

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
June 1, 1983
Senate called to order by the President.

Prayer by the Honorable Samuel W. Collins Jr. of Rockland.

Senator COLLINS: Today and in the days to come let us be people of conscience; not because conscience is infallible, but because conscience is the meeting place of God and man.

Let the horizon of our minds include all men and women; the great family here on earth with us; those who have gone before and left us the heritage of their memory and of their work; and those whose lives will be shaped by what we do or leave undone. Amen.

Reading of the Journal of yesterday.

**Papers From the House
Non-concurrent Matter**

BILL, "An Act to Amend the Foreclosure Laws." (H. P. 1153) (L. D. 1523)

(In Senate May 24, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (H-268) in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-268) as Amended by House Amendment "A" (H-304) thereto in non-concurrence.)

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

Non-concurrent Matter

BILL, "An Act to Provide for the Development of Centralized Coordinated Planning and Evaluation Process for State Alcohol and Drug Abuse Activities." (H. P. 1276) (L. D. 1692)

(In Senate May 26, 1983 Passed to be Engrossed in concurrence.)

(Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-308) in non-concurrence.)

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

**Committee Reports
House
Divided Report**

The Majority of the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Moneys Dedicated to the Highway Fund to be Used to Provide Operational Subsidies for Various Forms of Surface Passenger Transit (H. P. 968) (L. D. 1248)

Reported that the same Ought Not to Pass. Signed:

Senators:

TWITCHELL of Oxford
TEAGUE of Somerset

Representatives:

McCOLLISTER of Canton
MASTERMAN of Milo
INGRAHAM of Houlton
DAY of Westbrook
BROWN of Bethel

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

Signed:

Senator:

WOOD of York

Representatives:

HIGGINS of Portland
ANDREWS of Portland
CASHMAN of Old Town
KANE of South Portland
KILCOYNE of Gardiner

Comes from the House, Bill and Accompanying Papers Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Wood of York, the Minority Ought to Pass Report of the Committee was Accepted, in non-concurrence.

On motion by Senator Carpenter of Aroostook, the Senate voted to Reconsider its action whereby it Accepted the Minority Ought to Pass Report of the Committee.

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

Senator MINKOWSKY: I request a Division on the pending motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Minority Ought to Pass Report, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the Acceptance of the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, Members of the Senate, I had not intended to debate this Bill today, but obviously the sand and gravel people would love to rub some salt in some wounds, so I will debate this measure.

We have a Department of Transportation; it's not a Department of Highway; it's not a Department of Airplanes; it's not a Department of Trucks; it's a Department of Transportation, and as such, it should deal with transportation issues. When the Committee on Taxation looked at this issue we thought that this should be included, since these vehicles, buses do ride on our highways and are part of what we would include under the Department of Transportation.

It is interesting that it was only a little over a month ago when the Department needed some funds and came before our Committee that was granted those funds because there was a need. There were some on the Committee that did not think that five cents was necessary that maybe we could with four or four and a half or whatever, but I thought, why don't we give them those funds because there are other issues they should be dealing with, such as this issue. I knew in giving those funds that they would have adequate funds to deal with the problems.

I think that the people that use our highways, and if you look at buses they are much more energy efficient, they use the roads much more sparingly than other vehicles, if you have ten cars versus one bus with ten people on it that the damage done is much less great, that it's only appropriate that those funds be used for those bus systems.

What does this Bill do? It doesn't require any appropriations. It simply sends out to the voters a Constitutional question asking whether highways funds should be used for this purpose. Not that they will be used, only should they be used for this purpose? If the voters, in their wisdom, decide that they should be used then the Governor would submit a budget with these funds in it, then the Committee on Transportation would look at that request and decide whether it was appropriate or not, and finally the full Legislature would vote on it.

So, if you vote for this measure today you are

not guaranteeing anything for users of our transit systems in this State. You are simply saying that the voters should decide whether it is appropriate that Highway Funds be used for this purpose.

The Federal Government does make available Highway Funds for this purpose. These funds have to be matched. We are eligible in this State to get about five million dollars in funds. Presently, there is nothing available to match those funds. So those five million funds will leave the State unless we come up with a vehicle to match those funds. This is one such vehicle; we could go to the General Fund; we could go to a number of other sources; but the Minority of the Committee thought it was appropriate, at least, to consider using Transportation Funds to fund a transportation issue.

Our Transit Districts in the State are very small, but they're a very important link, not only in our urban areas, but in our rural areas. We are a State with a large population of senior citizens. These people no longer drive and yet they have the same needs as those that do drive. They have to get to see their doctor, their dentists; they have to do shopping; they occasionally would like to get out for a little recreation; they're only link, in many cases, is public transportation. They use the highways in that way and they should reap the benefits of that gas tax that those vehicles are paying and the gas tax that they paid over the years when they were able to drive. So it seems to me to be an appropriate way of funding a worthwhile program.

If you think this is not worthy of the voters deciding on and this is the only way we can use these funds because it is dedicated in the Constitution. Then vote against it, but if you think it would be appropriate to ask the citizens of this State whether they want to see their Highway Funds used for this, then I would urge you to Accept the Minority Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

A Yes vote will be in favor of Accepting the Minority Ought to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Carpenter, Charrette, Clark, Diamond, Dutremble, Erwin, Gill, Hayes, Kany, Najarian, Pearson, Pray, Trafton, Wood, The President-Gerard P. Conley.

NAY—Bustin, Collins, Danton, Dow, Emerson, Hichens, McBreairty, Minkowsky, Perkins, Sewall, Teague, Twitchell, Usher, Violette.

ABSENT—Redmond, Shute.

A Roll Call was had.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators being absent, the Minority Ought to Pass Report of the Committee, was Accepted, in non-concurrence.

The Resolve Read Once and Assigned for Second Reading later in today's session.

**Senate
Ought to Pass as Amended**

Senator TWITCHELL for the Committee on Local and County Government on BILL, "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" (Emergency) (S. P. 503) (L. D. 1519) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-165).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-165) was Read and Adopted. The Bill, as Amended, Assigned for Second Reading, later in today's session.

Senator CLARK for the Committee on Business Legislation on BILL, "An Act to Clarify State Authority Regarding Higher Education