

MAINE STATE LEGISLATURE

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STATE OF MAINE

AS PASSED BY THE

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MESSAGE
OF THE
Governor James B. Longley

JANUARY 27, 1977

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INTRODUCTION

Mr. President, Mr. Speaker and Members of the 108th Maine Legislature:

In my State of the State address to this honorable body, I said I felt that in the past two years we had strengthened our foundation of fiscal responsibility in Maine State Government and that it was now time to build on that foundation.

In my Budget Address, I announced a 10-point "People's Budget," which I feel starts that construction for the future.

In selecting legislation for this administration's Legislative Program for this session of the 108th Legislature we were mindful of the need to utilize our Legislative Program to hopefully further cement the Legislative-Executive partnership of fiscal responsibility and complement the building program we outlined in our Budget Message.

In drafting legislation for this program, we gave special emphasis to the recommendations and suggestions of volunteer task forces we had appointed and we gave continued attention to the three "E's" of current Maine State Government in the form of "efficiency, effectiveness and economy" as well as industrial and economic development. This program which coincides with our Budget Message constitutes further major steps forward in the area of industrial and economic development as the sine qua non of quality jobs for the people of Maine. We also feel it continues an orderly and carefully thought out plan of government reorganization, designed to improve the efficiency of government and the delivery of services to the people.

TASK FORCES

In formulating our legislative program for the 108th Legislature we drew heavily on the talents and expertise of private citizens who served on task forces in the areas of:

- (1) Tax Policy
- (2) Economic Development
- (3) Government Reorganization
- (4) Budget Reform
- (5) Human Services Monitoring

As I stated in my budget address, due to statutory inconsistencies, accurate education spending figures will not be available until after January 30th and since anything we do in the area of taxation is closely tied to education spending, I will address tax policy and tax reform more specifically in a subsequent message to this body, hopefully no later than one week from the time final education figures are furnished me.

Therefore, at this time, I will limit my discussion to legislation which has resulted from the four other task force reports:

ECONOMIC DEVELOPMENT

The citizen volunteer Task Force on Economic Development submitted key recommendations which we feel will assist this State's economic growth and help us keep and produce quality jobs for Maine people. I have already indicated in my Budget Message that we are asking this Legislature to approve the following recommendations from the Economic Task Force report:

(1) Creation of the Maine Development Foundation for the specific purpose of assisting in our industrial and economic development efforts through a State partnership with private citizens and businesses of Maine. This will also provide local and regional development efforts a vehicle for a closer working relationship for the benefit of the State as a whole.

(2) Creation of a Council of Economic Advisors to assist the Governor and the Legislature.

(3) Establishment of a partnership effort with the private sector in the area of tourism promotion.

(4) Creation of a partnership vocational development fund within the Department of Educational and Cultural Services. This will allow vocational and technical institutes to jointly design training programs with quality job objectives for that particular area as well as the State as a whole.

(5) Improved program and budget development so that State activities focus on priority economic, social and physical development needs.

(6) Also in our Budget Address, we asked this Legislature to approve a task force recommendation which would establish a procedure for limiting future government spending under a formula related to the ability of Maine people to pay.

In another area, I believe that the Maine Guarantee Authority can be strengthened without increasing its total guarantee limit. We also need to continue to guard against further avoidable defaults. The legislation which I am submitting does this in several ways:

(1) It will require the Authority to prepare an annual investment strategy, which will allow the Authority to remain flexible in responding to specific applications for guarantees while providing it with a geo-

graphic and economic focus.

(2) It will require disclosure of any contacts with the Authority by elected officials on behalf of any project.

(3) It will remove the requirement for a local referendum on municipal revenue bond issues.

These bonds do not involve the credit of the municipality in any way, and I am advised that the referendum requirement could have an inhibiting effect on individual industries considering a move to Maine.

The legislation will allow the Authority to guarantee industrial revenue bonds issued by the municipalities or by the State on behalf of individual businesses. I propose that the Authority be enabled to issue industrial revenue bonds of two types:

(1) On behalf of an individual company; and

(2) To allow the pooling of small bond issues of several companies into one "umbrella" bond issue.

The umbrella bonds would be backed by the companies involved and would provide a further source of funds at reasonable cost to small Maine firms. Since I am not recommending an increase in the limits which apply to the Maine Guarantee Authority, these proposals do not increase the State's potential liability and could in fact, with other improvements, substantially improve the protection for Maine citizens from future unnecessary costs and defaults. This would also hopefully protect Maine's future bond and credit rating from adverse factors beyond its control.

GOVERNMENT REORGANIZATION

Reorganization of government agencies and functions is a continuing process. We must always be willing to take another look at ourselves and to make necessary changes to improve existing operations and organizations. As the needs of Maine people change, so must the policies and programs of government respond to these changing needs and services.

The Task Force on Government Reorganization took another look at Maine State Government and as a result of this evaluation, and the public hearings held in November, 1976, I am recommending the following changes as we aim for a better managed and more efficient Maine State Government.

It is in that spirit that I present these reorganization measures:

(A) — Boards and Commissions

I am proposing several changes to standardize the operating procedures of the many independent boards and commissions. Most of these boards are statutorily sanctioned and authorized to regulate a particular profession or occupation in Maine, without any established convenient procedures for communicating administrative and policy information and in many instances without adequate minutes, records or accountabilities. Legislation will be introduced requiring that boards and commissions be affiliated with a major State agency for submission of their budgets and annual reports. This reporting system will also

include receiving information and directives issued from within State government. This legislation will not interfere with the policy powers of the individual boards or the determination of professional licensing. Affiliation with a major agency seems a minimum step necessary to better coordinate functions and improve accountabilities to legislative as well as executive branches of government.

Our department heads recommended abolishing or combining several boards and commissions which have become duplicative or are obsolete. These recommended organization changes will improve accountability and provide necessary uniformity.

As you know, I am supporting other measures which have been or will be submitted by legislators that affect the many boards and commissions. These include:

(1) I am supporting the Sunset Law concept which provides for the review of agency rules and regulations and enabling legislation.

(2) I am also supporting the gradual or immediate undedicating of funds, with the exception of the highway fund at least for the present.

(B) — Appointed Officials' Salaries

My recommendations in this area include returning the positions of the Public Utilities Commissioners and the Industrial Accident Commissioners to the agency head salary plan. This will allow a higher salary to be established and allow the deserving members and their chairman to receive periodic merit pay increases. I am also recommending that the State Budget Officer, State Planning Director, State Comptroller, the Commissioner of Indian Affairs, and the Adjutant General be placed in a higher pay bracket commensurate with the duties of each of these officials. Finally, on the advice of the Maine Labor Relations Board, I am asking this Legislature to remove the Executive Director of the Maine Labor Relations Board from the salary plan so that the professional position of this attorney can be properly evaluated in accordance with the classified pay schedule.

(C) — Energy Resources

I am recommending that the present Office of Energy Resources be transferred intact to the State Planning Office and the Energy Director be appointed by the Director of the State Planning Office with the consent of the Governor. This proposed transfer is intended to strengthen the management and direction and the emphasis on energy needs in Maine by aligning it with adequate staff and research capability to better fulfill the responsibilities now statutorily assigned to the present Office of Energy Resources. It will formalize the close and necessary relationship that exists now between many energy, planning and research activities and will provide additional administrative support services to assure that energy developments are fully considered as a vital part of the overall policy planning of the State of Maine. This will also allow better coordination of staff and resources and streamline an additional layer of bureaucracy reporting directly to the Governor.

(D) — Maine Employment Security Commission

I am recommending legislation to reorganize the Maine Employment Security Commission by replacing it with a Deputy Commissioner to be

appointed by the Commissioner of Manpower Affairs. Additionally, a three-member board of review to be appointed by the Governor upon the recommendation of the Commissioner will process appeals.

(E) — Business Regulation

I am introducing legislation to implement several changes in the responsibility of the Commissioner of Business Regulation. These changes include:

(1) providing that the terms of the bureau directors will be co-terminous with that of the Governor exactly as the Legislature has already provided for the commissioner of that department;

(2) providing a commissioner with the discretion to serve simultaneously as a bureau director; and

(3) providing for more uniformity and discretionary authority in administering the several bureaus in the Department of Business Regulation.

This legislation will allow more effective administration of the department with greater sensitivity to the public needs at no additional cost, and perhaps at less cost.

These changes are required to enable the Department of Business Regulation to operate in a manner that is more accountable to the public, the Legislature and the Governor and that is similar to other departments' structures and functions.

(F) — Natural Resources

The proposals I am recommending in the area of our natural resource agencies and functions are two-fold.

We are submitting legislation to transfer certain environmental functions now located in the Division of Health Engineering of the Department of Human Services to the Department of Environmental Protection.

I have debated whether to submit legislation reorganizing departments and agencies within the natural resources area. However, in fairness to the strong concern expressed by members of fish and game organizations, I am not going to submit such legislation at this time. I am delaying this submission in favor of allowing these organizations and other citizens of Maine to have more time for input and to offer their own suggestions regarding the best method and manner of achieving a more representative, economical and efficient operation in this area.

Therefore, I am submitting a Resolve asking for a joint legislative-executive, volunteer citizen study of the several natural resource/environmental agencies and functions of Maine State Government. There are two basic reasons for the present condition of resource functions:

(1) Many of these functions have developed, in a very short time, in a piecemeal manner; and

(2) Because these agencies lack the clear authority to respond to certain citizen requests, the agencies are at times inefficient and unwieldy.

Our concerns for good land use and the development and protection of the natural resources of this State have resulted in the creation of a number of closely related and sometimes uncoordinated programs and functions.

Since I have been Governor, I have found it necessary to create two committees the Maine Land and Water Resources Council and the Governor's Advisory Committee on Coastal Development and Conservation for the sole purpose of trying to coordinate several of these existing functions. The problems of managing our State's vast natural resources are some of the most complex and sensitive in the nation. We need a more responsive, strengthened and unified State structure in order to establish comprehensive statewide policy to properly manage these valuable resources.

This study, if approved by this Legislature, will take a positive, constructive look at the existing organizational structures of the Departments of Conservation, Agriculture, Environmental Protection, Inland Fisheries and Wildlife, Marine Resources and the related programs in the State Planning Office and the Department of Human Services and report the findings and recommendations to the Second Annual Session of the 108th Legislature for implementation.

(G) — Division of Motor Vehicles

I am asking for a legislatively authorized study which will direct the Commissioner of the Department of Transportation and the Secretary of State to evaluate and determine the feasibility of transferring the Division of Motor Vehicles now in the Secretary of State's Office to the Department of Transportation. Legislation that may be necessary to implement the findings and recommendations resulting from this study would be reported to the Second Annual Session of the 108th Legislature in January, 1978.

(H) — Substate Districts

As a result of a survey of substate districts and service delivery systems in Maine conducted by the State Planning Office, I am asking for an evaluation of government organization in the State of Maine. Over the years, governmental agencies and services at all levels have grown in an uncoordinated and fragmented way making it difficult and confusing for Maine citizens to understand and properly utilize these available services. The survey showed that there exist today twenty major departments and agencies which provide licensing and regulatory functions, direct services to people and businesses, and administrative functions; twelve individual federally supported substate districts ranging anywhere from law enforcement assistance to environmental control to regional health agencies; eight planning and development districts serviced by eleven regional planning commissions; sixteen counties and 494 municipalities and plantations offering a variety of services and functions.

Therefore, I am submitting a Resolve, proposing to establish a "Blue Ribbon Committee" on governmental organization.

The purpose of this Committee is to:

- (1) Inventory the total governmental service delivery system in Maine, including substate service and service functions;
- (2) Evaluate the degree of implementation of the Executive Order

establishing Planning and Development Districts;

(3) Indicate the relative merits and problems associated with the reduction of service delivery areas; and

(4) Recommend what changes can and should be made in substate districts, agencies and counties in order to more efficiently deliver government services and to make delivery systems and decision-making processes more accessible to Maine residents.

This Committee shall report its findings and recommendations to the Second Annual Session of the 108th Legislature.

(I) — Cultural Services

I am introducing legislation that will serve to realign the cultural functions of the Department of Educational and Cultural Services. Under this legislation cultural boards and commissions would perform in an advisory capacity and the directors would come under the immediate jurisdiction of the Commissioner of Education. This legislation would also establish a procedure to make consistent the development and administration of budgets, policies and procedures.

In addition to the specific reorganization measures I will present, we will also ask the Legislature to authorize the Governor to prepare reorganization plans within an existing department's structure and functions. This would also clarify existing authority. The plans would become effective within 30 legislative days of submission to the Legislature, unless vetoed by the Legislature.

BUDGET REFORM

I stated in my Budget Message on January 13th that I was asking this Legislature to give future governors until March 1st to present their budgets. We feel this is necessary so accurate educational spending figures can be presented to the Legislature, to allow more time for proper planning and to provide for a more economical and efficient operation of State government.

We are proposing these additional budget reforms and organizational changes:

(A) — Capital Construction Funding

I am proposing legislation which will strengthen the State's approach to outstanding bonded indebtedness by placing controls on the funding of capital construction projects. Except for projects funded through self-liquidating obligations, funding for capital construction would be drawn from current revenues, surplus funds, and new State general obligation bond revenues which, at a maximum, could be generated at the same rate as the amortization of existing State general obligation debt. This would guarantee that the present aggregate level of outstanding general obligations debt will not be increased. This restraint on the funding of capital construction projects is a further step in controlling the per capita debt and accompanying tax burden on Maine's citizens and strengthening the State's credit rating while providing for the funding of essential capital construction projects.

(B) — Treasury Department

We feel that the activities, duties and responsibilities of the Treasury Department are so closely related to those of other financial offices in government that it is no longer feasible or practical for the Treasury Department to remain as a separate entity.

We are, therefore, recommending the discontinuance of the Treasury Department as a separate department and the transferring of the functions to the Department of Finance and Administration. This move has been the recommendation of many financial experts, including former Treasurer Rodney Scribner. The present Treasurer, Leighton Cooney, also supports this concept.

NATURAL RESOURCES

Maine's natural resources are one of our most valuable assets. I am submitting legislation in the area of environmental protection and conservation that will allow those departments to protect our assets and at the same time serve the needs of the people.

(A) — Environmental Protection

The Great Ponds Act has been in effect since 1967, but over the years its brevity and lack of a statement of purpose have created problems of interpretation for the Board of Environmental Protection, as well as for applicants. I am introducing remedial legislation that adds specific definitions and a statement of purpose. In addition, it provides a procedure for reducing application requirements for some common activities and exempts other minor projects. In short, it will reduce the impact of review procedures without reducing the protective value of the law.

We are proposing legislation which has been prepared jointly by the Departments of Environmental Protection and Conservation to streamline the administration of land use permits which may be required for projects affecting the natural environment. It will insure that the potential applicant need contact only one agency to obtain an application, information and assistance for any permit required for a project, regardless of the agency which actually issues the permit. It should be noted that this approach has existed with regard to the Site Law for several years with no difficulty. For the most part, it eliminates duplicate review of a project as far as the applicant is concerned. This is indeed overdue and an important service that the State should render to the extent we want the State government to serve the citizens vis a vis the citizens serve the bureaucracy.

The act would also establish a lead agency with responsibility for coordinating the issuance of land use permits and serving as an information and assistance source for the applicant. The lead agency would be the Department of Environmental Protection for the organized areas of the State and the Land Use Regulation Commission for the unorganized areas. All State agencies issuing permits in these areas would be required to administer their permit system in a manner which would support this lead agency concept.

This proposal is seen as another step in a continuing effort to improve the efficiency of land use permit administration while insuring protection for the natural resources affected by project activity.

(B) — Conservation

Also in keeping with our efforts to provide more effective services to the public without adding more positions and while reducing layers of bureaucratic management, I am proposing a reorganization of the Department of Conservation.

We find it difficult these days to deliver traditional public services while meeting demands for more aggressive, creative and innovative public policies regarding management of our natural resources. This trend requires—in addition to our traditional operational responsibilities—a capability for prompt, thoughtful, staff responses to new and challenging policy issues. This reorganization allows us to meet these competing objectives without expanding departmental staff. Continuing emphasis will be placed upon the “traditional” natural resource management roles (forest fire protection, operation of State parks, insect and disease control, forest management) while more effort will be directed toward administration, program analysis, managerial responsibilities, policy development and implementation, cost benefit analysis, and the like.

Specifically, the legislation:

1. Authorizes the department to establish two unclassified associate commissioner positions, which will be funded through reclassification of existing positions;
2. Transfers “The Keep Maine Scenic Committee” from the Bureau of Parks and Recreation to the Commissioner’s Office in keeping with the reorganization policy of providing staff services more effectively at the departmental level;
3. Transfers the Arborists Examining Board from Conservation to the Department of Business Regulation because it is a licensing function; and
4. Abolishes the Maine Mining Bureau and transfers its budget and responsibilities to the Bureau of Public Lands and Geology, which can more efficiently execute those functions.

(C) — Billboard and Litter Control

The proliferation of outdoor advertising signs along Maine highways remains a problem in spite of well publicized beautification programs. While some towns, such as Boothbay, have been successful in eliminating billboards, control efforts at the State level have been both expensive and barely noticeable.

In other states, an innovative off-premise direction sign system has proven itself capable of providing for the needs of tourist related businesses without the environmental blight associated with billboards. I am now proposing such a system for Maine highways with modifications which will maximize opportunities for participation by Maine sign manufacturers. It is my belief that if we are to protect Maine’s aesthetic resource and at the same time provide for the needs of our local business community, the adoption of such a sign system is essential.

Major features to this legislation include: implementation on a step-wise or gradual basis, provision for an alternative traveler information

system which is helpful to the traveling public as well as aesthetically pleasing, and equalization for outdoor advertising opportunities among large and small traveler-serving businesses.

I also believe we must address changes in the Litter Control Act, and remove littering from the civil offense category and place it in the misdemeanor class, allowing a law enforcement officer to take positive enforcement action when the need arises.

This legislation would also increase the fines for conviction of these offenses, and would allow for a personal recognizance bond to be taken by a police officer for offenses committed more than 50 miles from a district court.

(D) — Spruce Budworm

In 1976, Maine's six-year spruce budworm suppression program was enacted into law. The spray project is needed to protect almost one million acres of Maine spruce-fir from unacceptable budworm damage. These forests are in poor condition from past feeding and now harbor budworm populations that could heavily defoliate these stands in 1977. The law created spruce-fir protection districts in which land owners pay a budworm excise tax at a rate in 1976 of 56 cents per acre of softwood and 28 cents per acre of mixed wood. The law provided for a silvicultural withdrawal program to encourage control through cutting practices. Finally, the position of Forest Insect Manager was created in the Bureau of Forestry to administer the programs. Our 1977 Budworm Program would set the new budworm excise rate at 31 cents on softwood and 16 cents for mixed wood. It provides an appropriation for the non-federal share of the spray project cost, for operating expenses for the budworm program in the last half of FY 1977, and for research. Operating costs include the salary and expenses of the Forest Insect Manager, the withdrawal program, and project preparation. The research program represents the State's commitment to develop improved methods of budworm management and is coordinated with the U. S. Forest Service, the University of Maine and Canadian agencies. I would hope the Legislature would join with me in commending and supporting Commissioner Barringer and the Department of Conservation for their innovative and equitable approach in meeting and attempting to alleviate this problem.

(E) — Maine Coastal Protection Fund

The Oil Discharge Prevention and Pollution Control statute became law in mid-1970. This statute was immediately challenged in the courts by the oil industry. This court challenge tied up the administration and implementation of the statute until 1974 when the Maine Supreme Court ruled that the oil industry's challenge was without merit.

The three years following the favorable court decision provided the Department of Environmental Protection additional experience and expertise in carrying out the objectives of the statutes. This experience has revealed problems with the existing statutes and the need to suggest both substantive and administrative corrections.

A key item of the Oil Discharge Prevention and Pollution Control statute is the Maine Coastal Protection Fund. When this was established an upper limit of \$4 million was placed on the Fund. Since 1970, we have learned that oil spill clean-up is extremely costly and that \$4 mil-

lion would not begin to pay the cost of a large oil spill. In fact, the Tamano spill (100,000 gallons) which was essentially a small major spill would have exhausted the Fund if the Protection Fund had been available for use at that time. These tremendous clean-up costs lead to the conclusion that we must raise the upper limit on the Fund. This will help protect Maine from the ever present risk of oil spills.

Another possibility would be to credit the interest earned by this money over the operating expenses to the General Fund. The money in the Fund belongs to the people of the State of Maine and a portion of the interest could be put to use by the people and not into a dedicated account. This change will provide a small benefit to the State in return for the large risk we assume by permitting the transfer of oil in our waters. The people of Maine are entitled to this small insurance premium compared to the substantial liability they carry in relation to our coastal environment. This will also provide a more equitable approach as measured by recent damage as well as potential harm caused by oil spillage in waters adjacent to Maine.

HUMAN SERVICES

The goal of this administration for the next two years is to address the genuine needs of people that government must serve and serve better. To this end, I am including several pieces of legislation in my Legislative Program designed to create a more responsive and accountable system. In addition, I have requested the Commissioners of Mental Health and Corrections and Human Services to place top priority over the next two years towards the integration and coordination of our total delivery systems to insure that the systems are most responsive to the needs of the people who genuinely need the services most.

Legislation will be introduced to amend the Act creating the Department of Indian Affairs. We are advised by the Attorney General that portions of the Act appear to be clearly unconstitutional to the extent of restricting legislation that might be submitted by a governor or a legislator to a prior approval by a tribal council. The present Indian Commissioner and the Governor also feel it is important and necessary to redefine the authority of the Commissioner if we are to use the resources allocated to the Department in a meaningful and efficient manner. Specifically, the Commissioner of Indian Affairs would be able to set clearly established and uniform guidelines for receipt of aid provided by this State.

So as not to jeopardize release or approval of federal funds for mental health services in Maine, federal legislation and regulations require that the Interim Mental Health Advisory Council be given formal legislative or executive stature by April 1, 1977. The Interim Council was appointed by the Commissioner of Mental Health and Corrections by expanding upon the Advisory Committee on Mental Health which currently exists under State statute. In order to meet federal requirements and eliminate duplicative committees, legislation will be proposed which repeals the existing Advisory Committee and allows gubernatorial appointment of the conforming Mental Health Advisory Council.

The welfare of our patients and inmates in our institutions is of great concern to me as it is I'm certain to legislators and citizens of Maine. As Governor, I feel that we must do everything within our power to protect the rights of all Maine citizens and in particular those

whose freedom is limited by virtue of the fact that they are in one of our institutions. Therefore, I am supporting legislation that will officially affirm the existing rights of clients within our State institutions.

It has been brought to my attention that in divorce proceedings judges have made the amount of support or alimony contingent upon receipt of A.F.D.C. or other State assistance programs. Through Chief Justice Armand Dufresne, Jr., all the members of the Judiciary have been informed of my concern. I will propose legislation to amend the laws relating to divorce decrees and child support payments to ensure the accountability of an absent parent when his or her family requires assistance from State resources. The intent of the legislation is to require the absent parent, who has adequate resources, to contribute toward the support of the family rather than allow the parent(s) to be alleviated of this responsibility as our current system now allows.

We will also introduce legislation relating to the transfer of property for certain recipients of medical care. It has been brought to our attention that it is possible that the medical care programs financed with state and federal money pay for nursing care on behalf of persons who have sufficient finances of their own to pay for part or all of their stay in an intermediate care or extended care facility. In order to be eligible for the medical care benefits, under present law they can transfer to a relative or friend their real or personal property. It is the intent of this bill to eliminate the possibility of such transfers for the sole purpose of establishing eligibility.

Two Acts will be introduced as part of the administration's plan to curb the rising costs of health care that are of national concern. An Act to Create a Certificate of Need Authority in the Department of Human Services will require a pre-screening of new or expanded health care services to determine if they are necessary or cost justified. An Act to Create a Rate Review/Setting Commission will provide a mechanism for public accountability for charges made by the health care provider community to the citizens of the State of Maine. It is our intention in pursuing this public policy to provide for measures on a statewide basis to control health facility costs without sacrificing the quality of service.

I am supporting a Resolve authorizing the Department of Mental Health and Corrections to convey by sale the State's interest in certain lands and buildings located at the Maine Correctional Center at Skowhegan. This proposal would permit the Department of Mental Health and Corrections to sell the land and buildings of the former Women's Correctional Center at Skowhegan. The facility is not included in long range program plans of the Department. The proceeds from the sale would accrue to the General Fund for the benefit of all citizens of Maine.

We will also propose legislation to clarify the role and responsibility of the Department of Mental Health and Corrections in providing services to the mentally retarded in State institutions and community programs. It also provides protection for those mentally retarded individuals for whom admission to a State institution is sought and for those who reside in such institutions. In accord with many recent federal decisions concerning the constitutional rights of the mentally retarded, this legislation repeals existing commitment statutes and replaces them with provisions for both voluntary and involuntary admissions.

CRIMINAL JUSTICE

We said in our Budget Message that our program would include additional State troopers and replacement of older vehicles. This request is predicated upon added areas of policing responsibility such as the I-95 extension, increasing crime problems in Maine and demands for increased police services for the public.

Future goals for the Bureau of State Police include specialized task force units in areas such as an auto theft investigation, organized crime, major crime investigations and other functions that support local enforcement efforts.

Also in the area of criminal justice I am submitting legislation designed to impose mandatory minimum sentences for the unlawful manufacture, cultivation, sale, trade or possession with the intent to sell certain drugs, such as amphetamines, barbiturates, cocaine, heroin, other narcotic drugs and hallucinogenic drugs. The sale of these drugs to a child under 16 would be considered a more serious offense and would carry a longer mandatory minimum term of imprisonment. A mandatory sentence may be avoided if the court determines that the nature and circumstances of the crime and the history and character of the defendant justify the imposition of a lesser sentence. This would provide citizens with a public record explaining a judge's decision whenever the mandatory sentence is not imposed.

Other legislation in the area of drug enforcement that I am introducing more clearly defines a "usable amount" of drugs such as cocaine, heroin and amphetamines in offenses involving their unlawful possession. The existing statutes classify this offense as a misdemeanor or less. Convictions require proof that the person in possession intentionally and knowingly possesses a usable amount, which he knows or believes to be a scheduled drug. No definition of a usable amount is indicated; therefore, great quantities could be possessed and without proof of trafficking it would still be a misdemeanor. This places an undue burden on law enforcement in attempting to control illegal drug activities and allows possession of very serious and dangerous drugs without serious consequences. It requires proof that the person in possession knows exactly what he possesses.

I am also presenting legislation which at the judge's discretion provides for work penalties in lieu of payment of a fine for persons convicted of any offense which is not punishable by imprisonment or which is punishable by a maximum period of imprisonment of less than one year. A court may suspend a sentence to pay a fine and place a person on probation on the condition that the person perform specified work for the state, county, municipality or a charitable institution. If the other option is utilized, a court sentences a person to pay a fine, postpones payment of the fine, and later revokes the fine if the person performs the specified work.

CONSUMER PROTECTION

The Maine citizen who is interested in providing financial assistance to charitable organizations is faced with numerous organizations addressing a variety of problem areas. That citizen is quite interested in knowing where his money goes and how much of it is actually being used for charitable purposes. For this reason, I support legislation designed to insure that the citizens of Maine are aware of who is soliciting funds

within the State and how the money is being spent. It is also designed to provide remedies against persons or organizations who abuse the solicitation process for personal profit by preying upon the charitable concerns of our citizens.

This legislation calls for charitable organizations who solicit contributions in this State, with certain limited exemptions, to register with the Secretary of State. The registration statement would include certain basic information, such as the purpose of the organization; the names and addresses of the officers responsible for funds; the salaries and expenses paid; the total of all contributions in this State in the previous year; and whether or not the organization contracts professional fund raisers, and, if so, the amount paid. These professional fund raisers are required to register separately and must file copies of their agreements with charitable organizations.

The exemptions would be designed to remove any burdens from the small, self-contained solicitations that are the hallmark of many local organizations within this State and that attain a degree of professionalism and credibility such as that established by most United Way and similar humanitarian agencies.

Also in the area of consumer protection, I am submitting legislation that would prevent life insurance companies from being admitted to do business in this State whose costs of doing business would be reflected to a marked degree in their premium costs to the consumer.

This legislation is an important consumer protection measure and is requisite in establishing the credibility of life insurance companies that operate in Maine.

Whenever a rate increase is granted to a public utility by the Public Utilities Commission, that rate increase is, of course, paid by that utility's consumers. However, those same consumers should not pay for every attempt at obtaining such a rate increase by the utility. The cost of consultants, legal fees and other expenses related to rate increase requests should not be passed on to the consumers, but rather should be borne by the stockholders of the utility. At the very least, there should be a limit that could be charged to the very consumers against whom the rate increase would adversely impact. The decision to seek a rate increase is a corporate decision and the persons making up that corporation should bear all or the major portion of expenses resulting from that action. The consumer should not be expected to pay both the rate increase itself and the expenses related to successful and unsuccessful rate increase requests. The only expenses that he should be expected to bear are those legitimately and specifically allowed by the Public Utilities Commission.

I am submitting a package of legislation that will correct the present abuses of laws governing unemployment compensation benefits. All of these legislative changes make the claimant subject to more restrictive qualifying requirements in order to draw weekly benefits under the law. The areas covered by the legislation include cases of voluntarily leaving work, discharge for misconduct and refusal to accept suitable work. I believe that unemployment insurance abuses need to be addressed by this Legislature, and I am therefore submitting these measures to you. Frankly, I feel it is about time consumer protection also addressed government waste and abuse of taxpayer dollars and did more as well to provide credibility and benefit to legitimate, deserving and needy beneficiaries.

EMPLOYEE RELATIONS

We must recognize a responsibility to provide adequate resources so that the collective bargaining machinery under the three public employee bargaining statutes in Maine can work. I will, therefore, be recommending the allocation of additional resources to the Maine Labor Relations Board so that they may better fulfill their responsibilities under the State's bargaining laws. Having given public employees the right to bargain over terms and conditions of employment, we must make sure that these rights are properly administered.

I am also exploring whether or not legislation is needed and possible to protect employees of insolvent firm or of firms that otherwise attempt to avoid paying wages earned and payable or due.

Presently, employees who are still owed wages when their employer ceases to do business or files under the Bankruptcy Act must suffer the loss if the employer is out of business and no money is available to pay these earned wages. For example, in the fall of 1976, one industry was forced to close its doors due to financial burden and tax liens and, consequently, several hundred employees were thrown out of work and I am advised they are still owed one or two weeks wages. Investigation by State and Federal agencies has produced conclusive evidence that no assets are available to meet the obligation.

I will introduce legislation which will provide State government with a mechanism that will enable it to develop and conduct training, counseling and managerial service programs to meet the needs of all State agencies. These programs will not create additional staffing or require additional funding. The legislation will allow the Department of Personnel to coordinate overall State training, counselling and managerial service programs. This approach has been recommended by the United States Civil Service Commission and is necessitated by the federal standards for grant-in-aid moneys and by State performance appraisal requirements.

State Retirement Trustees

As stated in the Act, the responsibility for the proper operation of the Maine State Retirement System is vested in a Board of Trustees. That Board formulates policies and exercises general supervision of the System.

The members of the State Retirement System, however, generally have two interests in the Retirement Fund:

- (1) Their own contributions; and
- (2) Their retirement benefits.

Both of these interests are guaranteed by the State in that members, upon leaving may withdraw their own contributions in full, plus a guaranteed rate of interest. The retirement benefit formula is a fixed liability of the State. The performance of the Fund, therefore, affects only the State's obligation to fulfill these guarantees.

Given the above organization of the System, it is in the best interests of the citizens of the State of Maine, as well as the participants and those retired, that the State Retirement System be administered and managed by trustees, with professional experience and expertise in money management.

CONSTITUTIONAL AMENDMENTS

I am submitting legislation to amend the Constitution in order to grant the Governor authority to veto items contained in appropriation bills. Some forty-four states have granted Governors this authority. This procedure will help avoid committing the State beyond its ability to pay, as well as serve as a check on the pressure of special interests in establishing budgetary priorities.

I am also submitting an amendment to the Constitution to change the process of petition for referenda. I am proposing a reduction from ten percent to five percent of those voting in the last gubernatorial election as the requirement necessary to petition. In this time when government credibility needs rebuilding, this suggested change will make it easier for citizens to petition their government.

In addition, I will ask this Legislature to submit to the people of Maine a constitutional question which I feel will provide a valuable indication as to the direction the people feel government should take. We will propose a constitutional amendment that would limit a governor to one four-year term. In proposing this amendment, we are fully aware that there are convincing arguments on both sides of this question and that is why we feel strongly that the people should be allowed to speak.

On one side of the question are the assertions that an incumbent has to run on his or her record and that a governor should be given the right to continue programs over two terms.

On the other side, however, are the contentions that a governor seeking immediate re-election has to spend a good portion of a current term campaigning for re-election and that a single term makes it easier for a governor to make decisions of government free to a larger degree from political considerations and pressures.

I think it is time the people of Maine spoke on this issue and I would hope the Legislature would allow the citizens of Maine to vote on this question rather than deny the public one of the greatest rights of Americans the ballot box.

OTHER

I am supporting legislation already introduced to allow a right-turn-on-red at certain intersections in the State of Maine. This will save gasoline which would normally be consumed in idling at an intersection, waiting for the light to change. Although the amount of gasoline saved would not be exceedingly large, I feel that such a bill provides an example of how legislation on the state level can provide a means of conserving Maine's energy supply.

Heretofore, the responsibility for maintaining the security of all parks, grounds, buildings and appurtenances of State government has been lodged within the Bureau of Public Improvements. Events that occurred during the last year indicate that special emphasis should be placed on the review of the security of our public areas. Consequently, I am suggesting that this responsibility be transferred to the Department of Public Safety which has the unique expertise for dealing with security systems and problems.

I am also submitting a Resolve that will accept the November, 1976 Maine Capitol Planning Commission Report as the Revised State

Master Plan to guide the development of State buildings and grounds in the Capitol-Complex during the next ten years.

Persons seeking office by means of the petition process are often motivated by the desire to provide the electorate of Maine with alternative candidates in areas where, for one reason or another, they may be lacking. Since it cannot be determined what candidates may be running unopposed or who the candidates are until after the present April 1st Declaration of Candidacy deadline, serious decisions of whether or not to run for office by petition cannot presently be made, based on the knowledge of what candidates are available to the voters. As a result, some elections are by default and the voters of Maine are denied freedom of choice if they are restricted to only one candidate. Therefore, I urge the return to a more democratic and a fairer system of allowing candidates to file, by petition, up until the midnight deadline of the date preceding the primary election day.

This statutory amendment will allow Maine citizens to evaluate the candidates available to them, and then decide whether or not to offer themselves or seek or promote others as an alternative. They will still be barred from doing so if they cannot gather enough signatures to justify their presence on the ballot. This is a legitimate bar to their candidacy, and it should be the only primary obstacle to such a candidacy.

The Declaration of Candidacy deadline as it now exists is a technical requirement that deprives the Maine voters of a variety of choices at the polls. This is certainly not in keeping with the policy behind the nomination by petition process and possibly in conflict, if not in violation with, Constitutional guarantees to the extent the right to run for elective office and/or the right to vote are restricted or even denied.

We will be presenting and/or supporting legislation to improve compensation for judges, as well as revise their program of fringe benefits. While there are those who argue that our compensation plan is one of the lowest in the country, the facts also appear to support the contention that our fringe benefit plan in this area is one of the fairest and most liberal in the country. Therefore, the approach we support will attempt to provide improvements in compensation and greater equity for all members of the Judiciary in the area of retirement benefits as well. While I will be recommending that the Chief Justice of the Supreme Judicial Court and the Chief Judge of the District Court system receive extra compensation for their additional duties and responsibilities, I will recommend that all members of the Maine Judiciary . . . Supreme, Superior and District . . . receive equal compensation. I feel this recognizes the fact that our lower court judges, particularly at the district level, have the most direct frequency of contact with our citizens and therefore play an equally important role in our judicial system.

It often becomes apparent that, in the search for the best possible people to serve in State Government, the State of Maine cannot afford to rule out every person who has a potential conflict of interest. Often times, the service of an individual who would be the best possible person to serve in a particular capacity is lost for fear of what might result from that potential conflict of interest. Under our present system we have seen innocent and dedicated citizens, in effect, judged guilty before the fact, which is contrary to the philosophy of "innocent until proven guilty."

In order to allow dedicated people to serve and yet still protect the

citizens of Maine from improper conduct on the part of public officials, legislation would provide guidelines for service when a potential conflict of interest exists.

The thrust behind this proposal is twofold:

(1) We must make sure that the public is both protected and made aware of the interests of those who are willing to serve that public.

(2) We wish to insure that qualified individuals are not barred from service by a rigid set of protective rules and regulations that will deny the citizens of Maine the benefit of some of the most successful, capable and dedicated individuals.

CONCLUSION

I am deeply appreciative of this opportunity to present my legislative program to the 108th Maine Legislature. In this program, we are making recommendations which we feel will improve the efficiency of government and therefore enable it to better serve the people of Maine. I am mindful that many members of this Legislature may have recommendations similar to those we have offered in specific areas. In those cases, we look forward to working with individual members of this Legislature towards a mutual objective of the best possible legislation for the people of Maine.

I would like to thank the members of this Legislature in advance for their consideration of the program we have offered.



Governor of Maine