

# 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

I believe that all three Senate members of the Committee on Veterans and Retirement wanted the minimum retirement allowance to be at \$100, as I had originally sponsored it, or was originally suggested in the bill itself. As a process of accommodation, which all of you veteran committee members will realize does in fact go ahead, as a process of accommodation, myself and the other Senate members agreed to reduce the amount of the minimum from \$100 to \$90. That would involve an increase in the present law from \$80 to \$90.

I will abide by the will of the Senate. If it is your pleasure that the minimum retirement allowance be \$100, I, as the sponsor of L. D. 492, will be perfectly happy to go along with that.

The PRESIDENT: Is it now the pleasure of the Senate that Committee Amendment "A" be indefinitely postponed?

The motion prevailed.

Thereupon, the Bill was Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

Mr. Speers for the Committee on State Government on Bill, "An Act Relating to State Employee's Grievance Procedure." (S. P. 265) (L. D. 762)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 644) (L. D. 1979)

Mr. Anderson for the Committee on Fisheries and Wildlife on Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 368) (L. D. 1094)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 645) (L. D. 1980)

Which reports were Read and Accepted, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Taxation on Resolution, Proposing an Amendment to the Constitution Broadening the Limitation for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used

by Such Vehicles. (S. P. 544) (L. D. 1716)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington

FORTIER of Oxford

COX of Penobscot

Representatives:

MORTON of Farmington

COTTRELL of Portland

MERRILL of Bowdoinham

SUSI of Pittsfield

FINEMORE

of Bridgewater

IMMONEN of West Paris

DOW of West Gardiner

MAXWELL of Jay

DAM of Slowhegan

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

Signed:

Representative:

DRIGOTAS of Auburn

Which reports were Read.

Mr. Morrell of Cumberland then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: I rise in opposition to the motion. L. D. 1716 is a raid on the treasury of the Transportation Department. It opens the dike for dedicated revenues through a constitutional amendment.

As I understand it, we are already looking at a possible bond issue of up to \$19 million this year, and the Committee does not feel that we should open this up.

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

Mr. MORRELL: Mr. President and Members of the Senate: I would like to just speak a little bit on this bill. As Senator Cox briefly explained to you, the purpose of it is to fund the entire Department of Transportation from the gas tax and the excise tax.

I am under no illusion as to the ultimate destination of this proposal, but I do think it is one

that we seriously perhaps could consider, however briefly. And I have heard the term "raid on the treasury" before, so I recognize what Senator Cox is speaking about.

In the 105th we thought it made good business sense to group the various bureaus having to do with transportation: highways, railroads, airways, and the port authority under one major department called the Department of Transportation. When we did that we, in effect, set up a system whereby part of that department was funded from dedicated revenues which were scrutinized by the joint Committee on Transportation, and the remainder of the bureaus within that department were handled financially by a screening of the Appropriations Committee.

Now, it seems to me there are two things involved here: One, that we are entering an era when undoubtedly, even in relatively rural states such as Maine, we are going to be taking a much harder look at these various alternatives in the matter of transportation, as opposed to merely highways. I think for that reason we perhaps should consider it.

Second, it seems to me that the joint standing Committee on Transportation is better prepared to view the entire department's budget, rather than having the Appropriations Committee do its share with those bureaus having to do with other than the highways.

For these two reasons, I feel that it does make sense, even at the expense of down-the-road making a further adjustment in the gas tax to fund the entire Department of Transportation from dedicated revenues. I say that with absolutely no ulterior motives in terms of having any harsh feelings about the Department of Transportation. Quite the reverse: I think that the top leadership of that Department is equal in administrative ability to any administrators in the state departments in Augusta and perhaps exceeds the ability of many in the private sector. But I think it is good business judgment to at least

consider this from time to time. It is a matter that, if we were to look upon it favorably, would ultimately have to be discussed and decided by the public through a change in the Constitution.

For these reasons, I hope that you will accept the Minority Ought to Pass Report.

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

Mr. GREELEY: Mr. President and Members of the Senate: I think I opposed this same idea two years ago. I feel that if we have got to come up with some extra income to pay these extra bills, that we better have a study and find out where we are going to get the money to do this. We are having all the problems we need right now to finance the highway program. So I am opposing the motion of the Senator from Cumberland, Senator Morrell.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The legislature earlier in this session rejected a complete undedication of highways revenues, and that perhaps is a rather radical departure, but this measure seems to be a lot more moderate, because what it does is allow the total transportation picture to be considered with those revenues.

I think the very reason which the good Senator from Waldo, Senator Greeley, states that he is against it really is the reason that we should be for it, because in building more and more highways we are falling further and further behind, and I think we have got to begin to consider some alternative methods and modes of transportation. I think this is a method by which we could begin to do that, to use some of those revenues to consider alternate methods of transportation besides building more and more highways and which we are falling more and more behind in.

I think this is a progressive measure, and I think it is one that we ought to pass and let the people of the State of Maine decide.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I am very much opposed to this measure. Your Committee voted 12 to 1 against it. I think the reason that the good Senator from Androscoggin, Senator Clifford, states, the fact that we are falling behind on our highways, is no reason to take money from them for something else.

I think we are a rural state depending a great deal on roads, we have no satisfactory rail transportation and, living in a remote area of the state, I can appreciate what good roads do. I just think we have to have them if we are going to take care of our industry properly.

Finally, if you want to look at this one way, it is an exercise in futility because it requires a two-thirds vote to enact it as a constitutional measure, and everybody has had their say on it, I hope, so I think we may as well oppose the motion of the good Senator from Brunswick, Senator Morrell.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Morrell, that the Senate accept the Minority Ought to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution Broadening the Limitation for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles.

The Chair will order a division. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 10 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

#### Divided Report

Six members of the Committee on State Government on Bill, "An Act to Provide Elected District Attorneys." (S. P. 474) (L. D. 1569)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec  
WYMAN of Washington

Representatives:

FARNHAM of Hampden  
STILLINGS of Berwick  
CURTIS of Orono  
SILVERMAN of Calais

Six members of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-183).

Signed:

Senator:

CLIFFORD  
of Androscoggin

Representatives:

CROMMETT  
of Millinocket  
COONEY of Sabattus  
GOODWIN of Bath  
NAJARIAN of Portland  
BUSTIN of Augusta

Which reports were Read.

Mr. Berry of Cumberland then moved that the Senate accept the Ought to Pass Report "B" of the Committee.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland to Accept the Ought to Pass Report "B" of the Committee.

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

#### House

Bill, "An Act Authorizing Sale of the Seal Cove Water District." (H. P. 1530) (L. D. 1961)

Bill, "An Act Relating to Nets to Catch Shrimp." (H. P. 1537) (L. D. 1967)