

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

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LEGISLATIVE ADDRESS
of
Governor James B. Longley
to the
ONE HUNDRED AND SEVENTH LEGISLATURE
FEBRUARY 13, 1975

Mr. President, Mr. Speaker and Honorable Members of the 107th Legislature.

I appreciate the opportunity to present my first Legislative Program. The legislative package is very brief but I feel a very positive and constructive one for the future of Maine. It contains only items which I feel are essential to the ongoing operations of State Government and those which I am convinced will improve the State Government without imposing an additional burden on the taxpayers of the State.

I only ask that you give my proposals fair consideration and I pledge to you this will be my posture when your proposals reach my desk. In addition, I will be willing and eager to listen to any suggestions any of you might have regarding the legislation I am presenting.

While Thomas Edison said, "There's a better way to do it, find it. . . ." once again I would state my philosophy of life . . . Don't find fault unless you've got a way to do it better.

Despite the modest package being presented by the Governor's Office, there are many items for this Legislature to consider. I am told the legislators alone will introduce more than 2,000 bills. In addition, our departments of government have submitted many proposals, some of which are not included in the Governor's package. Because we do not specifically endorse a department bill does not mean that we oppose it. We have selected for the Governor's program the items that we feel have particular merit for consideration at this time. However, I will oppose any department spending bill that was not included in the Budget Message I presented this Legislature last week unless they are fully documented and supported and we mutually feel they meet the priority of human needs on which our original budget was promulgated.

I think this session is an opportunity for the Legislative and Executive branches to show the people of Maine that we do not have Government by special interests.

I also hope that the history of this Legislature and this Governor . . . either with this Legislature or at the very latest the Legislature elected two years hence . . . will find us returning government to the people and government by the people and for the people as drafted and executed by the Governor and the Legislature and not by bureaucrats or advisory boards using departments of government to override the Executive and Legislative intent.

CONSTITUTIONAL REVISIONS

The Maine Constitution is a basic, sound document but from time to time, to keep pace with a changing society, the document has to be changed.

Several bills have been introduced this session to abolish the Executive Council. As I have stated previously, I endorse this change. I am certain this body will give careful consideration to each proposal that has been introduced. If the Council is abolished, this Legislature must decide where to transfer the Council's confirming powers and its duties concerning pardons and paroles.

It is the feeling of the Governor and the current Executive Council that pardons and paroles could best be handled by a board. I also am confident we can agree on legislation to transfer the confirming powers of the Council on key appointments to another body.

I will introduce legislation to have the Attorney General appointed by the Governor. More and more vital questions of law and more complex dealings with the Federal Government necessitate a close working relationship between the Governor and the Attorney General. However, in order to provide checks and balances the legislation that I will recommend will include a provision that would authorize the Attorney General to take action against a Governor by a vote of the Legislature.

I said in my Inaugural Address that I would introduce legislation to make the Office of Secretary of State elective and to have that person be first in line of succession should a Governor leave office before his term is concluded. However, since my inauguration I have had an intense short course in State Government and now feel that adding further statewide elective offices within the Executive Branch would further dilute the already limited powers and authority of the Governor of Maine. I would not want to impose this situation on future Governors. As I had previously been told by experts in State Government that the Governor of Maine has an almost impossible job as he does not have the authority to accompany the heavy responsibility he carries. As a matter-of-fact, I have been told and the facts appear to support that the Governor of Maine ranks either 50th or at least close to the bottom based on the authority he has. There has been no short course in experience and my experience now supports that unfortunate conclusion. Therefore, I would not want to introduce legislation that might directly or indirectly further weaken the authority of a future Governor of Maine.

I think there is a great need for a smoother transition of State Government when we have a change of administrations. There are several areas which should be studied by this Legislature.

One effective change would be to have a new administration and a new Legislature sworn in together. The joint body could assemble for the Inaugural Address. The Legislature could elect the constitutional officers, the leadership spokesmen and then assign committee chairmen. Then the Legislature could adjourn for a month. This would give the new Governor, the new Legislature and the newly appointed department heads a full month to organize the basic logistics of the operations of State Government.

The Legislature should also consider giving the incoming Governor additional time to submit his budget, possibly until March 1st. Also, to strengthen the co-terminous provisions already in the statutes regarding gubernatorial appointments, the Legislature should consider giving the Governor the right to remove those persons he appoints. I feel strongly this right should be afforded a Governor who is elected by all the people and who is responsible for the actions of those he appoints.

I am asking the Appropriations Committee to review our entire budget process and make recommendations for desirable changes, including annual sessions and giving the Governor-elect additional time to submit his budget.

EDUCATION

I believe one of the greatest needs of education in Maine is long-range planning and a complete examination of our goals and priorities within our University System.

To help start the State in this direction, I will ask this Legislature to approve creation of the Maine Commission on Higher Education. This commission was approved by the 106th Legislature but vetoed by the Governor. In the meantime, I plan to create, by executive order, the Governor's Advisory Committee on the University. Because of what I feel is a great need for a fresh start in our University System, I will ask the Board of Trustees of the University of Maine to submit letters of resignation to this Committee. I will ask the Committee, in turn, to submit to the Governor a slate of nominees to reconstitute this Board. I will post the names given me by the Committee, whether they be new ones or persons presently serving. I told the people of Maine I would do this and I think they expect it.

I hope the present Board of Trustees will volunteer to take this step, and I feel they should and will do so, if its members have the interest of the University at heart. I feel it is a necessary step if we are to make the University more accountable to the taxpayers and the students and if we are to accomplish the fresh start that is needed and expected by the people of Maine.

ECONOMIC DEVELOPMENT

In the area of economic development, I propose emergency legislation to restructure the Department of Commerce and Industry, and reorganize its functions, as has been suggested by past Governors and legislative spokesmen. The marketing and development functions of D.C.I. would be placed under the direction of the Governor, who is in an excellent position to pursue the contacts and develop the marketing approach. This State Development Office would be the action arm of industrial development. This would focus on our targets in the marketplace and accelerate our day-to-day salesmanship, with the Governor providing the incentive for the promotional and marketing activities.

The planning and research functions of D.C.I. would be transferred to the State Planning Office to more effectively concentrate our priorities as we look toward the year 2000. Along with these changes, I see the Governor's Energy Advisor working in the State Planning Office to insure the fullest utilization of our researching marketing efforts. Maine has immense year-round attractions. Besides our already established winter recreational activities, we can re-emphasize our coastal assets for recreational sailing and boating and give more and more of our coastal recreational capacities back to the people of Maine. We have tourism potential yet untapped. We need foresight. We need concerted effort.

CONSUMERISM

I support the movement in this country to open up the processes of government to public scrutiny. To this end, I urge your swift approval of legislation which would prohibit public rule-making bodies, in all but the most necessary instances, from holding sessions which are closed to the public.

In addition, I intend to introduce a comprehensive political reform bill. The intent of this legislation is to clarify existing laws relating to campaign contributions, mandate the filing of more meaningful periodic campaign financial statements, and require detailed financial disclosure and reporting from political lobbyists. In the area of lobbying, I feel we should stop playing with the intent of existing laws and that there should be strict and accurate reporting in this area. Those persons who lobby for a special interest should reveal all sources of income and all related companies or groups. They also should reveal any amounts paid to entertain elected or appointed state officials, whether it be in the form of a gift or a meal. Violations of this proposed act would carry heavy fines and the willful violation could result in prison terms.

In the area of campaign disclosure and reporting, I feel strongly that any candidate for public office should disclose the names of any municipal, county, state or federal employee paid directly or indirectly to work in a campaign. The taxpayers should not be subsidizing political campaigns.

In any event, the public has the right to know whether or not taxpayer dollars are being used directly or indirectly to perpetuate political office holders or parties, or even worse, political dynasties.

I also believe we should have a consumer member on all boards and commissions. I favor the creation of an Office of Citizen Assistance, functioning out of the Governor's Office. The office would be a consumer-advocate coordinator for State governmental agencies, departments and commissions. This office would provide instant attention to citizen distress. Also, this would simplify the process whereby a citizen can get permits for individual projects. If a citizen needs five permits for a project, the citizen should not have to consume time and effort running around to five separate offices. The citizen should be able to obtain the applications from one central office, which will also distribute the completed forms from that point to the various agencies concerned. The processed forms could be returned to that central office and returned back to the citizen at a specified time.

One major function of State Government is the regulation of business organizations, professions and trades whose activities are related to the public interest. Our responsibility is to safeguard vital industries as well as protect consumers from possible fraud and incompetence. Until the Department of Business Regulation was created in 1973, these dozens or so industries and professions were regulated by independent agencies and boards. The 1973 re-organization brought banking, insurance, real estate, and boxing under a single administrative office. Other regulatory and licensing boards should also be placed within this department to eliminate unnecessary duplication and achieve comparable economies in their operation.

I will submit legislation which would create a single Professional and Occupational Licensing Bureau within the Department of Business Regulation. This bureau would consist of the thirty-odd existing examining and certifying boards who would retain their policy making, examination, and regulation activities. However, the bureau would have responsibility for

evaluating the management effectiveness of these boards and establish standards for effective licensing, reporting and financing procedures. As with other commissions, I am recommending that a public member be appointed to each of these boards to help make them accountable to the public as well as to their respective professions and industries.

I favor the act to revise the laws relating to financial institutions. After two years of examining Maine's banking statutes, the 26-man Banking Study Advisory Committee recommended revisions to help insure that Maine's financial institutions are effectively and fairly serving the needs of Maine people on equitable and sufficient terms. The new statutes would encourage an orderly and reasonable development of the State's financial institutions over the next ten years.

I am proposing the enactment of a law limiting the utility companies' practice of demanding customer deposits without affirmative proof that a customer is likely to be a credit risk or to damage the property of the utility. This is an exorbitant penalty to expect the average consumer to absorb.

In addition, I recommend the passage of a bill to limit the fuel adjustment clauses that are increasing the financial burden of consumers. This legislation will allow the Public Utilities Commission to require precise information regarding the source, amount and prices of the fuel whose costs have changed.

I am including in my program a bill requiring charitable organizations soliciting public contributions in this State to file a financial breakdown with the Bureau of Consumer Protection in the Department of Business Regulation. This accounting will insure that charitable organizations are complying with the Solicitation of Charitable Funds Act, intended to assure that the monies collected reach those in need.

HUMAN SERVICES

The needs of our elderly citizens must be a priority with all of us. To the greatest extent possible, we attempted to address this priority in our Budget Message. However, much remains to be done. I feel that in the months ahead we must examine every avenue possible to make certain that needed medicines and pharmaceuticals are provided without charge to our elderly citizens who cannot afford them. My office will be looking into this matter and I would appreciate any suggestions and recommendations from members of this body.

Proposed legislation to translate into law the recommendations of the Study Committee on Corrections has been submitted for your consideration. These measures deserve your careful scrutiny to modernize our system of corrections. I am vitally interested in guaranteeing that a meaningful system of rehabilitation for offenders is implemented.

I am submitting for your consideration, legislation that will bring Maine laws into conformity with the 14th Amendment of the U.S. Constitution, the United States Civil Rights Act and the Maine Human Rights Act. A survey of Maine laws was undertaken last year resulting in this legislation which amends and deletes unlawful distinctions based on a person's sex.

And while we are on the subject of responsiveness to human need, let us put a more explicit label on the Department of Health and Welfare. Let us call it the Department of Human Services, so we can begin eliminating the word welfare from our vocabulary. I will introduce legislation to make this change.

IMPROVING GOVERNMENTAL OPERATIONS

The Legislature in the last session, in partial response to a recommendation of the Maine Management and Cost Survey, advanced the yearly collection date of the gross receipts tax on telephone and telegraph companies from June 30th to March 31st. This could produce an additional annual income of hundred period of high unemployment, I have assigned the planning and grants administration activities of the Comprehensive Employment Training Act to the Department.

I am including legislation proposed by the Department of Environmental Protection to amend the Site Location of Development Act. In addition to clarifying the existing statutes, this bill will allow the Board of Environmental Protection to solicit and receive testimony in regard to the economic influence of a project on the well-being of the citizens of the State of Maine.

CONCLUSION

My Legislative and Budget Programs do not include all the things I would like to see done for the people of Maine. However, it represents the key steps I feel the Governor and Legislature can take at this time, considering the funds that are available.

I had planned to ask this Legislature to reduce the Governor's salary for the present term from \$35,000 to \$20,000. However, I am informed that the Governor's salary legally cannot be raised or lowered during his term. Therefore, I will continue to do as I said I would and return to the Treasurer \$15,000 of the salary or do whatever is legal in order to make certain it is returned directly or indirectly.

As I said in my Inaugural Address, I pledge this Legislature my full cooperation for any measure that is designed to help the people of Maine. However, I have to renew my request for the Legislature to avoid new spending programs unless an old program can be eliminated.

Thank you very much.



Governor of Maine