

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

HOUSE

Tuesday, February 22, 1983

The House met according to adjournment and was called to order by the Speaker.

Prayer by Representative Zachary E. Matthews of Winslow.

The members stood at attention for the Pledge of Allegiance to the Flag.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

February 17, 1983

The Honorable John L. Martin

Speaker of the Maine House

111th Maine Legislature

State House

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Legal Affairs, the nomination of James V. Gibbons as a member of the Maine State Liquor Commission.

Sincerely,

S/JOY J O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act Relating to a Public Service Cadet Corps" (S. P. 245) (L. D. 766)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 246) (L. D. 767)

Came from the Senate referred to the Committee on Fisheries and Wildlife and ordered printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs)

In the House, was referred to the Committee on Fisheries and Wildlife in concurrence.

At this point, a message came from the Senate, borne by Senator Pray of Penobscot of that body, proposing a convention of both branches of the Legislature to be held at 6:30 p.m. in the Hall of the House for the purpose of extending to His Excellency, Joseph E. Brennan, Governor of Maine, an invitation to attend the convention and to make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention, and the Chair appointed Representative Mitchell of Vassalboro to convey a message to the Senate to that effect.

Mrs. Mitchell subsequently reported that she had delivered the message with which she was charged.

Bill "An Act to Require Campaign Contributions to be Reported in the Lobbyist Disclosure Law" (S. P. 247) (L. D. 768)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, was referred to the Committee on State Government in concurrence.

Bill "An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy

Systems" (S. P. 248) (L. D. 769)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, was referred to the Committee on Taxation in concurrence.

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Set Off Part of Township A, Range 7 W.E.L.S. and Township 1, Range 7 W.E.L.S. in the County of Penobscot, and Annex the Same to the Town of Millinocket" (S. P. 59) (L. D. 166)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1983 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Emergency) (S. P. 101) (L. D. 233) reporting "Ought to Pass" in New Draft (S. P. 265) (L. D. 774)

Report of the Committee on Education on Bill "An Act Concerning Local Leeway Under the School Finance Law" (S. P. 124) (L. D. 311) reporting "Ought to Pass" in New Draft (S. P. 264) (L. D. 773)

Came from the Senate with the Reports read and accepted and the New Drafts passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the New Drafts given their first reading and assigned for second reading Wednesday, February 23.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Judiciary

Bill "An Act to Amend the Maine Tort Claims Act" (H. P. 655) (Presented by Representative McGowan of Pittsfield)

Bill "An Act to Make Jury Duty Optional for Persons over 65 Years of Age" (H. P. 656) (Presented by Representative Crowley of Stockton Springs)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Provide Occupational Safeguards for Operators of Video Display Terminals" (H. P. 657) (Presented by Representative Beaulieu of Portland) (Cosponsor: Representative Mayo of Thomaston)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Cost of Electric Power Promotions" (H. P. 658) (Presented by Representative Michael of Auburn) (Cosponsors: Senators Brown of Washington, Diamond of Cumberland and Representative Mitchell of Freeport)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide a Surtax on the Income Tax in Place of the Property Tax to Pay the Costs of County Government" (H. P. 659) (Presented by Representative Cashman of Old

Town) (Cosponsors: Representative Kilcoyne of Gardiner and Carroll of Gray)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Relating to the Mandatory Inspection of Motor Vehicles" (H. P. 660) (Presented by Representative Melendy of Rockland) (Cosponsors: Representative Theriault of Fort Kent and Senator Minkowsky of Androscoggin)

(Ordered Printed)

Sent up for concurrence.

Study Report**Transitional Committee**

Representative Manning for the Transitional Committee which was established to assist the Department of Corrections to prepare legislation to reflect the powers, responsibilities and organization pursuant to Public Laws of 1981, Chapter 493, sub-section 5, ask leave to submit its findings and to report that the accompanying Bill "An Act to Recodify the Statutes Relating to Corrections and Mental Health and Mental Retardation" (H. P. 583) (L. D. 832) be referred to the Joint Standing Committee on Health and Institutional Services for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

House Reports of Committees**Unanimous Ought Not to Pass**

Representative Moholland from the Committee on Transportation on Bill "An Act to Prohibit the Wearing of Head Phones or Ear Phones while Operating a Motor Vehicle" (H. P. 213) (L. D. 257) reporting "Ought Not to Pass"

Representative Moholland from the Committee on Transportation on Bill "An Act to Prohibit the Use of Headphones while Operating a Vehicle on a Public Way" (H. P. 189) (L. D. 231) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative Carroll from the Committee on Transportation on Bill "An Act to Require Headlights on Vehicles to be Used at Certain Times" (H. P. 231) (L. D. 279) reporting "Leave to Withdraw"

Representative Moholland from the Committee on Transportation on Bill "An Act Concerning Renewal of Driver's Licenses for Persons 75 Years of Age or Older" (H. P. 145) (L. D. 153) reporting "Leave to Withdraw"

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Eligibility to Hunt Moose" (H. P. 318) (L. D. 377) reporting "Leave to Withdraw"

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Change the Law Regarding Hunting of Moose by Nonresidents" (H. P. 200) (L. D. 244) reporting "Leave to Withdraw"

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for Broader Participation in Moose Hunting" (H. P. 319) (L. D. 378) reporting "Leave to Withdraw"

Representative Connors from the Committee on Fisheries and Wildlife on Bill "An Act to Provide that the Partridge Hunting Season must close by November 15th each Year" (H. P. 201) (L. D. 245) reporting "Leave to Withdraw"

Representative Paul from the Committee on Fisheries and Wildlife on Bill "An Act to Establish November 15th as the Closing Date of Partridge Season" (H. P. 149) (L. D. 157) reporting "Leave to Withdraw"

Representative Cahill from the Committee on

Transportation on Bill "An Act to Provide Directional Signs on the Maine Turnpike, including the Location of Bowdoin College" (H. P. 435) (L. D. 517) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft

Representative Pouliot from the Committee on Business Legislation on Bill "An Act to Increase the Tax on Fire Insurance Premiums" (H. P. 117) (L. D. 102) reporting "Ought to Pass" in New Draft (H. P. 661) (L. D. 821)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, February 23.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to End Discrimination Against Chiropractic Services under the Workers' Compensation Law" (H. P. 268) (L. D. 328)

Report was signed by the following members:

Senators

HAYES of Penobscot
DUTREMBLE of York
SEWALL of Lincoln

— of the Senate.

Representatives

NORTON of Biddeford
WILLEY of Hampden
SWAZEY of Bucksport
LEWIS of Auburn
TUTTLE of Sanford
BEAULIEU of Portland
GAUVREAU of Lewiston,
ZIRNKILTON of Mount Desert
TAMMARO of Baileyville

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:

Representative

BONNEY of Falmouth

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that the Majority "Ought to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this bill, I would like to pose a few questions pertaining to costs. If you will take a look at L. D. 328, which you have in your file, you will notice that the bill covers, or it is an act authorizing any employee sustaining a personal injury arising out of the course of his employment, and this is where the change occurs, provided the injury relates to the scope of a chiropractor's practice as defined and regulated by statute, shall be entitled to chiropractic services as provided by Title 32, Chapter 9.

My question is this, I would like to pose this through the Chair. Would somebody explain to me what types of treatment and/or services will be covered and the authorized reimbursement if we pass this bill—the distinction between what is now authorized by chiropractors and what will be authorized—additional services and/or treatment? Would somebody care to respond to that?

The SPEAKER: The gentleman from Biddeford, Mr. Racine, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Currently, under our current law, X-rays and adjustments and nutritional supplements, I believe, are covered by most carriers under our current workers'

comp statutes. About two-thirds of the time most insurers cover all of the services offered by chiropractors. Some of them choose not to be reimbursed for hydrotherapy, electrical therapy, ultrasound therapy and back supports or other needed supportive materials that the injured person may need to either continue on his job and/or to help him come back into well-being.

So, the new services that could potentially be covered would be hydrotherapy, electrical therapy, ultrasound therapy and back supports.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: What I am primarily interested in, and I think that most of us should have that interest, is whether or not by increasing the services this will have an effect on the premiums that are being paid by the employer by increasing the services. I don't believe that this has been covered thoroughly, and I feel that we have insufficient information on which we can arrive at a conclusion as to whether or not passage of this bill would benefit all concerned.

If you recall, we had some problems insofar as workmen's compensation was considered at the last session. There were a lot of complaints from out in the field, especially from the small employer, who claimed that the cost of workers' comp was prohibitive. I believe that we all know here that the cost of workers' comp in Maine is one of the highest in the nation.

What I am concerned about is, if we pass this bill, will it increase the premium? I think that this is a question that has to be answered. I don't think that we have been provided sufficient information on which we can actually vote on this. Personally, I have looked at this and I feel very confidently that if we pass this bill, it will increase the cost rather than reduce it. I think that this is not a bill for us to be working on unless we have all of the information.

On that basis, I will make the recommendation that L. D. 328 and all of its accompanying papers be indefinitely postponed, and I ask for a roll call vote.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I will ask you not to follow the advice of my good friend by indefinitely postponing this bill. I can appreciate deeply the concerns that he has raised about whether or not this would increase the cost to the workers' comp system and to the employers because it is a very valid issue in our state.

As far as the committee is concerned, I must say that the committee did not take this bill lightly, that we did take our time and that we did study the issue and we worked very hard to make sure that we were not bringing you something that was incompatible with what we are trying to do for the injured workers as well as the employers.

I could, I suppose, stand here and bore you all to death and review capsulized studies that have been made, some of them as late as 1979, in such states as Wisconsin, Florida, Iowa, Kansas, Oregon, California and Montana, but I won't, but that data is available and reprintable for all of you to see. All of those instances have found that there were no increased costs. As a matter of fact, the chiropractic services were helpful more often than not in returning an injured worker to work a lot faster than long hospital stays or bed rest and what not.

So while I can appreciate the concerns raised by Representative Racine, I feel that the bill certainly is not out of order.

Secondly, I think the top priority issue and the basic reason why this bill came out of our committee with a 12 to 1 report is that we don't believe that the State or that anyone should have a right to discriminate against any licensed health care provider.

At a recent conference in Rockport that was held last fall, and some of the members of the Labor Committee attended, we had the privilege of listening to all the medical providers, allopathic, osteopathic and chiropractic providers, who spoke to us about their fields and how they help to deal with injured workers. All of them were working in concert with one goal, and that was to explain to us how they could assist in helping that injured worker get back to work.

Eighty-seven percent of the injuries in our state tend to be back problems. The chiropractic field is an expert in that field, and thousands of people in Maine, and we can provide documentation, that millions across the country have been helped by doctors of chiropractic.

In 1971, the Maine Legislature passed the existing workers' comp coverage for chiropractic care. The coverage currently is limited to less than the treatment a chiropractic doctor is licensed to provide, and no other health care provider is restricted in any way from treating a patient within the scope of their practice.

It is ridiculous, in my opinion, and apparently my opinion prevailed amongst the members of our committee, to license chiropractors and then tell them they can't do everything they are trained to do to help a patient to get back to work. It is also kind of sad that a patient, for some reason, is now disenfranchised from having the right to choose what kind of doctor he or she wants to see because they have to worry about coverage.

Now, the interpretation of chiropractic care is that it is conservative care. They don't utilize drugs or surgery. They are experts in the muscular-skeletal system and treating misalignments of the skeletal system.

Many workers' comp injuries, as I have said, are back injuries, and these licensed practitioners, these professionals, recognized nationally and by our state, are extensively trained to treat these types of conditions. So, it makes sense that if the chiropractor can return the worker to his or her job without drugs, surgery or long hospital stays, there should be a cost saving to the system as well as allowing the patient to choose the doctor he or she wants.

When patients from other categories, such as those involved in auto accidents, are permitted to receive the full scope of chiropractic care, why should workers who are injured on the job be treated differently?

In this day and age of medical advance, especially in the allopathic, osteopathic and chiropractic medical field, isn't it rather inconceivable that any person should have to worry about getting competent care because of a law that implies disenfranchisement of service through reimbursement?

We contend that the bill before you is appropriate, is in order. I am not a financial wizard, I am not going to stand here and tell you that it might not increase the costs, but I am pretty well convinced that I can say to you that we contend that it could decrease the costs, but more important than that is the patient's right to go to someone for treatment and to get it done without fearing that the treatment received will be noncompensable or reimbursable.

I ask you not to accept Mr. Racine's motion.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I have listened with interest this morning to the debate concerning this particular issue. I would like to give you an example. After listening to the debate, I found an example in my practice as an attorney representing individuals in personal injury cases and individuals in workers' compensation cases, along with many other fields of the law, a good example of how one of my constituents, who is also a client of mine, has been denied chiropractic care because of the letter of the law and

the black wording of the letter of the law of Section 52 of the statute.

One of the most prevalent conditions that has arisen in the shoe industry and other industries, those individuals who use their hands, stitchers and the like, is a condition called copal tunnel syndrome, and this is a tendinitis condition, and it is a very serious condition because it limits individuals from using their hands and, as you know, stitchers and other people involved with the textile industry and with shoe companies must use their hands and must be dexterous at all times.

This particular individual who I represent has had this condition for a year and a half and presently is collecting workers' compensation. She has seen an MD for this condition and had a copal tunnel release, which is surgery to her hand. It is an expensive procedure. The procedure alone costs \$600 for the MD to provide the surgery. It is a one-time surgery and the success factor is very limited. That didn't work for this woman. This woman also went to a DO, she went to an osteopathic physician, she went to a pain control center because the pain involved with the situation is extreme. That hasn't given her any relief. This woman also has been treated in the past for a back injury, back problem, and told her chiropractor of this condition and this chiropractor has been using chiropractic care and performing what he, in this particular case, is licensed to do for this woman, and of all the different treatments, MD's or DO's, pain control centers and all of the frustration that she has gone through, this particular relief which the chiropractor is providing has helped her the most.

However, there is a kick-in to this whole situation. Even though this woman wants to go back to work, is very frustrated, and her average weekly wage, ladies and gentlemen, is over \$300 a week, this woman wants to go back to work but she has a condition that no one has satisfied her with, no one has been able to help her but a chiropractor. But you know what the insurance company says? We are not paying for your services because Section 52 doesn't allow for manipulation of the hand, that is not in the present statute. So this woman is faced with the situation of having it come out of her pocket, out of her workers' compensation check, the pay for chiropractic care, a procedure which the chiropractor is doing, he is licensed to do and which is providing her relief which in essence would get her back to work quicker.

So, I say that is one example that I have, I can give you many many other examples, of how conservative treatment sometimes is the best situation, and I believe that chiropractors should be considered as any other licensed health care provider in providing a service which they are licensed and trained to do.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, I move that L. D. 328 and all its accompanying papers be indefinitely postponed, and I request a roll call.

The SPEAKER: The gentleman from Biddeford, Mr. Racine, moves that this Bill and all its accompanying papers be indefinitely postponed and requests a roll call.

For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Racine, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bonney, Brown, K.L.; Conary, Connors, Day, Holloway, Kiesman, Lehoux, Manning, McPherson, McSweeney, Melendy, Parent, Racine, Reeves, J.W.; Ridley, Salisbury, Smith, C.W.; Studley, Weymouth.

NAY—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lewis, Lisnik, Livesay, MacBride, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Randall, Reeves, P.; Richard, Roberts, Roderick, Rolde, Rotondi, Scarpino, Small, Smith, C.B.; Soule, Sproul, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Willey, Zirkilton, The Speaker.

ABSENT—Carter, Connolly, Jackson, Jalburt, Locke, Mahany, Nadeau, Seavey, Shernburne, Soucy, Stevens, Thompson

Yes, 20; No, 119; Absent, 12.

The SPEAKER: Twenty having voted in the affirmative and one hundred nineteen in the negative, with twelve being absent, the motion does not prevail.

Thereupon, on motion of Mrs. Beaulieu of Portland, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H. P. 295) (L. D. 354) Bill "An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-18)

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 23 under listing of Second Day.

Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 345) (L. D. 404) Bill "An Act to Amend the Charter of the Hallowell Water District"

(H. P. 346) (L. D. 405) Bill "An Act to Amend the Charter of the Winthrop Water District"

(H. P. 332) (L. D. 391) Bill "An Act to Insure an Employee is Notified of his Rights to Workers' Compensation" (C. "A" H-14)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

(H. P. 129) (L. D. 137) Bill "An Act Amending the Charter of the Aroostook Prestile Treatment District and the Charter of the Presque Isle Sewer District to Authorize the Withdrawal of Municipalities from the Aroostook Prestile Treatment District" (C. "A" H-15)

On the request of Representative Ketover of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" H-15 was read

by the Clerk.

Mrs. Ketover of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-19) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was assigned for second reading tomorrow.

(H. P. 339) (L. D. 398) Bill "An Act to Authorize Licensees Under the Liquor Laws to Serve as a Law Enforcement Officer"

No objections having been noted, the House paper was passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Concerning Qualifications for Appointment to the Board of Commissioners of the Profession of Pharmacy" (H. P. 653) (L. D. 813)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from Two years to Four years (S. P. 111) (L. D. 263)

Was Reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I would request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill before us which is a resolution to propose an amendment to the Constitution to extend the tenure of sheriff terms from two year to four year terms. It is a bill that has been sailing through the process these last three or four days. It is a bill that I have some problems with, it is a bill I have some concerns with, and today I would like to share these concerns with you.

I think it might be appropriate to examine for a moment or two the historical background of the powers and the duties of this particular office that we are talking about because this is kind of a dramatic change.

In theory, law enforcement on the county level has derived from the traditional common law duty of the sheriff which was known as a conservator of the peace and protection to a society against the commission of vice and crime. This was the case of Sawyer vs. County Commissioners in 1917. So, theoretically, the county law enforcement functions and the sheriff's duty to preserve the public peace extend throughout the county. However, realistically, the actual law enforcement activities of the county have been concentrated in the more rural areas with municipal police departments and state police undertaking police duties in the more urbanized areas and along major highways. So despite the general obligation to provide police services throughout the county and an increasing demand for more police protection, the counties have not expanded their sheriff departments into large, efficient county-wide police departments. Instead, more municipal departments have been created and expanded their patrolling services to meet the increased demand. Also, the sheriff departments in most counties have not increased significantly their capacity for supporting such local police services.

It is clear that the most important county

law enforcement functions are patrolling and the operation of a jail or detention facility. However, even though a large portion of the sheriff's budget is committed to patrolling, the sheriff's patrol is not that great a presence in the county in comparison with the patrolling functions of the municipal and state police.

The operation of the jail in the 14 counties that have one is a significant function both for pretrial detention and serving court imposed sentences of less than one year.

There are those rural communities that have begun to consider operating central communications for county and municipal police and fire departments; however, in comparing these services to the services provided by local and state police departments, it becomes clear that county law enforcement has been a declining presence throughout the state.

As I said in the very beginning, the present powers and duties of the sheriff in each of Maine's counties are defined by common law, and only in a few particular instances by statute.

Though the Maine Courts have not established in detail the nature and extent of the sheriffs' powers and duties, they have recognized explicitly his basic duty as, once again, a conservator of the peace and a protection to society against the commission of vice and crime in the same court case, *Sawyer vs. County Commissioners* in 1917. Under this, the generally accepted common law, the basic duties of the sheriff can be seen as three parts, first of all as a conservator of the peace; secondly, as a jailer ex-officio; and thirdly, as an officer of the court.

The basic functions of the sheriff have evolved by tradition in court cases into many specific duties and powers required to exercise the broad authority of the chief law enforcement officer of the county. In addition, certain specific duties have been created by statute that are in addition to common law powers, such as the serving of civil papers.

I realize that this has been somewhat of a dry description of the background and powers and duties of the sheriff's office, but I think it is important and it is leading up to the problem that I have with this bill.

It is important to note that the common law duties and powers exist in the absence of specific statutory provisions defining the sheriff's powers and duties.

Normally, the common law definition of a sheriff's scope of authority can be altered or removed simply by enacting legislation to cover the same area. In Maine, however, the principle is limited by the fact that the sheriff is a constitutional officer and it limits the power of the legislature to alter or remove the sheriff's common law duties and powers is minimal.

Presently, the sheriffs in the State of Maine are elected for a two-year term. This present term is based on the premise that a sheriff's position can be very influential, and, as in many occupations, abused. By requiring two-year terms, the Maine Constitution provides a means by which abuse, if it occurs, can be stemmed within a very short period of time.

The purpose for increasing sheriff's terms to four years, according to the Statement of Fact in this bill, is to enable the sheriff to perform more efficiently. This presupposes that the two-year term in itself creates an inefficiency that cannot be overcome by any other factor. Presumably, the inefficiency results from preparing for election campaigns that occur every two years.

I had our committee assistant prepare a list of the county sheriffs to get an idea of how this inefficiency is presently working. Aside from those counties such as Cumberland County and Aroostook County, in which sheriffs are serving their first term, we find that in York County, Washington County, Sagadahoc County, Penobscot County, Knox County, Hancock County and Androscoggin County the sheriffs

have all recently won reelection for a second term. The sheriff in Franklin County is now serving his fourth term; the sheriff in Kennebec County is serving his fifth term; the sheriff in Lincoln County is serving his eighth term; the sheriff in Oxford County is serving his sixth term; the sheriff in Piscataquis County is serving his seventh term; the sheriff in Somerset County is serving his fourth term and the sheriff in Waldo County is serving his eighth term. I think if we can read anything from these figures, it may be the sheriffs across the state seem to be able to get re-elected without a great deal of difficulty. And if they are looking for a reason to get re-elected so easily, it may be that you just want to take a closer look at the structure of our county departments.

I am not suggesting that sheriff departments make great political organizations or are even used for that purpose, and I am not suggesting that they are not used for that purpose, I am merely presenting the facts for you as individuals to analyze.

I have to believe that this bill has some pretty good support this morning. I know that my sheriff in Somerset County supports it; just like every sheriff in every county in the State of Maine supports it. But despite the support this bill may have and I guess that is where I find myself this morning. It is because of the historical background of the powers and the duties of this office, it is because of the unique aspects of being a constitutional officer, which leaves us as a legislature with minimal authority over the sheriffs' positions, that I as one individual, and I may be the only one and that is all right too, but it is because of these reasons that I will be voting against this bill on enactment.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: Just so the gentleman from Fairfield won't stand alone, I want to tell you that this bill has been before this legislature as many times as I have been here, nearly.

I feel that these people are like ourselves, they should face the public for election every two years. If we are going to change elections, it should be for the sheriffs. I think taking the sheriff out would create even more apathy and we must be careful, we have already created some in this session already. Apathy is when people have no desire to go to the polls. If there is just one or two people on the ballot, they will say, so what, he will get elected anyway, this would be the case in my area. Some of them will go out because they want to help some of the other candidates that are on the ballot.

I think it is a package deal, so to speak, it ought to all be four years or all be two. I don't think it will work. I don't think it will improve government one bit; as a matter of fact, it would be a step in the wrong direction.

I hope the House will see fit to indefinitely postpone this bill, as so many legislatures have done in the past.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, I would like to pose a question through the Chair. What are the methods of removing the sheriff who is not adequately performing his job and how does that compare with the removal of other police officers who are not adequately performing their jobs?

The SPEAKER: The gentleman from Auburn, Mr. Brodeur, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I wish I could give a concise answer, but I will simply read to you what was handed to me by my legislative assistant. The limits on the part of the legislature to alter or remove the sheriffs' common law duties and powers are unclear, although it is clear that specific statutory powers identical or sim-

ilar to the sheriffs' can be granted to other officers of the county and the sheriff can be relegated to his common law duties without other power of authority. I am not sure if this answers the gentleman from Auburn's question or not but that is the best I can provide at this time.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on passage to be enacted. This being a Constitutional Amendment, it requires a two-thirds vote of the House. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Anderson, Andrews, Armstrong, Beaulieu, Benoit, Callahan, Carroll, D.P.; Cashman, Conary, Connors, Cooper, Cox, Crouse, Dexter, Diamond, Drinkwater, Erwin, Foster, Gauvreau, Higgins, H.C.; Holloway, Ingraham, Joyce, Kane, Kelly, Ketover, Kiesman, LaPlante, Manning, Martin, H.C.; Masterman, Masterton, McCollister, McGowan, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Murray, Nelson, Paradis, P.E.; Parent, Pouliot, Randall, Rotondi, Salsbury, Smith, C.B.; Sproul, Stevenson, Thompson, Walker, Webster, Wentworth, Zirnklinton.

NAY—Allen, Baker, Bell, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Carrier, Carroll, G.A.; Carter, Chonko, Clark, Cote, Crowley, Curtis, Dggett, Davis, Day, Dillenback, Dudley, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Hobbins, Jacques, Joseph, Kelleher, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, MacBride, MacEachern, Macomber, Martin, A.C.; Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McHenry, McPherson, Michael, Michaud, Moholland, Murphy, Norton, Paradis, E.J.; Paul, Perkins, Perry, Pines, Racine, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Scarpino, Small, Smith, C.W.; Soule, Stover, Strout, Studley, Swazey, Tammara, Telow, Theriault, Tuttle, Vose, Weymouth, Willey, The Speaker.

ABSENT—Connolly, Jackson, Jalbert, Locke, Mahany, Nadeau, Seavey, Sherburne, Soucy, Stevens.

Yes, 55; No, 86; Absent, 10

The SPEAKER: Fifty-five having voted in the affirmative and eighty-six in the negative, with ten being absent, the Constitutional Amendment fails of enactment.

Sent to the Senate.

Passed to Be Enacted

An Act to Allow the District Court to Grant Restitution in Cases of Unfair Trade Practices (S. P. 241) (L. D. 664)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Order of the Day

The Chair laid before the House the first tabled and today assigned matter:

HOUSE DIVIDED REPORT—Majority (9) "Ought Not to Pass" — Committee on State Government on Resolution, Proposing an Amendment to the Constitution of Maine to Limit Maine Senator to not More than Five Consecutive Two-Year Terms, and to Limit Maine Representatives to not More than Five Consecutive Two-Year Terms (H. P. 352) (L. D. 410)

Tabled—February 18, 1983 by Representative Diamond of Bangor.

Pending—Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: When the vote is taken, I would ask for a roll call.

This is the first time, to the best of my knowledge, at least since 1951, that this subject matter has reached the floor of the House and been up for discussion. I hope that you will give this your serious consideration because I believe in its merits.

Although it wasn't until 1957 that we allowed a governor as many as two four year terms, in spite of the fact that he was elected by all of the state, we have yet to take any action to limit ourselves and our own incumbency.

Those of us who can remember back to the 40's remember that it wasn't until after such time as our nation had elected a terminally ill man to its presidency for his fourth term that the people of this country took action to limit the tenure of incumbency there.

The purpose of this bill is not, and I repeat, not to limit total terms in either body; the purpose is to limit consecutive terms in either body. This is sort of like sending a long-term member out on his sabbatical after ten rather than seven years. This sabbatical would force new leadership to arise. This wouldn't nor couldn't make minorities the majorities or vice versa and is not its purpose.

I ask, do we need changes in our system, and of course some are going to say no but others may, I hope, agree with me. Some will say with me that our present system leads to problems in at least two areas. Each of us in this House have a constituency of 1/151 parts of the voters of this state, or at least it is supposed to be that way and we have got some people working hard on that issue right now. That means that each of those voters should have an equal say as to the outcome of matters that are before the body. Actually, does anyone believe in this House, even after allowing for differences and abilities, that this is so?

Another problem lies that when an incumbent returns for limited consecutive term, the pipeline to this body is plugged as far as that district is concerned. Any aspiring candidate in the district is effectively prevented from gaining a seat in either body as long as it is held by what the district sees as a capable representative; thereby, we prevent these two bodies from fulfilling one of the most important functions of that district, that of serving as a training ground to a higher office.

At present, we have a Governor and two Representatives to Congress who receive training in these halls. This bill would make that opportunity available throughout the state even though we might be deprived very capable people for a short time. This bill would put out the welcome mat to new candidates, at least periodically. Who here would have the opportunity of meeting the gentlelady from Portland, by way of Eagle Lake, had she remained a gentlelady simply of Eagle Lake? We would have had to say like William Blake, "That full many a flower is born to blush unseen and waste its fragrance on the desert air."

One other problem that is exasperated by the unlimited tenure is that the lethargy of our political parties as they delegate the responsibilities of finding and electing new candidates to the same old offices, who have answered the call to action so often. Our parties would become active if and when we force them to be active.

To those of you who fear a pass vote here would disenfranchise those few districts that appear to favor limitless terms, let me remind you that a pass vote won't be making the decision for anybody in the state, only a "ought not to pass" vote can do that.

This bill simply asks that the people of Maine

be given a chance to decide whether or not these measures might improve the performances of their legislative bodies. To paraphrase a TV commercial, "If you can't trust the voters in the state, who can you trust?" If we won't trust them, should they trust us? When we arrive in Augusta we are coached that it is a good politics to send out questionnaires, "how are we doing and will this bill help us do better?"

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: We have before us a Resolution proposing an amendment to the Constitution of Maine to limit the term of Maine Senators and Representatives to five consecutive terms. Although the Statement of Fact doesn't indicate the purpose for this five-term limitation, the sponsor has today, as he did at the public hearing, and as the proponents did, mentioned essentially three areas that they are concerned with; namely, (1) to prevent an individual legislator from becoming too influential or too powerful; (2) to provide municipalities with an opportunity to send to the legislature a different person with different ideas that may not be represented by a long-term incumbent; (3) to prevent the opportunity for the abuse of power or neglect of duties that may arise from unlimited terms of office. My contention is that if these are really the concerns of the sponsors and the proponents, this particular legislation doesn't go very far in solving the problems and I would like to address each one of these.

First of all, to prevent an individual legislator from becoming too influential or too powerful—if a person is an ambitious person and has a personal goal to wield an unusual degree of influence, my contention would be that within ten years a highly ambitious person could do a lot of this and would be able to exercise substantial authority and influence even in the ten years before he reaches his limitation.

Furthermore, if you would take a look at our current situation as far as membership of this body, you will find that we have members in leadership, we have individuals who are chairmen of committees who have only been in the legislature for two years or one term, so it certainly doesn't take ten years or five terms before you begin to accumulate any substantial power or authority.

The second point brought out by the sponsor of this bill was that it would provide municipalities with an opportunity to send the legislature a different person with different ideas that may not be represented by long term incumbents, and I think the answer to this question may rely to a great extent upon the individual legislator. There are some long-term legislators who are very open to representing new and different ideas, while others may be more traditional in their views and thoughts.

Also, if there is a young individual living in a legislative district, a young man or young woman who is destined to become President of these United States, I might respectfully suggest that if they can't win that particular House seat, they may have a problem with the Presidency.

The third point that was brought up by the sponsor of this bill was to prevent the opportunity for the abuse of power or neglect of legislative duties that could arise from serving an unlimited amount of terms. I think the answer is, again, that within a period of ten years a person could, if he was so inclined, abuse legislative influence to a significant degree or neglect many legislative duties. Again, however, this would depend on the individual and I am not sure if the magical ten year limitation would solve these problems.

The turnover in the Maine Legislature is approximately 33 percent every two years. In other words, we have approximately 50 new legislators involved in the process every two years. The average length of service in the

Maine Legislature is two to three terms.

During the public hearing, Representative Paradis brought an interesting thought that he is now serving his third term and although it is only his third term, there are only 18 members of the Democratic caucus that have more tenure than Representative Paradis, so there are not really that many long-term veterans that we are talking about.

Senator Hichens, who has the most tenure of any serving on our committee, feels that he is a better Representative after ten years than he was when he was first elected, because now he knows the people, he knows the issues and he can communicate better with the people. So perhaps with the big turnover, it is important to have some long-term veterans to add some continuity and historical reference not only to what took place in the committee but what has taken place in past legislatures. No other state in the nation has found it necessary to place this limitation on their legislature and I am not sure that it has been demonstrated this morning why we need to be the first.

Finally, I would remind the gentleman from Skowhegan, Mr. Walker, that when the two-term limitation was placed on our Governor here in the State of Maine, it was back in 1957 when the Governor was a Democrat and both branches of the legislature were Republican. With that, I would sit down and urge you to support the Majority "Ought Not to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Benoit, Bost, Bott, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Diamond, Dudley, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McColister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderrick, Rolde, Rotondi, Scarpino, Small, Smith, C.B.; Soule, Stover, Strout, Swazey, Tammara, Telow, Theriault, Thompson, Tuttle, Vose, Wentworth, Willey, Zirkilton, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Holloway, Kiesman, Lewis, Livesay, Masterman, Masterston, Murphy, Nelson, Parent, Racine, Randall, Salisbury, Smith, C.W.; Sproul, Stevenson, Studley, Walker, Webster, Weymouth.

ABSENT—Beaulieu, Connolly, Jackson, Jalburt, Locke, Mahany, Seavey, Sherburne, Soucy, Stevens.

Yes, 105; No, 36; Absent, 10.

The SPEAKER: One hundred and five having voted in the affirmative and thirty-six in the negative, with ten being absent, the motion does prevail.

Sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

Bill, "An Act to Provide Compensation for Denial of Educational Opportunity" (H. P. 649) (Committee on Education suggested)

Tabled—February 18, 1983 by Representative Carter of Winslow.

Pending—Reference.

On motion of Mr. Carter of Winslow, was referred to the Committee on Education, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mrs. Erwin of Rumford,
Recessed until six-thirty in the evening.

After Recess
6:30 p.m.

The House was called to order by the Speaker.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Gerard P. Conley, in the Chair.

On motion of Representative Diamond of Bangor, it was

ORDERED, that a Committee be appointed to wait upon the Constitutional Officers and members of the Governor's Cabinet to invite them to attend the Joint Convention.

The Chairman appointed:

Senators:

PRAY of Penobscot

BALDACCI of Penobscot

Representatives:

GWADOSKY of Fairfield

PARADIS of Augusta

KETOVER of Portland

COOPER of Windham

LaPLANTE of Sabattus

DILLENBACK of Cumberland

HOLLOWAY of Edgecomb

SALSBURY of Bar Harbor

LEBOWITZ of Bangor

SPROUL of Augusta

Subsequently, Senator Pray of Penobscot reported that the Committee had delivered the message with which it was charged and that the Constitutional Officers and members of the Governor's Cabinet would attend the Convention forthwith.

The CHAIRMAN: The Chair is pleased to recognize in the balcony the mother of the Governor, Mrs. Catherine Brennan, his sister, Kathleen, his brother James and his wife Beverly Brennan, also his niece, Mary Catherine Toker. The Chair is very pleased to welcome you to the Joint Convention. (Applause, the audience rising)

The CHAIRMAN: The Chair is pleased to welcome to the Convention the Constitutional Officers and the members of the Governor's Cabinet. Will you please rise and accept the greetings of the Convention. (Applause, the audience rising)

On motion of Representative Mitchell of Vassalboro, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court and invite them to attend this Convention.

The Chairman appointed:

Senators:

VIOLETTE of Aroostook

COLLINS of Knox

MINKOWSKY of Androscoggin

Representatives:

HOBBINS of Saco

JOYCE of Portland
BENOIT of South Portland
SOULE of Westport
HAYDEN of Durham
DRINKWATER of Belfast
REEVES of Newport
LIVESAY of Brunswick
FOSTER of Ellsworth

Subsequently, Senator Violette of Aroostook reported that the Committee had delivered the message with which it was charged and was pleased to report that the Judiciary would forthwith attend the Convention.

The CHAIRMAN: The Chair is pleased to welcome The Honorable Vincent McKusick, Chief Justice of the Supreme Court, and the Associate Justices, the Honorable Edward Godfrey, the Honorable David Nichols, the Honorable David Roberts, the Honorable Eugene Carter, and the Honorable Elmer Violette. (Applause the audience rising)

On motion of Senator Pray of Penobscot, it was

ORDERED, that a Committee be appointed to wait upon His Excellency, the Honorable Joseph E. Brennan, Governor of the State of Maine, to extend an invitation to him to attend the Convention and make such communication as he may be pleased to make.

The Chairman appointed:

Senators:

NAJARIAN of Cumberland

BROWN of Washington

PERKINS of Hancock

Representatives:

CARTER of Winslow

JALBERT of Lewiston

KELLEHER of Bangor

CHONKO of Topsham

CONNOLLY of Portland

LISNIK of Presque Isle

SMITH of Mars Hill

MASTERTON of Cape Elizabeth

ARMSTRONG of Wilton

BELL of Paris

Subsequently, Senator Najarian of Cumberland reported that the Committee had delivered the message with which it was charged, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, the Governor entered the Convention Hall amid prolonged applause, the audience rising, and addressed the Convention as follows:

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

I am grateful for the opportunity to come before you tonight to report on the state of our State. To understand where Maine is at this time, we must first speak to where we are as a nation.

Unemployment in the industrial heartland of America runs, in some cases, to 20 percent.

Foreign competition continues to take markets away from American industries and jobs from American workers.

Roads, bridges and water systems across the nation are crumbling.

Washington staggers under record deficits.

And so the people of Maine have good reason to wonder if the state of their State, tied to the fortunes of the nation, can be any better.

It is true that across this land more than one out of every 10 workers is out of a job, but we in Maine have done better than that. In November, Maine was the only state with an unemployment rate that was lower than it had been a year earlier. And for 1982, Maine's unemployment was lower than the nation's for the second year in a row. You have to go all the way back to 1956 to find the last time that we were under the national average.

Last year, one of the leading bond rating firms in New York dropped its ratings for several states, but told investors that Maine's

credit and only Maine's credit, among all the 50 states, was better. And while other states, like the promised land of California, cannot pay their bills, Maine is one of only a handful of states that did not raise any broad-based taxes in the past four years.

In fact, for all the clamor that you hear about high taxes, the truth is that Maine citizens now turn over a smaller percentage of their income for state and local taxes than they did just four years ago.

We can and do take great pride in these accomplishments, and when we look behind them, we find solid reasons for our success.

At the national level, many are speaking of the need for a drastic restructuring of the economy, but we in Maine have already had our drastic restructuring.

In the years after World War II, Maine lost tens of thousands of jobs in the textile business and in industries tied to it.

But in recent years, we have gained thousands of new jobs as new companies, firms with high-tech names and high-tech products, have come to Maine raising wages, skill levels and building economic momentum.

The paper industry alone invested one and one half billion dollars in its Maine plants since 1970, a resounding vote of confidence in Maine's future.

And in this generation, our unique natural beauty, neglected for so long, has been protected by sound environmental laws. We have created the basis for a growing tourism industry. We have enriched our special way of life. We have reversed a century-old pattern of outmigration. We have reduced our energy costs relative to the nation by conservation and reliance on our own energy resources.

As interest rates come down, the housing industry will recover, and as it does, old jobs in construction and in the woods will be available again to Maine workers.

Our farmers and fishermen, the victims of competition from subsidized imports, can hope to regain their sales and expand their markets with the help of marketing programs begun by my administration.

Our remaining shoe and textile firms are strong, and promise to be a stable source of jobs for the next decade.

State government has been more aggressive in economic development, in assistance to business and in the promotion of our state.

For these government initiatives, we have had the enthusiastic support of the private sector, the cooperation of the Legislature, the consent of the voters and, finally, the blessing of the highest court in our state.

So, across Maine a shipyard is being built, a cargo port is coming off the drawing boards, new fish piers are under construction, and potato packing sheds are being put to work.

Maine's gross state product, the total value of goods and services produced in Maine, has experienced steady growth.

In 1978, the gross state product was about 7.5 billion dollars. By 1982, it had grown by almost 50 percent, to 11 billion dollars.

In the last three years for which figures are available, per capita income in Maine has leaped from 46th in the nation to 41st. Today, the Maine economy is strong, stronger than at any time in the past century. Maine is moving again, poised for new growth, as the national economy gathers strength. Indeed, I believe that Maine stands at the very threshold of an exciting new day, and we can choose to make that happen. For seldom before have all the elements for success come together at one time.

An abundance of carefully managed resources.

People who still bother to work hard.

A worldwide market for our products.

Indeed, a certain momentum is gathering behind the label "Made in Maine".

The program I propose tonight seizes the

opportunities and accelerates that momentum. It is a program that addresses areas that are crucial to the growth of the Maine economy, to the future of our children, to the special quality of life we enjoy in Maine, and to the well-being of all our people.

Economic Development

Tonight, I am proposing a program that will create thousands of new jobs and encourage new growth in every part of Maine.

First, I am recommending a 300 million dollar investment in the future of our state. The program will build and repair more than 1700 miles of roads; 56 bridges; provide airport improvements from Frenchville to Sanford; a new pier for Eastport; a new courthouse for Bath and Brunswick; and several other projects which I shall mention later. In all, 5,000 new jobs in work we shall begin during the next two years.

I am further recommending that we continue our successful housing program, under the able leadership of Sharon Lunner, with an additional appropriation to help hundreds more Maine families buy their first homes.

We shall also improve our presently inadequate support for one of our most important industries—Tourism.

I recommend that we spend an additional 3 million dollars in this budget to do a more effective job of selling Maine to the nation and to the world.

And I propose that we redouble our efforts to help our fishermen, farmers and woods industries to develop new markets.

Education and Job Training

We in Maine have always understood the strong connection between a good job and a good education. That's why we have always made such a strong commitment to the cost of local education. That's why we have increased state funding for our university system under the leadership of Chancellor Patrick McCarthy. And, that's why we have supported the growth of our vocational technical institutes.

But in a changing world, nothing is more certain than that the future will belong to those who have the skills that are needed in the marketplace.

Tonight, therefore, I am recommending an 8 percent increase in what the state provides for the basic cost of local education.

Tonight, I am very proud to recommend an appropriation of two million dollars to establish a campus of the University of Maine at Lewiston. This campus will become the centerpiece of the outstanding redevelopment program in Lewiston under the leadership of Mayor Paul Dionne.

Tonight, I am recommending the creation of a fund for excellence, an awards program for teachers, to improve the quality of teaching in all our schools. And I am proposing a program to encourage talented young people to become teachers in subjects where more teachers are needed, especially the sciences and mathematics.

My budget contains funds for improvements at our vocational technical institutes in Androscoggin, Cumberland, Penobscot, and Washington Counties, for improvements to the state's Marine Research Lab at Boothbay, to increase our practical understanding of our ocean resources.

Finally, I propose to create a small business training fund to help Maine men and women master basic skills in financial planning, Management and marketing, and a job development fund to help train Maine workers for new job opportunities. These initiatives renew our commitment to providing the best preparation for life we can for our children and for all our people.

Environmental Protection

No discussion of the quality of life in this state can fail to address our natural resources.

This administration, like every administration, is morally bound to do what we can to leave

our land, our air, and our water better than we found them.

Our major initiative for this year builds upon the Maine rivers policy I announced in July. As our rivers have been cleaned up, the competing demands for their use have multiplied. We need to have an orderly process for deciding among these demands... for energy, for fisheries, and for recreation.

Our legislation will set aside 1100 miles of Maine's nationally famous rivers for special protection in their present state.

We shall also streamline our state laws governing hydroelectric development to encourage this renewable source of energy at appropriate sites and to reduce further our dependence on foreign oil.

In a related initiative, we shall provide state bond money to take up the slack of reduced federal support for cleaning up our rivers. We shall propose other initiatives as well.

The very future of Maine agriculture is tied to soil and water conservation. But too frequently we use practices that erode our topsoil at twice the tolerable rate. I therefore recommend legislation to help our soil conservation districts preserve this resource.

And to give more Maine people access to the beauty, the peace, and the breathing space of our state parks, I will propose funds to make them available close to home in the Bangor Area, the Waterville-Augusta area, and in Aroostook, Lincoln, and York counties.

Human Needs

But concerned as we are with the quality of our environment, government has the special responsibility to be even more concerned with the quality of life itself for our least fortunate citizens. It is in the area of human needs that this administration has faced its most severe test.

Despite massive federal cutbacks here in Maine, where this legislature and this administration still believe in social justice, we will continue to help our elderly, our children, and, yes, our poor. We shall continue our policy of supporting the dignity of all people, especially those who depend on government for a better life.

So our budget recommendations will include: Increased support for our state's poorest children and for programs such as day care, homemaker services and hot meals; additional money to help prevent child abuse, and for programs that help the elderly stay in their own homes; and added resources to help our mentally retarded to live outside institutions to try to live to their fullest potential.

But tonight, I must say to you that our ability to provide these services is compromised daily by the runaway cost of health care. Let me share a few figures with you to illustrate the dimensions of this problem.

In just over ten years, the cost of health care has doubled from 5 to 10 percent of our entire gross national product.

In the past four years, total expenditures on health care in Maine have gone from 771 million dollars to 1.2 billion dollars a year, an increase of 56 percent, and more than half of that comes right out of the taxpayers' pocket.

The voluntary steps taken by Maine hospitals to stem the tide have failed. This year, we estimate that the growth in hospital costs, just the growth in costs, will be at least another 70 million dollars in Maine. The Maine taxpayer can no longer afford these constant soaring increases—enough is enough.

So one of our most important bills this session will compel hospitals to hold down costs. This bill provides reasonable limits within which hospitals, like the rest of us, will have to live.

At a time when all vital services, our schools, our police, our fire departments, must live within a tight budget and still get the job done; so too must our hospitals.

There is no single greater service this legisla-

ture can do for the Maine taxpayer, for those who are genuinely in need, and for our business climate as well, than to enact this measure.

Controlling our hospital costs will reduce the cost of workers' compensation, hold down the cost of doing business in Maine, and lessen the burden on the business community of this state. But most of all, it will enable us to continue to meet the most pressing needs of those who need our help. And if this Legislature will not do something to contain hospital costs, what legislature will?

Courts and Corrections

Another concern we must address this year is that of courts and corrections. Overcrowding is a very real problem in our prisons and court facilities.

We have taken constructive steps to address this problem by opening new minimum security facilities at Charleston and Hallowell.

And we can take heart with changing demographics and last year's drop in reported felonies that we may be near the peak of demand for prison space.

For these reasons, I believe we can safely defer the ambitious construction program suggested by the Department of Corrections. Our budget contains funding for the reconstruction of the east wing of the State prison at Thomaston and for the construction of a new unit for women prisoners at South Windham. I do not pretend, however, that bricks and mortar are the whole solution to our prison problems.

I look forward to working with the Legislature to address the persistent problems of idleness and rehabilitation that plague our correctional system.

In the end, however, the quality of our system of justice depends on the quality of our judges. These men and women are crucial to the success of the rule of law in our state. We have been uncommonly fortunate in attracting some of our best and our brightest to the bench, despite offering the lowest salaries in the nation and some of the most inadequate courthouses in which to work.

I do not believe that we should continue to depend on the generous sacrifice of these dedicated men and women. I propose as a part of my budget a meaningful pay increase for our judges and funds to begin the long overdue renovation of the very worst of our courthouses.

Tonight, I cannot leave the issue of public safety without noting that despite the success of our tough drunk driving law, recent tragedies involving teenagers on our highways remind us that our job is not yet finished. Tonight, I propose that anyone 19 years old or under who is stopped for driving after drinking alcohol have their license suspended for one year, and I am going to ask for your emergency action to implement this proposal at the earliest time, and I want to get this message to our teenagers now.

The Budget

This is an ambitious program I have laid out, and one might ask just how we shall pay for it.

I am pleased to report to you tonight that I am recommending no increase in the rates of either the sales or income taxes for the coming two years.

We have had to make some hard choices to leave the income and sales tax rates as they are and still meet the basic needs of this Government. In the process, we have determined that Maine can no longer afford to exempt cigarettes from the sales tax.

I know that some have suggested that we increase the sales tax, but it is already five cents on a dollar, and I think that is enough.

At the same time, I am recommending adjustments in several highway user fees based on the findings of the bipartisan Highway Cost Allocation Study Committee. Also, I propose to increase the state fuel tax by five cents.

This money is needed to keep our commit-

ment to the cities and towns and to match federal highway monies.

This first increase in the gas tax in 12 years will make our rate equal to New Hampshire's.

With these important and I believe justifiable exceptions, we have been able to avoid any other tax increase at all.

I am also recommending that we undedicate the highway fund.

And as we have done in the past, the budget I am submitting reduces some ongoing programs that, in our judgment, have outlived their usefulness or do not merit the same high priority they once enjoyed. Let me mention just a few:

We can save over three million dollars by getting the state out of the retail liquor business. We can save another three million dollars by apportioning to forest landowners the true cost of fire control in the state. And we can, by elimination of duplication of services, abolish the state's Bureau of Liquor Enforcement, since most of what it does is really a local police function.

In all, we have identified more than 14 million dollars in savings in current services. And where our cuts may cost state employees their jobs, we are not insensitive to that. This administration will work with them to help them find new jobs.

State-Local Relations

Further, this administration will not seek to balance its budget on the backs of Maine's cities and towns, as the federal Government has tried to do with the states. On the contrary, we seek a new era of partnership with our cities and towns.

Last spring, I convened the first Blaine House Conference on State and Local Relations. The report of that conference is the basis for my recommendations to you tonight.

Through our commitment to the cost of local education, the highest in the northeast, Maine already makes a major contribution to our cities and towns. Tonight, I urge that we do more to reduce pressure on the local property tax.

First, I propose to increase the state-local revenue sharing formula from 4 to 5 percent of the sales and income tax revenues. This will add more than 6 million dollars a year to the revenues of our cities and towns.

Second, in the past I have supported Legislation to allow cities and towns to collect fees from certain tax-exempt organizations for the government services they receive. As one of those organizations, I think that State Government should set an example. And so I recommend that the state begin making service payments in lieu of taxes to cities and towns that have state-owned buildings.

Tonight, I am also recommending a program of government reform at the county level...to return control of county budgets to the cities and towns who pay for them.

Together with our economic development programs which will generate new jobs, new buildings, retail sales, and other economic activity, my initiatives will lessen the burden of property taxes on our citizens, bring greater accountability to our counties and, I believe, help assure the financial health of our cities and towns.

Other Initiatives

Before I conclude, I would like to mention a few other highlights of our program; time does not allow me to mention all of them.

I am asking the Legislature to bring to an end, for those who enter state service in the future, the costly practice that permit state troopers, game wardens, and others to retire after only 20 years on the job. We can no longer afford a system which permit full retirement benefits at the grand old age of 41.

Next, we can avoid hundreds of serious injuries to small children by requiring the use of child safety seats in cars, and I hope this Legislature passes that.

Because of the threat of pollution to our

groundwater supplies, a threat that is all too real in some communities today, I recommend greater state efforts to assure the purity of Maine's groundwater.

We will support the recommendations of speaker John Martin's Commission on Workers' Compensation Reform. Our number one priority in this area will be, as it has been, to assure safety in the Maine marketplace.

I recommend an additional appropriation for our weatherization program so we may continue to help low income people reduce the costs of heating their homes.

I will propose the donation of a state-owned building in Bangor to help ease the difficult problems of gravely ill children and their parents.

I will recommend funding for legal services for the poor so that they may not be denied access to the courthouse doors on civil matters.

And for the first time ever this state government will establish a long-range capital planning process to help us plan effectively for the maintenance and replacement of all our facilities, just as major corporations do today.

Conclusion

In the coming days and weeks, I shall present all these initiatives to you for your consideration. I pledge to you that each member of my administration will work with you in the spirit of cooperation and compromise and cooperation to make this program a reality for the people of our state.

Before I conclude, I wish to thank President of the Senate Gerard Conley and Speaker of the House John Martin for this opportunity to come before you tonight to express my thoughts and hopes for our state. And I especially thank the Maine television stations and public radio network for the time to share my views with all of Maine's citizens.

These are sober and changing times for our nation. We are just coming through one of the worst recessions of this century. It has tested American businesses, large and small, to the breaking point, and tragically sometimes beyond. It has taken from more than ten million men and women the pride and dignity that comes from doing an honest day's work.

Through all this, how fortunate are we who can call Maine Home!

We who know from daily life that in adversity there is strength to be found!

We who understand those values of patience, tolerance, hard work, concern, and commitment for which the nation has gained new respect and new regard.

I have said many times, in many places, that Maine is a special place.

Special for its abundant resources.

Special for its magnificent beauty.

Special for its history and diversity.

And, most of all, special for its people.

At last, the rest of our nation, which for so many years seemed so far ahead of us in so many ways, has caught up with Maine.

At last our nation, which for so long measured success in material goods, has begun to know what we in Maine have known all along: That the true measure of people and their community lies in the values they hold, the values they share, and the values they hand down from one generation to the next.

The prospect before this generation of Maine men and women is one of expanding economic opportunities that will support our needs and sustain our special way of life if we have the vision, the foresight and the courage to bring them to reality.

Tonight, we stand at the threshold of a new time for Maine, a new time that will build upon the best that Maine and Maine people have to offer. Maine is moving again.

As your Governor, I believe it is my duty to draw upon the best that every Maine person has to offer to create greater opportunities for all Maine people.

As your Governor, I have travelled this na-

tion and I know that the best there is in every Maine person is the best any person anywhere has to offer.

Tonight, I pledge to you that this, my second and last term as your governor, will be devoted to creating the basis for a new time in Maine;

A new time that preserves and protects the best of our past;

A new time that accepts the hardships and challenges of the present;

A new time that welcomes the risks and the rewards of our future.

In this effort, I ask for your prayers, for your encouragement and for your support. Together, we cannot and we shall not fail.

At the conclusion of the Governor's address, the Governor withdrew amid prolonged applause, the audience rising.

At this point, the Chief Justice and Associate Justices were escorted from the hall by the Sergeant-at-Arms amid prolonged applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its chamber amid applause of the House, the members rising.

In the House

Called to order by the Speaker.

On motion of Mrs. Mitchell of Vassalboro, Adjourned until nine o'clock tomorrow morning.