

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

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STATE OF THE STATE MESSAGE

of

GOVERNOR JOSEPH E. BRENNAN

January 21, 1986

Mr. President, Mr. Speaker, Members of the Legislature, honored guests, citizens of Maine:

1985 has been another successful year in Maine; income is up, unemployment is down, and the Patriots are in the Super Bowl.

As you know, Massachusetts was once part of Maine.

We let them go in 1820, feeling they were big enough to make it on their own.

In some respects, they've done quite well; but no one could have guessed that it would take them so long to finally get a team into the Super Bowl.

There may even be hope for the Red Sox!

This is my last State of the State address.

It is a special time for me: a time to reflect on the progress we have made together in the last seven years, and a time to look ahead.

For we live in a time of new opportunities, and new challenges, for the people of Maine.

In a certain sense, we are all explorers charting unknown territory, guided by landmarks that are at once familiar and changing.

The experience of shifting landmarks was described by the explorer Anne Morrow Lindbergh. In 1931, she and Charles Lindbergh made a historic airplane flight over the North Pole to Japan and China.

They began by flying to North Haven, Anne's childhood home.

Describing her feelings, Anne Morrow Lindbergh wrote:

"The trip to Maine used to be . . . long and slow . . .

"There was plenty of time to make the mental change coinciding with our physical change.

"But on this swift flight to North Haven . . . my mind was so far behind my body that when we flew over Rockland Harbor the familiar landmarks below me had no reality."

Today, again, the landmarks are changing.

THE PAST SEVEN YEARS

Just think back to 1979, and recall the all-too familiar landmarks we were concerned with then: a sluggish economy; an unhealthy dependence on foreign oil; the Pineland Center for the mentally retarded, under court order to improve; a downgraded state credit rating; declining student test scores; spiraling health, and worker's compensation costs; unresolved Indian land claims; and a growing elderly population with unmet needs.

I said at the time in my Inaugural Address:

"History . . . will judge the work we begin today . . . by the constructive legislation we enact, and by the past mistakes we correct."

Looking back, I am confident that history's judgment on this Administration, and on this Legislature, will be most kind.

For together, we have added thirty thousand new jobs and reduced our unemployment to less than four percent last fall. Together, we reduced our dependence on oil, from seventy-four percent to sixty percent of our total fuel consumption.

Together, we obtained full national accreditation for the Pineland Center, the Bangor Mental Health Institute, and the Augusta Mental Health Institute, and made our state mental health system a model for the nation.

Together, we reduced our per capita bonded debt by forty percent in constant dollars, and improved our credit rating to the very best in New England.

Together, we are turning our schools around as a result of the most comprehensive and most promising education reforms in all Maine's history.

Together, we put a lid on health cost inflation and saved Maine consumers more than fifty million dollars last year.

Together, we brought the skyrocketing cost of workers' compensation under control.

Together, we ended the practice of retirement after only twenty years of state service, and we will save Maine taxpayers sixty million dollars over the next twenty-five years.

Together, we joined hands with the Penobscot Nation and the Passamaquoddy Tribe and resolved the most profound legal controversy in the history of our state.

Together, we provided security and dignity to our older citizens with home-based care and better housing.

This is a record we built together.

It is a record we can all be proud of.

It was built by political leaders committed to jobs and to justice, like House Speaker John Martin and Senate President Charles Pray.

It is a record built by business leaders who believe in Maine, and who put their energy, imagination, and money behind their beliefs.

It is a record built by thousands of Maine working men and women: people like the papermakers at S.D. Warren, the warehouse workers at L.L. Bean, the assemblers at Digital, and the longshoremen at Eastport.

It is a record built by thousands of volunteers who improve our schools, enrich our cultural life, serve our cities and towns, and add warmth to our hospitals: people like the Reverend Carl Geores of Leeds, who has organized a volunteer effort to fix up the homes of the poor and elderly; like Malcolm Wilson of Sidney, who spearheaded an effort to help Maine families cope with mental illness; like A.L. Carlisle of Cape Elizabeth, a woman who has worked tirelessly to help young people in trouble with the law; and like Bill Manheimer of Monmouth, a lawyer and banker, who has done so much for our economic development efforts.

Yes, all these people, working together, are truly building the best of times in Maine.

Yes, we have come a long way in the last seven years.

The times we live in are full of promise for Maine. And with promise, comes opportunity.

Tonight, I would like to talk to you about four new opportunities that will help shape the future of Maine — telecommunications, international trade, growth management, and higher education.

TELECOMMUNICATIONS

Fifty-five years ago, Anne Morrow Lindbergh's world was transformed by the miracle of human flight.

Today, in the skies there is a new miracle.

It is a technology that will allow a branch manager in Caribou to immediately report transactions to a computer in Bangor; that will allow a philosopher at Oxford University in England to lecture directly to high school seniors in Jackman, and to respond to their questions; and that will allow a doctor in a clinic in Farmington to consult with a specialist in Boston.

As my Task Force on Telecommunications, chaired by State Planning Director Richard Barringer, reported last summer:

"Maine's scattered population and location at the end of many transportation routes have sometimes impeded our economic and social growth.

"Modern telecommunications offer Maine people and business the opportunity to eliminate the distance barriers between ourselves and the world."

In the future, timely access to information will be as important to an individual, or a company, as access to paved roads is today.

This year, let us plan the construction of Maine's next major highway connecting our cities and towns. Only the materials this time will not be gravel, or tar, or concrete. Instead, the material will be satellites and microwave receivers.

During the coming year, we will work closely with business and with the University to create an advanced telecommunications network for the people of Maine.

Together, we can lead Maine into the 21st century and overcome the landmarks of time and distance that now limit our lives.

CANADIAN TRADE

The second opportunity is international trade.

Around the turn of the century, political satirist William Pattangall visited the border city of Calais.

Patangall, incidentally, was later a State Representative, Mayor of Waterville, Attorney General and finally, Chief Justice of the Maine Supreme Court.

On his trip to Calais, Pattangall claimed he saw a statue of Henry Clay in the public square with this inscription: "The Father of Protection, the Man Who Made Smuggling Possible, the Patron Saint of Calais,"

Patangall went on to describe the occupations of Calais residents:

"There are large families here living on the interest of the duties they did not pay. Most of the rest of the population are employed in the Custom House. At present, a few are in jail, and the remaining 19 are Democrats."

Today, world trade is a more serious subject.

Maine's international exports have more than doubled in the last 10 years.

Our exports generate more than one billion dollars of business each year, and sustain twenty thousand jobs.

Yet, trade is a two-edged sword.

It offers new markets for our products abroad. But it also brings competition for our companies at home.

Maine's basic industries—shoes, potatoes, fish, lumber, even paper—were all hurt in 1985 by foreign competition.

A large part of the problem is that our country, in essence, is shooting itself in the foot with its huge budget deficits, its inflated currency, and the trade disadvantages these create.

Contrary to popular belief, our largest trading partner is not Japan. It is our neighbor Canada.

Our trade with Canada exceeds one hundred billion dollars a year.

But our trade deficit with Canada is an alarming twenty billion dollars.

Last summer, I convened a Blaine House Conference to explore this issue. As a result of that conference, I am proposing an unprecedented Canadian trade initiative.

I propose a joint effort with Canada to promote our food and fish products. We will try to expand our sales in cooperation with Canada rather than fighting our neighbors over limited shares of slow-growing markets.

I will also propose funds for the University of Maine at Orono and the University of Maine Law School to support teaching and research in Canadian trade.

This will give Maine's farmers, loggers, and fishermen—who are being hurt by Canadian imports—a place to turn for help.

This year Canada and the United States are entering into a historic round of trade talks with the purpose of eliminating trade barriers.

With the program I have outlined, Maine will be prepared to participate in, and contribute to, those talks.

THE MAINE COAST

The third opportunity is the Maine environment.

One morning in 1958, a Cape Cod woman found seven dead robins on her lawn, the victims of nearby DDT spraying.

She complained to her friend Rachel Carson. And as a result Carson, a resident of Southport, decided to write a book on chemical pesticides.

That book, *Silent Spring*, is credited by many with starting the modern environmental movement.

Later, that movement was skillfully mobilized by another Mainer, Senator Ed Muskie, to clean up our air, our land, and our water.

Today we consider the health of Maine's environment absolutely essential to our special quality of life.

Indeed the renewal of our forests, rivers, lakes, and wildlife in the last two decades has contributed to Maine's special attraction, and to Maine's economic growth.

This growth must now be managed with care so that it does not threaten the very base upon which it is built.

We have pointed the way towards balanced growth with our nationally acclaimed Rivers Bill, and with our recent plan to manage the State's public reserved lands.

This year, I am proposing that we turn our attention to the 3,500 miles of jagged rocks, sandy beaches, and winding coves that we call the coast of Maine.

Coastal towns occupy just 12 percent of Maine's land, but are home to nearly half of our population and fully two-thirds of all our jobs.

In addition, the coast is visited each year by nearly four million tourists.

The Maine coast is here for our use and for our enjoyment. But we must use it wisely. Our coastal legislation will provide a framework for the cities and towns of Maine to work with state government to guide the development of our ports and harbors, our marine resources, and our commercial and recreation activities.

I shall also recommend a special bond issue that will include: five million dollars to acquire needed shore access for the public, four million dollars to develop fish and cargo piers in our smaller towns; and funds to upgrade the Marine Resources Laboratory in Boothbay Harbor.

Finally, to meet a growing public demand, we will open our state parks year round at Crescent Beach, at Popham Beach, at Quoddy Head, and at seven other locations.

Rachel Carson loved the Maine coast.

She once wrote:

"The shore means many things to many people . . .

"The true spirit of the sea . . . is on a lonely shore at dawn . . . or in (a) storm . . . (when) we sense . . . the reality of the sea."

Every Maine citizen—rich and poor alike—should be able to know the reality of the sea.

Our coastal legislation will work toward the goal.

THE UNIVERSITY OF MAINE

The fourth changing landmark is higher education.

Two years ago the Commission on the Status of Education in Maine, chaired by Bates College President Thomas Hedley Reynolds, submitted their report.

Their recommendations laid the basis for this Legislature's far-reaching, indeed, historic, reform of primary and secondary education.

Just seven days ago, another education commission submitted their report, the Visiting Committee to the University of Maine.

The Visiting Committee was very ably led by former Colby College President Robert Strider, and it included such distinguished people as former Secretary of State Ed Muskie, and former U.S. Commissioner of Education Frank Keppel.

Indeed, this is as talented a group of people as I have ever had the good fortune to assemble for any purpose.

Their report provides a most informed and thoughtful analysis of what the University of Maine must do to meet the basic tests of excellence, diversity, access, effective governance and adequate finance.

The Visiting Committee report, a year-and-a-half in the making, deserves careful and measured consideration.

We need not rush to pass judgment, or to pass bills.

Haste would only cut short the wide-ranging and constructive dialogue that this report promises to generate.

I look forward to that dialogue and I shall listen with care.

It is my intention that this Visiting Committee report shall be the basis for a renewal of public higher education in Maine that is every bit as far-reaching, and as historic, as our primary and secondary education reforms.

At an early date, I shall request a joint convention of this Legislature to address the matter fully.

CORRECTIONS

Telecommunications, Canadian trade, the Maine coast, the University of Maine—these are the opportunities before us.

We must, and we will, begin work on them this year.

There is, however, an agenda of unfinished business for us to address in corrections and in public safety.

Let me begin with corrections.

The most solemn power that the state has is the power to take away the freedom of a citizen and to put him behind bars. To do this with justice and with decency is a grave responsibility.

It has never been easy in Maine, or indeed, in any other state in this nation.

The first prison in Maine was built at Thomaston in 1824, near the limestone quarries where the prisoners worked.

The cells were five feet by nine feet, with one grated opening at the top, serving both as a window and a door.

These “stone jugs” as they were called, were unfit for human habitation and were replaced in 1843.

The prison system was supposed to be self-supporting with revenues from the quarrying operation, but it never was.

In 1858, James G. Blaine himself investigated the situation for the Legislature, and reported back that the prison had “bad management, wastefulness, and cooked accounts.”

His report led to reform of prison management.

So the issues of humane treatment and cost have always been with us. Today, they are more pressing than ever.

In the last five years, in response to new laws and tougher sentencing, Maine’s prison population has increased by fifty percent.

We now have four hundred more prisoners than we had in 1980, and projections say we may add another four hundred in the next four years.

Together, we have taken many steps already to address corrections.

We have improved safety and security conditions at Thomaston.

We have opened three new minimum security facilities with nearly two hundred beds in Hallowell, in Charleston and in Bucks Harbor, and we have another one hundred and forty beds in development.

We have hired two hundred and seventy-four additional corrections staff.

And we have increased corrections funding by 19 million dollars.

But clearly, in the face of our growing prisoner population, we have got to stop and reconsider our direction. We cannot continue down this road indefinitely.

We cannot keep opening prison after prison. We cannot keep hiring prison guard after prison guard.

There is a limit. We need new direction.

That direction is provided in a report submitted last month by a Blue Ribbon Commission on Corrections. The Commission was chaired by Dr. Lloyd Ohlin of Steuben, former Professor of Criminal Justice at Harvard Law School, a nationally recognized authority, and an adviser to Presidents.

The Commission's report declares:

"The State of Maine can not afford a correctional policy that just calls for building more prisons . . .

"We must . . . develop ways of dealing with less serious offenders that (save) costly prison space . . ."

The Commission recommends that anyone sentenced to a term of confinement of less than a year should serve that term in a county jail. I agree with this recommendation, from both a financial and a human standpoint, and I will work, over the coming year, with county commissioners and sheriffs to address the costs and phase this practice in.

The Commission also recommends a new approach to community-based corrections called Intensive Supervision. Under Intensive Supervision, the offender stays and works in the community, but must meet at least five days a week, face-to-face, with his supervisors. The terms of the arrangement are very strict, and if they are violated, the supervisors have the authority to return the offender to prison. I intend to fund this program this year.

I shall also propose a special Outward Bound program for young offenders to teach them discipline and teamwork, and to help them become law-abiding. This proposal has already generated matching funds from the Union Mutual Insurance Company, and from many private donors.

Finally I propose a two-and-a-half million dollar bond issue to make improvements at the Maine Youth Center in South Portland.

Let 1986 be the year in corrections that we stop reacting to contain short-term crises, and we begin acting to create sensible, long-term solutions.

PUBLIC SAFETY

The second item of unfinished business is public safety.

Highway deaths have declined by fifteen percent in the last seven years because together, we acted to increase the penalties for drunk driving and to raise the drinking age.

There are families listening tonight who have been spared from terrible personal tragedy by those actions. This is a proud accomplishment, yet there is still much to do. Traffic accidents remain the major cause of death for people between the ages of fifteen and thirty-four.

Last year I proposed legislation that would have saved a hundred Maine lives over the next two years. The price tag of that public health proposal was zero dollars. In fact it would have saved money for the state and the state's drivers on their insurance premiums.

That public health proposal required no new state bureaucracy. All it required was simply that Maine motorists, and their passengers, buckle up.

This Legislature defeated that proposal on the grounds that it was slightly unpopular with the voters, and that making people buckle up infringed on their constitutional freedoms.

Think about that for a minute. Just how important is a voter survey compared to the lives of those voters themselves? Is it really an infringement on liberty to ask our citizens to protect themselves and their neighbors by requiring that they drive on the right side of the road? Obey a traffic light? Get a car safety inspection? Or, buckle a seatbelt?

Let's be honest. There are no large constitutional questions here — only questions of convenience. And tonight I am asking each of you, to stop and reflect.

How do you weigh in the balance, a moment of inconvenience against the lives of one hundred Maine men, women, and children?

To state the question, is to answer it.

This year, I am resubmitting the seatbelt bill. And tonight, I am appealing to the people of Maine to get behind this life-saving measure.

Let your legislators know that there is support for public health and for saving lives. Let them know that you know the difference between inconvenience and a needless family tragedy.

OTHER

There will be other initiatives in this session as well.

I will propose a bond package that includes: a new armory for Bangor and Brewer; an activity center at the Augusta Mental Health Institute; a breakwater at Jonesport; and new sewer construction in Frenchville, Rockport, Lubec, and in a number of other small towns.

The total bond package will be in the forty million dollar range, well under the state's investment guideline.

To streamline state government, I will propose to centralize and improve our rapidly growing state computer operations, and to strengthen the accountability of Maine's professional licensing boards.

I will also support: management help for Maine farmers; minimum energy standards for new construction; an acid rain control program; better banking services for rural Maine; new group homes for the mentally retarded; more state funding for job training to help women on welfare; and more loans to small businesses through the Finance Authority of Maine.

In addition, I will support making Martin Luther King's birthday a state holiday.

We can do all this without a major tax increase.

We can do it by making the state tax code tighter, more logical, and more fair to working Maine men and women.

Later in the year, I plan to address the crisis in liability insurance. When the cost of liability insurance or its lack of availability, cause a doctor to stop delivering babies, a citizen to refuse service on a town board; or a landowner to close a skating pond to neighborhood children; then a system designed to protect has turned into a system that paralyzes. We will work to address this problem.

Finally, I want to say a special word, to the people from the Sebago Lake area, and people of eastern Maine, who heard last week that their regions were under consideration by the Federal Government for nuclear waste storage.

I want to assure you—and I know I speak for our Congressional delegation, and indeed for all the people of Maine—that we are all in this together.

Our expert state geologists have convinced me that the rock formations in Maine are totally unsuitable and unsafe for high-level nuclear waste storage.

It isn't safe in Maine. We won't let it happen here. We will press our case forcefully on every front.

GRAMM-RUDMAN ACT

Yes, there are many challenges we face in the years ahead. As we do, we can draw on our experience together.

For my part, I have grown and changed in the last seven years.

But my basic goals and values that I described in my first Inaugural have not changed.

I still believe that government is more than tending to a cash register.

I still believe that a good job is the best road out of poverty.

I still believe that government is the last and best hope for many of those in need.

Our experience in Augusta has shown that we can stay true to our values, meet basic human needs, improve the quality of life, and still balance our budget.

In recent years in Washington, there has been a different philosophy—a philosophy that huge budget deficits are tolerable.

And now, with the budget-balancing act called Gramm-Rudman, Washington has come up with a new gimmick—one that would have dismayed the founders of this nation.

It is called government by automatic pilot.

Under Gramm-Rudman, the federal budget will be cut drastically in 1986. The cuts will take place automatically, according to complex formulas, in pre-programmed computers.

We in Maine will feel the pain when these cuts imperil our human services, transportation, community development and housing efforts.

But we won't know where the cuts will happen, or how big they will be, until it's too late.

This is not government with accountability, as we are used to in Maine. It is government avoiding responsibility in Washington.

Indeed, it is the oldest trick in the book.

Just how old is it, you ask?

Let me tell you how old.

It is so old, that it is described in one of the first books in human history, Homer's three thousand year old epic, *The Odyssey*.

In *The Odyssey* the hero, Ulysses, is captured by an evil, one-eyed monster called the Cyclops, and he is held in a cave.

Ulysses tells the Cyclops his name is "Nobody,"—then he pokes out the Cyclops' eye and flees to a waiting ship.

When the neighbors hear the Cyclops howling, they come out of their caves and ask who hurt him. The dim-witted Cyclops answers, "Nobody did it, and Nobody is getting away!"

The neighbors scratch their heads, and return to their caves.

Today, Washington is trying to be clever, just like Ulysses. And when the budget cuts occur, and the American people cry out in pain, Washington plans to answer, "Nobody did it! Nobody did it!"—in hopes that the American people will just scratch their heads.

But the American people are not dim-witted like the Cyclops. They are smart. And I can assure you that they will demand accountability and honesty from Washington.

CONCLUSION

I would like to conclude my remarks tonight by mentioning two very special Maine citizens who died in 1985.

One was an old man; the other a young girl.

One was born in New York City and moved to Blue Hill.

The other was born in Houlton, and raised in Manchester.

Both sent important, and enduring messages to the world about peace, and understanding, and beauty.

As you know, I'm talking about E.B. White and Samantha Smith.

Both were citizens of the world, yet to both, Maine was home.

Samantha traveled to the Soviet Union, and said upon her return, "Maine is a good place to come home to."

E.B. White traveled often from New York to Maine.

He described his feeling upon crossing the old Portsmouth-Kittery bridge:

"What happens to me when I cross the Piscataqua and plunge rapidly into Maine . . .?"

"I cannot describe it."

"I do not ordinarily spy a partridge in a pear tree, or three French hens, but I do have the sensation of having received a gift from a true love."

In Maine, Samantha and E.B. White found nourishment for their values of honest, simplicity, and caring for other people.

All of us in Maine share in those values, and share in their vision.

We do not all have the talents of a Samantha Smith or an E.B. White.

But we do have our special gifts. We all have something to offer our neighbors, our state, our country.

One way we can do this is through public service.

But public service takes courage.

Serving in the Legislature, or on a town council, or on a board, involves the risk of failure—or even ridicule.

Maine author Kenneth Roberts, whose hundredth birthday we celebrated this year, described people who take risks as explorers—like those who once sailed the icy water of Hudson Bay hundreds of years ago, searching for a northwest passage from the Atlantic to the Pacific Oceans.

Roberts wrote:

“On every side of us are men who hunt perpetually for their personal Northwest Passage, often sacrificing health, strength, and life itself to the search; and who shall say they are not happier in their . . . quest than . . . duller folks who sit at home, venturing nothing . . .?”

For me, the vision of a just and prosperous Maine is my Northwest Passage.

It is far closer today than it was seven years ago.

But, we are not there yet.

We need more explorers to continue the quest, to navigate the shifting landmarks, and to seek the golden future that awaits the people of the State of Maine.

Thank you very much, and good night.