

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

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Whereupon, Mr. Greenlaw returned to his seat on the floor and Speaker Martin resumed the Chair.

Bill "An Act Concerning State Retirement Benefits for Police Officers and Firefighters" (Emergency) (H. P. 505) (L. D. 624) (C. "A" H-309)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent to the Senate.

Second Reader Later Today Assigned

Bill "An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court" (H. P. 281) (L. D. 375) (C. "A" H-269)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mrs. Tarr of Bridgton, tabled pending passage to be engrossed as amended and later today assigned.)

Second Reader Tabled and Assigned

Bill "An Act to Permit the Sale of Dessert Wine at Retail Stores" (H. P. 768) (L. D. 1019) (C. "A" H-305)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, May 17.)

Bill "An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers" (S. P. 213) (L. D. 662) (C. "A" S-125)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended in concurrence.

On motion of Mr. Mahany of Easton, the House reconsidered its action whereby this Bill was passed to be engrossed as amended.

On further motion of the same gentleman, tabled pending passage to be engrossed as amended in concurrence and specially assigned for Monday, May 16.

Passed to Be Enacted Emergency Measure

"An Act to Repeal the Ban on Otter or Beam Trawls in a Certain Part of Washington County Territorial Waters" (H. P. 626) (L. D. 767) (H. "A" H-278 and H. "B" H-286 to C. "A" H-224)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Amend the Charter of the Winter Harbor Utilities District" (H. P. 1191) (L. D. 1439)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland

County for the Year 1977 (H. P. 1528) (L. D. 1754)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Authorize the Issuance of Free Fishing Permits to Patients in Regular Nursing Homes" (H. P. 694) (L. D. 876) (H. "B" H-260 to C. "A" H-242)

"An Act Concerning Absentee Ballots for Maine Citizens Overseas" (H. P. 924) (L. D. 1423)

"An Act to Clarify Certain Liquor Laws" (H. P. 1190) (L. D. 1450) (C. "A" H-264)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

HOUSE DIVIDED REPORT — Report "A" (6) "Ought to Pass" in New Draft under New Title: RESOLUTION, Proposing an Amendment to the Constitution to Permit the Highway Fund to be used for Public Transportation Purposes (H. P. 1532) (L. D. 1758) — Report "B" (6) "Ought Not to Pass" — Report "C" (1) "Ought to Pass" — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Undedicate the Highway Fund (H. P. 536) (L. D. 651)

Tabled — May 11, 1977 by Mr. Tierney of Lisbon Falls.

PENDING — Acceptance of any Report.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, I move we accept Report A.

The SPEAKER: The gentleman from South Portland, Mr. Curran, moves that Report A be accepted.

The gentleman may proceed.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I promise that I will be brief. It has been a number of days now of continuous tabling on this particular L.D.

The original L.D. calls for the undedicating of the highway fund. Report A of the committee does not undedicate the fund but it includes as an item that would be fundable public transportation. It was the majority feeling of the committee, six in the "ought not to pass" and six who are supporting this particular report, that the highway fund should not be undedicated at this time. However, six of us did feel that public transportation was going to be something of the future and that perhaps we were going to have some flexibility with the monies located in the highway fund to test pilot some programs, feasibility studies.

As I look down the road into the future. I don't see too many automobiles on it. The energy situation is not going to get better in the near future. I am a firm believer that solar energy is not going to come until someone figures out how to put a meter on the sun.

A lot of people look at public transportation as some sort of welfare program, and I submit to this House that maybe in 10 years we will be recipients of that kind of welfare.

I was surprised to learn the other night that the American family is now spending a greater percentage of their paycheck on transportation, more so than on food in this last year. I think that by including public transportation under this particular funding mechanism, we can start to explore — I don't think that we can wait

for big brother in Washington to start to solve our problems with mass transit here in the State of Maine. We are a very large state geographically, we have got to move people around, and I think this is a very legitimate area for that funding under the highway fund.

As scarcity and price increase, fewer and fewer people in the State of Maine are going to be able to afford to operate their automobiles and more and more are going to depend on public transportation. I really think this House should consider the idea of public transportation being funded under this particular funding mechanism.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against Report A so that we can then go on to the next report. I would suggest that if you vote for Report A, most of the money or a goodly portion of the money would probably go right to the good gentleman from South Portland's town, or that vicinity. It would be spent on airports, improving the transportation in the big cities in the state, and I don't have any objection to improving the transportation in these cities, but we have a problem statewide, and that is just maintaining our existing roads, not building big, new airports, not building big, new transportation systems. Until we find some more money, and don't ask me where that is going to come from, I think that this bill should frankly be killed, and that is exactly what Report B would do.

I don't think we can afford to buy big, new ferry boats to fly back and forth between the islands in Casco Bay, and so forth, which is probably exactly what would be done. I know some of you don't like to hear that, but really, all they are essentially doing now is maintaining what they have. What we would be doing is centralizing the expenditures with Report A in certain areas of the state.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: When the Maine Legislature and the people of Maine amended their State Constitution some 30-odd years ago, they made a public policy decision and embodied it within their basic governing document which directed in very dramatic fashion the future course of transportation in our state.

Public policy in the various states in the federal government was and is much the same as Maine's. Maine and America became a nation of highways and cars and trucks. That public policy decision led us away from other transportation alternatives, primarily at the time, the railroads.

What I am saying is that the rapid expansion of highways and the geometric increase in the numbers of motor vehicles was entirely a matter of personal choice, personal preference. It was largely the result of governmental policy. The dedicated highway fund made our automobile oriented society a self-fulfilling prophecy. More highways were built than railroad beds, because that was where the money was, thanks to the Constitution.

America, in the process of becoming an automobile oriented society, fell in love with that automobile, and like most other Americans, I like to drive my car with its four-speed transmission, tachometer and its A.M.-F.M. radio, but someday I may be faced with the realization that I am going to have to give it up.

Our tremendous freedom of mobility has not come without its costs. The environmental and social costs of individual transportation have been heavy, and we are suddenly faced with the realization that our petroleum sources are neither infinite nor replaceable, we are going to

run out. Some of us in this room will probably live long enough to see that day. The Shah of Iran is right when he says that oil is too valuable to burn. For every barrel we use for fuel, that is one less barrel we can use in the manufacture of plastics and dozens of other synthetic materials which enhance our daily lives.

Maine is a rural state but one which has several concentrated urban areas. While some of you take hours to drive across your districts, I can walk across mine in less than 30 minutes. Aroostook County may never need a rapid transit system. Up there, they are going to need their automobiles longer perhaps than some of us will. That is one good reason for trying to make our petroleum supply last longer. We in the urban areas have alternatives, but in the County they don't, and that is one reason I support this resolution. Transportation alternatives will extend the petroleum supplies for those who will need it the most.

This resolution doesn't say that we are going to spend the highway fund on welfare or fire protection or to improve the fishing fleet; this resolution continues to dedicate our primary revenue source for transportation development and maintenance for transportation. While recognizing as a matter of public policy that Maine must be planning for the day when at least in some areas of the state the highway and the automobile will not be the primary means of transportation. And even if we do expect the automobile to continue to be the chief mode of transportation, I think we can support the resolution for its ability to finance secondary alternatives.

Some may argue that the folks in Portland and Bangor, Lewiston-Auburn and Waterville and Biddeford-Saco and other cities ought to pay for their own public transportation systems out of their property taxes. First of all, that argument presupposes that only urban residents would use public transportation and that there will be no inter-urban public transportation systems stopping in the suburban and rural areas; furthermore, that argument presupposes that folks in Kennebec County, for example, support their roads with only their own gas tax dollars but, in fact, some of my money helps to support Route 11 up in Ashland and some of their money finds its way down to Broadway in South Portland.

Transportation is a statewide concern. This resolution doesn't end the use of the gas tax for highway use, but it will allow the state, as a matter of public policy, to vote some of that fund for alternative transportation systems when it perceives the need to do so.

A vote for this resolution does not deny the fact that some of our roads and bridges are in bad shape. It is worth noting that some public transportation systems will use those same highways and bridges which our cars and trucks use now. This resolution won't threaten jobs, because it takes jobs to build any transportation system.

This resolution does not mean the premature demise of the passenger car, although some people believe it is eventually doomed to the same fate as that of the passenger pigeon. This resolution means a shift but not a reversal in our long-standing public policy affecting the direction of basic transportation means within the State of Maine. Passage of this resolution is simply a responsible look to the future and it will permit the public an opportunity to vote on the way they see that future, and that is why I support it.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I intend to support Report A for some of the reasons you have already heard and one or two additional reasons which I will now tell you about.

The Highway Department, for years, has been the sacred cow down here and I don't mind taking a whack at a sacred cow now and then. In fact, today I am going to kind of enjoy it.

Two weeks ago, I sent a letter to the Commissioner of Transportation and I haven't yet received an answer. Last week, I sent another letter to the commissioner and I still haven't gotten an answer. I have been to the department several times and the questions that I have are questions that my constituents have been asking me over the months about a section of highway that was to be built through the town which I represent and live in. That section of highway has been surveyed now for six years. It has been planned to be built for four years, it has been deferred four times. The last information that I could get from the department of Transportation on when that construction would take place was that it was going to be put out to bid last October. Well, it hasn't yet been put out to bid, to my knowledge, and nothing down there has happened yet.

Now, it occurred to me that maybe if I started taking a swipe at the sacred cow, that somebody would decide that I live in Buxton and somebody might take a look at a highway map that is put out by the Department of Transportation and follow down to 13 down and "C" across, and there is a little dot there that says "Buxton." Maybe one vote from that area will make a difference when they want it and maybe I can find out when the highway is supposed to be built that concerns several businesses and many residences, and all of us down there would like to know whether or not we are going to be put out of business or left in business, either way it really doesn't matter. All we want to know is when.

Possibly some kind soul might send the remarks I have just made when they come out on the record down to the Commissioner of Transportation, and there is no point in me sending it down there because I guess the mail gets lost between me and him, but maybe somebody could do that for me, and maybe next week I will have a response to the two letters that I have written down there.

I hope you will support Report A and possibly we can get some sort of action.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of Report B, which is the "ought not to pass" report. That is the report that will not undedicate the highway fund in any way.

Report A, I am afraid, will result in ultimate undedication of the fund, even though that is not the purpose. When I first was discussing this and we were discussing it in our committee, I was attracted to the notion of applying some of the highway funds towards public transportation, particularly in light of the coming energy crisis. However, when I started thinking about it some, I decided that for the best interest of the rural areas in the state which, as we know, are most of the areas of the state, it would be better to leave the highway fund the way it is.

I have also talked with our local division chief who indicates to me that the department has barely enough funds to maintain present upkeep programs. I am sure you are all familiar with the skinny-mix program. He tells me that they have barely sufficient funds to keep that program going. So I am fearful that if we go into public transportation that this sort of program will suffer. The highway fund, as we know, is not a bottomless pit and if we get into public transportation, I am afraid we are going to drain it off very quickly.

The other reason that I am against undedication of the highway fund is that I am afraid that it is going to cause a return to pork-barrel type of politics where the urban areas, the larger

cities getting what they would need the most, which is public transportation, and the rural areas suffering.

I would urge you to support the Report B "Ought Not to Pass" and leave things the way they are. I think they have been satisfactory for some years and I think they will stay that way in the future.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: The only thing that this bill reminds me of is the little town of Vanceboro. It sits up on the Canadian border about 25 miles away from route one. There is a highway leading to it, Route 6 that, to my knowledge, hasn't been worked on in any manner for some 40 years. This spring during the thaw, it was virtually impossible to get from here to there because the road just went to pot and I mean pot. There are potholes in the potholes up there. There are stumps coming up through the pavement in the road. The road was built over the ground after they cut the stumps and they laid logs in there and filled in holes. There are virtually stumps coming up through the pavement.

This is a community of a few hundred people that for a certain time in the springtime are completely isolated from the rest of the State of Maine. The only place they can go is into Canada to do their shopping, to go to the doctor or anything else during this time.

This is a typical example of the condition that our highways are in under the current conditions. We make a raid on this highway fund to go down and build ferries and put in buses in Portland or Augusta or wherever, where are these little towns going to be that needed transportation? They have got to get into their car and go to work. If they can't get over the road, they can't go to work. I think this is a very very serious problem to the rural areas. If we keep making raids on this dedicated money, it is going to be a sad day for the rural communities. I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I discussed this particular bill with a very good friend who is on the committee with me, Representative Jensen, who I respect and admire a great deal. I was told, as a result of the conversation, that we in Portland do have good roads. Now we need public transportation. Ladies and gentlemen, if a community in the state or this area has good roads, more power to you, but the rest of the state needs to be brought up at least to the same standard. There are communities within this state that have roads in such need of repair that the bedrock has all but disappeared. That doesn't just affect the northern part of the state, but I have seen a few roads in the southern part the same way. If you don't believe me, take a trip north or to some of the outlying areas.

I felt that undedicating the funds was not the answer to the problem. By solving public transportation in one area, we may cause economic chaos in other areas of the state through degradation of our complete highway system. I pointed this out to my good friend from Portland and as a result, an amendment was produced which I must comment on. This amendment, filing number, H-308, is only a very small step to the solution to both Portland's problems and our rural areas. But I would like to point out, we must be careful because this could also be a step backward.

Allocation of funds is by division within this state. At present, there are seven different divisions, as indicated in our highway-bridge improvement program. Funds are allocated by highway miles, necessity, priority of work pro-

jects for safe highway usage. Just to give you an idea of how this affects your particular areas, division one is Aroostook and part of Penobscot. Division two is Hancock and Washington counties. Division three is part of Penobscot and Piscataquis. Division four, you have Kennebec, Somerset and part of Franklin county. Division five, you have Knox, Lincoln, Waldo and Sagadahoc. In division six you have Cumberland and York. In division seven, Androscoggin, Franklin and Oxford. Just to give you an idea, for the future allocations in division one, which is my own division and I am familiar with, we were allocated \$31,303,800. Of the \$31 million, \$22,649,000 has got to be put onto Interstate 95. This is by federal law. If we don't put it in and we don't complete Interstate 95, the feds are going to take some of their money back and we can't afford that. That leaves us \$8,654,800 to complete the rest of the projects within our division.

The Portland division which my good friend is in. They were allocated \$20,250,400. To complete their interstate systems, you have \$8,306,000 and that leaves them \$11,944,000, almost \$12 million. Well, they are \$3 million up on me and I wish I could get hold of a part of that \$3.

The present methodology of funding by division works, but this is a department division. It is therefore not assured to stay as it is right now. You can change the divisions by adding or deleting portions, even making two or three divisions out of the present seven. If you do this, you are going to change the whole picture of the public input of the funding allocations and I think perhaps a lot more work is needed to provide assurances to your people and my people that the equitable allocation of funds is maintained to the present road division system. I think that is going to take legislative action in the future to do that.

Also, many communities and unincorporated areas are involved within each division. How will these communities participate in the public input for the distribution of the funds? I would hope that a lot more information is forthcoming before I or my constituents could lend support to undedicating these very important funds because they are the life blood of this state. I support the motion of my good friend, Mr. MacEachern.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Most of the things have been covered which I intended to state, but my only concern is, since 1950, the highway fund has not generated enough money to be self-sustaining. Through legislature, through people's referendum, invariably we have had to be voting on a referendum to provide a bond issue to develop a bridge or a highway in some area of the state. I would hate to see us raid this fund in view of the fact it is not self-sustaining at the present.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Members of the House: I rise today as the good gentleman from Buxton, Mr. Berry, as David against Goliath. Goliath is the department of transportation.

There are three reports of this bill. Report A, Report B, and Report C. Report C of this bill was signed by one member, this original bill, L.D. 651, which basically undedicated totally the highway fund. I will not discuss the merits behind Report C, even though that is the report I would like to see pass, because now I have decided that I agree with the basic premise of Report A and I feel it is a step in the right direction of maybe slewing Goliath and having David take a small shot at it.

Six members of the State Government Committee have expressed their support for A modified version of the original legislative

document. This new draft of the original bill proposes to amend the Constitution to permit the highway fund to be used for public transportation purposes.

There has recently developed in this country a trend toward a reexamination of traditional institutions, policies, practices to determine if the justification still exists for these different proposals and practices in this complex society of ours. I feel the time has come for this legislature and we as legislators to reevaluate the present practice of exclusively diverting tax dollars of the people of Maine exclusively to highway construction and road repair.

We have in our Constitution, since 1944, a provision which exclusively designates that each tax dollar paid by the people of Maine to be used solely for highway construction and road repair. In 1944, the reasons behind such a constitutional amendment were probably justified, but times have changed. We live in an environment, in a society, where people no longer have a car as a luxury but now own a car as a necessity. In fact, in 1944, only one out of five people had automobiles. Now, 1.5 people in the State of Maine have a vehicle of some type.

I support this modified version of L.D. 651 and I hope the rest of you will too. It is not what I like as far as total undedication but I think it is a step in the right direction of looking ahead and not behind.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely hope that you will indefinitely postpone this bill and all its accompanying papers. I am not too sure what public transportation is. I live so far in the woods that I rarely get out to see any. My memory, from previous city life, is that public transportation is composed of buses, trolley cars, railroad passenger trains and steamboats. Some of these are a little gone by. I think. As far as I am concerned, the only public transportation that we will have in my part of the country, if we run out of gasoline, is shoe leather and that is kind of rough going.

I do want to amplify just a bit on the story told by the good gentleman from Lincoln, Mr. MacEachern, on the Vanceboro road. Vanceboro road connects Topsfield and Vanceboro and Vanceboro is right on the Canadian border and there is a Georgia-Pacific plywood mill in MacAdam, which is in Canada. We also have a Georgia-Pacific mill in Woodland, which is in the United States, and heavy trucks go back and forth across this road. This spring, the heavy trucks just about demolished that road. As soon as I found out about it, we were able to get the road closed, we were able to get bulldozers and trucks and gravel down there and make that road passable so that the people in Vanceboro, who have only one road in and out in the United States, could get out of there. The next thing we are going to need is a new road there and it is going to take some money. I am going to try to promote that as best I can. If we start buying trolley cars and buses, there won't be any money for my road in Vanceboro. I trust you will indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Members of the House: I happen to live east of the Kennebec River, a dividing line that I have been giving quite a lot of thought to lately. I also, in my business interest on a part-time basis, travel throughout the state from Rock's Hot Dog Stand in Fort Kent to Kittery. I am a little bit acquainted with the roads in Maine and a lot of you people know what I do, you know that I am acquainted with the roads in Maine. I find it pretty hard to buy undedicating the highway funds. I find that East of the Kennebec River

and north to Rock's Hot Dog Stand in Fort Kent, our roads are not as great as they could be.

I have a hunting camp in Washington County, so I am familiar with Route 1 to Calais, in fact my wife comes from Washington County. I am familiar with the byways, I am familiar with Route 9, I am familiar with the problems we have. I don't think this is the time, not this year, to undedicate the highway funds. Therefore, I urge you to go along with the motion.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Report A does not undedicate the highway fund. It includes mass transportation as being fundable. I can assure the House that it was not my intent that this mass transportation was going to be located in the City of Portland only.

We have heard people talk about the condition of the roads and you can check this legislator's voting record and I have supported town road improvement. It means \$178 to my city. I have supported the rural program for resident state trooper and I supported all kinds of programs for the rural area and I don't really see this, from my perspective, as a city/rural question. I kind of like seeing all you folks from the rural area down here at the legislature and I just really think that once we get through the nice roads, I want to make sure you have got something to drive on those nice roads to get down here. I think that is the issue and we should be looking down the road and start thinking about mass transportation for the entire state.

I just offer this flexibility for a funding to start looking at mass transportation, because you have got people back home and if you can stand there and tell me that when gasoline goes to \$1.10 a gallon that your folks in Vanceboro and everywhere else are going to be able to jump in the automobiles and head off to work and may not need some sort of bus transportation to get them to the next town where they work, I will find it very hard to believe. I think that is where we are headed and I am just trying to get this house to start thinking years down the road. It is certainly not my intent to isolate the rural areas of this state by taking and putting public transportation into the highway funds. It may be ten years down the roads, so the only one here to be voting will be Mr. Stubbs who will walk over from Hallowell.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I quite concur with my very good friend from South Portland, Mr. Curran, that this is not a rural versus urban issue. As a matter of fact, very frankly, I wish we could sort of forget about that syndrome that prevails sometimes in this House.

I have had a change of opinion on this particular matter during the years that I have served here in the legislature. I think when I first came here, I probably would have voted if I did not in fact vote to undedicate the highway revenue. As I have served here and as I have hopefully done some work to improve the roads in my area, I am becoming increasingly concerned about the fact that we are falling behind in the maintenance of the roads in this state.

I would like to just call your attention to some figures that I asked the Commissioner of Transportation to send over to me. In the past four years, the past two bienniums, the amount of money that we have placed in highway bridge improvement program, exclusive of personnel costs, has increased about ten percent. At the same time, the comparison I am making is 1973 figures and 1976, costs of materials that the Department of Transportation have to use in their road maintenance program have increased dramatically. For example, liquid asphalt between 1973 and 1976 has increased 105

percent. The skinny mix program, the hot top that we all like to see applied in our areas, has increased 39.5 percent from 1973 to 1976. Culverts have increased 42.5 percent, and the list goes on and on and on.

I would like to make two points. Number one, I think that as the inflationary impact hits the Department of Transportation, we are falling behind in the maintenance of our roads in the state. Number two, I am not convinced in my own mind that any type of mass transportation is a feasible alternative in a state this size with the population it has. I would submit that probably in some cities that I think probably already have public transportation, there will be increased moves toward that type of transportation. In the rural areas, I find this to be very unlikely.

Before I sit down, I would like to indicate to my good friend Mr. Berry from Buxton, I will take a copy of the Horse Blanket for the Commissioner of Transportation and see if maybe we can't get a reply to his letter.

I do hope that you do support the pending motion of indefinite postponement, because I think now is not the time to expand the use of the gas tax revenue for other public transportation measures.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this piece of legislation, and I rise in opposition to the pending motion. The federal government has been providing tremendous subsidies for transportation purposes throughout the country for many years. This started several decades ago, primarily with the highway trust. As has been suggested before, one of the problems that has occurred is that you have had a tremendous amount of subsidy directly going to road construction. What this has done, this has directed what is going to happen to transportation within the United States and in Maine.

I grant you that the State of Maine is never going to get away from having roads, it is never going to get away from requiring road maintenance, road construction and the like, but do submit to you that so long as it is subsidized to the extent that it is, we are going to be in trouble, because by the time the time comes when we have no alternative but to use alternatives to the road, it is going to be too late. The time is not going to be there to develop alternative transportation modes.

In my own district, we have a series of different types of transportation mechanisms. We have highways, we have water ferries, a major airport, a transit district and it appears that in a few years we may have well some sort of rail transportation service for passengers as well as the freight that is now in existence. Each of these systems differs in cost, each one competes to some extent. Each system provides different benefits to different members of our society. By the same token, different geographical areas have different problems and needs in the area of transportation. The State of Maine ought to have the ability to respond to Caribou's highway needs, Portland's transit needs and perhaps Owl's Head's water transportation needs.

I have prepared an amendment to this bill which, if you allow it to get to second reader, will say that dedicated revenues within the Highway Department will be allocated by region. At some later point, we will define what those regions are. It further says that the electors of that region may, by referendum, divert a portion of those funds allowed to their region to construct, reconstruct, maintain, repair, purchase and operate systems or parts of systems for a variety of transportation modes. What I am saying is, in the Portland area, if we decide by referendum that we want to take our money, and we want to put it into a transit

system or a van pool system or a water ferry or an airport or a rail passenger service or whatever, allow the people of Portland that right.

I have heard a great deal of discussion today about the problems in the rural areas, and I have heard a great deal of discussion about how they need their money for the skinny mix, how they need their money for the town road improvement program and a series of other programs all rurally oriented. These programs exist and they are paid for by all the people of the State of Maine. Now you have a situation where people are saying that the Highway Department needs more money.

I have been up here, this is my second term, last year and the year before there were very clear attempts to raise the gas tax, in years prior to that, there were very similar attempts. This has occurred, and understand it, virtually every year for the last few decades and this is going to continue to occur, and at the same time, I see people from the rural areas coming up to me and asking me to vote for their gas tax increases because they say that they have a problem, they say that they want some support, they say that they want their roads to be better maintained and they can't understand why many people, such as myself, in urban areas have different needs — well vote for it.

I submit to you that if you actually want the support that is necessary to build, reconstruct or maintain your roads, your new roads, you ought to give some thought to this bill, particularly with my amendment, because until a time is reached that you allow the various parts of the state to be serviced in the mechanism that they need, in a different way they need, you are not going to get what you need. Politics is a system of compromise. It is a system of allocating resources throughout the state to the various people that need them in the different ways they need them.

Earlier this year, we voted for an inventory reimbursement; that helped some of the areas. Earlier this year and last year, we voted for Spruce Budworm, that helped some of the rural areas, it helps up north. We just voted for a bill to allow resident state troopers; that does not help the urban areas. What you need to do is establish a mechanism that is going to allow different people, different areas to have different things. I submit to you, until this is done in some mechanism, in some fashion, you are not going to have what you feel you need in your own area. I urge you to vote for the bill.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I have always maintained the contention in my mind and a bill like this just bears out what I have always felt, that not until everything south of Augusta is completely paved will I get my potholes fixed, and this bill is going to do exactly that. It is going to just take the money away from my potholes and put them down in southern Maine. I am getting attached to my potholes.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, I request we cast the vote by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I say to you, this report is a report of experimentation, not implementation but experimentation. We just heard the gentleman from Portland's great wisdom in regionalization. He wants to regionalize. It is an experimentation process that he is talking about.

I think the answer to our problem is going to be, do you want roads for everyone or do you

want roads for those just in certain areas? Thus far, we have tried to satisfy the needs wherever possible, within the means possible, and it has been a terrifying experience when you watch the decline in revenues that they are talking about. We haven't actually seen this decline, but they continue to preach it all the time.

I have great concern when someone comes to me and they want to experiment with highway funds because we have such a great need for highway funds at this time. We have a great need to try to maintain the existing facilities that we have without diverting our money to other facilities.

I would urge you all to vote for the indefinite postponement of this bill and all its accompanying papers, because I feel that we are in no position to start playing with the dedicated revenues at this time. I would urge you as House Chairman, if you are writing letters to the Department of Transportation and you are not getting answers, please, as a courtesy to George Carroll, House Chairman, let him know, he will call them and find out whether your letter is in the round file or whether it has gone by air mail and never got there or whether somebody is sitting on it. I assure you, I have great concern about the lack of answering to your mail, but I don't think that because a couple of letters have not been answered that we should try to take the dedicated revenues away at this time.

I certainly would hope that you would go along with us here today and you would vote to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I don't know but the young gentleman from Portland is half right in what he has been telling. I have been listening to this with quite interest. Many years ago when I was a kid, I can remember how well it was then, there was a few dollars left over that the bureaucrats didn't get so we could have it for the roads. That was before we built up such a conglomerate down across the road here. That was before we bought all these big trucks that takes all the time they have to haul them. That was before we got so many men that are working for the state, now we have got about four times as many men as we need. I have never seen so many people that don't do anything as I have when they're working for the Department of Transportation. I don't know, Mr. Jensen, but you have got a point in that.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Members of the House: I sympathize with many people who live in rural areas and their problems because there are many potholes that have not been filled by the Department of Transportation, many roads haven't been repaved in many years and such things as that. Let me ask you a question and have you maybe ask Commissioner Mallar a question. How come there is an \$8.5 million surplus in the Department of Transportation? That is as of 1976. It seems to me that that money could have been used to fill those potholes in Eagle Lake and up there in Lincoln or wherever you come from. There is an \$8.5 million surplus in the Department of Transportation.

It seems the Department of Transportation plays by a set of different rules than we play by up here. They don't have to go to the Appropriations Committee like we have to do to fund different programs. Their budget is approved by the Transportation Committee. They don't have to wait in line and justify the existence of their program like we have to in our programs which we pass here.

When they tell you that we have bad roads, we do have bad roads in many areas of the state, but I ask you whether it is because of lack of

funds or because of lack of efficient administration. I hope you don't support the motion to indefinitely postpone this bill so we can have a second reading and we can discuss the merits of possible amendments at that time.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I can't really let the comments of the previous speaker go by without some response. I can't believe that he doesn't realize what that unappropriated surplus in the Department of Transportation is used for. First of all, I think he very well knows that the personnel costs of that department, part of the state police have to come out of the gas tax revenue, so they have to hold some money in case this legislature decides to have, in the past, a cost of living increase for state employees, or now the present merit system that we are operating under. I would also indicate to you that the Highway Department takes some of that surplus each year and retires the outstanding bonds.

The gentleman made some comments about the efficiency of the department and the administration of the department. I would like to indicate that I have learned a great deal about the department and how it operates during the past five years. I think the more I learn about the process that it operates under, the better I am able to effectuate some of the changes in my area that I would like to see take place.

I see no reason why the Transportation Committee doesn't do a very good job of reviewing that department's budget. I am sure they probably will change some recommendations the commissioner makes in terms of priorities. I think the process is appropriate and I urge you to vote yes on the pending motion.

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 Lincoln, Mr. MacEachern, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Clark, Connors, Cox, Cunningham, Dexter, Dow, Drinkwater, Durgin, Elias, Fenlason, Fowle, Garsoe, Gray, Greenlaw, Hall, Hickey, Hunter, Hutchings, Jacques, Littlefield, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nelson, N.; Norris, Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Shute, Silsby, Smith, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Tozier, Wittemore, The Speaker.

NAY — Bachrach, Berry, Brenerman, Brown, K. C.; Burns, Chonko, Connolly, Cote, Curran, Davies, Diamond, Flanagan, Gill, Goodwin, H.; Goodwin, K.; Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Masterton, Nadeau, Najarian, Nelson, M.; Post, Rollins, Spencer, Talbot, Tierney, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Bunker, Devoe, Dudley, Dutremble, Gauthier, Gillis, Gould, Green, Immonen, Jalbert, Kelleher, LeBlanc, Lewis, Lizotte, Lunt, Peltier, Rideout, Sprowl, Tarbell, Torrey, Truman, Twitchell, Tyndale.

Yes. 83; No. 45; Absent. 23.

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

The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEachern: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, having voted on the prevailing side, now moves we reconsider our action whereby this Bill was indefinitely postponed. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Orders of the Day

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

An Act to Exempt the Literacy Volunteers of the Pine Tree State from the Sales Tax (H. P. 537) (L. D. 652) (C. "A" H-258)

Tabled — May 11, 1977 by Mr. Carey of Waterville.

Pending — Passage to be Enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1977 (Emergency) (H. P. 1531) (L. D. 1757)

Tabled — May 11, 1977 by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

Mr. Goodwin of South Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-321) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

HOUSE REPORT — "Ought to Pass" as Amended by Committee Amendment "A" (H-159) — Committee on Education on Bill "An Act to Facilitate Out-of-state Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502)

Tabled — May 11, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, retabied pending acceptance of the Committee Report and specially assigned for Tuesday, May 17.

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

Bill, "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day" (H. P. 1511) (L. D. 1732)

Tabled — May 12, 1977 by Mr. Kelleher of Bangor.

Pending — Motion of the same gentleman to Reconsider action whereby Bill failed engrossment.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, since Mr.

Kelleher is not here today and this is his bill. I would like this bill to be tabled for a day.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Kelleher of Bangor to reconsider and specially assigned for Monday, May 16.

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

Bill, "An Act Relating to the Spending Ceiling for Education Purposes" (Emergency) (H. P. 968) (L. D. 1165)

Tabled — May 12, 1977 by Mr. Greenlaw of Stonington.

Pending — Motion of the same gentleman to Reconsider Failing of Adoption of Committee Amendment "A" (H-282) as Amended by House Amendment "C" (H-307) thereto

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to what you did yesterday and have you understand the effects of removing the committee amendment from the Bill, L.D. 122. Your action in indefinitely postponing that Committee Amendment "A" leaves you with the bill alone. What is the bill? It takes off the ceiling, it allows all the local appropriations to be included in the computation two years from now.

Let me tell you that the 107th did exactly that same thing. It removed the ceiling just as this bill. This bill is a copy of what was done by the 107th. It extends it for one more year, and I hope you will learn from experience and not repeat what was done by the 107th. The 107th, under its leeway provision, has built in a \$14 million increase that you are going to face next spring. Taking the ceiling off has built in \$13 million more that you are going to have to face this spring when you address school funding. I ask you, do you want to take the ceiling off, do you want to include all these costs in the computation, do you want to build in for the 109th Legislature twenty-five or thirty million dollars more funding?

Put the committee amendment back on; it puts some constraints on education spending, it allows some loopholes that they can use local appropriations if they deem it necessary, but they are put on notice that if they raise these local appropriations, they will not be included in the computation.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will heed Representative Lynch's words and vote to reconsider the adoption on Committee Amendment "A".

I would also like to say something about House Amendment "C" which we adopted to Committee Amendment "A" yesterday. If you recall, there was a little bit of confusion about when the effective date of this should be, and Representative Lynch and I were both half right. For the record, I want to state that we both want the same thing, and that is, what it should say is that the language of this bill will take effect July 1, 1977 but the distribution will not take effect until July 1, 1978, and that can be adjusted in the Errors and Inconsistencies Bill.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will reconsider today. I did vote against engrossing this bill yesterday and I guess I did it in the heated debate of failing to kill House Amendment "C".

I think the bill is a good one, the concept is a good one, and while I disagree with House Amendment "C", to me that is not a deterrent enough to kill the entire committee amendment. I think we have to look and see what our