

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First  
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

Bill "An Act relating to Issuance of Bonds of and Termination of Maine Turnpike Authority." (S. P. 56) (L. D. 106)

Tabled — February 27, by Mr. Turner of Auburn.

Pending — Acceptance in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker and Members of the House: Under Section 1, Private and Special Laws, 1941, Section 6 of Chapter 69 of the Private and Special Laws of 1941, is amended by inserting after the first sentence a new sentence to read as follows: No bonds shall be issued on or after the effective date of this act for the purpose of constructing any unit or extension of the Turnpike not already constructed on said date. Then termination of the Authority. When all bonds and the interest thereon shall have been paid or a sufficient amount for payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose, the Authority shall become dissolved and the Turnpike, its connecting tunnels and bridges, overpasses and underpasses, leases, rights, easements, franchises, lands and properties shall become the property of the State of Maine and all revenue therefrom become payable to the Treasurer of the State of Maine as a part of the highway funds of the State of Maine and the Turnpike, its connecting tunnels, bridges, overpasses and underpasses, shall thereafter be maintained and operated free of tolls by the State Highway Commission, and all funds of the Authority not required for the payment of the bonds and all machinery, equipment and other property belonging to the Authority appertaining to the maintenance and operation of the Turnpike shall be vested in the State Highway Commission.

Now if this bill 106 is passed, it will not affect the bonds of the Maine Turnpike Authority. The Maine Turnpike Authority will continue to collect toll revenues for

the purpose of maintaining, operating and paying off the bonds of the Authority until such time as the bonds are entirely paid, which is estimated to be in the 1980's. Passage of L. D. 106 will not affect this procedure in any way, and I move this bill be passed.

The SPEAKER: The gentleman from Auburn, Mr. Turner, moves the acceptance of the "Ought to pass" Report. Is that the pleasure of the House?

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: This morning I tell you I am very deeply interested in this bill, and I will give you my assurance there is nothing personal. It has been more or less inferred this morning that I might have a personal interest in some of these bills. I assure you such is not the case. I hold no bonds of the Maine Turnpike. Personally I shouldn't care whether or not they lived or died. But I was quite interested in the reading of the bill by the gentleman from Auburn, Mr. Turner, because I hold in my hand Legislative Document number 575 of the 99th Legislature which was introduced by the gentleman from Auburn, Mr. Turner, and it reads word for word. At that time it went to the same Committee and this committee reported unanimously "Ought not to pass." I am wondering what has caused the change of heart, because I realize the bill is the same and the arguments both for and against have not differed in the least.

I will endeavor to be brief because I do not want to take your time this morning and that was the reason why I did not rise on the item that has already been before you. There is another day coming.

This bill relative to the Turnpike can be opposed on two points, either of which is perfectly valid to send this where it belongs—down the drain. But first let me say, to bring out a point, that you are convened here today as a Legislature. You are faced with terrific problems. How many of these problems are of your own making? Very very

few. These problems have been passed onto you by previous Legislatures.

Ladies and Gentlemen of this Legislature, would you sit here today and pass on a problem such as this to a legislature 20 years hence? Would you say that 20 years from now that this legislature must do this; this legislature must do that? We do not know. We have not the slightest idea of the problems which might face the Maine Legislature 20 years hence, and here in this bill, we are telling them what to do. That is enough to defeat anything. I don't know how anybody could be so presumptuous as to say that a Legislature at a minimum of 20 years hence based on the retrospect on what the Maine Turnpike has already done in collections for the past 15 years. These bonds would not be paid off until the year 2107. They have only accumulated \$500,000 each year in the last 15 years. Now of course they all say that traffic on the Turnpike is going to increase, perhaps it will, but I am neither a prophet nor a seer. I possess no crystal ball, and I can't tell you what is going to happen 150 years from now, and I certainly can't tell you what is going to happen 20 years from now.

Now the second point, and some of it was brought out yesterday, is the constant harassment of the Maine Turnpike Authority. Why are they so anxious to get a bill through like this? The arguments were the same four years ago, that if we don't get this through we won't get any federal monies. We can't do this and we can't do that. They made their improvements; they entered into the Turnpike; they got their federal monies and they will again. I contend that this has, despite all this talking from high places in this state that you can't do this and you can't do that. The evidence is before you. They did it before, and they can do it again. There are seventy-eight million dollars in turnpike bonds outstanding. The Turnpike in 15 years has bought in and has now on hand slightly over seven million dollars eventually to pay off the bonds.

Now the whole idea is we hear about this turnout and that turnout. This is going to kill off the Turnpike in revenue. How are they going to pay these bonds off? Whether this stuff is contemplated and they say we are going to do this and we are going to do that, these bonds I doubt will even be paid in the year 2107. They may never be paid. It may become the duty of the State of Maine to pick up seventy-one million dollars. What are we wishing on future generations with a bill like this? It is deplorable; it is unthinkable that a bill like this should even be in the Legislature.

Now this Route 95 is a commendable project, but instead of fooling around with these roads that we already have and putting in duplications, they know what they can do. North of Bangor there is plenty to do. That is where roads are needed. We have roads in the southern part of the State; they are not the best roads in the world, but they serve the traveling public. And the northern part of the State is nothing. It has been suggested that Route 95 be pushed toward Houlton where it belongs, but no, for some reason they want to fool around with existing roads and so forth. Ladies and gentlemen, I am not going to impose myself upon you any longer. I hope that you see what lies before you, that you see that it could be disastrous ultimately to the State of Maine; and I now move the indefinite postponement of this bill, and when the vote is taken I ask for a division.

The SPEAKER: The question before the House now is that this Report and Bill be indefinitely postponed.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of my good friend Mr. Dennett of Kittery to indefinitely postpone this bill, and in favor of the motion of the gentleman from Auburn, Mr. Turner, for passage of this bill.

Mr. Dennett has indicated to you that he sees no need for this type of legislation. I must take a differ-

ent opinion on that particular point. Just a few moments ago, you agreed to build a high-level bridge across the river between Maine and New Hampshire. The cost figures for that particular bridge are based on so-called 90-10 financing. In that project there is \$975,000 or close to a million which is directly attributable to 90-10 on this bill. If the bonds of the Maine Turnpike are not limited so that once they are paid off that road becomes a free highway, the State of Maine will have to pay an additional million dollars for this highway bridge, and I don't think that is what you intend to do because it would be a lot better to pay our ten percent of the \$975,000 than pay the whole \$975,000.

Now what is this interstate system? The interstate system is a federal highway project based on national defense. At the present time there are 1661 miles allocated of which in 1962, 693 miles were constructed. Maine's share of the Interstate 95 project is 312 miles. The State of Maine has built 117 miles out of the 312 it has to build, and this 117 includes the Maine Turnpike from Kittery to the Falmouth exit.

Now Mr. Dennett has indicated that in the 99th Legislature there was a bill in here to do this same thing, and the Highway Committee reported it out "Ought not to pass." Well, I am sure that at that time of construction of Interstate 95, that bill was not necessary. But at the present time, there are 14 interstate highway projects scheduled between now and 1972. This is not the start of construction; this is what will be completed between now and 1972. All of those projects require connections with the Maine Turnpike, and these connections involve 7.4 million dollars of construction costs.

Now if this bill is passed so that the Turnpike will become a free road when the bonds are paid off, the State's share of that 7.4 million will be \$740,000 and not \$7,400,000. This bill is necessary to take care of this money in connection with Interstate 95 which the State is obligated to complete between now and 1972. I am sure that that is the reason that the Highway Com-

mittee has seen fit to change its opinion. These projects requiring construction in connection with the Maine Turnpike are fast approaching. One of them is in connection with this high-level bridge. That is the reason for this bill today.

Now another thing I would like to point out to you gentlemen is that there might be some thought of keeping tolls on the Maine Turnpike even after the bonds are paid off for the production of revenue. Now this, I think most of you will agree if you think about it a while, that as far as revenues such as these, toll fees, they come off and they stay off once the facilities are paid for. In fact, in many cases the tolls have been removed by the state paying the revenue bonds before the facilities have been fully paid for. I know of no instance where the toll fees have remained on a facility after it has been paid.

Now even if the toll fees were to be maintained on the Maine Turnpike after it is paid for, I feel it would produce little or insignificant revenue for the simple reason that Interstate 95 would go from Kittery to Falmouth to Brunswick to Gardiner to Augusta. And the Maine Turnpike would then be from Falmouth to Augusta. Now if you were to go over the Turnpike or Interstate 95 from Kittery to Falmouth to Brunswick to Gardiner to Augusta, or stay on the Maine Turnpike, there is a difference of 10 miles in the routes. The Maine Turnpike is ten miles longer than going on Interstate 95, and I am sure that anybody that could take a route equivalent or in fact better than the Maine Turnpike and save ten miles and save toll fees, would certainly do so.

The next point is that, take a person going from Portland to Lewiston or to Augusta, he would be much better off to go up the Interstate 95, a free route, rather than go over the Turnpike because it is shorter, faster and no cost.

So, therefore, I don't see why there would be any reason to maintain tolls on the turnpike once it was paid off.

Therefore, I hope you ladies and gentlemen of the House will keep this important fact in mind, that this bill is necessary today in con-

nection with interstate projects that are about to be built and constructed in order to get our 90-10 federal financing. Thank you.

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

Mr. JALBERT: Mr. Speaker, I would like to second the remarks of the last speaker and the first speaker, the gentleman from Auburn, Mr. Turner. Very rarely in the many, many years that Mr. Dennett and I have served have we opposed one another, and this morning I am rather surprised at some of the comments he made. I doubt if he is losing his touch. However, he mentioned that two sessions ago in 1959, that is, this measure was presented and had a committee report straight "Ought not to pass." It just occurs to me that L. D. 110 entitled "An Act relating to Rules and Regulations in Fishing" was presented two, four, six years ago, and came out of Committee with a straight "Ought not to pass" Report, and the measure now, if my information is correct, is nestling on the Governor's desk waiting for his signature. Maybe somewhat ruefully, but facts are facts. There are those that have chided some of us for it, particularly me, but I can well remember that on six different occasions I presented a bill that would change the election law from September to November. If my memory serves me correctly, that is now a law. I can also remember that on three different occasions a bill was presented and came out of committee with a straight "Ought not to pass" Report that would give us a four-year term for Governor. There are some who might raise an eyebrow on this, but facts being facts, that is now a law. So certainly that argument is not valid.

It is certainly my understanding that over the years that roads and maintenance and construction was usually paid through the medium of gasoline tax and issuance of bonds that would be paid for that purpose. Certainly it was my understanding that the present system would eliminate itself when the time would be up. I certainly hope that the motion of the gentleman

from Kittery, Mr. Dennett, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Drake.

Mr. DRAKE: Mr. Speaker and Members of the House: I would just like to record with you ladies and gentlemen of the House, that I think it is rather presumptuous of us to try to solve the problems of the Legislature of the 1980's. I am quite confident that we will have people in the Legislature at that time who are almost as able as some of the people in this present Legislature.

We have a chance to receive \$3,000,000 in order to take care of interchanges for the turnpike, or rather Interstate 95. I would like to remind the gentleman from Kittery, Mr. Dennett, who refers to the constant harassment of the Maine Turnpike Authority that one of the prime requirements of each of these bills which we have discussed in the last two days, requires the approval of the Maine Turnpike Authority before we can go anywhere with them. I think it would be very unfortunate if we continue the tolls indefinitely on the Maine Turnpike. One member of the Turnpike Authority said that he travelled from Maine to Florida and that he went over many, many toll highways. That may be very true, but I do not think it is sound business to have a toll highway at the entrance to the state which is on the end of the line. We are trying to attract vacationists and it puts us in kind of an odd position if we make people pay indefinitely for the privilege of entering Maine.

I think this all can be summed up very nicely by quoting from a column by Leonard Cohen in the Portland Sunday Telegram of January 27, which says: "To many the choice seems to be between a \$3,000,000 bird in the hand and no bird in the bush." Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Members of the House: The gentleman from Kittery, Mr. Dennett, a few minutes ago said he didn't know whether the toll would ever be taken off of the turnpike. In the past the

Legislature has always removed tolls from toll facilities controlled by the State when the bonds were paid or before they were paid. For instance the Deer-Isle-S e d g w i c k Bridge, we took that toll off last session. We cut the tolls in half on the Jonesport-Beals Island Bridge within eight months from the time the bridge was opened for traffic, despite the fact that the original toll schedule would not pay the bonds. The bridge at Westport Island, the State contributed \$185,000 to assist in paying the bonds and took the tolls off the bridge. If this L. D. is not passed, this Legislature must find \$975,000 in addition to the amount contained in the Governor's Budget for highway construction to c o n s t r u c t the approaches to the Maine Turnpike at Kittery. I hope the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker and Members of the House: I rise in opposition to the motion of the gentleman from Kittery, Mr. Dennett.

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

Mr. BERRY: Mr. Speaker and Members of the House: I think that the arguments which have been given by the opponents of the motion made by the gentleman from Kittery, Mr. Dennett, may be summed up in one word. To my mind it is the key we have this morning, and the word is "expediency." Now I can't imagine us deciding this question on that fact alone and I don't think we should consider it is expedient to say to save \$3,000,000 in hand and say we have acted for the best interests of the state. Project yourself into the future and say it was the session the tolls were taken off, or before, and imagine how you would feel about the 101st Legislature. These approaches can be financed without selling our souls. The State Highway system has two good sources of revenues in dedicated revenues and I would be the first one to maintain that the chastity of these revenues should be main-

tained. If the State suffers because certain general requirements c a n not be met because of the turnpike, who should pay the bill? Certainly not the State of Maine, but the turnpike should pay the bill. If this is not deemed the right way, then we have the revenues from the gas tax. These two methods are available to us and will not prevent the financing and construction of anything to do with this bridge if we reject this measure.

When I was a boy, I recall a little story about an improved way to catch rabbits. The implements consist of a stick and a carrot. You stand by the rabbit hole and hold the stick in one hand and the carrot in the other. When the rabbit sticks his head out you hit him with the stick. I don't believe we want to grab for the carrot today because we might be very, very sorry. Now we are talking in terms of revenue of over \$5,000,000. We don't know what the vehicular traffic in Maine will be fifteen or twenty years from now. We are deciding what will happen to \$10,000,000 a year. What would we do with tolls at that time? The very simple answer is we could well use them, and well use them for one thing, to maintain the 107 miles of the turnpike which at that time that Legislature will have to provide for.

I would like to read from a little editorial in a leading newspaper of this morning: "None of the bills now before the 101st Legislature is more significant, in terms of money, or of state policy, or of high principle, than L. D. 106, which is entitled "An Act relating to Issuance of Bonds of and Termination of Maine Turnpike Authority." They go on to cite figures which I shall omit, but then they say: "It is fair to guess that the net 'profit' will be \$4,000,000 annually or a little higher." They could take in far more than we are talking about at this time. I feel that the motion of the gentleman from Kittery, Mr. Dennett, should prevail.

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

Mr. JALBERT: Mr. Speaker, in commenting, the gentleman from Cape Elizabeth, Mr. Berry, said we

have two avenues of revenue, and he mentions the gas tax. I might remind the assembly that we pay the second highest gas tax in the country. I would like us to be known as members of the 101st that went away from the permanent toll tax. I would like to also comment further, having the same paper in hand, that the article he read had other things in it which I won't read, and then he went into the effects. What he didn't read are the arguments for the passage of this measure.

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

Mr. ANDERSON: Mr. Speaker and Members of the House: I concur with the gentleman from Kittery, Mr. Dennett, that this bill should be indefinitely postponed. We have and still are too ready to impose a burden on posterity. I hope this motion to indefinitely postpone will prevail.

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

Mr. WELLMAN: Mr. Speaker and Members of the House: I have listened to this debate carefully, and as I have sat here I have tried to project myself twenty years, and the thought occurred to me that the gentleman from Lewiston, Mr. Jalbert, who I know will be sitting in that same seat in twenty or twenty-five years, I wonder if this bill is defeated today, I wonder if that gentleman will not be here leading a fight to remove those tolls. I request a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker, I was the last one on the Committee to really agree to this bill, but I summed it up this way: With the interest the Federal Government has got in this highway and the amount of money we are sending to the Government every month from the gas tax and what-not, I came to the conclusion that eventually after the bonds were paid off, eventually the Federal Government would take hold and would

have to maintain these roads throughout the country. It has been estimated at \$2,000,000 a year when the road is completed and the bonds are paid off and I can't help feeling but what the Federal Government will be in to help us on that. That is the reason I changed my mind and voted for this bill.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I would like to reiterate three points in regard to this bill. We are talking about 7.4 million state revenue or federal money and not \$3 million. To the gentlemen in the House from the counties of York and Cumberland and Androscoggin — I mean Kennebec, I'm sorry, I would like to point out that there are four projects involving Interstate 95 connections in those counties. If the bill does not pass, the state will have to spend its money and not the federal money to build those.

Now the rest of you gentlemen here who are from up-state, I will say to you that the sooner those fast connecting links are built the sooner and the faster and the more traffic you are going to get in the northern part of the State. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, just one brief moment. I will not belabor the issue, but I would like to take issue with several points.

Four years ago the same arguments were presented that we would lose this federal money on these interchanges moving the toll houses in Augusta and in Falmouth. We did not lose the federal money. I would take issue with the gentleman from Freeport, Mr. Crockett. I think he bears out the point that I am trying to put over. He mentions the Jonesport Bridge. They cut the tolls in half. Yes they did. The tolls were bringing in no where near enough to pay for the bonds, so the State is assuming payment of the bonds. It is just what I am trying to prevent is the ultimate assumption by the State of \$78,000,000 in bonds.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that Bill "An Act relating to Issuance of Bonds of and Termination of Maine Turnpike Authority" Senate Paper 56, Legislative Document 106 and the accompanying Report be indefinitely postponed. A division has been requested. All those in favor of indefinite postponement will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-three having voted in the affirmative and eighty-nine having voted in the negative, the motion did not prevail.

Thereupon, the "Ought to pass" Committee Report was accepted in concurrence, the Bill read twice and tomorrow assigned.

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

AN ACT to Reconstitute School Administrative District No. 2. (H. P. 94) (L. D. 138)

Tabled—February 27, by Mr. Easton of Winterport.

Pending—Passage to be Enacted. On motion of Mr. Easton of Winterport, retabled pending passage to be enacted and specially assigned for Thursday, March 14.

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

HOUSE REPORT—Ought not to pass—Committee on Highways on Bill "An Act Extending the Powers of the Maine-New Hampshire Interstate Bridge Authority." (H. P. 439) (L. D. 644)

Tabled—February 27, by Mr. Dennett of Kittery.

Pending—Acceptance of Report. On motion of Mr. Dennett of Kittery, the Report and the Bill were indefinitely postponed and sent up for concurrence.

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

HOUSE REPORT—Ought not to pass—Committee on Highways on

Bill "An Act Authorizing the Maine-New Hampshire Interstate Bridge Authority to Prepare Plans for Construction of an Additional Bridge and Approaches Connecting Portsmouth, New Hampshire with Kittery, Maine." (H. P. 440) (L. D. 645)

Tabled—February 27, by Mr. Dennett of Kittery.

Pending—Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: The hour is getting late and I am not going to take much time. There is only one thing that I would wish to do on this particular bill. A bridge across the Piscataqua River must be the result of concurrent and agreeing action between the States of Maine and New Hampshire. What a legislature in a neighboring state is going to do, I have no idea. I would, because of the undetermined action of the State of New Hampshire, wish to keep this bill alive. If we fail to pass this bill, or at least to keep it alive, and the State of New Hampshire refuses the high level bridge, there is nothing, there is no bridge in any way, shape or manner across the Piscataqua River, and all will be lost. By keeping this bill alive, you at least have something to hang onto. If the State of New Hampshire takes affirmative action, the bill can be kicked out the window; and that's all there is to it. But I would earnestly request that you keep it alive to see what happens so that we might have something to hang onto in case of disagreeing action in New Hampshire, and with that only in mind I would now move that the bill be substituted for the report.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the Bill be substituted for the "Ought not to pass" Report.

The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker, I was kind of amused when my good friend said "keep it alive." I didn't know as any bill was ever killed here. You can always go and pick them out of the hopper most