

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
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The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President, I would ask for a division on that motion to reconsider. I would like to have the motion reconsidered so that we may have this handled in the way that it should be, so I would ask you to vote for reconsideration on the indefinite postponement motion.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action whereby Bill, "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health," was indefinitely postponed.

As many Senators as are in favor of reconsideration will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to reconsider did not prevail.

The President laid before the Senate the eighth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highway and Fuels Used by Such Vehicles. (H. P. 370) (L. D. 521) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 20, 1971 by Senator Clifford of Androscoggin. Pending I Acceptance of Either Report.

Mr. Clifford of Androscoggin then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CLIFFORD: Mr. President and Members of the Senate: This is a resolution that was introduced

by the Representative from Augusta, Jon Lund. And what it would do, very basically, is that it would undedicate the funds to the Highway Department.

I think, in order to fully understand what this resolution is and what it proposes to do, you have to get some idea what kind of money we are talking about. I am going to throw out some figures, figures that I have gotten from the Highway Commissioner himself and from Ed Greeley, the Chairman of the Department of Transportation. I am sure I am going to be criticized for some of the figures that I do present. I will admit in advance that these figures are probably not one-hundred percent correct, but I am using them only as illustrations and I don't intend that you should take them as the gospel truth.

I think that the Highway Department would like for the next two years a budget of \$141,000,000. Now they propose to spend part of this on new construction and part of it for current services within the Highway Department. Now the new construction would be \$32,000,000. And they arrive at this figure because with this amount of money they could take full advantage of the federal matching funds that are available. The balance of the monies, \$109,000,000, would be used to maintain the highways that we have in existence now. The dedicated funds, the monies that the Highway Department would use, it is anticipated under the current set-up as it is right now, under the current tax structure, that we will get in the next two years, the next biennium, \$117,000,000 from dedicated funds. \$80,000,000 of this would come from fuel taxes, \$27,000,000 would come from license and registration fees, and \$9,000,000 from miscellaneous dedicated sources.

Now, I think that the Committee on Transportation expects to raise the balance of the funds that the Highway Department would like to use for the next two years by an increase of one percent in the gas tax, and the balance would be raised by a bond issue. I only throw these figures out to give you some idea of the amount of money

that we are talking about when we talk about the Highway Department.

I want it understood, and I want it very clearly understood, that I am not talking in favor of the resolution because I have any criticism of the Highway Department. I have nothing but admiration and high regard for the man that is presently the Commissioner of Highway, and that is David H. Stevens. From every report that I have heard, he is a very capable and dedicated administrator and public servant. I am not really worried about what is going to happen to the highway fund as long as Mr. David Stevens is there. My concern, and it is a real concern is what is going to happen when Mr. Stevens retires from that position. If we get a man who is equally capable then there is no need to worry, but I doubt if anybody can fill Mr. Stevens's shoes to the degree of capability that that job is being handled right now. Mr. Stevens is not a young man and I think in the very foreseeable future he may step down or may retire.

So, my thinking on this matter, and I think it is the thought behind the resolution, that we take all of the revenues that this state collects and place them in the general fund, no matter from what source, and we would make every single department in state government get in line and make them prove their case as to how they are going to use the funds and whether or not they are needed.

In my opinion, the State Highway Department is a very, very important part of state government, but so is Education, so is Health and Welfare, so is Mental Health, and so are the several other departments of state government. I don't feel that the Highway Department should stand on sacred ground, that they should be exempt. I think they should stand in the same shoes as every other department in state government stand. I think that they should be made to prove their case when it comes to getting funds.

So, I will leave one thought with you before I close, and that is this: I think that the Appropriations Committee two years from now

should have the right to examine the Highway Department budget along with the request of every other department in state government. And let the Appropriations Committee be the one to establish priorities when it comes to giving out money. They are the proper party to do this, and they can examine the Highway Department requests along with the requests from every other department. Then, with the approval of the 106th Legislature which will meet two years from now, they will be the ones eventually to give their approval, or stamp of approval to the budget presented by the Appropriations Committee. I would ask you, for these reasons, that we should accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I rise in opposition to the motion of the good Senator from Androscoggin, Senator Clifford. I certainly have a great deal of respect for his views, and I feel that if the views were based on some sound prognosis, I believe that perhaps he would have proper grounds for asking and we granting his request.

One of the contentions is that the Highway budget is not sufficiently scrutinized as well as the other budgets of the state departments that are scrutinized by the Appropriations Committee. However, I think this is some area that the average legislator does not realize that the Transportation Committee really scrutinizes this budget, in fact, I would feel, equally as well as any other department request is scrutinized by the Appropriations Committee.

To give you an example, I spent all day last Monday up in Calais and Machias with six or seven members of the Committee going over a stretch of road where we felt there had been a bid submitted that was a little bit too high. After we spent the whole day looking it over, consequently we realized that the bid was too high. And the Highway Department, in

fairness to them, were the ones to a certain extent that alerted us to this fact that the bids were a little too high, according to their specifications. So that was one there, and we have got about ten or twelve more to go out and look at on the road.

The fact that the average legislator does not seem to — let's put it this way: the press or the news media do not really play up the problems of building roads as much as they do the sentimental and psychological issues that are raised with the appropriations of money that the Appropriations Committee contends with.

There are several reasons why these funds that are dedicated should remain dedicated. In the first place, the people that use the roads are paying for them, and that is where this money is going. The money that goes into this highway fund comes from the people who are using the roads. Where else is it going to come from? From someone else who is possibly underpaid and pays some money in on the sales tax? Should we take his money and use it for roads too?

It takes from four to seven years to adequately plan and engineer a highway. And for a highway department to plan something, and then not know whether they are going to get the money to do the job with, does seem to be kind of a gamble to a certain extent. Will you do it? Shall we spend the money and engineer, and all this bit, and spend the money, maybe half a million dollars, and then find out that we won't have the money to complete the job?

Dedicated funds allow for the reasonable assurance that the money will be available on the follow-through on any construction project. For example, many things come up, and the good Senator from Androscoggin, Senator Clifford, probably doesn't realize it, but I am sure he supported the bond issue for the Androscoggin Bridge at the four and a half million figure, but there is probably one area that he is not aware of, and that is the fact that we are exactly \$2 million short now on that same bridge, and we have got

to take this money out of this dedicated fund to pay for the approaches to this bridge. Well there is \$2 million for one project, and I am sure the Senator would be in favor of it. I think if he had to go to the Appropriations Committee and beg for this \$2 million, it would be probably ten years, and then he wouldn't quite be sure whether he would get the money or not.

I don't know whether I have sufficiently covered this or not, but if anyone would make a study and really go into the scrutiny of the Highway budget like this Committee—and I will give credit to Senator Greeley for the past four years, because the budget that came before this legislature was reduced over \$10 million four years ago, it was reduced \$13 million two years ago, and I am sure it is going to be reduced this time. And if that isn't a good scrutiny of the Highway budget, then I am not reading the angles correctly. I would, Mr. President, ask for a division when the vote is taken.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: Four years ago there was quite a lot of talk nearby, when the Education Department was a little short of money, to undedicate the highway funds to see if they couldn't get some money for education. Two years later the highway budget came out of the governor's office, it had a lapse of about \$40,000,000 of balancing, so it was suggested that we come up with a cent on the gas tax and a twenty-one and a half million dollar bond issue. We cut that budget, as the Senator from Somerset, Senator Johnson said, over ten million dollars, and we brought the bond issue from \$31,700,000 down to \$21,500,000. That went to the people and the people defeated it. Then we cut the highway budget \$2,000,000 more to put out a bond issue for \$19,500,000.

This year the highway budget, if we are going to match the federal funds that are available, is out of balance about \$26,000,000. So the suggestion this time is a cent

on the gas tax and a \$16,000,000 bond issue. At the present time, if you want to analyze where some of the money goes, you get your Legislative Document 256, and it pretty well analyzes where the money is going. There is a little over \$7,000,000 in money available to match federal funds. There is \$18,600,000 of interstate money available each year of the biennium, or \$37,200,000. To match that we have got to have \$4,496,000. We have got to have \$2,000,000 to complete the approaches at the Lewiston-Auburn Bridge. That leaves us about \$1,000,000.

We have federal funds available in the primary, secondary, and urban areas of \$17,438,000 for the biennium, and it is going to take \$18,890,000 to match that.

I am certainly opposed to the motion of the Senator from Androscoggin, Senator Clifford, because we have got plenty of troubles now in trying to balance the highway budget.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: There is just one item that I forgot to mention when I spoke earlier, and that is this: Roughly one-half of the states in the United States have dedicated highway revenues. And of these twenty-five or twenty-six states that do have dedicated revenue only part of the dedicated funds go to make up the highway. I know this item isn't going to interest Senator Wyman because in working in committee with him he always objects to what the other states do, but I just throw this out for your information. The other thing is that when the vote is taken, I would request that the vote be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Minority Ought to Pass Report of the Committee on Resolution, Proposing an

Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highway and Fuels Used by Such Vehicles.

A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate Accept the Minority Ought to Pass Report of the Committee on Legislative Document 521. A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report; a "No" vote will be opposed.

The secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Katz, Levine, Marcotte, Martin, Minkowsky, Violette, and President MacLeod.

NAYS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Johnson, Kellam, Moore, Peabody, Quinn, Schulten, Sewall, Shute, and Wyman.

ABSENT: Senators Hoffses and Tanous.

Mr. Levine of Kennebec was granted permission to change his vote from "No" to "Yes".

A roll call was had. Fifteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with two Senators being absent, the motion to Accept the Minority Ought to Pass Report did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

The President laid before the Senate the ninth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Education on Bill,