

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

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**STATE OF THE STATE
MESSAGE**

of

GOVERNOR JOHN R. McKERNAN, JR.

January 12, 1988

Mr. President, Mr. Speaker, Members of the 113th Legislature, Fellow Citizens of Maine:

January is a time of reflection and of hope. Reflection because a year has ended, and it's time to take stock. Hope because it's a new year; the days, finally, are getting longer; and my speeches are, I assure you, getting shorter!

I've learned much in the past year, and I've been reminded that the mark of a truly educated man is that he can talk for hours on any subject, . . . and doesn't.

You will be happy to know that I am not going to be talking for hours, but this *is* an important night, and I want to take a moment to assess the past year and share with you my own resolutions for 1988 and my dreams for the people of our state.

It has been a full year — a *very* full year — since I first addressed you as Governor, since I talked of my vision of Maine as a state rich in opportunities for all its people, since Secretary of State Rodney Quinn, concluded swearing me in by asking, with what seemed to be just a little too much fervor, that “God save the State of Maine.”

In the past twelve months, Maine people have benefited greatly from the ability of those of you in this chamber to work together with our administration.

And all of *us* have benefited from listening closely to the concerns and needs of the people we represent.

Realizing how important it is to talk face-to-face with those affected by the policies and programs we enact and implement, I have made a point, through our Capital for a Day program, of taking our government to the people and spending time in communities across the state — in towns and cities as different as South Paris and South Portland, Biddeford and Bangor.

All of us involved in the program realized early on that what we had to say to those communities was not the most important part of the day. What *was* important in Calais and Presque Isle and Bath, was not what *we* said to local residents, but what *we heard* and *saw*.

In southern Maine, we saw continued signs of rapid growth and prosperity.

In the Portland area, where unemployment was 1.9 percent in November, most of those signs read “Help Wanted.” And they are welcome signs for an area that, less than fifteen years ago, was experiencing a sluggish economy and 10 percent unemployment.

But while many of the signs in southern Maine are positive ones, they are not without their blemishes. In South Portland and Biddeford and Lewiston, I heard, over and over again, of the challenges brought by prosperity.

Across southern Maine, people told me of their growing concern for affordable housing, for adequate child care, for skilled workers, . . . and for protecting Maine's environment against rapid development.

But we ought not to forget that the signs are different in other parts of the state.

In 1987 thousands of Maine workers were displaced — either through plant closings or layoffs or strikes. Some of our traditional industries — many of them located in rural areas of Maine — posted discouraging signs that read “Closed for Business,” “No Work Today,” or “Out on Strike.”

Some of Maine's rural areas, though, did make important economic strides in the past year, but when you get in a car in southern Maine and drive north, west, or east, it is still impossible *not* to recognize the tremendous distances — economic as well as geographic — that continue to separate parts of our state.

— Unemployment in the Madawaska and Van Buren area is close to 8 percent;

— more than 1 in 5 children in Washington County receive AFDC;

— and nearly half of the residents of Waldo County have had to go beyond their county's borders to find work.

If Maine is to be a State of Opportunity for all its people . . . one that offers choice and independence, . . . one that fosters dreams and aspirations, . . . one that provides its people a quality of life and an environment unsurpassed in this nation — then there is much work still to be done.

We must get about doing, and doing it cooperatively.

Maine's Henry Wadsworth Longfellow once wrote that "we judge ourselves by what we feel capable of doing, while others judge us by what we have already done."

Tonight as we look ahead to our hopes for this session, we should be encouraged by what we have already achieved. In 1987, the legislative and executive branches, working together, made significant strides toward our common goal of making Maine a State of Opportunity.

We made a commitment to the children of this state and to Maine's future by increasing funding to our university system; by focusing attention and resources on child care; and by fighting for excellence in our schools.

We made a longterm investment in the working men and women of this state by creating a job training and retraining system that addresses the needs of our youth, our injured and our displaced workers.

By reforming Maine's deeply flawed workers' compensation system; by reorganizing our economic and community development efforts into a new, cabinet-level department; by creating Job Opportunity Zones in areas of high unemployment, we improved dramatically our ability to keep jobs in Maine and attract new ones.

And we refused to accept short-term, Band-Aid solutions to problems that have plagued this state for years: cumbersome tax policies, fragmented economic development efforts, and an inadequate school funding formula.

What we did instead was to take the time to examine Maine's most troublesome problems, time to reach a consensus on how to address the issues, time to set some important priorities.

In doing all of these things, we helped ensure Maine's future as the best state in the nation in which to live, work, and raise a family.

Tonight, much of the legislation I am about to present to you is based on the careful and thoughtful work of our 1987 task forces.

It is legislation with a vision.

It is legislation for Maine's future.

It is legislation that seeks to bring greater opportunity to more parts of this state and to make a major investment in Maine's most important asset — our people.

The legislation we will submit recognizes the tremendous need to prepare Maine people for dramatic changes in our nation's and our state's economy.

It also recognizes that, thanks to an expanding economy, we have an opportunity to provide jobs and self-reliance to a population of Maine citizens that, for too long, has been trapped in a cycle of dependency.

My hope for 1988, my resolution for the new year, is that 1988 be remembered as the year Maine made a major investment in its people — a year in which we prepared our people for the future, and provided Mainers in all parts of the state with new opportunities and choices.

Our investment plan begins where it should: with the children of Maine.

As our economy and society continue to change, we must work, in partnership with the private sector, to ensure affordable, quality child care.

Although the number of working Maine women has continued to rise each year, the number of state-funded child care slots available in 1987 was no more than it was in 1981.

In 1988, we must realize that child care is everyone's business.

It is a family concern — an oftentimes emotional and difficult one.

It is a business concern — 50 percent of worker absenteeism is attributed to problems with child care.

It is also a legitimate concern of government — one Congressional study found that a dollar invested in quality preschool care saves up to \$7.00 in later years in lower rates of crime, lower rates of pregnancy, higher academic achievement, and greater employability.

It is for those reasons that I am proposing — in order to better care for and protect the children of Maine — a \$3.5 million child care initiative.

Last spring, I commissioned an in-depth review of this state's tax policies.

The study committee has completed its work, much of which was concerned with mill rates and progressivity and circuit breakers.

But the study group's goals were not statistical ones, they were human ones, and included the fashioning of a more equitable school funding formula, one that would enhance support for public schools across Maine.

The committee achieved its goal.

Tonight, in order to further demonstrate our support for increased state funding for local education, I am proposing that an additional \$19.2 million be appropriated to ease the burden of local property taxes.

This additional appropriation will consist of two parts — \$16.7 million to implement the education funding

recommendations and \$2.5 million to expand and improve upon last session's property tax circuit breaker program so that we can provide relief to those whose income has not kept pace with the increasing value of their land.

The education funding proposals will help to shorten the effect of the subsidy "lag time," stabilize the level of state aid to units with rapidly increasing state valuations, and assure that all units receive some level of state support.

But our investment plan in the people of Maine does not end with our children.

It is concerned with improving the quality of life and the future of all our citizens, young and old.

We have many citizens with needs — those who are served by our medicaid system, by at-home care and services to the elderly. We are proposing an additional \$14.7 million in spending in order to provide further support for their needs.

As we approach the year 2000, as our economy changes rapidly, we must invest in retraining opportunities for our changing workforce.

Our proposed STAR program (Strategic Training for Accelerated Reemployment) would provide displaced workers with education and training that will lead to jobs in stable and expanding industries.

Our Health Occupations Training Project is intended to relieve the serious shortage of qualified workers in the health professions by providing recruitment, training, financial assistance, and placement services to people entering the field.

We are requesting increased funding to our university system and our VTI's so that they are better able to serve our entire population.

And we have created an affordable housing task force to study a growing problem in Maine.

Increases in population and real estate prices are making it harder and harder for many Maine people — including the elderly — to find a decent, affordable place to live.

An expanding economy brings with it promise and prosperity; but it also brings problems. And those problems — particularly one as basic as a lack of decent housing — must be addressed.

Our investment in Maine people also includes a major proposal for the restructuring of our welfare system. It is a proposal that views welfare not as a dead end but as a road to independence.

Nicknamed ASPIRE — the letters stand for Additional Support for People in Retraining and Education — this proposal views welfare as an opportunity for the State to provide recipients with the tools they need to break free of government assistance and realize their hopes and dreams for their own lives and the lives of their children.

Like the rest of our legislation, this \$5.8 million proposal is based upon months of study.

It is thorough and comprehensive, and it addresses the underlying realities and complexities of the welfare system. It recognizes that many of those on welfare in Maine are young single mothers; many have never finished high school. Their lack of skills and their economic circumstances make them depen-

dent upon the welfare system for such basic needs as child care, and transportation, and medical insurance for their children.

Those realities make the transition from government dependency to independence nearly impossible for many recipients.

Our package, then, asks recipients to sign a contract agreeing to participate in educational and job training programs that are aimed at providing skills and security. Such a commitment on their part will result in a commitment from the State to continue to meet many of their most basic needs while they advance towards self-reliance.

In other words, the package provides recipients with a chance — a very real and viable chance — at an independent life.

To help ensure a *long* life for all Mainers, I am also proposing that we strengthen our drunk driving laws.

It is impossible to know how many lives have been saved because of our existing statutes. Some of us in this room, some of you watching at home, have, no doubt, been spared grief and tragedy because of the efforts of past legislative sessions. But when we continue to lose — as we did last year — 108 people in alcohol-related accidents, it is impossible for us not to do more.

This year, we *must* do more by sending a very clear message that drunk driving in this state will not be tolerated.

We intend to do so by introducing legislation that would reduce the blood-alcohol standard by which we determine intoxication, and increase penalties against drunk drivers, particularly repeat offenders, who the current law has been unable to deter effectively from their dangerous conduct.

If 1988 is to be remembered as the year we invested in our people to ensure a more prosperous future, it must also be known as the year we committed to major investments in the systems which support job creation.

The bi-partisan Economic Development Strategy Task Force, which worked throughout much of last year to identify the strengths and weaknesses of Maine's economy, has provided us with a blueprint for building more jobs, more opportunities, and greater self-reliance for all of Maine.

Tonight, I am proposing comprehensive legislation based upon that task force's recommendations.

In an effort to further increase Maine's ability to compete and create new and better jobs, I am proposing increased funding for telecommunications and for business assistance programs that include Centers of Innovation and the Maine Seed Capital Tax Credit Program.

I am also recommending — as the task force did — that we increase our marketing efforts for Maine-made products. Maine quality sells, and we need to do more to assist small Maine businesses in marketing their products. We intend to do just that.

Some of those marketing efforts will assist our farming and fishing industries in promoting their products. Working with those industries, we intend to expand our markets, and in the process, assure a brighter future for the many Maine citizens who proudly work our land and the sea.

These investments in our people and in the systems that support job creation are major ones, and I am pleased to announce tonight what you will see later this week in our budget: by setting priorities, finding savings in department budgets, and through the growth of our economy, we have been able to recommend these major initiatives for the future of Maine and, at the same time, keep our pledge not to increase the state's sales or income taxes.

In order to assure people's confidence in their government, I have always believed that it is essential to keep one's campaign pledges. In this particular instance keeping that pledge is important for another reason as well: we are going to have to ask each of our citizens for help in another area.

In order to carry greater opportunities to more parts of Maine, relieve congestion brought by an expanding economy, open up new markets, and redirect growth to less prosperous areas of the state, we must invest in our roads and bridges.

Because of major cutbacks in federal funding, we must, now more than ever, pay as we go from York County to Aroostook and back again. Therefore, I am proposing an increase of 5¢ in the state gas tax.

I do not propose this increase lightly.

I know that, especially during an election year, this proposal will not be a popular one. But it is a necessary one for Maine's future, and we must have the courage to face it.

If we refuse to pay as we go, our children will, in the not too distant future, face far more burdensome bills than the one I am proposing tonight.

The highway and bridge improvements program I am recommending will dramatically improve the condition of Maine's major transportation corridors and will advance a long-range program of improvements that will carry us into the 21st century.

Although we will not be increasing income tax, I will be proposing changes in our tax policies that will improve both the tax system's fairness and Maine's competitiveness. These changes represent the first major restructuring of our income tax since its inception and, as I noted earlier, include a reduction in overall property tax burdens.

As all of us work to build a bright future for Maine, as we reach out for greater opportunity for our people, we must not let slip through our fingers the very thing that defines this state and makes it unique — our cherished environment.

Economic prosperity and environmental protection are not mutually exclusive goals. But the balance between the two is a delicate one, and we must keep constant vigil to prevent the loss of our open spaces, our rivers, lakes, and shoreland.

It is not too late for Maine. We can preserve our world and still prosper, but it will take leadership and commitment on all our parts.

We need to find a comprehensive answer in 1988 that eliminates the need for a town like Hartford to impose a development moratorium, that protects a Donnell Pond from overdevelopment, that assures that we, as Maine citizens, are not denied access to open spaces in the high growth areas of southern and coastal Maine.

The legislation I am proposing recognizes the complexity of the environmental issues before us and seeks to work with our towns and cities to manage growth so that we are not managed and manipulated by it.

The legislation I am submitting may look familiar to many of you. Much of it we proposed to you last year. To my great disappointment, it was not passed.

It is time to take action.

Our growth management package addresses three major concerns.

The first is comprehensive planning.

The most effective method of addressing cumulative growth pressures is through land use planning. And the best place to do that planning is at the local level. But many Maine municipalities have not had either the technical capacity or the resources to develop adequate comprehensive plans to meet the growth pressures they face.

I do not believe that Augusta should be telling local communities how they ought to look. I believe the citizens of those communities ought to make those decisions. However, I also deeply believe this state and our towns must do more to plan ahead if we are to preserve our environment and our quality of life.

For that reason, we will be submitting legislation that requires local comprehensive plans to address such statewide concerns as affordable housing, public access, and natural resource protection.

And to assist towns with the development of those plans, I am proposing to create and fund the Maine Town Planning Program.

Our second concern is the protection of our natural resources.

Even with more effective planning at the local level, the state must still ensure the wise use and preservation of areas of statewide significance — our coastline, our rivers and inland lakes. Our legislation therefore greatly improves the effectiveness of our state land use management programs.

The third focus of this growth management package is enhanced enforcement of existing environmental laws.

The legislation I will be presenting to you provides additional resources to both the DEP and our local communities for greater enforcement to ensure that our natural environment is not degraded.

Taken together, these bills will provide the state and our local municipalities with the comprehensive tools and resources needed to manage growth and protect our environment from over-development.

There are other issues we must also address in order to preserve our environment and conserve our resources.

I am proposing that all new housing built after January 1, 1989, meet minimum energy standards.

I have asked the Department of Environmental Protection to study and recommend measures for the further cleanup of Maine's rivers.

And I will be asking that the legislature join with me in calling for a ban on items that many of us use everyday, items we throw away every day — not realizing that when we do, we also throw away a piece of our environment.

Disposable polystyrene containers contribute to this nation's serious solid waste problems. In addition, those, like this one, made with chlorofluorocarbons contribute to the breakdown of the ozone layer.

There is no need for them in our society.

Today I have signed an executive order prohibiting state purchases of all such containers made with CFCs.

I ask you to join me in supporting legislation we will introduce to ban *throughout* Maine the sale of these CFC containers.

Like Maine's returnable bottle law which I sponsored in this chamber over ten years ago, it is my hope that these initiatives will encourage other states to follow our lead and that it will make more people aware of just how much is really being thrown away when we toss these containers on our beaches, in our woods, and on our landfills.

As we start 1988 and confront the challenges before us, I'd like, tonight, to take one last look at 1987.

Across the country, it was a year of increasing cynicism towards government and the people who lead our institutions.

But in Maine, the year's actions and deeds needed no apologies.

Faced with the worst flooding in 50 years, Maine State Government and Maine people responded quickly and with compassion to those in distress.

Confronted with a crisis in Worker's Compensation, you in the Legislature put aside partisan differences and courageously sought to create a system that was both fair and affordable.

Offered the opportunity to purchase land for our future, Maine people voted overwhelmingly to do so.

And as she celebrated her 90th birthday, Margaret Chase Smith served as a reminder to all of us of the difference one person can make.

Now in her 91st year, Senator Smith continues to serve as a symbol of the best that is in us, to justify our pride in our state, and to remind us of how fortunate we are to be from a place where honesty, resourcefulness, hard work, and concern for others are still prized above all else.

We are indeed fortunate to live in Maine in 1988.

Fortunate to have neighbors such as Louise Montgomery of Friendship House in Portland and Ray Pike of the Good Shepherd Food Bank in Auburn, who, when they encounter a person in need, give generously of themselves.

Fortunate to be part of an expanding economy that offers State Government the opportunity to make a very real and lasting difference in the lives of thousands of Maine men and women who are underemployed or without a job.

“The brightness of the dream,” E. B. White once wrote, “is exceeded only by its complexity.”

But as complex as the issues are that confront us in this new year, they are not insurmountable. If those of us in both the public and the private sector work together, the dream is attainable.

Over 130 years ago Henry David Thoreau made his first journey to the Maine woods. After four days of walking through the northern forests, he reached the base of Katahdin. He climbed the mountain's south face but failed to reach its summit.

Seven years later, he set out again with words that might serve as inspiration for all of us in 1988. “Encouraged,” he wrote, “I set out once more to climb the mountain of the earth, for my steps are symbolical steps, and in all my walking I have not reached the top of the earth yet.”

We still have distances to cover, and barriers to overcome, but in 1988 we are in a position to achieve new heights for Maine and its people.

Encouraged by the accomplishments of 1987, I look forward in 1988 to continuing the ascent with all of you.

Thank you.