

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
43rd Legislative Day
Tuesday, April 7, 1987

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS
Senate

Ought to Pass in New Draft
Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1987" (Emergency)

S.P. 200 L.D. 557

Reported that the same Ought to Pass in New Draft under same title (Emergency).

S.P. 372 L.D. 1107

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator ANDREWS of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator PEARSON of Penobscot, ADJOURNED until Tuesday, April 7, 1987, at 9:00 in the morning.

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

Prayer by Reverend Douglas Drown, First Congregational Church of Bingham.

The Journal of Monday, April 6, 1987, was read and approved.

Quorum call was held.

At this point, a message came from the Senate, borne by Senator CLARK of Cumberland proposing a Joint Convention of both branches of the Legislature to be held at 11:00 o'clock in the Hall of the House for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend the Joint Convention and make such communication as he may be pleased to make.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held in the Hall of the House at 11:00 o'clock 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.

SENATE PAPERS

Bill "An Act to Increase the Availability of Boarding Homes and Adult Foster Homes for Persons with Mental Retardation" (S.P. 364) (L.D. 1099)

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

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

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

Bill "An Act to Facilitate the Advertising of Local Businesses under the Maine Traveler Information Services Act" (S.P. 370) (L.D. 1104)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Regarding Disposal of Waste Matter" (S.P. 359) (L.D. 1094)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

Was referred to the Committee on Utilities in concurrence.

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

RESOLVE, to Provide a Retirement Benefit to the Beneficiary of Harriet V. P. Kaplan (H.P. 837) (L.D. 1128) (Presented by Representative MANNING of Portland) (Cosponsor: Senator BRANNIGAN of Cumberland)
 Ordered Printed.
 Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Funds to Map Significant Aquifers" (H.P. 826) (L.D. 1117) (Presented by Representative COLES of Harpswell) (Cosponsors: Representatives McGOWAN of Canaan and JACQUES of Waterville)
 Bill "An Act to Amend the Teacher Recognition Grants Program" (H.P. 839) (L.D. 1130) (Presented by Representative GREENLAW of Standish) (Cosponsors: Representatives MAYO of Thomaston, PINES of Limestone and JOSEPH of Waterville)
 Ordered Printed.
 Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Increase Educational Opportunity for Economically and Educationally Disadvantaged Residents" (H.P. 847) (L.D. 1138) (Presented by Representative BOST of Orono) (Cosponsors: Representatives GOULD of Greenville, PARADIS of Frenchville and KILKELLY of Wiscasset)
 (The Committee on Reference of Bills had suggested the Committee on Appropriations and Financial Affairs)
 On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Wednesday, April 8, 1987.

Banking and Insurance

Bill "An Act to Require Insurance Companies who Sell Workers' Compensation to Provide Certain Other Services" (H.P. 825) (L.D. 1116) (Presented by Representative WILLEY of Hampden) (Cosponsors: Senator DUTREMBLE of York and Representative GARLAND of Bangor)
 Bill "An Act to Establish an Appropriate Penalty for Overcharging Premiums on Workers' Compensation Insurance" (Emergency) (H.P. 841) (L.D. 1132) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
 Bill "An Act Requiring that Certain Health Insurance Plans Provide for Cardiac Rehabilitation Expenses" (H.P. 844) (L.D. 1135) (Presented by Representative LAPOINTE of Auburn) (Cosponsors: Senator BUSTIN of Kennebec and Representative HARPER of Lincoln)
 Ordered Printed.
 Sent up for Concurrence.

Education

Bill "An Act to Establish Class-size Limitations" (H.P. 828) (L.D. 1119) (Presented by Representative ROLDE of York)
 Bill "An Act Relating to the Town of York School District" (Emergency) (H.P. 848) (L.D. 1139) (Presented by Representative ROLDE of York) (Cosponsors: Representative McPHERSON of Eliot and Senator ESTES of York)

Ordered Printed.
 Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Establish the Indian Point Wildlife Sanctuary in Georgetown" (H.P. 849) (L.D. 1140) (Presented by Representative COLES of Harpswell) (Cosponsor: Senator CAHILL of Sagadahoc)
 Ordered Printed.
 Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Require that Children Under the Custody of the Department of Human Services be Placed in Homes with Traditional Family Settings" (H.P. 846) (L.D. 1137) (Presented by Representative LOOK of Jonesboro) (Cosponsors: Representatives DELLERT of Gardiner, LAPOINTE of Auburn and Senator RANDALL of Washington)
 (The Committee on Reference of Bills had suggested the Committee on Human Resources)
 On motion of Representative Manning of Portland, tabled pending reference and later today assigned.

Judiciary

Bill "An Act Relating to the Narcotics Laws" (H.P. 821) (L.D. 1112) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives COTE of Auburn, ALLEN of Washington, and HOGlund of Portland)
 Bill "An Act to Require the Payment of Reasonable Attorneys Fees in Successful Libel and Slander Suits" (H.P. 829) (L.D. 1120) (Presented by Representative RACINE of Biddeford)
 Ordered Printed.
 Sent up for Concurrence.

Labor

Bill "An Act to Increase the Maximum Benefits under the Workers' Compensation Act" (H.P. 822) (L.D. 1113) (Presented by Representative BAKER of Portland)
 Ordered Printed.
 Sent up for Concurrence.

Legal Affairs

Bill "An Act to Clarify the Procedure for Voter Registration by Postcard" (H.P. 823) (L.D. 1114) (Presented by Representative BAKER of Portland)
 Bill "An Act to Require a Candidate's Financial Report to Indicate the Date of Transactions" (H.P. 831) (L.D. 1122) (Presented by Representative RACINE of Biddeford) (Cosponsor: Representative HANDY of Lewiston)
 Bill "An Act to Prohibit the Gathering of Petition Signatures for Initiated Bills at Voting Places" (H.P. 833) (L.D. 1124) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives MELENDY of Rockland, TARDY of Palmyra and Senator DILLENBACK of Cumberland)
 RESOLVE, to Permit Jacqueline A. Caron, Personal Representative of the Estate of Alphee Caron, to Sue the State for Wrongful Death and for Personal Injuries on Behalf of Herself and Her Minor Child, Jeffrey Caron, in Excess of Statutory Limits of Recovery (H.P. 845) (L.D. 1136) (Presented by Representative HANDY of Lewiston) (Cosponsors: Senators BERUBE of Androscoggin, GAUVREAU of Androscoggin and Representative POULIOT of Lewiston)

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
 Ordered Printed.
 Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning the Sale of Deferred Compensation" (H.P. 830) (L.D. 1121) (Presented by Representative NORTON of Winthrop) (Cosponsor: Senator BUSTIN of Kennebec)

Bill "An Act Concerning Information on Proposed Agency Rules Provided to Legislative Committee Members" (H.P. 832) (L.D. 1123) (Presented by Representative ROLDE of York)

Bill "An Act Relating to the Membership of the Waldo County Budget Committee" (H.P. 840) (L.D. 1131) (Presented by Representative STEVENSON of Unity) (Cosponsors: Representatives WHITCOMB of Waldo, MARSANO of Belfast and ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

RESOLVE, to Create Public Recreation Facilities on Certain State-owned Properties (H.P. 834) (L.D. 1125) (Presented by Representative CARROLL of Gray) (Cosponsors: Representative MITCHELL of Freeport, Senators CLARK of Cumberland and WHITMORE of Androscoggin)

RESOLVE, Changing the Name of Jewett Hall at the Maine Criminal Justice Academy in Waterville to Nichols Hall (H.P. 835) (L.D. 1126) (Presented by Representative JACQUES of Waterville) (Cosponsors: Senator KANY of Kennebec, Representatives LACROIX of Oakland and JOSEPH of Waterville)

RESOLVE, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land (H.P. 836) (L.D. 1127) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsors: Senators SEWALL of Lincoln and CAHILL of Sagadahoc)

Ordered Printed.
 Sent up for Concurrence.

Taxation

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Limit on Increases in the Local Property Tax (H.P. 843) (L.D. 1134) (Presented by Representative JACKSON of Harrison) (Cosponsors: Representatives ZIRNKILTON of Mount Desert and HANLEY of Paris)

(The Committee on Reference of Bills had suggested the Committee on State and Local Government)

On motion of Representative Carroll of Gray, was referred to the Committee on Taxation, ordered printed, and sent up for concurrence.

Taxation

Bill "An Act to Reduce the Burden of Property Taxes on Persons Who are Elderly and to Count the Years 1983, 1984 and 1985 when the Income Allowance was not Increased with the Increase in Social Security" (H.P. 827) (L.D. 1118) (Presented by Representative FARNUM of South Berwick)

Bill "An Act to Provide Property Tax Relief for Homestead Property" (H.P. 838) (L.D. 1129) (Presented by Representative SOUCY of Kittery) (Cosponsors: Representatives MILLS of Bethel and MAYO of Thomaston)

Ordered Printed.
 Sent up for Concurrence.

Transportation

Bill "An Act to Allow the Department of Transportation to Assist Municipalities Concerning Traffic Control Signals" (H.P. 824) (L.D. 1115) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives CARROLL of Gray, HOGlund of Portland, and GURNEY of Portland)

Bill "An Act to Ensure Rail Safety When Operating a Freight Train without a Caboose" (H.P. 842) (L.D. 1133) (Presented by Representative RUHLIN of Brewer) (Cosponsors: Representatives DUFFY of Bangor, STROUT of Corinth and Senator DOW of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
 Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Change the Composition of the Board of Trustees of the Maine State Retirement System" (H.P. 278) (L.D. 361) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Amend the Implementation of the International Registration Plan under the Motor Vehicle Laws" (H.P. 220) (L.D. 272) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend Implementation of the International Registration Plan and Apportioned Fees for Certain Commercial Vehicles" (H.P. 820) (L.D. 1108)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, April 8, 1987.

CONSENT CALENDAR

First Day

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

(S.P. 144) (L.D. 398) Bill "An Act to Measure Mileage Payments to Jurors" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-16)

On motion of Representative Paradis of Augusta, was removed from the Consent Calendar, First Day.

Thereupon the Committee Report was read and accepted, the bill read once.

Committee Amendment "A" (S-16) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, April 8, 1987.

(H.P. 304) (L.D. 390) Bill "An Act to Clarify Enforcement of Insurance Coverage Requirements of the Workers' Compensation Law" (Emergency) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-52)

(H.P. 359) (L.D. 462) Bill "An Act to Amend Provisions of the Maine Insurance Code Dealing with Capital and Surplus Requirements of Insurers" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-53)

There being no objections, the above items were ordered to appear on the Consent Calendar of

Wednesday, April 8, 1987, under the listing of Second Day.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED
TABLED AND ASSIGNED

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

An Act to Exempt Municipal Combination Snowplows and Dump Trucks from the Weight Limitations Imposed on Other Highway Vehicles (H.P. 69) (L.D. 72) (C. "A" H-39)

TABLED - April 6, 1987 by Representative HIGGINS of Scarborough.

PENDING - Passage to be Enacted.

On motion of Representative Higgins of Scarborough, retabled pending passage to be enacted and specially assigned for Wednesday, April 8, 1987.

TABLED AND ASSIGNED

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

Bill "An Act to Increase the Fees for Examination and Licensure for Chiropractors" (S.P. 96) (L.D. 243) (C. "A" S-8)

TABLED - April 6, 1987 by Representative ALLEN of Washington.

PENDING - Passage to be Engrossed.

On motion of Representative Allen of Washington, retabled pending passage to be engrossed and specially assigned for Wednesday, April 8, 1987.

TABLED AND ASSIGNED

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

Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities" (H.P. 773) (L.D. 1036)

TABLED - April 6, 1987 by Representative MAYO of Thomaston.

PENDING - Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and specially assigned for Wednesday, April 8, 1987.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Require that Children Under the Custody of the Department of Human Services be Placed in Homes with Traditional Family Settings" (H.P. 846) (L.D. 1137) which was tabled earlier in the day and later today assigned pending reference.

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

On motion of Representative Manning of Portland, retabled pending reference and specially assigned for Wednesday, April 8, 1987.

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 DUTREMBLE of York, it was ORDERED, that a Committee be appointed to wait upon the Governor's Cabinet inviting them to attend the Joint Convention assembled for the purpose of receiving a communication from the Honorable John R. McKernan, Jr., Governor of the State of Maine.

Subsequently, the Order received passage.

The Chairman appointed:

Senators:

TUTTLE of York
BALDACCI of Penobscot
GOULD of Waldo

Representatives:

CARROLL of Gray
ROTONDI of Athens
BOUTILIER of Lewiston
LACROIX of Oakland
HUSSEY of Milo
ANTHONY of So. Portland
WENTWORTH of Wells
BICKFORD of Jay
LOOK of Jonesboro
STROUT of Windham

Senator Tuttle, for the Committee, subsequently reported that the Committee had discharged the duty assigned it, and that the Honorable members of the Governor's Cabinet would attend forthwith.

At this point, the Chair welcomed the Honorable Members of the Governor's Cabinet to the Convention. (applause, audience rising)

On motion of Senator CLARK of Cumberland, it was ORDERED, that a Committee be appointed to wait upon His Excellency, the Honorable John R. McKernan, Jr., Governor of the State of Maine, and inform him that the two branches of the Legislature were in Convention assembled, ready to receive such communication as he may be pleased to make.

Whereupon, the Order received passage.

The Chairman appointed:

Senators:

PEARSON of Penobscot
BERUBE of Androscoggin
EMERSON of Penobscot

Representatives:

CARTER of Winslow
CHONKO of Topsham
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

Senator Pearson, for the Committee, subsequently reported that the Committee had discharged the duty assigned it and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor John R. McKernan 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 113th Legislature, Fellow Citizens of Maine:

As many of you are well aware, I ran for Governor of this state because I believed it was possible to make Maine a better place to live, to work, and to raise a family.

In the past week, I have been reminded that that is a worthy, a necessary, and an obtainable goal. As I have traveled to parts of this state severely damaged by recent flooding, I have been deeply touched by the Maine spirit, by the members of the National Guard who rescued an entire family -- including a handicapped individual -- from an island in Milo; by the people of Hallowell who worked around the clock to help their neighbors and fellow shopkeepers. And I want to thank Ernie Park, Adjutant General; Dave Brown, director of the Office of Civil Emergency Preparedness; Dana Connors, Commissioner of Transportation, and all the people in their agencies for their untiring efforts of the past week.

Today, I would like to note that, once we have received a presidential declaration of disaster and are eligible for federal relief funds, I will be asking your support for funding -- through the Rainy Day Fund -- both the state and local share of matching dollars.

Recent events have reminded me -- on a very basic, human level -- how much can be done when we work together for the common good. And I have been convinced, once again, that there is no better place to live than Maine.

The events of the past week have strengthened my resolve to bring opportunity to all parts of this state, to give Maine people the chance to improve their lives and the lives of their neighbors.

We have already made progress. In the three months since my inauguration, our administration has worked to make that campaign promise, that vision of Maine as the Opportunity State, a reality.

We have appointed to our cabinet men and women of exceptional creativity and commitment who are working together to find new solutions to old problems.

With the announcement of an Economic Development Strategy Task Force, we have begun comprehensive planning for the future of this state.

We have created, with our Rapid Employment and Training Initiative, a coordinated method of responding to unexpected plant closings and layoffs.

We have announced a review of this state's tax policy and I anticipate submitting for your consideration in January of 1988 a tax reform package based upon that review.

And we have proposed a budget that includes a substantial increase in funding to the University of Maine system, as well as funds for job training, tourism promotion, and support for our farming and fishing industries.

Today, in presenting to you my legislative package, we take another significant step towards achieving greater opportunities and prosperity for all Maine citizens.

Like our previous initiatives, this legislative package is concerned -- above all else -- with benefiting and protecting Maine's two greatest assets: her human and her natural resources.

It is a legislative package concerned for the future of Maine, concerned with finding long-term solutions -- not short cuts -- to some of our most persistent problems.

And it is a legislative package that addresses the needs -- and the potential -- of all parts of this state.

In the weeks ahead, we will also be submitting a small number of bills that I have chosen not to discuss in any detail this morning for their scope is

somewhat limited. Those bills are in addition to many legislative initiatives originating directly within the departments of the Executive Branch.

I would like to turn first, as I have been doing for the past three months, to economic development.

As you know, President Pray, Speaker Martin, and I recently announced the formation of an economic development strategy task force. Its members represent all areas and sectors of this state. Their expertise and experience will assist us in creating a "business plan" for this state, one that takes an informed and thoughtful look at where this state is, where it is going, and how we intend to get there. The task force's recommendations, due in October, will serve as the basis for comprehensive economic development legislation next session.

In order to be prepared to implement the task force's recommendations and in order that we might make best use of this state's limited resources, I am proposing today the creation of a Department of Economic and Community Development.

The creation of this department is important for several reasons:

1--it will ensure that economic development is a major priority of state government

2--it will consolidate activities aimed at assisting communities in preparing and implementing comprehensive community development programs

3--it will vigorously promote one of our fastest growing, most dynamic industries -- tourism

And 4--it will ensure that activities are not duplicated, that resources are not squandered.

With an annual budget of over \$1 billion, a workforce of more than 12,000, and hundreds of different work sites, state government will never match the efficiency of a private enterprise. But we -- as the keepers of this store -- must never stop trying to make the services we provide as efficient and effective as possible. We must work to ensure that taxpayer dollars are well spent.

That is why I am submitting legislation to redirect the functions of the Office of Energy Resources to departments and agencies already engaged in activities similar to those now administered by OER. (applause)

What that means is that energy planning can be most effective when incorporated into the comprehensive work of the State Planning Office; that the proposed Department of Economic and Community Development can best deliver energy services to businesses and communities; and that residential weatherization programs can be coordinated by the Division of Community Services.

The reassignment of the functions of the Office of Energy Resources is meant, in no way, to diminish the importance of programs and activities that it administers. Rather, it is intended to ensure that energy services and information are delivered as efficiently as possible.

The coordination of services that will result from these reorganizations will allow the state to make better use of its resources. This kind of coordination will be an integral part of the Job Opportunity Zones that are also part of today's legislative package.

These zones will encourage job creation in areas of special need. Working with communities, the state will provide tax incentives for new businesses and will make available economic development services and support. In addition, businesses and schools will work together to raise the aspirations of local children and to provide local job opportunities for youth. This program -- encouraging as it does

partnerships between the public and private sectors -- will result in benefits that far exceed its costs.

As we set up these new structures that will allow us to plan for the future, we must not ignore certain problems that have plagued us for years. One of them is our current tax policy; the other is workers' compensation.

In the next eight days, most of us will spend a considerable amount of time working on our state and federal income taxes. What some of you will notice is that the federal tax code has been significantly changed. As I reported to you about a month ago, if Maine conforms with the new federal tax code, the consequence of this change will be a tax windfall of approximately \$16.5 million in FY87 and \$30.9 million in FY88.

I am submitting legislation that will conform Maine's individual and corporate income tax codes to the federal tax code, effective January 1, 1987, and will return the full tax windfall to taxpayers. (applause) On the individual income tax side, I will propose to exempt all Maine residents, who are not required to file federal income tax returns, from filing state income tax returns. (applause) I believe that it is inequitable and poor tax policy to require Maine citizens to pay a state income tax when the federal government has determined that their incomes are too low to have any federal income tax liability. The cost of this exemption has been estimated to be about \$3 million. The balance of the individual income tax windfall, or roughly \$10 million, will be returned to taxpayers in the form of an estimated \$9 tax credit per declared exemption. Thus, a family of 5 will receive a tax credit of approximately \$45 against any state tax liabilities. A similar type of tax refund is proposed on the corporate side where \$3.5 million of windfall will be returned.

The other piece of tax legislation that I will be submitting to you will correct a major problem in the way we currently tax telecommunications. As I have said repeatedly, it makes no sense for a state such as Maine, which is so removed from the geographic mainstream of the country, to impose a heavy tax burden on telecommunications. Yet, that is precisely what we currently have in Maine with a 7 percent gross receipts tax and a 5 percent access charge surtax on telecommunications.

In a special session of the legislature last year, the 5 percent access charge surtax was sunsetted as of January 1, 1988. I will propose that we complete the job by phasing out the 7 percent gross receipts tax and, in the process, make Maine's interstate telecommunication rates competitive with the rest of the country.

An entrepreneur in New Hampshire recently said: "Give me a WATS line and a Federal Express drop, and the rest of the country is mine." We do not want to discourage that same spirit in Maine.

And if we are to be competitive in attracting new jobs to Maine; indeed, if we are to encourage companies to remain and expand in this state, we are going to have to address the issue of workers' compensation.

When 1,000 Maine Health-Tex workers lost their jobs this winter, the company's president told me the plant closings were due, in large part, to the cost of doing business in this state, that workers' compensation was significantly greater than any other Health-Tex plant in this country and was a major factor in the company's decision to leave Maine.

I am aware that there are several workers' compensation bills before the 113th Legislature. I will be strongly opposed to any legislation that

increases the staggering costs of our workers' compensation system. (applause)

As many of you know, we will have a court decision on a variety of workers' compensation issues in early May. That decision could have a significant impact on this issue. Once the court's decision is known, we must act, and act quickly, on this very serious problem. If we don't, we run the risk of losing more jobs and of jeopardizing a bright future for Maine workers.

While we are on the subject of difficult and troubling issues, I want to discuss education funding.

I strongly support the comprehensive and forward-looking Education Reforms of 1984. And I want very much to see them accomplished through a real state and local partnership. In reflecting upon the reforms and their estimated fiscal impact, one lesson should be clear to all of us: the State must assume a direct responsibility for paying for educational mandates at the time they are required. (applause) The State should not leave to local taxpayers and future legislatures the burden of paying the bills.

Additionally, I have several concerns with the present school funding law -- including the problems of "lag time" and the wisdom of regarding state valuation as the basis for determining "ability to pay." I have asked the tax policy study committee, which we have formed, to look at these issues.

Our analysis indicates that the estimated cost of the 1984 mandates can be broken down into three categories: (1) the transfer of a state function -- teacher and administrator certification -- from the state to the local level; (2) costs associated with the minimum teacher salary legislation; and (3) various program, student service, and staffing requirements that are reimbursed on a two-year time-lag basis.

Since the certification costs represent a transfer of that responsibility from the State to the local level, we are prepared to assume the cost of helping school systems meet this requirement. We will be recommending the distribution of approximately \$2 million to local school systems on a per teacher and per administrator basis in fiscal year 1988.

With regard to the estimated costs of teacher salary minimums, Commissioner Bither and I believe that previous Legislatures intended that the appropriations authorized in the present biennium and the \$27 million included for each year in our Part I biennial budget, would be adequate to meet the salary mandates.

Our analysis of the remaining category of mandates has resulted in a decision to assist local school systems in meeting projected cost increases in two ways. First, we believe that it was not the intent of the 1984 Reform Act that school systems be required to hire certified guidance counselors to meet the "guidance and counseling" component. I have urged Commissioner Bither to propose a change in the existing rule that would allow school systems to use a variety of alternatives. This amendment would reduce the estimated cost of new programs and related services by approximately \$2.5 million.

Finally, we are prepared to provide on an "up-front" basis additional state support of the remaining \$7.8 million that represents a 55 percent share from the state of those costs. This commitment will require an additional \$4.3 million in new spending that will be distributed through the existing funding formula.

In summary, we are committed to finding an additional \$6.3 million to support the effect of past

education mandates. We intend to do so notwithstanding the very real pressures now competing for scarce resources. I have asked Finance Commissioner Jean Mattimore to work with all department heads to identify ways to fund this commitment. This process is now underway. We are examining a variety of options, including a partial freeze on FY 1987 quarterly allotment reserves. We pledge to work closely with Legislative and Appropriations Committee leaders on this important task of resource identification during the next month. By mid-May, we will have a clear picture of the actual resources available.

I would like, now, to turn to the bond package we are recommending today. It includes nine projects for a total of \$57.8 million. This figure is a fiscally prudent one. It will allow us to maintain our very favorable credit rating and will assure a healthy reserve margin should we need, for unforeseen reasons, to increase the bonded indebtedness of the state.

Included in this package are dollars for the repair and reconstruction of our highway and bridge system and for runways at many of our smaller airports; dollars to address acute environmental needs related to groundwater quality and to the quality of our rivers and streams; dollars for the detection and removal of asbestos in our schools and state facilities; dollars to reconstruct the pier at the Maine Maritime Academy; for miscellaneous capital improvement projects for State-owned facilities; and for the acquisition of public lands of statewide significance.

The last item, the \$5 million for public lands acquisition, is especially important to me. In 1941 Percival Baxter said of the mountain he spent much of his life working to preserve:

"The works of man are short lived. Monuments decay, buildings crumble, and wealth vanishes, but Katahdin in its massive grandeur will forever remain the mountain of the people of Maine...It will stand as an inspiration to the men and women of this state."

Baxter State Park is indeed inspiration for this public lands acquisition. That marvelous gift reminds us of the need to act while we still can to preserve forever some of this state's remarkable natural resources.

The \$5 million bond issue I am proposing to you this session is a first installment on what I see as a ten-year plan to ensure our children their natural heritage.

This bond package includes in it a number of projects that will protect, as I said earlier, our two greatest assets -- our human and our natural resources. (applause)

The point of any economic development activity is, after all, an improved quality of life for the citizens -- all the citizens -- of this state. Economic development -- with its strategies and tax incentives and public/private-sector partnerships -- is intended, above all else, to ensure that the children of Eastport can prosper in their hometown, that a single mother in Presque Isle is able to find satisfying work and satisfactory child care, that choosing to live in a beautiful, but rural, part of the state does not have to mean choosing to subsist on undependable seasonal employment.

In addition to the economic development legislation I am introducing today, I am proposing a number of bills that are concerned in other ways with our quality of life. They are bills that address a variety of issues, but all of them are intended to keep Maine a special place.

The first is a comprehensive package to attack the flow of drugs into this state. We have begun, by increasing funding to our drug education programs, to attack the demand for drugs. We must now work to decrease the supply.

One of these bills will create a series of regional drug task forces to coordinate the efforts of local, county, state, and federal law enforcement officials.

Another will require mandatory sentencing for those convicted of trafficking near schools and campuses...for those selling to minors...and for repeat offenders. (applause)

Finally, I will be asking for legislative approval to implement a state forfeiture statute that will provide a mechanism for the state to seize assets of convicted drug traffickers. (applause)

These three bills, taken together, will give Maine one of the most comprehensive drug enforcement plans in the entire country.

They will send a clear message that this state will not tolerate drug trade. (applause)

I am also submitting legislation that will create a network of child care resource and referral centers throughout Maine. The bill will also increase the availability of subsidized slots for low-income, working parents. (applause) Just as my drug initiatives reflect my deep concern for the safety and well-being of our children, so too does this bill.

In 1960, women made up 35 percent of Maine's workforce; by 1980 that figure had risen to 48 percent. Both members of more than half of all marriages in this state bring home a pay check, and studies show that 50 percent of worker absenteeism is due to problems with child care. For the sake of our children and our workers, we can no longer deny these realities.

Finally, I want to turn to a number of bills that are concerned with our environment...and our safety.

As Governor of this state, I am ultimately responsible for the health and safety of Maine citizens. I take that charge seriously, and because I do, I am proposing this morning that we initiate on-site monitoring at the Maine Yankee nuclear power plant. (applause) This bill will assign to the plant a nuclear engineer who will monitor safety standards and report directly to me. This bill will make Maine one of only two states in the country that have gone so far as to mandate legislatively state monitoring of a federally licensed plant.

I am also concerned for the quality of our water supply. In November, the citizens of Maine approved a \$3 million bond issue to fund the clean-up caused by leaking underground storage tanks. In doing so, they sent a clear message to all of us -- contaminated water supplies are of serious and primary concern. The \$3 million is a start, but it is not enough if we are to repair or decommission potentially dangerous tanks before they pollute our water supply.

That is why I am proposing legislation that calls for the phased removal -- according to age and location -- of all unprotected steel tanks over 15 years of age. (applause)

In order to assist businesses and individuals in undertaking this vigorous replacement program, I propose that the state provide assistance in the form of loan guarantees or direct loans -- the money for which will be raised initially by the \$1 million bond issue that is part of today's bond package.

I have been talking this morning about Maine's future, about economic development, and about the critical need to plan ahead for a better tomorrow. As Maine grows, there is an increasing fear that

development will reduce public access to our natural resources; that development will destroy our open spaces, critical habitats, and the rural character of the state.

I am convinced that these are real concerns. I am also convinced that the solutions to many of these concerns do not lie in Augusta. Rather, I believe that land use planning is most effective when it is performed at the local level and reflects a community's character and vision.

The proper role for state government is, first, to ensure that resources of statewide significance, such as our coastline, our rivers, and our inland lakes, are managed to serve all of the citizens of Maine; and, second, to assist, not direct, communities as they fashion balanced growth strategies, comprehensive plans, and the legal framework to implement them.

In this regard, I am proposing legislation to extend and strengthen the Site Location Act for certain development on or around our most critical natural resources.

This legislation will also require that the Board of Environmental Protection consider the cumulative impacts of development projects upon the environment, the public infrastructure which will service these projects, and the public's access to our natural resources.

In addition, I will be asking you to extend our present Shoreland Zoning program to these same areas. I do so in order to ensure that development within these areas is subject to municipal zoning and land use controls that reflect the thoughtful and prudent use of these critical resources.

These bills represent important and much needed changes in two tools the State and municipalities currently employ to manage growth. But they are not enough. Over the next year, the State Planning Office, the Department of Environmental Protection, and what we hope will be the Department of Economic and Community Development will review other options available to state and local governments for managing what will continue to be growth pressures.

We will also continue to provide the technical assistance municipalities need to ensure that their visions for their future will become their realities.

For that, after all, is the concern of all of the legislation which I am submitting to you today -- Maine's future.

If we are to prosper; if, as we grow, we are to retain the beauty of our environment; if we are to improve the quality of life for all Maine people, then we need to begin, today, to plan for that bright future.

We need to find ways to get the most out of the resources available to this state.

We need to encourage and foster a spirit of neighbor helping neighbor, as my administration has done in requesting funding for an office of volunteer services.

We need to forge new partnerships between state government and local municipalities.

And we need, all of us in this chamber today, to vow to work together for the good of the people we represent.

Government cannot -- should not -- do it all, but we can do much to help Maine people build a better life for themselves. We must never forget that that is our charge. And we must never stop working towards that end. Thank you.

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

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Ridley of Shapleigh, Adjourned until Wednesday, April 8, 1987, at nine o'clock in the morning.