

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
2nd Legislative Day
Thursday, January 8, 1987

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

Prayer by Father Samuel Najjar, St. Joseph's Maronite Catholic Church, Waterville.

National Anthem by the Wiscasset High School Band. Quorum call was held.

The Journal of Wednesday, December 3, 1986 was read and approved.

At this point, the Speaker announced the presence in the Hall of the House of Representative Aliberti from Lewiston who was sworn in on December 11, 1986 and Representative Kimball from Buxton who was sworn in on December 17, 1986. The Speaker assigned Representative Aliberti to seat 131 and Representative Kimball to seat 18.

COMMUNICATION
STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA, MAINE 04333

January 7, 1987

To the President of the Senate and the Speaker of the House of Representatives

of the One Hundred and Thirteenth Legislature of the State of Maine:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Governor in the several cities, towns and plantations in the State of Maine at the General Election held on November 4, 1986, as submitted by the appropriate officials of the municipalities involved immediately following said election.

Respectfully,
S/Rodney S. Quinn
Secretary of State

Was read and with accompanying papers ordered placed on file.

COMMUNICATIONS

The following Communication:

BUREAU OF TAXATION
STATE OF MAINE
State Office Building
Augusta, Maine 04333

December 4, 1986

The Honorable John L. Martin
Speaker of the House
House of Representatives
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36, MRSA, section 1283.

This report includes ten properties or interests acquired through liens maturing since the last Regular Session of the Legislature.

Part A (the Resolve) includes a legal description of each property, the entire amount of outstanding tax, interest and costs which have accrued, and recommendations for disposition. Part B includes a narrative description of each property.

Respectfully submitted,
s/Anthony J. Neves

State Tax Assessor

Was read and with accompanying papers ordered placed on file.

The following Communication:

BUREAU OF CIVIL EMERGENCY PREPAREDNESS
STATE HOUSE STATION 72
AUGUSTA, MAINE 04333

DEPARTMENT OF DEFENSE AND VETERANS SERVICES

December 8, 1986

The Honorable John L. Martin
Speaker of the House
House of Representatives
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with P.L. 1985, c. 494 a Hazardous Materials Incident Response Capability Study mandated by the 112th Legislature is forwarded.

Sincerely,
s/Kenneth C. Young, Jr., Commissioner
Department of Environmental Protection
s/Philip Haines, Acting Director
Bureau of Health
s/Richard D. Dutremble, Director
Bureau of Civil Emergency Preparedness

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
House of Representatives
Speaker's Office
Augusta, Maine 04333

December 16, 1986

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 Chapter 309 of the Public Laws of Maine, 1985, I have today appointed Dr. Joseph S. Blinick, of Portland, to serve as the licensee member on the Advisory Commission on Radioactive Waste. He will be replacing Donald Nicoll who will not be eligible for reappointment when his term expires on December 31.

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

December 10, 1986

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 Chapter 809 of the Public Laws of Maine, 1986, I have today reappointed the following to serve on the Maine-Canadian Legislative Advisory Commission.

Rep. Donald Carter, Winslow
Rep. John L. Martin, Eagle Lake

Marcella Violette, Van Buren
William Osborne, Old Town

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

December 10, 1986

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 Chapter 775, of the Public Laws of Maine, 1986, I have today reappointed Rep. Donald Carter, of Winslow, and Rep. John L. Martin, of Eagle Lake, to serve on the New England and Eastern Canada Legislative Commission.

Sincerely,
s/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Ray Building, Hospital Street
Augusta, Maine 04333

December 18, 1986

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

With the passage last session of P.L. 698 (An Act to Amend the Classification System for Maine Waters), a number of requirements were made of this Department. Specifically Section 464/3/A requires a report to the Legislature on the quality of Maine's water. Enclosed is our recently completed evaluation of the State's waters entitled "State of Maine 1986 Water Quality Assessment." This report provides a comprehensive evaluation of the quality of the State's water, management programs and trends. The Appendices include a water by water assessment of identified problems and solutions. Section 484/3/C requires a report on the status of licensed discharges. Enclosed is a report entitled Municipal, Industrial, and Commercial Discharges in Maine--1986 which lists all licensed discharges in the State excluding single family dwellings. This report provides the licensee's name, receiving water, discharge volume and expiration date of the license.

As provided in Section 464/5 the Department will present to the Legislature a package of draft rules for administration of this Act by the end of December. Since passage of the Act we have consulted with all the parties who had taken a role in drafting the law to determine which portions of the law required additional clarification through rulemaking. We have created a number of small committees within the Department which included individuals from outside the Department to develop draft regulations. While we do not expect to have all regulations in draft form by the end of December,

we have focused attention on items which were determined to have the highest priority. Regulations concerning criteria for biological evaluation will be completed when the data set for all Maine waters is available. EPA has asked to comment on the antidegradation regulations. A meeting is scheduled for January 6, 1987 and draft regulations will come out shortly thereafter.

Thank you for your interest. Please call at 289-2811 if I can be of help.

Sincerely,
s/Kenneth C. Young, Jr.
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF PERSONNEL
STATE OFFICE BUILDING
STATE HOUSE STATION 4
AUGUSTA, MAINE 04333

December 19, 1986

The Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to submit to the Legislature and in particular to the Joint Standing Committee on State Government this first annual report of the Civil Service Policy Review Board pursuant to the provisions of Chapter 785 of Public Law 1986.

We are enthusiastic about the work we have begun and believe that we will be able to contribute to finding solutions to the matters directed to us by the Legislature.

If you have questions about our work, I would be pleased to meet with you.

Sincerely,
s/Harold L. Gosselin,
Chair
Policy Review Board

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
JOINT SELECT COMMITTEE ON ECONOMIC DEVELOPMENT
STATE HOUSE STATION 5
AUGUSTA, MAINE 04333

December 29, 1986

Honorable Charles P. Pray
President, Maine Senate
Honorable John L. Martin

Speaker, House of Representatives

Dear President Pray and Speaker Martin:

The Joint Select Committee on Economic Development, pursuant to Resolves 1985 c.45 as amended by c.53, is required to make its final report including recommended legislation to the First Regular Session of the 113th Legislature. The Committee fully expects to be able to submit its final report and accompanying legislation prior to March 1, 1987.

In light of the broad and important charge of this committee, efforts were divided among four subcommittees who worked diligently throughout this past summer and fall to submit recommendations earlier this month. These recommendations are presently being reviewed by the full committee which will draft some preliminary proposals. These preliminary recommendations will be distributed prior

to the two public hearings tentatively scheduled for late January in Bangor and Portland. After reviewing comments and reactions to these preliminary proposals, we will draft and submit our final report and legislation as soon as possible.

On behalf of the committee, I would like to personally thank you for the opportunity to be involved with such a timely and important issue. We hope the Legislature and the new Governor will find our report to be a very valuable tool to guide policy and funding decisions for this and future bienniums.

Sincerely,
s/Rep. Gregory G. Nadeau
Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

December 22, 1986

Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Public Law 1986, Chapter 692, section 3 the Department of Conservation, Bureau of Public Lands, has conducted a study concerning all local and statewide issues concerning the authority of harbor masters.

The due date for this report, as established in section 3, is January 1, 1987. The Bureau has consulted with the organizations and parties named in the study order, and they are currently reviewing a draft report. In order to provide adequate time to review comments of participating organizations and finalize this document an additional two week period is necessary. The additional time will allow the Bureau to submit a more complete and informative report to the Legislature for their consideration of the issues involved.

Hopefully, this short delay will not inconvenience the Legislature and there will be ample time to consider the issues and recommendations and take appropriate action.

If you would like to discuss this situation, please contact me, otherwise the report in question will be submitted no later than January 15, 1987.

Sincerely,
s/Robert Gardiner
Director
Bureau of Public Lands

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

December 24, 1986

Honorable John L. Martin
Speaker of the House
113th Maine Legislature
State House
Augusta, Maine 04333

Dear Speaker Martin:

I have enclosed a copy of a Report to the 113th Maine Legislature on the 1986 Spruce Budworm Management Program, as mandated by the Spruce Budworm Management Act (12 MRSA Section 8428).

No operational spray project was carried out in 1986. However, we continued to survey spruce budworm populations throughout the state and maintained the budworm research effort. If budworm populations continue to decline, I anticipate that FY 1987 will be the last year in which we need to support a separate Spruce Budworm Management Program. We plan to incorporate a general statewide budworm population survey, at a reduced level, as part of our ongoing forest insect and disease management program, funded through our General Fund appropriation.

If you have any questions about the program, don't hesitate to call.

Sincerely,
S/ Kenneth G. Stratton
Director
Maine Forest Service

Was read and with accompanying report ordered placed on file.

The following Communication:

WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

December 31, 1986

Honorable John L. Martin
Speaker of the House
Station 2
Augusta, Maine 04333

RE: Workers' Compensation Delay Study

Dear Speaker Martin:

Enclosed please find the Study of Delay in the Workers' Compensation System; A Report to the Joint Standing Committee on Labor, Maine Legislature.

Sincerely,
s/Ralph L. Tucker
Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
SUPREME JUDICIAL COURT
PORTLAND, MAINE 04112

January 6, 1987

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

I am very pleased to accept the invitation jointly extended to me by yourself and President Pray for my annual "State of the Judiciary" address to the Legislature on Wednesday, January 28, at 10:30 a.m.

Thank you very much for this opportunity again to report to the Legislature.

I extend to you all best wishes for the New Year.

Sincerely,
s/Vincent L. McKusick

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
December 17, 1986

Honorable Charles P. Pray

President, Maine Senate

Honorable John L. Martin

Speaker, House of Representatives

Dear President Pray and Speaker Martin:

Please find enclosed the final report of the Joint Standing Committee on Appropriations and Financial Affairs studying the relationship between the Judicial, Executive and Legislative branches of government with respect to financial and administrative practices and procedures. Included in the report is draft legislation that the Committee would like to have considered by the 113th Legislature's First Regular Session.

The Appropriations Committee has fulfilled its obligation as directed by Public Law 1985, Chapter 733, Sections 3 and 4.

Respectfully submitted,
S/Michael D. Pearson S/Donald V. Carter
Senate Chair House Chair

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Business and Commerce

Bill "An Act to Authorize the Creation of a Position of Executive Director and an Associate Executive Director to the Board of Registration in Medicine" (H.P. 11) (L.D. 9) (Presented by Speaker Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Edward L. Dexter of Kingfield be excused January 8 for the duration of his illness.

Was read and passed.

(At Ease)

The House was called to order by the Speaker.

At this point, a message came from the Senate, borne by Senator CLARK Of Cumberland proposing a Convention of both branches of the Legislature to be held at 6:30 p.m. at the Augusta Civic Center for the purpose of administering to the Honorable John R. McKernan, Governor-elect, the oath required by the Constitution to qualify him to enter upon the discharge of his official duties.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 6:30 p.m. and the Speaker appointed Representative DIAMOND of Bangor to convey this message to the Senate.

Subsequently, Representative DIAMOND of Bangor reported that he had delivered the message with which he was charged.

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. 17)

ORDERED, the House concurring, that the returns of votes for the Governor, given in the several cities, towns and plantations of the State for political years 1987, 1988, 1989 and 1990, be referred to a Joint Select Committee of seven on the part of the Senate, with such as the House may join.

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

The following Joint Order: (S.P. 19)

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

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

At this point, the Speaker appointed the following members on the part of the House to the Joint Select Committee on the Gubernatorial Vote:

Representatives:

- ERWIN of Rumford
- BOST of Orono
- SWAZEY of Bucksport
- HALE of Sanford
- HIGGINS of Scarborough
- STEVENSON of Unity
- LEBOWITZ of Bangor

At this point, the Speaker appointed the following members on the part of the House to the Joint Select Committee to Consider the Governor's Message:

Representatives:

- CLARK of Millinocket
- MARTIN of Van Buren
- CLARK of Brunswick
- RICHARD of Madison
- DAVIS of Monmouth
- WEBSTER of Cape Elizabeth
- FOSTER of Ellsworth

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Relating to Statutory Dates for Certain Reports to the Legislature" (Emergency) (H.P. 12) (L.D. 10) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Representatives ERWIN of Rumford, GOULD of Greenville and LAPOINTE of Auburn)

(Committee on State and Local Government was suggested)

Under suspension of the rules and without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

COMMUNICATIONS

The following Communication: (S.P. 18)

113th MAINE LEGISLATURE
December 30, 1986

Honorable Vincent McKusick
Chief Justice

142 Federal Street
Portland, Maine 04101
Dear Mr. Chief Justice:

We would like to invite you to deliver your annual report to a Joint Convention of the Legislature on Wednesday, January 28th, at 10:30 A.M. Please let us know if this is convenient for you.

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House
Came from the Senate, read and ordered placed on file.
Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 22)
DEPARTMENT OF MARINE RESOURCES
STATE HOUSE STATION 21
AUGUSTA, MAINE 04333
December 31, 1986

Senator Charles P. Pray, Chairman
Legislative Council
113th Legislature
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:
I am enclosing a Study of Leasing of Submerged Public Lands for Aquaculture Operations, as provided for by LD 2067 enacted by the 112th Legislature.

The Director of the Bureau of Public Lands has been consulted throughout the preparation of this report, and agrees with the report and its recommendations.

The department would be pleased to discuss any aspect of the report with the Legislature.

Yours sincerely,
S/Spencer Apollonio
Commissioner

Came from the Senate, read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

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

SENATE PAPERS

The following Communication:
THE SENATE OF MAINE
AUGUSTA

January 8, 1986
Mr. Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, ME 04333
Dear Clerk Pert:

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

- Senators: Gauvreau of Androscoggin
- Andrews of Cumberland
- Estes of York
- Brannigan of Cumberland
- Brawn of Knox
- Whitmore of Androscoggin
- Gould of Waldo

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
Was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE

AUGUSTA

January 8, 1987
Mr. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, ME 04333

Dear Clerk Pert:
The President today appointed the following Senators on the part of the Senate to the Joint Select Committee to consider the Governor's Message and report a reference of its several subjects to appropriate committees.

- Senators: Dow of Kennebec
- Twitchell of Oxford
- Black of Cumberland

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
Was read and ordered placed on file.

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

The following Joint Order: (S.P. 21)

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable JOHN R. MCKERNAN, and inform him that he has been duly elected Governor of the State of Maine for the political years 1987, 1988, 1989 and 1990.

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

At this point, the Speaker appointed the following members on the part of the House to wait upon the Honorable John R. McKernan and inform him that he has been duly elected Governor of the State of Maine for the political years 1987, 1988, 1989, and 1990:

- Representatives: PRIEST of Brunswick
- ROTONDI of Athens
- TAMMARO of Baileyville
- O'GARA of Westbrook
- INGRAHAM of Houlton
- REED of Falmouth
- RICE of Stonington

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

The following Communication:
THE SENATE OF MAINE
AUGUSTA

January 8, 1987
Mr. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, ME 04333
Dear Clerk Pert:

The President today appointed the following Senators on the part of the Senate to the Committee to inform the Honorable John R. McKernan that he has been duly elected Governor.

- Senators: Bustin of Kennebec
- Berube of Androscoggin
- Gill of Cumberland

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
Was read and ordered placed on file.

COMMUNICATIONS

The following Communication: (S.P. 20)
REPORT OF JOINT SELECT COMMITTEE ON
GUBERNATORIAL VOTE
STATE OF MAINE

January 8, 1987

The Honorable Charles P. Pray
President of the Senate
The Honorable John L. Martin
Speaker of the House of Representatives
State House
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Joint Select Committee of the One Hundred and Thirteenth Legislature on returns of votes for Governor given in at the several cities, towns and plantations of this State for the political years 1987, 1988, 1989 and 1990, has attended to its duty and asks leave to report that the whole number of votes returned for Governor was 426,863; and that John R. McKernan of Cumberland had 170,312 votes; James Tierney of Lisbon had 128,744 votes; Sherry F. Huber of Falmouth had 64,317 votes; John E. Menario of Portland had 63,474 votes; and Others had 14 votes.

Sincerely,
S/N. Paul Gauvreau
Chairman on the part of the Senate
S/Phyllis R. Erwin
Chairman on the part of the House

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

Was read and ordered placed on file in concurrence.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 23)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 13, 1987 until 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

COMMUNICATIONS

The following Communication:
STATE OF MAINE
House of Representatives
Speaker's Office
Augusta, Maine 04333

January 8, 1986

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 House Rule 1, I have today appointed Jonathan C. Hull, Esq., to serve as Legal Counsel to the Speaker for the 113th Maine Legislature.

Sincerely,
s/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act Relating to Statutory Dates for Certain Reports to the Legislature (H.P. 12) (L.D. 10)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Diamond of Bangor.
Recessed until 6:15 p.m. at the Civic Center.

(After Recess)

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

The SPEAKER: Over the course of the history of this nation, leaders have occasionally emerged who embody the best and highest qualities that we, as a free people, dare hope for in our elected officeholders. They have the ability to rise above simple partisan politics to a level of statesmanship that sets them apart as true leaders, guided by conscience and an abiding sense of right and wrong. They possess the courage of their convictions and are willing to defend their principles, even when that may not be the popular thing to do.

We are indeed fortunate to have such a leader among us tonight. The woman, of whom I speak, has elevated the single red rose that has been her trademark over the years into a nationally recognized symbol of integrity and dedication.

From a small town in a small state in the northeastern most extremity of this country she emerged as a leader, not only of her state and nation, but of the world. During her career, she has worked at the highest levels of government with the great leaders of the world but never lost touch with the people she loved back home in Maine.

She is the only woman ever elected to both the United States House of Representatives and the United States Senate where she served her people with the highest distinction.

While others of lesser courage sat silent during the red baiting era of McCarthyism, the Lady from Maine rose on the floor of the United States Senate to speak her Declaration of Conscience for all the world to hear.

She was elected to office time and again without the benefit of campaign contributions. Her name was placed in nomination for President of the United States at her party's national convention. She has been the recipient of no less than 86 honorary doctorate degrees.

She is a warm and genuine person whose public service career has touched lives of countless people and helped ease human suffering.

Her long record of unparalleled achievement will serve as a symbol of leadership, unselfish interest and boundless energy for all our citizens for generations to come.

Ladies and Gentlemen, it is with a special sense of pride, respect and affection that I introduce to you the former Senior United States Senator from the great State of Maine, the Honorable Margaret Chase Smith. (Speaker Martin presented Mrs. Smith with a rose) (applause, the audience rising)

Subsequently, Speaker Martin recognized the Honorable Margaret Chase Smith's escort, Merton Henry.

At this point, the Speaker thanked the Maine Maritime Academy Band for their performance prior to the ceremonies.

(At Ease)

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

IN CONVENTION

The President of the Senate, the Honorable Charles P. Pray, in the Chair.

On motion of Senator Clark of Cumberland, it was ORDERED, that a committee be appointed to wait upon the Honorable Associate Chief Justices of the Supreme Judicial Court, the Chief Justice and Justices of the Superior Court, and the Chief Judge and Judges of the District Court, inviting them to attend the Convention which was convened for the purpose of administering to the Honorable John R. McKernan, Governor-elect, the oath required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Chair appointed:

Senators:	Brannigan of Cumberland Gauvreau of Androscoggin Black of Cumberland
Representatives:	Paradis of Augusta Warren of Scarborough Cote of Auburn Conley of Portland Thistle of Dover-Foxcroft Allen of Washington MacBride of Presque Isle Lebowitz of Bangor Jalbert of Lisbon Strout of Corinth

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

At this point, the Sergeant-at-Arms escorted the Associate Justices of the Supreme Court, Daniel Wathen; Justice, Louis Scolnik; Justice, Caroline Glassman; Justice, David Roberts; Justice, Robert Clifford; Justice, David Nichols and Sidney Warren, Active Retired Justice to the rostrum.

Subsequently, the Sergeant-at-Arms escorted the Clergy to the rostrum followed by former Governor Burton Cross; Governor John Reed; Governor Kenneth Curtis and Governor Horace Hildreth.

At this point, the Chairman of the Convention welcomed Maine's Congressional delegation, Senator William S. Cohen and Congresswoman Olympia J. Snowe who were escorted to the rostrum by the Sergeant-at-Arms.

At this point, the members of the Governor-elect's family entered the Auditorium and were escorted to the rostrum by the Sergeant-at-Arms,

amid the applause of the Convention, the audience rising.

The Chairman extended a welcome to Barbara McKernan, mother of the Governor-elect; his son, Peter, his brother and sister-in-law, Robert and Kim McKernan.

On motion of Senator Dutremble of York, it was ORDERED, that a Committee be appointed to wait upon the Honorable John R. McKernan, Governor-elect, and inform him that the two branches of the Legislature are in Convention assembled, ready to administer to him the oaths of office required by the Constitution to qualify him to enter upon the discharge of his official duties and receive from him such communication as he may be pleased to make.

The Chair appointed:

Senators:	Pearson of Penobscot Usher of Cumberland Emerson of Penobscot Carter of Winslow Chonko of Topsham L. Connolly of Portland Lisnik of Presque Isle Nadeau of Lewiston McGowan of Canaan Higgins of Scarborough Foster of Ellsworth Davis of Monmouth Foss of Yarmouth
Representatives:	

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

At this point, the Chairman of the Convention extended a welcome to Attorney General, James Tierney; State Treasurer, Samuel Shapiro and State Auditor, Robert Norton and asked them to rise and accept the greetings of the Convention.

"I'm Proud to be an American" was performed by Devonsquare.

At this point, the Herald announced the procession and Governor-elect, John R. McKernan escorted by the Honorable Chief Justice Vincent McKusick, Adjutant General Park, Lt. Col. Tuttle, and Rodney S. Quinn entered the Auditorium amid prolonged applause, the audience rising.

The Convention was called to order by the Chairman.

The invocation was given by Reverend Arlan Baillie of the All Souls Congregational Church of Bangor.

The National Anthem was sung by the Boys Singers of Maine.

A reading was then given by Rabbi Asher Reichert of Shaarey Tphiloh Synagogue of Portland.

Thereupon, the Governor-elect, John R. McKernan, before the presiding officer of the Convention, the Honorable Charles P. Pray, in the presence of both branches of the Legislature, the Chief Justice and Associate Justices of the Supreme Judicial Court, the

Justices of the Superior Court and the Chief Judge and Judges of the District Court, took and subscribed the oaths required by the Constitution (Peter McKernan, son, held the bible) to qualify him to enter upon and the discharge of his official duties.

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

PROCLAMATION

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

GOD SAVE THE STATE OF MAINE.

The Chairman of the Convention then presented Governor John R. McKernan to the Convention, amid prolonged applause, the audience rising.

The Governor addressed the Convention as follows:

Mr. President, Mr. Speaker, Members of the 113th Legislature, Mr. Chief Justice and Members of the Judiciary, Mr. Secretary of State, Senator Smith, Members of Maine's Congressional Delegation, former Governors, clergy and fellow citizens:

As I was taking the oath of office a few minutes ago and looked out at the thousands of faces in the audience, I was filled with pride at what we represent. I am especially proud of our diversity. Present here tonight are Republicans, Democrats and Independents; residents of Portland and Presque Isle, Jackman and Jonesport. We are shipbuilders and shopkeepers, homemakers and health care workers, teachers and technicians.

We gather here tonight because we share a common love and a common vision: a vision of a great state which we believe can be even greater. It is a vision of Maine as the Opportunity State, a place where, to paraphrase Henry David Thoreau, a person can proceed confidently in the direction of his or her dreams.

I would also like to take just a moment to say how proud I am to have my family with me tonight. I would not be standing before you were it not for their support and encouragement. I am particularly proud to share this evening with my son, Peter, because providing opportunities for his generation is the critical challenge that lies ahead.

Tonight, as we begin to confront that challenge, we should take a moment to celebrate Maine's richness, her present greatness. There is much to celebrate. Thanks, in very large part, to those of you assembled here tonight and to Governor Brennan and other recent governors, Maine has made tremendous strides in recent years.

Throughout those years of change, Maine has managed to hold onto the best of the past and to value and protect this state's two most important assets, our people and our environment. Together, they contribute to a quality of life that is unique

to Maine. Together, they represent the strength of our past and the promise of our future.

In order for that future to shine as brightly as possible, our quality of life must be strengthened to include good jobs in all parts of this state, and it must include an educational system that provides our children the intellectual and vocational skills necessary for the future.

I see Maine as the showcase of the nation -- both for the opportunities it provides and the quality of life it offers.

I see Maine as a caring place, a state that meets the needs of our elderly and our veterans -- those who have served this state and country so well.

I see Maine as the opportunity state, as the very best place in America to live, to work, and to raise a family. (applause)

As I begin my term as governor and as we begin this new year, there are two resolutions we must make. One is concerned with education, the other with economic development, and the two are interrelated.

For Maine to become a state of opportunity, a place where people can take a dream and make it reality, we must continue to improve the quality of our public education system. The 1984 Education Reform Act represents a step toward that goal. We can do more.

I will propose school report cards to parents, reports that compare the education of a child, say, in Millinocket with that of a student in Kennebunk.

I will work to get drugs out of our schools and out of the hands of our children. (applause)

I will encourage school districts to establish career incentive programs for teachers.

I will fight to make sure that the state no longer mandates local educational programs without paying for them. (applause)

Each of us remembers a teacher who made a difference in our life, who awoke within us a love of history, or a curiosity about science, or a sense of our potential. I want to keep those people in the classroom, people such as Neil Tame of Oxford Hills High School and Ellen Ross of Scarborough, we must reward them. We must, on both the state and local level, validate the profession of teaching. (applause) For in what other profession can one claim, as did our heroic neighbor Christa McAuliffe: "I touch the future. I teach."

In addition to basic education, we must acknowledge the importance of additional training -- be it at the University level, at one of our Vocational-Technical Institutes, or in one of the many and varied job training programs in our state.

Whether in our mills, our fields, or our offices, Maine workers will need new skills so that they can face -- not fear of the future.

As we all know, however, those skills alone will not guarantee the jobs and opportunities Maine people deserve.

This brings me then to the subject of my second resolution: economic development. It is only through economic development that we can guarantee job opportunities.

Prosperity for all of Maine will be our goal; for while southern Maine currently enjoys its lowest unemployment rate in years, one out of every 12 adults in parts of northern and eastern Maine is struggling to find work.

We run the risk of becoming a state divided, two Maines which offer starkly different qualities of life.

My goal is to bring the two Maines together. (applause)

Maine, regrettably, is still a place young people too often must leave to find opportunity. There isn't a person in this state who hasn't seen a family member or the child of a friend leave Maine for fear that his or her hopes and dreams could not be successfully realized here at home.

Last summer, at my high school reunion in Bangor, I was struck by the number of my classmates who had left the state in order to pursue their careers. I was struck by how many of those who, having left, wanted to come home. Maine's emotional pull is a strong one. We must make Maine's economic opportunities equally difficult to resist. (applause)

We must never forget that our children are our future. We must never forget that they are our most important natural resource. It is time our children were no longer Maine's number one export. (applause)

Our administration will implement an innovative economic strategy. It will respond to the special needs of individual communities throughout this state and will work to ensure that my son, or your son or daughter, has the opportunity to stay in Maine.

To foster a partnership between the public and private sectors, I will ask the legislature to approve a complete reorganization and consolidation of existing state economic and community development activities.

This new cabinet-level department will be responsible for implementing the job-creation and incentive programs that I will ask the legislature to approve during the current legislative session.

If we truly believe in opportunity for all in our state, we must be willing to help those areas that are economically disadvantaged.

From expanding tourism, to improving the marketing of our marine and agricultural products, to making better use of our vast forest resources, our administration will take constructive advantage of Maine's unique resources.

And by preparing for future jobs in such areas as telecommunications and by addressing the needs of our traditional industries and our many small businesses, we can truly make Maine the opportunity state.

But being the opportunity state means providing opportunities and options for all. Consequently, we must pay particular attention to the needs of women -- who, in 1985, comprised 45 percent of Maine's work force.

I am committed to economic equity for women -- (applause) as the number of women in our administration will attest.

But these appointments are not enough.

The most important issue affecting women in the work force is a lack of quality child care. In 1980, seven years ago, nearly 100,000 working Maine women had children under the age of 17. Any successful economic development strategy must include provisions for quality child care. (applause)

We must have economic development, but as we have found in parts of southern Maine, with growth comes certain pressures which must be anticipated if we are to shape the future rather than be shaped by it. In no other area is that planning more important than in the protection of our environment and the health and safety of our people. As E.B. White wrote from his saltwater farm in Brookline, Maine, over forty years ago:

"The land must be held in safekeeping, ... one generation is ... responsible to the next ... and it is contrary to the public good to allow an individual ... to destroy almost beyond repair any part of the soil or water."

Our generation must be responsible to the next. One of my first actions will be to set in motion the development of a comprehensive plan for the economic growth of Maine.

Maine is special and our administration will work to keep it that way. (applause)

Likewise, in order to have economic growth, we must have a sound fiscal policy. I have pledged not to raise either the state sales or income tax. I have also pledged that the state will return to the citizens of Maine the windfall it may receive from federal tax reforms. (applause)

These are promises I made,

These are promises I will keep.

With the start of this new year and this new administration, I envision a government that does things in new ways, that develops new approaches to old and entrenched problems.

Ours will not be a status quo administration. We will dare to be different.

And to you legislators in Joint Convention here tonight, I pledge that we will work with the legislature in a spirit of cooperation. (applause) There is little we can do separately. There is much we can do together.

We will aggressively seek out ways to economize and to deliver services more efficiently.

We will set priorities to meet the essential educational, health and job development needs of the state.

We will seek advice from experts outside of government.

And we will ask the advice of experts within government -- the thousands of dedicated Maine State Employees who know best how to economize and make more efficient the state's operation.

We will work to make sure that our administration is known for turning bureaucratic red tape into a red carpet for all its citizens. (applause)

Because there are limits to what government can do for people, we must rekindle a volunteer spirit of citizen helping citizen. Maine people are good and caring neighbors. We must foster and support that sense of personal, individual involvement.

In order to do that, I will create within the Executive Department a program to promote volunteerism in Maine. One of the program's first projects will be a four-year celebration of Maine Pride.

I can think of no better way to prepare for the next decade than for all of us to work together for the next four years to understand our past and to celebrate our future. (applause)

And, even more importantly, I can think of no better way to help raise the aspirations of Maine children than by relating to them the successes of other Maine children.

I want children in Piscataquis County to know about two brothers, twins, who grew up in Parkman 50 years ago.

I want them to know that those brothers, raised on a dairy farm and educated in the town's one-room school house, worked hard, set high goals, and achieved them.

The children of Parkman should know that one of those brothers is now a world-renowned geneticist.

And they should also know that his twin, Vincent McKusick, who happens to be seated to my right, is now the Chief Justice of the Maine Supreme Judicial Court. (applause)

The McKusick brothers' story, like so many Maine success stories, is one of hard work, determination, and commitment to excellence. It is one that reminds us all of the solid virtues Maine engenders. It is

one that hints to us how bright our future can be if we are but willing to raise our sights and aspire to greatness.

As we look to our future, let us make a commitment to excellence.

Let us vow to work together.

Let us vow to break down geographic, economic, and educational barriers.

Let us vow to keep Maine special.

Let us vow to make Maine the opportunity state.

Only history will judge whether or not we are successful, but I know, that with your help, we will not fail.

Thank you. (prolonged applause, the audience rising)

At the conclusion of the address, benediction was offered by Father Richard Harvey of St. Joseph's Church of Brewer.

The Governor and his suite then withdrew amid the applause of the Convention, while the Portland Symphony Orchestra Brass Quintet performed "Fanfare for the Common Man." (Prolonged applause, the audience rising)

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

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

In the House

The House was called to order by the Speaker.

On motion of Representative Mahany of Easton. Adjourned until Tuesday, January 13th at 10 o'clock in the morning pursuant to Joint Order.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
January 8, 1987

Senate called to Order by the President.

Prayer by Father Renald Labarre of St. Philip's Catholic Church in Auburn.

FATHER LABARRE: Almighty and everlasting God, who alone works great wonders, pour down upon us and upon the Members of this Senate and upon all committed to their care, the spirit of Your saving grace, that we may truly please You and grow under the continual grace of Your blessing.

May we be the recipients of Your choicest favor as we strive to use the time allocated to us for the growth and welfare of Your people.

Look favorably, O Lord, upon the prayers we offer, for You are the giver of peace and the lover of charity. May no plan of our leaders ever go astray, nor dream of civic improvement not come to fruition, nor prayer be in vain.

May our government leaders be ever faithful in the execution of their duty and responsibility and be an inspiration in improving the quality of life of our citizenry. Ever loving Father, stretch forth Your hand and bless them and us that as one we may glorify Your name and in justice and peace build Your kingdom on earth. We ask this through Christ, our Lord. Amen.

Reading of the Journal of Wednesday, December 3, 1986.

Out of Order and Under Suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Joint Order:

S.P. 17

ORDERED, the House concurring, that the returns of votes for the Governor, given in the several cities, towns and plantations of the State for political years 1987, 1988, 1989 and 1990, be referred to a Joint Select Committee of seven on the part of the Senate, with such as the House may join.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The Chair would appoint to the Joint Select Committee on Gubernatorial Vote the following on the part of the Senate:

- Senator GAUVREAU of Androscoggin
- Senator ANDREWS of Cumberland
- Senator ESTES of York
- Senator BRANNIGAN of Cumberland
- Senator BRAUN of Knox
- Senator WHITMORE of Androscoggin
- Senator GOULD of Waldo

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA, MAINE

January 7, 1987

To the President of the Senate and the Speaker of the House of Representatives of the One Hundred and Thirteenth Legislature of the State of Maine: