

# 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**  
**9th Legislative Day**  
**Wednesday, January 28, 1987**

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

Prayer by Reverend Archie McRee, First Congregational Church, Camden.

The Journal of yesterday was read and approved. Quorum call was held.

SENATE PAPERS

The following Communication:  
 The Senate of Maine  
 Augusta

January 27, 1987  
 The Honorable John L. Martin  
 Speaker of the House  
 113th Legislature  
 Augusta, Maine 04333  
 Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Labor, the Governor's nomination of John Fitzsimmons of Falmouth Foreside for appointment as the Commissioner of the Department of Labor.

Sincerely,

/Joy J. O'Brien

Secretary of the Senate  
 Was read and ordered placed on file.

Reported Pursuant to the Statutes

Report of the Commission to Examine Chemical Testing of Employees, pursuant to Resolves of 1985, Chapter 86 ask leave to submit its findings and report that the accompanying Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees" (S.P. 54) (L.D. 105) be referred to the Joint Standing Committee on Labor for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Labor and ordered printed.

Report was read and accepted and the bill referred to the Committee on Labor in concurrence.

Non-Concurrent Matter

Bill "An Act to Repeal the Requirement that Unemployment Tax Liens and Warrants be Filed in the Offices of Municipal Clerks." (H.P. 45) (L.D. 48) which was referred to the Committee on Labor in the House on January 26, 1987.

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

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Exempt Certain Eating Places from the Requirement to Provide a Public Rest Room" (Emergency) (S.P. 35) (L.D. 19) which was referred to the Committee on Human Resources in the House on January 20, 1987.

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

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Repeal a State Law Duplicative of a Federal Law Relating to Continuation of Group Health Insurance Coverage" (H.P. 66) (L.D. 69) which was referred to the Committee on Banking and Insurance in the House on January 26, 1987.

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

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Honor Governor Joseph E. Brennan (Emergency) (S.P. 42) (L.D. 37) which was referred to the Committee on State and Local Government in the House on January 26, 1987.

Came from the Senate with that body having Insisted on its previous action whereby the Bill was Passed to be Engrossed without reference to a committee in non-concurrence.

On motion of Representative Diamond of Bangor, tabled unassigned pending further consideration.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and Resolve 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:

Appropriations and Financial Affairs

Bill "An Act to Expand the Number of Elder Volunteers Working in Areas of Literacy and In-home Support for Families in the Retired Senior Volunteer Programs, Foster Grandparent Programs and Senior Companion Program" (H.P. 107) (L.D. 117) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives LISNIK of Presque Isle, MURPHY of Kennebunk and Senator CLARK of Cumberland)

Bill "An Act to Continue the Central Filing System Established Pursuant to the United States Food Security Act of 1985" (Emergency) (H.P. 112) (L.D. 122) (Presented by Representative TARDY of Palmyra) (Cosponsors: Representatives LISNIK of Presque Isle and MAYO of Thomaston)

Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing Impaired" (H.P. 115) (Presented by Representative MITCHELL of Freeport) (Cosponsor: Representative CHONKO of Topsham)

Ordered Printed.  
 Sent up for Concurrence.

Education

Bill "An Act to Extend the Teachers' Bonus Provisions to Certain Excluded Schools" (H.P. 106) (L.D. 116) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsor: Representative CONNOLLY of Portland)

Bill "An Act to Provide Adequate Compensation for Substitute Teachers and to Take into Account Local Ability to Pay" (H.P. 118) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives MATTHEWS of Caribou, BOST of Orono, and Senator KANY of Kennebec)

Bill "An Act Authorizing Husson College to Confer the Degree of Bachelor of Science" (H.P. 121) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives GARLAND of Bangor, STEVENS of Bangor, and Senator BALDACCI of Penobscot)

Ordered Printed.  
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas" (H.P. 113) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsors: Senator SEWALL of Lincoln, Representatives MITCHELL of Freeport, and SMALL of Bath)

Bill "An Act to Increase Local Control of Certain Waste Water Discharges" (H.P. 114) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Representatives HOLLOWAY of Edgecomb, COLES of Harpswell, and Senator TUTTLE of York)

Ordered Printed.  
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Creating a Deer Allowance During Archery Season" (H.P. 120) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives SMITH of Island Falls, HEPBURN of Skowhegan, and Senator BRAUN of Knox)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Change Location for District Court Cases from Wayne to Livermore Falls" (H.P. 98) (L.D. 108) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Representatives MacBRIDE of Presque Isle, VOSE of Eastport and Senator DOW of Kennebec)

Ordered Printed.  
Sent up for Concurrence.

Labor

Bill "An Act Concerning Mandatory Workfare Participants" (H.P. 108) (L.D. 118) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives SWAZEY of Bucksport, NADEAU of Saco and Senator ANDREWS of Cumberland)

Bill "An Act to Amend the Employment Security Law Regarding Full-time Students in the Employ of Organized Camps to Conform with the Federal Unemployment Tax Act" (H.P. 117) (Presented by Representative DELLERT of Gardiner) (Cosponsors: Representatives BEGLEY of Waldoboro, RUHLIN of Brewer, and Senator SEWALL of Lincoln)

Ordered Printed.  
Sent up for Concurrence.

Tabled and Assigned

Bill "An Act to Promote the Coordination of State Crime Prevention Programs for Juveniles" (H.P. 105) (L.D. 115) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Representative MELENDY of Rockland, Senators BUSTIN of Kennebec and GILL of Cumberland)

(The Committee on Reference of Bills had suggested the Committee on Legal Affairs.)

On motion of Representative Priest of Brunswick, tabled pending reference and specially assigned for Monday, February 2, 1987.

Legal Affairs

RESOLVE, to Simplify the Wording on the Ballot of the Proposed Initiative Regarding the Generation of Electric Power and High-level Radioactive Waste (H.P. 109) (L.D. 119) (Presented by Representative VOSE of Eastport) (Cosponsors: Representative PARADIS of Old Town, Senators CLARK of Cumberland and PERKINS of Hancock)

Bill "An Act Pertaining to Signing of Nomination Petitions" (H.P. 111) (L.D. 121) (Presented by Representative SMITH of Island Falls) (Cosponsor: Representative HANDY of Lewiston)

Ordered Printed.  
Sent up for Concurrence.

State and Local Government

Bill "An Act Regarding the Membership of the Maine Committee on Aging" (H.P. 97) (L.D. 107) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: President PRAY of Penobscot)

Bill "An Act to Allow Recall of County Officers" (H.P. 101) (L.D. 111) (Presented by Representative VOSE of Eastport) (Cosponsors: Representatives MOHOLLAND of Princeton and TAMMARO of Baileyville)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act Concerning Eligibility Levels for the Elderly Household Tax and Rent Refund Act" (H.P. 100) (L.D. 110) (Presented by Representative PARADIS of Augusta) (Cosponsors: Senator TWITCHELL of Oxford, Representatives GWADOSKY of Fairfield and CALLAHAN of Mechanic Falls)

Bill "An Act to Encourage Employers to Assist their Employees in Meeting Their Child Care Needs and Expenses" (H.P. 102) (L.D. 112) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator CLARK of Cumberland, Representatives FOSS of Yarmouth and MAYO of Thomaston)

Bill "An Act to Provide a Trade-in-credit for Camper Trailers" (H.P. 104) (L.D. 114) (Presented by Representative SOUCY of Kittery) (Cosponsors: Representative McPHERSON of Eliot and Senator ESTES of York)

Bill "An Act to Establish a Sales Tax Exemption for Sales to Incorporated Nonprofit Homes for the Elderly" (H.P. 110) (L.D. 120) (Presented by Representative SMALL of Bath) (Cosponsors: Representatives HOLT of Bath, LEBOWITZ of Bangor and Speaker MARTIN of Eagle Lake)

Bill "An Act to Abolish the Watercraft Excise Tax" (H.P. 119) (Presented by Representative CLARK of Millinocket) (Cosponsors: Representatives HUSSEY of Milo, DUFFY of Bangor, and Senator USHER of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

Transportation

Bill "An Act Relating to the Social Services Transportation Review Committee" (Emergency) (H.P. 99) (L.D. 109) (Presented by Representative MACOMBER of South Portland) (Cosponsors: Representatives REEVES of Pittston, CONNOLLY of Portland and Senator DOW of Kennebec)

Bill "An Act to Amend the Laws Concerning Extension of Motor Vehicle Registration Expiration Dates" (H.P. 116) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives STROUT of Corinth, MACOMBER of South Portland, and Senator CAHILL of Sagadahoc)

Ordered Printed.  
Sent up for Concurrence.

Utilities

Bill "An Act to Modernize the Definition of Telephone Utilities Subject to the Jurisdiction of the Public Utilities Commission" (H.P. 103) (L.D. 113) (Presented by Representative WEYMOUTH of West Gardiner) (Cosponsors: Representatives WILLEY of Hampden and ALLEN of Washington)

Ordered Printed.  
Sent up for Concurrence.

At this point, a message was received from the Senate, borne by the Majority Floor Leader, Senator Clark of Cumberland of that body, proposing a Joint Convention to be held in the Hall of the House at 10:30 a.m. for the purpose of extending to the Chief Justice Vincent L. McKusick and the Supreme Judicial Court an invitation to attend the Convention and make such communication as they may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 10:30 a.m.

Representative DIAMOND of Bangor was charged with and conveyed a message to the Senate announcing that the House concurred in the above proposition for a Joint Convention.

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

SENATE PAPER

The following Joint Order: (S.P. 71)  
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, February 2, 1987, at 10 o'clock in the morning.  
Came from the Senate, read and passed.  
Was read and passed in concurrence.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

IN CONVENTION

The President of the Senate, 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 Vincent L. McKusick, Chief Justice of the Supreme Judicial Court and the Justices of the Supreme Judicial Court to inform them that the two branches of the Legislature are in Convention assembled ready to receive such communication as he may be pleased to make.

The Chairman appointed:

Senators: BRANNIGAN of Cumberland  
GAUVREAU of Androscoggin

Representatives:

BLACK of Cumberland  
PARADIS of Augusta  
WARREN of Scarborough  
VOSE of Eastport  
COTE of Auburn  
CONLEY of Portland  
THISTLE of Dover-Foxcroft  
MACBRIDE of Presque Isle  
BEGLEY of Waldoboro  
HANLEY of Paris  
MARSANO of Belfast

Senator BRANNIGAN, for the Committee, subsequently reported that the Committee had delivered the message with which it was charged and that the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court were pleased to say that they would forthwith attend the Convention.

(At Ease)

The Chairman called the Convention to order.

At this point, the Honorable Chief Justice and Justices of the Supreme Judicial Court entered the Convention Hall amid the applause of the Convention, the audience rising.

The CHAIRMAN: The Chair, at this time, is pleased to introduce to the Joint Convention the Associate Justices of the Supreme Judicial Court - the Honorable David A. Nichols; the Honorable David G. Roberts; the Honorable Robert W. Clifford; the Honorable Daniel E. Wathen; the Honorable Caroline D. Glassman; the Honorable Louis Scolnik; the Honorable Elmer Violette, Active Retired Supreme Court Justice.

The Chair is also pleased to recognize the Chief Justice of the Superior Court, the Honorable Morton Brody and Chief Judge of the District Court, the Honorable Bernard M. Devine.

The Honorable Chief Justice of the Supreme Judicial Court, Vincent L. McKusick, then addressed the Convention as follows:

Mr. President, Mr. Speaker, Distinguished Members of the 113th Legislature, my judicial colleagues, ladies and gentlemen:

On this very cold morning, I thank you for that warm welcome. I also want to warn you at the outset that I am finding the performance of President Reagan last night an impossible act to follow.

It is with particular pleasure this year that I appear before this Joint Convention to report on the state of our Judiciary. You legislators and we judges both have a special reason to celebrate in this year 1987. We are privileged to serve during the biennium when Maine, as part of one of the original 13 states, is joining the rest of the nation in commemorating the 200th anniversary of the framing and the ratification of the Constitution of our United States. That is a big event.

This Constitutional Bicentennial turns our minds back to first principles and to the grand plan designed at Philadelphia during that hot summer of 1787. That plan not only divided powers between the federal government and the states; it also divided the federal powers between the three branches of that government and thereby served as the model to us in our State Constitution and its division of powers between our own three branches. Our coming together on these occasions symbolizes our mutual recognition

that, while we have a constitutional responsibility to retain our independence from each other, we also have a constitutional responsibility to each other. You legislators carry the responsibility for funding the courts and for legislating their jurisdiction and structure; we in the judiciary have a corresponding responsibility to you to manage those courts efficiently and to keep you fully informed of their operations. As you have heard me say in the past, in discharging their interrelated responsibilities, the three separate branches need to practice toward each other a policy of the 3 C's -- communication, cooperation and comity. I report to you today in that spirit.

You have received the final report of the Appropriations Committee on its study during the last 6 to 8 months of the relationship between the judicial branch and the other two branches on financial and administrative matters. Our work on that study with the Appropriations Subcommittee headed by House Chair, Representative Carter, has made us in the Judicial Department better informed of the legislative process and more sensitive to your constant need for information about our operations. The Committee's report makes uniformly valuable recommendations. We are immediately implementing all within our power to implement administratively; the others requiring legislation we fully support, and we commend them to your favorable considerations. To carry out one of the Committee's recommendations, I have appointed a legislative liaison for the Judicial Department. His job also includes liaison with the executive branch and service as our public information officer. He will function as a facilitator of communication. With his help, we are determined to be more accessible, not less, to you -- and to the public.

I am proud to announce that our computerized budget control system is now in final testing. That system is designed to produce, immediately after the end of each month, a detailed accounting of expenditures at each of our nearly 60 court locations and functional units. It will enable each of our responsible managers to address immediately any out-of-line costs that appear. It is appropriate here to note that some of our costs are driven by factors over which we exercise little control. A major example is the cost of court-appointed counsel for indigent criminal defendants. Because of the size and the special nature of that item, we fully support the proposal, made by the State Bar Association, that the legislative appropriation for that constitutionally required state function be identified as a separate line item, rather than being lumped with the appropriation for "All Other" expenses of the courts.

The entire cost of operating our state-funded court system ran to about \$20 million in the last fiscal year; and, as compared to that gross cost, the courts collected revenues in fines and fees of almost \$14 million. The courts thus impose a very small net burden on the \$2 billion budget of the state. That fact must not, however, reduce one bit the rigor of our financial stewardship. Our computerized budget control system is a valuable tool that should help us do even better in managing our financial resources.

In the past year, with your help, we have further improved our methods for collecting fines. At this session, you have before you further legislation that will help the courts to reach scofflaws, principally from out of state, who fail to appear when summoned to court for traffic infractions and civil violations. That legislation is desirable for its financial consequences. Even more, it is needed to

assure the integrity of the court process. My report this morning on the operation of our trial courts during 1986, just closed, will sound to some of you like a rerun of my report a year ago for 1985. The litigation explosion that pushed the case filings in our trial courts to record levels in 1985 continued in '86 to produce still new record highs. New cases in the District Court totaled nearly 267,000, a staggering number even to contemplate. In the Superior Court, over 11,000 new criminal prosecutions were initiated, producing a total record case load, criminal and civil, of over 17,500 filings. I can suggest some of the reasons for this continued growth in the work of Maine courts: an increasing population and greater highway traffic; enhanced law enforcement, in, for example, the areas of child abuse and drug violations; stepped-up development and economic activity and the added zoning and other governmental regulation that responds to it; a steadily growing body of statutes to protect consumers, to vindicate individual rights, and otherwise to meet perceived needs in an increasingly complex society; and undoubtedly, there are other reasons.

The growth in the work load of the courts does not come only in numbers. The civil cases, in both the Superior Court and the District Court, are becoming qualitatively more complex and they take more court time. To meet the growing work load of the trial courts, we are doing many things. Most of them are possible only with your help. First, the computerization of the criminal and traffic infractions dockets in the District Court is well along in its completion. The introduction of computers into the Superior Court is starting in March. Nonetheless, as compared with many other states, the Maine courts are making the transition to the high tech world with fewer personnel and at a faster pace. We are also proud of the high quality of the technical work that is being done by our computer director. The trial court computers will make needed information available much more readily than the present manual system and will help the already hard-pressed staff of our clerks' offices to cope with the ballooning case load.

Second, in the last biennium, you, at our request, added one judge to each of the trial courts. Our previous projection had indicated that we would also need an additional judge in each trial court at the First Regular Session of this Legislature. We do much need that one additional judge in the District Court. At this time, however, we are deferring our request for the additional Superior Court judge until the critical shortage of jury courtrooms in Cumberland County is relieved. Even with one more District Court judge, the Maine judiciary is remarkably small. Other than the part-time county probate judges, 48 men and women comprise our entire active judiciary. In good part, credit for our small judiciary's being able to cope with their increasing work load goes to the help we get from our active retired judges, such as Justice Violette. After retirement, those experienced judges continue to perform judicial service as assigned by the chiefs of their respective courts, and they do so at only a minimal cost to the state. We are much indebted to them.

Third, we are making steady progress in improving court facilities statewide. In Bath, Belfast, Farmington, Millinocket, Fort Kent, and Madawaska, new or improved court facilities are open or are in preparation. At those and other locations around the state, we have made courtrooms accessible to the handicapped. In Cumberland County, with excellent

cooperation between the County Commissioners and the courts, planning is under way for the major addition to the courthouse approved by the county voters a year ago November. This addition is much needed. That Cumberland County Courthouse does about 20% of all the business statewide of both the District Court and the Superior Court. We, responsible for the courts, are working hard in the planning process to assure that we get the maximum possible in additional courtrooms and support facilities for the rent dollars that we will pay to the county.

Fourth, the trial courts constantly work to improve their methods of operation and the quality of the justice they dispense. By the end of this week, the Superior Court's expedited case flow program for civil cases will have been in operation statewide for a full year and in four test counties for more than two years. The indications continue that the civil cases that are put on the fast track (and that is about three quarters of all of them) are settled or are disposed of through trial faster than would otherwise be true. The public directly benefits from reduced delay and cost.

By statutes you enacted in the last biennium, our court mediation service and our CASA program, both nationally acclaimed, have become regular features of the Judicial Department. Our mediation service continues to produce, in many cases, what I am confident is a better brand of justice than is possible with the black-and-white of an adjudicated outcome. Despite the suspension of mediation for 2 1/2 months for budgetary reasons, our mediators handled 3,322 cases in 1986, over 70% being marital relations cases. CASA (the acronym for court appointed special advocates) is now fully operational at six District Court locations from Biddeford to Lewiston to Rockland. In the CASA program, a carefully selected and trained citizen volunteer is appointed by the court to act as guardian ad litem for the child involved in a child protection proceeding. Throughout the pendency of that proceeding, the CASA volunteer works closely with the child, in and out of court. Extension of the CASA program to other court locations will proceed as fast as the CASA director is able to carry out recruitment, training, and supervision of the needed volunteers. The CASA volunteers are performing a great public service in helping the courts to protect children in jeopardy.

In his Inaugural Address Governor McKernan said, "We must rekindle a volunteer spirit of citizen helping citizen." I fully agree. We in the courts already are the beneficiaries of much citizen participation, but we can use more. In the CASA program, over 100 volunteer guardians ad litem are now working under court appointments in over 125 child protection cases. Our active mediators, now numbering about 60 and including, I am pleased to note, Barbara McKernan of Bangor, bring to their mediation efforts a variety and depth of life experience that money alone could never buy. Citizens also participate in the courts' work in other ways: Last year, 7,700 Maine men and women served on the grand and traverse juries of the Superior Court. Many citizens serve on committees and boards advising the Supreme Judicial Court. In fact, lay persons now preside over both the Board of Overseers of the Bar, the body responsible for superintending the legal profession, and the Committee on Judicial Responsibility and Disability, the body responsible for investigating complaints against judges. To refashion an old adage, the courts are too important to leave to us judges and lawyers alone.

Turning to the Supreme Judicial Court, last year produced another record high in the number of appeals to the Law Court -- 520. I am proud to report again that my hard-working colleagues have kept well abreast of this heavy appellate case load. This the Court has accomplished, while at the same time, discharging the court's "board of directors" responsibilities in setting administrative policy for the Judicial Department and in making procedural rules for all courts. During the past year, Justice Elmer H. Violette has taken active retired status, and former Chief Justice Robert W. Clifford of the Superior Court has succeeded him. Both are here with us today.

As part of the Law Court's commemoration of the Constitutional Bicentennial, it is going "on the road" outside Portland for all four weeks of its regular May and June terms. For one of those weeks, the Court will sit to hear oral argument in Alfred and for another week, it will sit in Houlton. And I am personally pleased to announce that the Law Court will sit for one day of oral argument at the courthouse in my native County of Piscataquis. I am sure that President Pray and Representative Thistle are not unhappy to hear that. The State and County Bar Associations are to help in arranging visits by school students to the Law Court sessions around the state.

Two weeks ago, you received the final report of the Supreme Judicial Court Relocation Commission, a study commission created by you in 1985. In considering their recommendations, you will be addressing two basic questions: First, should Maine bring its Supreme Court together into its own central home, thus doing what all other states of the Union have done? Second, should Maine headquarter its Supreme Court in its capital city, thus doing what all the other states of the Union, except Louisiana, have done? Yours is a "Once in a Statehood" decision, as Commission member Eugene Mawhinney of Orono calls it. In broad historical perspective, you will decide whether to finish the job, started by the Maine Legislature in the late 1820's, of moving the seat of all state government from Portland to Augusta.

Before closing, I want to return to the subject of the Constitutional Bicentennial. Last year you authorized and funded a Maine Commission for the commemoration of the Bicentennial. That Commission, under the dynamic leadership of Dr. Arthur M. Johnson, former President of the University of Maine at Orono, is encouraging and coordinating the efforts of great numbers of Maine communities and other organizations, public and private, in sponsoring appropriate celebratory events. During the next several months, we can all enjoy a refresher course in civics and history occasioned by the Bicentennial.

From my reading about the historic events of 200 years ago, I draw several lessons, of which I now mention two. First is the importance placed by the Founding Fathers upon an independent judiciary. At Philadelphia, the delegates accepted without debate the proposition that the Constitution's division of powers, its guarantee of individual rights, and its intricate set of checks and balances would be monitored by a judicial system independent of, and as much as possible insulated from, the other two branches, the political branches. The only debate was over how to assure an independent judiciary. The delegates gave federal judges life tenure and in the "compensation clause" prohibited the reduction of a judge's salary during his tenure. The principal debate, such as there was, concerned a parallel proposal to prevent the temptation of salary increases. Promoted by James Madison himself, the

Adjourned until Monday, February 2, 1987, at ten o'clock in the morning pursuant to Joint Order.

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proposal lost largely on the practical ground that the cost of living might rise. Perhaps I am just as happy that that idea didn't fly. In 1787, the Massachusetts Constitution already had provided for judges with life tenure, and Maine followed that example in its Constitution in 1820. Although in the flush of Jacksonian democracy, Maine, in 1839, substituted 7-year terms for its judges, judicial independence remains a cornerstone principle of Maine government. Judges must be free to make unpopular decisions when either constitution or statute requires. No citizen wants his rights to liberty or property ruled upon by a judge who is influenced by any consideration other than the requirements of the law, determined as wisely and as dispassionately as is humanly possible.

A second lesson that I get from my Bicentennial reading is a renewed respect for the political process, a renewed respect for you in the political branches of government, the legislative and executive branches. That remarkable document that 39 delegates signed on September 17, 1787, came about through political debate and political compromise. The drafters resolved conflicting interests, particularly between the large and the small states, through political compromise, and they kept a constant political eye out for what would sell or not sell in ratification conventions back home. The ratification process, during the next year, was a real political squeaker. In February 1788, Massachusetts, including the District of Maine, ratified by a convention vote of less than 53%, and then only when that convention vote was joined with a recommendation of amendments that would make a more clear and extensive cataloging of individual and state rights. In the following months, that political formula succeeded in turning the tide in favor of ratification in other critical states, such as Virginia and New York. As a direct consequence of the political debate in the ratification conventions, the first Congress, within 6 months of being organized, approved the Bill of Rights for submission to the states for ratification. Thus, the framing of the Constitution, its ratification by the states, and the adoption of the Bill of Rights, were all the product of the political process at its best.

The high standard of political debate and compromise set by our politician founding fathers stands as a challenging model for you citizen politicians in going about your legislative duties in this bicentennial biennium. I wish you all possible success in doing what is best for the State of Maine. I know that is the goal of every one of you.

Thank you very much for your time and your attention. (Prolonged applause)

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The Chief Justice and Associate Justices of the Supreme Judicial Court withdrew amid the applause of the Convention, the audience rising.

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

The Senate then retired to its Chamber, amid applause of the House, the members rising.

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#### IN THE HOUSE

The House was called to order by the Speaker.

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On motion of Representative Carter of Winslow,