COMMUNICATIONS

The Following Communication: (H.C. 354)
STATE OF MAINE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

January 26, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1761 An Act to Authorize a General Fund Bond Issue to Make Necessary Improvements to the State House

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud

Senate Chair

S/Rep. George J. Kerr

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 355)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE

January 26, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1592 An Act to Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders

L.D. 1667 An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Robert E. Murray, Jr.

Senate Chair

S/Rep. Edward J. Povich

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 356)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

January 26, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1793 An Act Regarding the Activities of Nonprofit Corporations

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley

Senate Chair

S/Rep. Richard H. Thompson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 357)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LABOR**

January 26, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 196 An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers

L.D. 1370 Resolve, to Create Pension Portability for State and Local Government

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary R. Cathcart

Senate Chair

S/Rep. Pamela H. Hatch

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 358)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

January 26, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 989 An Act to Grandfather Existing Structures in Relation to Fire Doors and Exits

L.D. 1072 An Act Pertaining to the Sanford National Guard Armory

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly C. Daggett

Senate Chair

S/Rep. John L. Tuttle, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 359)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

January 26, 1998

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 757 An Act to Create Graduated Licenses

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. William B. O'Gara

Senate Chair

S/Rep. Joseph D. Driscoll

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 360)

118TH MAINE LEGISLATURE

January 22, 1998

Honorable Angus S. King

Governor

State of Maine

1 State House Station

Augusta, Maine 04333

Dear Governor King:

We are pleased to invite you to address a Joint Session of the 118th Maine Legislature in our Second Regular Session. We have set aside Monday, February 2, 1998 at 7:00 p.m. for you to give the State of the State address.

We look forward to hearing from you.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/Elizabeth H. Mitchell

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 361)

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

January 26, 1998

Honorable Mark W. Lawrence
President of the Senate
Honorable Elizabeth H. Mitchell
Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence, Speaker Mitchell and Members of the 118th Legislature:

It is with pleasure that I accept your invitation to deliver a State of the State address to a Joint Session of the 118th Maine Legislature on February 2 at 7:00 p.m.

I look forward to working with each and every one of you during your Second Regular Session.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 362)

**STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
42 STATE HOUSE STATION
AUGUSTA, MAINE
04333**

22 January, 1998
Hon. Joseph W. Mayo
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk Mayo:

Please find enclosed a copy of the application and program workplan submitted to the Bureau of Justice Assistance for funding of the FY 98 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,
S/Col. Malcolm T. Dow
Acting Commissioner

READ and REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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 Increase the Number of Probation Officers and Corrections Support Staff"

(H.P. 1551) (L.D. 2180)

Presented by Representative MUSE of South Portland.
Cosponsored by Representatives: JONES of Greenville, MITCHELL of Vassalboro, POVICH of Ellsworth, SAXL of Portland, TOWNSEND of Portland, Senators: LAWRENCE of York, MURRAY of Penobscot, RAND of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Appropriate Funds to the Battleship USS Maine Centennial Committee to Restore and Maintain the Monument to the USS Maine in Davenport Park" (EMERGENCY) (H.P. 1555) (L.D. 2184)

Presented by Representative BAKER of Bangor.

Cosponsored by Senator CATHCART of Penobscot and Representatives: CAMPBELL of Holden, DONNELLY of Presque Isle, DUNLAP of Old Town, SAXL of Bangor, STEVENS of Orono, Senators: BENNETT of Oxford, MICHAUD of Penobscot, MURRAY of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

CRIMINAL JUSTICE

Resolve, to Provide Accountability in the Probation System

(H.P. 1556) (L.D. 2185)

Presented by Representative SAXL of Portland.

Cosponsored by Senator MITCHELL of Penobscot and Representatives: FULLER of Manchester, JONES of Greenville, KANE of Saco, McALEVEY of Waterboro, MUSE of South Portland, POVICH of Ellsworth, Senator: MURRAY of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Resolve, Regarding Legislative Review of Certification and Monitoring of Batterer Intervention Programs, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

(H.P. 1560) (L.D. 2189)

Submitted by the Department of Corrections pursuant to the Maine Revised Statutes, Title 5, section 8072.

JUDICIARY

Bill "An Act to Amend the Laws Regarding Intellectual Property Rights"

(H.P. 1554) (L.D. 2183)

Presented by Representative DONNELLY of Presque Isle.

Cosponsored by Representatives: KONTOS of Windham, TESSIER of Fairfield, VEDRAL of Buxton, Senators: AMERO of Cumberland, BENNETT of Oxford, CATHCART of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

LABOR

Bill "An Act to Create the Maine Temporary Disability Benefits Law"

(H.P. 1557) (L.D. 2186)

Presented by Representative CAMERON of Rumford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

STATE AND LOCAL GOVERNMENT

Bill "An Act Concerning Reporting Deadlines of Studies Authorized by Law" (EMERGENCY)

(H.P. 1552) (L.D. 2181)

Presented by Speaker MITCHELL of Vassalboro.

Cosponsored by Senator RAND of Cumberland and Representatives: CAMPBELL of Holden, KONTOS of Windham, Senator: AMERO of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

TRANSPORTATION

Resolve, to Name the Bridge on Route 236 the Jeffrey Curley Bridge

(H.P. 1559) (L.D. 2188)

Presented by Representative WRIGHT of Berwick.

Cosponsored by President LAWRENCE of York.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Pursuant to Resolve

Commission to Study Insurance Fraud

Representative O'NEIL for the **Commission to Study Insurance Fraud** pursuant to Resolve 1997, chapter 77 asks leave to report that the accompanying Bill "An Act to Create the Crime of Insurance Fraud and Require Reporting of Convictions to Licensing Authorities"

(H.P. 1553) (L.D. 2182)

Be **REFERRED** to the Committee on **BANKING AND INSURANCE** and printed pursuant to Joint Rule 218.

Report was **READ**.

On motion of Representative SAXL of Bangor, **TABLED** pending **ACCEPTANCE** of the committee report and later today assigned.

Subsequently, Representative KONTOS of Windham reported that she had delivered the message with which she was charged.

ORDERS

On motion of Representative GERRY of Auburn, the following Joint Resolution: (H.P. 1558) (Cosponsored by Senator RAND of Cumberland and Representatives: BRAGDON of Bangor, BUNKER of Kossuth Township, SAXL of Portland, SNOWE-MELLO of Poland, WINGLASS of Auburn, Senators: ABROMSON of Cumberland, CATHCART of Penobscot, KILKELLY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.)

JOINT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO RELEASE LIHEAP FUNDS TO ASSIST MAINE CITIZENS

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

WHEREAS, the State of Maine has suffered one of the worst natural disasters in its history; and

WHEREAS, 800,000 people have been without power for a week or more; and

WHEREAS, the need for emergency assistance is growing; and

WHEREAS, the State of Maine is seeking every avenue of assistance possible; and

WHEREAS, the State of Maine is still responding to the emergency and is preparing to start the recovery process; and

WHEREAS, the United States Government has a \$300,000,000 Low-Income Home Energy Assistance Program (LIHEAP) emergency fund set aside to ensure that unique demands for assistance be addressed in situations such as the one being experienced in the State of Maine; and

WHEREAS, the United States Government through its LIHEAP emergency fund assisted other states that have experienced similar disasters; and

WHEREAS, the State of Maine's situation is equally compelling, due to the widespread loss of electricity and severe weather; and

WHEREAS, the State of Maine is requesting assistance from the United States Government for its low-income households through the LIHEAP emergency fund; and

WHEREAS, the State of Maine requests that the United States Government act quickly so that it may make the most efficient use of the funds and can assist families that have been affected by this disaster; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the President of the United States to release from the Low-Income Home Energy Assistance Program emergency funds to assist the citizens of Maine during their current crisis; and, be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

READ

The **SPEAKER:** The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. The purpose of this Resolution is to support the Governor and our Congressional Delegation in an effort to get additional low-income home energy assistance for Maine's citizens. This will help ease the burden for Mainers who are suffering from our recent ice storm. The United States Congress has provided the President with an emergency fuel assistance fund for use in circumstances like ours. The Governor has requested \$12 million in assistance. The Congressional Delegation has supported that request and stressed the need for immediate action. This Joint Resolution will lend the weight of the Maine Legislature to that request.

This storm has had a terrible impact on those near or below the poverty line. For them, all their efforts are focused on solving today's problems. First it was food and a place to stay when the storm first hit until it got done. Then it will be getting the damage to their homes and their heating system repaired. Then it will be the need for heating fuel. The list goes on. The fact is that the poorest citizens, who are just getting by, before suffering the additional expenses of these storms. They need all the help they can get. These funds will go to help pay for things like fuel and heating system repairs. It will only go to those near or below the poverty line. It will provide assistance they immediately need. The Community Action Agency in my area reported receiving 100 to 150 calls per day for help. I hope this Resolution will help get those needed funds released right away. I ask and I urge for your support for this Joint Resolution. Thank you.

Was **ADOPTED**.

Sent up for concurrence. **ORDERED SENT FORTHWITH.**

**REPORTS OF COMMITTEE
Change of Committee**

Representative HATCH from the Committee on **LABOR** on Bill "An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death" (H.P. 876) (L.D. 1193)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1390) (L.D. 1943) Bill "An Act to Repeal the Residency Requirement for Credit Union Directors" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the Second Day:

(H.P. 1389) (L.D. 1942) Resolve, Authorizing the Transfer of Certain State Park Property

No objections having been noted at the end of the Second Legislative Day, the House Paper was **PASSED TO BE ENGROSSED** and sent up for concurrence.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Wednesday, January 28, 1998, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - Ought to Pass - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Law Governing the Filing of Municipal Campaign Reports" (H.P. 1365) (L.D. 1915)

TABLED - January 28, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Report was **ACCEPTED**.

The Bill was **READ** once and was assigned for second reading Tuesday, February 3, 1998.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

JOINT ORDER - relative to recalling Bill, "An Act to Provide Health Insurance Coverage for Prostrate Cancer Screening," S.P. 320, L.D. 1060 from the legislative files.

(S.P. 762)

- In House, **READ** and **FAILED PASSAGE** in **NON-CONCURRENCE** on January 20, 1998.

- In Senate, Senate **INSISTED** on its former action whereby the Joint Order was **PASSED**.

TABLED - January 28, 1998 by Representative SAXL of Bangor.

PENDING - Motion of same Representative to **RECEDE** and **CONCUR**.

On motion of Representative SAXL of Bangor, **TABLED** pending her motion to **RECEDE** and **CONCUR** and later today assigned.

The Chair laid before the House the following items which were **TABLED** earlier in today's session:

Bill "An Act to Create the Crime of Insurance Fraud and Require Reporting of Convictions to Licensing Authorities"

(H.P. 1553) (L.D. 2182)

which was **TABLED** by Representative SAXL of Bangor pending **ACCEPTENCE** of the Committee Report.

Subsequently, the committee report was **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

JOINT ORDER - relative to recalling Bill, "An Act to Provide Health Insurance Coverage for Prostrate Cancer Screening," S.P. 320, L.D. 1060 from the legislative files.

(S.P. 762)

which was tabled by Representative SAXL of Bangor pending her motion to **RECEDE** and **CONCUR**.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Madam Speaker, Men and Women of the House. We would appreciate all of your support in recalling this item from the files. This is the prostate cancer screening. We are asking that this be required in every insurance policy. The reason for that is because it has become fairly standard in medical practice to have this prostate cancer screening as a part of a male examination in men over the age of 45. Since it is standard procedure, it seems appropriate that that be an item which should be covered by health insurance. We ask you to support this now and I think we are ready to vote on it. Thank you Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. I won't prolong this too much, but I would simply remind you that the American Cancer Society and the people in the Maine Cancer Society have recommended against mandatory screening of the sort that this bill would require. It is not cost effective. It may become cost effective in the future. It requires a specific test called the PSA test. There was something in the paper a couple weeks ago, an article about somebody developing a test which might be more effective than that. Why should we write into law something that is not going to be cost effective, which may divert funds from other health needs, other cancer research and treatment to diagnose his needs? We don't have as much money as we need at this point. Why waste it on something that the American Cancer Society says is not worth it at this time?

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. I find it necessary to correct one of the statements that the good Representative from Wells just made. The American Cancer Society does, I would repeat, does support the PSA screening as does the American Urological Society and the American College of Radiology. In this country, at the current time, every 90 seconds someone is diagnosed with prostate cancer. At this current time, this PSA test is the only

thing and the best thing to screen the male population who are susceptible to this very, very ugly disease of cancer of the prostate. I would urge people in this chamber this morning to allow us to recall this bill and to move forward with this topic. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Lemaire.

Representative LEMAIRE: Madam Speaker, Men and Women of the House. I really did have no intention of getting up on this. I have been a very, very strong proponent for tests for women to detect cancer early for many, many years before I was in the Legislature and during the period since I have been here. As I look around this room, I see a lot of men at the age group who should be strongly supporting this bill. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. I regret that I wasn't able to vote last week for this bill because of illness. Fortunately, it was not this kind of prostate cancer. I am among, as many of my colleagues here, in that age where we are susceptible. We have and should continue to be as alert and as supportive as possible for any preventative efforts. Prevention is always cost effective. I urge my colleagues in the House to support this. I certainly will vote today in favor of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Men and Women of the House. Just a quick reminder from what I said last year. A friend and neighbor of mine has prostate cancer, if he had gone for screening, it would have been prevented. Last week, I am pleased to say that he had his last chemotherapy session. The jury is still out on his future. This is not an extensive tax. It is not perfect, but as we improve our technology, I am sure we will get better. I urge you to support recalling this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. I will be brief. Last week we mentioned that this was just another mandate for health insurance. It is not cost effective. We are going to write into law a bill that if a new test comes out, more accurate and more effective for screening, we won't be able to cover it because we put in a PSA test as the only test we want to cover. Are we just going to keep putting every test into law? It doesn't make sense. As a health care professional, I worry about prevention. My father went through prostate operations. Once you are symptomatic, your insurance does cover this test for you. There is a misperception out there that this test is not covered at all, which is not true. If you are symptomatic and your physician recommends the test, it is covered. As Representative Carleton mentioned, there is a new test coming out probably within the next year, much better than this one, more specific to the antibody, yet, we want to cover PSA. It is a non-expensive test if you want to have it done. It costs \$60 to have it done. If you are symptomatic, your insurance covers it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Farnsworth.

Representative FARNSWORTH: Madam Speaker, Ladies and Gentlemen of the House. I am speaking as a consumer, at this particular point. This last summer I had a complete physical and was assured that all the tests would be covered. When I got the bill for \$72 for the PSA test, I was quite surprised. Blue Cross said, that no, they would not cover it. My concern is that

that kind of a price tag could be an inhibitor for somebody going ahead and getting a test done. I recognize it is not perfect, but at the same time, it is the tool that we have available and I think that it should be available to everybody who is in need of having this kind of screening. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative MCALEVEY: Madam Speaker, Men and Women of the House. As a member of that cohort co-efficient who is vastly coming close to that age where I need to be concerned with these things. This bill is of particular interest to me. We should be practicing preventative medicine and it is a shame, but if we have to mandate insurance companies to be pro-active in their screening, it seems to me that the cost of a \$60 test certainly is cost effective compared to an operation. I would urge you to support this bill. I do. When the vote is taken, I request the yeas and nays. Thank you.

Representative MCALEVEY of Waterboro requested a roll call on the motion to **RECEDE** and **CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I am not sure whether I am at the age that you are speaking about because I am 39 and holding. Approximately a year and half ago, I was recommended to have this test. I don't know if you know anything about the scale, but the scale you start worrying at 4 and I tested 24. For nine months, I was one worried fella. After two biopsies and so forth, it was proven that my infection came from another part of my body. The one thing that it did was to get me to a doctor. If a doctor really knows his business, he is not going to be satisfied with just one test. I have had at least half a dozen to eight people call me to ask about the test I had. They, too, went to have the PSA and because of it, I think that some of these people feel much better about their particular circumstances and some are very pleased because they found that they did have a problem.

I agree in everything that I have read that maybe it isn't the best thing and maybe we have something coming down the pike, but I disagree when we say these things. We change the laws all the time. If we have it in the law now, I think it can be changed if something better comes along. I am going to support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mailhot.

Representative MAILHOT: Madam Speaker, Ladies and Gentlemen of the House. I will be brief. Last year, I failed to rise on this issue because I thought that everybody in the Legislature, here in the House, would vote on this. This year, the same thing happened and it came before the House twice and I failed to rise on it again because I was sure that everybody was going to vote on this again. As far as the cost effectiveness, if this saves several lives, I think that that is not an issue. The issue is that this is the only test that we have for prostate cancer now and it is the best we have and that we should all vote for this at this time. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I will be brief. If we are to err, we should err on the side of prevention. There should be no argument about that today in 1998. Secondly, I do think it is a basic issue of equity. I

urge you to support the good Representative from Bangor and support this necessary action.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Madam Speaker, Men and Women of the House. I am one of those that have had a PSA and found it to be malignant and have been operated on and I am here today because I took that test. I would allow for you people to remember, do you want to live or die? I would say, have the test because I am a prime example of what can happen if you do. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I just want to remind everybody and I am sure you don't need reminding, but I am going to anyway. We have in front of us a study of the blue ribbon commission to study the effects of government regulation on health care costs on small businesses in Maine. It has been my contention and a great deal of the people in the House that these added mandates drive up the costs of health care premiums. I find it hard to imagine that somebody could not pay a \$60 bill for this type of screening. I am very sensitive to people who have either themselves been exposed to a possibility of cancer or other family members. I had four family members, myself, that died of cancer. My mother died of cancer. That is not the question. Is this good public policy to keep piling mandates upon mandates upon mandates upon mandates on these health insurance policies, driving the very people you think can't afford this \$60 out of the health care markets. That is something you should really think about.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. I think some of you have been distributed a letter from the Cancer Prevention and Advisory Committee of the State of Maine. It is the cancer people in the State of Maine that I referred to in my first talk here today. I would like to refer you to the third paragraph of that letter, which says, "It is obvious in these times of rising health costs that care must be exercised in identifying preventive services to be included as mandated benefits. Those chosen to be mandated must clearly decrease mortality, morbidity and cost when they are provided to the whole population. Unfortunately, population based screening or prostate cancer does not meet these requirements based on currently available scientific studies." It is signed by a physician who is the chair of the Cancer Prevention and Control Advisory Committee for the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I rise to stand today to let you know that I, too, am very concerned about this issue. I had a father-in-law who I loved dearly who died from prostate cancer. However, I want to make it clear that I am voting with the good Representative Carleton and Bruno today because I came down here to make logical decisions, not emotional decisions. We spent close to \$10,000 to commission the study to look at this whole issue. They took almost half a year to study all the pros and cons and look at all the national and international research on it. It came back conclusively that it was not worth spending the money on. Therefore, I ask you to consider supporting Representative Bruno and Carleton in this issue and waiting until we can do it right later when it really will make a difference instead of just appeasing our emotions. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. May I remind this good body that the motion before us, the action before us, is a Joint Order to recall the bill. Given the amount of strong feeling about this, it seems to me a logical decision to refer this to the committee of jurisdiction for continued conversation and debate. I would ask that we acknowledge the importance of this issue by voting yes to do what we are being asked to do, which is to recall the bill and refer it to the committee on Banking and Insurance. I thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I respectfully disagree with the previous speaker. I just want to refer to the commission's report. The commission recommends that the review process for mandated benefits be amended by the following criteria. I am going to skip down to the one that really strikes home with this issue here. Prohibit proposed mandated benefits from being introduced in the Second Regular Session. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Madam Speaker, Men and Women of the House. I feel compelled to correct the previous speaker. As chairman of the blue ribbon commission and the person who pushed one of the people on that commission the hardest for that, that is introducing new mandates. This is not a new mandate. The study was completed during the first session of the 117th Legislature. That particular bullet on the blue ribbon commission report does not apply to today's debate.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I just want to address the previous speaker by saying this is not a new mandate. Of course this is a new mandate. It is not mandated coverage right now, therefore, if we drag this up and pass it, it would be a new mandate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Men and Women of the House. Briefly, as a member of the committee that heard this bill, one of the findings was that this will add a cost to the premium. We have heard the argument that it will heap costs upon the premium payers and policy holders. The actual cost per policy holder for this mandate was 11 cents. I think 11 cents is not too high a price to pay for this sort of health as Representative True or Representative Farnsworth can tell you. It is well worth it. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 400

YEA - Ahearn, Bagley, Baker, Belanger DJ, Belanger IG, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Honey, Jabar, Jones SL, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire,

Lemke, Lemont, Lovett, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Cianchette, Dutremble, Fisher, Foster, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, Layton, Lindahl, MacDougall, Mack, Marvin, McElroy, Murphy, Nass, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Winn.

ABSENT - Clukey, Hatch, Jones KW, Ott, Poulin, Samson, Underwood, Winsor.

Yes, 100; No, 43; Absent, 8; Excused, 0.

100 having voted in the affirmative and 43 voted in the negative, with 8 being absent, the House voted to **RECEDE AND CONCUR**.

On motion of Representative WHEELER of Bridgewater, the House recessed until 6:30 p.m.

(After Recess)

The House was called to order by the Speaker.

IN CONVENTION

The President of the Senate, the Honorable Mark W. Lawrence, in the Chair.

The Convention was called to order by the Chair.

On motion of Senator Rand of Cumberland, it was

ORDERED, that a committee be appointed to wait upon the Honorable First Lady Mary Hermon, the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, Justices of the Supreme Judicial Court, Justices of the Maine Superior Court, Judges of the District Court, the Constitutional Officers of the State of Maine, the State Auditor and members of the Governor's Cabinet, inviting them to attend this Joint Convention.

The Order was Read and Passed.

The Chair will appoint the following:

The Senator from Kennebec - Senator DAGGETT
The Senator from Kennebec - Senator CAREY
The Senator from Oxford - Senator FERGUSON
The Rep. from Sanford - Rep. TUTTLE
The Rep. from Lewiston - Rep. AMACHE
The Rep. from Lisbon - Rep. CHIZMAR
The Rep. from Brewer - Rep. FISHER
The Rep. from Buckfield - Rep. GAGNE
The Rep. from Fairfield - Rep. TESSIER
The Rep. from Fryeburg - Rep. TRUE
The Rep. from Gorham - Rep. LABREQUE
The Rep. from Bucksport - Rep. BIGL
The Rep. from Wallagrass - Rep. BELANGER

Subsequently, Senator Daggett of Kennebec, for the Committee, reported that the Committee had delivered the message with which it was charged and were pleased to report that the that the First Lady, the Chief Justice, Members of the Judiciary, the Constitutional Officers, the State Auditor and members of the Governor's Cabinet will attend forthwith.

The Chair recognized the First Lady of the State of Maine, Mary Herman; the Honorable Daniel E. Wathen, Chief Justice of the State of Maine; Associate Justice of the Supreme Court Kermit Lipez; Chief Justice of the Superior Court Margaret Kravchuk; Chief Judge of the District Court Michael Westcott; Deputy Chief Judge of the District Court Thomas Humphrey and State Court Administrator Ted Glessner; the Constitutional Officers of the State of Maine, Secretary of State, Dan Gwadosky; State Treasurer, Dale McCormick; Attorney General, Andrew Ketterer; State Auditor, Gail Chase and members of the Governor's Cabinet.

On a motion by Senator Pingree of Knox, it was ORDERED that a Committee be appointed to wait upon his Excellency, Governor Angus S. King, Jr. and extend to him an invitation to attend this convention and make such communication as pleases him.

The Order was read and passed.

The Chair appointed the following:

The Senator from Androscoggin - Senator NUTTING
The Senator from Hancock - Senator GOLDTHWAIT
The Senator from York - Senator LIBBY
The Rep. from Madawaska - Rep. AHEARNE
The Rep. from Westbrook - Rep. LEMKE
The Rep. from Biddeford - Rep. DUTREMBLE
The Rep. from Machias - Rep. BAGLEY
The Rep. from Alton - Rep. SANBORN
The Rep. from Portland - Rep. GIERINGER
The Rep. from China - Rep. BUMPS
The Rep. from Falmouth - Rep. FISK
The Rep. from Newport - Rep. KASPRZAK
The Rep. from Auburn - Rep. GERRY

Subsequently, Senator Nutting of Androscoggin, for the Committee, reported that the Committee had delivered the message with which it was charged and were pleased to report that the Honorable Angus S. King, Jr., Governor of the State of Maine, will attend forthwith.

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

Mr. President, Madam Speaker, Mr. Chief Justice, Honorable members of the 118th Legislature, and citizens of Maine.

Silently. Silently, the huge cloud of warm air drifted north and east from the American Midwest, finally coming to rest over Quebec and northern New England.

Maine was to be put to the test.

Silently, the mist and rain began to fall through colder air and turned to ice in Scarborough, Skowhegan, Gardiner, and Lewiston; Machias, Bangor, Augusta, and Bridgton. For the first time any of us could remember, it was warmer at the top of Mount Washington than at the bottom.

Maine was to be put to the test.

The gray days continued: Tuesday, Wednesday, Thursday, and the trees started to give way, and with them, the narrow strands of copper and aluminum that we now more fully realize stand between us and the New England winter started to fall.

Maine was to be put to the test.

Branches fell like cannon shots in the cold night air and our small towns and country roads took on a desolate look. And with the branches came more of the wires--twisted, cut off, dead, and in some cases deadly--and poles, too, by the thousands.

Maine was being put to the test.

By Friday morning the lights were off over a huge swath of the state, from northern York County to southern Aroostook, from Rangeley in the west to downeast Machias. And more ominously, in most cases, the heat was off as well. The night was getting colder. That night, almost two-thirds of our people were without power, and the cold was coming on.

Maine was being put to the test.

And then, something else happened, not so silently this time: a wonderful, transcendent, once-in-a-lifetime thing--in coffee houses and shelters, in kitchens and neighbor's spare rooms, on the radio and in churches Sunday morning--we rediscovered who we are--or most want to be--as a people. Ingenious, self-reliant, neighborly, creative, tough, funny, spontaneous, caring.

The staff of a small talk radio station in Bangor struggled up an icy hill to get fuel to a crippled transmitter, and the Voice of Maine earned its call letters for real; in a Portland restaurant Saturday night, we gave a CMP line crew a standing ovation; we learned how to wire in generators, then taught our neighbors; we took in friends--and sometimes strangers--as the cold came on. We doubled up on child care, checked on the older gent next door, swapped outage stories, manned shelters, chatted with the line crews, gave away coffee and thousands of donuts.

Maine was passing the test.

As the days dragged on, the stories still came, of compassion, struggle, fun, and heroism, shared over an amazing network of gossip, rumor, talk radio, and the vivid images of TV news all linked us in the truest sense. For that glorious moment, that one glorious moment, we were truly one people--almost one person--in our shared experience of fear, frustration, compassion and triumph.

And as the whole world now knows, Maine had truly passed the test.

Those who got us through those days would fill this building, but I've asked a few to join us here tonight to accept our thanks and those of all our people. I am going to ask you to hold your applause until I get through the list.

From CMP, President David Flanagan and Brent Phinney, a lineman from Bridgton; From Bangor Hydro, linemen Ralph Murphy and Charles Payne; from the Department of Defense and Veterans Affairs, General Earl Adams and Senior Master Sgt. Bob Gagne of the Maine National Guard; From the Department of Transportation, representing all the state workers who performed above and beyond the call of duty; Greg Inman, a plow driver from South Paris; Ralph Cutler a cable splicer from Bell Atlantic; From WVOM, owner Jerry Evans; From the Red Cross, volunteer Suzanne Anderson; From the Salvation Army, Erin Carter; Stan Labbe, a shelter volunteer from Litchfield; and finally Rick Grant, a rescue worker from Monmouth whose own home tragically burned down during his work for storm victims. Please stand and accept the thanks of the people of Maine.

Yes, we passed the test. A big test, but the ice storm isn't the only one we face; in the longer term, we're up against other tests,--not so immediate and dramatic, but no less daunting or important. The most fundamental test, of course--faced by individuals and societies everywhere and at all times--is

progressing and prospering in a world of intense and unrelenting competition. Meeting this test--day-by-day, business-by-business, job-by-job--is the basis of everything we want to do as a people.

But there are some important lessons we can learn from the storm--especially the crucial importance of preparation and how much we need each other.

Except for northern Aroostook and southern York, every part of Maine was hit--and nobody cared where a line crew called home. Anybody with a bucket truck was a Mainer. What we experienced wasn't two, four, or six Maines--it was one Maine, struggling and ultimately overcoming together.

But day-to-day, it's not like that. There are divisions, not so much north-south or east-west, but more in the economic differences between high growth urban areas and the counties farthest from the I-95 corridor. I hate the term the two Maines, but we can't ignore the income and opportunity disparities between Portland and Palermo, Scarborough and Skowhegan--or the number of kids, for example, from Aroostook County that you currently find in Cumberland County.

I said last year that my ultimate goal as Governor was to make it so that none of our children should have to leave Maine to find a decent job.

I'm modifying that tonight; our young people shouldn't have to leave Rumford, Houlton, or Machias either, for a chance at a good job and a decent life for their families.

There was a time when our rural economies were strong and towns like Wilton and Millinocket hummed with the sound of commerce and invention. Thirty years ago, Millinocket was one of the most prosperous towns in Maine and over a thousand people worked at Bass Shoe in Wilton. Events of this past week have underlined the increasing fragility of those economies and should serve, if anything should, as a final wake-up call that, in these areas at least, economic development business-as-usual just won't cut it.

And so tonight, I'm announcing OneMaine, a comprehensive initiative to rebuild the economies of rural Maine -- not as a copy of Portland, but on terms derived from the strengths and qualities already there. We have a combination of competitive advantages found nowhere else: one of the largest spruce forests in the world; one of the most productive water bodies in the world, the Gulf of Maine; the most varied, spectacular, and sought after natural landscape east of the Mississippi; and one of the safest places to live in the United States. Upon these four advantages we can build a vital economy for ourselves and future generations. Over the next several weeks I will spell out this program in detail and look forward to working with you, the members of the Legislature, and your rural development task force that just reported this morning -- and all the people of Maine -- on additional ideas to make it this revitalization happen. This will not be easy or without bumps, for we are talking about nothing less than a reversal of a fifty-year trend and remaking of an entire economy. But we have no choice but to try.

Here are the key elements of OneMaine:

1. Invest in research, science and technology to unlock the secrets of the sea and to develop valuable new products from our forest. To this end, I am proposing a bond issue for Jobs from the Sea and to support research and development -- research and development that can immediately be translated into Maine jobs.

2. Invest in our environment and renewable natural resources. An improving environment is a cornerstone of a vital economy -- through clean, clear lakes and rivers that support millions of dollars of seasonal activity, fisheries that will one day

be free of advisories warning us toxic poisoning and public land accessible to all our citizens.

3. Focus the resources of the Technical Colleges and the University of Maine System--which happen to have campuses in the very areas we're talking about--on supporting the development of local economies. The University has begun this process with what they're calling the Greater Maine Initiative; the technical colleges are proving every day their ability to work with businesses and communities across the state. These powerful local institutions can and should become key players in the revitalization of the areas that they serve.

4. Focus our economic development efforts, particularly in business attraction, on growth industries that don't depend on geography. This means telecommunications, and we already know it works. Take a look at what MBNA has done for Belfast - - and get ready to see the same thing in Aroostook, which will gain almost 600 new jobs this coming year at Loring and Presque Isle.

And we can use the power of telecommunications directly. I've asked DECD to create a new web page as a business-to-business network available to businesses across the state large and small so that any business on the Internet can get everything from state regulations to resource directories, on-line forums, event calendars, and a one-stop business license center.

And why can't we match jobs and job seekers on the Internet? The answer is, we can, and by this spring, the Maine Talent Bank will be on-line and someone looking for work will be able to knock on employers' doors, 24 hours a day, 7 days a week anywhere in the state.

5. Focus our transportation resources to support rural development. We can talk about fancy economic development ideas all we want, but good roads are probably still the most important thing. They are the most important thing we can do for Calais, Ashland, or Oxford Hills. So we're accelerating our commitment to the Department of Transportation and in this administration to the reconstruction of the Airline, and Route 11--which I experienced in all it's bumpy, narrow-shouldered glory in an 18 wheeler just last week--as well as Routes 26, and 16.

And it's time to notice that there is a city of three and a half million people--called Montreal--almost due west--not north--of here. And, as the crow flies, Bangor is as close to Montreal as it is to Boston. The problem is, the crow would probably follow Route 95 to Boston, but he sure wouldn't take the current route to Montreal. An east-west highway is a long-term vision. And right now we have to focus on the immediate needs of Route 9 and Routes 2, 201, and 27. Now is the time to think about Maine as the logical cross roads, if you look at the map, east-west and north-south in an economically powerful eastern Canada--northern New England region.

6. Let's put some money where our mouth is--currently we've got a program now called ETIF where the state returns back to new businesses a percentage of their state income tax withholding for their employees for new jobs created. The percentage currently is 30% in low unemployment areas and 50% in areas of higher than average unemployment. Since these are new jobs we're not counting on for revenues, I propose that the percentage refund be increased to 75% where the local unemployment rate is more than twice the state average. Unfortunately, many of the rural areas we're talking about here would qualify--but this would be a powerful incentive aimed right at the heart of the problem.

7. And finally, we've got to support a local economic development infrastructure and leadership of the local people. As I travel around the state, I was in Holden last week and

Carrabasset Valley Friday night and talked to local groups. I've learned that the essential element to local economic development to making a local economy grow isn't tax incentives or industrial parks; it's local leadership, pure and simple. Local people have to decide that they're going to take the future of their towns into their own hands and make it happen. But volunteers need support as well, and that's where many of our rural areas could use some help. Portland has a full blown economic development team, but in Washington County, a wonderful person named Diane Tilton is it, and she wasn't even full-time until two years ago.

But how do we pay for this out of an already stressed state budget? Here's an idea:

In the next year--subject to environmental approvals--two of the largest construction projects in the history of Maine will run major natural gas pipelines through the state. It so happens that those lines significantly will run through a great deal of unorganized territory where property taxes accrue to the state. The estimate is that these pipelines will produce some \$600,000 a year in state revenues from property taxes in the unorganized territory. I propose that this windfall be dedicated to rural Maine in the form of continuing support for economic development in those regions--so the pipeline can carry jobs as well as gas.

We shouldn't have any illusions that these steps will instantly solve a problem that has plagued Maine for generations; but these ideas and others we can devise together can at least begin the rebuilding of OneMaine, a process of change and revitalization, a process that we must get started. I know that government doesn't create jobs--creative, daring and hard working people do. But what government can do is clear the way, provide the information, crack open the doors of opportunity for all our people, in all parts of the state.

The storm taught us the overriding importance of working together, of reaching out to one another; it taught us that when the chips are down, we are one people. What I am proposing here tonight is that we hold on to that idea and make it a reality in June as well as January, in Franklin as well as Freeport.

But I mentioned another lesson from the storm--that one of the keys to our success was preparation. The National Guard didn't spring full blown into existence in January, well organized and well trained; the county emergency organizations and the Red Cross had had days and weeks of training and preparation before we even know what form an emergency would take.

And so it is with the larger test of building economic success--preparation is the key. And another way to say preparation is education.

There is not the slightest question in my mind that the difference between societies in the 21st Century, to put it bluntly--who wins and who loses--will be defined almost entirely in terms of education.

In the last three years, we have focused single-mindedly on one goal--fostering the creation of jobs in Maine, and, buoyed by a growing national and regional economy, we've had some success.

But just jobs is not enough; we've now got to turn our attention on the quality of the jobs we gain. And that's where education comes in, because the good jobs--higher pay, good benefits, long-term opportunity--all require more skill than strength, more study than sweat.

We have it within our grasp to have the best system of public education in the nation. I am going to repeat that. We have it within our grasp to have the best system of public education in the nation. That is not an idle promise; it is an achievable goal. Our fourth and eighth graders last year were first in the nation in Math; our eighth graders first in science; two years ago, our

fourth graders were first in reading. This may surprise you, according to a very interesting recent article in Forbes Magazine, Maine ranks first in the efficiency of our education. They said we get the best educational bang for the buck. And we have adopted a set of learning standards that will form the basis of the next step--real pre-eminence.

But what I want is not just progress--I want a breakthrough. I want to break away from the pack--so that when someone in some other part of the country says how are your schools doing, they'll say, "we're doing great here in Minnesota or wherever. We are first in the nation, except for Maine, of course". In fact, let's quit comparing ourselves just to other states all together; I want to know how we're doing against the real competition: Belgium, Singapore, Switzerland, and Japan. What I have for Maine kids is Great Expectations--that they can learn, they can excel, they can lead. Great Expectations.

How do we make this jump? Let's start at k-12. It involves money, but not just money--we're making a big mistake if we equate quality schools simply with higher budgets. That's why I start with the Learning Results we passed just last year--defining our expectations in concrete terms, setting standards, measuring progress, and demanding accountability. Implementing the Learning Results--a huge task now underway all across the state--has to be our highest priority. The learning results are the heart of our Great Expectations.

Technology has to be part of the picture. The Internet is nothing more, if you stop and think about it--nor is it anything less--than the greatest and most accessible library ever built on the planet. Information is available in any language, at any time, on any topic, in any form, at the click of a mouse. Data that once took a Ph.D. days to collect can now be found by an eighth grader in minutes. I have seen them do it and the kids love it. And this is another area in which we have a head start. We are the first state in the country to have 100% of our schools--elementary and high schools--wired to the net. The first state. In this coming year, we will be deploying the most advanced fiber-optic based interactive television system in the nation--so students at our rural high schools can have the same rich curriculum as their friends in the suburbs.

Great Expectations.

We've now got the wires; the problem now is the computers. We don't have enough of them, and many that are in the schools don't have the speed or power to take advantage of the Internet. But that's about to change. In cooperation with a group from the west coast called the Detwiler Foundation, I'm announcing tonight a program to double the number of high speed computers available to our kids--at a cost that will be lost in the rounding of most school districts. This is beautiful; here's how it works: almost every Maine business has obsolete computers on their hands--with practically no value. The businesses donate the computers to this program where they are shipped to the Maine Correctional Center in Windham, inmates who are being trained in computer service then upgrade them with the Pentium chips and back they go to the school districts across the state.

The best estimate is that if we can recycle only 10% of the obsolete computers in the state right now in the storerooms of Maine businesses, that will be enough to double the number of computers in our schools. And this project is already underway--the Libra Foundation in Maine, for those of you who aren't aware of it is the last great legacy of Betty Noyes, the Libra Foundation has pledged the funds necessary to do the inmate training and--I just learned this over the weekend--I'm delighted to announce tonight that three of Maine's premier companies--all of whom have been real champions of education have stepped up to offer computers. You may have heard of these companies UNUM,

Hannaford Bros., and L.L. Bean. Tonight I'm asking all businesses in Maine - large and small - to do the same thing.

Great Expectations.

But there's another missing piece in Maine education--the gap we have between high school graduation and kids going on to the next level. We have one of the highest high school graduation rates in the country, but not enough of these students take their education further. This is a complicated problem involving aspirations, money, and the culture of education in Maine. But I'm convinced one of the ways to crack it is mentoring--devising a way to reach out to kids in their middle and early high school years with encouragement, support, and information about their options.

Great Expectations.

So let's do it; but how Governor are you going to get the money? We don't need the money, and in practically every town in Maine there are local service clubs--Rotary, Kiwanis, Lions, and others. If these clubs could each adopt one high school class and work with the guidance department to hook up with the students who need it to provide advice and encouragement, we can get some of those kids who aren't so sure onto the right track. At the same time, let's tap the enthusiasm of our college students in Maine to go back into their communities and give something back and to spread the word--that education matters and will make a difference. Let's have trained local business people give seminars on how to fill out those dreaded financial aid forms.

And in every high school, let's have an aspirations coach--one teacher who's sole extracurricular job is to push, prod, and cajole the kids on the margin--the ones with the ability but who lack the ambition, confidence, or money to take the next step. We have coaches for football and drama, basketball and the high school paper; why not coaches for the most important game of all?

Great Expectations.

Will it work? Well, I know a guy who grew up in a small town in Maine, with a single mom, not much money, and no expectations about college. He went to Lisbon High School. A teacher spotted him, saw talent, coached him and pushed him, cajoled him, convinced him to try for the University of Maine. They cobbled together a financing package--a little scholarship, some loans, work at the local mill, and he made it through. He became a teacher, lived in a trailer in Hampden, did some writing on the side. Stephen King. His genius may have emerged inevitably on its own, like one of his characters that comes up, but without that teacher, it might have stayed locked up and Maine and the world would have been the poorer.

Great Expectations.

And yes, there has to be money as well. For the past eight years, we have been caught in a budget squeeze that has strained the resources of the state, and by extension, of towns and school districts across Maine. It's time now to play catch-up to relieve some of the pressure on our schools, and on our beleaguered property taxpayers. And so I join those in this room and I think it is practically everybody who have proposed using a portion of the non-recurring surplus to give a significant increase in general purpose aid to local schools in the fiscal year starting this summer. We should tell our school districts just like those people who were without power when the C5As landed at Brunswick, the calvary is on the way. I propose allocating an additional \$20 million to a revolving loan and grant fund earmarked for school construction, according to the recommendation of the task force on school construction--chaired by Jim Rier of Machias-- which just reported. As with our prisons and yes, Madam Speaker, this building itself, it seems to

have fallen to our lot to pay a lot of past-due bills on neglected infrastructure. Not very exciting, not much political appeal, but necessary -- and we'll do it.

But for too long the discussion on education in Maine has stopped at grade 12; the new economy demands that we have Great Expectations for our job training programs as well as our University and Technical Colleges. On the job training front, we're bringing new focus to what has been a fragmented crazy quilt system. Last year at this time, we had nine job training councils and hundreds of pages of regulations. Through a lot of work by Val Landry at the Department of Labor and a lot of other folks across the state, including council members who gave up their positions, we now have one job training council to coordinate the activities statewide and I'm delighted to announce tonight that one of the most talented executives in Maine has agreed to head it up, Buzz Fitzgerald, former president of BIW.

I intend to be a champion of our public higher education institutions. If Maine is to live up to its potential, if "Great Expectations" will drive our prosperity, we need a high performing collection of universities and technical colleges. At present, there is a lot of debate about our University System, and critics abound. Working closely with the Chancellor, the President of the Maine Technical College System, and the Commissioner of Education, let me stop and say that I don't believe I can ever recall a time when we had people of such talent in those three jobs at the same time, Terry MacTaggart, John Fitzsimmons and Duke Albanese. Let's put those three horses in harness and create a 'seamless' education system where our leaders in education and their institutions work as a team, not as competitors.

I will be a champion for these institutions, and I ask you to join me in that mission.

And finally, this is really finally, the surplus, remember the surplus. We should start our discussion of the surplus by pinching ourselves and celebrating, just for a minute, this happy turn of events. We will have our differences on how it should be allocated--which taxes to cut, which bills to pay--but what a great problem--what a great opportunity.

I approach this issue first by dividing the money into two separate piles--one-time and on-going, and the distinction is important. The total amount of the surplus, the figure you have seen in the press, around \$200 million, is really the total of three years of surplus added together. The fiscal year that ended last June, the fiscal year that we're in right now, and the next fiscal year that starts this coming July, next year's surplus, which is somewhere in the neighborhood of \$80 million is really what we have to work with when you are talking about on-going tax relief; if we allocate more--to either tax relief or spending--we have to pay for it.

I have been trying to figure out how to come to grips with this. Here is the way I understand it. If Aunt Minnie died and left us a hunk of money in two forms--one big pot of cash and a trust fund that will would give us income year after year, that is really what we are talking about. If we're smart in that situation with Aunt Minnie's money, we'll use the pot of cash to pay down some debt or avoid some debt in the future, make some capital investments that will pay off in the future, and put the rest into savings. With the trust fund, it's OK to change your lifestyle because that comes in year after year. You can cut back on other revenues, if it is an individual you would maybe work fewer hours. For us, cut taxes or you can change your lifestyle by living a little higher on the hog. Buy a bigger car or in our case, spend more.

But if you adjust your lifestyle as if Aunt Minnie's pile of cash is going to come in year after year, you're in for trouble, as I'm

sure many folks who have hit the lottery have learned to their dismay.

So the big question is what we do with the on-going money, the surplus we can count on in future years. Everybody agrees, I think everybody agrees, that it should go for tax relief, but which tax should we cut? Which cut would get the most money back to the most Maine people and make the most sense in the long run?

When I started thinking about this several months ago, my first candidate was the sales tax. Everybody in Maine pays it, and when it was raised from 5 to 6 percent back in 1991, our predecessors promised that in good times it would come back down. That promise is a very strong argument, and it's one I take very serious. Restoring confidence in government is one of my major goals in this job and I can think of no better way to do it than to meet this commitment.

But we made another promise, as well; at least I did when I ran for office. That promise was to be smart about the people's money, to run this place like a business--and especially, to be prudent about the future and try to look beyond the next election or the next year. And that's what worries me about the sales tax. If we knock off the entire penny, the cost is \$120 million a year, which immediately raises the question of where we get the difference between that amount and the approximately \$80 million we have to spend. Secondly, even if we could put together a package and we probably could that would take a penny off the sales tax it would be a tight squeeze, leaving no room at all in the state's revenue picture for any slowdown in the Maine economy. If there is anything we have learned in the last 10 years, it is that our tax structure in Maine is extremely volatile--it swings widely up or down--with the slightest change in our underlying economy. And we have no way of knowing right now where we are on the curve--if we are still on the way up, all well and good: we could cut the \$120 million and not miss it as the economy continues to grow.

But what if it doesn't? What if we are at the top right now and problems in Asia, a sudden drop in the stock market, an oil shock, or something we can't even think of, sends us into even a mild recession? Then we're back where we started six years ago--huge deficits, gimmicks, and worst of all, having to go back to the people to push the sales or some other tax back up. Not exactly a scenario inspired to show us confidence in government.

Another problem with the sales tax is who gets the benefit; although the bulk would go to Maine people, at least 15%--almost \$20 of the \$120 million--would go to out-of-staters. It strikes me as more sensible to try to target our cuts directly and unambiguously to benefit Maine people. If it is going to be a tight squeeze why go into hock to benefit people from away?

And what's the most annoying tax in Maine? What's the tax people complain about most in the kitchens and coffee shops and anywhere in the state? It's the property tax that hits young families and the elderly, that's regressive, that's just plain hard to pay. And so I have concluded that the best answer is a combo, not condo, but combo tax cut raise the personal exemption on our income tax to match the Federal level and exempt the first \$7,500 of valuation of primary residences in Maine from the hated property tax. An informal count looks like we may have the votes. That is called the Homestead Exemption. This double barreled tax cut would cost \$82 million a year, would focus the benefits exclusively on Maine people, is affordable, and certainly doesn't preclude further cuts in the sales tax or otherwise if the good times continue to roll.

The clincher for me was last week when I had the research people in taxation do some calculations of the practical effects of the sales tax cut vs. the combo cut I am proposing. Here are

the results: for a median income Maine family earning \$38,000, the sales tax cut would provide \$120 of benefit. The combo cut, on the other hand, the double barreled tax cut would put almost twice as much money in Maine people's pockets.

I understand the attraction of the promise and that the sales tax cut is simple, straight forward and has real symbolic value. I don't take that lightly. But if our goal is to provide the most tax relief to the most Maine people in the most sensible and fiscally responsible way, hitting both the income and property tax just seems to me to make more sense.

But what about the rest of the money, Aunt Minnie's one - time pile of cash? First, let's put some aside, my proposal is at least \$20 million to the Rainy Day Fund, to build up a real savings account for any possible downturn in the economy. Secondly, out of this one-time pile of money, let's pay some bills, and I suggest, as I mentioned before, with a \$20 million contribution to a school renovation revolving fund to begin the process of paying for some of the serious health and safety problems in our schools. Third, let's make some investments that will result in lower costs later on. My first candidate, and I understand this is a big bite, is \$40 million to rebuild the deplorable facilities at the Maine Youth Center. This is an absolutely classic case of pay me now or pay me a lot later. This would save \$20 million over the life of a 10 year bond or \$31 million over the life of a 20 year bond just in interest, not to mention the savings if we can keep more of these kids out of the adult system.

OneMaine, Great Expectations, and a double-barreled tax cut - a lot on the table for one night's work. And there is much I haven't mentioned - corrections, where we are faced with the rebuilding of the entire outdated and expensive system and have a plan to do so, the elderly, social services, our most vulnerable

kids, the environment, including forests, toxic use, and clean air, and a host of other issues we haven't touched on.

Indeed, we have many tests ahead. While I am here, let's put an official end to at least one: while the relief efforts continue, as of tonight I am signing a proclamation that the state of emergency that was declared on January 9th, has now, officially, come to an end. The national guard can stand down.

Maine most assuredly did pass a test this winter and the people of Maine showed what they are made of, just as surely, we will face other tests in the future.

I say Bring'em on.

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

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

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

The House was called to order by the Speaker.

On motion of Representative KONTOS of Windham, the House adjourned at 8:01 p.m., until 9:00 a.m., Tuesday, February 2, 1998.