

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

## HOUSE

Thursday, January 31, 1985

Calling of the House to Order by the Speaker.  
Prayer by Reverend James O'Brien, South Parish Congregational Church, Augusta.  
Quorum called; was held.  
The Journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act Concerning Minimum Ordinary Death Benefits" (S.P. 94) (L.D. 292)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Judiciary)

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Implement the Recommendations of the State Compensation Commission" (Emergency) (S.P. 91) (L.D. 289)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Provide Optional Coverage for Speech-language Pathology and Audiology in Group Health Insurance" (S.P. 92) (L.D. 290)

Bill "An Act to Increase the Handling Fee for Returnable Containers" (S.P. 93) (L.D. 291)

Came from the Senate, referred to the Committee on Business and Commerce and Ordered Printed.

Were referred to the Committee on Business and Commerce in concurrence.

Bill "An Act to Remove the Fees for Selling Out-of-State Hunting Licenses" (S.P. 100) (L.D. 298)

Came from the Senate, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Provide Local Regulation of Swimming Pool Fencing" (S.P. 95) (L.D. 293)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Increase the Salary for the Judge of Probate for Cumberland County" (S.P. 103) (L.D. 301)

Came from the Senate, referred to the Committee on Local and County Government and Ordered Printed.

Was referred to the Committee on Local and County Government in concurrence.

Bill "An Act Concerning Municipal Burial Expenses" (S.P. 98) (L.D. 296)

Came from the Senate, referred to the Committee on Local and County Government and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

Was referred to the Committee on Local and County Government in concurrence.

Resolve, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells. (S.P. 97) (L.D. 295)

Came from the Senate, referred to the Committee on State Government and Ordered Printed.

Was referred to the Committee on State Government in concurrence.

Resolve, Establishing a Commission to Study State and Local Property Taxes. (S.P. 96) (L.D. 294)

Bill "An Act Permitting a Certified Tax Assessor, upon Reaching the Age of 62, to Attend School Every Other Year for 32 Hours Instead of 16 Hours Every Year" (S.P. 102) (L.D. 300)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Were referred to the Committee on Taxation in concurrence.

Bill "An Act to Reimburse Public Utilities for the Costs of Relocating Facilities as a Result of State Highway Construction" (S.P. 101) (L.D. 299)

Came from the Senate, referred to the Committee on Transportation and Ordered Printed.

Was referred to the Committee on Transportation in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Restrict the Payment of Unemployment Compensation Benefits to Workers Who are on Strike" (H.P. 175) (L.D. 209) which was referred to the Committee on Labor in the House on January 29, 1985.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

On motion of Representative Beaulieu of Portland, the House voted to insist.

**Non-Concurrent Matter**

Bill "An Act Concerning Child Protective Services" (H.P. 173) (L.D. 207) which was referred to the Committee on Judiciary in the House on January 29, 1985.

Came from the Senate referred to the Committee on Human Resources in non-concurrence.

Whereupon, the House voted to recede and concur.

**Non-Concurrent Matter**

RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment (H.P. 151) (L.D. 185) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 29, 1985.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

Whereupon, the House voted to recede and concur.

**Messages and Documents**

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

January 23, 1985

Honorable Edwin H. Pert

Clerk of the House

State House Station #2

Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under 22 MRSA, section 5314, I have today appointed Rep. Gregory G. Nadeau, of Lewiston, to serve as the House member on the Maine Human Services Council.

Sincerely,

S/John L. Martin

Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

January 29, 1985

Honorable Edwin H. Pert

Clerk of the House

State House Station #2

Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to Chapter 502 of the Public Laws of 1983, I have today reappointed Rep. Paul F. Jacques and Rep. Patrick K. McGowan to the Whitewater Advisory Committee until the panel terminates on June 30, 1986.

Sincerely,

S/John L. Martin

Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

January 29, 1985

Honorable Edwin H. Pert

Clerk of the House

State House Station #2

Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under M.R.S.A. 22, Section 7108, I have today reappointed Rep. Alfred Brodeur to the Council on Alcohol and Drug Abuse Prevention and Treatment.

Sincerely,

S/John L. Martin

Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

January 29, 1985

Hon. Edwin H. Pert

Clerk of the House

State House Station #2

Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under M.R.S.A. 20A, Section 2803, I have today reappointed Rep. Neil Rolde to serve on the New England Board of Higher Education.

Sincerely,

S/John L. Martin

Speaker of the House

Was read and ordered placed on file.

The following matter was taken up out of order by unanimous consent:

Thursday, January 31, 1985

**Administrative Supplement**

At this point, a message was received from the Senate, borne by Senator Violette of that body, proposing a Joint Convention to be held in the Hall of the House at 6:30 p.m. for the purpose of extending to His Excellency, Joseph E. Brennan, Governor of Maine, an invitation to attend and 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 Speaker appointed Representative Diamond of Bangor to convey this message to the Senate.

Subsequently, Representative Diamond reported that he had delivered the message with which he was charged.

**Petitions, Bills and Resolves****Requiring Reference**

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

**Aging, Retirement and Veterans**

Bill "An Act for the Repeal of Obsolete Provisions Providing Accidental Death Benefits" (H.P. 248) (L.D. 302) (Presented by Representative HICKEY of Augusta) (Cosponsors: Representatives PERRY of Mexico,

McSWEENEY of Old Orchard Beach and LACROIX of Oakland)  
(Ordered Printed)  
Sent up for concurrence.

#### Agriculture

Bill "An Act to Revise Rules Governing Certification of Seed Potatoes" (H.P. 249) (L.D. 303) (Presented by Representative TARDY of Palmyra)

Bill "An Act to Shorten the Final Pay Settlement of Milk Dealers to Producers" (H.P. 250) (L.D. 304) (Presented by Representative MICHAEL of Auburn) (Cosponsors: Representatives WHITCOMB of Waldo and DAGGETT of Manchester)

Bill "An Act to Establish a Maine Agricultural Limestone Material Act" (H.P. 251) (L.D. 305) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Senator CARPENTER of Aroostook and Representatives CROUSE of Caribou and THERIAULT of Fort Kent)  
(Ordered Printed)  
Sent up for concurrence.

#### Appropriations and Financial Affairs

Bill "An Act to Increase Contributions from the General Fund for Support of Education" (H.P. 252) (L.D. 306) (Presented by Representative CROUSE of Caribou) (Cosponsors: Representatives BOST of Orono and RANDALL of East Machias)

Bill "An Act to Provide Funding for Mapping of Streams in the Jurisdiction of the Maine Land Use Regulation Commission" (H.P. 253) (L.D. 307) (Presented by Representative DEXTER of Kingfield) (Cosponsor: Representative RIDLEY of Shapleigh)  
(Ordered Printed)  
Sent up for concurrence.

#### Business and Commerce

Bill "An Act to Conform Mortgage Lending Authority Among Financial Institutions" (H.P. 254) (L.D. 308) (Presented by Representative POULIOT of Lewiston) (Cosponsor: Representative TELOW of Lewiston)

Bill "An Act to Require Public Rest Rooms in all Shopping Centers" (H.P. 255) (L.D. 309) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Representatives MICHAEL of Auburn, ARMSTRONG of Wilton and SEAVEY of Kennebunkport)

Bill "An Act Relating to Loans and Investments by Financial Institutions" (H.P. 256) (L.D. 310) (Presented by Representative MURRAY of Bangor) (Cosponsor: Representative STEVENS of Bangor)  
(Ordered Printed)  
Sent up for concurrence.

#### Education

Bill "An Act to Mandate a Course in Cardiopulmonary Resuscitation in High Schools" (H.P. 257) (L.D. 311) (Presented by Representative NELSON of Portland) (Cosponsors: Representatives CARROLL of Gray, O'GARA of Westbrook and RUHLIN of Brewer)

Bill "An Act Relating to Requirements for Withdrawal from a School Administrative District" (H.P. 258) (L.D. 312) (Presented by Representative TELOW of Lewiston) (Cosponsors: Representatives JACKSON of Harrison, ALLEN of Washington and Senator TWITCHELL of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act Concerning Truancy" (H.P. 259) (L.D. 313) (Presented by Representative LAWRENCE of Parsonsfield)

Bill "An Act to Provide for a Truth in Testing Act" (H.P. 260) (L.D. 314) (Presented by Representative CROUSE of Caribou) (Cosponsors: Representatives BOST of Orono, RANDALL of East Machias, and MATTHEWS of Caribou)  
(Ordered Printed)

Sent up for concurrence.

#### Energy and Natural Resources

Bill "An Act to Preserve Maine's Freshwater Wetlands" (H.P. 262) (L.D. 316) (Presented by Representative WEBSTER of Cape Elizabeth)

Bill "An Act to Control Acid Rain" (H.P. 263) (L.D. 317) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representatives COLES of Harpswell, PRIEST of Brunswick, and Senator USHER of Cumberland)  
(Ordered Printed)  
Sent up for concurrence.

#### Labor

Bill "An Act Requiring Employee Rest Breaks" (H.P. 264) (L.D. 318) (Presented by Representative BEAULIEU of Portland) (Cosponsor: Representative McCOLLISTER of Canton)  
(Ordered Printed)  
Sent up for concurrence.

#### Transportation

Bill "An Act Relating to Motorcycle Safety" (H.P. 261) (L.D. 315) (Presented by Representative MICHAEL of Auburn)  
(Ordered Printed)  
Sent up for concurrence.

#### Orders of the Day

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

Bill "An Act to Shorten the Final Pay Settlement of Milk Dealers to Producers" (H.P. 143) (L.D. 177)  
(Committee on Agriculture suggested)  
Tabled—January 30, 1985 by Representative MICHAEL of Auburn.  
Pending—Reference.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: This bill, which is listed as L.D. 177, was improperly drafted. There already is an L.D. 177 so we were going to indefinitely postpone this because it is replaced now on today's calendar by Item 3-3, which is an identical bill, which has its own LD number but we realized that the Joint Rules prohibit us from taking the same bill up twice in a legislative session so I understand the gentleman from Bangor will table this bill to get us around that technical problem.

On motion of Representative Diamond of Bangor, tabled Unassigned.

By unanimous consent, all matters (requiring Senate concurrence) having been acted upon were ordered sent forthwith.

#### (Off Record Remarks)

At this point, the Speaker appointed Representative Gwadosky of Fairfield to serve as Speaker pro tem, for Friday, February 1, 1985.

On motion of Representative Smith of Mars Hill.

Recessed until six-thirty in the evening.

#### (After Recess)

The House was called to order by the Speaker.

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

#### Senate Papers

The following Joint Order: (S.P. 121)

WHEREAS, imported shoes have severely injured the shoe industry in the State of Maine; and

WHEREAS, Maine, as the leading shoe-producing state in the nation, has been suffer-

ing from the damage of skyrocketing imports during the past several years; and

WHEREAS, hundreds of Maine workers have been displaced by the closing of shoe manufacturers throughout the State; and

WHEREAS, it is vital that action be taken to improve the status of the shoe manufacturers throughout the State; and

WHEREAS, it is vital that action be taken to improve the status of the shoe industry in the State in order to prevent further decline of this important state industry; now, therefore, be it

ORDERED, the House concurring, that there is established a Joint Select Committee to Study the Shoe Industry in the State, and be it further

ORDERED, that the committee shall consist of 7 members, as follows: Four members of the House of Representatives to be appointed by the Speaker of the House and 3 members of the Senate to be appointed by the President of the Senate. The President of the Senate and the Speaker of the House shall be ex officio members of the committee. The committee shall select a chairman from among its members; and be it further

ORDERED, that the committee shall study:

1. The current status of the shoe industry in the State of Maine and the future potential of the industry;
2. The impact of imports on the industry;
3. Current marketing strategies and possible strategies which could improve the position of the industry;
4. Possible incentives which might be offered to the industry, including, but not limited to, tax incentives offered to shoe manufacturers and to purchasers of domestic shoes;
5. The feasibility of state subsidies for the shoe industry;
6. Labor practices, quality controls, mechanization techniques and other industry practices which might effect the efficient operation of the industry; and
7. Such other issues as the committee may determine are relevant to the economic survival of the shoe industry in the State, and be it further

ORDERED, that the committee shall present its findings, together with any recommended legislation, to the Second Regular Session of the 112th Legislature; and be it further

ORDERED, that the committee is authorized to seek assistance from representatives of the shoe industry, labor organizations in the shoe industry, State Development Office, State Planning Office, Maine Development Foundation, the Department of Labor; and be it further

ORDERED, that the office of Legislative Assistants shall provide assistance to the committee in carrying out its charge; and be it further

ORDERED, that the members of the committee shall not receive any compensation, but shall be reimbursed for their necessary expenses.

Came from the Senate, read and passed.  
Was read and passed in concurrence.

Bill "An Act to Change the Name of the University of Maine Blueberry Advisory Committee" (S.P. 107) (L.D. 322)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.  
(The Committee on Reference of Bills had suggested reference to the Committee on Education.)

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Amend the Home Weatherization Program" (S.P. 104) (L.D. 319)

Bill "An Act to Provide for Equitable Treatment to Certain State Employees who did not Receive the Benefits of the Retroactive Pay Raises made to State Employees under the Collective Bargaining Agreements" (S.P. 105) (L.D.

320)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

**RESOLVE**, Approving the Standards and Regulations Adopted Under the Chemical Substance Identification Law" (S.P. 106) (L.D. 321)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Business and Commerce.)

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Amend the Maine Certificate of Need Act to Define More Clearly the Legal Requirements for Ex Parte Contacts During the Certificate of Need Process, Consistent with the Maine Administrative Procedure Act" (S.P. 108) (L.D. 323)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Permit State Courts to Remain Open on the Day of a Statewide Primary or General Election" (S.P. 109) (L.D. 324)

Bill "An Act Providing for Change of Venue of Criminal Cases" (S.P. 110) (L.D. 325)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Require the Employer to Pay for Eye Examinations Under a Company Mandated Eyeglass Safety Program for Eyeglass Wearers" (S.P. 111) (L.D. 326)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Amend the Law Relating to Mileage and Compensation of Jurors" (S.P. 112) (L.D. 327)

Bill "An Act to Change Voting Booth Requirements" (S.P. 113) (L.D. 328)

Bill "An Act to Allow in Kind Contributions to be Descriptively Reported under the Election Laws" (S.P. 114) (L.D. 329)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to the Time of Penobscot Nation Trust Land Acquisition" (S.P. 99) (L.D. 297)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Judiciary.)

On motion of Representative Kane of South Portland, tabled pending reference in concurrence and tomorrow assigned.

Bill "An Act to Establish the Boundary between Machias and Machiasport" (S.P. 115) (L.D. 330)

Came from the Senate, referred to the Committee on Local and County Government and Ordered Printed.

Was referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Prevent Combining more than One Bond Issue Subject in a Single Bond Issue

Bill" (S.P. 116) (L.D. 331)

Came from the Senate, referred to the Committee on State Government and Ordered Printed.

Was referred to the Committee on State Government in concurrence.

Bill "An Act to Increase the Income Benefit Limitations Under the Elderly Householders Tax and Rent Refund Act" (S.P. 117) (L.D. 332)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Preserve Affordable Telecommunications Equipment for Customers with Special Needs" (Emergency) (S.P. 118) (L.D. 333)

Bill "An Act to Simplify and Clarify the Public Utilities Commission's Authority Over Utility Issuance of Stocks, Bonds and Notes" (S.P. 119) (L.D. 334)

Bill "An Act to Protect Tenants when Landlords Fail to Pay Utility Bills" (S.P. 120) (L.D. 335)

Came from the Senate, referred to the Committee on Utilities and Ordered Printed.

Were referred to the Committee on Utilities in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Create the Northern and Eastern Maine Emergency Forestry District" (H.P. 245) (L.D. 286) which was referred to the Committee on Energy and Natural Resources in the House on January 30, 1985.

(The Committee on Reference of Bills had suggested reference to the Committee on Taxation.)

Came from the Senate, referred to the Committee on Taxation in non-concurrence.

Whereupon, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act to Establish the Department of Post-secondary Vocational-technical Education" (H.P. 162) (L.D. 196) which was referred to the Committee on Education in the House on January 29, 1985.

Came from the Senate referred to the Committee on State Government in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending reference in concurrence and tomorrow assigned.

#### Messages and Documents

The following Communication: (S.P. 132)

112th Maine Legislature

January 30, 1985

The Honorable N. Paul Gauvreau  
The Honorable Daniel Hickey  
Chairpersons, Committee on Aging, Retirement and Veterans

112th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Gerald M. Tabenken of Bangor for appointment to the Board of Trustees of the Maine State Retirement System.

Pursuant to Title 5 MRSA Section 1031, this nomination will require by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Aging, Retirement and Veterans.

Was Read and Referred to the Committee on Aging, Retirement and Veterans in concurrence.

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

#### Petitions, Bills and Resolves

##### Requiring Reference

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

##### Tabled and Assigned

Bill "An Act to Provide Technical Assistance to Water Utilities in Developing Ground Water Source Protection Plans" (H.P. 291) (Presented by Representative MITCHELL of Freeport) (Cosponsor: Senator DIAMOND of Cumberland)

(Committee on Appropriations and Financial Affairs was suggested.)

On motion of Representative Diamond of Bangor, tabled pending reference and tomorrow assigned.

#### Appropriations and Financial Affairs

Bill "An Act to Require the State to Administer and Finance a General Assistance Program for Migrant Workers" (H.P. 292) (Presented by Representative CONNERS of Franklin) (Cosponsors: Representatives RANDALL of East Machias, MOHOLLAND of Princeton, and Senator BROWN of Washington) (Ordered Printed)

Sent up for concurrence.

#### Business and Commerce

Bill "An Act Relating to Deferred Payments and Terms and Schedules for Repayment of Loans under the Maine Consumer Credit Code" (H.P. 293) (Presented by Representative BRANNIGAN of Portland) (Ordered Printed)

Sent up for concurrence.

#### Energy and Natural Resources

Bill "An Act to Assess the Impact of Agricultural Chemicals and Practices on Ground Water" (H.P. 294) (Presented by Representative MITCHELL of Freeport) (Cosponsor: Senator DIAMOND of Cumberland) (Ordered Printed)

Sent up for concurrence.

#### Human Resources

Bill "An Act to Exempt from Home Health Licensure Certain Entities that Provide Home Based Nonacute Public Health Nursing and Education Services in Lieu of Similar State Services" (Emergency) (H.P. 295) (Presented by Representative MANNING of Portland) (Cosponsor: Representative NELSON of Portland)

Bill "An Act to Permit the Department of Corrections to Accept Certain Categories of United States Prisoners" (H.P. 296) (Presented by Representative PARADIS of Augusta) (Cosponsors: Senator BERUBE of Androscoggin, Representatives STETSON of Damariscotta, and MANNING of Portland) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Bill "An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities" (H.P. 297) (Presented by Representative COOPER of Windham) (Cosponsors: Senator CHALMERS of Knox, Representatives DRINKWATER of Belfast, and KANE of South Portland) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

#### Judiciary

Bill "An Act to Require Parental Consent in the Case of Minors' Abortions" (H.P. 298) (Presented by Representative CARRIER of Westbrook) (Cosponsors: Representatives

BROWN of Gorham, STEVENSON of Unity, and Senator HICHENS of York)

(Ordered Printed)

Sent up for concurrence.

#### Legal Affairs

Bill "An Act to Repeal Requirements that Swimming Pools be Enclosed" (H.P. 299) (Presented by Representative ARMSTRONG of Wilton) (Cosponsors: Representatives JACKSON of Harrison, CHONKO of Topsham, and Senator MAYBURY of Penobscot)

(Ordered Printed)

Sent up for concurrence.

#### Local and County Government

Bill "An Act to Establish a Kennebec County Budget Committee" (H.P. 300) (Presented by Representative DAVIS of Monmouth) (Cosponsor: Representative DAGGETT of Manchester)

(Ordered Printed)

Sent up for concurrence.

#### Marine Resources

Bill "An Act Concerning the Shellfishing Industry" (H.P. 301) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives SCARPINO of St. George, COLES of Harpswell, and Senator CHALMERS of Knox) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act to Authorize the Use of Energy Service Companies and 3rd-Party Financing for Conservation Improvements at State Facilities" (H.P. 302) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Senators KANY of Kennebec, ANDREWS of Cumberland, and Representative MCGOWAN of Canaan) (Submitted by the Office of Energy Resources pursuant to Joint Rule 24)

Bill "An Act to Clarify the Maine Administrative Procedure Act" (H.P. 303) (Presented by Representative DIAMOND of Bangor) (Cosponsor: Senator ANDREWS of Cumberland)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act Concerning the Collection of Sales Tax" (H.P. 304) (Presented by Representative MCGOWAN of Canaan) (Cosponsors: Representatives JOSEPH of Waterville, WEBSTER of Cape Elizabeth and Senator DIAMOND of Cumberland)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act to Amend the Law Regarding Parking Brake Requirements on Motorcycles and Motor Driven Cycles" (H.P. 305) (Presented by Representative MOHOLLAND of Princeton) (Cosponsors: Senator DANTON of York, Representatives POULIOT of Lewiston and CAHILL of Woolwich) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

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

#### In Convention

The President of the Senate, the Honorable Charles P. Pray, in the Chair.  
The Convention was called to order by the Chairman.

On motion of Senator Clark of Cumberland, it was

ORDERED, that a Committee be appointed to wait upon the Constitutional Officers and

members of the Governor's Cabinet inviting them to attend this Convention.

The Chairman appointed:

Senators:

Kany of Kennebec  
Andrews of Cumberland  
Hichens of York

Representatives:

Gwadosky of Fairfield  
Cote of Auburn  
Boutilier of Lewiston  
Descoteaux of Biddeford  
Lacroix of Oakland  
Nadeau of Saco  
Dillenback of Cumberland  
Sproul of Augusta  
Wentworth of Wells  
Hichborn of Lagrange

Subsequently, Senator Kany reported that the Committee had delivered the message with which it was assigned, and the Constitutional Officers and Cabinet members will attend the Convention forthwith.

At this point, the Chairman recognized in the gallery the Constitutional Officers and the Cabinet members of the Governor of the State of Maine.

On motion of Senator Violette of Aroostook, it was

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

The Chairman appointed:

Senators:

Pearson of Penobscot  
Dow of Kennebec  
McBreairty of Aroostook

Representatives:

Carter of Winslow  
Chonko of Topsham  
Connolly of Portland  
Lisnik of Presque Isle  
Nadeau of Lewiston  
McGowan of Canaan  
Smith of Mars Hill  
Bell of Paris  
Higgins of Scarborough  
Foster of Ellsworth

Subsequently, Senator Pearson 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.

At this point, the Chairman recognized in the gallery the brother of the Governor, Jim Brennan and his wife, Beverly, and Barbara Ann Brennan, the Governor's sister, and welcomed them to the Convention.

(At Ease)

Called to order by the Chairman

At this point, Governor Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

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

Two years ago, I came before you and reported that Maine is moving again.

I am pleased to report to you tonight that Maine continues to move ahead.

Maine is outperforming the nation as a whole in retail sales, in job growth, and in unemployment.

The figures for 1984 are truly impressive; 23,000 new jobs, 103 new and expanded businesses, income growth that is among the highest in the nation, and a State credit rating that is the very best in New England.

By year's end, 95 percent of all Maine men

and women seeking work, had jobs.

But you don't have to rely on numbers, you can go see for yourself.

Go to Aroostook County, and see the Simplot and McCain potato processing plants, see the 2000 acres of new broccoli fields planted last year, and the 4000 acres planned for this year.

Go to Machias, and see the new blueberry processing plant.

Go down to the docks in Eastport, and see the cargo ships laden for Europe and the new salmon farm just offshore in the Bay.

Go to Thomaston, and see the Dragon cement plant, reopened with the investment of Maine's Passamaquoddy Tribe.

Go to the Portland and South Portland waterfronts, and see the shipbuilding, and, everywhere, the bustling commercial activity.

Yes, Maine is on the move.

Today, we live in times we have not seen in Maine since the earliest years of statehood.

One of Maine's foremost historians, Robert Tristram Coffin wrote, "The years 1820 to 1880, were the only years the State of Maine was able to keep her smart children home and give them something to do, and not have to breed them for states further west, Illinois and Michigan, Oregon and Washington."

Those decades of growth in the 19th Century were built on a foundation of investment, both public and private, investment in canals and railroads, in mills and factories.

Today, we have the opportunity once more to build a future in Maine that can provide for all of our children.

Today, for the first time in memory, young people do not have to leave the State to find work.

In fact, young people from out of state are marching to Maine to enjoy our quality of life.

Today, Mainers do not have to go to Connecticut to work for companies like Digital and Fairchild and Pratt Whitney. Today...those companies are right here in Maine. They don't have to go to Boston or New York to work in commerce, finance, or the arts. Today, the opportunities are right here in Maine.

Yes, as we begin 1985, The state of our State is very good.

Working directly with you, the representatives of the Maine people, we have built the foundations for a prosperous and caring Maine.

The outlook has never been more promising. And if we act wisely, we can make today's promise, tomorrow's reality for all Maine people.

#### PUBLIC SAFETY

The first priority of any government is to protect and improve the public safety.

Last year, 231 Maine people died on our highways, more than half in alcohol-related crashes.

This is fewer than when I took office 6 years ago, but it is still too many. Clearly, something must be done.

Today, one out of five drunk-driving convictions are repeat offenders, people who have been caught once, and then caught again. I propose a mandatory 30-day jail sentence, and a two-year license-suspension for second offenders.

Seatbelts reduce by half the chances of serious injury in an accident. I propose to make wearing seatbelts the law.

Raising the drinking age will reduce accidents, save lives, and avoid needless family tragedies. I propose to raise the drinking age in Maine to 21.

Last year, 33 motorcycle riders were killed, ninety percent of them were not wearing helmets. I propose to make helmets for motorcycle riders mandatory.

Some have argued that the decision to wear a seatbelt or a helmet is a private matter. Too often, however, one person's free choice becomes the taxpayers obligation. We wind up supporting orphaned children, disabled adults,

and workers in need of rehabilitation, all because people fail to take simple measures, buckling up, or wearing a helmet.

There is no safety substitute for the immediate results that these measures provide. And I know of no simpler way to save lives, and the taxpayers money.

Supporting these bills is not a matter of invading privacy, it is simply a matter of common sense.

Alcohol and drug abuse are often the root of problems such as unemployment, child abuse, and violent crime.

We must renew our efforts to educate the young people of Maine about the dangers of forming these deadly habits.

Many of our citizens have shown leadership in addressing this issue, groups like Mothers Against Drunk Driving and Students Against Drunk Driving and private businessmen like Mike Burns in Augusta, who volunteers his time to speak in area high schools.

More than 1,000 students, teachers, policemen, and parents have been trained by an outstanding state employee, Carl Mowatt of Farmingdale and gone back to their communities to develop local prevention programs.

One outgrowth of this effort, Project Graduation, has been adopted by more than a hundred Maine schools, and become a national model for other states.

In addition, I propose this year to double our State Police effort to reduce the availability of illegal drugs in Maine.

Finally, I want to make a personal pledge to go to as many schools as possible and meet directly with students to give them the message that we are creating opportunity in Maine for our students.

But this opportunity will be available to them only if they have the skills and the self-discipline to take advantage of it.

#### EDUCATION

For the opportunities will be there.

Last fall, the Maine Legislature passed an education reform package that will endure as one of the outstanding achievements in the history of Maine public education.

I have included more than seventy million dollars in the biennial budget to carry out the State's share of this program.

But State help alone will not correct the deficiencies in our public education system. The task before us is to make every Maine school the best it can be for every Maine boy and girl.

Tonight I call upon the parents, the teachers, the principals, and the school board members of this state to join with us in this effort.

Together, we can give our children all that they need, to be all that they can become.

I am also pleased to announce tonight that I will request a 25 percent increase in funding for the University of Maine in the next two years.

Later this year, the distinguished Visiting Committee to the University of Maine, chaired by Dr. Robert Strider, former President of Colby College, will make its recommendations to this Legislature.

We look forward to their report as the occasion to renew the mandate for excellence in Maine higher education.

#### CHILD ABUSE

But before we can educate our young, we must first assure them the freedom fear and harm to which they are entitled.

No crime is more heart breaking than the abuse of a defenseless child.

Maine has made great strides in improving services to our children and families. But the tragic deaths of two little Maine girls, Angela Palmer, and Garianna Quinn is proof that there is more we must do.

We must, once and for all, break the cycle of violence and neglect against our children, the vicious cycle that makes today's victim tomorrow's abuser.

Last summer, I set up a Working Group on

Child Abuse and Neglect. In December, they made 51 recommendations to improve the protection of Maine children.

I will submit emergency legislation to give immediate effect to their major recommendations.

I will ask for nearly \$3 million to provide more child protective workers, more effective training for those involved in the protection of children and better treatment for victims of child abuse and their families.

With these actions, assistance to victims will come sooner, convictions for serious offenders will be more swift, and children will be better protected.

Two weeks ago, I received a letter from Clayton Hiltz of Jay, a member of the jury in the Garianna Quinn case. Let me read to you, if I may, from his letter:

"Dear Governor Brennan:

I had the privilege of serving in Superior Court in Farmington recently on a case which involved a step-father accused of beating-to-death his three year old step-daughter.

"If I had just read this story in the paper...my reaction would have been my usual one...how terrible! Then other stories, such as car accidents, plane crashes or other incidents would have caught my attention, as it does most people, and would have been placed out of mind. "This incident did not get placed out of mind. This little girl lived a life of pain and suffering over a long period of time.

"Not since I served my country and State proudly in Vietnam have I been so awakened by the things in life that so very few people have a chance to see or understand.

"I am writing to ask a personal favor.

"In my opinion, serving on jury duty is a duty of citizenship just as serving my country in the Army was also.

"The State of Maine has sent me two checks, totalling \$169.60. I strongly feel this money should be returned.

"As Governor of this great State you will know exactly where it should go to help someone such as Garianna.

"I want to feel that in some small way I have been able to help some other child in a similar situation. Wherever this money does go, please send it in Garianna Quinn's name.

"This will give me a certain peace of mind. I thank you very much for your time.

"Sincerely, Clayton Hiltz."

Let us all resolve here tonight that like Clayton Hiltz, each of us as private citizens, as parents, as neighbors and as friends, will do all we can to assure there will never be another Garianna Quinn case in Maine.

#### ECONOMIC DEVELOPMENT

Neglect and abuse find fertile ground in the stress of being out of work.

Like so many social problems, the best thing we can do to relieve the problems of dependency, neglect and abuse is to assure every Maine citizen a good job. Not just a make-work job as I have said so often, but a meaningful job, a job that gives dignity to the human spirit.

The best thing we can do together, is to continue supporting the working men and women of Maine, the businessmen, the skilled workers and the entrepreneurs in their efforts to make Maine grow.

For Maine's economy is growing, and this Legislature has been a vital partner in the effort;

— by passing an Interstate banking law that last year brought \$32 million in new capital to Maine;

— by supporting the Finance Authority of Maine, that last year invested \$57 million in Maine businesses, and created 1700 new jobs;

— by reforming Maine's health care system, which will save Maine business and citizens as much as \$40 million this year; and

— by authorizing Job Training, Community Development, and Small Business Revitalization programs that rank among the very best

in the nation.

We propose to redouble our efforts in 1985; — by building a \$5 million State Economic Development Center here in Augusta to give Maine business people and local officials one place to come for help;

— by embarking upon a \$230 million program to rebuild Maine's bridges, repave Maine's roads, and upgrade Maine's airports;

— by expanding the marketing of Maine products at home and abroad;

— by stepping up our tourist promotion effort;

— by providing greater technical help to Maine's small businesses;

— by supporting the local and regional development efforts that have spread across the State, like the Pro-Maine Conference in Northern and Eastern Maine, chaired by Mayor Lawrence Willey of Bangor, and involving more than 200 civic and business leaders; and finally;

— by attacking head on, the problem of workers' compensation.

I am convinced that, in its excesses, the present worker's compensation system in Maine hinders our efforts to build a stronger economy.

I will make this the subject of a special address to the Legislature in February.

#### NATURAL RESOURCES

We must also take action to be sure that our natural resources, the foundation of our economy and our way of life, are protected and enhanced.

In years past, Maine's rivers were fouled, our air was dirty, our landscape was spoiled by litter and our scenic views were obscured by billboards. Our Maine heritage was in danger of being lost.

The Maine people and the Maine Legislature responded.

We are now a national leader in cleaning up and protecting our land, our air, and our water. Our heritage has been saved.

Today we face the challenge of how to manage our reclaimed resources, of using them today, and improving them tomorrow.

Two years ago, in the Maine Rivers law, the Legislature showed how this can be done and added to our national reputation.

As a result of that law, we have protected 1100 miles of truly outstanding rivers and, at the same time produced a 20 percent increase in our hydropower to replace nearly a million barrels of imported oil each year.

This year, we shall build upon this proud record. This year, I will propose measures to improve the productivity of our farms and our forests, to protect our groundwater supplies, to complete the municipal sewage treatment program begun twenty years ago under the national leadership of our own Senator Ed Muskie.

And this year, I will propose a \$3 million program to complete the State Park System; begun a full generation ago, with parks on Pleasant River Lake, to serve the people of the Bangor area; in the Belgrade Lakes, to serve the Augusta-Waterville region; in the St. John Valley, to serve the people of Northern Maine; and on Jewell and Little Chebeague Islands in Casco Bay.

These projects will benefit all the people of Maine, support our growing tourist industry, and allow us to leave an improved natural heritage to our children.

#### HOUSING

Maine has another heritage of churches, town halls, homes, and mills that remind us of our past.

I shall ask you to approve a bond issue in support of local efforts to restore our most important historic buildings.

No state has a richer architectural heritage than Maine. Beautiful old homes grace the landscape of every city and town.

Our existing housing stock, however, is not sufficient to meet the needs of a growing



population. Nearly half of it was built prior to World War II.

Decent, affordable housing has become hard to find across the State. For some elderly people on fixed incomes, single mothers with children, homeless men and women, it is almost impossible.

We propose to create a housing fund that will generate \$200 million of private investment to build and repair 2500 housing units and make it possible for an additional 5000 Maine families to buy their first home.

Many of us can remember buying our first home; the special feeling of becoming part of the neighborhood and community.

We must keep this special opportunity for family and community life alive in Maine.

#### OTHER

We will offer other initiatives as well;

—Building a new million dollar state crime lab;

—Funding for additional judges and court renovations;

—Support for the Chief Justice's recommendation to reorganize the Probate Court System;

—Improvements to our fisheries lab in Boothbay;

—Additional group homes for our mentally retarded;

—Expanded job training for mothers on AFDC;

—Support for congregate housing for the elderly; and

—And, we will continue the progress we have achieved on behalf of our mentally handicapped citizens at Pineland Center, our state hospitals, and our community programs throughout Maine.

These, and other proposals too numerous to mention tonight, will continue to build a prosperous and caring Maine.

To Members of the 112th Legislature, and to your leaders, Senate President Charles Pray and House Speaker John Martin, I welcome your energy, I welcome your experience, and I welcome your ideas.

I promise I will not follow the example of one of my predecessors, Governor Daniel Davis, who, 100 years ago, brought cannons and militia to the State Capitol to protect himself from opposing points of view.

We will face difficult issues together over the next two years.

None will be more so than the effects of Federal cuts now under discussion in Washington.

Today, \$450 million, more than one third of our State revenues, comes from the federal government.

This money supports activities essential to our state and local governments, health care, housing, education, and job training.

No state in the Nation has done more than Maine to offset the effects of past Federal cuts. While federal aid has declined, State aid to our cities and towns has increased by fully two-thirds in the past six years.

In fact, this year, for the first time, State revenue sharing to local governments will actually exceed Federal payments.

But there is a limit.

If drastic cuts become reality, we must, and shall respond.

But we must also realize that Maine State Government cannot fulfill its own role, and the role of the federal government at the same time. The resources are not there. We must be ready, together, to make hard choices.

To Maine citizens.

I invite you tonight to join in the work of building a prosperous and a caring Maine.

We know that government cannot, and should not, try to do everything.

We know that the care and education of our children begins with parents.

We know that safe roads are the responsibility of each driver.

We know that job creation requires that

business men and women act with imagination, and a willingness to take risks.

We know that the protection of our natural beauty takes care and vigilance from all of us.

President John Kennedy once said that what government is all about is making choices, choices that remind us of both our limits and our values.

Certainly, the government of the people of Maine has its limits. We are not the wealthiest state, and we cannot do everything we might sometimes wish.

But there is no state that is richer than Maine in its people and its values.

The special values we share include compassion, generosity, ingenuity, and perseverance.

We have moving examples of these values in the past year.

Dr. Demetrius Traggis, whose compassion for children moved him to help families cope with serious illness by setting up the Ronald MacDonald House in Bangor.

Elizabeth Noyce of Bremen, whose generosity to the University of Maine, the Portland Art Museum, and the Maine Maritime Academy, has enriched the lives of all of us.

Ted Starrett, whose ingenuity transformed an agricultural by-product, potato skins, into a thriving new business in Belfast.

And Joan Benoit of Freeport, whose perseverance and courage in the 1984 Olympics, made every Maine heart glow with pride.

It is not by accident that Dr. Traggis, Ted Starrett, Elizabeth Noyce and Joan Benoit are among our neighbors.

The same values they have shown can be seen practiced over and over again, in a thousand ways in every day life in Maine.

People may stumble and fall but when they do, there is generally a friend or neighbor there to lend a hand to help set things right.

Yes, the strength of Maine is the strength of our people.

And there is a part for each of us to play in building Maine's future. There are parts for citizens at every level of Maine life, in our schools, in our city councils, our civic groups, and our Legislature.

For the past 6 years, my part has been to serve as your Governor.

In an Address to the Legislature sixty years ago, Governor Percival Baxter spoke these words that come to mind tonight,

"If I have earned the respect and confidence of my fellow citizens, I am sufficiently rewarded for all my work.

"I love the State of Maine and all its people and this affection has increased with each year of my service.

"There is much to be thankful for, much I would yet do for my State."

We all have much to be thankful for, a rich heritage, a caring people, a time of unusual promise.

Today, we live in the best of times in Maine.

Together, we can make an even better tomorrow.

Thank you very much.

At the conclusion of the Governor's address, the Governor withdrew amid applause of the Convention, 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 chambers amid applause of the House, the members rising.

#### In the House

Called to order by the Speaker.

Quorum called; was held.

On motion of Representative Ridley of Shapleigh.

Adjourned until ten o'clock tomorrow morning.