

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Thursday, January 4, 1979

The House was called to order by the Speaker.

Prayer by Senator Nancy Clark of Cumberland.

Ms. CLARK: Let us pray. Our Gracious Father, we humbly ask Your strength to serve, wisdom to guide, and courage to act. Help us to have a sense of humor, good judgment and understanding hearts. Grant that we may truly be Thy representatives through our service to our fellow men and women. All this we ask in Thy Holy Name. Amen.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 28)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 9, at ten o'clock in the morning.

Came from the Senate, read and passed and ordered sent forthwith.

In the House, the Order was read and passed in concurrence.

At this point, a message came from the Senate, borne by Senator Katz of Kennebec, proposing a Convention of both branches of the Legislature to be held at 6:30 P.M. at the Augusta Civic Center for the purpose of administering to the Honorable Joseph E. Brennan, Governor-elect, the oath required by the Constitution to qualify him to enter upon the discharge of his official duties.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 6:30 P.M. and the Speaker appointed Mr. Tierney of Lisbon Falls to convey that message to the Senate.

Subsequently, Mr. Tierney reported that he had delivered the message with which he was charged.

(Off Record Remarks)

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 25)

ORDERED, the House concurring, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable Joseph E. Brennan, and inform him that he has been duly elected Governor of the State of the Maine for the political years 1979, 1980, 1981 and 1982.

Came from the Senate, read and passed and ordered sent forthwith.

In the House, the Order was read and passed in concurrence.

At this point, the Speaker appointed the following Committee on the part of the House, to wait upon the Honorable Joseph E. Brennan and inform him he had been duly elected Governor of the State of Maine for the political years 1979, 1980, 1981 and 1982:

Mr. DUTREMBLE of Biddeford
Mrs. MARTIN of Brunswick
Mr. MAHANY of Easton
Mrs. NELSON of Portland
Mrs. MASTERTON
of Cape Elizabeth
Mr. FILLMORE of Freeport
Mr. GRAY of Rockland

The following Communication: (S. P. 24)
STATE OF MAINE

The Joint Select Committee of the One Hundred and Ninth Legislature on returns of votes for Governor given in the several cities, towns and plantations of this State for the political

years 1979, 1980, 1981 and 1982, has attended to its duty and asks leave to report that the whole number of votes returned for Governor was 370,258; and that Joseph E. Brennan of Portland had 176,493 votes; Herman C. Frankland of Bangor had 65,889 votes; Linwood E. Palmer, Jr. of Nobleboro had 126,862 votes; James B. Longley of Lewiston had 628 votes and Others had 386 votes.

(Signed) RICHARD H. PIERCE

Chairman on the part of the Senate

(Signed) EDITH S. BEAULIEU

Chairman on the part of the House

Came from the Senate, read and ordered placed on file and ordered sent forthwith.

In the House, the Communication was read and ordered placed on file in Concurrence.

From the Senate: The following Joint Order: (S. P. 29)

ORDERED, the House concurring, that a Joint Select Committee of three on the part of the Senate, with such as the House may join, be appointed to consider the Governor's message and report a reference of its several subjects to appropriate committees.

Came from the Senate, read and passed and ordered sent forthwith.

In the House, the Order was read and passed in concurrence.

The Speaker appointed to the Joint Select Committee to consider the Governor's message and report a reference of its several subjects to appropriate committees the following members on the part of the House:

Messrs. CARTER of Winslow
TUTTLE of Sanford
MICHAEL of Auburn
BERRY of Buxton
SHERBURNE of Dexter
STETSON of Wiscasset
ROOPE of Presque Isle

The following Communication:

THE SENATE OF MAINE

Augusta, Maine 04333

January 3, 1979

The Honorable Edwin H. Pert
Clerk of the House

109th Legislature
Augusta, Maine 04333

Dear Clerk Pert:

The President of the Senate appointed the following members on the part of the Senate to the Joint Select Committee on Gubernatorial Vote:

Sensors:

PIERCE of Kennebec
LOVELL of York
SUTTON of Oxford
GILL of Cumberland
CONLEY of Cumberland
PRAY of Penobscot
MINKOWSKY of Androscoggin

Sincerely,

(Signed) MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

On motion of Mr. Kelleher of Bangor,
Recessed until 6:15 P.M. at the Augusta Civic Center.

After Recess

The House was called to order by the Speaker at the Augusta Civic Center.

At this point, the Senate entered the hall and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Joseph Sewall, in the Chair.

On motion of Mr. Garsoe of Cumberland, it was

ORDERED, that a committee of ten be ap-

pointed to wait upon the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court, and the Justices of the Superior Court, and the Chief Judge and Judges of the District Court, inviting them to attend this Convention convened for the purpose of administering to the Honorable JOSEPH E. BRENNAN, Governor-elect, the oath required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Chair appointed:

Sensors:

COLLINS of Knox
DEVOE of Penobscot
MINKOWSKY of Androscoggin

Representatives:

HUGHES of Auburn
HOBBINS of Saco
SIMON of Lewiston
TIERNEY of Lisbon
TARBELL of Bangor
NORRIS of Brewer
SEWALL of Newcastle

Subsequently, Senator Collins, for the Committee, reported that the Committee had delivered the message with which it was charged and that the Judiciary would attend forthwith.

At this point, the immediate family of the Governor-elect entered the Auditorium and were escorted to the rostrum by the Sergeant-at-Arms amid the applause of the Convention, the audience rising.

The Chairman extended a welcome to Mrs. Brennan, mother of the Governor-elect, his son, Joe, and daughter, Tara, and Kathleen Brennan, sister of the Governor-elect.

On motion of Mr. Tierney of Lisbon Falls, it was

ORDERED, that a Committee be appointed to wait upon the Honorable JOSEPH E. BRENNAN, Governor-elect, and inform him that the two branches of the Legislature are in Convention assembled, ready to administer to him the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties and received from him such communication as he may be pleased to make.

The Chair appointed:

Sensors:

KATZ of Kennebec
PIERCE of Kennebec
CONLEY of Cumberland

Representatives:

KELLEHER of Bangor
NADEAU of Lewiston
FOWLIE of Rockland
LEIGHTON of Harrison
NELSON of New Sweden
LANCASTER of Kittery

Subsequently, Senator Katz, for the Committee, reported that the Committee had delivered the message with which it was charged and that the Governor-elect would attend forthwith.

At this point, the Chairman of the Convention extended a welcome to the newly elected Attorney General, Richard S. Cohen, and his wife, and asked him to rise and accept the greetings of the Convention.

(Convention at ease)

Called to order by Chairman Sewall.

Thereupon, Joseph E. Brennan, Governor-elect, escorted by the Honorable Chief Justice and members of the Judiciary and former Governors of the State, entered the Auditorium amid prolonged applause, the audience rising.

The National Anthem was sung by Miss Linda M. Carroll of Alfred, Miss Maine.

The invocation was given by the Most Reverend Edward C. O'Leary, Roman Catholic Bishop of Portland.

A reading was then given by Rabbi Harry Z. Sky of Temple Beth-El, Portland.

Thereupon, the Governor-elect, Joseph E. Brennan, before the presiding officer of the Convention, the Honorable Joseph Sewall, in the presence of both branches of the Legislature, and the Chief Justice and Associate Justices of the Supreme Judicial Court, the Justices of the Superior Court, and the Chief Judge and Judges of the District Court, took and subscribed the oaths required by the Constitution to qualify him to enter upon and the discharge of his official duties.

The Chairman of the Convention then called upon the Secretary of State, Honorable Rodney S. Quinn, to read the Proclamation:

Proclamation

The votes given on the seventh day of November last, in the cities, towns and plantations of the State for Governor, the returns of which have been examined and counted by the Legislature which has declared that a plurality thereof was given to Joseph E. Brennan, and that he is duly elected and he, having in the presence of the two branches of the Legislature in Convention assembled, taken and subscribed the oaths required by the Constitution to qualify him to discharge the duties of that office, I, therefore, declare and make known to all persons in this State who are in the exercise of any public trust, as well as all good citizens thereof, that Joseph E. Brennan is Governor and Commander-in-chief of the State of Maine and that due obedience should be rendered to all his acts and commands as such.

God Save the State of Maine

The Chairman of the Convention then presented Governor Joseph E. Brennan to the Convention, amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Members of the 109th Legislature, Mr. Chief Justice and Members of the Judiciary, Mr. Secretary of State:

One hundred and sixty years ago, two hundred and seventy-four delegates representing all of the towns of a remote district of Massachusetts assembled at the First Parish Church in Portland to frame a constitution for a new state.

We are the heirs to that vision of 1819.

We are the successor trustees of that small band who set Maine on its own.

We convene today to remember their faith in the future, and to renew our belief in the ability of a free people to govern themselves.

For the one hundred and ninth time in our history, the work of the Maine Legislature begins again.

Each of us has come here through the political process rooted in that historic assembly in Portland so long ago.

To each of you, I acknowledge that common sense of pride which I know we share.

Members of the House and Senate: for eight years I served with you, and for four years I worked for you as your Attorney General.

From you, I learned that the sincere desire to serve well is not the sole possession of one political party, just as I learned that no single branch of government has every solution to every problem.

I know from personal experience the sacrifice you make to come here to represent your neighbors.

I am proud to have come from your ranks.

I pledge to work with you in a spirit of trust and respect.

You will find me always willing to listen and to hear and to solve our differences in a spirit of compromise.

I am proud now to assume the office once entrusted to Joshua Chamberlain, Percival Baxter and my distinguished predecessors who honor us with their presence tonight: Governor Cross, Governor Muskie, Governor Haskell and Governor Curtis.

I am honored, above all, by the source of our mandate—the decent and generous people of the State of Maine: the millworker from Millinocket, the waitress from Portland, the teacher from Biddeford and the shopkeeper from Lewiston.

I will not forget them.

We begin our task with their spirit of integrity, with their dedication to hard work, with their concern for their neighbors and with their modest sense of what good government can do to preserve and enhance our way of life.

Maine can take pride in its record of leadership among the states.

A few years ago, we set an example for the nation in our determination to preserve our national beauty and to protect our environment.

More recently, this state was among the first to recognize that its scarce tax dollars must be spent with prudence and restraint.

We can again set an example for other states by facing up to another great challenge and working together to again earn the confidence of the public.

In the next several weeks, this administration will deliver for your consideration messages addressing corrections, energy, taxation, economic development and other pressing issues.

History ultimately will judge the work we begin today, in substantial part, by the constructive legislation we enact, by the needless regulation we forgo and by the past mistakes we correct.

The measure of this legislature, the worth of this administration, however, depend on something more than the quality of bills we pass or the number of dollars we save.

Our government does more than tend to a cash register.

Our government does more than mind an administrative store.

It sets the tone for civic dialogue.

It affects the level of confidence in the institutions of a democratic society.

It influences the standards of expectations which our people hold for themselves and for their communities.

And for many of those in need—for the people in Pineland, for the elderly in nursing homes and for the ill in state hospitals—government is often their only hope for a better life.

This administration will never abandon its commitment to them.

For us, who are blessed to live in Maine, our government must draw upon and respect the independence of our people, their pride in the place they share and their trust in one another.

In that spirit, let us renew today our pursuit of the goals we seek for those who call this special place home.

For our young people, who have attended our vocational schools, colleges and university only to find more attractive job opportunities far from their own backyards, let us continue to build better alternatives, quality jobs throughout the State of Maine, so that their home state can also be their childrens' home state.

This administration recognizes that programs will depend upon a working partnership between the government and the private sector to create those jobs.

And to those young people who seek to stay in their native state, let them know this administration will work for them.

For those who are entrusted with the higher education of our youth, let us recognize that the quality of their lives and the future of our state depend upon the quality of that education.

This administration recognizes that Maine's university ought to meet the highest standards.

It is our firm conviction that the University of Maine is an investment in the future of the sons and daughters of the working men and women of this state.

Let them know that this administration is dedicated to building a university of which we can be proud.

For those who seek to advance themselves through vocational education, let us invest in their future and in ours by the development of occupational training second to none, for our economic future depends on the quality of the work force we can offer. Let them know that this administration has a special commitment to them.

And for our small businessman and women, the lifeblood of our economy, I promise a government that knows when to leave them alone.

For our fishermen, and for all of those others who depend upon our ocean resources for their livelihoods, let us resolve that our ports be developed to meet their full potential so that Maine's earliest industries can again mean a full life for those who live along our coast.

For those who endure Maine's harshest climate to raise our potato crop, let us accept the challenge of their troubled industry and provide the support and leadership that is needed to restore the prestige of our principal crop and encourage the survival of the independent family farm.

For our senior citizens, we will encourage policies that recognize the valuable contributions they can make to our state, and we will oppose policies that undermine their fixed and limited incomes or which in any way rob them of their human dignity and their ability to maintain their own households.

Let them know that we will keep faith with them, as they kept faith with us.

For those who are victimized by crime, let us work for changes that will make our courts deliver justice swiftly and certainly, ending the delays that breed more crime and undermine confidence in our criminal justice system.

This administration knows that the first duty of government is to provide for the safety of its citizens, and we intend to meet that responsibility.

For state employees, this administration recognizes the contribution you make to the well-being of our state. Your dignity, your morale, your commitment are of genuine concern to me as we entrust to you the implementation of the plans we shall propose.

I pledge to work for fair and equitable agreements.

I pledge to bargain in good faith.

For all the people of Maine, you who come from Sanford and from Madawaska, from Rangeley and from Calais, from all the plantations and towns and cities of our state, I ask for your good will, your encouragement, and your counsel, for this government belongs to you.

To the members of the press, I welcome your watchful eye, your criticism, your helpful commentary, for to you are entrusted the means by which government and the people keep in touch with each other.

I pledge to remember at all times that the government's business is the public's business.

To the distinguished members of the Maine Judiciary, I recognize the importance to our people of attaining the highest standards of wisdom, of integrity and of scholarship in our courts.

To that end, I promise to continue the good work of Governor Longley of seeking out the best of the Maine bar for the Maine bench.

Finally, to the members of the 109th Legislature, let us recognize our common constituency, our community of interests, that which binds us together, for it is our duty to reflect, to enact and execute the will of the people.

I ask for your good counsel.

Let us engage in open discourse, open disagreement, open conciliation and open compromise.

My door will always be open to you.

Let us remember, in the words of Thomas Jefferson, that "every difference of opinion is not a difference of principle." But let us put aside our pride and forge new trust in one another.

To all the people of Maine, too many of whom

regard government with distrust and suspicion, let us prove through our actions, through our priorities, through what we do and what we choose not to do, that our political process is worthy of their respect and their confidence.

Many of us have had to readjust our expectations about what government can do.

But that does not mean we should give up hope.

I believe that the choice we face is not between a strong government and a weak government, but between a government that works and a government that wastes; between a government that serves us and one that controls us; between one that builds opportunity and one that stifles it.

This administration will work to make government live up to the ideals of those who met so long ago in Portland to plan a state.

In keeping faith with them, let us work to the end the alienation of the people from their government and encourage their participation in its work, its goals and its hopes, for this government belongs to them. (Prolonged applause, the Convention rising)

At the conclusion of the address, benediction was offered by the Right Reverend Frederick B. Wolf, Episcopal Bishop of Maine.

The Governor and his suite then withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved.

The House then retired to its Chamber at the State House.

In the House

Called to order by the Speaker.

Pursuant to the Joint Order,

Adjourned until Tuesday, January 9, at 10 o'clock in the morning.