

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

**April 23, 1973 to June 5, 1973**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**Divided Report**

The Majority of the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution Limiting the Maximum Rate of the Sales Tax. (H. P. 843) (L. D. 1117)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec

CLIFFORD

of Androscoggin

WYMAN of Washington

Representatives:

FARNHAM of Hampden

CURTIS of Orono

STILLINGS of Berwick

GAHAGAN of Caribou

The Minority of the Same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-299)

Signed:

Representatives:

COONEY of Sabattus

NAJARIAN of Portland

BUSTIN of Augusta

GOODWIN of Bath

CROMMETT

of Millinocket

Comes from the House, the Majority report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

**Divided Report**

The Majority of 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 Highways and Fuels Used by Such Vehicles. (H. P. 1351) (L. D. 1783)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec

WYMAN of Washington

Representatives:

STILLINGS of Berwick

FARNHAM of Hampden

CURTIS of Orono

COONEY of Sabattus

CROMMETT

of Millinocket

SILVERMAN of Calais

GAHAGAN of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

GOODWIN of Bath

BUSTIN of Augusta

NAJARIAN of Portland

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: This is a bill which undedicates highway funds. As I understood it when I was learning about government, the legislature was normally supposed to have the power to allocate taxpayers' money and is supposed to make the allocations and determine the priorities for spending the taxpayers' money. But in the State of Maine, literally hundreds of millions of dollars the legislature has no power over because they are so-called dedicated revenues from the highways funds, and all that money goes toward highway uses.

I think in the battle between the legislature and the bureaucracy that this is one of the problems, that this particular bureaucracy has the power over hundreds of millions of dollars and the legislature has virtually no say on how that money is spent.

It seems to me that the Department of Transportation should be required, as other departments are required, to go before the legislature and to make their pitch so that in the final determination of priorities they would come out with other departments, or probably somewhat below them, but anyway, be required to make their pitch and have the legislature make that determination.

I think that passing this would strengthen the role of the legislature to the point where it should be strengthened. Very few states have such complete dedicated revenues as we do in the State of Maine.

For those reasons, Mr. President, I would move that the Senate adopt the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, moves that the Senate accept the Minority Ought to Pass Report of the Committee on Item 6-19, Legislative Document 1783.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I would like to reinforce the arguments of the good Senator from Androscoggin, Senator Clifford.

I am opposed to dedicated revenue, whether it is for education, whether it is for highways, or whether it is for the welfare of our elderly, and everything the Senator said about the right and the propriety of the legislature determining the state's priorities on a year to year basis is valid. It was valid last year, it was valid this year, and it will be valid next year. So even though it is a very strong majority report in the other direction, I hope you will support the motion of the Senator from Androscoggin.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would have to rise in opposition to the motion by the Senator from Androscoggin, Senator Clifford.

We could argue about the philosophy of dedicated revenues, and indeed, in another forum, in another area, perhaps the philosophy of dedicated revenues would be a legitimate question to be discussing. But here this year in the State of Maine, I think we have to recognize that the highways are of extreme importance to the economy and to the people of the state. I think we are all well aware of the problems that we are now facing with the amount of money that is needed for the

highways, and I think that we are all well aware as well that in the State of Maine we do not have mass transportation systems that can serve the public, but that the only transportation system we do have that can serve the public in the State of Maine to any appreciable degree is the highway system.

There are others in this body who can speak more knowledgeably on the kind of wrangling that the legislature gets into when there is a bill introduced to pave ten miles from West Oshkosh to East Oshkosh, and somebody else puts in another bill to pave thirteen miles in their area of the state; we really get into a kind of wrangling over a pork barrel situation. I think the decisions as to the priorities to be paved and road building properly belong in the bureaucracy and in the administration of the Transportation Department. I think it extremely important that we continue to support the highway system of this state with the dedicated revenues.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I would support the views of the Senator from Kennebec, Senator Speers, and I would move that the bill and all its accompanying papers be indefinitely postponed.

The Transportation Department and its predecessor, the State Highway Department, have been a frequent and favorite target of mine for any number of reasons, for some of the very, very few ways they do things that I think could be improved, but the basic philosophy of this revenue going to improving the highway system of the State of Maine is one of the very few bright spots in the accomplishments of the state in trying to better itself. I think the highway system is a basic reason that the state has progressed in the remarkable way it has over the past 13 years when its population hasn't increased one bit.

I hope you would support my motion for indefinite postponement to buttress this good work that the

Transportation Department has done.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Item 6-19, Legislative Document 1783, be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I certainly want to concur with the remarks of the good Senator from Kennebec, the Chairman of the State Government Committee, as well as with the remarks of the good Senator from Cumberland, Senator Berry.

I think if Senator Clifford lived in one of the more remote areas of the state, he would realize how important transportation is. And I think that those of us who do live in these areas are finding it more difficult, and more difficult all the time, to do business on account of distance. It is most important for us to have transportation. We don't have satisfactory train service, and it really is a problem. Just in the interest of improving the business climate, I think that this should be left as it is.

I think if the good Senator from Waldo were here, Senator Greeley, he would tell us that these highway funds are pretty much broken down, that some of them do go to the state police, but I don't think it is quite as secretive as it sounds.

Finally, we are, all of us, anxious to get home, and this certainly is an exercise in futility; it is very obvious that it isn't going to get enough votes as a two-thirds vote is required for a constitutional amendment. So I hope too that this is indefinitely postponed.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would request a division, and I would like to ask a question through the Chair to the Senator from Washington, Senator Wyman, as to whether or not he has got any land for sale in Washington County.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed a question

through the Chair which the Senator may answer if he desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I would be very happy to answer the good Senator. I have a lot of waste land, I have some land I use for blueberries, and at the moment I am not trying to sell any and don't have any idea of trying to sell any. But if he would like a lot down there somewhere, I am sure I can find one that I think he might find attractive, and the price will be nominal.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I was somewhat interested in what the good Senator from Kennebec, Senator Speers, had to say. I think he said something to the effect that we do not have mass transportation facilities in this state.

What I would like to do then is really sort of pose a question through the Chair. The question, in effect, is that were we to pass this amendment, would we not be able to use some of these undedicated funds to possibly develop some mass transportation facilities in the state, which also may tie in with helping to solve our energy crisis, and so forth?

The PRESIDENT: The Senator from Cumberland, Senator Brennan, has posed a question through the Chair which the Senator may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would certainly be very much in favor of trying to develop an alternative to the highway system in trying to develop some kind of better transportation system for the state. But I don't think that the way to do that is to place in jeopardy and to the detriment of the very good transportation system that we do have.

I think all of us know that the highway system at the present time has its back right up against the wall. We don't have the funds available to take away from this system to start pouring into other

areas. I think that the support and the funds to start developing new transportation systems should come from other areas, rather than to the detriment of the existing system that we do have.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Item 6-19, Legislative Document 1783, be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone this resolution will please rise and remain standing until counted. Will those opposed please rise and remain standing until counted.

A division was had. 17 Senators having voted in the affirmative, and nine Senators having voted in the negative, the Resolution was Indefinitely Postponed in concurrence.

#### Senate

The following Ought Not to Pass reports shall be placed in the Legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Complaints Against Public Utilities." (S. P. 499) (L. D. 1586)

Bill, "An Act Relating to Determining Just and Reasonable Public Utility Rates." (S. P. 549) (L. D. 1717)

#### Ought to Pass - As Amended

Mr. Hichens for the Committee on Health and Institutional Services on Bill, "An Act Relating to Membership in State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals." (S. P. 140) (L. D. 352)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-117)

Mr. Shute for the Committee on Election Laws on, Bill, "An Act Relating to Time of Holding a Municipal Caucus Prior to a State Convention." (S. P. 481) (L. D. 1548)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-118)

Which report was Read and Accepted and the Bill Read Once.

Committee Amendment "A" was Read.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Committee Amendment "A"?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I introduced this particular document to highlight the importance of the municipal caucus. The original document would require that the municipal caucus be held on one particular day. The day is designated as the second Tuesday of March, and the bill would require that all of the towns in the state hold the municipal caucus on that particular day.

It was my hope, desire and purpose in introducing this bill that should all of the towns hold their caucus on one particular day that the residents of this state would be more fully aware of the caucus being held and be aware of the importance of their individual caucuses.

Very briefly, I think we all understand that the municipal caucus, of course, chooses the delegates to the state conventions, the state conventions then proceed to choose the delegates to the national conventions, which, in turn, choose the nominees for the presidency of the United States. In a very real sense the entire political system of choosing the president of the United States begins in every single one of our towns in the political caucuses, and yet when we go to one of these caucuses there may be seven or eight, half a dozen, or maybe even two dozen individuals who are attending those particular caucuses. I think this is a very poor situation in this state, and probably in other states, when the very foundation of the process which chooses the president of the United States has such a poor turnout, poor participation and, very basically, poor understanding.

It is my feeling that if there is one day designated that the news media will pay enough attention to it and that everyone in the state will be enough aware of the particular day that they will attach more importance to the municipal