

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

ROLL CALL

YEAS — Aloups, Ault, Bachrach, Bagley, Beaulieu, Birt, Boudreau, P.; Brown, K. C.; Bunker, Bustin, Carter, D.; Clark, Connors, Connolly, Cote, Cox, Cunningham, Devoe, Dexter, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gauthier, Gillis, Gould, Green, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Lewis, Littlefield, Lizotte, Lougee, Mahany, Marshall, Masterman, Maxwell, Moody, Norris, Peltier, Perkins, Plourde, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Twitchell, Whittemore.

NAYS — Austin, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Brennerman, Burns, Carey, Carroll, Carter, F.; Chonko, Churchill, Curran, Davies, Diamond, Dow, Drinkwater, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hobbins, Howe, Jensen, Joyce, Kane, Kany, LaPlante, Locke, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Masterton, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peterson, Post, Prescott, Quinn, Raymond, Rideout, Silsby, Spencer, Strout, Tierney, Tozier, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Boudreau, A.; Brown, K. L.; Carrier, Hughes, McKean, Talbot, Trafton.

Yes, 70; No, 74; Absent, 7.

The SPEAKER: Seventy having voted in the affirmative and seventy four in the negative, with seven being absent, the motion does not prevail.

Thereupon, the Order received passage and was sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

Bill, "An Act Concerning the Blue Sky Law" (S. P. 200) (L. D. 598) (C. "A" S-260)

Tabled — June 27, 1977 by Ms. Clark of Freeport.

Pending — Passage to be Engrossed.

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

Mr. HOWE: Mr. Speaker and Members of the House: Let me review briefly the bill the way it came out of committee. The blue sky law, as you may recall, is a law that requires a person offering securities for sale on the market to register with the Securities Division of the Bureau of Banking. They have to file a fairly complex body of information so that people who are potential investors, potential buyers of these securities will know what they are getting into. It is to provide people with information so that they know what kind of a risk they are going to be taking with their money. There is presently on the books an exemption to this registration requirement if no more than 10 security holders are going to be involved. The bill, as originally proposed, would have raised that exemption from 10 to 25. The majority of the committee felt that raising the exemption at all was improper, but a minority of the committee felt that it ought to be raised to 20, so it came out of the Business Legislation Committee and was amended so that the 25 limit became 20.

The reason for the exemption in the first place is so that small businesses do not have to come up with two or three thousand dollars in lawyers' fees which they need to pay in order to comply with some pretty complex registration requirements.

I was one member of the committee, in fact the majority of the committee felt that going from a fairly complex disclosure to potential investors to none at all was wrong. So Senator Chapman and I, and I am not speaking necessarily for all the members of the majority report on the Business Legislation Committee,

but Senator Chapman and I sat down with Senator Merrill, the sponsor of the bill, with the Assistant Commissioner of Banking and the head of the Securities Division, and we have come up with a short form of registration which you will find in House Amendment "A" to the bill under filing number H-863. The form is actually printed right in the bill, and the sponsor, I think, properly urged this be done so that we would know that the short form of registration was going to be a short form and wasn't going to block them into something that again would cost two or three thousand dollars in lawyers' fees. So the form is right in the bill. We have agreed that this is something that will provide potential investors with the information about the circumstances, the corporation they will be getting into, and yet not require that small corporation to come up with relatively large legal fees. In fact, I believe it would not have required their hiring an attorney in most cases to even fill this out. For the most part, it is a fill in the blanks kind of a form.

In the course of discussing this with the sponsor, his position was, well, if we are going to agree to a short form of registration or anything, we should go back to the original bill, raise the exemption to 25 instead of the committee's position of 20. I, for one, have agreed to that, so I am going to ask this morning that we remove the committee amendment and then adopt a House Amendment.

Thereupon, on motion of Mr. Howe of South Portland, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-863) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the fifth item of Unfinished Business:

Bill, "An Act to Permit the Advertising of Prescription Eyeglasses and Other Optical Devices" (H. P. 415) (L. D. 518) (C. "A" H-784)

Tabled — June 27, 1977 by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: This is a bill that came out of our committee as sort of a backup to another bill on full advertising for all optometrists, their services, dentists, chiropractors and everything else. Since that other bill has been enacted on both bodies, this one is no longer needed, so I will move the indefinite postponement of this Bill.

Thereupon, on motion of Mr. Goodwin of South Berwick, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

The Chair laid before the House the sixth item of Unfinished Business:

Senate Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Taxation on Bill, "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment" (S. P. 233) (L. D. 730) — In Senate, Minority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed.

Tabled — June 27, 1977 by Mr. Carey of Waterville.

Pending — Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

Thereupon, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

The Chair laid before the House the seventh item of Unfinished Business:

House Divided Report — Majority (7) "Ought to Pass" — Minority (6) "Ought Not to Pass" — Committee on State Government on Bill, "An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200)

Tabled — June 27, 1977 by Ms. Goodwin of Bath.

Pending — Acceptance of either Report.

On motion of Mr. Davies of Orono, retabled pending acceptance of either Report and tomorrow assigned.

The Chair laid before the House the eighth item of Unfinished Business:

House Divided Report — Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-734) — Minority (1) "Ought to Pass" as Amended by Committee Amendment "B" (H-735) — Committee on Transportation on Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388)

Tabled — June 27, 1977 by Mr. Strout of Corinth.

Pending — Motion of the same gentleman to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: This bill pertaining to the Maine Turnpike Authority, to my dismay, has come out late in the session. The sponsors of the bill, Representative Morton, Representative Jackson, Representative Kelleher and myself, distributed a fact sheet earlier this week that I think lays out very briefly the whole thrust of this legislation. And without my going down point by point what the bill attempts to do, let me just see if I can summarize very quickly the thrust of this legislation.

Number one, as you all know, the revenue bonds that constructed the turnpike are due to be paid off sometime in 1981. The Maine Turnpike Authority has received results of consulting work that would indicate that come 1981, the maintenance costs for the Maine Turnpike Authority will be approximately \$4.9 million. It seems very clear to me, and I think to probably all of us, that the maintenance of that facility is an unavoidable cost which, if the tolls go off the turnpike, will have to be absorbed in part of the transportation budget.

It also seems to be rather obvious that given the type of problems that we are having at the legislature, at least this House up until this point in time has not seen fit to increase a penny on the gasoline tax, and it would be very very difficult, if not impossible, to absorb that maintenance cost into the transportation budget.

Very briefly, what the bill with Committee Amendment "A" attempts to do, it attempts to maintain the tolls on the turnpike after the revenue bonds are paid off and to change the system of collecting the tolls from a so-called closed exit system to a barrier system. There would be four barriers along the Maine turnpike at which people would deposit 35 cents, regular cars would deposit 35 cents as they travel on the turnpike.

The bill also proposes to construct additional access roads onto the turnpike that would, I think, alleviate some congestion problems and allow easier access onto that particular facility. The bill also would allow revenue to be allocated to what will be known as interconnecting access roads for 10 miles on either side of the turnpike. That type of funding, it seems to me, which will ultimately be included in the

biennial bridge improvement program, will reduce some of the financial burden on the department's budget, and I think that probably is a very wise recommendation.

The bill also, as it is presently written with the Committee Amendment, does authorize the expansion of the turnpike from roughly York to South Portland, that it be expanded to three lanes. I am prepared, at second reading of this bill, to place an amendment onto the bill which would, in fact, make this a legislative decision. The Turnpike Authority would have to come back to the legislature in 1981 with some additional facts and justifications, and I think it is appropriate that the legislature make that type of decision in what would be the 110th Legislature.

The Maine Turnpike Authority remains intact, and I think that is an issue I would like to address very directly here. One of the additional things that the bill does is, it provides for a maximum bond issue of up to \$25 million to make the so-called conversion. The conversion would be the tearing down of the present exit toll facilities and the erection of the barrier facilities, plus the new interchanges that are listed on the fact sheet which we have distributed. It seems to me that if in fact we are going to have a bond issue, and there can perhaps be arguments there about that, that it is perhaps practical, necessary and desirable to have a Turnpike Authority that would be responsible for issuing those bonds.

The Attorney General has written me a letter which indicated that he feels there is no reason why the state could not issue revenue bonds, but at the same time, he obviously cannot address the issue of the marketability of those particular bonds and what reaction bond council would have to the state issuing those revenue bonds. The reason I say that is because he makes the point very clear that the legislature can decide to change things from what a previous legislature has done, and that may have some effect on the bond council.

I think the other reason for perhaps keeping the Turnpike Authority is that if we were to put this revenue in a special account under the Department of Transportation, I think there always will be the temptation, when we can't balance our highway budget, to raise that particular revenue. I think if we are going to collect tolls from the turnpike, they ought to be used for the maintenance, for the possible expansion, if that is what the 110th Legislature desires, and for the interconnecting access roads.

The question has been raised to me, 1981 is four years away, what is the necessity of dealing with this issue at this point in time? That is a legitimate question and I will try to answer that as directly as I can.

When I-95 was constructed between Portland and Gardiner, there were some barriers constructed and some interchanges connecting the turnpike at that particular facility. The federal government, it is my understanding, underwrote that cost on the same cost-sharing basis as the interstate was constructed under with the understanding that once the bond revenues were paid off, the tolls would, in fact, be taken off. The Turnpike Authority feels they can go to Congress and ask for some special legislation that would ask that we only pay back a portion of that cost. It is the feeling of the Turnpike Authority and the Commissioner of Transportation that it will, in fact, take some period of time to formulate the proposal, submit it to Congress, go through the hearing process and with the feeling that Congress works in a much slower way than we do, that it would take some time to accomplish that end.

Committee Amendment "A" which has been attached to the bill, which also would have enumerated some of the changes, I think were made as the direct result of some well thought

out suggestions, or criticisms if you will, that were made at the public hearing on this particular bill. It seems to me that that addresses most of the issues.

I don't want to say anymore at this time because I have spoken enough already, but I certainly will be happy to try to respond to any questions you might have.

I also might add, in terms of keeping the tolls on the turnpike, I think it is important to realize that what we are talking about is the people who use the facility paying for that particular road. Presently, the toll revenue that we receive comes from approximately 50 percent resident and 50 percent nonresidents. So if it should be what I hope does not come to pass, the decision of the legislature to discontinue the tolls, what we are in effect doing is placing an additional tax burden, if you will, upon the people of Maine.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, I would move that this bill and all its accompanying papers be indefinitely postponed and would speak to my motion.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I have spoken with many of you in the halls privately on this and you have spoken with a good many other people. This has been an issue, I think, that has been well discussed outside of this chamber.

I have the utmost respect for my friend and colleague, the gentleman from Stonington, Mr. Greenlaw, and I regret having to oppose him on this bill, but I do, most strenuously in fact.

I speak from several perspectives. I will try to be brief but I wish to make certain points and ask you to think about them. If my motion is not successful today, I will certainly not be perturbed but I would ask you to think about the points that are raised in any event.

First, I speak from a perspective as a York County legislator whose area will be impacted very severely by the bill in its present form. At least three of the toll facilities will be in York County. The York County delegation caucused on this matter and all of those present agreed to oppose this bill for that reason. You might say, well, that is a very self-serving reason, and perhaps it is, but I suspect you will understand that our obligation to our constituents requires us, we believe, to take the position for that reason.

However, I have other reasons for wishing to comment on this bill. First of all, as the preceding speaker stated, the argument can be made that there is no compelling reason to address this subject now. The proposed action does not have to be taken before 1981. I will concede that it is not unwise to discuss the issue, however, although I do believe the argument can be made that we don't have to make the decision now. I do believe the discussion of it might be a good thing.

The second point, I will also concede that the maintenance cost is as has been stated, and I personally have no problems continuing the tolls, although not in the manner suggested by the bill. I personally would favor continuing the tolls as opposed to dumping the whole cost of the pike onto the Department of Transportation and the taxpayers and the general tax monies from the gas tax. So that is not really the issue either that I am concerned about. You might say, well, what are your concerns? Well, I am first of all, I question very very much the wisdom of continuing the Maine Turnpike Authority as an entity and, furthermore, allowing that Authority to sell more bonds — number one, for the widening of the road and, number

two, more importantly, for the tearing down of the existing toll booths and facilities and the building of new barrier-type tolls, which I submit are both unwise and also very energy inefficient.

Aside from the fact that I have driven on the Connecticut Turnpike and the Garden State Parkway, as perhaps you have, and have driven up to the barrier type tolls and dropped my quarter into them, and conceding the fact that we might go with mechanical tolls in such barrier types here in Maine which, of course, would put out of work all of the existing toll collectors if we did do that, making those two points, I submit to you that those types of toll booths are very inefficient.

During my tenure as a full-time teacher, I worked for five summers as an employee of the Maine Turnpike at the toll in York. So I know of what I speak, because that toll, along with the Augusta toll, is the one at which the traffic backs up. And, ladies and gentlemen, we had the maximum number of booths and they were always open on the holidays, and I can recall traffic backed up three-quarters of a mile.

I submit to you that if we are asking people to traverse this road under this proposal, particularly during the summer, to pay tolls on an on-system barrier type facility, we are not really energy efficient compared to off-system tolls which we now have and which allow people to get off the main road and pay where they want to get off. I also, to repeat myself, feel it is unwise and rather foolish fiscal policy to authorize the sale of bonds to tear down existing facilities. I would think it would be much more prudent to authorize the establishment of a commuter pass or expand the present pass system that the MTA presently has for high volume users on the road. That can be done now by the MTA if they had a mind to do that.

I do feel we have an opportunity here to eliminate an agency, a bureaucracy, to sunset the MTA, the Maine Turnpike Authority, and I hope we do. In light of all the discussion we have had in recent weeks, with which I agree, we should take advantage of these oversight, sunset approaches whenever possible and I think we have an excellent opportunity to do that now.

The bill runs contrary to that. The bill would continue the MTA and I wish to read excerpts from an article that appeared just last week in the York County Star which was the result of an in-depth interview with Mr. David Stevens, and I submit this article to prove to you that the Maine Turnpike Authority's previous management of its affairs does not inspire my confidence nor should it inspire yours as far as allowing them to rebond and control the repayment of those bonds. The article is entitled "Turnpike Cost has Doubled — Bill for Maine Highway to be \$143 Million," written by Miss Lynne Langley with whom I have spoken and verified the comments in this article.

"The price tag for the Maine Turnpike is rapidly climbing toward \$143.2 million, nearly twice the cost of the initial construction.

"Construction of the State's superhighway was financed with the sale of \$78.6 million in bonds in 1953. Interest has been adding up ever since.

"Between 1953 and 1964, the Maine Turnpike Authority retired none of the bonds. The Authority was paying \$3,144,000 annually in interest alone, according to David Stevens, secretary-treasurer of the Turnpike Authority.

"Before the first penny was ever re-paid on the principal, the Turnpike Authority had spent more than \$34.6 million in Turnpike users' tolls on interest alone.

"More difficult to estimate is the interest paid during the last 18 years. In that 18 years time, \$50.6 million in bonds have been retired.

"I haven't attempted to determine it," Stevens said. In other words, Mr. Stevens was unable to

answer the reporters questions as to why the MTA has followed the policy that it has. In due deference to the gentleman, he has fairly recently joined the staff of the Maine Turnpike Authority and he is not responsible himself for the policies I am describing.

"No one at the Turnpike Authority has, he added.

If anyone knows, First National Bank of Boston does, Stevens said. First National purchases bonds for the Authority and has records of transactions.

"As to the interest paid, I couldn't even guess," said First National's Max Goldsmith, who is familiar with the Turnpike Authority's portfolio.

"Goldsmith did note that at the current retirement rate of \$5.25 million annually, it will take the Turnpike Authority more than five years to finish purchasing the nearly \$28 million in outstanding bonds.

"The Turnpike Authority has been saying it expects to complete bond purchase in 1981, four years from now.

"Although it is impossible to determine a precise interest figure, interest paid since bond purchase began in 1964 will be in the vicinity of \$30 million if all bonds are retired in 1981.

"That brings the cost of the Maine Turnpike to \$143.2 million not including the additional expense of projects such as the \$7 million program to lower the median strip of the Turnpike along 30 miles in York County or the widening of six miles of Turnpike to six lanes from York to Wells."

I am skipping ahead somewhat to save you from having to listen to all of this. "The Turnpike Authority currently is purchasing its \$1,000 bonds at \$1,015 or slightly less, he said," (he being Stevens). "Buying the bonds at premium adds a bit more to the total cost to the turnpike, making the \$143.2 million a bit conservative. By law, all tolls would be removed from the Maine Turnpike and the Authority would cease to exist when the bonds are paid. Stevens does predict final bond redemption in 1981."

Elsewhere in here and I don't see it right now, but elsewhere in this article is the listing of the priorities of the turnpike. That is, what do they do with their revenues which are quite high and why has so little been paid off, relatively speaking, during the life of the MTA? The point is made in the article that due to extremely conservative management which may or may not be good, what you might call the contingency account is extremely healthy to the detriment of the bonds that are still not repurchased.

The point I wish to make in reading all this, and I do apologize for doing so, is that the previous fiscal management of the Maine Turnpike Authority does not inspire my confidence as a citizen or as a legislator. For that reason, I don't believe that we ought to turn right around and entrust to them the continuing responsibility and authority over a turnpike entity. I personally would be quite comfortable with continuing the tolls, although in a different fashion than the bill calls for, and arranging the laws in such a way that the Department of Transportation is in a position to run the turnpike as a turnpike. I would further feel quite comfortable if the DOT were able to do that keeping the existing toll facilities and taking into the state employment service the employees of the turnpike.

I guess I have said enough. I am sorry for belaboring the point. Whether or not you support my motion, I truly hope that you will consider the ramifications of this issue very very thoroughly.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Lisbon Falls,

Mr. Tierney. My question is as follows: Yesterday, in a Democratic caucus, this issue began to be discussed. The sponsor of the bill, Representative Greenlaw, discussed it, the sponsor of an amendment, Representative Biron, discussed it. I got up to discuss it, questioning this entire bill and questioning my amendment, raising a few points. The gentleman from Lisbon Falls, at that point, said we were in a hurry, we wanted to get going, we wanted to get back in session. He assured us we would not be taking the bill up yesterday, that we had more time and there would be plenty of time for a caucus and perhaps a joint caucus would be in order. I would raise a question to that gentleman as to what has occurred and why a joint caucus was not ordered.

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

Mr. TIERNEY: Mr. Speaker, a parliamentary inquiry. In order to answer that question, which I am more than anxious to do, it has nothing to do with the merits of this bill and I would like to ask you if I would be able to answer that question.

The SPEAKER: The Chair would answer in the affirmative.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: The answer, to the best of my conclusion, is the gentleman is absolutely correct. I had hoped to have a caucus or perhaps a joint caucus on this issue. In discussion with the Minority Leader, Mr. Palmer, and with the Speaker this morning, however, after lengthy debate over the two orders, one dealing with CETA and one dealing with legislative reform, given the fact that we have just a great number of other pieces of legislation, I just felt that we had run out of time and that is why I made the decision I did.

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

Mr. BIRON: Mr. Speaker, I would like to pose a question through the Chair to anyone who wishes to answer. If the motion to indefinitely postpone does prevail, will it be the condition of the Maine Turnpike Authority that in 1981, when the bonds are paid, that the Maine Turnpike Authority would be dissolved and at that time the roadways which we now consider the Maine Turnpike would become a free roadway in the state of Maine?

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

Mr. MORTON: Mr. Speaker, to the best of my knowledge, the answer to the question is yes, pending legislation that might intervene between now and 1981.

Mr. Speaker, I would like to proceed on the question. I would like at this point in time to discuss the remarks of the gentleman from Kennebunk, Mr. McMahon. He obviously has made the motion to indefinitely postpone this legislation and has given you some good reasons why he feels that that should be done. I would like to attempt to shoot holes in a couple of the arguments that he made, and I think they were the two principal arguments he made. The first one was that he questioned the wisdom of the authority in its plans to widen the road and change the method of collecting tolls from entry-type systems to barrier type systems. He cited in particular the barrier or the entry problem that exists at the lowest end of the turnpike where you enter Maine and the tremendous backup that existed. I would suggest, ladies and gentlemen, if any of you have ridden the turnpike, and I presume you have, or other barrier-type systems, this particular entrance to the turnpike is nothing else now but a barrier. That is exactly what exists. The barrier-type system does pass traffic more rapidly than the other type entries. That particular entrance is always going to be a barrier

system. I submit that it is capable of expansion. If a backup situation is taking place, then a barrier-type system can be widened and more booths can be installed and this can be done on a scientific basis on the number of cars that are going to use this facility and hence a barrier-type system at that point is the most flexible method of entry and it is the method that is there at the present time. I don't feel that the argument that there is a big backup at the entrance to the turnpike on the southern end is due to the barrier-type system. In fact, the barrier-type system would tend to alleviate that backup and make it so that it could be alleviated even further if the need arose.

He discussed in great detail the financial running of the turnpike, the paying off of bonds and that sort of thing. I trust that if any of you have ever bought anything on time, which is what we did when we bought the turnpike and paid for it with bonds, you know just as well as I do that the first years of an amortization of that sort of thing are mostly interest. You have just got to pay the interest as it comes along. That portion of your amortization payments is necessarily small with respect to the principal. That is what takes place anytime you amortize anything, whether it is a turnpike bond or an automobile.

I don't think the argument that in the early days of the turnpike a great deal of money was spent on interest and none on reduction of principal holds much weight, because it is the nature of the thing and how you can do these things. It is the only way you can do them. It certainly is, I think, on the plus side now, it has turned over.

The gentleman says he has no quarrel with the maintenance cost estimates that have been put forth, that it will be a burden on the people of the State of Maine if we do not continue the tolls, and he is in favor of continuing the tolls. I would submit to you that the traffic on the turnpike has continued to increase, particularly in late years much more rapidly than was originally contemplated. There are times when the turnpike is becoming rather heavily loaded in the lower sections so that the third lane on each side that has been added is a boon in the first five or six miles and that we certainly need to continue to think in terms of that widening, at least as far as Portland, eventually.

The only question now, ladies and gentlemen, that comes in is to whether or not you feel that it should be done with money all from the people who live in the State of Maine and pay taxes, gasoline taxes and all the rest of it, or whether you think we should charge the people who are willing to pay the premium to use this kind of a highway and get the money, at least half from out of staters and half from in-state people who choose to use the turnpike.

The barrier system will allow for a great deal of free use of the facility, because the areas around the metropolitan sections of the turnpike will be given free use through the barrier system to the citizens of those areas. We are expanding the ability of the turnpike to serve the people of Maine and apparently the only question now is to whether you feel it should be done, or the gentleman from Kennebunk thinks it should be done, by an authority or the state. Frankly, I think the Authority has done a pretty good job of fiscal management in that they are paying it off as it was originally contemplated, even though it was slightly slower in the first years.

The proof of the pudding, ladies and gentlemen, is in the eating. We have enjoyed the use of the turnpike. The people who have been paying the tolls have not been unhappy about paying those tolls. They have been willing to pay them. It has been proven by the fact that there are alternative roads to the turnpike and if we continue in the system we have. I think the

Turnpike Authority has done a fine job and has shown that it can financially manage the thing very well. I hope you do not go along with the motion to indefinitely postpone.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I am disappointed that the good gentleman from Lisbon Falls had told me, and other members at the caucus, that this issue would not be taken up until after the caucus was held on it. I assumed I could believe that; apparently something else has occurred.

On the bill itself, I would like to raise a couple of issues. If you will notice, coming out of the committee are two reports, Committee Report "A" and Committee Report "B". Committee Report "B" is the amendment that I sent out. There is only one real difference between the two amendments. Committee Amendment "B" says the legislature is going to have some authority over the Maine Turnpike if it ever decides it wants to exercise it. Committee Report "A" says continue the turnpike, allow them to issue bonds for 20 years. That is fine. But just remember, when you issue a bond, you are issuing a contract. The Constitution says we may not violate contracts. What that means is that when those bonds are issued, we give up any and all control. You say, well, okay, it is a 20 year bond. No, it is not. It is not a 20 year bond. It is bonding authority. Issue one 20 year bond, wait five years, issue another 20 year bond, wait five years, issue another 20 year bond. You are creating an authority that is above the legislature, that is above the law for as long as it wishes to continue. This is something that I do not believe in.

I have questions about authorities generally. Where possible, I don't think they should exist. I think the government, through the State of Maine, ought to control them, ought to control the functions, ought to be influenced by the elected officials of the people.

It seems to me that if we are going to continue to collect tolls and to run this road, and I have no problems with that, at the very least what we ought to do is prevent those bonds from being issued. The fact of the matter is, there is no reason whatsoever to issue bonds for 20 or 30 or 40 or 50 years except to prevent the legislature from ever having any control over that institution. The fact is that they want to issue bonds for a maximum of \$25 million to cover the initial start up costs, build a few new interchanges, buy back some federal sections that have been previously paid for with tax dollars and finally to institute some new toll barriers. That is fine. But take out a piece of paper and put down \$25 million. Then jot down on that same piece of paper the cost of maintaining the turnpike, and say it is \$5 million I don't believe it is anywhere near that yet, but assume that it is \$5 million. The revenue for the Maine Turnpike Authority last year was approximately \$15 million. By the year 2000, the estimates are that the turnpike revenue will be well in excess of \$25 million. You are talking a minimum \$10 million a year excess surplus revenue, call it anything you want.

It does not make any sense to me whatsoever to borrow \$25 million, put that out on a bond that lasts at least 20 years when you can pay it back in three years. These are maximum figures. The \$25 million figure is one they hope they will not have to borrow that much money for. If they need to borrow the money, let them borrow it for a couple of years once. Let them do whatever they feel is necessary as an on-going proposition with no outstanding bond. If there are outstanding bonds, we lack control. The people of Maine lack control. The Turnpike Authority has all control over that.

I am not saying that we are going to have to step in and interfere and say do this or don't do

that, but I very much object and the constituency that I represent very much objects to the idea that an Authority is going to continue under nobody's control except members of that Authority. The present Authority members serve for 10 years. That is an excessive amount of time. Under the bill, it will still be six years. I consider that, again, an excessive amount of time.

I would urge that when you give some thought to this bill and you are deciding in your own mind what is going to happen, that you remember this, that if we enact the Majority Report with Committee Amendment "A", we are preventing any future legislature, we are preventing the people of Maine, through their elected officials, from controlling or having any real impact over what occurs.

This is something that to me is paramount. It is far more important, this issue of control, then anything else in this entire turnpike issue.

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

Mr. VALENTINE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman of the House: I rise to support the motion of the gentleman from Kennebunk, Mr. McMahon, to indefinitely postpone this bill. I will begin by confessing to a very distinctly parochial interest in this matter. I live in York. I live where it begins or ends, depending on which direction you are heading in. I am not so sure but what I might take exception to the gentleman from Farmington, Mr. Morton, suggesting that people who use that road and pay the tolls are happy to do so. I use that road and pay the tolls and I am very unhappy about it.

The use of the Maine Turnpike, particularly for people going from York County in the southern part of the state to any place further north, is not an option, is not a luxury. If any of you have ever driven on Route 1 in York County, particularly the southern part of York County, in the summertime or on weekends, in the spring or in the fall, you would be faster to walk than to drive. For me, using the Maine Turnpike is not a luxury, it is not a convenience, it is a necessity in order to get anywhere from where I live to any point in this direction.

I can remember that probably from about the time I got my driver's license 18 years ago in the State of Maine, talk about how someday through the paying of the tolls that all of the bonds of the Maine Turnpike would be paid off and that someday it would become a free highway. For years and years and years I have waited and now, suddenly, I understand that in 1981 that might become a reality. Yet, here I see a bill which would extend that Authority, would extend the use of the tolls and I find that absolutely unacceptable. I am very much opposed to extending the existence of the authority and extending the tolls.

I will probably be speaking on this further as this goes along rather than use all the time right now, but I think one of the issues being used to get people to support this particular bill is the concern about the cost of maintaining the highway, be it \$4.9 million, \$5 million or whatever. I resent the fact that I and people in my area are the ones who, as far as Maine residents are concerned, are the ones who are going to be paying the bulk of that toll to maintain that highway and yet we also all pay our gasoline taxes to support all of your other roads in other parts of the state. I would suggest if we want to be fair and equitable about who is going to be paying to support what roads, maybe we had better put a toll barrier between Augusta and Lewiston on Route 202. Maybe we ought to put one on Route 1 between Houlton and Presque Isle so we can distribute this a little more fairly.

I don't know what the barrier situation would be, but if I want to go to Portland, a distance of

all of 42 miles, and that is the nearest large city in Maine, it is \$1.80 round trip. With the opening now of Interstate 95 between Topsham and Gardiner, that pretty well precludes the necessary use of at least the upper end of the Maine Turnpike. People now at least have an option.

What we are really talking about is use of the turnpike from York to Portland. I would hope that all of you would think about this and think about how you would feel if you had in your part of the state a road that was really basically the only road that you could use to get anywhere and you had to pay tolls on that road. I am sure the people coming down from Aroostook county really don't have much choice. You have to come down route one. Then you would have to come down Interstate 95. It would take you three days if you tried to go any other route. I am sure. I don't think you would be very pleased about having to pay tolls to get down to Augusta. I hope you give that some consideration and I hope you will support the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I wish to respond to Representative Morton's comments in what I suspect will be my last comments on this bill and on my motion. The gentleman made two points in rebuttal to what I said. I, frankly, knowing Mr. Morton's abilities, had expected him to make more accurate rebuttals. What he said is totally inaccurate and I wish to rebut his rebuttals.

Number one, he said I missed the point that the York toll is nothing else but a barrier, and that is quite untrue. I think I made the point, having worked in the toll house for five summers, that it was a barrier-type toll and that the traffic did back up at York tolls, sometimes as far as three quarters of a mile, and it was because of that that I saw the barrier-type toll as being an inefficient toll. That is what I said, or I thought I said, and if I have said it wrong, I restate it in that way.

Any of you who have travelled down the Garden State Parkway or the Connecticut Pike, you know what a barrier-type toll is; you can judge for yourself whether they are more efficient than the off-system type toll booths that we presently have. I submit that they are not, because with the exception of York and Gardiner now and Augusta, you have non-barrier type tolls along the Maine Turnpike.

The second point the gentleman made was even more interesting. He justified as perhaps being good business practice the payment of 11 years worth of interest on the MTA bonds. Perhaps the gentleman is right; perhaps this is the way you amortize a bond issue. I don't know. I surely hope it isn't, because I don't think it is in the public's interest to do it that way.

Furthermore, the gentleman seemed to be implying that the Maine Turnpike Authority was a good manager over the years. Well, I have found the additional comments that I couldn't find earlier from this article, and I wish to end my comments by telling you just how good managers they are. According to the gentleman from the bank, Mr. Goldsmith, "although the turnpike grossed \$14,177,000 last year, only \$4.7 million of the total ever went toward bond retirement." Now, if the gentleman was justifying 11 years worth of payment of interest, it would seem that the MTA is not much more interested in paying off the bond principal even now. I don't believe that that is the way an authority, supposedly acting in the public's interest, should act.

Furthermore, the gentleman in this article goes on to say, and this is very revealing, according to the way that the turnpike accounts, their policy, their structure exists. First, administration and operating budgets come off

the top. All the tolls, all the revenue comes in and this is how it is disbursed. First, administration and operating budgets. Second is the deposit into the bond interest account to assure that both twice-annual interest payments can be met. Third in priorities is the reserve maintenance account which pays for larger maintenance projects. Fourth comes the reserve account, never tapped in recent years. Fifth, and last, is the bond's redemption account. Ladies and gentlemen, I submit to you that the Maine Turnpike Authority over the years has not been interested in putting itself out of existence. I don't feel that this is a record that deserves our approval and deserves continuation.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know the first thing about the bond issues and I don't know the first thing about how it is run, but I do know this. Regardless of what we do, in my area we are the most users of the turnpike. We have Exits 6, 7, 8, 9 and 10 right in our area.

I disagree with the gentleman in the back row. If I want to go to one of those places, to Portland or to Falmouth or to Scarborough or to South Portland, I can either take the back roads or I can pay to go on the turnpike. I can assure you that Saco Street and Spring Street and Stroutwater Street and Pride Street and Brook Street are not Route 1. Those are back roads and they are very heavily used. But if I want to pay to travel on the turnpike to get off at any of these other places within the county, I can pay to do so. I think we have got too many freeloaders in this state anyway. And if you people who live on the outskirts don't use the turnpike, you want to pay more taxes to pay for the freeloaders to use that turnpike, then there is something wrong with you.

I say to you ladies and gentlemen, keep the tolls on, make the people who use the turnpike pay for the use. This talk about Route 1, sure it is heavily traveled. All the roads are heavily traveled today. No one denies that, but why let all the people use that road, and I am not talking about the barriers, I have traveled as much as anyone and I know what barriers are and I know what the backup is in York and it is only there during the summer months. If they get most of the tolls open like they are supposed to, they wouldn't even have that, but I am not telling the Turnpike Authority how to run their business. I am only telling you people here today, do not let the taxpayers of this state pick up the tab for the freeloaders. If the people in York don't like to use Route 1, then let them pay to use the turnpike. I pay to use the turnpike when I don't want to use Spring Street.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take much of your time. But in quick response to the gentleman from Westbrook, Mr. Laffin, we will pay for use of the turnpike in our area, but we just don't like three barriers in York County. If you want to slap us in the face, pass this bill.

I urge you to vote for indefinite postponement.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be on the Committee on Transportation and we had a

good discussion on this bill. I will tell you that Lewiston and Auburn is not very satisfied with what has happened but we are in agreement with what is happening. But I will tell you one thing right now, the smaller towns, if they want to lose the money they are getting now from the Highway Department, all they have to do is vote against this bill. You are going to be caught with a \$5 million deficit in our budget and you are going to be forced to vote for a gas tax. If you want a gas tax, go ahead and vote against the bill.

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

Mr. HUGHES: Mr. Speaker and Members of the House: The Androscoggin County delegation spent a great deal of time on this issue because the original bill, as it came out, dealt very unfairly with Androscoggin County. I think those parochial concerns have been dealt with in the amendment, and as far as Androscoggin County is concerned, this bill is fair. We are, therefore, as members of the Androscoggin County delegation, free to say what we wish about the principle of the bill and look at the bill from a statewide perspective. And I wish to join those who are very concerned with continuation of the Authority.

Don't let the speakers confuse the issue between continuation of the tolls and continuation of the Authority. They are very distinguishable issues. We have heard from the Attorney General's opinion that we don't need the Authority to float bonds and to do the other tasks necessary to collect tolls and I think it is very important that we keep those issues separate.

I have reluctantly concluded that we ought to continue the tolls on the turnpike. I say reluctantly because I can hear the people reacting when we do it, people saying, oh, we knew those politicians would never take those tolls off when they promised us that years ago. But I think that viewing the fact that 20 percent of the gas tax is paid by out of staters but 50 percent of the tolls are paid by out of staters, then I guess I think, given our present situation, we ought to continue the tolls. Which form and where you put the barriers is an open question, but continuing the Turnpike Authority would be a major breach of faith with the people of this state. To provide an agency whose main purpose is always to continue itself, to give it the power to spend hundreds of millions of dollars to widen its own function, to continue its own function just seems to me irresponsible. The time is now to get that authority and turn that task over to the State Department of Transportation over which we have at least some measure of control and return to the people some control over how great sums of money are going to be spent in the future.

So the issue is not tolls as far as I am concerned. The issue is continuing the Turnpike Authority. I will vote against the pending motion to indefinitely postpone this bill, but I will never vote for the bill at enactment or even second reading if it still contains the Maine Turnpike Authority.

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

Ms. BACHRACH: Mr. Speaker, I would like to pose a question. I would like to know whether we have means of continuing the tolls without the Authority?

The SPEAKER: The gentleman from Brunswick, Ms. Bachrach, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, to answer the question of the gentleman from Brunswick, Ms. Bachrach, yes, I suppose we do have the means to continue the tolls if, in fact, the legislature wishes to enact legislation that would direct the Department of Transportation

to do that, assuming the Authority would be abolished.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Kennebunk, Mr. McMahon, that this Bill, L. D. 388, and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Berry, Biron, Birt, Boudreau, P.; Carey, Carroll, Carter, F.; Churchill, Clark, Conners, Connolly, Cunningham, Curran, Davies, Diamond, Drinkwater, Dutremble, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gray, Green, Hobbins, Howe, Immonen, Joyce, Kane, Laffin, LaPlante, Lewis, Lizotte, MacEachern, Mackel, Marshall, Martin, A.; Maxwell, McBairty, McMahon, Mitchell, Moody, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Peltier, Post, Raymond, Rideout, Shute, Smith, Spencer, Stover, Tarr, Teague, Tozier, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood.

NAY — Aloupis, Ault, Austin, Bagley, Benoit, Berube, Blodgett, Boudreau, A.; Brennerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carter, D.; Chonko, Cote, Cox, Dewoe, Dexter, Dow, Durgin, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hickey, Higgins, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, Jalbert, Jensen, Kany, Kelleher, Kerry, Kilcoyne, LeBlanc, Littlefield, Locke, Lougee, Lunt, Lynch, Mahany, Masterman, Masterton, McHenry, McKean, McPherson, Mills, Morton, Nelson, M.; Peakes, Perkins, Peterson, Plourde, Prescott, Quinn, Rollins, Sewall, Silsby, Sprowl, Strout, Stubbs, Tarbell, Theriault, Tierney, Torrey, Trafton, Whittemore, Wyman, The Speaker.

ABSENT — Carrier, Dudley, Norris, Talbot. Yes 67; No, 80; Absent, 4.

The SPEAKER: Sixty seven having voted in the affirmative and eighty in the negative, with four being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-734) was read by the Clerk.

Mr. Biron of Lewiston offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-743) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, I move the indefinite postponement of this amendment and would like to speak to my motion.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves the indefinite postponement of House Amendment "A" to Committee Amendment "A".

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think what the amendment does, the gentleman perhaps could have explained it, is to establish one toll facility at the Maine Turnpike in York with a 75 cent charge. I think the argument the gentleman would make, and I don't want to make his argument for him, although we obviously have discussed it back and forth, is that this would provide sufficient revenue to pay for the maintenance costs of the turnpike facility. That may or may not be. I think that is conjecture at this point in time, because I don't think we know how many cars would attempt to bypass that one particular facility. I would suggest to the people who live in that York County area of Route 1, that all this would do is add more congestion, more confusion, more frustration to

the already understandably overcrowded Route 1.

I think the other thing it does, it precludes us from doing, and that is the possibility of considering at a later date whether or not we want to expand the turnpike. So for those two reasons, I do hope that you will support the motion of indefinite postponement.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman is quite correct in saying that what this amendment proposes to do is set up a one-toll system in the State of Maine. Let me explain to you my reasoning behind this. Obviously when the Maine Turnpike Authority bond issues were floated, the people in the southern part of the state were led to believe that when the bond issues were paid there would be no longer a toll on the Maine turnpike. Then the great surprise came this year when it was said that it will cost approximately \$5 million to maintain that turnpike once the bond is paid off.

This amendment does several things. First of all, it does away with the Maine Turnpike Authority. Number two, in 1981, when the bond issue is paid, the Maine Turnpike Authority turns over to the Department of Transportation that road system. At that time, the Department of Transportation, according to this piece of legislation, would set up a one-toll system. The one-toll system would be at York, at the entrance of our state. The charge would be 75 cents coming in and 75 cents going out. The estimated revenues, based on the figures given to me by the Department of Transportation and the Maine Turnpike Authority, would be \$4,700,000 a year, which, according to their own arguments, is enough money to maintain that road without putting the burden on the people of Maine, the people who need to use that road every day.

One argument has been brought up that the people who use this road will circumvent the one-toll system. Well, I will attempt to prove to you that they won't, because if there are any legislators who are from the York area who say to me that they would prefer to use Route 1 to the Maine Turnpike, I would tend to agree with that argument, but in talking to those representatives, they have said that no one in their right mind will circumvent a one-toll to use Route 1. And if any of you know what I am talking about, you have been in that part of the state. You have to realize that you would have to go direct route on the turnpike to get off at the next exit is 11 miles. You would have to go 14 miles to circumvent that 75 cent toll, where if you go to New Hampshire, which is 18 miles long, right now they have a toll that costs you 45 cents. You can go three miles in New Hampshire to circumvent that toll, but nobody does. They pay the 45 cents and just go on their way. The exact same thing will happen in the State of Maine. They will pay the 75 cents and it will be fair for everyone.

There has to be a consideration in this amendment for those people who use that every day, and that consideration is there in this amendment because it says that if you use it every day, you can get a pass. If you work in Portland, you can get a pass and you don't have to pay the 75 cents. I did not spell out exactly what it would be, and I would be agreeable to an amendment that would say exactly what that charge would be if there would be any for those people who live there and use it every day. I have no problem with that because I know the large majority of the money that will be taken in will be taken in from those people who travel in and out of our state. Those are from the figures that have been given here this morning, 50 per cent of the people. Why shouldn't 50 per cent of the people who travel the Maine turn-

pike pay for it, those out of staters? I can't understand why not.

This is a fair amendment. It does, in my opinion, hurt a little bit in the southern part of the state. You have to realize that if you live in Biddeford right now and you travel to Portsmouth, New Hampshire, it is going to cost you 65 or 70 cents. I might be incorrect, but it is pretty close to that figure. This amendment, for those who use it every day, the people who live in Biddeford and the people who live in Kennebunk and the people who have had those problems, if the bill passes as it is now, they are going to be paying tolls no matter where they go, but under this amendment, the only time they pay a toll is when they go out of state.

Some of you have voted to keep this bill alive and I hope you didn't vote to keep the bill alive to keep tolls all the way up the road. I think you voted to keep the bill alive for a reasonable alternative, and this is a reasonable alternative. It is 75 cents, it raises the money that we need, it doesn't put the burden on the people of Maine who were told that this is going to be free in 1981. I am willing to pay the 75 cents if I go out of state and I think everyone else here is too, but if we have to travel to Portland and if we have to travel from Biddeford to Portland, that will be free the same way as from Waterville to Bangor. That is fair.

I would hope you would seriously consider this amendment because it is in the best interest of the people of Maine and it does bring in the revenues necessary to keep the road open.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I also hope you will support this amendment. I realize that many of you voted against my motion, or some of you at least, because you didn't want to eliminate the bill, the vehicle for making some of the changes that you would like to see made. I accept that fact. I knew it when I made the motion.

If you share my concerns about the desirability of eliminating the Authority and the concern about tearing down the existing booths only to build new barriers, then I think this gentleman's amendment is the perfect vehicle to go with because it does both those things and it also creates a one-toll situation at York which we are told will provide enough money to keep the maintenance of the road up and I also share that desire.

I also agree with the gentleman that not too many people coming into the state are going to detour around York tolls up to Wells, over a very very poor Route 1, and then back out to the Wells exit, which is the only way they could do that. It would be a circuitous route, to say the least, and I expect that most people would be quite willing to pay the 75 cents to avoid doing that.

So I think in the gentleman's amendment and his proposed amendment he has the bases for solving certainly my concerns and if you share my concerns, I hope you will support his amendment, realizing that perhaps the amendment needs further refinement and that it will get that because you have already voted to keep the main vehicle alive.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly support the indefinite postponement of this particular amendment. I can't help but observe that the good gentleman from Lewiston did not establish this toll facility in the City of Lewiston, he put it quite some distance away, down in York, and I am very thankful that he didn't put it in Hallowell either.

It may be true that not everybody will try to circumvent this, but I would suggest that enough people would try to circumvent this particular toll facility, in particularly the large,

great big trailer trucks which nobody really likes on side roads. I am sure they would all attempt to circumvent it because they are always looking for a way to avoid payment of tolls. I think what we would end up with is a rather large, in fact a monstrous traffic jam continually and constantly in the Town of York, in York County. I can see what he is attempting to do, but I wonder if he has made any definite study to determine whether this 75 cents is adequate. Right now, they get over \$2 to travel the entire length of the turnpike. It just doesn't appear to me that this particular amendment will solve any of the problems that we hope to solve.

Mr. Greenlaw of Stonington 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 Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: The gentleman from Lewiston and I have not agreed in the last few days on many issues and I suspect we are not going to agree later this afternoon when we discuss billboards again, but on this point, he has hit it right on the head, and because we are from the same community and I have been talking to him about this issue for a long time, I know he has done his homework. I know that he has been working on this exact proposal since last fall and I know that it is sound.

The tolls are not put in Lewiston for a very good reason, it is not simply for parochial interests, it is because it is at York County that we have the best access to those tourist dollars. That is where they are coming into the state. In fact, to be reasonable, north of Portland you are not going to get many tourists on the turnpike anyway. You are going to get mostly Lewiston, Auburn people and people going to Farmington, Rumford and those areas. So the tourist dollars are located in the southern part of the state.

Now, if we are willing to go along with tolls on the turnpike because we know that through tolls you place more of the burden on the out-of-state tourist, then I think we ought to extend that principle one more step and say that the location at which you can put even more of the burden, a relative proportion of that burden upon the out of staters is at the southern entrance to the State of Maine. We are not picking on York, it is just that is where the state starts and that is where the toll ought to be. People living in York County can very easily avoid getting on beneath that turnpike, south of that entrance, so I think this is a proposal which is fair to York County. We have heard from some members of the York County delegation in favor of it. It is fair to the people of Maine because it puts the largest part of the burden of maintaining the turnpike upon the out of staters.

Two objections have been raised, one, that a lot of trucks are going to start avoiding this toll. Well, trucking costs money; time is money to trucking companies, and I just don't think they are going to send the trucks 18 miles around the barrier at the cost and the salaries that truck drivers maintain simply to avoid a small toll.

The 75 cent figure, as Mr. Biron has found in his research, is adequate to support the cost of maintaining that turnpike, but what it does not do and what the present system and the present \$2 tolls do is provide great sums of money for future construction and future widening. If that money is needed, they can come to the legislature and we will find a way to fund it, either through additional tolls or whatever

mechanism this legislature wants to find, but we don't need to provide them a guaranteed source of a lot of extra money which they will find a way to spend if they have it.

I support the amendment and I hope you will too.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Members of the House: Mr. Biron mentioned in his talk about amendment 743 the demise of the Turnpike Authority, and after reading it, we haven't been able to see that anywhere. I wish he would respond to that.

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

Mr. BIRON: Mr. Speaker, in Section 1 of the amendment, "The Maine Turnpike Authority, prior to the effective date of this act, the State of Maine, acting through the Department of Transportation, shall assume all responsibilities." Obviously, the Maine Turnpike Authority passes all responsibility on to the DOT, and it says this in Section 1.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, when Mr. Biron first suggested this particular amendment to me, my reaction was quite negative to it, but, quite frankly, in thinking about it further, I think it is a workable solution that he has offered to us.

I do believe that anyone during the summer months may circumvent that toll booth just once and I don't believe he would make that mistake again during the summer months. He would try it once but never again.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I am going to support this amendment, although I do have some problems with it. One problem, during the summer months, the towns of Kittery and York will still have to pay a toll to go north on the turnpike because they would have the same problem circumventing — people living in those towns going up, as would the tourists. But I think this is a start in the right direction and maybe we can work something out with Mr. Biron as a friendly amendment, because contrary to what a few people here seem to suggest, my good friend from Auburn, Mr. Hughes, actually there are Maine people living in southern York County, in the towns of Kittery and York and South Berwick and Eliot and every once in awhile we do like to come north into Maine here.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I just have a couple questions through the Chair, if I may, to Mr. Biron. In 1981, you might say at the demise of the present system, there is no doubt in my mind that there is going to be a fairly decent amount of money that is going to have to be set aside to go from the present toll system into the single barrier system. My question is, is this going to be funded from the present funds generated by the Maine Turnpike Authority or is this money going to come from the Department of Transportation? How much money is going to be involved in regenerating the new system?

The SPEAKER: The gentleman from Limestone, Mr. McKean, has posed a series of questions through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, in answer to his questions, I presume his question is that to set up this new system it is going to cost some money and where is this money going to come from? I am not sure, but I can guarantee you one thing, it is going to cost a lot less to put up

one barrier than it is to put up the monstrosity that was in this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Aloupis, Bennett, Berry, Brown, K. L.; Bunker, Burns, Carroll, Cote, Dexter, Elias, Gill, Greenlaw, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kilcoyne, Laffin, LeBlanc, MacEachern, Mahany, McHenry, Mills, Morton, Palmer, Peakes, Peltier, Perkins, Smith, Stubbs, Valentine, Whittemore.

NAYS — Austin, Bachrach, Bagley, Beaulieu, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carey, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jensen, Joyce, Kane, Kany, Kerry, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Marshall, Martin, A.; Masterman, Maxwell, McBreairey, McKean, McMahon, McPherson, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Sewall, Shute, Silsby, Spencer, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Wilfong, Wood, Wyman.

ABSENT — Ault, Carrier, Dudley, Rideout, Talbot.

Yes, 33; No, 112; Absent, 5.

The SPEAKER: Thirty-three having voted in the affirmative and one hundred twelve in the negative, with five being absent, the motion does not prevail.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I was a little confused here on this vote, and I would like to go on record as changing my vote from yes to no on indefinite postponement.

Thereupon, the Bill was assigned for second reading tomorrow.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until two-thirty in the afternoon.

After Recess

2:30 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the ninth item of Unfinished Business:

Bill, "An Act Concerning Required Voting on Certain Boards and Commissions with Quasi-judicial Authority" (H. P. 1200) (L. D. 1441) (C. "A" H-758)

Tabled — June 27, 1977 by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed.

On motion of Mrs. Locke of Sebec, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentlewoman offered House

Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-876) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Members of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

I have a great deal of respect for both the gentleladies whose names are on this bill, but I do have many problems with it and I want to share them with you very briefly and give you the reasons why I believe it is an improper bill for us to pass. I hope that we will, indeed, indefinitely postpone it. Perhaps the subject which it is addressing could be addressed in some other manner or some other time, I don't know, but I think the philosophy behind the bill may be very good indeed, but the damage that could be done by it, I think, could be much more severe than any correction that could be made by passage of the bill.

As you know, if you look at the bill, it does deal with the subject of absenteeism on various boards and commissions as well as the right of a member on those boards or commissions to abstain from voting on certain issues. I looked at the bill and, frankly, my very first thought was that it looked too much like a report card for Johnny to bring home and have checked off and signed by a parent in order to proceed on to the next grade. While the sentiment may be there, the fact is that there is just too much in this bill which would tie the hands, I believe, of both the legislature and the Governor and would make it very difficult, indeed, for the Governor or others to get people to serve on boards.

I will just call your attention to a few things. The reasons why, for example, a member, now with the new amendment, I will apologize, I have not looked it over, and I can't speak to that full amendment, but I want to give you the generalities of the bill as I understand it before the amendment was put on. But we are dealing with when a member of a board or commission could perhaps be made to resign, or would automatically be off that board or commission if he did not do one, two, three, four, five. For example, the bill provides for the removal of members who fail to vote; it provides in part, absent when the vote is taken; the members on annual leave and has notified the agency in advance that he will not be in attendance; the member has a family emergency due to death or sickness in his immediate family or the member is ill or incapacitated; or due to weather conditions, go down the line, these are some of the various reasons why a member might automatically be dropped from a board or a commission. I maintain that they would create havoc in trying to get someone to serve on a board or commission and I would like, to just save time, to read you a few of the comments of some of the various department heads and commission members who have either, at the hearing or other times, made comments on this bill and the problems that it might create. For example, there may be many legitimate reasons for being absent that are not included in the bill, car trouble, family events of a non-emergency nature. It might be of a very important nature, unavoidable business conflicts, or this bill would prevent well qualified but busy people from serving because they face the possibility of embarrassment if they were removed because of an unforeseen conflict with just one meeting. Under this new confirmation procedure, it is the legislature's duty to probe into a nominee's background and to determine his ability to meet these needs. It is our duty to probe when a man is brought before the various joint committees. If we find in that probe that