

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

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STATE OF THE STATE MESSAGE

of

GOVERNOR JOSEPH E. BRENNAN

January 31, 1984

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

Last year on this occasion, I reported to you that Maine is moving again.

Tonight, I can say that the state of our state is even stronger.

—Work has already been completed on the first Navy destroyer to arrive at the new drydock in Portland.

In just two weeks, another destroyer will arrive, the first of three scheduled for a major overhaul at a place where, just recently, there stood a decaying and little used wharf.

Work on these ships will provide up to 450 jobs.

—In the city of Eastport, work is in progress on a new cargo pier, a tribute to the determination of the people of that city to turn around the economic condition of their community.

—Throughout the state, we have under way a massive program to repair roads and rebuild bridges.

—This past Christmas, I visited the Pineland Center and the Bangor and Augusta Mental Health Institutes.

I was impressed by the physical changes that we have made.

But I was prouder still of the quality of care the patients receive from the men and women who devote their lives to their well-being.

Every Maine family with a loved one in one of those institutions can be assured they are well cared for tonight.

—Maine's unemployment rate was below the national average during eleven of the twelve months of 1983.

We fully expect that the final, official figures for the year will show Maine's rate below the national rate for the third year in a row.

Yes, Maine is moving again.

—It shows in per capita income in Maine, 48th in the nation when I took office in 1979, and now 41st.

That's a measure of our progress.

And a challenge for our future.

Much of the credit for this goes to this Legislature and its predecessors, which have faced up to Maine's most serious problems.

Legislators get too little credit for what they do.

So let me take a moment to correct that.

Last year, under the able leadership of Senate President Gerard Conley and House Speaker John Martin, this Legislature amassed a record of achievement unmatched in all the years I have been a part of state government.

You, the men and women of this Legislature, strengthened Maine's economic development programs in several ways, including the establishment of our new Finance Authority of Maine.

You reclaimed the keys to the state treasury, when you declared that the public cost of hospital care in this state would have to be within a budget just like other essential services.

You wrote into the statutes the nation's first comprehensive plan for the wise use of the best of our rivers and an orderly approach to necessary river development.

You endorsed an equal rights amendment and I have confidence that the voters of Maine will ratify it at the polls next November.

You enacted a sound and comprehensive highway funding plan.

You accomplished much more, and for your work, state government, our people, and, indeed, the state of Maine are better off.

As Governor, I have appreciated your cooperative attitude.

Together, we have dealt with a host of problems.

We have created new policy directions.

We have achieved much.

Still, problems remain.

Some of our communities and regions continue to lag behind their neighbors in recovering from the troubles of a state economy in transition.

Many of our children and our elderly are victims of economic conditions, violence, or neglect.

We must improve the quality of education.

We must continue cleaning up our environment.

And we must ease the overcrowding of our prison.

So, yes, we do have our problems.

And in this Message I shall outline some of the recommendations I will present to address this unfinished agenda.

But something else must be said.

We enjoy a good life in Maine.

And seen in perspective, we must consider ourselves fortunate to live in America and in this very special corner of the nation.

To appreciate what we have, just turn on the nightly news.

There is Beirut, where every square inch is within range of hostile artillery.

There is El Salvador, where freedom of speech long ago fell victim to the death squads.

And here in America, there are the major crime problems of our large inner cities.

Yes, Maine's problems are real, and some of them are urgent.

But few people in this world enjoy the blessings we share in our state.

And it's important to remember that.

The true state of our state does not depend on which party controls the Legislature or whether this bill or that budget item is enacted.

The state of this state depends on the good will of the people; on their respect for each other, on their strong sense of values, and on the quality of their lives.

And for most of us that quality is good.

ECONOMIC DEVELOPMENT

1983 was a year of continued progress and growth in economic development.

The number of plant expansions grew from 45 in 1982 to 78 last year.

Investment in Maine of new and expanding companies soared from \$42 million in 1982 to \$162 million last year.

Companies like Fairchild, Scott Paper, Jordan Meats, Geiger Brothers, and dozens of others, increased the size of their operations.

I am particularly pleased to thank the many members of our business community who chose to join with us to make a positive contribution to our state.

People like Kathy Weare and others from the tourist industry, who met here at the Capitol last week to help us map a strategy to promote vacation travel in Maine.

People like, the business leaders who were so generous with their time and their resources to help make last summer's National Governors' Association meeting in Portland an outstanding success.

People like Bob Masterton and other executives who are working with us to develop a technology strategy so that Maine is better able to plan for the future.

The 60 men and women who joined me at our trade mission in Boston last spring.

The business leaders who joined Secretary of State Muskie and me in New York to meet with the top Japanese business executives in the United States.

And those like Dick Jalkut who serves Maine as chairman of a network of talent scouts helping our Development Office identify new business prospects for Maine.

And the hundreds of others who also serve Maine on scores of state boards, commissions and authorities.

All their efforts quietly and behind the scenes contribute to Maine's gathering momentum.

They deserve the gratitude of all the people of our state.

THE UNFINISHED AGENDA

Since the Legislature is meeting in an off-year session, I am restricting my agenda to those matters which I believe should not wait until next year.

We shall focus this year on children and education, economic development, justice and prisons, and, yes, saving the public money.

CHILDREN

The most tragic part of our unfinished agenda addresses the problems of those Maine children who are abused and neglected.

Last year, led by Commissioner Petit of our Department of Human Services, we were instrumental in drawing national attention to these issues.

The problems are widespread in nature and growing, even as the national government congratulates itself for cutting billions of dollars that could help these young victims.

We will not abandon them.

Last year, Maine completed a landmark study on childhood death.

It demonstrated beyond any doubt a clear link between poverty and childhood death.

For children living in poverty, the death rate is three times higher than it is for others.

I shall recommend steps we can take to change this.

Including:

—Expanded health services to low-income mothers-to-be to improve their chances of having healthy babies.

—An increase in the number of child protective workers available to help children living in dangerous and abusive circumstances.

—More money for those caring families who are willing to open their homes to foster children.

—We should provide funding to develop special therapeutic foster homes for those youngsters who are especially disturbed and troubled.

In 1980 the Department of Human Services placed only 44 children into adoption.

With the help of the Legislature, we were able to put a greater emphasis on adoption.

And last year more than 150 were adopted through the auspices of the state.

We are again recommending additional resources to find more adoptive parents.

Finally, I am recommending appropriations to support a variety of community—and home-based services to enable troubled children to remain in their homes and with their parents whenever possible.

Tonight, I want to make a special request of our people to those of you who have the resources, to open your homes and your hearts as adoptive parents or foster parents and to give a child what might be the only fair chance for a good life.

I also intend to recommend funding to expand the successful work that is done in Maine's sheltered workshops enabling another one hundred retarded citizens to live productive lives.

And I am proposing additional public transportation services to assist the elderly and the handicapped.

EDUCATION

Education came to the forefront of public concern last year.

A number of national studies were released.

They were filled with disturbing reports about declining standards of performance and excellence.

Today, with public awareness high and calls for change loud we have the opportunity to achieve substantial improvements in our education system.

The most important component of a successful education is not a shiny new facility or state of the art technology but what is has always been.

And that is a good teacher.

Recognizing this, the State Board of Education has developed a proposal to establish a new system of teacher certification.

It encourages professional advancement for teachers and makes it possible for local school systems to develop career ladders for their teachers.

It affirms our goal of attracting and retaining the most qualified people we can find to educate our young.

I endorse the State Board's proposal and recommend it to the Legislature.

I intend to submit bond issues for new and improved facilities for the University of Maine system and our vocational technical institutes.

And I am again recommending an increase in state assistance to public school systems under the local leeway program.

Last summer, I created a special Commission on the Status of Education in Maine.

I asked this Commission to review the many recent national studies and to examine our own system.

The Commission worked diligently this fall and into the winter.

They traveled across Maine to visit schools and observe programs.

They met with state and local leaders and heard from interested citizens.

The Commission's preliminary report will be presented to me within the week.

I will consider its findings and recommendations carefully.

Because of the importance of the subject and the brief duration of this session I may find it more appropriate to call a special session later in the year to consider the recommendations without the distractions of other legislative business.

In the meantime, I want to express my appreciation to Thomas Hedley Reynolds, the President of Bates College, for his work as chair of the Commission and the Majority Leader of the House, Representative Elizabeth Mitchell, who serves as vice chair.

ECONOMIC DEVELOPMENT

In the area of economic development, I am recommending that we strengthen the state's efforts in tourism promotion, assistance to small business, the development of export markets for Maine products, and more aggressive efforts to attract business investment to Maine.

TELECOMMUNICATIONS

Those of you who received one of those new phone bills recently are aware of the changes taking place in the nation's telephone industry.

It is difficult to assess the many ways in which our lives will be changed by developing technology in this field.

In the years to come, the nature of communications in Maine could be as influential on the economic future as the development of a highway system was after the turn of the century.

Members of my Cabinet have already started to discuss among themselves some of the consequences for government, industry, and the public.

They will report to me later this year with recommendations for next year's legislative session.

But one issue should be addressed immediately.

And that is universal service, the principle that basic telephone service shall remain available to every citizen at a reasonable cost.

I am recommending legislation to direct the Public Utilities Commission to develop a policy to uphold this principle.

AGRICULTURE

A continuing and growing economic problem for Maine is the loss of productive farmland.

In recent decades, two-thirds of what was our agricultural base has been lost to erosion, urban development, or abandonment.

Continued unchecked, these forces threaten our \$1 billion a year food production and processing industries, along with the jobs that depend on them.

I am recommending the creation of an Agricultural Land Protection Board.

It would review sizable development projects for their impact on farmlands, and it would work with local governments to help develop land protection strategies.

ENVIRONMENTAL PROTECTION

Maine people have consistently demonstrated their commitment to cleaning up and protecting our environment.

For example, there has been widespread public alarm about the dangerous hazardous waste sites in Gray and Winthrop and other communities.

Last fall, a comparatively modest bond issue for hazardous waste cleanup, was defeated at the polls.

I will again ask approval of this bond issue.

It will provide for the cleanup of hazardous waste sites in Gray, Winthrop, Saco, Washburn, Augusta, and Baileyville.

I will also reintroduce a bond issue for the construction of new water treatment facilities.

These two steps are the minimum actions we must take if we are to maintain public confidence in Maine's commitment to a better environment.

The most controversial environmental issue to be addressed this year has to do with the disposal of low-level radioactive waste.

I want to commend Senator Judy Kany of Waterville for the time and effort she has devoted to this issue.

Her Committee's report will be presented in the days ahead.

We remain hopeful that an agreement can be reached for a regional approach to this problem.

BAIL

Last month, I received the report of a special committee I appointed to review Maine's bail laws.

I want to thank its chairman, Attorney General James Tierney, and the members, for their work in developing this report.

Their recommendations raise challenging issues of constitutional rights and civil liberties.

But there is another question, the right of society to protect its members when there is substantial reason to think that granting someone bail will create a threat to others or undermine the judicial system.

The commission recommends giving judges the authority to deny bail under limited conditions.

As a former prosecutor, I am convinced of the need for bail reform.

As a former defense lawyer, I believe there are safeguards to protect the right to bail of defendants.

As a citizen, I am saddened that there are people who might be alive today if these reforms had been on the books.

I will ask this Legislature to enact the recommendations of the Bail Commission.

DRUNK DRIVING

I am proud that Maine was in the forefront among the states in cracking down on drunk drivers.

There is no question that we have saved many lives and prevented needless tragedies for many families.

But our early successes were lessened last year.

It is clear that we have not been able to persuade the worst offenders from drinking and driving.

Equally distressing have been the problems of young people.

Last year the Legislature passed a special law to take aim at the teenaged drunk driver.

We launched a major education effort to reach them.

Sadly, some of them weren't paying attention.

In seven months more than a thousand teen-agers lost their licenses for a year for driving after drinking.

We must now take even stronger action to discourage this dangerous behavior.

And let there be no mistake it is dangerous behavior.

In Maine, about 30 deaths are caused each year by people with guns and knives.

But roughly four times that number, or 120 people, were killed by drunk drivers.

Clearly, the most dangerous criminal in Maine is not the angry person with a gun or a knife.

It's the drunk with a car.

And so at my direction, our Commissioner of Public Safety, Arthur Stilphen, will this week implement a program of State Police roadblocks.

And I am urging this Legislature to adopt the recommendation of the President's Commission on Drunk Driving and raise the drinking age in Maine to 21.

CORRECTIONS

Among the most urgent problems confronting state government is the overcrowding of our prisons.

Last year I proposed a bond issue that would begin to address this problem.

The Legislature supported the proposal.

But the voters did not.

Tonight, I must report to you that the underlying need did not go away.

Tonight, I want to speak directly to the public on this matter.

How we treat inmates is one test of how humane a society we are.

No one is proposing a comfortable life for felons.

Only adequate room to house convicted criminals.

And so, I am again going to recommend a bond issue for Corrections.

I will propose funding to house an additional 140 prisoners at the Correctional Center at Windham and the minimum security facility at Charleston.

It is not a complete solution to our prison problems.

But it is a start.

The past few years have seen a number of substantial changes in the corrections policies of this state.

But if the objective has been to reduce crime and rehabilitate offenders, we must ask if the policies are in fact working as they have been intended.

The time is ripe to review and reconsider these policies as they are embodied in current law and practice.

I shall appoint a citizens' commission to undertake this review and to make recommendations before the year is out for needed changes in our corrections system.

I am also asking the Legislature to provide adequate funding for this commission to produce a master plan for our corrections system over the next ten years.

Because of the growing size of the dockets of our court system, I will also be requesting funding for additional judges.

And I will recommend a bond issue to improve court facilities in Portland and Bath-Brunswick.

Finally, I am recommending financing for a modern crime laboratory so that we no longer have to suffer delays by sending evidence all the way to Washington for analysis.

BUDGET CUTS

For a half century, there was a popular idea that democrats only knew how to add to budgets.

Well, after twenty years in this business, I've learned that it's also legal to subtract.

And I will be recommending a budget that reflects this continued awareness.

The cuts I am proposing will help us only modestly with the current budget.

But they will be felt for years to come and will perhaps avert grave financial problems for future governors and legislatures.

I am asking you to continue the process of getting the state out of the retail liquor business.

There is no reason why we should ask the taxpayers to finance the cost of running a statewide chain of stores.

I continue to believe that an adult man or woman in the state of Maine should not have to go to a state official to buy a bottle of whiskey or gin.

For there is nothing so exalted about selling liquor that the act can only be performed by a government agent.

If we take this step, we can save at least \$10 million over the next ten years.

Second, I am determined that we put an end to the practice of allowing certain of our state employees to retire with a full pension . . . after just twenty years of service.

If the purpose of a pension is to provide for financial stability in a person's old age granting full pensions to 41-year-olds is an act of the most extreme generosity.

The time has come for the Legislature to act responsibly on this issue.

These pensions are unneeded.

They are unjust.

And we simply cannot afford them.

Indeed, failure to act could squander forty million tax dollars over the next twenty years.

Those millions could be spent on the human needs of our people, on roads, and parks, and the betterment of our state.

This is the single most fiscally responsible action this Legislature can take.

Finally, now that we have a full-time professional district attorney system there is no longer any need to prosecute homicides out of Augusta.

By transferring this responsibility to the District Attorneys who are now often more experienced, we can save hundreds of thousands of dollars over the next several years.

And just as important, it will be putting these prosecutions where they belong, at the local level.

CONCLUSION

It has been my honor to serve as Governor of Maine for five years.

Inevitably, an office of high trust influences and changes its occupant.

I have learned much.

That we are a strong people, independent of mind, and determined of spirit.

I have learned from my predecessors.

Their messages to past legislatures are preserved in the brittle, yellowing pages of old books.

There's Joshua Chamberlain, concerned about an overcrowded prison and recommending additional space for prisoners.

There's Frederick Robie standing here 101 years ago and proposing steps to improve the qualifications of teachers.

And Louis Brann, a half century ago, concerned about the growing numbers of poor people, the victims of the Great Depression.

And Clinton Clauson, whose term would be cut tragically short, proposing a safety code to protect Maine people from radioactive materials.

They have reminded me, that our problems may grow in complexity, but our role, and our mission, remain the same.

Our role is that of stewards.

Our mission is to do the very best our abilities allow.

In conclusion, yes, Maine is moving.

But much remains to be done.

Surely, many of our fellow citizens enjoy the good life.

And it is our job to help make it possible for more to enjoy it.

And I think we are doing that.

But it is also our moral responsibility as a government and as a people to meet the human needs of those who have been left behind.

—Those in our prisons—those who have been victims of fate—those in the waning years of life.

Yes, we must see that all of them, as fellow human beings, live in dignity.

Our national government may be willing to walk away from their responsibilities to the least among us.

But Maine and her people will not.

For the next three years, my commitment to the one million men, women and children you and I represent is to do all that I can to make life a little better for those for whom government remains the last, best hope.