

# 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

McHenry, McKernan, McNally, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Parks, Perkins, Pontbriand, Pratt, Ricker, Rolde, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Theriault, Trask, Twitchell, Walker, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Brown, Crommett, Donaghy, Dunleavy, Evans, Fecteau, Gahagan, Gauthier, Hamblen, Hancock, Herrick, Hobbins, Huber, Jacques, LaCharite, LaPointe, Maddox, Palmer, Ross, Santoro, Sheltra, Tanguay, Trumbull, Tyndale, Webber.

Yes, 28; No, 98; Absent, 25.

The SPEAKER: Twenty-eight having voted in the affirmative and ninety-eight in the negative, with twenty-five being absent, the motion does not prevail.

The Chair laid before the House the third item of Unfinished Business:

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 7, by Mr. McTeague of Brunswick, until later in the session.

Pending—Motion of Mr. Simpson of Standish to indefinitely postpone.

(No Committee Report accepted. Report A "Ought not to pass; Report B "Ought to pass"; Report C "Ought to pass" as amended by Committee Amendment "A" (S-332)

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to thank the House and the gentleman from Standish, Mr. Simpson, for allowing the matter to be tabled yesterday until we could read it over with the Committee Amendment on it. As the House knows from past debate, the matter involves the broadening, with the consent of the people, of the scope of the dedication of the gasoline tax. We deal approximately with some \$50 million a year, I am given to believe. The question was voted on approximately 30

years ago by the people of this state. At that time the people agreed, and we so amended the Constitution to provide that all money raised from the gasoline tax should go into the highway fund for highway uses and for a few related uses like a certain portion of the State Police.

The question now comes before us, I think at a very appropriate time, considering not only the energy crisis but the transportation aspects of the energy crisis. I feel it is time that this issue, the scope of the dedication of the gasoline tax, be given to the people of Maine.

Back in the 40's, perhaps in the late 30's, it was originally a statutory dedication. Then we came to a Constitutional dedication, which in effect removes the power, not only of the majority of our legislature, but indeed a majority of the people to make the decision on this issue. I think that 30 years, the passage of approximately 30 years, indicates that it is time to return to the people and to get their sentiment on this. I don't think this highway dedication has assumed the status of part of the Bill of Rights that we must forever leave it in our Constitution and that we must be fearful as legislators of ever having the people have a say on it.

The resolve does not, again, relate to complete undedication, but rather broadens it to things like train service, ferry service, and mass transportation could be included.

Mr. Speaker, when the vote is taken on indefinite postponement, I would ask for a roll call.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, requests a roll call.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain the three reports before you.

The Majority Report is "ought not to pass." Report B is a report in favor of the bill, which calls for undedicating the highway funds for other transportation purposes.

Report C is the report that I signed, that Mrs. Najarian also signed, and I think that those of us who favored

undedication there was some mixed emotion about the two different "ought to pass reports."

Report C proposes that up to 25 percent of the highway tax revenues could be used for alternative surface transportation purposes, up to 25 percent, not a mandatory 25 percent, but up to that amount. I think this is the kind of proposal that you and I ought to be giving more consideration to than I suspect we will this morning. I think most of us probably feel that we just can't do this, that the peoples' love affair with the automobile on the road is so strong that nobody will consider some alternatives.

But I, frankly, am starting to worry about our transportation system. I think we do need to think about trains, improved bus transportation, bikeways. And I think about it, about the need for different groups in our society, whether they be old or young or whether they be rich or poor. I also think that our dependence on roads also jeopardizes our national security. And that may sound just a little bit corny, but I don't like over-dependency on any one kind of transportation. And I would hate to rely on the Maine Central Railroad or the Bangor and Aroostook in this day and age for critical transportation purposes should our roadways not be able to serve those purposes.

So, some undedication I think is warranted at this time. The energy crisis I think only makes this more apparent. So, I urge you not to indefinitely postpone this, even though I suspect you may, and to consider that a partial undedication of these funds for other surface transportation purposes is a sensible thing to do.

And Report C proposes to put exactly that in the Constitution. I think the people of the state will buy it. I think they would support it, and I think this legislature should support it.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I stand up and ask you to vote yes for the indefinite postponement of this bill. My reasoning is thus; the highway program

in the State of Maine is in trouble. The people who are driving cars in the State of Maine, I do believe, are paying an 11 cent gas tax. They want their gas tax to be used for highways. They don't want it to be used for another form of transportation. That is the way I feel. I am quite certain that is the way my constituents feel, and I am quite certain, for many of you, that is the way your constituents feel. To tax a person on his fuel to drive his car to use it for other purposes, I think the people of Maine would be against it.

Secondly, right now we have lost our construction program in the State of Maine for new highways because of the gas tax not being increased. But we do have a very very excellent program that most of us in rural Maine are looking forward to, and that is the resurfacing program. And if you have driven on a resurfaced road, you know there is a great deal of difference than riding on a road that has not been resurfaced, that is very hard, say, to manage your wheel and drive on. Therefore, in behalf of this program, in behalf of keeping some type of road program going, I hope you will vote yes to the indefinite postponement of this bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I think it is obvious, but I will state the obvious, and these are individual views. Mr. Cooney shares it to some extent, and I hope that some others here do.

I am somewhat dismayed by the gentleman from Calais, Mr. Silverman, not in his point on resurfacing, which I am certain is a very worthy project in many areas, but rather on the point of what is the role of the legislature on an issue like this.

Mr. Silverman has said he knows the views of his constituents, and that we all know the views of our own constituents. I think sometimes I know the feelings of mine, I hope I do. Like all of us, I try to know them. But if you know the views of your constituents, your constituents, ladies and gentlemen, why the concern, why the fear? Put it to the people. Ask them. Because if you vote for indefinite

postponement today, it could be said that you were perhaps concerned as to what the views of your constituents might be.

All wisdom does not repose on the third floor in Augusta. A great deal of wisdom and common sense repose in the million people of the State of Maine. Let's give them a chance to have some input on this and at least keep this resolve alive, and vote no on indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Ladies and Gentlemen of the House: I am observant of the thoughts of my constituents. Most certainly any constituent of mine or the other people from Aroostook County that are representing the County, I am sure do not want the funds, the dedicated funds that are dedicated for highway, to be cut back or in any way reduced at this time, at least, because there is a long ways from Houlton to Fort Kent, St. Francis, and so forth, that we have been working to get some more money to improve that stretch of highway.

Now, it is true, as Mr. McTeague says, if you shell it out to the people, they would maybe make a stand that would be the voice of the majority of the people. But is also true that the majority of the people lie from Bangor south, and they are well taken care of with Highway 95 and with your turnpike, and with your bridges, so on and so forth, and we lack a lot of that good highway.

We lack good surface on our so-called roads from farm to market. In fact, some of those are down to the rock foundation. We need more maintenance money in Aroostook County for that type of road. Most certainly, I think this is a poor time to even think of such a thing as bringing it before the people to decide whether we should discontinue our dedicated funds or not for highway. I would urge everybody to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have two classes of constituents, those who pay this tax to drive automobiles, that drive

trucks, that ride on busses, and they help pay the tax, these are the people that are paying for the highways. There are a few more that do not drive or have automobiles in their families and possibly they would like to see money going to other purposes.

Now taking money away from our Highway Department for these dedicated funds that are paid by the people that use the highways would be somewhat similar to undedicating the sardine tax. Now a lot of people would like to get their hands on as much money as they can for any purpose they can use it for. The sardine tax and many other dedicated revenues are used for that industry. The industry pays it, the people involved pay it and they need it. They have asked for it. I hope you will all vote for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I will have to notify you that I am going to vote for the indefinite postponement. I have some very strong reasons in my area. One has to do with the oil refinery. We are all conversant with almost a full year of hearings being held on this proposition. We also have the knowledge that these people have come there and opposed it have been imported from all over the world as experts on tides in the Eastport area, notably the Bay of Fundy. And to my knowledge, as a Harbor Master down there for three years, there is only one of these persons from down the coast who ever has sailed in these waters to know what the tides are.

The vast sums of money that has been spent to prevent a refinery in the State of Maine gives me a very good idea of what can happen if we undedicate these funds.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that Resolution,

Proposing Amendment to Constitution Broadening Limitations for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles," Senate Paper 756, L. D. 2166 be indefinitely postponed in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cressey, Curran, Dam, Davis, Deshaies, Drigotas, Dudley, Dunn, Dyar, Evans, Farnham, Ferris, Finemore, Fraser, Garsoe, Good, Haskell, Herrick, Hoffses, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Mahany, Martin, McCormick, McHenry, McNally, Merrill, Mills, Morin, V.; Morton, Murchison, Norris, Palmer, Parks, Peterson, Pratt, Ricker, Rolde, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Stillings, Strout, Susi, Trask, Walker, Wheeler, Willard, Wood, M. E.

NAY — Berry, P. P.; Carter, Chonko, Clark, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Dow, Emery, D. F.; Farley, Faucher, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Huber, Kelleher, Knight, Lewis, J.; Maxwell, McKernan, McMahon, McTeague, Morin, L.; Mulkern, Murray, Najarian, O'Brien, Perkins, Rolde, Smith, D. M.; Smith, S.; Sproul, Talbot, Theriault, Tierney, Twitchell, Tyndale, Whitzell.

ABSENT — Brown, Crommett, Donaghy, Dunleavy, Farrington, Fecteau, Flynn, Gahagan, Hamblen, Hancock, Hobbins, Jacques, LaCharite, LaPointe, Maddox, Pontbriand, Ross, Santoro, Sheltra, Soulas, Tanguay, Turnbull, Webb, White.

Yes, 85; No, 41; Absent, 24.

The SPEAKER: Eighty-five having voted in the affirmative and forty-one in the negative, with twenty-four being absent, the motion does prevail.

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I now

ask for reconsideration and ask you to vote against my motion.

The SPEAKER: The gentleman from Calais, Mr. Silverman, having voted on the prevailing side, moves that the House reconsider its action whereby this bill was indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

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

Bill "An Act to Revise the Membership of the Land Use Regulation Commission" (H. P. 1937) (L. D. 2471)

Tabled—February 6, by Mr. Palmer of Nobleboro

Pending—Passage to be engrossed

On motion of Mr. Simpson of Standish, retabled pending passage to be engrossed and specially assigned for Tuesday, February 12.

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

Bill "An Act Relating to Municipal Fire Protection" (H. P. 1707) (L. D. 2100)

Tabled—February 7, by Mr. Simpson of Standish

Pending—Further Consideration

Enacted in the House with Committee Amendment "A" (H-652) In the Senate passed to be engrossed as amended by Committee Amendment "A" (H-652) and Senate Amendment "A" (S-338)

Thereupon, the House voted to recede and concur.

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

Bill "An Act Relating to Deductions from Sentences of Inmates in County Jails" (H. P. 1839) (L. D. 2331)

Tabled—February 7, by Mr. Carrier of Westbrook

Pending—Motion by Mrs. Baker of Orrington that the House accept the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, I move for the indefinite postponement of this