

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

another bill that we enacted at the last session, whereby a juvenile could not be charged as a juvenile offender unless the act which he committed would have been a crime by an adult. So what happened is that in fact we repealed the truancy law, and many communities have had an extreme number of problems in this area. Waterville, I know, has had a serious problem. Their mayor has appealed to the legislature to correct the statute. I know they have had this problem in Aroostook County, and I understand they have had it in Androscoggin County as well. Hopefully, this bill, as amended by Committee Amendment and the Senate Amendment, will rectify some of the problems we have caused our constituents at last session. Thank you.

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

Thereupon, Senate Amendment "A" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Reconsidered Matter

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its prior action whereby Bill, "An Act to Register Recreation Professionals," (H. P. 1943) (L. D. 2483) was referred to the Committee on Legal Affairs.

Thereupon, on further motion by the same Senator, referred to the Committee on State Government and Ordered Printed in non-concurrence.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Providing an Enforcement Provision for the Police Training Law. (S. P. 782) (L. D. 2238)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

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. 756) (L. D. 2166)

Tabled -- February 4, 1974 by Senator Berry of Cumberland.

Pending - Passage to be Engrossed.

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

Mr. MORRELL: Mr. President and Members of the Senate: I won't be long. I will attempt to be brief. I would like to make a couple of quick comments.

One, I think the time is now appropriate for the people of Maine to determine just how they want their gas revenues to be spent and allocated. I think it is obvious that the gas tax no longer is going to provide the kind of funds that have been relied upon in the past to adequately fund highways.

Third, I think within several years at the most the highway industry will be taking the initiative to undedicate highway funds to give them access to the general fund. I think this will be a good thing.

Beyond this, I think that around this country, in the states and on a national level, there is a full awareness that we have to treat transportation as a whole and not as a part. I think highways have been treated as one prime part instead of as a whole. However, I am under no illusions here that this is going to be successful in this session of the legislature, and I realize that this morning it will die.

I realize that we are here for all too long a period, we are in some difficult days, and it is in this spirit, and also with the understanding that there will be an effort made to get through a comprehensive study of highway funds and the funding of transportation generally, it is in that spirit that I move now the indefinite postponement of this bill.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now moves that Legislative Document 2166 be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: I wish to commend Senator Morrell of Cumberland on the introduction of this bill. I agree with him that there is no chance of it at this session, but I think I would like to make a few remarks for the record.

At first glance, you might say that Senator Morrell is ahead of his time. Actually we are all away behind. I just finished last night reading a book, "Who Owns America?", by the former Secretary of the Interior, Walter Hickel. I would like to read to you a couple passages from this.

"There are now about 105 million cars, buses and trucks on American roads, more than one wheeled vehicle for every two people in the United States. The automobile has simply had too high a priority in this country. It overwhelms the parks, the cities and the highways, and it may soon overwhelm America. It is also responsible, but by no means entirely so, for polluting the air, attacking men's health, fouling his nest, and undermining his morale. How do we free Americans from their enslavement to road transport? What kind of transport is in the best interest of this country for moving people? The answer lies in high-speed, mass rapid transit, elevated and electrified, over long and short distances. We should be thinking about American needs in the year 2000, and the time to turn this thing around is now.

"It is unthinkable to rebuild the railway system as it was, but it is also unthinkable to lie down and let the automobile and truck continue to run over us. We must build a new system with electrical power and elevated track to take care of the environmental problems and give us a new way out. Railroads are not technologically obsolete. If they were, we might as well forget the argument. They have the permanent advantages of exclusive right-of-ways, simple guidance systems, and narrow route requirements per unit of carrying capacity. These technological advantages readily translate into lower costs of delivering anything. For bulk commodities, rail cost is a tiny fraction of what it costs to

ship by truck and, although the margin is much closer for high valued manufactured goods, the iron wheel still has the edge. The solution is to electrify-elevate where possible to make the iron wheel turn faster.

"As for financing, we built a magnificent railway system once before. At the end of the Civil War in 1865, the United States had 35 thousand miles of rail trackage, more than existed in all of Europe. By 1900 we had more than five times that amount. If we performed this miracle with an industrial capacity much less than what we possess now, we can surely build a modern rail transport system for 300 million Americans by the year 2,000, but we can do it only if we turn it around now."

What I am saying is that the time has ended for us to build and build and build. We were right, I am sure, when we did this in the past. We were right perhaps when we talked about and we are now doing six lane highways in southern Maine, and we are building another road between here and Brunswick. It is going to be convenient, it is going to save five minutes maybe, instead of going by the old Brunswick Road, but how many acres and acres of land are going to be covered with asphalt instead of grass.

Mr. Hickel says in his book that even if we eliminated all the pollution that we now put into the air from our automobiles, you still have two problems: you have the problem of taking up more and more green grass for more and more roads, and you also have the problem with the cars once they become old. We have just got to make up our minds that we are going to turn from this, and I think again I want to say that Senator Morrell is owed a debt of thanks for starting this thing, and we will look back years from now and have more reason to thank him. Thank you.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I rise to support the motion by the Senator from Cumberland, Senator Morrell. I would like to state a couple of things for the record though.

Senator Morrell of Cumberland re-

ferred to perhaps some highway interests that might be looking in just a few years to open up the general fund of highways. I am not going to stand here and say that I represent the highway interests because I don't, but I am interested in the highway system in the State of Maine for a number of reasons. My personal reaction to that remark is that over my dead body will we open up the taxpayers' dollars to build highways, rebuild highways or resurface highways in the State of Maine. It's one of the only self-supporting departments the state has now, financed entirely by dedicated revenues paid in by the users of that highway.

If the Maine people don't care to raise money to maintain and reconstruct their roads, or if they don't care to raise more money to improve these things, that is Maine people's decision, and I don't think that the legislature has any business trying to turn that around and saying, "O.K., if you are not going to pay with your fuel tax dollars, we are going to take it out of your income tax or out of your property taxes to build highways." That I think is wrong, I think it always will be wrong, and I think as long as I am around I am going to be fighting any such move to open up the general fund to building highways in the State of Maine.

I wish we all had the wisdom of Walter Hickel. I heard some figures about dollars, values or what we could spend to build a rail system. Gee, I think every one of us here would really love to see an adequate rail system in the State of Maine, but it is not a very realistic idea to think that we are going to have a rail system here in Maine. And I want to quote just one figure for the record. In the Transportation Committee hearings dealing with rail service in the State of Maine, testimony was brought out by the passenger director for the Boston & Maine Railroad that the commuter service into Boston, rail commuter service, is based on rates something like this — and he couldn't pin it down to the exact cents, but it is about seven cents a mile ticket fare to ride a commuter train in the Boston area now. In order to subsidize that commuter service in the Boston area, the state puts up another seven cents a ticket mile, passenger

mile, so we are talking in Boston, where they have a concentrated traffic right now, they have the tracks, they have their cars, and they have their operation going, it is costing 14 cents a passenger mile for commuter service in the Boston area. When you take a concentrated area like that, and develop those kinds of costs to operate this system, I ask you, what do you think the cost would be in a sparsely populated area like the State of Maine?

Sure, we all like to hear about a beautiful railways system, and I would be the first one to support that, great, but we are not talking the State of Maine when we are talking mass transit. And I don't want to see this legislature get kicked off with the idea that they are going to turn this thing around all of a sudden, because they are not because it won't be economical.

Another thing I want to mention is the task force idea that Senator Morrell mentioned. There is a bill coming before the bodies, I expect, that is tied to a revenue bill. And make no mistake about what is going to happen to the revenue bill — I don't care to get involved in that at this time — but in that bill is a very important section regarding the formulation of a task force. That is L. D. 2286, if you care to look it up. That bill would organize a task force to study all forms of transportation in the State of Maine, study the funding of all transportation in the future in the State of Maine. I strongly support that, and I am sure that Senator Morrell is going to strongly support that, and I believe that this is putting the horse before the cart. To simply say that we are going to open up the dedicated revenues to the tune of 20 or 30 million dollars every few years, and have no plan to spend that, I think is highly irresponsible. If we are going to spend some money for other types of transportation, first we need a plan. This task force is a method of developing a plan, and when that comes around I am strongly going to support this task force. Thank you.

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

Mr. MORRELL: Mr. President and Members of the Senate: I apologize for,

after having said I wouldn't, further prolong this discussion, but I would like to respond to Senator Cianchette just briefly. First off, when I used the term "highway interest," I didn't in any sense do so unkindly. I have a great admiration for the people in the industry and the department itself.

Second, what we are talking about here is not action on the part of the legislature in a final sense; it is action to let the people of Maine make the decision.

Third my basic agreement here with Senator Cianchette is the fact that he would refer to those who use the highways and those who pay the highway tax as being separate and apart from the bulk of Maine citizens. In my opinion this isn't so; they are one and the same. What we are talking about here is whether or not this is an appropriate time in Maine's history, after having had the dedicated funds for fifteen or twenty years, and certainly nobody questions the wisdom of dedicating at that point and through these years, the question is whether or not now at this point we want to have the people of Maine make a judgment decision to back up what they initially did back in the forties or to make a change.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Morrell, that S. P. 756, L. D. 2166, be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent on for concurrence.

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

Joint Order — Relative to Legislative Council review of the spruce budworm control problem. (H. P. 1944)

Tabled—February 5, 1974 by Senator Berry of Cumberland.

Pending—Passage.

Thereupon, the Joint Order received Passage in concurrence.

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

Bill, "An Act Relating to Liability of

Natural Gas Distributors." (S. P. 710) (L. D. 2122)

Tabled — February 5, 1974 by Senator Sewall of Penobscot.

Pending — Adoption of Senate Amendment "B" (S-333)

Mr. Tanous of Penobscot then moved that the Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: If you recall, approximately a week ago this bill was thoroughly debated. The pros and cons of the issues, I think, were presented to you quite adequately by Senator Clifford and, hopefully, by myself. I know that you have had an opportunity since listening to the pros and cons and the arguments to have done some research on your own relative to the effect of the enactment of such a bill.

I speak of the bill not only in its original form but in its amended form as well. I had the opportunity to read it and to try to digest it, and I can't see where the amendment really changes any of the debate that was presented the last time we debated this bill. The amendment uses different language, but I think the same problem exists in the amended version of the bill as it did in the arguments which I presented the last time. Also you have a fact sheet before you, that has been distributed, containing somewhat those same arguments I presented to you and, rather than belaboring the issue, I would hope that with the added information and the enlightened view I hope you now possess that we will defeat this bill. Thank you.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I assume that the research of which the good Senator from Penobscot, Senator Tanous, speaks really is not research but information from the lobby.

It seems to me that the bill with the amendment which is now pending would be changed because it would eliminate the concept of strict liability, which concept this chamber agreed with and the other chamber did not. Now we simply