

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

or its intent. The problem is that part of the bill is enabling legislation for sanitary districts, and Representative McKean is absolutely right—there is no control whatsoever over sanitary districts borrowing money, issuing bonds, etc. They have complete control.

Up to four years ago, they used to come under the control of the PUC, but it was removed and I am not sure why. It is a fairly complicated case and had to do with a court case.

I guess my concern with it right now is, I am not going to move the other report either or not to vote for the majority report, but I would ask Representative Davies a question. It was my understanding that the committee was going to be a little bit stronger in its concerns about the enabling legislation in that they were going to come out with a study order asking for our impressions or our input, it is not quite the same thing, and I would like to know if that study order is forthcoming?

The SPEAKER: The gentleman from South Portland, Ms. Benoit, has posed a question through the Chair to the gentleman from Orono, Mr. Davies, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. DAVIES: Mr. Speaker and Members of the House: In response to Ms. Benoit's question, it is the intent of the committee to draw up a study order. I have spoken with the sponsor of this bill and he has agreed that this is a matter that we should give serious consideration to and I think he will be willing to cosponsor the study order with us. Our staff is in the process of drafting the study order at this moment and we will have it before you as soon as it is in a form that we feel asks the appropriate questions.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: The Town of Brunswick is hung up over exactly this argument, and when I saw the amendment presented by Mr. McKean, I said, that is the answer because the sewer district wishes to extend its jurisdiction to cover more of the town than previously and the town council is apprehensive of the implications when they will have no opportunity to have anything to say about whatever is developed in the additional areas the sewer district wants to cover.

I feel that we need this kind of referendum, that the people are aware that the sewer district is acting absolutely independently of the wishes of the people of the town, or can, are in a position to be able to do so, and they would like the safeguard of being able to vote on any major changes.

I would hope that you would defeat the majority report so that we could accept the minority report and have the safeguards of allowing the voters of the district decide on major proposals.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I share with Mrs. Bachrach the concern that there needs to be some vehicle by which the citizens of a town can have some input on these major policy decisions that are made by special districts. I was a supporter of having referendum votes taken on these matters until we examined more fully the nature of the federal laws. Under the Federal Clean Water Act, there are a number of provisions that require a public hearing, that require certain information to be available to the citizens of the community that is going to be affected by a bond issue or constructions of a project of this sort.

I think the root of the problem is that a number of people have become so disenchanting and alienated from their local government, they fail to take advantage of the opportunities that are afforded to them at the local level to

have input, to have review and comment over the decisions that are going to be made. It is unfortunate that this seems to be endemic to our political system right now, that people are apathetic and disenchanting. I think the best way we can control this is for people to return to participation in these matters, participate in electing their sewer and special officers and to see to it that when these people run, it is not a popularity contest but in fact these people state how they feel about these issues that they are elected or not elected based on their responses to these questions rather than how nice they look and how long they have lived in the town.

In addition, because of these requirements that are mandated by federal and state laws, there are very, very few situations where a municipality is going to be in a position that they are going to be able to take a vote on something that isn't either mandated by the federal or the state level. We looked into it thoroughly, and it would seem that only in a minute number of cases would it be possible for a town to take a referendum vote on something that wasn't mandated by the Federal Clean Water Act or by the Environmental Protection Agency or Department of Environmental Protection here in the state. In those few cases, if the town wanted to undertake this, take a referendum vote and take the full responsibility for building these projects on themselves rather than accepting federal and state monies, the cost to the municipality would be so enormous it would increase nine-fold over what they are currently paying for these projects and in all likelihood the municipality would not carry through on these projects at all.

While I sympathize with the feelings that Mrs. Bachrach has expressed, and I hope the committee will address them and come up with some revisions to the enabling law to deal with them directly, I think that the amendment that is offered in "ought to pass" as amended version really doesn't deal as effectively as it would seem on the face with the problems that have been expressed here today.

I would urge you not to go with Mrs. Bachrach on this case but to go with the majority report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Orono, Mr. Davies, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund (H. P. 1799) (L. D. 1921)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc  
TEAGUE of Somerset

— of the Senate.

Messrs. MARSHALL of Millinocket  
TWITCHELL of Norway  
CARTER of Bangor  
COX of Brewer  
LEONARD of Woolwich  
IMMONEN of West Paris

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Resolution.

Report was signed by the following members:

Ms. CLARK of Cumberland

— of the Senate.

Messrs. BRENERMAN of Portland  
KANE of South Portland

Mrs. POST of Owl's Head  
Mr. WOOD of Sanford

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I move the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: No, I hope that is not the pleasure of the House.

There are just three key issues here that I think each of us should consider regarding this bill. What this bill would do would be to transfer \$150 million from the dedicated highway fund, used for the roadway system in the State of Maine, to the General Fund. There are three rational reasons why we should not do that: (1) This bill, as written, will not promote departmental accountability, which would be the hope of such a move, I would think, if we were to accept one; (2) and more important, this bill does not address a \$16.7 million shortfall at the end of this biennium or the anticipated \$64 million shortfall over the next biennium in the highway budget. This in no way addresses that problem whatsoever.

What this bill would do would be simply to shift that \$150 million over into the General Fund and have it available to be rated by every special interest group in this state at a particular point in time when we are in deep financial trouble, and I think it is a bill which this body is prepared to accept at this time.

I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I was hoping there for a minute that we might be able to save some time this morning, but Representative Marshall is too quick for us.

I think essentially what this bill does is it does undedicate the funds which are presently used to fund our transportation system, and if any of you want to take a look at exactly the wording in the Constitution, it took me a little while to find it in my book, it is on page 27, and that is what we are talking about repealing from the Constitution.

I think we are all taking a little bit different look at this than we have in past years, I know that I have, because I have supported undedicating the highway fund in the past, but I took a little bit closer look at it this year as things have changed in the past five years.

What we are talking about is how we want to finance our government and how we want to finance our transportation needs. I think the overwhelming reason for sending this particular constitutional amendment out to the voters is that we are really coming to a time when we can't depend on highways and automobiles to meet our transportation needs. To continue to do so is shortsighted, and that is exactly what is happening when we dedicate the funds from our registration fees and from our highway gas taxes to highways and the administration costs involved in the highway system.

I understand the Department of Transportation is somewhat involved in other types of transportation needs. They get involved in air transportation, they work with ferries, there is some talk of public transportation, but the major part of their funding is very strictly dedicated to highways and we can't afford to look at our transportation needs any longer. It is going to be too critical to the economic development of this state.

I understand and I share some of the concerns that some people in this have about what is likely to happen when the highway taxes are put in the General Fund. I don't see the same scenario that Mr. Marshall does, what I am concerned about is the interests of the highway

lobby and the effect they might have on the General Fund. But I was a little bit reassured about that in the last couple of days when we saw their strength when it came to taking \$2 million out of the General Fund to put it in the Department of Transportation to fund the state police. I didn't see any great strength or any great muscle exerted by that particular group when it came to taking \$2 million out of the General Fund.

They already can try to do that, even with the dedication of highway taxes. This particular constitutional amendment now does not stop the highway lobby from trying to take money out of the General Fund. They tried to do it with the \$2 million. If you take money out of the boat fund or the snowmobile fund, that is not highway funds. The only thing that it does is give protection to those highway taxes and in doing so, it really takes away from the state's flexibility in trying to deal with solving our transportation needs.

Some of the kinds of things that we might be able to do if we did not have dedicated highway taxes is to, in effect, increase the gas tax and yet, at the same time, turn around and give a credit to our residents of Maine on their income taxes so they wouldn't, in effect, be paying more taxes but some of that new money might be able to be put into mass transportation and some other new and innovative ways of meeting our transportation needs.

To respond to Representative Marshall, he said that this bill does not address the problems of departmental accountability and it doesn't address the questions of the shortfall in the present transportation budget. Well, that is correct, it is not appropriate that it do so. All this bill does is a constitutional amendment. It is not a place to tell where we are going to raise revenues for the Department of Transportation.

We cannot begin to talk about departmental accountability and we cannot begin to talk about alternative ways of funding our transportation and highway needs until we at least send this particular constitutional amendment out to vote for the people.

There has been considerable discussion about this in the press in the last couple of days. I think what we are talking about is how we want to finance our government and under unusual circumstances, dedicated revenues may be the way to go. In fact, when this fund was dedicated, that may have been the only way to go, because only a relatively small number of people owned automobiles and were using the highways and it was perhaps appropriate that they pay the construction costs.

Times have changed; we all depend on our highways. Our economic system depends on our highways, our social service depends on our highways. We all need to pay for the transportation system, and the way to begin to do that is by undedicating the highway fund.

I think it is appropriate for us, at this time, to let the people of Maine decide how they want to pay for the transportation system, and the only way they can do this is if we send this constitutional amendment out to vote.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move that this Resolution and both Reports be indefinitely postponed and would ask for the yeas and nays.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: This bill has probably been debated every year for the past six or seven, maybe more, and I have no illusions as to its outcome, but I think that we should look at some of the facts that led five people on the committee supporting the undedication of the highway fund.

I think we are saying that user fees of the highways don't work anymore. The cycle of

collecting enough money to run the Highway Department is over. This year we have an anticipated deficit of \$16 million. Next year, according to the study done by a select committee, the deficit will be \$64 million.

The prediction in a news article that I read yesterday said that gasoline use will fall two and a half percent nationwide next year and meanwhile we see the cost of asphalt and other gasoline related materials going up 30 percent a year. We don't have an inflation proof tax in the gas tax, so we are saying that we ought to undedicate the highway fund so we have a broad base of taxes to use when we want to fund the Highway Department. Otherwise, we will have come in here every session to increase the gas tax because the Department of Transportation cannot fund itself through increases in gasoline use.

Finally, I would like to point out that this is special treatment of a major department where mass transit, as Mrs. Post said, cannot even compete within the department.

I would like to read one paragraph from a minority report from the special task force and highway and bridge financing, and that was by the president of Depositor's Trust, Marco DeSalle, who says, "The continued use of dedicated funds, regardless of how generated, as a means of funding Maine's Department of Transportation or any program, for that matter, contradicts good management practices. There are no businesses that I am aware of that isolate a portion of their business from the whole. In attempting to set priorities, I believe it is mandatory that all state programs be evaluated on the basis of need and the ability of the taxpayers to pay. The dedicated fund eliminates the possibility of equal evaluation of all programs in order that priorities be established"

That is what we are talking about in the minority report and I hope you adopt that report.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentleman from Portland, Mr. Brenerman, has indicated to you perhaps why I am going to vote in favor of the good gentleman from Bangor, Mr. Kelleher's motion to indefinitely postpone this bill when he said, by undedicating the highway fund, we are then going to have a broad base of taxes which we can use to supplement the highway fund and I guess that is what scares me. If we run a little short in the highway fund, maybe we will have to raise income taxes a little bit to make up the difference, maybe we will have to raise the sales tax a percent or something like that, and I have never been in favor of that and I don't find anything disgustingly wrong with a user fee in the highway fund to keep the Department of Transportation afloat.

The gas tax is a user fee, we all know that and there is nothing wrong with it. The people who use the roads are the people who are paying to maintain the roads, and those trucks that Representative Pearson was talking about the other day are paying their fair share because they get fewer miles per gallon than the average car does—most of them get around five or six miles to the gallon at the most, where a car averages around 20 miles to the gallon now. They are actually paying four times as much per mile for the use of the roads and I don't find anything wrong with that. I think it has been a good system and perhaps today we are looking at some deficits and some problems within the department, but I think those people who are utilizing the roads should be able to pay for them and put this into the General Fund.

While it might be great for the Appropriations Committee, I don't look forward to trying to solve that problem when we have to start looking at cutting back human services to fund roads and/or vice versa. I don't think we should start on that procedure now. I think we ought to

continue to use the dedicated highway fund and see if we can't make some renovations within it. Let's not give us a chance to raise some other kind of taxes to pay for the people who are using our roads.

I hope you will support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Members of the House: In response to Representative Higgins, I think it is clear that the gas tax will continue to be a mainstay in supporting the roads whether or not it is dedicated or undedicated. I think we are living in the past if we believe that the gas tax is ever again to be sufficient to pay for what it takes to maintain our roads and bridges.

The gas taxes were dedicated in the 30's and 40's all over this country when gas was cheap and plentiful and there was no tomorrow in terms of gas tax revenues. The problem with looking exclusively at gas tax revenues, and Mr. Higgins has referred to income tax or some other tax, one of the reasons the gas tax revenue is down this time is because people have cut back on their consumption. I think it was over 44 million gallons less this year people have used. That trend is going to continue, people will continue to use less, they are buying more fuel efficient cars. So even if we pass the 3 cent gas tax this year, we will be in the same position next year and people see this additional gas tax as a potential penalty for their conservation.

There are other things that you could look at if you want to reward conservation and add to funding the highway. We could do that now because the fund is dedicated we don't look at anything else, we simply look straight to the gas tax. For example, one might consider taxing more heavily those cars which are not fuel efficient. One might consider luxury taxes on pleasure boats over a thousand dollars or on pleasure aircraft, the kind of taxes which are seen to encourage conservation rather than to penalize.

I was a member of the Governor's Task Force on Roads and Bridges and I signed one of the minority reports which said that the fund should be undedicated and I think Mrs. Post has said it very well, it is not a department of transportation, when the funds are exclusively dedicated to roads and bridges. Transportation is everything, it is mass transit, it is airports, it is piers, but they come to you on the Appropriations Committee when they want mass transit.

As you recall, we had a bill in the last session to fund mass transit in Portland. It seems to me that our transportation needs do not even compete fairly with one another when we have a fund set aside exclusively for roads and bridges. We want to look at the whole transportation picture, and as we talked earlier about, welcome to the 80's, I think this is one of the creative ways we are going to have to turn as we look at limited state revenues. It is not a matter of cutting back human resources to fund roads or cutting back roads to fund human resources, we have so many dollars to spend and as you have agonized on your committee, the Appropriations Committee, you see it is very hard to process them out judiciously. It seems to me, as a matter of good state policy, we look at the total funds, the total state needs and fund things fairly.

So I would heartily ask you to vote against the motion to indefinitely postpone and let's move into the 80's.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I confess that I am a little confused here this morning. Apparently this is not a lawyer's bill.

I look at it as more of a transportation bill and we have heard the eminent lady from Owl's Head speak about the taxation aspects of

this bill. We have heard the good lady from Vassalboro talk about the new look of the 80's, and we haven't heard a word from the chairman of the Transportation Committee.

I would like to inquire through the Chair as to what the position of the Transportation Committee is on this bill, because I feel that Mr. Kelleher of the Appropriations Committee has a handle on this and I would like to hear what the head of the Transportation Committee feels about it.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I just feel that we put our best foot forward when we asked for \$2 million, that you don't figure the Transportation Department is entitled to any General Fund monies, and that if you want to undedicate the highway department, it is a good time to do it because we are operating at a loss, we just can't pay our bills. When you don't have any ability to pay your bills, you go under Chapter 11 outside, so I will call this a Chapter 11 for the Highway Department, undedicating the revenue.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that we don't indefinitely postpone this bill. I realize that the Appropriations Committee would have a large task before them if this bill eventually was voted favorably by the voters, but I think that is really why we are here. It is a question of financial priorities and when you have dedicated funds, you are using a different set of standards when you deal with that department. I don't think that is fair to state government.

Maybe the Highway Department needs more funds, they should go to the table like everyone else and I don't think at this point we are penalizing them by saying, "we are not going to give you \$2 million because you are dedicated."

I think now is the time to look at the priorities of this state and we can't do it when we have dedicated funds. Dedicated funds is a small matter if you are talking about Board of Dental Examiners, then you are dealing with a very small program where user fees make sense, but when you are dealing with transportation, which we all depend on in this state, it makes no sense to continue to dedicate it.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Bangor, Mr. Kelleher, for indefinite postponement.

In my opinion, the system that we have of dedicated revenues has worked well over the years. I think there are over 40 states that do have dedicated highway funds of one type or another. Some of them are constitutionally dedicated, some are legislatively dedicated, and although we are facing a bind right now, I maintain this is a problem which can be solved and to undedicate the highway revenue is not the answer at this time.

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

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: When I introduced this bill, I did a little research into it to find out where we got this concept of dedicating the revenue for our highways and bridges. I had to go back to 1913, when this legislature passed the first gas tax of one cent per gallon. The people of this state did not have automobiles in 1913, very few did, they were a wealthy few and they used them more or less as hobbies and toys. They needed roads to run their toys on so they came to the legislature and asked for this tax. They said, we will pay for the roads and we will use them. That is where we get the concept of user fee for the roads, back when there weren't cars in every garage, there weren't

cars at every house.

Let me go a little farther. In 1943, the federal government was expecting a large influx of people coming back from the war and those people would need jobs. They made a very large sum of money available to states to build a new highway system. This would employ quite a few people and help us get through the surplus period. The state had to match these funds with dedicated revenues—well, just revenues, they didn't have to be dedicated, but the state had to come up with their matching shares in order to qualify. There were some people in the legislature who were afraid that the state wouldn't be able to provide those funds year after year to match that building program allotment. Those people and certain other groups in the state pushed very heavily to put this dedicated revenue concept into the Constitution so it could never be removed and there would always be funds for these new road building projects.

I don't have to tell you, we are not going to have that many new road building projects in this day and age. We have put our roads down, we can't afford to put too many more down, and I assure you, the federal government is not going to be coming up with major new programs for roads in the future. We may wonder then, do we really need this dedicated revenue locked into the Constitution? I will tell you that we don't for the purpose that it was originally put in there for.

I don't think we have the argument that the user pays for our highways any longer because right now the user isn't paying. It was pointed out that trucks may pay three or four times more in taxes on gas than the average car, but that doesn't begin to pay for the damage that those trucks do to our highways. One truck at an 80,000 pound gross weight will do more damage to a road than 9,000 cars passing over that same road. Don't tell me they are paying 9,000 times as much in taxes as your average car.

I think undedicating this fund will promote the department's accountability and I think in one form it does address the Representative from Millinocket's concern, the shortfall. No, it is not going to solve it, we are not going to find extra money coming out of the sky. I don't think you ever find that in state government but I think it would allow us to take a close look at where that money is going and if we really want that money to go in the amounts that it is going today.

Again, why should we base our roads and our bridges, the funding of those roads and bridges, on a declining tax. It is suicide. In your Task Force Report on Highway and Bridge Financing, I am going to refer you to Page 19. I am sure you have all looked it over closely, but there is a chart for motor fuel tax revenue and they estimate it up to 1983, it is not going any place. On the other hand, the deficit is going to get larger and larger and larger.

We sent the Transportation Department back this year to scrape around for a \$16 million deficit and they are going to patch it up as best they can and I am sure they will. Next year, they are going to have to come back and have to work with a \$60 million deficit. Two years from that, who knows? What about five years from then? What happens when I am an old man of 34 ten years from now, what are we going to do? Are we still going to have a gas tax to fund our roads and highways? We may not even have gas in 10 years.

I don't see this as a raid on the highway fund for programs, I have more faith in the legislature of Maine. I think when it comes right down to it, we will be able to decide how much goes into roads and how much may go into the Department of Human Services. I think we should all have that much faith in our system.

In closing, I just want to add one more point. I am not inclined to vote for another penny to the DOT until they get in line with every other

department in this state for their funds, no more gas taxes, no more registration fee hikes, no more driver license fees, no more playing around with the 12 year plates for trucks and all that because they are all just bandaid approaches and they won't last forever and I, for one, want to think of what is going to happen 10 years down the road.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I would reply to Mr. Doukas that one of the things, at 24, I would hope in 10 years period of time that he would be a touch more wiser and maybe possibly when he gets to Mr. Garsoe's age, he would be full of wisdom. I think maybe in this case here, he is a little off center.

I think I would classify this particular piece of legislation as election year jingle because it makes good press, everybody can get their name in the paper and I am probably standing up here for the same thing but I am not running again so it really doesn't matter a great deal but I can tell you exactly how I feel and how I think my constituency would feel if they knew or had studied the same things. First off, I wonder and I ask myself what the emergency is—obviously, the dedicated revenues have been around for years and here we face it in special session, so I kind of question the need for the legislation. Then we keep touching on what is good practice—practice versus good government, budgeting process, dedicated revenue, an unwise thing to do and I might agree with those people who have spoken in the past, if in the event we had sufficient funds to cover the costs of the debt of the expenditures of the department. However, we do not.

Mr. Doukas says that he will vote no more money for the department until such time those funds are undedicated. I simply can't understand that because that doesn't breed any particular amount of wisdom to me because if the need is there, then obviously it is incumbent upon us to cover that need regardless of whether the dedicated revenue covers the deficit or covers the expenditures or not. The process is available to us, if the department needs additional revenues beyond what the dedicated revenues will bring into the department, they have the ability, the right to go to the Appropriations Committee and ask for more funds. They have done that. Perhaps the committee has acted unwisely. I think maybe we are letting politics enter in here a little bit more than we are letting good sound fiscal management.

I wonder if there is an ulterior motive and I am not terribly sure what it is, the fund does not cover the amount of the expenditures. Then why is it really so important that we undedicate the revenue at this time? There must be something there that I am not seeing. Is it social services programs for Portland? Is there a lobby or some sort of coalition somewhere in the state of Maine that says if we can undedicate the revenues, we can put pressure on the department to give us the kind of road or bridge system or whatever system we want, because now when the undedicated revenue comes in, we will be able to put the maximum amount of political pressure on that department as possible to get that particular road that we wanted or that particular bridge that our constituency wants?

I think the road system in the state is really far too important to play politics with. I think that is one of the reasons why I, frankly, like the dedicated revenue approach.

So, I will just end it and say that I think this is an election year jingle for the most part and I will sing along with you but I think, frankly, we ought to just let this matter die.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise merely to correct a statement by the gentlelady from Vas-

salboro, Mrs. Mitchell. I refer to the statement where she said that gas was cheap and plentiful in the 30's. Well, it was plentiful but it wasn't cheap. I can forgive her because obviously she is in her early 20's and has a certain glow about her. That is all I really wanted to say.

I was working for 50 cents a week and board at that time on a farm and eventually I got up to a \$1.50.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I was making some notes as I was trying to get ready to say a few words about this and I just had to immediately, a minute ago, write across the top of my notes, "paranoid." As you know, my business deals some with mental health and I just hear this paranoid phrase, everybody is going to be raiding everybody and there are some really different ideas about who is going to be raiding who. Of course, I got very paranoid when I heard the good gentleman, Mr. Leonard, talk about Human Services in Portland possibly being the ones who wanted to go after all of this great money in the highway fund. Lord no, if this is paranoid and I am worried about being raided, it is not in that direction at all. Personally, I am in favor of undedicating the transportation funds. Personally, I am fearful of raiding, I am paranoid, not really paranoid because that is an unrealistic fear, I think there is real fear of Human Services and other services losing out by having all of our funds put together. I still think they ought to be put together for a general oversight, general control, for many of the other reasons that have been brought here. Transportation is not just highways, we have to make changes, we have to get into the 80's as far as transportation is concerned.

One other issue that I thought was interesting earlier in this session, this week in debate, and that was the issue of the use of the state police. I was interested and hadn't thought much about how they are used and how they are supported and I think it would be good for that oversight and that means of control and funding for undedication to happen because it would seem that the state police are a very important part of our overall public safety and could better be used and better be funded through undedicated revenues. So, for many reasons, I would like to urge the defeat of the motion.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I want to respond to Mrs. Post and Mr. Brannigan and Mr. Doukas but I will just settle for Mrs. Post. Mrs. Post said it is not reasonable to continue to finance our highway department with the current economic picture through a dedicated fund. I would argue that it is not reasonable to change the current method of financing without addressing that financial problem. To transfer a \$150 million without any attention to that economic problem flies in the face of common sense, I don't see how you can argue otherwise. Mrs. Post says that times have changed. I submit and agree that times have changed but human nature hasn't changed, not one bit, and with \$150 million more in the General Fund, you can rest assured, in my four tender years here as a legislator, that there will be a rush for that money for the endless parade of money bills that we see here each year. Rest assured that a good portion of that money will find its way to those special needs, all of this effort without even addressing the economic picture for which this is all intended.

I urge you to support the motion to indefinitely postpone.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Everybody seems to like to quote out of books, I have the same book I think everybody else has quoted out of, which is

the task force report. I was also on the task force and I think somebody forgot to quote you one of the recommendations, in fact, the first recommendation of the task force and it reads thusly: (1) retain the dedicated highway funds. The task force almost unanimously recommends the retention of the dedicated highway funds. There were many, many people on that task force from varied fields of business, people from the transportation department, people from the field of transportation that weren't in the transportation department, legislators and everybody else. There were many reasons why they made this recommendation but one of the ones which stuck with me the most we can sit here, year upon year upon year, and talk about appropriating funds for this project and that project. We can kill a bill and not appropriate the funds and someone will suffer. But in the highway department, when you plan for construction or reconstruction for a highway, it is not done on this year to next year. It is done on this year and five years down the road and can you just visualize what would happen if you plan a project, under the bridge and road improvement program, you gather your funding, you go to the federal government and say, we are going to get matching funds or 90-10 money, the project is planned for four years down the road, but three years down the road, somebody gets the bright idea of killing the bill, they would take that particular funding out. Where would you stand? Perhaps two or three million dollars of state money in the hole or a million dollars in the hole because of the preliminary engineering and the right-of-way work that has to be done and I don't think the General Fund right now is capable of being able to plan that far in advance.

Another thing, I believe the General Fund, if I can read right in today's Bangor Daily News has enough troubles of its own, we have just about got ours solved, let's see if you can solve that one—another way to approach this thing, we went for \$2 million and again, it was alluded to the fact that we were asking for \$2 million and again, I am telling you we weren't asking for anything that wasn't due. We were asking for what was due and we didn't get it. If you want to solve part of this crisis in the highway department, great, go to those items which are highway related and let the taxes go to the highway department where it is supposed to go and you would have the funds to operate on but that is not the way the system is now. I am so glad to be on the same side of my good friend from Bangor, Representative Kelleher, and I hope you support him.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I also support Mr. Kelleher's motion. I would like to address a point here which was made this morning, a couple of points that were made, about the price of gasoline. I can remember, and I am certain some of the other senior citizens here in the audience will also remember, when gasoline was 10 cents a gallon, 10 gallons for a dollar. If we take that same dollar today in two 50 cent pieces which were in circulation at that time, we can buy gallons of gasoline with those same two silver pieces. I believe this points up that technology has made some gains, because the real price of gasoline is less today than it was in the thirties.

We also heard mentioned this morning that one cent a gallon was dedicated to this dedicated fund in those days; that represents 10 percent. If we did that today at the price of \$1.25, which is what I paid this morning, that would be 12½ cents that would be in the tax on your current gallon of gasoline.

Right now, we are dedicating 9 cents. I believe that is part of our problem right there. There is a shortfall and we are approaching it in a very unrealistic manner.

The SPEAKER: The Chair recognizes the

gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I don't wish to prolong the debate, but I would just like to make one point that hasn't been made, and that is the fact that for years and years there was propaganda to undedicate the highway fund, but that was when they thought the highway fund had a lot of extra money; they were going to get a little of it. Now we have come into a situation where we don't have that and the dedication of the highway fund in those days might have been originally for making money for toys but it soon became a problem where politics was entering into it and the real reason for dedicating was to eliminate politics from where the roads were built.

Undedicating is no solution for the current problem that we are in, we all know that. Highway tax is a user fee, I agree that it is not adequate, but the problem with that is, it is not high enough and we should raise it.

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 Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I have had a few people write me notes and ask me a question that I think maybe I ought to answer for the record, and that is, does the present system prohibit the Department of Transportation from going into the General Fund for highways and bridges at the present time? The answer is no. The present dedication of the highway fund provides no protection for the General Fund. That can be done, it was tried this year, it most likely will be in the next few years as we in fact face great problems with our gas tax.

All it provides protection for is the gas tax and the registration fees themselves, and it simply says that they will only be used for highways and for no other kinds of transportation needs. So, there is presently no protection for the General Fund, just for the highway dedicated fund.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Resolution and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, I wish permission to pair my vote with the gentlelady from Portland, Mrs. Nelson. If she were here, she would be voting nay; if I were voting, I would be voting yea.

#### ROLL CALL

YEA — Aloupis, Birt, Bordeaux, Boudreau, Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Churchill, Cox, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Dow, Drinkwater, Dudley, Elias, Fenlason, Fillmore, Gavett, Gillis, Gray, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Kelleher, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Matthews, Maxwell, McKean, McPherson, Morton, Nelson, A.; Norris, Paradis, E.; Paul, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Tozier, Twitchell, Violette, Vose, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.;

Brown, K.C.; Carroll, Carter, D.; Chonko, Cloutier, Conary, Connolly, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Fowlie, Garsoe, Gowen, Gwadosky, Hall, Howe, Hughes, Joyce, Kane, Kany, LaPlante, Lewis, Martin, A.; Masterton, McHenry, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tuttle, Vincent, Wood, Wyman, The Speaker.

ABSENT — Austin, Hanson, Hobbins, Jacques, E.; Payne.

PAIRED — Nelson, M.-Paradis, P.;

Yes, 86; No, 58; Absent, 5; Paired, 2.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-eight in the negative, with five being absent and two paired, the motion does prevail.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our action and ask the House to vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that we reconsider our action whereby this Resolution was indefinitely postponed. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

#### Consent Calendar

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 1653) (L. D. 1762) Bill "An Act Broadening the Elderly Tax and Rent Refund Act to Include Persons who are Currently Married as well as Unmarried under the Eligibility Standards"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-832)

(H. P. 1739) (L. D. 1857) Bill "An Act to Permit the Public Utilities Commission to Include in the Fuel Adjustment Clause Capacity Purchase from Small Power Producers and Cogenerators"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-834)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 6, under listing of Second Day.

#### Passed to be Engrossed

Bill "An Act Concerning the Temporary Certification of Driver Education Teachers" (H. P. 1894) (L. D. 1967)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Clarify the Provisions Relating to Executive Conflict of Interest and to Establish Financial Disclosure Requirements for Policymaking Executive Employees" (H. P. 1774) (L. D. 1877) (C. "A" H-817)

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

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: A number of people mentioned that perhaps we could develop amendments on this bill, so I would ask that someone be kind enough to table it for one legislative day.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be engrossed as amended and tomorrow assigned.

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Amend the Kennebunk, Kennebunkport and Wells Water District Charter

to Include the Town of Ogunquit" (H. P. 1821) (L. D. 1949) (C. "A" H-824)

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

On motion of Mrs. Wentworth of Wells, tabled pending passage to be engrossed as amended and specially assigned for Friday, March 7.

#### Amended Bills

Bill "An Act Relating to Group Self-insurers under the Workers' Compensation Act" (H. P. 1747) (L. D. 1863) (C. "A" H-815)

Bill "An Act to Revise and Strengthen the Bee Industry Law" (H. P. 1745) (L. D. 1861) (H. "B" H-826 to C. "A" H-810)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

#### Orders of the Day

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

Bill, "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1089) (L. D. 1466)

—In House, "Ought to Pass" in New Draft under same title (H. P. 1816) (L. D. 1927) report of the Committee on Health and Institutional Services read and accepted and the New Draft Passed to be Engrossed.

—In Senate, Bill and Papers Indefinitely Postponed.

Tabled—March 3, 1980 by Mrs. Prescott of Hampden.

Pending—Further Consideration.

Mrs. Mitchell of Vassalboro moved that this Bill be tabled unassigned pending further consideration.

Whereupon, Mr. Garsoe of Cumberland requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Vassalboro, Mrs. Mitchell, that this matter be tabled unassigned pending further consideration. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

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

Bill, "An Act Relating to the Effective Date of Administrative Changes in the Employment Security Law" (Emergency) (H. P. 1762) (L. D. 1888)

(House Reconsidered Passage to be Engrossed on February 28)

Tabled—March 4, 1980 by Mr. Carter of Winslow.

Pending—Adoption of House Amendment "A" (H-806)

Mr. Wyman of Pittsfield requested permission to withdraw House Amendment "A", which was granted.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-803) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This House Amendment is very similar to House Amendment "A". The whole amendment deals with technical changes in the Administrative Act to make it effective. There are no substantive changes.

Thereupon, House Amendment "B" was adopted.

On motion of Mr. Carter of Winslow, the House reconsidered its action whereby House Amendment "B" was adopted.

The same gentleman offered House Amendment "B" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-831) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am looking at this amendment and I am wondering if these people for whom unemployment taxes will not be paid will be eligible to collect the unemployment benefits?

The SPEAKER: The gentleman from Auburn, Mrs. Lewis, has posed a question through the Chair to the gentleman from Winslow, Mr. Carter, and the Chair recognizes that gentleman.

Mr. CARTER: Mr. Speaker, the answer to the question is yes.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would have to oppose this amendment then, because if we are going to be further loosening the employment insurance fund by allowing people to collect without paying any benefits for these people, I don't think this is a good amendment and I would move its indefinite postponement.

The SPEAKER: The gentleman from Auburn, Mrs. Lewis, moves that House Amendment "A" to House Amendment "B" be indefinitely Postponed.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, apparently I didn't understand the question.

The reason this amendment was put in, as is stated in the amendment, is to exempt part-time police officers and firefighters from having to contribute to the unemployment fund when they are laid off from their permanent job.

What is happening, these people who have permanent employment and are working part time for a community, a community which, incidentally, is self-insured, most of them are, the communities are being billed for support payment when these permanent employees are laid off and everybody agrees that it is a very unfair situation.

These people are still working as part-time employees for the communities; yet the community is forced to contribute for their being laid off from their permanent employment, which is rather unfair. This is the reason the amendment was put in, and I would hope you would oppose the motion to indefinitely postpone.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that House Amendment "A" to House Amendment "B" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 77 having voted in the negative, the motion does not prevail.

Thereupon, House Amendment "A" to House Amendment "B" was adopted. House Amendment "B" as amended by House Amendment "A" thereto was adopted.

The bill was passed to be engrossed as amended by House Amendment "B" as amended by House Amendment "A" thereto and sent up for concurrence.

#### (Off Record Remarks)

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: Two minutes after I arrived today, I met an individual, a member of this House, to express my sorrow about a bill having gone down the drain. I was told that if I had not paired, possibly the bill might be alive.

In my frequent absences at times from this body, wherever I am, either on Campus Avenue