

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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**

HOUSE

Thursday, April 3, 1980
The House met according to adjournment and was called to order by the Speaker.

Prayer by Representative Richard McKean of Limestone.

Rep. McKEAN: Let us pray! Our heavenly father, we thank thee for this glorious day and for the opportunity for us to gather and continue our democratic form of government. May our decisions be forthright, honorable and truly reflect the needs and desires of the people of this great state, and may they reflect righteousness and goodness, which is our heritage from you. We ask in Christ's name. Amen.

The journal of yesterday was read and approved.

Petitions, Bills and Resolves Requiring Reference

RESOLVE, Authorizing an Appropriation of \$285,315 to Provide for Administrative and Other Necessary Operating Expenses Related to Certain Transitional Indian Services for the Period from July 1, 1980 to January 31, 1981" (Emergency) (H. P. 2052) (L. D. 2038) (Presented by Mr. Pearson of Old Town) (Governor's Bill)

Committee on Appropriations and Financial Affairs was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

On motion of Mrs. Post of Owl's Head, the following Joint Order (H. P. 2055) (Cosponsor: Senator Collins of Knox)

WHEREAS, this Legislature has before it Senate Paper No. 827, Legislative Document No. 2037, "AN ACT to Provide for Implementation of the Settlement Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory," and is presently considering its passage; and

WHEREAS, this bill is the foundation for the future relationship of the State and its citizens and Maine's Indians; and

WHEREAS, this bill is of unusual significance and importance because of the basic principles it establishes and its future ratification by the United States Congress; and

WHEREAS, the significance of this bill warrants preservation of certain documents in an accessible manner to aid in explaining the Legislature's understanding and intent in considering this legislation; now, therefore, be it

ORDERED, the House concurring, that the following documents relating to Senate Paper No. 827, Legislative Document No. 2037, "AN ACT to Provide for Implementation of the Settlement of Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory" be placed in the Legislative Files:

1. The report of the Joint Select Committee on Indian Land Claims; and

2. The transcript of the hearing of the Joint Select Committee on Indian Land Claims, including the statement of the Honorable James B. Longley and the memorandum to the committee from Maine Attorney General Richard S. Cohen, dated March 28, 1980; and be it further

ORDERED, that each of the documents specified in this Order be prepared and printed in the Legislative Record under the direction of the Director of Legislative Research.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Robert MacEachern of Lincoln be excused April 2 and 3 for Personal Reasons.

AND BE IT FURTHER ORDERED that Representative Eugene Churchill of Orland be excused April 2 and 3 for Personal Reasons.

Passed to be Enacted

An Act to Provide for Implementation of the Settlement of Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory (S. P. 827) (L. D. 2037) (C. "A" S-536)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Mr. Kelleher of Bangor requested a roll call vote.

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

Mrs. POST: Mr. Speaker and Members of the House: As we vote on this bill, I would like to call your attention to the Report of the Joint Select Committee on Indian Land Claims and the accompanying memo from the Attorney General dated April 2, 1980. This report of the committee was made in clarifying our intentions in passage of this bill, and as we vote on this particular piece of legislation, we accept the understanding that is reflected in the report and the memo.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion, I think this House is making a mistake this morning, and I would urge you to vote against the passage of this document.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: One item that I don't believe was covered yesterday, although it was brought up at the public hearing, was, what happens to existing leases for camp owners in these territories? I understood at the public hearing that some paper companies indicated that they would be offering to the camp lots for sale to the camp owners. I feel that before we pass this legislation, this matter should be clarified so that we would know that the bill saying that the lands would be transferred to the Indian tribes, there is nothing in the legislation saying what happens to existing leases, what happens to existing lots within the territories. I think this should be a matter of record and clarified at this time.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: The committee has received copies of letters that have been sent by the major land holders in that area, who have the leased land, to the lease holders, letting them know that they can, if they wish, purchase the lots which they are presently leasing.

As far as the actual transfer of land, what we are talking about is the transfer of land from one land holder to another, and the actual situation of those lease holders will be the same, just as though it was transferred between Georgia Pacific and ITT; the situation does not change.

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

Mr. SILSBY: Mr. Speaker and Members of the House: One more point I would like to make is, the paper companies are receiving

monetary consideration from the federal government for these territories. Are they being paid twice when they sell the land back to the camp owners?

The SPEAKER: The gentleman from Ellsworth, Mr. Silsby, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. POST: Mr. Speaker and Members of the House: The money that the land holders will receive from the purchase of the land will be the money that is received when it is sold. And if, in fact, the land holders sell a particular township minus the camp lots, which is already sold to the camp owners, obviously they are not going to receive any money for that. The land owners are only going to receive money from the government for the actual land which they sell to the Indian tribes and nations.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Simon.

Mr. SIMON: Mr. Speaker and Members of the House: I am sorry if I have missed any material, part of the debate on this bill this morning. The debate was scheduled in the middle of two Judiciary Committee judicial nomination confirmation hearings, so I was obliged to miss part of it.

I should preface the question that I am going to ask by saying that I believe that on the whole the bill before us is a good bill, it is a good settlement, it is a fair settlement, and if the Congress of the United States fulfills its part of the settlement, it will be in the best interests of the people of Maine, all the people of Maine.

I asked a question yesterday to the effect that if Congress does not adopt the legislation that it would be required to adopt to complete the settlement, and the case comes back to us, would this legislature's passage of this legislation in any way prejudice the state's position in subsequent litigation or negotiation?

The gentleman from Ellsworth, Mr. Silsby, has brought up the possibility that in any future negotiation \$81 million would be the bottom line; \$81 million would be the floor for a settlement, only it would not be \$81 million out of the deep pocket in Washington, where money can be printed, but \$81 million out of a state budget, in which I understand there is \$113 left for this year.

On the other hand, if negotiation is not the course that the case should take, on the assumption that Congress fails to enact any part of Section 31 of the bill before us, then would the legislature's adoption of this proposal create any prejudice, any presumption, any admission of guilt on the part of the state? Is there some provision in the L. D. before us, is there some rule of the federal courts, is there some statute or case law, of which I am ignorant, that would preclude such an inference? If there is no strict legal doctrine that would preclude such an inference, is it the opinion of members of the Bar who have worked on this case, whether in this House or for the state in some other capacity, that a jury, drawn from the State of Maine, might be influenced by the fact that the Legislature adopted this settlement?

I would like to have these questions answered in a convincing way that will satisfy me that I can vote for this bill, which I favor in concept, but I believe that merely to state that one official, however knowledgeable and prestigious, believes the answer to be no is not an adequate answer. I hope that we in this House or, for that matter, the people in the other body will create a Legislative Record that will negate any assumption of guilt on the part of the people of Maine in the year 1980 for what was done by a tiny minority of people, whether they are British Crown or the Commonwealth of Massachusetts in the 1790's, I believe this not only because I think it is in the state's legal interest to do so, but I believe we need to do it in order

to reject any slight assumption of racial guilt or historical guilt on the part of the current citizens of the United States or the current citizens of Maine for what was done 200 years ago.

Some of my ancestors were here at the time these alleged wrongdoings occurred, some of them were not. Some of them came here, whether they came from France in the 1600's or England in the 1700's or Germany in the 1800's, seeking a land where they would be treated not as Frenchmen or Yankees or Germans or Jews or Catholics but as human beings, to be judged on their own merits and not on account of the racial or ethnic group to which they belonged.

I hope that someone can answer this question, and the reason I hope that they can is because I want to vote for this settlement.

The SPEAKER: The gentleman from Lewiston, Mr. Simon, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: In what I hope will be a brief answer to the gentleman from Lewiston, Mr. Simon's question, the answers as to racial, historical guilt are perhaps left to theologians and historians. The question as to whether or not anything this body or the other body does in course of discussion of this compromise offer in the realm of litigation would have no probative value and would have no prejudicial effect to either future negotiations or future litigation.

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

Mrs. KANY: Mr. Speaker, I would like to pose a question through the Chair to Representative Simon. I would like to know, within the statute which we are enacting, if we do so today, where the implied guilt would be? I see no implied guilt whatsoever.

It appears to me, looking at the proposed statute, that basically we would just be dealing with the jurisdiction of the territories and that contingent upon federal law, which we expect to be passed, and I would like to ask Representative Simon where or on what basis you see any possible implied guilt by our doing such contingent upon congressional action?

The SPEAKER: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to the gentleman from Lewiston, Mr. Simon, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. SIMON: Mr. Speaker, I see none. I stated before that I believe that the L. D. before us is a fair and equitable settlement of this dispute. I believe the resolution of the jurisdictional questions is excellent within the L.D. before us.

I would further state, for the Record, the answer of the gentleman from Lisbon Falls, Mr. Tierney, is satisfactory to me, and I can now comfortably vote for this settlement with the knowledge that should Congress fail to adopt any of the required legislation in Section 31, the state will not be prejudiced in any future negotiations or litigation.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I still wish that we could take a little more time on this bill. This is such an important piece of legislation that questions keep coming up but we don't really know the answers. We haven't had a trial run of anything like this to know exactly what it would be like.

I think of bills that we have passed here, and I will give an example of the single-member district bill that we passed a few years ago. A legislative committee very carefully studied that bill, it was debated in the House, it was passed by this legislature; the people ratified it because it was a Constitutional Amendment and we thought it was very clear, but the ma-

jority of the members of this House didn't interpret it the way many of us did interpret it. So, there is one example. I will give you another example that is a little bit different from that one. We passed a bill that would say that just cause 'could' be negotiated. Instead, the Labor Relations Board said it was mandatory, it had to be negotiated. In my view, they were wrong, and in my view, in the other example we were wrong. Nevertheless, that is the way the law was interpreted.

When you take something as complex as this bill, you are talking about many areas that can be misinterpreted, and I wish that we could go through every sentence of it with a fine tooth-comb and be absolutely certain that we know exactly what we are voting for and exactly what the ramifications are to be fair to everybody. I am not sure that there is anybody who is really getting the edge as far as this bill goes, but I think that it is too hasty. We really ought to take more time, and I hope that we won't pass it today.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I won't speak to the merits of the bill, like some of the previous speakers this morning, I will speak to the haste we are making on a very important issue.

As you know, yesterday I tried to put a referendum clause on this bill to allow the people to speak. This body, in its wisdom, denied that.

I am still not sure that we are proceeding in the proper manner, proceeding in the right way. So I would say this morning that if any of you here are dissatisfied and would like to gather together to take a feeling of the people out across this board, great state and initiate a petition to go to referendum, I would invite you to join me after the session down in the well of the House and we will talk about it, and if this should get into the media, any citizens out there who feel that they ought to have more of a say on this, have them get in touch with me and we will get together with the people and find out just exactly how they feel.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have no idea what the effect would be of the remarks of the gentleman from Brewer, Mr. Norris. We have heard of excitement before, and I am not sure just what implies here as we speak on the floor of the House. But I do know that a satisfactory solution to the Indian Land Claims Case is going to be a watershed in the history of the State of Maine. I don't think that any legislature has faced so all encompassing and so important a question as this legislature faces today. We are probably privileged to be involved, but we must not lose sight that there are certain limitations.

This legislation has nothing to do with the cost, this legislation has nothing to do with quieting of land claims. The federal government is supreme in regard to that. The Congress was granted the authority in the Constitution to regulate commerce with the Indian tribes. President Washington, in the early days of his presidency with regard to Indians said, "it is sincerely to be desired that all need of coercion in the future may cease and that an intimate intercourse may succeed calculated to advance the happiness of the Indians and to attach them firmly to the United States." Throughout his administration, Washington negotiated with the Indians as though they were composed of independent nations.

President Washington urged Congress to pass laws relating to commerce with the Indians that would, in his language, "secure equitable deportment toward them." And you all know that the Trade and Intercourse Act of 1790 was adopted. The application of this act is one of the basic questions in proposed litigation. Several cases have come up supporting

the Indian contentions and the Indians have won, many of these since the opinions expressed by a former Attorney General of this state.

When I hire a doctor, I listen to his advice. When I hire a lawyer, I listen to his advice. Maine has excellent lawyers on its payroll and, in addition, Maine has hired the best this country has to offer, the only lawyer who has actually tried and won a case against Indians in a similar situation. This attorney, James D. St. Clair—incidentally, I wonder how many of us realize that James D. St. Clair is a great, I don't know how many times, grandson of Arthur St. Clair, who was a revolutionary war veteran, who was Governor of the then Northwest Territory with his headquarters in Cincinnati, and was sent by President Washington to pacify warlike Indians in the fall of 1791—but Mr. St. Clair, with his extensive background, did say that he thought the state could win this case and he did outline eight points on which the state's defense would be based. But after all of that, he did advise that the settlement, and this is what we are talking about here, a settlement agreement, be accepted.

Why did he recommend that? He noted that the AG's estimate of a million dollars in five or six years was, in his opinion, very conservative, might go ten years. His words included such things as "no land sales, no mortgages, no school bonds, no tax collections, tax collections being in question, estates not administered," and despite the win in the case that he had and tried, economic and social dislocation existed for two or three years in that area. Now, Mr. St. Clair can have no ulterior motive; his fees would obviously be greater if he assisted Maine in going to court. I submit that his recommendation that this agreement be adopted is golden advice.

As a member of Appropriations and mindful of the state's dollars that we have annually been appropriating to the Indians are now significant, have been, and will increase in the future. Over the last four or five years, we have heard many solutions offered to this case, some of which involved a great deal of money for the State of Maine, many more acres of land, land coercively sold at \$5 an acre. This is a negotiated settlement at much lower limits. You know what they are? 300,000 acres from willing sellers at fair market value, no dollars from the state, and I don't apologize for that, Maine has no culpability in this matter. This is a claim that the federal government should pay for.

The act before us is a prudent settlement. It does not create a nation within a nation, rather it creates the most favorable jurisdictional setup, these are the Indians that exist in the United States. It is consistent with this state's essential interest in state sovereignty and equal treatment under Maine law.

I think it is interesting to note that there was a group of Penobscot Indians who very vociferously opposed this at the hearing on Friday last, and one of them said, and I quote, "you people would be crazier than we are if you fail to adopt this bill." It may have been a slip of the tongue but it was a real truth.

So, here today, ladies and gentlemen of the House, we have the opportunity to play our essential part in a three act drama involving the future, the tranquility of our children and grandchildren for many years to come. Act I is over; the Indians have negotiated to the best of their ability, have looked at the resulting agreement and have accepted it. Here we are in Act II and only by a successful completion can we get to Act III, which is the Federal Congress's role, the all powerful role in this whole process. Let's do our part today; let's accept this painfully worked out agreement and hope that Congress will do its part and bring down the curtain on the Indian land claims in Maine for all times.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted.

Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker, I request permission to pair my vote with the gentleman from Kennebunk, Mr. McMahon. If he were present and voting, he would be voting yes; if I were voting, I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Lincoln, Mr. MacEachern. If he were here, he would be voting no and I would be voting yes.

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

Mrs. LEWIS: Mr. Speaker, I would like permission to pair my vote with the gentleman from Orland, Mr. Churchill. If he were here, he would be voting yes and I would be voting no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bowden, Breneman, Brodeur, Brown, D.; Call, Carroll, Carter, F.; Cloutier, Connolly, Cox, Cunningham, Damren, Davies, Diamond, Dow, Du Tremble, L.; Fenlason, Fillmore, Garsoe, Gillis, Gowen, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jackson, Jacques, E.; Jalbert, Joyce, Kany, Kiesman, Laffin, Lancaster, LaPlante, Lund, Mahany, Marshall, Martin, A.; Masterton, Matthews, McHenry, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Payne, Pearson, Peltier, Peterson, Post, Rolde, Rollins, Sewall, Sherburne, Simon, Stover, Tarbell, Theriault, Torrey, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Austin, Barry, Bordeaux, Brown, A.; Brown, K.L.; Bunker, Carrier, Carter, D.; Chonko, Conary, Curtis, Davis, Dellert, Dexter, Doukas, Drinkwater, Dutremble, D.; Elias, Gavett, Gray, Gwadosky, Hunter, Hutchings, Jacques, P.; Kelleher, Leighton, Lizotte, Locke, Lougee, Lowe, MacBride, Masterton, McKean, Nelson, A.; Norris, Prescott, Reeves, J.; Roope, Silsby, Smith, Sprowl, Strout, Studley, Tozier, Tuttle, Twitchell, Whitmore.

ABSENT — Boudreau, Brannigan, Brown, K.C.; Dudley, Fowlie, Hall, Kane, Leonard, Maxwell, Michael, Reeves, P.; Small, Soulas, Stetson.

PAIRED — Churchill-Lewis; MacEachern-Tierney; McMahon-Paul.

Yes, 84; No, 47; Absent, 14; Paired, 6.

The SPEAKER: Eighty-four having voted in the affirmative and forty-seven in the negative, with fourteen being absent and six paired, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Davies of Orono,
Recessed until the sound of the gong.

After Recess
11:30 a.m.

The House was called to order by the Speaker.

Indefinitely Postponed

Bill "An Act to Reduce the Per Gallon Tax on Motor Fuels from 9¢ to 7¢ and to Assess a 5% Sales Tax on the Wholesale Price Subject to Public Approval at Referendum" (H. P. 2054) (Presented by Mr. Carroll of Limerick) (Co-sponsors: Mr. Brown of Mexico, Mrs. Hutchings of Lincolnville and Mr. McPherson of Eliot) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint

Rule 27).

The Committee on Taxation was suggested.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: There are lots of things that come to mind—too many cooks spoil the broth; fish and company get a little stinky after three days; this compromise finally got so bent out of shape that it has absolutely no support whatsoever. I am going to vote against it myself.

I think the sponsors should be singled out for praise and thanks. They were dragged into presenting this before you, those folks on the Transportation Committee who have been so maligned here all through the session, but it became obvious that the good sense of both caucuses would have nothing to do with this and we just stretched the fabric a little too thin, I guess.

Thereupon, on motion of Mr. Garsoe of Cumberland, the Bill and all its accompanying papers were indefinitely postponed.

By unanimous consent, ordered sent forthwith to the Senate.

Passed to be Enacted

An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenues to the Highway Fund (H. P. 2053) (L. D. 2039)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: When we vote on enactment of this bill, I would ask for a roll call.

We have tried for several months now to reach some form of a compromise on the highway funding in the State of Maine without any coalition of success in support at both ends of the hall. I think it would be ill-advised for us today to enact this measure until such time as the state has a state policy on the highway funding problem in light of the inflationary impact on the department as well as the drop off in revenues because of conservation in the use of gasoline by our citizens throughout the state.

The public perception of the department is one of operational inefficiency. I think all of us have sent out questionnaires back home and talked to our people back home over the course of this session and I think all of you know what I am talking about. We have heard story after story from our people back home of complaints, whether they be petty or whether they be significant, that the department is not operating in as efficient manner as it could be or should be.

Last year, we were in the same position, the last of June, that we are in today. In fact, this is a deja-vu session and a deja-vu vote. The good gentleman, my counterpart in the other corner, who picks his guitar from time to time and probably has done a couple of Crosby, Sills, Nash and Young songs himself and knows what I am talking about when I mention deja-vu.

We were promised last year if we patched up the Department of Transportation to get it through for another year because of the problems that it was facing last year, which are compounded this year, if we went along with that and helped the Governor get through in his first year of office, we were promised that we would see a complete study done over the course of the summer and fall and we would have a recommendation before us to act upon and implement for a long-range state policy to adopt for addressing the future problems of this department.

We had a study and it was rejected by the Chief Executive. The compromise measure that was just indefinitely postponed by Mr. Garsoe, the minority leader, they incorpo-

rated, to a certain extent, that study in those recommendations because it has been rejected and eschewed repeatedly by the Chief Executive and the Legislative Branch.

So, once again, we are asked to patch up this department with band-aids for another year. The pledge and the promise that was made to all of us sitting on the floor of the House in both parties was not kept. Our own Committee on Transportation has labored long and hard with this albatross around our neck, all 13 of them, for the past three months during this session, to try to come up with a compromise measure that was responsible, that would adopt the various interests, the various problems, in a measure that could gain enough support to go through this House. It is shortsighted, it is ill-conceived, and it will place us, once again, in the same position next year except a worst position than we are in today.

We are going to be back here in a few weeks, probably on collective bargaining measures, as we are required to come in and vote on those, and I think perhaps it would be wise for us to go back to our districts with an opportunity to speak to our people, explain the problems. I think it would also be wise for the Chief Executive to conduct an outside managerial efficiency operational study of that department so that we can put to side once and for all the question of whether or not this department can operate at a lower level of funding, a reduced level of funding, than we are being asked to provide it with now.

I think we all realize that in the long term future, this department will need additional revenue. I don't think the people appreciate it and understand it, because they are not convinced that it operates as efficiently as it could and should be at this time. I think we are putting the cart before the horse to go with this measure, particularly robbing an \$8 million account that has been put aside to help our towns and communities with state aid road improvement, when they come up with the dollars on the local level, with no assurance that their money will never be reinvested and set aside once again into that account. I think it would be ill-conceived and unwise for us to go forward with a patchwork, kaleidoscopic quilt in the second session of this term as we did the first term.

For that reason I would urge you to vote against this measure today.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I hear so much talk about studies, studies, studies. I have here a list of six studies of the Department of Transportation. There was also a cost management survey study done by Jim Longley, who became Governor. Many, many of these studies have never been carried out. Jim Longley's study called for one layer of top management to be removed. It was never removed, a savings of \$162,000. He became Governor and he didn't see fit to remove that either.

I received today, "Highway Needs" and "Finance in Maine", there is a study, there is a study, amounts to \$350,000. You could spend millions and millions on studies and accomplish zero balance. I am getting a little tired of hearing study, study, study.

I urge you to vote for this budget this morning, I urge you to pass it, and I am sick and tired of hearing people say I am robbing somebody. We are not robbing somebody, there is going to be money in that state aid account. We are not robbing anybody. I am just a little bit disturbed to hear that remark.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly appreciated the remarks of my good friend from Bangor. I would like to remind him of a few things. First of all, the bill that you have before you is a