

# 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**

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**Senate Confirmation Session  
September 16, 1977**

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KJ PRINTING  
AUGUSTA, MAINE

I am going to mention just two or three of the highlights of the proposal. The Senate, I think, is aware that this came out of a Blue Ribbon Study Commission that was created by the 107th Legislature, was headed by the District Attorney for the District that includes Kennebec and Somerset Counties, Joseph Jabar of Waterville. That Commission did a great deal of work and came in with a report and an extensive Bill, much more extensive than the Bill which is now before you.

The Judiciary Committee eliminated from that Bill an extensive Section that had to do with habitual truants. The Senate has within the past week dealt with the habitual truant problem as worked out by the Education Committee, and by a Committee of Conference between this Body and the other Body, and it was felt that that was a better way to deal with that matter, so that material was no longer a part of this Code.

Some of the other things that we did tended to trim the cost a bit. We have to recognize that this is an expensive measure down the road. It calls for as many as 15 new people working in the Department of Mental Health and Corrections. Now much of this at the beginning is helped by Federal funds. How long Federal funds will continue to help and in what degree I think is pretty difficult to predict, but in any event it provides an opportunity to have these people that would be called in-take workers. They would be under the Bureau of Mental Health and Corrections, trained people who would attempt to screen the juvenile problems as they come along. Some of them do have to go to Court, but some of them can be handled by reference to social service agencies or to particular private and public groups. Sometimes the problem is alcohol. Sometimes drugs. There are groups that deal with drug abuse and alcohol abuse on a private basis, as well as taxpayer funded agencies, and in some cases these matters can be handled without pushing these youngsters into Court, particularly in their first brush with the law.

Our Juvenile Court Judges have told us by and large that they think these in-take workers can perform a very important service in aiding the Court system, in aiding the existing system of probation and parole in working with these young people.

Another important feature of the Bill is that it makes public rather than private the adjudicatory hearings and procedures on the more serious crimes, the homicides and the Class A, B, and C crimes. There has been a feeling that we have shielded the juvenile perhaps too much in the more serious areas of criminal activity. In the less serious areas, the Class D and Class E crimes, we have continued the present policy that those hearings should be private.

One of the difficult questions that the Committee faced was to what extent there should be Jury trials provided. It was the Committee's decision that we should not encourage a greater use of Jury trials in juvenile matters, because of the time problems, the expense problems and we felt that this was not a necessity in most juvenile cases. I believe it is that question that may cause more debate than anything else in the other Body.

There are other things here that you may want to discuss, and I will not try to give you a complete run-down, but in general we feel that the juvenile is provided with a better system of social service, reference service, and if his problem is not the kind that can be handled by that service, then to move him into the Court system. In more serious cases, there would be bind-overs, moving the case up to Superior Court. Of course, we expect that most of the great bulk of juvenile offenses will continue to be handled in the District Court, sitting in their capacity as a Juvenile Court.

Because of a couple of questions that have

surfaced since the Bill came out in its new printing, we anticipate there may be one Amendment from the floor, and I am hoping this may be tabled until later in Today's Session.

One thing I do want to make clear is that the effective dates are not until July 1, 1978. As we did with the Criminal Code, we have delayed the date for two reasons, one to give a further opportunity for scrutiny and the correction of errors, and, second, to permit education of the enforcement community, our prosecutors, our police, potential workers in the system, and it is the intention of the Judiciary Committee to further review this matter when we come into Session next January to see if there are other things that we can do to make it a better piece of Legislation.

Thank you, Mr. President.

On Motion of Mr. Curtis of Penobscot,

Tabled until later in Today's Session.

Pending passage to be engrossed.

(See Action Later Today.)

Out of order and under suspension of the rules, the Senate voted to consider the following additional papers from the House:

#### Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment. (S. P. 436) (L. D. 1513)

On Motion of Mr. Huber of Cumberland,

Placed on Special Appropriations Table,

Pending Enactment.

An Act Concerning Requirements for Absentee Ballots. (H. P. 1117) (L. D. 1335)

An Act to Revise the Fish and Game Laws. (S. P. 363) (L. D. 1224)

An Act to Amend the Child Abuse and Neglect Laws. (S. P. 337) (L. D. 1122)

An Act Permitting the Director of Public Lands to Sell Small Parcels of Public Reserved Lands with Legislative Approval. (H. P. 1681) (L. D. 1875)

An Act to Authorize Family Crisis Workers and Short-term Emergency Services for Children, to Require the Designation of Return to Family Workers and to Enact Objectives and Priorities for Services to Children. (S. P. 579) (L. D. 1893)

Which were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Emergency

An Act to Revise the Maine Tort Claims Act. (H. P. 1680) (L. D. 1874)

#### Emergency

An Act to Clarify Actual Notice Under the Recording Laws in Regard to Exceptions and Reservations. (H. P. 1119) (L. D. 1337)

These being emergency measures, and having received the affirmative votes of 23 Members of the Senate, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate:

The following matter, in the consideration of which the Senate was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 25.

HOUSE REPORTS — from the Committee on Transportation — Bill, "An Act Relating to the Maine Turnpike Authority." (H. P. 343) (L. D. 388) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-734) Minority Report — Ought to Pass as

Amended by Committee Amendment "B" (H-735)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Either Report

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREFFEY: Mr. President, I move the Senate accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, would a Motion to indefinitely postpone be in order?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I would ask for the indefinite postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Senator from York, Senator Farley, now moves that this Bill be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate, I oppose the Motion for indefinite postponement of this L.D. pertaining to the Maine Turnpike Authority. I guess it seems like a cop-out if you just use that particular approach, and I think when the rationale is really known about this particular matter, later on in the Session, if I do prevail in not having this L.D. postponed, it might become clear as to the intent and purpose of the Motion itself originally.

If the Motion to indefinitely postpone does not prevail, Mr. President and Members of the Senate, I do have an Amendment to this particular Bill that would clarify much of the disparity that has materialized during the Committee hearings and the questions the people have raised in reference to the continuation of the Maine Turnpike Authority.

One point that I want to stress at the present time is that the Amendment I will propose, if this Motion is killed to indefinitely postpone this particular Bill, will be the phasing out of the Maine Turnpike Authority over an 18 month span of time after the effective date of 1981.

There has been much input and much evaluation analysis, and I sincerely believe a realistic approach is being presented, or will be presented hopefully this morning, by this Amendment that will answer the various problems, even Senator Farley's problem, which we indefinitely postponed his Bill earlier where he was concerned about the tolls and commuter passes in the York County area. This is addressed, I must say, in this particular Amendment.

This particular Amendment does not represent an impulsive action, but a very positive action on the part of many people, and long before this particular Bill was presented to the Transportation Committee, there had been many hearings concerning the phasing out of the Maine Turnpike Authority, and I must say most of the major hearings centered around the Cities of Lewiston and Auburn, because we really were concerned insofar as the economic impact that this particular Bill would have. We weighed this Bill. We have analyzed it, and we have criticized it, and we have come up with what we consider is a realistic approach if I am allowed to present this Amendment a little later on.

Mr. President, in order to save time, and time is precious this morning, I would oppose the Motion to indefinitely postpone and hope that the Members of the Senate would support

my Motion in hopes that I could present Senate Amendment 371, and I would ask for a Division.

The PRESIDENT: A Division has been requested.

Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from York, Senator Farley, that L.D. 388 be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, is it appropriate to discuss the Amendment that is going to be before this Body very shortly?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate, I requested indefinite postponement of this Bill. I have no real strong objection at this point to the present status of the Bill with the House Amendment on it. It is for one toll, .75 at York.

You all remember two weeks ago when Mr. Mallar was before this Body, he quoted a figure as to how much money they would need to maintain the Maine Turnpike Authority. I would like to quote something from this Morning's Maine Times and a quotation by Commissioner Mallar. "Commissioner Roger Mallar said the .75 toll would generate the necessary \$4.7 million projected annual up-keep costs for the Turnpike, because the toll would be kept at York, the southern Maine interests, the shift of most of the burden of maintenance will be on the out-of-state motorist."

Now our concern here, I would assume, is the cost of maintaining the Turnpike. The Bill in its present form gives us no indication as to how much money will be generated. The Amendment Senator Minkowsky is going to present here, again gives us no figures on how much money it should generate.

You know, now in York County, and we are the ones that are the most affected by this, we pay gasoline taxes just like everybody else. We are entitled to a highway system like everyone of you enjoy. However, to do that would cost the State a ridiculous figure. We are talking somewhere in the neighborhood of a half million dollars. It just is not possible in York County.

To get from one end of York County now, from Scarborough to Kittery, you have to go through Scarborough, Saco, Biddeford, Kennebunk, Wells, Ogunquit and York, numerous numbers of red lights. Traffic at this time of year is just unbearable. We are not asking that. We are asking for a minimum toll for the up-keep of that Turnpike.

We in York County do not mind taking our gasoline tax and building your roads, but I certainly do not want our money paid on tolls going to maintain the rest of the highway system of the State of Maine. I think that is unfair of anyone in this Body to ask of us, and that is exactly what Senator Minkowsky's Amendment does. That is exactly what the Bill before you does, and I think it is an insult to the people in York County.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I deeply regret that Senator Farley from York looks upon it as a deep insult. I guess the gas taxes are paid by all of the citizens of the State of Maine, including the many people in the Lewiston-Auburn area, even my Senatorial District, which runs into 295.

We can only give you an estimate of what it is going to cost or what the tolls will be. It cannot be spelled out in the Bill itself. They are only estimated figures based upon past performance, and the figure I received on this particular estimate was about \$4.9 million as far as costs of

maintenance were concerned. But since we are now involved in discussing this particular Amendment, which I did not intend to discuss at the present time until I allowed it to be presented before the Senate, let me tell you precisely what this Amendment will do. I will give you a capsule synopsis of the entire thing, because the Amendment is 13 pages long.

First and foremost, the major concern in this Legislative Body was the abolition of the Maine Turnpike Authority. No. 1, this does abolish the Maine Turnpike Authority once the revenue bonds are finally paid.

No. 2, it does convert the system from a closed toll system to a barrier toll system.

No. 3, it continues the tolls for the following purposes, and this is our major concern right here. Under 3 (a), and there is four parts to it, pay for the maintenance and operational costs of the Maine Turnpike, and until 1981 the estimated cost will be \$4.9 million; (b) pay for the conversion of a closed toll system to the barrier toll system. This is a one time cost; (c) provide funds as available for additional interchange roads to the Turnpike, and I must say on that particular point it does require Legislative review, the same as our capital budget does. We are concerned in the City of Lewiston-Auburn for that particular fact, for interchange roads, because it will open up our industrial areas. I must say with I-295, which circumvents my City, it will mean an estimated loss of two million cars and trucks per year, and this will have a very dilatorious economic impact, and this is one reason why I am strongly behind this particular piece of Legislation at the present time.

No. 4, to provide as available for the widening of the Turnpike. This was designed as a safety thing for Maine's expansion, a long-range projection as to what is going to happen in the State of Maine in the future, and all we can do is project. There is no assurance it is going to materialize, and all we have to do is have projections that have available cash in our hands so that this can transpire when the time is right, if and when it is right. Now the widening of the Turnpike, this has been a great concern, but I must say at this point that it also requires Legislative approval.

(f) provides for a .35 toll for cars, and the Commissioner of the Maine Department of Transportation to set rates for large vehicles. At the present time you are paying \$2.15. Under this particular set-up here it will be \$1.05.

No. 5, provides for establishment of commuter fare schedules after conducting public hearings. Now Senator Farley had a Bill before the Transportation Committee, where he was vitally concerned, and all Members of the Committee were vitally concerned, as far as the use of U. S. Route 1 in through the York County area and reducing fares on the Turnpike. We are addressing his problem quite clearly in this particular Amendment that I am going to present. Now the Amendment does not allow for the issuance of any new revenue bonds. I think this should give you the added assurance that we are not looking for the continuation of the Maine Turnpike Authority. Also it allows present tolls to continue for 18 months after the bonds are paid in order to generate the sufficient revenues for the conversion and for the construction season. Now this money is being paid by out-of-staters, correct, and portions of the people of the State of Maine who use the Turnpike. That is correct also. But we are not looking for additional taxes on the motorists in the State of Maine to help us make this conversion of the Maine Turnpike to eventually a toll free system.

I hope at the present time, Mr. President and Members of the Senate, this gives you sufficient information to realize that they have been extremely realistic as to the dilemma with which they were faced, and they want to do the right thing in behalf of everybody concerned, but

Maine is not a rich State, and this is the most viable, logical, reasonable alternative that we could design to meet the needs of the State of Maine in the future, and also take care of the expansion and conversion of the Turnpike, if it so becomes necessary in the future.

I would hope, Mr. President and Members of the Senate, that you would reject the Motion to indefinitely postpone this particular Bill, and then allow me to present my Amendment, which I am quite sure will solve many of the problems and many of the concerns that have been outlined at public hearings in municipalities in the State of Maine, at the hearing on Transportation, as well as the problems that Senator Farley of York has indicated which are prevalent. We are all aware of that in York County.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate, it might seem somewhat like a parochial thing, two Senators from York County speaking on this measure.

But, first, I would like to tell you that about 36 years ago in this Body the Maine Turnpike Authority was created, and I got curious as to what the debate was at that time on this measure. My seatmate, the Senator from York, Senator Farley, sent downstairs to the Law Library, and there was not any debate at all on this measure. I was curious to see what the Senators were thinking at that time when they created this Authority.

There is no question in my mind that it was probably a good idea to have someone come in, build a road, no cost to the State, no cost to the taxpayers, and it has worked well for us. There is no question about it, and I am the first to admit that. I have been travelling that road now for seven winters. It is always beautifully plowed. They have done an excellent job.

But the time has come with the I-95 system, and we have it now in Southern Maine, you can get on it in South Portland, for our people in York County to finally get on I-95 without having to pay a dime. With this proposal, and it would affect the Senator from York, Senator Hichens' District, if someone was to leave Eliot and wanted to get onto the I-95, they would have two barriers to go through. The good Senator from Androscoggin, Senator Minkowsky, has an amendment. They have done us some justice. They have eliminated one of the barriers, or else we would have had three barriers in York County.

I can buy the barrier system. I can see the need. I think I have a little business sense, that people that want the through ride will stay on the Maine Turnpike and they will gladly put the quarter or the .50 in the basket, the same as I do when I travel all over the country. But the question remains as to where the barriers are going to be. One in York, fine, acceptable to me. But the other one on the York County-Cumberland County line, I cannot buy. That one should be moved further north to allow the people in York County and part of Cumberland County to get on the I-95 system and continue through without having to pay. I am sure those that want a safe through ride will stay on the Maine Turnpike, me included if I so desired. But we are not giving them that option, and it is their tax dollars that built this I-95. That is dollars all over the State of Maine. I am talking about York County. Let us talk about Kennebec County, Sagadahoc County, any County in this state if they so desire to come south, why should they be compelled to pay a toll if they do not want to when our dollars have taken and built an I-95 system in the State of Maine.

That is the objection that I have to this bill, and to the proposed amendment that the good Senator wants to offer. I have spoken to the Commissioner of Transportation, and I have told him about my reluctance to support that barrier, especially where he wants to put it.

south of where you can get onto the I-95 system. The trucking industry would even be willing to buy my proposal to set it just north of that I-95, and when you can get the trucking industry to agree with something as far as roads are concerned, you are doing a pretty good job.

Now the Maine Turnpike and I have battled before right in this Senate Chamber, on one little bill known as the guard rail bill that many of us enjoy today, the safety of the guard rails. We battled in this Senate, and there was no way that the Maine Turnpike at that time wanted those guard rails up, but they are up throughout the entire length of the Maine Turnpike, except in York County. There are no guard rails yet.

Now this road here, if it becomes toll free the right way and has barrier systems the right way, to allow the communities all along the Maine Turnpike to plan their building, that is the problem we are having in southern Maine, in Cumberland County and York County. We are having a very, very bad problem as far as traffic is concerned. I have heard the good Senator from Hancock, Senator McNally, tell me about Route 1 up in Ellsworth. Route 1 in Saco is no better. It is a two lane road. We do not have four lane highways down there. At least if we can get some of the commuter traffic off of those two lane highways on Route 1, maybe the traffic will flow easier. It will take that burden off of Route 1.

You know, when we talk about the Maine Turnpike and when they debated here 36 years ago, and the thinking, we had trains in and out of the State of Maine every half hour. They are gone. Everything is automobiles and trucks now in the State of Maine. The good Senator from York, Senator Farley, said about building a road for a half million dollars. They proposed a spur in the City of Saco that would connect on to the Maine Turnpike. I think it is three miles long, and the cost of that spur is over \$10 million. That is what it costs today for new construction on roads.

We do not want any new roads. I do not want any new bypasses. But we can set up this barrier system and set it up properly, so we can all benefit, not southern Maine only, but central Maine and northern Maine, but I think that we in the Senate here should take a stand today, No. 1, to allow people all over the State of Maine to be able to get on to our I-95 systems and ride them, and if they desire to go through a barrier, fine, let them go through it, the same as I would, but the option should be there for them, and I am sure they will generate the revenues that they need to run this.

I would hope at this time that we would kill this bill, and we can come back next year with a proper bill and pass it and allow barrier systems and have it work properly for all of the citizens of the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: The present proposal before you and the suggested amendment coming from the Senator from Androscoggin, Senator Minkowsky, at the present time to travel from Biddeford to the Saco exit it costs you .25. Under this bill here, the pending amendment, it would cost residents .35.

Now the good Senator from Androscoggin, Senator Minkowsky, mentioned commuter passes. Well, some of you have been here awhile and know my predecessor, Senator Marcotte. On three separate occasions he presented legislation allowing commuter passes on the Maine Turnpike. Not once did the Maine Turnpike Authority give it any attention at all, never supported the idea. Now they are, because they know that they are eventually phasing out.

Now the good Senator from Androscoggin, Senator Minkowsky, also mentioned that Lewiston will be affected. He knows as well as I do that the situation from Lewiston to Portland

to allow the availability of a toll free road is not the same as in York County. There is no problem in Androscoggin County like we have in York County. If you wanted to build a road from Lewiston to Portland you have only one community of any size between Lewiston and Portland, and that is the community of Gray, which could easily be by-passed. In York County we are not that fortunate.

I would imagine that the revenues generated and I am sure under the present proposal of Senator Minkowsky, the proposal would generate somewhere in the area of \$12-13-14 million. I would suspect that that money would be available to the rest of the State of Maine, and obviously available to the City of Lewiston in expanding the present roads between Lewiston and Portland. That is not the case in York County. No matter what we do, we cannot solve our problems.

I would hope that the Senate would take the suggestion of the good Senator from York, Senator Danton, to indefinitely postpone this bill at this time. We have four years to act on it and to come back with a sensible plan, a plan that takes care of the needs and the problems of all of the citizens of York County.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am not an engineer and I cannot really address the circumstances projected by Senator Danton of York insofar as why they had made a recommendation to put the barriers where they had. But I would say that with the expertise that the Engineering Department of the Maine DOT has, there must have been a good valid reason. They had to take into consideration traffic counts and the expansion of various areas, especially in York County, to allow the flexibility of designing a barrier system in that area.

Back 36 years ago the good Senator from York, Senator Danton, indicated that he could find no debate, because I think at that time everybody was more concerned with setting up an Authority and have a road which would be built and which has been maintained, and I think it is about the best in New England as I understand it, at no cost to the taxpayers.

Yes, there has been a radical transition in the thinking, and I think now is the time to act while everybody is thinking along these lines to eventually terminate the Maine Turnpike Authority, and have it revert back to the Maine DOT and to the taxpayers in the State of Maine. I have no qualms about that.

Insofar as the road between Lewiston and Auburn, to Gray, to Portland, what I was referring to what when the Maine Turnpike Authority is finally dissolved that this revenue that has been received in the form of tolls, tolls by the taxpayers in the State of Maine who use our turnpike and our truckers, as well as out-of-state visitors, would go to pay for the egress and ingress roads, which will open up various areas that have been deprived economically from industrial expansion.

It is interesting, because I remember five or six years ago when Senator Marcotte from York was discussing this, their major concern in York County was to have lower costs on the turnpike, and that was justified, but I am saying now at the present time since they have come to the realization that they are faced with this particular dilemma, that they will now decide to eliminate or reduce the tolls, and it is spelled out very clearly, almost verbatim as to what Senator Farley from York wanted in his bill, and it is on Page 9, under Section 2, reduced rates assessed by the Commissioner of the Department of Transportation. The Commissioner of Transportation, after adequate notice and public hearing shall establish a system of reduced rates for any class of vehicle based

upon frequency of use, and that was a major concern because of the frequent use of their people travelling from York County into New Hampshire to the shipyards and other areas of the County, and for passenger vehicles only, the Commissioner shall establish a system of commuter stickers, tokens or tickets based on frequency of use.

To me I believe for the first time York County will get the relief that it will need, but it must be patient like the rest of us in the State of Maine to accept the transition with the phasing out of the turnpike.

I believe if this situation had not arose this year that we are addressing this particular problem of the Maine Turnpike Authority and this bill was before us which Senator Farley had and the Transportation Committee had passed favorably on it, he would feel that he had accomplished a great deal. I am saying to Senator Farley and Senator Danton of York, you have accomplished a great deal. The facts have been brought forth. They are being addressed. They are being addressed very clearly in this particular amendment. All that matters is just be patient and let this transition materialize in a normal fashion up until 1981, and I am quite sure that everybody in the State of Maine at that particular time will be very, very content with what is materializing. We just cannot use a fast, hard-nosed approach at the present time. We must be patient and realistic and do things according to a business-like manner, and I would say that this particular amendment addresses the situation in a very business like manner.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: First of all, to reply to the good Senator from Androscoggin, Senator Minkowsky, the people in York County have been patient for a long, long time.

The thing I would like to read to you, members of the Senate, is some information we got from the Federal Highway Administration. It says: "Under an agreement between Maine and the Federal Government, present toll revenues are to be used only for the payment of bonds and for annual maintenance. Once the bonds are paid off in 1981, the road must become toll-free." This was our agreement, the State of Maine, because of accepting Federal money, and in order for toll barriers or any toll system to be established after the bonds are paid off, Congress would have to pass a bill allowing this, because otherwise it violates our contract agreement. The same is true as far as putting a barrier in Kittery or anywhere. It would still require an Act of Congress.

I would now like to read something from the Economic Research Institute on analysis of the cost and benefits assessment of the toll-free Maine Turnpike Authority, done by a Mr. Robert Jordan of Portland, and he says: "Continuation of the tolls beyond 1981 will require Maine people to pay back to the U.S. Government all Federal money used to construct interchanges with the Turnpike," and we have done that. "According to the Turnpike Authority this would, with some negotiation, involve a one time partial payment of \$2 million. This occurs because the Turnpike Authority accepted Federal highway construction monies with the understanding that the Maine Turnpike would become a toll-free highway, and part of the Interstate system. The Federal government would, according to U. S. Transportation Department sources, likely require the repayment of these funds should the Turnpike Authority and the State of Maine renege on their original agreements. Breaking of these agreements, as proposed by the spirit of L. D. 388 will, in any case, require a special Act of the United States Congress. This would be opposed by the U. S. Department of Transportation

since they are committed to a toll-free Interstate highway system. In short, even if a partial payment of \$2 million is acceptable, this amount falls short of the dollar cost of the time and resources committed to arriving at this compromise."

Again I would urge the time to work out a compromise for all of us. I would again urge you to move to indefinitely postpone this bill.

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

Mr. MINKOWSKY: Mr. President, I request permission to address the Senate for a fourth time.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, requests permission to address the Senate for a fourth time. The Chair hears no objection. The Senator may proceed.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I apologize for being a one-man stand on this particular issue.

I am in possession of that Economic Research Institute copy that Senator Farley has discussed, and I think this was primarily designed for the Maine Truck Owners Association, which would definitely serve their particular needs, and I do not think it was designed for the overall needs of the people of the State of Maine.

The problem that Senator Farley spoke about insofar as our obligation to the Federal Government is real. I think, as I understand from other members who are proponents of this particular bill, that if we take this particular route, from the tolls collected it will cost the State of Maine in the vicinity of \$2 million.

This particular situation has been addressed or will be addressed in my amendment on the first page under Section 15, and it simply says Federal Obligation, as far as the final payment of all bonds and interest provided for by Section 16, the Authority and the State Department of Transportation shall determine to their satisfaction that any contractual obligations with the Federal Government to convert the Maine Turnpike into a tollfree highway upon payment theretofor of outstanding bonds has been or will be waived, discharged or otherwise become inoperative or of no effect."

This is broad language, but I believe it addresses that particular situation very clearly, and one way or the other we will meet that particular section of this particular amendment that will allow us to continue our tolls on the Maine Turnpike.

The only disadvantage I have here, Mr. President and Members of the Senate, is I am one speaking for the fourth time, and we have two gentlemen from York County, so they have a double amount of assurance as compared to what I have, but if there are any particular questions that have not been addressed so far before you lose all faith in it, I wish that other members of the Senate who are concerned with this would ask me, or even Senator Farley or Senator Danton, and then we can evaluate exactly what direction we are going in, but it would be too bad to postpone this bill, Mr. President and Members of the Senate, until 1980 or 1981, simply because we have to address it, and the reason this bill came about was so that we would have lead time to address this particular problem, and if you do not address it today, it is just a copout, and I do not think the members of the Senate would want to take that particular approach and not address the problem. We have addressed many problems during this session, and I am quite sure this is no great matter that we cannot resolve before our legislative session ends.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: I have been riding on the Maine Turnpike since it was built, and I

have always enjoyed riding on the Maine Turnpike, rather than down Route 1 or any other route, because I think it is a great deal safer.

Actually I was going to be opposed to this bill because I wanted to see the Maine Turnpike stay the way it is now, because I thought it was bringing in some \$16 million a year to the state, but I understand that it is not. It brings in about \$13 million a year to the state, and with the four barriers that will be on the turnpike at .35 a barrier, that will bring in approximately \$12-13 million to the state.

Now the problem that I have is the fact that we need three lanes on each side from Kittery to Portland, because by the year 1990 or 2000, traffic will be so heavy that the cars will only be able to go 15 or 20 miles an hour. In fact, in another five or six years, and in fact on holiday weekends now there is a double line and they are bumper to bumper.

Now I would like to see, before I vote on this bill, I would like to be assured that there is in the bill money going to be left in there to widen that highway from Kittery to Portland; otherwise, I will vote Ought Not to Pass, but if there is going to be money in there, I want to see the state take in as much money as possible, the more from the tourists the better. So, consequently, if we can have the tourists pay the bills and we can go between the cities and towns, well, that is fine for the local people.

I feel that we should not only maintain that highway, with the funds after we pay off the bonds, but we should further still be able to spend extra money to widen the highway. One of these days it may need to be widened up as far as Lewiston to three lanes on each side, and I think we should have the money in there for the Highway Department to get ready to use it.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: That is another reason why I would like to see this bill deferred until next year. The good Senator from Androscoggin talks about the expertise in the Department of Transportation. I agree with him. At least, I would hope that we have plenty of expertise there.

We should have figures here, money figures, exactly how much money will come in with different proposals. This is exactly what they are just guessing on when they throw a figure at you. I would like to see these figures. If we are going to have dollars coming in, different barriers and where they are going to be set up.

I am not opposed to barriers, but I think as a Senator representing not only York County and Cumberland County, but I feel I am going to make a determination here that is going to affect every County in the State of Maine. Every citizen in the State of Maine should have an option as to whether he wants I-95 or the Maine Turnpike, and we have not had any of those figures presented to us.

I do not see any urgency with this, whether it is right now or a year from now, which we will not be in session next July, at least I hope we are not, but I am sure we can address this problem next winter and come up with a good, sound solution to the problem as far as the Maine Turnpike is concerned.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the motion by the Senator from York, Senator Farley, that L. D. 388 be indefinitely postponed.

A Division has been requested.

Will all those Senators in favor of indefinite postponement, please rise in their places to be counted.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I request a roll call.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll

Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

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

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I am going to vote on this Roll Call against the indefinite postponement of this bill, but like the good Senator from York, I would like to see figures on various proposals and what the effect would be and the amount of money it would raise for the needs. I think in the end my final decision will rest upon this.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I, for many years wondered how the planning process took place in our state dealing with highways. When I look back to the '40's and the '50's, I guess, when the Maine Turnpike was originally built, and although I was a fairly young lad in those days, I recognize the importance of that particular road. I do not know whether Route 88 or Route 1 or Route 202 or Route I-95 all came after the Turnpike or before the Turnpike, but how, in the Lord's name, we have so many roads running perpendicular to one another in that area of the state certainly leads many of us to be amazed at what you would call planning.

I guess that one of the things that bothers me about this thing, and I share the concerns expressed by the Chief Executive, is the retirement of bonds, and the good Senator from Androscoggin, Senator Minkowsky, has addressed that in his new proposal, but I have always found, and although I never question the integrity of the individuals, I have always found that the Commissioner of the Department of Transportation serving as an ex officio member of the Maine Turnpike Authority has always irritated me in a very sensitive manner. Sure, it is easy to say that out-of-staters coming in pay 50 percent of the tolls on the Maine Turnpike, and we can say, well, that is good. Well, we also talk about Vacationland and we talk about the promotion of the State, and then sock-it-to-them while they are here, and we take action on that every time there is a fee increase hearing with Fish and Game, hunting or whatever you want to call it, whether it is ski resorts, whatever it is, we figure, well, we have got the suckers coming in, then let us lay it to them. We take great pride in laying it to them. But I think there is going to be a day of reckoning when we are going to find that starting to go down hill.

There is a lot of concern from some people that now that the turnpike is there, and now that those bonds are to be retired, it is very possible for the turnpike and the land surrounding the turnpike, if the tolls were removed, would be open for future development, and would create obviously a great deal more money for the state. Now if the argument is used, God, we do not want to have to see the state pick up the cost of continuing to maintain the Maine Turnpike, well, why should not the state maintain the Maine Turnpike if it becomes a highway in the state. I cannot honestly figure how anyone in his right mind would use the Maine Turnpike after getting off or approaching Exit 6A to begin with. You are going to keep coming north. You are going out of your way. I do not know if it is four miles or seven miles, but anybody in their right mind would get off at 6A and take I-95 which is far more beautiful and scenic to travel, and enjoyable. Why we even have State Troopers out there legally now.

But I honestly question the motivation of the continuation of the sock-it-to-them attitude that we have always had, and I think if you are going to see prosperity and you are going to see development within the state, and certainly the southern part of the state, and I talk of York

County and probably even parts of central Maine, Lewiston down, that you are opening up a great deal of acreage of land for future development, because it is the access to a road that is going to take people further north and certainly the southern part of the State and the rest of the New England states.

I do not know why we continue to follow this nonsense. The bonds are to be retired in 1981, fine. Let us call it over, call it quits, and let us open up that highway to everybody, so that everybody can use it.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I request permission to address the Senate for a fourth time.

The PRESIDENT: The Senator from York, Senator Farley, requests permission to address the Senate for a fourth time. The Chair hears no objection. The Senator may proceed.

Mr. FARLEY: Mr. President and Members of the Senate: I would like to read to you this morning an editorial from yesterday's Bangor Daily News, and it involves the problem they have in Bangor in regard to the excise and sales tax at BIA. It goes on to read: "There are currently a dozen airports in BIA's region competing for the same business. Of the 12, Bangor is the only airport where an airline pays both a sales and an excise tax on fuel. Of the 12, Bangor and Bradley Field in Connecticut are the only two with a sales tax. Of the 12, Bangor is the only one with an excise tax."

"Because of its location, BIA pays more for fuel because of the distance it must be shipped. The two taxes compound this problem by jacking up an inherently higher base price."

"Opponents of L. D. 14 claim that it is a bill that would afford a special tax break to a specific industry. They say that relieving BIA of this double tax would constitute favoritism — juggling the tax structure of the state and sacrificing tax revenue to appease a special interest."

The article goes on to say: "To the contrary, the double tax now levied on jet fuel at BIA is a special tax — a tax structure that affects just one small segment of industry in this state, but a very important segment."

"And, these taxes are playing a prominent role in placing Bangor at a competitive disadvantage with other airports scrambling for the air traffic dollar."

Now I realize the problem is not the same in York County, but the principal is the same. We in York County are paying double taxation, for the gasoline tax and then for tolls on the Maine Turnpike.

We heard an eloquent speech by the good Senator from Aroostook, Senator Collins, this morning, who thanked this body for the piece of legislation that was presented here, and I believe now is on its route to solving some of their economic problems up in Aroostook County.

Two years ago the members of this body who had economic problems because of the situation Southern Chemical and Martin Marietta, and the good Senator from York, Senator Danton, and myself are not insensitive to your problems. This morning I ask you to take that same consideration in regard to a section of the State of Maine that by the mere presence of toll roads is subject to double taxation, and it is an economic problem for our people in York County.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Farley, that L. D. 388 and all its accompanying papers be indefinitely postponed.

A yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Conley, Danton, Farley, Hewes, Hichens, Trotzky, Usher, Wyman.

NAY — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Huber, Katz, Levine, Lovell, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers.

ABSENT — Jackson, Mangan.

9 Senators having voted in the affirmative, and 21 Senators in the negative, with 2 Senators being absent, the motion to indefinitely postpone does not prevail.

Majority Ought to Pass as amended Report accepted, in concurrence.

The Bill Read Once. Committee Amendment "A" Read. House Amendment "B" Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move that House Amendment "B" to Committee Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the indefinite postponement of House Amendment "B" to Committee Amendment "A".

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: I request a Division and would speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Mr. FARLEY: Mr. President and Members of the Senate: House Amendment "B" that is currently on this piece of legislation is the same amendment that I quoted earlier that the Department of Transportation Commissioner, Roger Mallar, said would take care of the upkeep of the Maine Turnpike Authority. There is one toll at York, .75, and it would generate \$4.7 million, and I imagine what we want here is merely the upkeep of the Maine Turnpike, and I would urge that the Senate defeat the pending motion and then accept House Amendment "B".

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: It has been difficult to sit still here as one of the Senators from York County while all of the other debate was going on, but I would support the motion to indefinitely postpone House Amendment "B". I am not against a one barrier system on the Maine Turnpike, but to put it at York is ridiculous.

At the present time I get on the turnpike at Wells and circumvent the York exit altogether. I would continue to do so if they had the toll gate at York, and would come the whole distance to Augusta without paying any toll. Going home I would do the same thing, get off at Wells and I would not have to pay the toll going that distance again. Several other people would do the same thing.

I heard the sponsor of House Amendment "B" discussing the situation in the adjoining office this morning, and saying how few people would come down through Route 1, through Ogunquit and York to get on at Wells, which I agree, but coming down the other way from New Hampshire or going through South Berwick or North Berwick is not that difficult, and a great many of the people would do it to circumvent the .75 toll.

If they want to put a barrier down in Falmouth or somewhere right in there, halfway of the Turnpike and have the toll there, I would be in agreement with it, but to have House Amendment "B" adopted at this time seems ridiculous to me.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate indefinitely postpone House Amendment "B" to Committee Amendment "A".

A Division has been requested.

Will all those Senators in favor of the indefinite postponement of House Amendment "B", please rise in their places to be counted.

Will all those Senators opposed to the indefinite postponement of House Amendment "B", please rise in their places to be counted.

16 Senators having voted in the affirmative, and 6 Senators in the negative, House Amendment "B" is indefinitely postponed in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I now move the indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate indefinitely postpone Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

On motion of Mr. Speers of Kennebec, and under suspension of the rules, the Bill Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry. Would Senate Amendments now be in order for offering.

The PRESIDENT: The Chair would answer in the affirmative, if any Senator has an amendment to offer.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I now offer Senate Amendment "A" (S-371) and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now offers Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I move this item lie on the Table until later in Today's Session.

The PRESIDENT: The Senator from York, Senator Farley, now moves that this item be Tabled until later in Today's Session.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested on the Tabling Motion.

Will all those Senators in favor of tabling this bill until later in Today's Session, please rise in their places to be counted.

Will all those Senators opposed to tabling this bill until later in Today's Session, please rise in their places to be counted.

7 Senators having voted in the affirmative, and 17 Senators in the negative, the motion to table until later in Today's Session does not prevail.

(Off Record Remarks)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, what is the pending motion before the Senate?

The PRESIDENT: The Pending Motion is adoption of Senate Amendment "A" to L. D. 388.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, as I understand the rules of parliamentary procedure, if we were to amend the Senate Amendment, which is, in fact, the bill now, I guess, we would have to do it before it is adopted. I voted against the motion to indefinitely postpone this bill, because I am in favor in general principle of maintaining some ability to collect tolls on that section of the road.

I want to make it clear to the Senate that if this amendment is adopted today without a chance to set this aside and to offer amendments and to table it, that I for one from then on will vote to indefinitely postpone. I will urge the members of my caucus when we caucus on the subject to join me, and would hope and would expect that that is what the majority of Democrats would do from here on out.

This amendment would become the bill, and a very important bill. If it is going to be amended, this new bill, it is going to have to be done before this amendment is adopted, and if we are not going to have a chance to amend it, that courtesy is not going to be extended, then I think we will probably kill this bill. So you just defeat your tabling motions and we will go on our merry way, and we will be seeing an obituary for this bill before too many days have passed.

On motion of Mr. Speers of Kennebec.

Tabled until later in Today's Session, Pending Adoption of Senate Amendment "A".  
(See Action Later Today)

The President laid before the Senate:

Bill, "An Act to Revise the Judicial Retirement System." (S. P. 497) (L. D. 1776)  
Tabled — July 6, 1977 by Senator Collins of Knox

Pending — Passage to be Engrossed

On motion of Mr. Collins of Knox,  
Retabled for One Legislative Day.

The President laid before the Senate:

Bill, "An Act Relating to Habitual Truants and School Dropouts." (H. P. 1650) (L. D. 1851)  
Tabled — July 6, 1977 by Senator Katz of Kennebec

Pending — Enactment

Which was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate:

RESOLUTION, Proposing an Amendment to the Constitution to Require the Legislature to Convene in December after the General Election. (H. P. 1048) (L. D. 1259)

Tabled — July 6, 1977 by Senator Speers of Kennebec

Pending — Final Passage

On motion of Mr. Speers of Kennebec,

Retabled until later in Today's Session.

(See Action Later Today)

The President laid before the Senate:

Bill, "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas." (H. P. 1385) (L. D. 1573)

Tabled — July 6, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Speers of Kennebec to Reconsider Indefinite Postponement.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would hope today the Senate would not vote to reconsider its action whereby it indefinitely postponed this bill. This bill has had rather rough sailing through both the Senate and the House, and has been indefinitely postponed twice in the House of Representatives and reconsidered once because the tote board apparently broke down, although there is some question about that.

However, I would just like to bring to light a few facts, and remind a few in this Senate Chamber of the implications of this Bill. Now I know since this Bill has been tabled from yesterday that there has been a considerable amount of work done by the Lobby, and I suspect that today they will be perhaps successful in reconsidering, although I would share with you my hopes that it would not prevail.

I would remind you once again of the state-

ment by Rich Roth of the State Planning Office, and his problems with this Bill, and for the good Senator from Kennebec, Senator Speers, I would remind him of one of the most noted in the field, with a little bit of expertise, Mr. Tom Gordon, the Plumbing Inspector for the Cobbossee Water Shed District, and I ride through that good Senator's District every morning on my way down here, and I know the implications of what this Bill will do.

Like he said in his letter, he was disappointed at the hearing. This bill has no technical merit, and there is a great deal of misunderstanding about sewage disposal, and there are a lot of misconceptions forwarded to the Committee, and none of these conceptions was based on technical knowledge. It was also brought out, and I would mention once again that our waters have been cleaned up 80 percent in the last ten years, and now we are talking about fecal coliform bacteria for 100 millimeters. It has also been brought out that less than two percent of the fecal coliform bacteria comes from septic waste. The fecal coliform bacteria that is presently in our water supply today comes from the farms, and I would submit to you in this Senate today that these people will not be satisfied with this Bill. The next thing you know on the Shoreland Zoning, they will ask each and every dairy farmer in this State to fence off that area, no more cattle grazing, and after that we will get to the potato lands of this State, and we will put no more fertilizers on the ground, because, after all, that gets down in our water supply, too.

I heard the good Senator from Kennebec, Senator Katz, yesterday talk about Committee integrity, and this interested me to no end. When it comes to Committee integrity, the majority of the Committee on Natural Resources voted against this Bill, and there was none of us who were in the majority on this report that was consulted about this piece of Legislation. This piece of Legislation is before us today as the result of the Chairman of the House Committee on Judiciary, and he does not have the expertise. I will submit to you that the people who are endorsing this have no expertise at all whatsoever in this field, and we will get to the local control. Local control is very well shown down in the local area represented by the good Senator from Sagadahoc, Senator Chapman. In the Town of Harpswell they have shore lots that have gone between \$15 and 20,000.00 for a shore lot, and these people who asked for building permits were denied.

I will submit to you that if Senator Curtis were here listening today that that island he owns out there on the shores of the Atlantic, that when he wants to build on that rock pile, even a seasonal dwelling, he will not be given a permit. The only thing he will be able to do with this island is walk on it, and I know he was planning on a seasonal dwelling and perhaps later on making it into a retirement home. I have discussed this with him, but his vote is constantly in favor of this Bill, and I do not think that he understands what he is doing.

I will go further. I have never submitted to you a piece of information that I thought that I should share with you and I have always neglected it. There is starting July 1st what is called a 208 Water Quality Study Program. Now this is federally funded, and this program is going to study all of the waters of the State of Maine, and I am sure that their recommendation when it comes to up-grading any of our waters will result in Legislation being introduced to this Legislature or the next Legislature, and these people who will be doing this study will have the expertise to know what these recommendations should be.

I think it is of the utmost concern to the people of the State of Maine that we not take away any rights. We do not want to pollute and that is not the object of me standing here today. I am

just as concerned as anyone about the water quality of the waters of this State, but I think it is inherent in our responsibility to the people of the State to wait until the 208 Water Quality Study Program is completed so that we know what the recommendations of those who are experts in this field are recommending, and then we can implement these findings, and if this type of Legislation is needed, then I shall endorse it and support it. But until such time, I cannot, because there is no one with any expertise that has any input into this Bill.

I hope you will not vote to reconsider.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: I am very disturbed at the testimony that has just been given by the Senator from Oxford, Senator O'Leary.

First of all, he impugns the integrity of the Committee on Natural Resources. I think the fact should be stated here and it should be known. First of all, the majority of the Committee did not vote in favor of this Bill when it came out, and when it came out there were Departments which were against this Bill. There were a lot of problems with the Bill when it came in to that Committee, and also when it came out of Committee.

However, after it came out of Committee, the people who were concerned about the Bill and concerned with the problem, sat down and they sat down with people from the Department of Environmental Protection, from the Human Services, and from a lot of different Agencies to try and work out something that will be workable, and that is what we are debating today, and when this Bill went into the other Branch many of the Members of that Committee voted for that Bill who had signed out Ought Not to Pass, because we are dealing with an Amendment here that has been worked out and it is different from the original Bill, and when the Senator states on the floor and reads a letter by Tom Gordon of the Cobbossee Water Shed District, he does not read the whole thing. He just reads the second paragraph, and I would like to read the first paragraph to you. It says: "As requested in your memo of May 18th, I have reviewed the new draft" and that is the new draft that we are talking about right now. "An Act to Control Conversion of Seasonal Dwellings to year-round Use in Shoreland Areas. It seems to provide much more flexibility in determining the need to improve existing systems. The review process would seem to be workable and would allow some latitude in the municipality's decisions." He did not read that part of it.

Also I would say, talking about expertise, there was input. In fact, I have letters here from Commissioner Adams, which I mentioned, from Don Hoxie of the Bureau of Health and Engineering, the Bill has been endorsed by the Northern Maine Planning Commission, the Hancock County Planning Commission, the Greater Portland Council of Government, the Congress of Lakes Association, the Natural Resources Council, and editorially by the Portland Press Herald and the Bridgton News.

I wish the testimony had been critical of the Bill itself, the Amendment itself, which is here, and all this Amendment does and says and it is very simple, and that is what we are voting on. It states if a person converts a seasonal dwelling to year-round, that they have got to get a permit from the local plumbing inspector, and that is local decision making, and his guidelines are if it is in compliance with the Plumbing Code, he gives that permit. If a person does not know anything about the system that is underground and he is putting all of his money in to refurbishing it and winterizing that camp, then he should have a site evaluation done to determine if that system that he knows nothing about fails, then the piece of land would be capable of