

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

M.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Good, Goodwin, Hancock, Hanson, Hawken, Herick, Hewes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lizotte, Lucas, Lund, Lynch, Manchester, Marsh, Marsteller, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Mills, Morrell, Murray, Orestis, Parks, Rollins, Santoro, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Theriault, Tyndale, Vincent, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Albert, Birt, Brown, Carey, Donaghy, Doyle, Evans, Gill, Kelley, R. P.; Lewin, Mahany, O'Brien, Pontbriand, Rocheleau, Ross, Sheltra, Simpson, L. E.; Trask, Webber.

Yes, 32; No, 99; Absent, 19.

The SPEAKER: Thirty-two having voted in the affirmative, ninety-nine having voted in the negative, with nineteen being absent, the motion does not prevail.

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

An Act to Increase the Fee for Steam Engineer and Fireman Licenses (S. P. 604) (L. D. 1777)

An Act relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication (H. P. 708) (L. D. 954)

An Act relating to Record of Plans by Registers of Deeds (H. P. 728) (L. D. 816)

An Act relating to the Operation of Motor Vehicles (H. P. 828) (L. D. 1119)

An Act relating to Qualifications for Municipal Law Enforcement Officers (H. P. 1379) (L. D. 1799)

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

Orders of the Day

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

Mr. COTTRELL: Mr. Speaker, I would inquire if the House is in possession of L. D. 1489.

The SPEAKER: The answer is in the affirmative; the House is in possession of Bill "An Act relating to the Maine Turnpike Authority," Senate Paper 507, L. D. 1489, on which the House accepted the Minority "Ought not to pass" Report yesterday in concurrence with the Senate.

Mr. COTTRELL: Mr. Speaker, I now move the reconsideration of our action of yesterday.

The SPEAKER: The gentleman from Portland, Mr. Cottrell, moves that the House reconsider its action of yesterday whereby it accepted the Minority "Ought not to pass" Report in concurrence.

Mr. Lee of Albion requested a division.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: Currently the Turnpike Authority engineers have recommended the complete reconstruction of sections of the turnpike. The cost of the recommended work is \$61,130,000. If this work is done, then the bond debt will be carried well past the earliest practical payment date of 1976.

The present projected liquidation date for Turnpike indebtedness is 1983. With new periodic reconstruction projects of this size, this date could be well extended up to 1989.

It seems economically feasible to me to use the toll revenues to pay off our bond indebtedness by the end of 1975, as is entirely possible. If we do this, we will be eligible for federal 90-10 money, and then if we need a new turnpike, build it.

What the Turnpike Authority wants to do now is in effect to build an entirely new turnpike in sections. When the Turnpike Authority was created, no provisions were made for such massive reconstruction programs. Maintenance only was provided for.

This bill allows for administrative change of hands to the Highway Commission. There is no cost involved, only savings in administration and maintenance. And

the Highway Commission, by paying off our bond indebtedness, will obtain these coveted federal funds which I spoke of earlier. I would suggest that if we are economically minded we would consider the economies of these greater savings as evidence enough to make the administration change which this bill does.

Presently the law states that the Turnpike bond indebtedness shall be paid off at the earliest practical date. This is all that this bill does. It insures that the Turnpike bond indebtedness will be paid off at the earliest most practical date.

I don't think that we can overlook the savings created by this bill. It must appear obvious that the Maine State Highway Commission is best able to coordinate the needs of the State of Maine relative to highway development, and through its constant contact with federal programs be in the best position to fully integrate the turnpike into the federal Interstate 95 system, as was intended when the turnpike was built.

I urge you to vote for this bill for the economies which it does introduce.

THE SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

MR. FINEMORE: Mr. Speaker, Members of the House: I know I am not qualified as well as the young fellow who has just spoken on this, and I know that he has made much more research. But there is just one thing I would like to mention, and I didn't mention it yesterday, is the fact of the bonds that the Maine Turnpike Authority now has.

Those bonds are worth around \$75 or \$80 maybe; but if we buy them up as the State, we have to buy them at \$100, par value. And also the rate of interest on those bonds are very very very low. They were sold when you could sell Turnpike Authority bonds, which you can't do now because people are getting a little leery of these municipal bonds, because the federal government will eventually in the near future put a tax on them, as well as on any other income.

And I would be very afraid to go along with this. I am not going

to debate it too long, but I think we would be making a very very poor move to buy up those bonds at this time, because we are going to buy them up at face value. We aren't going to buy them at market value. We are going to buy them at face value.

The only reason they are down is the rate of interest. People don't want to hold bonds any longer with the small rate of interest, and they will be putting them on the market. And that is the reason they are down.

As I said, again, Mr. Whitson is much better prepared and much better qualified to speak on this than I am. But financiallywise for the state it would pay us to leave it right straight alone, even if they are repairing the road. If we get it, we are going to repair it. And Mr. Whitson has mentioned the fact that we can get 90-10, but where are we going to get the ten percent? We are still building roads around Portland and Westbrook, and we aren't getting any in Washington County or in Aroostook County. If we do this we sure as the world will never get it. I won't even get my Monticello Bridge.

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

MR. McNALLY: Mr. Speaker and Members of the House: I just happened to go out in the corridor and peeked in the post office and saw I had some mail. And for some of the statements that were made here yesterday, I would like to read you something in comparison about the cost of tolls.

Maine Turnpike, two cents per mile; Massachusetts Turnpike, 2.2 cents per mile; Massachusetts Extension, 4.6 per mile; Connecticut Turnpike, 1.6 per mile; New Jersey, 1.5; Pennsylvania, 1.49. Down in Oklahoma, 1.9; the Will Rogers Turnpike, 1.8; A. C. Bailey Turnpike in Oklahoma, two cents. The Berkshire section of the New York Thruway, 3.1 cents.

So I don't see where the Maine Turnpike is the highest priced toll in the country.

Now another thing, you go on the Connecticut Turnpike from Norwalk to Madison, from Norwalk to Stratford, 15.9 miles and you

pay 25 cents; from Stratford to West Haven, you go 10.9 miles and you pay 25 cents. You only go seven miles in Bradford; 11.7 miles at Madison, but you go 34.5 miles in Montville. This is just toll sections.

Now I have been having the pleasure for the last two days of going into executive session on Transportation Committee. We are talking about finding \$52 million-plus to buy the turnpike. And then there has got to be some way, of course, to pay for it. And just as long as the tolls are kept on it there is no 90-10 money.

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

Mr. WOOD: Mr. Speaker and Members of the House: I would like very much to see the State own this turnpike. I would like to see the tolls taken off the road and all the bridges in the state. But if the State takes this over at this time, with all of the best information that I can find anywhere, that they have got to take the tolls off before the federal government will even promise to put anything into this highway. And after the tolls are removed, with the best information I can get, it would probably be six years before final action would be taken for the federal government to put any money into this road. And it could cost the state several millions of dollars, money that we haven't got now to even build the roads that we are building. And this is one thing that you want to think about, of the millions it will cost us to take away from our other highway programs.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I never contended that this would instantly remove the tolls from the turnpike. What in effect this administrative change — and that is all it is, it is purely an administrative change — it doesn't wipe out the bond indebtedness. What it does is curtail the plans which the Turnpike Authority presently have to undertake a massive new construction

program and increases the bond indebtedness.

By increasing the bond indebtedness, of course, they prolong the period of repayment. And this period of repayment could be prolonged by statute as long as up until 1989. Whereas under data which I have received from the sponsor of this bill, it is practical now, if we don't undertake any major construction programs, to have our bond indebtedness paid off by 1976. The highway will be ours, we will be eligible for 90-10 funds; and 90-10 I am sure you are all aware, we could, I think, much more economically — it would be much more economically feasible to go under 90-10 funds to improve our turnpike than to increase and bear the entire burden of the construction program by increasing the bond indebtedness, as the Turnpike Authority now proposes to do.

Also there are economies involved in placing the Maine Turnpike Authority — placing the turnpike under the authority of the Maine Highway Commission. One of the economies which comes to mind is the fact that the turnpike will be integrated with the rest of the highway systems in this state, rather than having a special maintenance program of its own.

I once again would urge that you support the bill. It is simply a very simple administrative change, and it lives up to the statutory provision that the bond indebtedness should be paid off at the early most practical date, 1976. This is what the sponsor of this bill wants to see, is the bond indebtedness paid off in 1976, rather than 1989, making us eligible for very reasonable economical federal aid programs.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: I would like to refute just a little bit of what my good friend from Portland has just said. At the committee hearing the Turnpike Authority said that they were going to rebuild this turnpike by program under current revenues. Now while this might make the payment of

the bonds just a little bit longer, it isn't making the bond indebtedness any higher. In fact, it is going to be reduced each year, because they have to pay under law each year.

Now let me specify something else just a little bit. Under the 90-10 program, any construction has to be under contract in 1975 and completed in the year 1976. This is when this program is to be finished. So we would lose all this construction that would be done, and we would have to rebuild it out of state funds. We can't even find the money right now to build what we ought to build.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: This massive program spoken of this morning is something that is absolutely necessary. Those of you who travel south on that turnpike on a weekend, or especially on a holiday weekend, can see traffic backed up for miles there because it is congested.

At the time this road was built, the present traffic was definitely not anticipated; and the future traffic is anticipated to be even much higher. So whether the Authority does it or whether the Highway Commission does it, it still has to be done if we want traffic to come into the state. And we need them.

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

Mr. LUCAS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to refute the statement by Mr. Fraser recently concerning the widening of the turnpike from Scarborough down to York. I support reconsideration of this bill not only to do away with these (displaying turnpike tickets) as soon as possible, which I have duly paid for and I think a number of you have, traveling back and forth to this session. But I also think that we need more comprehensive planning for transportation within the State of Maine, and I would like to share with you the concern of the City of Portland in

relation to the widening of the turnpike south of Portland.

This comes from the City Manager, John Menario. "I feel that an early decision to widen the turnpike is premature. This recognizes not only the need for adopting a comprehensive approach to transportation planning in Maine, it also recognizes the mounting problems of air pollution and traffic congestion such as the widening could precipitate in the State's largest metropolitan center.

"The resultant pressures from local public expenditures to accommodate this increased traffic which, would be widening the streets and improving the arterial highways, parking, can only further aggravate the financial strait-jacket in which municipalities like Portland find themselves."

Now where we have just passed a high speed rail transport feasibility study bill, what we are saying, basically, maybe we have the foresight and we could at least correct some of the mistakes that have been made in the other states, that perhaps we don't need to widen this turnpike from 4 to 6 or even 8 lanes, as suggested; and if this Turnpike Authority can go and do this on their own without regard to our position, I feel this is merit enough to place it under the Highway Commission where at least we might have some say.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am still bloodied from the three times I arose to speak yesterday on this measure. I do not intend to get bloodied this morning nor do I intend to speak very long.

The gentleman from Ellsworth, Mr. McNally, speaks about an area in Connecticut that pays 25 cents for about 34.5 miles. It costs 15 cents to go 3½ miles from Lewiston to Auburn. Now somewhere along the line that is a big vast difference in price, and that makes that area of Connecticut at least one heck of a lot higher than the area at home that we pay for.

As far as I am concerned, as I said before, I am not going to argue this thing very long. We have

talked long and loud here over the years about quasi-industries or quasi-programs that we finance like the University of Maine. I can assure you that I am working on a little bobble called an order that is going to smoke out the high priced engineers, their fees and the expenditures spent along the line as far as the Maine Turnpike Authority is concerned. I would like to have it where it belongs, where we could put our hands on it.

I am very pleased that the gentleman from Ellsworth, Mr. McNally, proved my point of yesterday.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am going to take the privilege and read it once more. Let's start right at the New York State line on the Connecticut Turnpike — 0.0 miles to Norwalk 15.9 miles, 25 cents; Norwalk to Stratford, 15.9 miles, 25 cents; Stratford to West Haven, 10.9 miles, 25 cents; West Haven to Branford, 7 miles, 25 cents; Branford to Madison, 11.7 miles, 25 cents; Madison to Montville — and I even brought this up — 34½ miles, 25 cents; Montville to Plainfield — the end of the turnpike — 22.9 miles, 25 cents. Only one place that there is 25 cents for 34 miles.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Without the benefit of a letter, I am still going to make my remarks. Lewiston from Auburn or Auburn from Lewiston, 3½ miles, 15 cents.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: You have heard my good friend, Mr. Jalbert from Lewiston, speak about the rate down there. He is absolutely right. If the Turnpike Authority had any consideration for our area at all they would have put an extra lane or two on the turnpike bridge over the Androscoggin River and we would have saved the state \$4.5 million for a third bridge in Lewiston and Auburn, and they didn't do this.

Mr. Norris of Brewer moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All members desiring that the Chair entertain the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now?

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't know as it is any use to debate this any further; however, I did have some remarks that I wanted to make. Perhaps they would not prove effective but I did debate this a little yesterday. I am not much of a hand to want to debate things over and over, but I would like the opportunity to make a few remarks.

The SPEAKER: All in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken. 71 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

Mr. Whitson of Portland requested a roll call vote.

The SPEAKER: The main question is reconsideration. The yeas and nays have 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 members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Cottrell, that the House reconsider its action of yesterday whereby it accepted the Minority "Ought not to

pass" Report in concurrence on Bill "An Act relating to the Maine Turnpike Authority," Senate Paper 507, L. D. 1489. If you are in favor of reconsidering you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berube, Bourgoin, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Dam, Dow, Drigotas, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Genest, Hancock, Herrick, Jalbert, Kel-leher, Kelley, P. S.; Kilroy, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Martin, McCloskey, McKinnon, McTeague, Murray, O'Brien, Orestis, Rand, Rocheleau, Ross, Santoro, Silverman, Slane, Smith, D. M.; Stillings, Tanguay, Theriault, Tyndale, Vincent, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Bither, Bragdon, Brawn, Bunker, Call, Carrier, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dudley, Evans, Finemore, Fraser, Gagnon, Gauthier, Good, Hall, Hanson, Hardy, Haskell, Haw-kens, Hayes, Henley, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marsh, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rol-lins, Scott, Shaw, Shute, Simpson, T. R.; Smith, E. H.; Susi, Webber, White, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Binnette, Birt, Boudreau, Brown, Bustin, Carey, Churchill, Donaghy, Doyle, Dyar, Gill, Goodwin, Lewin, Lund, Mills, Pontbriand, Sheltra, Simpson, L. E.; Starbird, Trask, Williams.

Yes, 55; No, 74; Absent, 21.

The SPEAKER: Fifty-five having voted in the affirmative and seventy-four in the negative, with twenty-one being absent, the motion to reconsider does not prevail.

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

Bill "An Act relating to Certain Laws Relative to Great Ponds"

(H. P. 1374) (L. D. 1791) — In Senate, indefinitely postponed in non-concurrence. — In House, receded from passage to be engrossed.

Tabled — June 8, by Mr. Smith of Waterville.

Pending — Adoption of House Amendment "A" (H-431).

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I offered an amendment which has not yet been adopted and today we have a new amendment on our desks, and I would hope that someone would table this so that we might study them and come up with the best of the two.

Whereupon, on motion of Mr. Lund of Augusta, retabled pending the adoption of House Amendment "A" and specially assigned for Monday, June 14.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass" with Committee Amendment "A" (H-413) — Minority (5) "Ought not to pass" — Committee on Natural Resources on Bill "An Act relating to Water Quality Standards" (H. P. 971) (L. D. 1331)

Tabled — June 8, by Mr. Herrick of Harmony.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been around here for several days. It has been tabled once after another and today I shall make a motion which I hope will prevail.

I first want to point out that I have had on my desk this Maine Environmental Bulletin of May which was read to you yesterday by the gentleman from Standish, Mr. Simpson. I only want to make one comment on it because he has already read it. The sheet indicates that we had 31,000 people unemployed in May, and if you noticed in your papers last week