

# 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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AUGUSTA, MAINE

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

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

**An Expression of Legislative Sentiment (H. P. 1818)** recognizing that: The Maine Mariners Hockey Club, Inc., a member of the American Hockey League, has, by coming to the Cumberland County Civic Center, brought clean industry, jobs and professional hockey to the State of Maine

Presented by Mrs. Nelson of Portland. (Cosponsors: Mrs. Tarr of Bridgton, Mr. Talbot of Portland, Mr. Laffin of Westbrook)

The Order was read.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I was very honored by the good lady from Portland when she asked me to be a cosponsor on this. This is a step forward for professional sports to come to Maine. I have worked for five or six years to get professional baseball here and there are five clubs that we could get to come to Maine right now but we don't have a suitable place to play. I certainly commend her for her actions and her thoughts, and this is certainly a good thing for the State of Maine.

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

**(Off Record Remarks)**

On motion of Mr. Palmer of Nobleboro,  
Recessed until the sound of the gong.

**After Recess  
11:45 A.M.**

The House was called to order by the Speaker.

**Non-Concurrent Matter**

Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-734) as Amended by House Amendment "B" (H-881) in the House on June 30, 1977.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-371) in non-concurrence.

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

Mr. GREENLAW: Mr. Speaker, I move that the House recede and concur and would like to speak to the motion.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves that the House recede and concur.

The SPEAKER: Would the Sergeant-at-Arms please escort the gentlewoman from Lewiston, Mrs. Berube, to the rostrum to act as Speaker pro tem.

Thereupon, Mrs. Berube of Lewiston assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

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

Mr. GREENLAW: Madam Speaker, Men and Women of the House: Let me apologize, please, for not being in my seat this morning in order to debate this issue. As you know, the Appropriations Committee has been busy trying to resolve the issue of setting priorities on the bills on the Appropriations Table. Please accept my apologies.

The Senate Amendment that has been attached to this bill, which now is the bill in effect, I think accomplishes three basic things. I

think it accomplishes three things that I heard many people in this branch express opposition to the other day.

First of all, the Senate Amendment abolishes the Maine Turnpike Authority once the revenue bonds are finally paid off in approximately 1981. The turnpike facility itself would come under the umbrella responsibility of the Department of Transportation and a special turnpike revenue account would be established to receive the revenues from that particular facility.

The other major objection that I heard last week was the fact that the legislature did not have specific approval of a decision regarding the widening of the turnpike. We have included in the bill a requirement that this legislature provide approval to any recommendation which the Department of Transportation might make pertaining to widening of the turnpike.

A third change was removal of the Wells barrier. It seems to me that members of the York County delegation raised some legitimate concerns about a majority of the toll barriers being within that area. I think the concern was legitimate, and for that reason one of the barriers was removed. The bill provides for legislative review of any recommendations which the department may make regarding additional interchange roads and interconnecting access roads. The barrier fee of 35 cents is not changed and there would be four barriers presently on the turnpike itself.

I think the other parts of the amendment are self explanatory and I do hope that we could recede and concur today with this amendment. I think it is very important that this legislature take a stand on this issue at this time. As I have indicated previously on the floor of the House, the Commissioner of Transportation feels that he needs the time between now and the time the revenue bonds are paid off to address the so-called pay-back issue with Congress, and if I may address that just very briefly, I would.

There were 90.10 interstate federal funds used on the construction of the access between the Maine Turnpike and Interstate 95, and it is the commissioner's proposal to go to Congress and to amend the present agreement which says that once the revenue bonds are paid off, the tolls will come off the highway, and because of the interstate funding that is used, Congress is the only entity that can nullify that particular agreement.

There is considerable precedent, I understand that as many as 20 or 25 states have, in fact, approached Congress on this matter and they have received relief from particular agreements, so I don't believe this is a problem, but I do believe that it is necessary that the commissioner has sufficient time to do this before the revenue bonds are paid.

I would remind you that if the tolls are not continued, there will be a substantial cost to an already overburdened highway budget to the tune of approximately \$5 million, and I would remind you that if the barriers that are proposed in this amendment are not utilized, there will be very little opportunity for any additional interchanges to be constructed along the turnpike corridor or perhaps for improvements to interconnecting access roads.

As I indicated before, I think the amendment is a good improvement, a good compromise, and I hope it receives your support and, Madam Speaker, when the vote is taken, I request the yeas and nays.

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

Mr. BIRON: Madam Speaker, Ladies and Gentlemen of the House: The amendment that you have before you today is basically the same amendment that was passed by this body the other day, which was my amendment, with the exception of one thing. It has four barriers in-

stead of one, that is it. The Senate has put in four barriers, because when we accepted my amendment here the other day and we sent it to the Senate, we said that there would be no Maine Turnpike Authority. This has no Maine Turnpike Authority.

You have to realize, ladies and gentlemen, that the Maine Turnpike Authority or the Department of Transportation, through its own admission, has said that they would need approximately \$5 million to maintain the highway as we know it now. That figure is a little hard for me to believe, and I don't know how many of you here have worked with the Department of Transportation budgets, but I would challenge anyone in this House to stand and to show me another hundred mile stretch of road in the State of Maine that cost \$5 million a year to maintain. There is no such animal anywhere, but yet this one is going to cost us five million. The difference between the two amendments that you have is that the four barriers, instead of bringing in \$5 million, are going to bring in eight to nine million. Now they said themselves they needed \$5 million; why do they need \$3 more million? What is this funny money for? The other day, the Department of Transportation came in here and said, "we need a tax increase, there is no more money." But all of a sudden they found \$5 million overnight. Now we are going to give them \$4 million in funny money? Ladies and gentlemen, the funny money is going to come from the constituents from the southern part of the state, and I can surely understand that some of you do not want to take over the burden of the Maine Turnpike. I understand that and I sympathize with you. This is why we need, today, to adhere to our previous action which, quite honestly, brings in the money they said was needed; the one toll system.

I realize that the one toll system is a very complex thing, it is difficult for the Senators to understand. It is only one thing to work with and I realize it is a problem for the other body. However, I think this House can be reasonable enough to send it back to them and say — this provides the money that you need, and it does take the burden — and ladies and gentlemen, just in the interest of fair play, it does provide the money necessary and it takes the burden off the people in the southern part of the state who have been paying tolls for 30 years — 30 years. If you accept this, you are going to say "ladies and gentlemen down there, another 100 years — keep paying tolls." Then, not only that, we are also going to have three or four million dollars of funny money each year. Why should they pay for something they don't need? That is what this amendment does.

I understand that the turnpike is a very very important thing to the sponsor of this legislation; after all, he travels it every day. However, some of us who have constituents in those areas realize what the turnpike has done and there is a law on the books, ladies and gentlemen, and the law says in 1981 the turnpike will be paid for, no more tolls. That is what the law says; it says that right now. Yet, we are going to change the law and we are going to say to those people, you have to continue paying. You have to continue paying because Mr. Mallar, the Department of Transportation, and the Maine Turnpike Authority feel that we need four million a year more than they said we needed before. That is what this amounts to. The plain and simple fact of what you are voting on here today is, are you voting for four or are you voting for one? One is on the coast, four are all over the state. Four puts the burden on people who have been paying for 30 years. One puts the burden, quite frankly, on the tourists. They use our roads, and some of you might jump up and defend the tourists. I think they are an asset to this state, they pay 45 cents — those same tourists pay 45 cents to go 18 miles in New

Hampshire, for 18 miles they pay 45¢. We charge them 75 cents to go a hundred miles in the State of Maine, that is fair, I don't care what anybody says. And under their system, you are going to charge them even more, so if you are concerned about the tourists, you have to go with the one-toll system. Therefore, I urge you to vote against the motion to recede and concur.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Madam Speaker, I move that the House recede from its previous action.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Bustin, moves that the House recede.

Mr. BUSTIN: Madam Speaker, I don't want to cause you any undue concern up there, but I have got to get this in a position to offer an amendment. I don't know if I need to do anything else or not.

Theurepon, Mr. Strout of Corinth requested a vote.

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

Mr. LAFFIN: Madam Speaker, Ladies and Gentlemen of the House: I certainly hope today that we will not follow the advice of Mr. Biron. I hope that we will follow Representative Greenlaw.

The other day, we had a bill before us that Mr. Biron spoke very highly of and I supported him to keep 80 people working. He thought it was too bad to put 80 people out of work, but today you want to put 90 fulltime employees out of work plus 30 summer employees out of work. How can you justify being against the sign bill by putting those people out of work — that is all right. Now you want to turn around and you want to put Maine Turnpike Authority people out of work. Regardless of whether you support the Maine Turnpike Authority or whether you support the state's position on this, the question is to keep those people working.

If we are going to stand here today and debate the issue that is before us, I think we ought to be informed of the facts that we are talking about. I challenge anyone and I challenge Mr. Biron on the \$4 million in revenue that his amendment will bring. This did not come from the Maine Turnpike Authority's figures, and if I wanted figures, I would certainly go to their treasurer or their secretary treasurer, whatever his title is, and that is where I went.

The Turnpike Authority, at the present time, does take in over \$14 million. But you see, when the State of Maine tries to borrow money, they cannot borrow it in the same fashion that an authority can borrow because we are elected officials, elected people change. The 108th is not going to tell the 109th what to do, and the 107th could not tell the 108th what to do. Consequently, the big money that you need for bond issues is not raised in the State of Maine. You have to raise big money from the big money people, which are big cities, big banks like in Boston. Bonds and money cannot be raised in this way that we are talking about from the State of Maine.

To be sure, there are a lot of questions as to why they have not paid off their bond issue faster than they have. I am not an expert on figures and money and I cannot answer that for you today, but I do say this, I do not want to see the people coming into the State of Maine, enjoying our lakes, enjoying our rivers and camping areas and ride free on a road that the people of Maine are going to have to pick up the tab for.

I say to you today, let's consider this very, very carefully. We have until 1981 to make a decision on this. The 109th Legislature could come in here and they could say, "well, we don't care what the 107th did. We want to do it this way," and by law, they will have a right to

do it because the Authority does not expire until 1981.

Now, if we are going to say to these people who have big money in the bond issue market that we want to borrow X number of dollars, they hesitate, and why do they hesitate, because they are not an authority, they are not elected people, they are guaranteed the payment by the bonds of the indebtedness of the Authority. The State of Maine Legislature is an elected body. Consequently, we could promise something which I believe the 1973 Legislature promised, that the inventory tax, as you recall, would be done away with this year. I am telling you, we had a lot of fighting over that, as you all know, because we were not bound by what the Legislature said in 1973, we didn't care what they said in 1973, all we care about is what we as legislators are going to do this year, that is why we had a big hassle. Consequently, if you go along with the figures that Mr. Biron read off the other day, I disagree with them one hundred percent. We cannot get the kind of money that is needed on a toll road by one exit barrier, it is an impossibility, plus the fact that I don't want to put 90 working people out of work. Who is going to lose these jobs? It is not going to be the trustees, it is not going to be those people, they are not going to lose those jobs, it is going to be those people, men or women, working at a toll booth eight hours a day, depending on that for a living, they are going to be put out of work, and we have 90 of those people. You can't hire 90 people for one exit, you know that. So, 90 people plus 30 summer people are going to be left without jobs. How long can this legislature keep cutting jobs off?

You passed a foolish bill the other day on signs that didn't amount to anything, just to beautify, and half the time it doesn't amount to a thing. The trouble is, we have too many environmentalists around here, you put 80 people out of work.

The SPEAKER pro tem: Mr. Marshall, you may make your point of information.

Mr. MARSHALL: Madam Speaker, I would ask the Chair to rule whether the line of questioning promoted by the gentleman from Westbrook is germane to the motion to adhere.

The SPEAKER pro tem: The Chair would remind the gentleman from Westbrook that he should restrict his comments to the issue before us if he will, please.

Mr. LAFFIN: I apologize Madam Chairman, but I was only trying to make a point.

The SPEAKER pro tem: The gentleman from Westbrook, if he wishes to resume his debate, the Chair would rule that he should continue on the issue before us.

Mr. LAFFIN: Thank you Madam Chairman, Ladies and Gentlemen of the House: I don't want to offend anyone here this afternoon for the simple reason that it is getting late. We are almost ready to go home, and we have survived these trying last few days and I am sure that we are going to make it. We made it. We made it two years ago and I think we will make it again this time. But the point that troubles me and the most important part about this is the motion of my very good friend Mr. Bustin. Don't let that confuse the issue.

The members of this legislature, in my belief, should either — and I say this very reluctantly — go along with the other body or kill the bill. If we are going to represent the people on certain issues where we can change our position one day and support a type of a bill that causes jobs, that puts people out of work, then you same people should support this bill. But if you really and truly want to keep the people of Maine working, if you really and truly want to see this a working situation on the Maine Turnpike, the best thing we can do is to keep the tolls as they are.

I do not believe that any of us want to see the out of staters come into this state and ride free for 100 miles. I believe that the majority of the traffic that comes into this state in the summer-

time where money is spent on the turnpike is in the southern part of the state. I don't believe they even go to Lewiston. I believe they stop at Old Orchard, I believe they stop at Ogunquit, I believe they stop at Wells, and if you don't believe me, go down and look at the out-of-state cars, you won't even find a Maine car unless they are riding around. But the people that are spending the money to come into this state are the people that use the turnpike, and don't let them come in for nothing. I don't want to see one tourist come into the State of Maine and take any money back home with him. I want them to spend every penny they have right here in the State of Maine. I want to take it on tolls, I want to take it in summer resorts, I want to make it so that everybody spends their money when they come into this state, so that the chambermaids in the motels, the busboys, the clerks, they can all take home a week's pay. The season is short. Don't open the Maine turnpike, don't discourage people from using it because they can shoot over to Wells and they can shoot over to Old Orchard Beach on Route 1 very very quickly. Make them pay to come into this state, make them enjoy what sunshine we have.

Now, if the 108th Legislature is going to pass this bill, we have no guarantee whatsoever that the next legislature will think as we think. There have been many figures given and many figures that have been quoted here today that we have until 1981 to make a decision. Why now? Why do we have to make this decision now? I don't understand why we have to. We have had study orders, we have had all kinds of decisions. I have a stack of study orders home that thick on one issue, and I don't remember the State of Maine doing one thing about it. Why? Because a new legislature came into power and they didn't care what the 104th or the 103rd or the 102nd did. They don't care about that, they care about the problems and the needs of the people now, and if we do not take care of the needs of the people now, how can we expect the next legislature to take care of them then?

Ladies and gentlemen, if we are going to let the Turnpike Authority continue in existence and have the State of Maine take it over, I don't want the people of Maine to dig out of their pockets one penny to support it. That is my big reservation about one toll, because I feel that the people of this state are going to have to pick up the money, the people in Bangor and Aroostook county and everywhere else, to pay for the use of this road. If they want to use the turnpike, then they should pay for it. If they don't want to use the turnpike, then they have back roads that they can use, I use them sometimes when I don't want to pay.

I think that my record will speak for the fact that I am not too very familiar with the other body. I don't usually say too many good things about that body, but today I feel it may not be the best situation, it may not be the answer to all the problems, and I am not saying it is, I am not saying they are right, but at least I firmly and I truthfully believe that it is a step in the right direction on two points. Keep our people working, don't put 90 regular people out of work, plus the bond issue indebtedness, that the Authority would have a much better chance to raise money from the big money people, the Boston banks, than we would ever have here in this state. I would urge you to consider that very carefully, because those are the two important issues that you are going to have to face in case the Maine Turnpike Authority, as it is now known, in 1981, 1982 and 1983, when the state takes it over, cannot come up with money. Who is going to have to pay for it? The people of Maine are going to have to pay for it. Who is going to have to raise the money for it? You are, if you are in these seats. Those are the two important issues. They can come up with all the figures that they want, they can come up with

all those free-loaders and free riders and everything else, fine and good, but the two issues that boils down to the Turnpike Authority are the two that I have just mentioned, and if you don't listen to anything else I say, pay attention to those two, because we are going to be saddled with them, you are going to have to live with them. Those of us who are not going to be here won't have to, but those of us who are not going to be here will be home and you will have to be paying taxes to pick up for this free ride.

I would certainly urge the members to support my very good friend, Mr. Greenlaw.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Madam Speaker, Men and Women of the House: First of all, I would like to congratulate the gentleman from Westbrook on his new found friendship with the other body. This goes to prove that relationships in here are sometimes fleeting.

I did not make this motion to recede in order to confuse the issue, I made it for a very sincere purpose. The sincere purpose in House Amendment "A" that I will present if you vote to recede is to eliminate the toll barrier in West Gardiner. Now at first blush, if Mr. Palmer were in his seat, and of course he isn't because he is busy drawing up money somewhere, he would probably suspect my motives. He would probably suspect that what I was really up to was a break for my own constituents. At first blush you probably would think that too, but I am asking you to think a little further.

Who is going to use that? Here is point number one. The West Gardiner toll barrier is not a toll on the Maine Turnpike. It is a toll on Interstate 95. The most you can go south if you use that toll is six miles, and the only people paying it coming north are those that are going to use that same six miles at the top of the turnpike. I am asking you to apply a little equity to this thing.

I admit, I am in sympathy with Mr. Biron's position. I would like to see one down yonder where most people from my area would not pay anything, unless they were going to a ball game in Boston, that would be all right. However, people all over this state, from Aroostook County, Penobscot County, every place, probably, except the coast, in coming south will want to use Interstate 95. They are going to ride six or seven miles on the turnpike, get on Interstate 95 and have to pay a toll there. What the toll is, it is a toll on Interstate 95, even though the money goes into the Turnpike Authority. I am asking you to please pass this motion to recede and give me a chance to put this amendment on the bill.

The SPEAKER pro tem: The Chair recognizes the gentlelady from Kittery, Mrs. Durgin.

Mrs. DURGIN: Madam Speaker, Members of the House. Mr. Biron made the statement that New Hampshire charges 45 cents to travel 18 miles on their road. Let me tell you, Mr. Biron, if you do not know what your amendment does, I will tell you. You are charging 75 cents to travel 10 miles on the Maine Turnpike from York to Wells, because you just have to travel down Route 1, get on "enter" on the turnpike at Wells and go from there to Augusta scott free. Don't say, well, the tourists wouldn't know that, because it wouldn't take long for the tourists to find this out. Your amendment wouldn't even pay for the tollkeepers at the York booth, let alone maintain the road.

I talked to my constituents at home, many of them, and they agree that the tolls should be left on this road. The Maine Turnpike is very well maintained. We do need that road from York to Portland widened, and I hope today you people will vote to recede and concur.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Madam Speaker, Ladies and Gentlemen of the House: I don't have any particular personal reason on this, but I would just like to rise to support the gentleman from Augusta, Mr. Bustin. I have looked at the proposal for the four toll proposal and it is just a short way before the Gardiner exit that the West Gardiner approach is proposed. I think it is a little unfair. I think if anybody would like to put it below the West Gardiner approach, I think it might be acceptable, but it seems very unreasonable that someone who wants to drive from Augusta to Gardiner would have to pay a 35 cent toll. It is only a matter of a few miles. It is less than 20 miles to Gardiner from Augusta. It seems very unreasonable and I would like to support the gentleman from Augusta in his proposal to either remove the toll barrier, or whatever you want to call it, above the Gardiner exit or either move it down below the Gardiner exit or remove it completely. I hope you will support the motion of the gentleman from Augusta and go along with him on that.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Madam Speaker, Ladies and Gentlemen of the House: I would just like to briefly ask this House to vote against the motion to recede for the simple reason that the community that I happen to come from, and I suspect most of the communities below the Auburn-Lewiston area, need that toll up there in West Gardiner to help protect the tourists or the people traveling on the Maine Turnpike heading up in that direction. Right now, without that, it would mean that they would bypass us completely. As I understand it, there would be a barrier placed in Gray, south of Auburn, between Auburn and Portland. I would just hope you would vote against the motion to recede.

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

Mr. NADEAU: Madam Speaker, Ladies and Gentlemen of the House: I am from York County and it seems like the motion before us to recede just does away with a barrier in the northern part. The motion to recede and concur gives us four barriers with two of the barriers in York County. What I want to do is get rid of the whole darn bill and to me, procedurally, the only way we are going to do that is to adhere. I ask you to vote against the motion to recede, to vote against the motion to recede and concur, then we can adhere, send this lovely bill back to the other body in non-concurrence and hopefully it will die, we can all go home. We can keep the tolls the way they are. We have got until 1981 to do something. For heavens sake, don't keep slapping us down York County. We don't mind paying the tolls, but don't stick two barriers down there on us. Give us a break for once, please. I have not asked you for anything since my Sanford Liquor Store — give me a break.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Speaker, Ladies and Gentlemen of the House: I was just motioning to Mr. Green that he was confused and it struck me that there was a real possibility that I am confused. Would Mr. Greenlaw tell me precisely where this barrier is? I thought it was at the same place at the entrance of I-95 and not on the Maine Turnpike at all.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Bustin, has posed a question through the Chair to the gentleman from Stonington, Mr. Greenlaw.

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

Mr. GREENLAW: Madam Speaker, Ladies and Gentlemen of the House: The gentleman from Augusta is quite correct. The proposal in the Senate Amendment does leave the proposed

barrier in West Gardiner in the same place it is. If I can perhaps encourage the House to recede so that Mr. Bustin can offer his amendment, because there is another amendment that I understand will be offered, and at the time Mr. Bustin offers an amendment, I should indicate why I think it is not a good amendment.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Madam Speaker, Ladies and Gentlemen of the House: I just had one question to ask about the location of these barriers. Do I understand that if the barrier is left on I-95 at the West Gardiner interchange, that there will be no barrier at Augusta? And if so, you pay only going one way?

The SPEAKER pro tem: The gentlewoman from Brunswick, Mrs. 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: Madam Speaker, Ladies and Gentlemen of the House: The answer to Representative Bachrach's question is that there would, in fact, be no barrier left at Augusta. You would pay both ways, whether you are coming north or south. The rationale on this is very simple. The third barrier is between Portland North and the Gray exit and, obviously, people coming either north or south, what the attempt is is to try and provide some equity between using the turnpike or the interstate. The question that we are trying to resolve here is if a person is coming north toward Augusta and comes through the Portland north barrier, you would pay 35 cents. If you want to try and avoid that, you could go up the interstate and pay no toll if there was no barrier at the West Gardiner interchange. What we are suggesting is that a person should pay 35 cents going north or south, either way. I think it is just a simple question of equity and fairness and I think to some extent the gentleman from Auburn, Mr. Green, has some legitimate concerns in that regard.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that the House recede. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Moody of Richmond 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 Stonington, Mr. Greenlaw.

Mr. GREENLAW: Madam Speaker, Men and Women of the House: I asked the House to vote to recede to allow the gentleman from Augusta, Mr. Bustin, to offer his amendment. I believe there is also another amendment that is to be offered.

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

Mr. LAFFIN: Madam Speaker, Ladies and Gentlemen of the House: This is where we are going to part company. I hope you will not give Mr. Bustin or anyone else the chance to put any more amendments on this bill, because we are in the final days. Can't you see what is happening? I have seen it and you have seen it; the handwriting is on the wall. Don't play this game; stop him right here. Don't let any more amendments come on because you are going to end up with nothing. If that is what you want, that is what you are doing right now. The game

is on. If you know how to play the game, you are going to fall right into their hands. If you don't know how to play the game, you are going to kill it all today anyway.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Madam Speaker, a point of parliamentary inquiry, please. That is, if the motion to recede is defeated, then obviously Mr. Bustin cannot offer his amendment. Would another motion to recede be in order after that so that another amendment could be offered?

The SPEAKER pro tem: If the motion to recede is defeated, there would have to have been another motion entertained, then another motion to recede could be reintroduced.

The Chair recognizes the gentleman from Gardiner, Mr. Kilcoyne.

Mr. KILCOYNE: Madam Speaker, Ladies and Gentlemen of the House: A point of inquiry. When would a motion to indefinitely postpone this bill and all its accompanying papers be in order?

The SPEAKER pro tem: The Chair would state that this is a matter of non-concurrence and therefore it is not in order at this time.

The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Madam Speaker, Ladies and Gentlemen of the House: I am not really in favor of receding but I have a cause and some constituents to look out for also. If we do recede, I have an amendment. That is the amendment that has been referred to by the gentleman from Stonington and also by the gentleman from Auburn. The amendment I have is to do away with the toll at Gray.

I shall now explain just what I am doing. What I am trying to do here is, again, I am not really in favor of this, but if you do decide to recede I have to put this amendment on because the people who live in North Windham travel daily to their employment in Portland.

The SPEAKER pro tem: The Chair would interrupt to remind Representative Diamond that the amendment is not before us. What is before us at this precise moment is the motion to recede.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that the House recede. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Bennett, Benoit, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Bustin, Carey, Carroll, Clark, Connolly, Dow, Durgin, Flanagan, Greenlaw, Hall, Hickey, Howe, Huber, Hughes, Hunter, Jackson, Jensen, Kane, LaPlante, MacEachern, McHenry, McPherson, Mitchell, Moody, Nelson, N.; Pearson, Plourde, Rideout, Silsbv, Smith, Talbot, Tarr, Tozier, Trafton, Wood, Wyman.

NAY — Aloupis, Austin, Bagley, Berry, Birt, Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Connors, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Dudley, Dutremble, Elias, Fenlason, Fowlie, Gauthier, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Henderson, Higgins, Hobbins, Hutchings, Immonen, Jacques, Jalbert, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Locke, Lougee, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, McMahon, Mills, Morton, Nadeau, Najarian, Nelson, M.; Norris, Peltier, Perkins, Peterson, Post, Prescott, Raymond, Rollins, Sewall, Shute, Spencer, Sprowl, Stover, Strout, Tarbell, Teague, Theriault, Torrey, Twitchell, Valentine, Whittemore, Wilfong.

ABSENT — Berube, Garsoe, Goodwin, K.; LeBlanc, Lizotte, Lunt, McBreairty, Palmer,

Peakes, Quinn, Stubbs, Tierney, Truman, Tyn-dale.

Yes, 45; No, 91; Absent, 14.

The SPEAKER pro tem: Forty-five having voted in the affirmative and ninety-one in the negative, with fourteen being absent, the motion does not prevail.

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

Mr. PETERSON: Madam Speaker, having voted on the prevailing side, I now move we reconsider and hope you all vote against me.

The SPEAKER pro tem: The gentleman from Caribou, Mr. Peterson, moves that the House reconsider its action whereby it failed to recede. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

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

Mr. BIRON: Madam Speaker, Ladies and Gentlemen of the House: It is interesting that we should have this bill today because, obviously, there has been a little bit of levity and the time is going by and we are waiting for bills to be engrossed, so it is a good afternoon to spend on debating an issue which was decided in the House several days ago.

There were several questions that were brought up in earlier debate. I might try to answer them at this time. The good gentleman from Westbrook, Mr. Laffin, pointed a question as to how the revenue figures were figured and where that came from on the one toll amendment. Based on the Maine Turnpike Authority's figures, York, where the one toll is being proposed, in 1976 there were 3,087,215 cars which came into the state. In the same year, 3,144,481 went out. If you total those two up, that gives you 6,231,000, times 75 cents, gives you \$4,700,000. I am sorry, that is the way the numbers roll. I am sure Mr. Laffin figures differently than I do, he might use a different calculator.

Again, the issue before us has been debated by the lobby. I am sure if you walk out there now and attempt to walk five to ten feet, you are going to get lobbyists on both sides and you can surely be confused in a very short period of time.

Mrs. Durgin talks about spending 75 cents to go 10 miles in the State of Maine. Well, Mrs. Durgin, if I personally were to represent your constituents, and under my amendment they were offered a pass to travel on a daily basis at a reasonable rate, if not for nothing, I would much prefer that than to have my constituents pay 35 cents four times in the State of Maine. That is what you are saying you would prefer to have.

I have serious problems, as if your constituents really understand what is being offered here. The money that is needed is \$5 million. The one toll system provides \$4,700,000. The four toll system provides eight to nine million dollars, and I am not quite sure how much. They say they need five, why give them nine? I cannot understand that. If you want your constituents to pay more than they have to, that is your choice. I don't want my constituents to pay more than they have to.

True, the out of staters are the ones who will pick up the burden. I see absolutely nothing wrong with that. My constituents have paid for 30 years; your constituents have paid for 30 years. I am not interested in having them pay for another 30 years. Let the out of staters pick up the burden of the Maine Turnpike. That is the issue that we have before us. It is very simple. Do you support one toll? Do you support four tolls which brings in more money than they need — the funny money? What do they do with it? I don't know. I understand that some were told that the extra money is going to be used to

help the roads in their areas. I don't think they can do that, because even under Mr. Greenlaw's bill, the money has to be used for turnpike purposes. Somebody is misinforming you if you were told that and if you are going to vote in that direction.

They want to widen the turnpike. Under Mr. Greenlaw's amendment, they have got to come to this body and get approval. They cannot do it even under his amendment. If you are in favor of that, you cannot vote for him.

Mr. Laffin says he does not want to put it to the people of Maine? That is what my amendment does. You should support my amendment, Mr. Laffin. You are mixed up.

The question that you have is that the people of Maine are going to pay just what they have to through a one toll system or they are going to pay more than they have to through a four toll system. That is the question before you. I hope you do not support the motion to recede and concur.

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

Mr. GOODWIN: Madam Speaker, Ladies and Gentlemen of the House: I am not going to talk long. All I would like to say is that I feel that we can get this matter out of the way very quickly and very cleanly today if we just oppose this motion to recede and concur then we can adhere. I think that will solve the whole problem for today and maybe we will even get out of here a lot sooner. I hope that we could just go ahead with the vote.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Madam Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston, Mr. Biron, mentioned that we had to work within the constraints of the turnpike as we know it today because of the bill that was put in by the gentleman from Stonington, Mr. Greenlaw. That is not exactly true. If you look at Page Three of the bill, you would find that what the State Department of Transportation is doing is widening the turnpike 10 miles on either side so there is a 20-mile wide strip running up through the state. I would like to read that little paragraph to you. The term "interconnecting access roads" shall mean any and all highways including bridges, underpasses and overpasses within 10 road miles of the turnpike — that is 10 miles, obviously, on either side, so you are talking about a 20-mile wide strip — which are under the control of the State Department of Transportation which directly or indirectly connects with the turnpike with respect to what the authority shall have made determination required by Section 11-F of this act.

The State Department of Transportation, in my mind, has already lost all the credibility that they ever had as far as I am concerned. For them to come in here now and to try to tell us that they are going to widen the road so that in effect any road that finally leads to an interchange is therefore indirectly connected to the turnpike, then what is happening is that you are going to be using toll money for the State Department of Transportation to do road work on any road within 10 miles of the turnpike. If that is the case, you will never retire any bonds and that road will not do what it was supposed to do originally in the law, in Chapter 69, back in 1941 — the termination of the Authority. When all bonds and the interests thereon shall have been paid or a sufficient amount payment of all bonds interests shall have been set aside, the Authority shall be dissolved. The turnpike its connecting tunnels and bridges and underpasses and franchises shall become the property of the State of Maine and all revenue is to become payable to the Treasurer of the State. It shall be a free road. This is what is happening to us.

Now the turnpike is actually being expanded to a road 20 miles wide.

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

Mr. JENSEN: Madam Speaker, Ladies and Gentlemen of the House: In response to the comments of the gentleman from Waterville, I would like to make a couple of comments. First of all, presently, the bill no longer exists. The amendments are the bill, be it Senate Amendment "A" or House Amendment "B", it is one or the other. There would be no bonds outstanding under either proposal.

It is my feeling that what this chamber ought to do, if we are going to adopt a turnpike bill in any form, what we ought to do is adopt the Senate Amendment. It does away with the Authority, it does away with the bonding, it provides a reasonable degree of legislative control and does a number of other things which I think are beneficial. The way the system will be set up, anybody going from one end of the turnpike to the other will hit three tolls, not four. If you ultimately decide to do away with either the Augusta or the New Gloucester exit, you are going to have to do away with the other out of interest of fairness, I think. When you start doing that, you are causing a reduction in revenues that are available and you are going to create some problems.

I intend to support Senate Amendment "A" and I hope you would as well.

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

Mr. HOWE: Madam Speaker, Ladies and Gentlemen of the House: I have to disagree with the gentleman from Portland, Mr. Jensen, when he says that he feels Senate Amendment "A" provides a sufficient degree of legislative control. The reason I say that is not so much to do with where the barriers are located but the amount of money that is generated. It seems to me what Senate Amendment "A" does is to generate enough money to do all of these things, widen the turnpike and improve or build other roads. In fact, I don't think the Senate Amendment even restricts that to 10 miles either side of the turnpike, and a quick review indicates to me that there is not any such limitation. It could be even further than that possibly.

If the money is already there in the next few years and the Legislature is asked to approve a widening or improving access roads, there is going to be a lot of pressure because the money is already there to spend it. That decision, I think, in effect will have already been made for us. I would rather that we adhere to our previous position, raise, for the time being, only the amount of money that is needed to maintain the turnpike and then, someday in the future, should the Legislature decide that the turnpike needs to be widened, for example, then we raise the money to do it and not raise the money before we have decided to do it, so I intend to vote against the pending motion.

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

Mr. HUGHES: Madam Speaker, Ladies and Gentlemen of the House: The issue before us is no longer whether or not to continue the Maine Turnpike Authority and whether or not to continue those jobs. Whichever version you adopt will abolish those jobs and abolish the authority, and judging by the vote in this body last week, that is certainly the will of this House.

As the gentleman from Lewiston, Mr. Biron, has said, the issue now is simply, do you want a Turnpike Authority with a one-toll concept or a Turnpike Authority with a three-toll concept? That is three, whichever route you take. I hope we can focus in on that decision.

It seems to me that the question is what is this

additional money to be used for? The one-toll concept has two advantages I see. The first and most important one is that if you have accepted the concept that we want the out of stater to pay as much as possible of this cost, and I guess that is why we are going to tolls in the first place, because out of staters pay a bigger percentage of the cost of the Maine Turnpike than they would with a gas tax increase, for example, so if you accept the concept that you want the out of stater to carry a bigger share, then it seems to me you also have got to extend that concept one step further and say, put a one-toll concept into effect and have that toll at York where you have all the out of staters, virtually, who come into the state, or about 90 percent of them, where they all have to come through the toll booth and they can carry a large percentage of that burden. I don't see that as morally unfair in any way, because those tourists are also the reason we have to widen our highways to handle summertime peak traffic, for example. They make us incur a lot of costs and I think that is a fair concept. That is the first attraction to me of this one-toll concept vs. the three-toll concept, which is the alternative.

The second is that the three-toll concept raises too much money. It raises about twice as much money as is really needed to operate the turnpike by the highway department's figures. I think in this time of stringency, when we are really talking about a tax, and this is a tax in another form, then we certainly ought to provide no greater taxes for our people than are absolutely necessary and justified. There simply has not been a justification for a \$9 million tax vs. a \$4.7 million tax. That, to me, is the second attraction to this. I guess I am also very worried about what might happen to that other \$3 million or \$4 million that would be raised through the three-toll concept as opposed to the one-toll concept.

I know that all kinds of offers have been made. It depends on where you live in the state as to what is going to be done with that money. If you live in part of the state not directly served by the turnpike, I suspect you have been told that whatever few million extra to widen and straighten out some roads and fix some potholes, that may be what the money goes for. If you live in my part of the state, you have been told that this extra several million will pay for some good access roads and some additional interchanges and things of that sort. That money just 'ain't' going to go that far and I think we ought to be awfully skeptical about those promises which are floating around this week in an effort to get this bill passed.

I would simply say that we ought to stay with what we passed overwhelmingly last week, which is the one-toll concept. It raises enough money but not too much. I ask you to oppose the motion to recede and concur and go with the motion to adhere.

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

Mr. LAFFIN: Madam Speaker, Ladies and Gentlemen of the House: My good friend Mr. Biron mentioned a few things that I was confused on and I would probably be the first to admit it. When you look on Supplement No. 2, you have got 48 amendments. Yet, I am confused on that, but I am not confused on the bill that we are talking about today. Mr. Biron is the one who is confused. He does not even know what he is talking about when he comes up with the figures that he is using on X-number of people using it, he is not going to count on because you have got those barriers that are going to turn off. It is my good friend in the corner that is confused. He is using figures on an exit-on, exit-on deal. That is where people know that they can use the turnpike, because when they do get on, they pay to get off and they expect it. But

under his proposal, that is the figure that he used. Those figures are not right. He doesn't know what he is talking about on those type of figures. He is trying to confuse the members of this House.

My good friend from Lewiston has come up with \$4.7 million that would be raised on figures that he took, or wherever he did get those figures, but the point is, ladies and gentlemen of the House, they are not going to get on and get off like they do now. That is the big thing. Somebody, and I think it was Mrs. Durgin who hit it right on the head, they are not going to go to Wells and Old Orchard and those places, travel a short distance and pay 75 cents. Route 1 is going to be loaded. It is going to be crowded. That is where they are going to go. That money is not going to go into the toll booths. If the money does not go into the toll booth, it cannot be used on paying for the highways. The people of Maine are going to pick it up. That is why Mr. Biron does not know what he is talking about.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Madam Speaker, Ladies and Gentlemen of the House: I am disturbed about a lot of the debate that is going on here today. It seems to me that there are all kinds of misconceptions, all kinds of emotional statements, all kinds of things that are being said that probably would be better off not said.

Simply, one of the references has been the fact that the legislature is not going to have control, that they are going to build a road 40 miles wide and so forth. Now listen to what the law says, some of you haven't read it, apparently. It says, no funds for construction or reconstruction of exchanges or interconnecting access road shall be extended until the department proposals for such construction or reconstruction have been included in the capital budget and have been reviewed by the Legislature. It also says, no funds for reconstruction or construction on the turnpike as provided by section, etc., shall be extended until the department proposals for construction or reconstruction have been included in the capital budget and have been reviewed and approved by the Legislature. Now, I think we can stop worrying about this excess money. I think we can stop worrying about all of the Department of Transportation building roads without our authority, and I think we should vote to recede and concur.

The SPEAKER pro tem: 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. Those in favor 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 pro tem: The Chair recognizes the gentlewoman from Freeport, Ms. Clark.

Ms. CLARK: Madam Speaker, Men and Women of the House: People have asked me why the Representative from House District 27 would rise to speak on the Maine Turnpike issue. I would rise to speak because my legislative district encompasses the towns of Freeport, Pownal and Gray and that fine gentleman from New Gloucester, Representative Cunningham, also shares the Town of Gray. It is the Town of Gray's position that I will attempt to reflect on the floor today. The Town of Gray testified at the hearing on this measure against passage. They have two concerns. Like all Maine citizens, the citizens of Gray would like the maintenance of the turnpike to be assumed through the toll process rather than taxes. The Town of Gray would also like the interchange moved to Route 26, which would clear up some of the traffic problems

which that town experiences particularly during the high tourist season of summer.

I also represent Freeport and Freeport and Pownal also contributed to the construction of that magnificent new road which begins at Exit 6A in Scarborough and continues to West Gardiner and that road was built with tax monies, highway user taxes. During the latest annual reporting period, Maine Motor Vehicles paid \$101,979,699 in state and federal use taxes. The Commissioner of the Department of Transportation, in his latest turnpike proposal, would place toll barriers at each of the extreme ends of that I-95 from 6A to West Gardiner. That is the road that tax money built so that those of us who funded the building of that road would have to pay, if we entered at Scarborough and would have to pay if we exited at West Gardiner, and I call that, in a form, double taxation. Maine's fuel taxes, during this same reporting period, were \$51,956,714; 22 percent of that fuel was consumed on the turnpike, where the user was required to pay a user toll. This is, again, double taxation. The entire turnpike barrier system proposal, I believe, is unfair, not only to the constituents in my legislative district but to the constituents of all of your legislative districts.

It is a long time until 1980 and 1981 and I ask you people, what is the rush? There is obviously controversy, confusion and just plain mixed up emotions circling around this issue.

I am not going to vote this afternoon to recede and concur. I will vote to adhere and I will also vote to indefinitely postpone. There is another day.

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

Mr. VALENTINE: Madam Speaker, Ladies and Gentlemen of the House: During this entire issue, I have found myself a little bit between a rock and a hard place in terms of the barrier proposals themselves. As a resident of York and a Representative from York, whether we have one barrier or three barriers or a hundred barriers, for me or my constituents to go from south to north, we are going to go through all of them, regardless of where they are located but I am not going to get into that part of the issue. I think it is obvious that no matter where you put most of these things, some people are going to be unhappy.

A little while ago, the gentleman from Windham, Mr. Diamond, indicated that people in his area would be unhappy with one of the barriers. The gentleman to my left has a possible amendment, because of some unhappiness about another barrier in York County, and earlier the gentleman from Augusta, Mr. Bustin, attempted to have an amendment to deal with a barrier up in this area. I think it is very obvious no matter where you locate these things, there is going to be unfair to some people. I am not going to bother to argue with that. It is something that I feel we will end up being most unfair to everybody in my area regardless of where they are located.

What I want to talk about is a couple of side issues that haven't been brought up. I don't know if it will clarify things or make it more confusing but I am going to go ahead and mention them anyway. This bill, no matter what form, is basically nothing more than an expression of sentiment, because in 1981, when those bonds are paid off, unless there is a positive act of Congress to the contrary, that road will become a free road.

I got curious toward the end of last week about the possibility of where the barriers will be located so I started to make a few phone calls both to Washington and to some federal highway people here in Maine and learned a few things that I discovered many of the members in here are not aware of. They are not aware of the fact that it will take a positive act of Congress to approve, although I do believe that

the gentleman from Stonington, Mr. Greenlaw, did mention it, to continue the tolls being on in 1981, no matter what we pass here or don't pass here. Unless we get caught up in another situation which involves payment, we accepted money from the federal government to do a lot of highway work in the state and part of that agreement was that in 1981, as soon as those bonds were paid off, that that would be a toll free road. When we entered into that agreement, the monies at that time collected on the tolls were to be used strictly for their retirement and for normal routine maintenance. The widening of the turnpike to six lanes in my town in York was a violation of that agreement. What kind of violation, I don't know, but they never got pressured but got a wrist slapping and that was about it. I guess, theoretically, we could have been made to pay that money.

What is going to happen down the line is that if we do decide to pass something that will continue the tolls and if we can get some sort of Act out of Congress to do so, that it is entirely possible that we are going to as part of that agreement since we have already used those federal dollars under that agreement, we are going to have to pay back some money to the federal government to keep that process going. I don't know what the figures are. The only figure I have heard so far is something in the neighborhood of a couple of million dollars. I don't know what it is but I think you all should be aware that in 1981, that is going to be a free road unless the United States Congress says otherwise: either nullifies our agreement or makes an agreement whereby we pay back the money that we have taken from the federal government for the expansion of those roads.

There are a number of other comments that come to my mind in listening to other people speak here today and I would rather just let this ride. I will oppose the motion to recede and concur. I am very much in favor of adhering but my ultimate goal is to kill the whole thing, quite frankly. That is all I am going to say right now on this particular issue. I hope maybe we could get around to a vote.

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

Mr. JACQUES: Madam Speaker, Ladies and Gentlemen of the House: I don't know if you noticed when this bill came into committee, I was on that particular committee, a member of that authority was appointed for 10 years. There have been so many changes with this. There have been four or five amendments. The committee amendment was as big as the original bill. If you notice the sponsors of this, none of them were from our area where the turnpike is being used. I don't want you to forget the smaller towns. If you do kill this turnpike authority, you are going to be in trouble. Everyone of you with the road money that you are getting, Lewiston, Auburn, Bangor, Portland, they aren't going to be hurt by it because they are not getting much money from the state, at least Lewiston doesn't anyway, so we aren't going to be hurt by it but you people are because you are going to have a \$5½ million upkeep for that turnpike if you do refuse those tolls. Lewiston will be in the same boat as ever, we hardly receive anything from the state anyway.

I was never for an authority. I never voted for this particular authority when I was in city government and I never will. This authority, if it don't stay, you can kiss the money that you are getting right now from the state, the small towns, because you are going to have to upkeep that turnpike and I certainly don't want the state to take over the turnpike. I think they are doing a pretty good job and I think we have one of the safest highways in the country. It is a pleasant highway, it is a beautiful highway and it is a state highway. Ask anyone, they will tell

you that — those people that travel it. I wouldn't travel anything else but the turnpike and I spend about \$150 a year. I don't mean the Legislature part of it, I mean my own business. I use that Lewiston-Auburn bridge maybe three or four times a day because traffic is so heavy in our community after three o'clock that we can't move, so I urge you to look this thing over before you do make a decision. Don't wait; the same problems will be here next year. If you don't take care of it now, it will be here next year. I urge you to take care of it today.

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

Mr. GREENLAW: Madam Speaker, Ladies and Gentlemen of the House: I would like to try and resolve what I think are some ambiguities that have developed and perhaps answer some questions.

I would like to indicate that the gentleman from York, Mr. Valentine, is correct when he indicates that federal Congress will have to take action to alter or change an agreement that exists between the State of Maine and the Federal Highway Commission. I just want to make it perfectly clear that it does not take an Act of Congress per se to continue the tolls; that is the decision we make and if we make the decision to continue the tolls in some form, then the Commissioner of Transportation is prepared to go to Congress to ask them to alter that agreement.

The gentlewoman from Freeport, Ms. Clark, who made response about the Town of Gray opposing the bill at the public hearing and expressing a concern about the people coming down Route 26, I would indicate that I think the committee and the sponsors of the bill have heard that and I think one of the provisions or one of the goals of the bill or the amendment, if you will, would be to allow for additional interchange on the west side of Route 26 onto the turnpike so that the people coming from the north would not have to go into the Town of Gray and relieve, what I understand, a great deal of congestion during the summertime. A number of people have asked, why do we need all this extra money? Well, perhaps we don't need this extra money. The whole proposal is predicated on the fact that by 1981, we will need approximately \$4.9 million to continue the maintenance of the turnpike facility.

The bill addresses two or three additional questions. It addresses the question of trying to provide some additional interchanges on the turnpike, one on Forest Ave. in Portland to relieve that congestion; trying to provide some better access into Lewiston-Auburn area and the same thing with the Saco area. If we don't decide that that is desirable, I suppose that is the decision we make but I think the additional revenue that we are talking about is an opportunity to do some of these things that it seems to me that some people would like to do.

I think there is a very important aspect of this amendment that has not been touched upon and that is, the amendment directs the commission to come up with some commuter fares. It seemed to me what the commuter fares would do would be to further reduce the burden upon Maine people. Even if a person was to go the whole length of the turnpike, they would be paying a maximum of \$1.05. That is a reduction of better than 50 percent of the present toll between York and Augusta. If there were shorter ones where people would still be paying tolls it would seem to me that they could buy a commuter pass and still pay a reduced rate from the 35 cents barrier fee that is proposed.

I want it perfectly understood that the Senate Amendment contains no ability whatsoever for the Department of Transportation to issue revenue bonds for any purpose. I think that that is very important. That seems to be one of the objections too. That provision of the original



bill has been taken out. We require the department to bring proposals for interchanges and intersection access roads to the Committee on Transportation and to the Legislature so I think, as the gentleman from Winthrop, Mr. Bagley indicated, there are the type of controls that we would like to see.

Finally, I would like to say that I think it is important that we recede and concur on this particular measure. I think the amendment is a good one and a good compromise. I would ask for your support.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Madam Speaker, Ladies and Gentlemen of the House: I didn't intend to get into this debate because whether we pay tolls on the turnpike, that doesn't bother me too much. As I sat here and listened, it brought back memories. I was here when they first passed the Turnpike Authority and I can remember that the same people from the same districts, people from York County at the hearings, coming out with red bandana handkerchiefs and crying. Old Orchard Beach was going to become obsolete: Kennebunk was going to disappear: York Beach was going to become obsolete and the businesses would go elsewhere in the center of the state and the beaches and all of these people in that area would go broke. Well, the truth of the matter is that the businesses have developed a thousand fold because of the turnpike.

I heard the lady from Freeport, Ms. Clark, who has a special place in my heart, by the way, being a bachelor you know, talk about Gray and Freeport and about the million dollars that they spent on the roads. The roads that they spent a million dollars on have brought in new industry. That is why you spent the money in order to develop yourselves economically so it is an investment that was made that is paying off for these towns.

Whether we have one toll house or three toll houses, I don't care really. Another thing that was mentioned here today, we have one toll house at Kittery — how about the people who are coming from New Brunswick, the western part of New Hampshire, from Quebec, who come down to Old Orchard Beach and these places, they aren't going to help pay for our roads. If we don't keep the tolls on the turnpike, the turnpike of today will become the potholes of tomorrow.

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

Mr. CARROLL: Madam Speaker, Ladies and Gentlemen of the House: I rise here today with a lot of reservations in my heart because I see great problems ahead. I think it is very simple to talk about a one barrier, one toll area but I live on Route 11. You know where Route 11 is? It comes from Route 16, just outside of Rochester, New Hampshire, goes along and you hit Route 25 and then you come to Gray and hit the turnpike. Everytime they start weighing trucks on the turnpike, you begin to see the big boomers come by. I own land on both sides of Route 11 and we will have to have an underpass there to get our machinery across the road if you put in a one toll system down there because the people are coming more and more through our area.

I would like to address the credibility of the Transportation Department, being House Chairman. I think I expressed some of my regrets to some of you privately that when Brother Jensen got up on the floor and told about the \$400,000 that we were lifting out of the General Fund, unknown to some people, that my right hand was all bloody because it was in the cookie jar and I got caught pulling it back. I was a little bit embarrassed because I had a letter in my pocket that I had just received saying

that this could be done and there would be no repercussions. Hindsight is always better than foresight. We all seem to have a lot of it.

What I am worried about is what is the federal government going to do with the fuel crisis. Are we going to have gasoline rationing ahead? How are we going to solve that problem? If the revenues in the department continue to escalate, that is wonderful but suppose that they start going the other way, due to the coupon books and the rationing of gas? Where are you going to get your money from for highways? Don't talk about funny money to me. That is circus talk. There is no funny money. The money would go into a surplus account and we would do with that money, if it is under the Department of Transportation, just what we did when you directed us to go back and go into that budget. In the coming months ahead, the Legislative Finance Department is going to play a very prominent role on dedicated revenues. I can see it approaching very fast. They are the people who deserve the credit for finding the money. They went into this budget, went over the estimates, decided that the estimates had been too prudent, that on the basis of some good hard facts, they could increase the estimates and come up with the money. We also went into a fund of \$3,000,000 and we took \$1,500,000 of that that had been used off and on throughout the years, what they called an emergency fund.

I think this is wonderful to open this all up to debate and I would like to sit here all afternoon and let everyone expound on their theory of what to do with that turnpike but I also want to tell you that I come from York County and I got sick of paying tolls back here in the 102nd and the 103rd and we weren't reimbursed and I went through the beautiful City of Lewiston, a man came through a red light and he almost did me in and I got back on the pike. Whether your life is worth anything to you or not, I will tell you now, my life is worth \$2 a day anytime. I intend to continue to ride the pike whether I have to pay tolls or not. I think it is one of the safest, one of the best maintained highways we have in this state. I think it is going to be standing up a lot longer than I-95. I think it is maintained wonderful and I shudder to think that if you take all the business away from it, that it is going to be what Representative Cote said, a highway where you are going to dodge potholes. You ride back in the wintertime and they do a wonderful job of maintaining it. I think it is awful easy to hit a man when he is down, to come out swinging as Roger Mallar and I have a great deal of respect for Roger Mallar. We have not agreed, we have disagreed and we disagreed on this very bill here and I will tell you now, that if the motion of the gentleman from Stonington, Mr. Greenlaw, fails, then I will make a motion to recommit this legislative document back to the Committee on Transportation.

We had a hot afternoon that afternoon. We didn't want to send it out and I don't want to see this legislation go down the drain. I want to see you address it, and if you aren't going to address it in a responsible manner, then I would urge you all to join with me in recommitting this Legislative Document back to the Committee on Transportation and take it up when we come back in the special session. I think we have to act responsibly and we have to stop playing a little joke about funny money, because this is serious, serious business.

Mr. Moody of Richmond moved the previous question.

The SPEAKER pro tem: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes: those opposed will vote no.

A vote of the House was taken, and obviously more than one-third of the members present having voted for the previous question, the motion is entertained.

The SPEAKER pro tem: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Those in favor will vote yes: those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 18 in the negative, the main question was ordered.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Madam Speaker, I would like to pair my vote with the gentleman from Biddeford, Mr. Lizotte. If he was here, he would be voting no and I would be voting yes.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that the House recede and concur. Those in favor will vote yes: those opposed will vote no.

#### ROLL CALL

YEA — Bagley, Benoit, Bunker, Burns, Carrier, Carroll, Churchill, Conners, Cote, Cox, Dexter, Durgin, Dutremble, Fowlie, Gould, Gray, Greenlaw, Hall, Huber, Hunter, Immonen, Jackson, Jacques, Jensen, Kilcove, Laffin, McBreairty, McMahon, McPherson, Morton, Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Raymond, Shute, Silsbv, Sprowl, Stover, Stubbs.

NAY — Aloupis, Ault, Austin, Bachrach, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bustin, Carey, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Green, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Joyce, Kane, Kany, Kelleher, Kerry, LaPlante, Lewis, Littlefield, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peltier, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Smith, Spencer, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tiernev, Torrey, Tozier, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Jalbert, LeBlanc, Lougee, Lunt, Truman, Tyndale.

PAIRED — Hutchings, Lizotte.

Yes, 42; No, 100; Absent, 6; Paired, 2.

The SPEAKER pro tem: Forty-two having voted in the affirmative and one hundred in the negative, with six being absent and two paired, the motion does not prevail.

The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Madam Speaker, Ladies and Gentlemen of the House: I have, up 'til this time, not made any comments on this bill. The reason that I haven't got into the debate is that I felt that the committee amendment hadn't done the job properly.

Therefore, I would move that this bill and all its papers be recommitted to the Committee on Transportation. The reason that I make that motion is that sometime ago, when this was discussed, we felt that we hadn't had the time to travel over the turnpike and really in all honesty with the people here today, I, as a committee member, didn't feel up until today that I could vote on any proposal that was before us. I recommended this to the Commissioner, the Commissioner couldn't go along with my recommendations and I feel that sometime ago, maybe, the members of this committee felt that we ought to do something. I realize that

there is a time limit that we are faced with. However, I feel that in the next six months, the committee will have a chance to look at this proposal more thoroughly and maybe come back in the second regular session and present a bill to this body that would do what a lot of us would like to do that maybe we can't go along with the one toll barrier. Therefore, Madam Speaker, I would hope that the members of the House would follow the motion that is before us.

The SPEAKER pro tem: The Chair would advise the gentleman from Corinth, Mr. Strout, that the motion to recommit is not in order.

Thereupon, the House voted to adhere.

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

Mr. NADEAU: Madam Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER pro tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Madam Speaker, a point of order? I was under the impression that a motion to recommit could be made at any time.

The SPEAKER pro tem: The Chair would advise the gentleman that the only motions before us are to recede and concur, to insist or to adhere. Therefore, it is not in order.

The motion now before the House is the motion of Mr. Nadeau of Sanford that the House reconsider. Those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent:

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish" (H. P. 715) (L. D. 851) asks leave to report: that the House recede from Passage to be Engrossed as Amended by Committee Amendment "A" (H-746) and Recommit the Bill and Papers to the Committee on Marine Resources;

that the Senate recede from acceptance of Report "A" "Ought Not to Pass" and Recommit the Bill and Papers to the Committee on Marine Resources in concurrence.

Signed:

Mrs. POST of Owls Head  
Messrs. JACKSON of Yarmouth  
GREENLAW of Stonington

— of the House.

Messrs. CHAPMAN of Sagadahoc  
HUBER of Falmouth

— of the Senate.

Thereupon, the Committee of Conference Report was read and accepted.

The House receded from Engrossment and the Bill was recommitted to the Committee on Marine Resources in non-concurrence and sent up for concurrence.

The following enactor appearing on Supplement No. 4 was taken up out of order by unanimous consent.

#### Constitutional Amendment Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee to be Exercised when the Legislature is not in session (H. P. 1397) (L. D. 1658) (H. "A" H-897; H. "A" H-855 to C. "A" H-676)

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

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Madam Speaker, Members of the House: This bill, this constitutional amendment has been tabled here for many days now and I think there are a lot of questions in many of your minds about what this bill or this resolution is designed to do. We haven't had any debate on it and I just would like to briefly explain what its purpose is.

It is primarily designed for the legislature to keep some control and watch that our priorities are being carried out when we aren't in session. It has primarily to do with the monitoring of federal money. We have several other bills dealing with federal funds here in this legislature for the first time and I hope and believe in a very comprehensive manner, the problem is that according to our constitution the legislature can't delegate its authority to one of its committees when we are not in session at the present time. What this would do, it would give the Committee on Appropriations and Financial Affairs the functions that our Executive Council used to have to approve or disapprove the transfer of funds within a department when that amount is more than 10 percent or \$100,000, whichever is less.

Oftentimes, federal money, at the end of the federal fiscal year, some of the states haven't used the federal money that has been allocated to them, they then go back to the other states and say "we have \$2 or \$3 million in LEAA money and if you can use it, we will give it to you. Often this is the way new programs get started without any legislative involvement or oversight or approval of it in the first place. Then, later on these funds aren't continued, employees are hired, programs are in place and the state is asked to come back and pick up these programs with state money and it is very difficult for us to refuse when the program is going, it has a constituency and employees have been hired. I don't think there is anything for you to worry about with this bill. It is very permissive. It says the legislature "may" do this, and before we could do that even, it has to be approved by the people. What is happening now is these decisions are being made by an appointed bureaucrat and I don't mean that in a negative sense, but it is just one person, maybe the commissioner of a department is making a decision on how to use this money and it just seems to me that it would be much better to have some oversight from a committee of your legislature monitoring what is happening when we are out of session.

I think we have let a lot of this slip away from us. We have been told by the National Conference of State Legislatures, by the Advisory Commissions on the States, that if the states don't finally begin to get some handle on the federal money, it is becoming such a large percent of our total state dollars that we are just becoming an obsolete body and decisions on programs and priorities are being made outside the walls of this chamber and the one down the hall and it is happening all over the United States.

Right now, over 36 percent of our total state budget is federal money. Some of this requires a state match, so we would have some say about what level we want those programs funded. But there are a lot of other federal programs, federal money, coming in the state that don't require any state match. We don't know what is happening. The Governor, by himself, is so monumental he can't keep a handle on what is happening. He signs his name to a lot of these things where there is no human possible way that one person can monitor these federal funds because of their magnitude and I just hope that you will vote to enact the bill.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Lewiston, Mr. Raymond.

Mr. RAYMOND: Madam Speaker, Ladies and Gentlemen of the House: When we got rid of the Executive Council, we were told that they were there for no reason at all because we didn't need them anymore so we might as well get rid of them. Since we got rid of them, it seems we need them now more than ever, because the job they used to be doing, now we have to have all kinds of commissions to replace them. They don't want to give this to a commission so they are going to give it to the legislative council. All year we have been told by various members of this House that our constituents, the people outside these walls, are sick and tired of legislators and the policymaking here. So, what we are going to do, we are going to give it to a select few. We are elected by the people here also and if we can't make these decisions then lets get another commission going or bring back the Executive Council to do that job because I for one am not in favor of giving any more authority to the legislative council. In my opinion they have too much the way it is now.

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

Mr. KELLEHER: Madam Speaker, Ladies and Gentlemen of the House: I can understand the feelings of the good gentleman from Lewiston. However, in the interim there has got to be some legislative panel dealing with duties that fall into an emergency nature. I don't care whether it is a special interim committee, the Appropriations Committee, or whether it is the council itself.

I would hope this afternoon that we support the position of the good Representative from Portland and adopt this proposal. If he has any frustrations with it, or any of the rest of us, at the next session of the legislature we are coming back and we can create a cure for it. However, we are in a position right now where we need some type of an instrument to operate state government when the legislature itself is not in session. I think it behooves us this afternoon anyways to at least support this proposal. We will be back in the next session of the legislature and if he or I or any of the rest of you are unhappy, then we can apply the medicine needed to change and correct the illness. I would hope that you support Mrs. Najarian this afternoon.

The SPEAKER pro tem: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Madam Speaker, Ladies and Gentlemen of the House: I would pose one question to the good lady from Portland. It isn't like we haven't been seeing each other lately but I haven't had a chance to ask about this bill. I guess the one problem that I have with it, or a question that I would pose is, if we have state budgeting of federal expenditures, is this bill absolutely necessary, or as necessary as it would have been if we didn't have the other bill that deals with federal expenditures?

The SPEAKER pro tem: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may answer.

The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Madam Speaker, Ladies and Gentlemen: To answer the gentleman's question, the federal expenditure budget is one step, I think, in the right direction. However, there is no method to deal with federal money that becomes available in quantities that were unanticipated at the end of the federal fiscal year which is now in October when we are out of session. The federal expenditure budget does not deal with the approval of transfers, also when we are not in session. When we are not in session, we just have to leave that up to the