

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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June 14, 1978

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APPENDIX

state librarian the director of the state museum, the executive director of arts and humanities, and the director of historic preservation, who are presently unclassified. Then, it puts back into the bill, the assistant to the commissioner and the deputy commissioner as the only two positions that would be unclassified. Then, it goes on further to say, strike All of Section 16, Page 9 of the redraft, which is the language on the State Museum, Arts and Humanities, Maine State Library, and Bureau of Vocational Education in which we have set up the appointment procedure, by the commissioner with the advice and consent of the majority of the commissions and for their removal and for their compensation. I think I am reading the amendment correctly and it would put all of these people into the classified service, which they are not presently in.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think the legislature may have a very direct interest in this particular amendment from this perspective. If we look at recent history, and you want to find out some answers from the Education Department, is it possible to get them from the very top, from people who are afraid of losing their jobs? Now, this may be exactly what is at stake here. When the muzzle goes on at the very top, do you want to put the muzzle on the next three people down too? I don't think it is in our best interest when we want answers to some of the questions we have.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: In hearing from the various departments on this bill, we had two points of view presented to us. One, that a commissioner needs to have his own team with the same philosophy to work together and the other that certain people needed to be protected because of their area of expertise which would not easily be replaceable.

In considering the different departments, the Department of Human Services were agreeable to a man that they were willing to serve in unclassified positions and do their job and risk being not continued by the commissioner.

This seemed to be pretty much the case, also in the Education Department. We heard at hearings, no testimony in opposition to having these people unclassified and working as a team with the commissioner. I don't understand why there is a problem now. I feel that we should keep the bill the way it is.

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

Mr. HUGHES: Mr. Speaker and Members of the House: Just a question. I am confused about the debate. If we want to provide the commissioner more flexibility in choosing his deputy assistant, which way would we vote?

The SPEAKER: The Chair would advise the gentleman that the pending motion before this House is to recede and concur, which would adopt the Senate Amendment. If the House is opposed to the Senate Amendment, they would vote no. If they are in favor of the Senate Amendment, they would be voting yes.

Mr. Lynch of Livermore Falls was granted permission to address the House a third time.

Mr. LYNCH: Mr. Speaker, and Ladies and Gentlemen of the House: You have heard it said that there was no testimony from the department. I am not worried about the department. I am worried about protecting the legislature in the future. I am concerned that you, in the future, get the information that you deserve to get, not what is filtered by appointees of any future Governor. Look out for your own protection.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mr. KANY: Mr. Speaker and Members of the House: I have a constituent, which falls under

this particular bill that we would be unclassifying, so it is kind of tempting for me to go along with the recede and concur motion but I won't. The State Government Committee gave this bill a lot of thought. We are trying to improve our whole personnel system here in the State of Maine and I hope that you do vote against the recede and concur motion and go along with Representative Curran is suggestion and then insist.

I want to clear up one misconception. I think a lot of people believe that just because someone is unclassified, they can be summarily dismissed. That is not true. Often, within the statutes, even for an unclassified employee, you will find that there is statutory language in which you can have a very lengthy maze of a process on dismissing someone. So, do not think that just because someone would be unclassified that they necessarily could be dismissed at someone's whim.

The SPEAKER: The pending question before the House is the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House recede and concur. All in favor of that motion will vote yes, those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Bustin, Carter, F.; Conners, Cox, Dow, Drinkwater, Durgin, Fenlason, Gillis, Gould, Hall, Hickey, Hunter, Immonen, Joyce, Kelleher, Kerry, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Marshall, Masterman, Maxwell, McBreairty, McKean, McMahon, McPherson, Nelson, N.; Norris, Pearson, Peltier, Peterson, Plourde, Prescott, Rollins, Shute, Smith, Strout, Talbot, Torrey, Truman, Twitchell, Whittemore, Wyman.

NAY — Aloupis, Bachrach, Benoit, Berry, Berube, Biron, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cunningham, Curran, Davies, Dexter, Diamond, Elias, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, Jalbert, Jensen, Kane, Kany, Locke, Mackel, Mahany, Martin, A.; Masterton, McHenry, Morton, Nadeau, Najarian, Nelson, M.; Paul, Peakes, Perkins, Post, Quinn, Raymond, Rideout, Sewall, Silsby, Sprowl, Stover, Tarr, Teague, Theriault, Tozier, Trafton, Violette, Wood, The Speaker.

ABSENT — Bagley, Beaulieu, Bennett, Devoe, Dudley, Dutremble, Kilcoyne, Mills, Mitchell, Moody, Palmer, Spencer, Stubbs, Tarbell, Tierney, Tyndale, Valentine, Wilfong. Yes, 57; No, 76; Absent, 18.

The SPEAKER: Fifty-seven having voted in the affirmative and seventy-six in the negative, with eighteen being absent, the motion does not prevail.

Thereupon, the House voted to insist and by unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance program" (H. P. 1959) (L. D. 2041) (C. "A" H-1070)

Tabled — February 24, 1978 by Mr. Blodgett of Waldoboro.

Pending — Passage to be Engrossed.

On motion of the gentleman from Waldoboro, Mr. Blodgett, tabled pending passage to be engrossed and later today assigned.

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

Bill, "An Act to Revise the Salaries of Certain County Officers" (H. P. 1942) (L. D. 2108) (C. "A" H-1030) In House, Passed to be Engrossed as amended by Committee Amend-

ment "A" (H-1031) on February 15. In Senate. Passed to be Engrossed as amended by Committee Amendment "A" (H-1030) as amended by Senate Amendment "A" (S-472) there in non-concurrence.

Tabled — February 24, 1978 by Mr. Henderson of Bangor.

Pending — Further Consideration.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have an amendment being prepared in Legislative Research, which is not ready, and I would really appreciate somebody tabling this bill until later.

On motion of the gentleman from Gorham, Mr. Quinn, tabled pending further consideration and later today assigned.

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call the attention of the members of the House to a hearing that will be held Tuesday, March 7, at two o'clock in the afternoon in Room 114. It is a rather innocuous bill titled "An Act to Insure Local Control over Education Policy."

(Off Record Remarks)

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recesses for lunch, all matters Passed to be Engrossed in Concurrence and all matters that require Senate concurrence; and that after such matters has been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Morton of Farmington, Recessed until four o'clock in the afternoon.

After Recess
4:00 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Statutes Relating to Airmobiles." (H. P. 2126) (L. D. 2153) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Blodgett of Waldoboro, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Administration and Toll System of the Maine Turnpike" (H. P. 2132) (L. D. 2157) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

House Amendment "A" (H-1086) was read by the Clerk.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I now move indefinite postponement of House Amendment "A".

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentleman from Limerick, Mr. Carroll. I would like to know his opposition to House Amendment "A".

Apparently the debate has been well orchestrated. The amendment that you have before you this afternoon makes the pending legislation an emergency. Those of you who have been approached by those who are interested in

this legislation have been told this seriousness of this legislation and the importance of this legislation being passed. In concurrence with their argument, I present this House Amendment which would make this bill an emergency.

I have read newspaper articles which indicate to me that the proponents of this legislation, many other road construction matters which ought to take place in various parts of the state are dependent upon the passage of this legislation. One of the most serious arguments that is being given in favor of the legislation is that we need to get congressional approval to continue a toll on the turnpike. I would imagine that if congressional approval is necessary, the seriousness and the passage of this legislation, an emergency preamble should be put on this so that we may get this approval. Only in concurrence with those who are proponents of this legislation in good faith, in an attempt to help them with their efforts, I present the House Amendment, which would make the legislation, if passed by this body and by the other body, would give them an opportunity to take the matter to the congressional delegation and then get the amendments necessary so that we can put tolls on the Maine Turnpike, and that is the purpose of the amendment. I would request a division.

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

Mr. GREEN: Mr. Speaker, Ladies and Gentlemen of the House: I would just rise today to urge this House to reject the pending motion of indefinite postponement and accept the good gentleman from Lewiston, Mr. Biron's amendment. The Transportation Committee and, indeed, the efforts behind this bill coming before us again this session as so important, and the members of the committee that I spoke with in regards to this bill told me that it had to come out this year because if it did not and we waited until 1980 or 1981, it would automatically become a toll-free highway and we could not have that — it is an emergency. So, indeed, if it is an emergency, let's reject the current motion of indefinite postponement, accept Mr. Biron's very appropriate amendment with an emergency preamble on it and proceed.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to comment for the record that this is kind of a ridiculous amendment. As Mr. Biron well knows in talking about an emergency, it is all a matter of what kind of dimensions you are talking about. An emergency that needs to be dealt with right now is one kind of an emergency; another kind of an emergency is something that needs to be dealt with within a period of years. It seems to me that this is that kind of an emergency. If we wait until 1979 or 1980 or 1981, sure, we might possibly be able to get it through, get it sent to the Congress and get it taken care of, but it seems to me in doing that, you are cutting things awfully close. Furthermore, what I suspect would end up happening is that the Maine Turnpike Authority would certainly find new things to do to keep themselves in existence another year or two so the legislature would have time to pass another bill, get it to the Congress and get everything taken of. I do not want that kind of thing to happen.

This piece of legislation is basically a good bill. It ought to be passed the way it is.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I am in full agreement with the gentleman from Portland. That is the reason that you have the amendment before you. I am convinced of their arguments; their arguments that this is an emergency measure. We need to get some support from the congressional delegation as to making an exemption to the rules and allow us here in the State of

Maine to put tolls on the turnpike. I am in full agreement with the committee, and I simply offer this amendment to make the job easier. This is apparently what we are attempting to do here today, to pass legislation which would enable the State of Maine to put tolls on the turnpike. I don't want to wait until the last minute, like Mr. Jensen has talked about, and that is the reason for the amendment you have before you.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask any member of the Transportation Committee a question through the Chair. Is it true that it is possible in 1981 to receive 90 percent federal funding of that part of the turnpike that now has a toll if we wait until then?

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, there would be 90/10 money available from the federal government only if they were to agree to widening the turnpike to six or eight lanes and that money would only be available for that additional widening. That is not an absolutely sure thing but it is likely. There would be no money available for regular routine maintenance, snow plowing, an inch or two of overlay or anything of that sort. The interstate program right now is changing its interstate afflux, there are likely to be more changes in the future, but it is very unlikely that any money will be available for regular routine maintenance. Even if there was money available, it would be available only from Portland south, not from Portland north.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 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: The Chair recognizes the gentleman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, I would like to pair my vote with the gentlewoman from Auburn, Mrs. Lewis. If Mrs. Lewis was here, she would be voting no and I would be voting yes.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Limerick, Mr. Carroll, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bennett, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Carroll, Carter, D.; Churchill, Clark, Cote, Cox, Cunningham, Curran, Davies, Dexter, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Fowlie, Gill, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hickey, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Masterman, Masterton, Maxwell, McHenry, McKean, McMahan, McPherson, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Strout, Tarbell,

Tarr, Teague, Theriault, Tozier, Twitchell, Violette, Whittemore, Wilfong, Wood, Wyman. NAY — Berry, Berube, Biron, Boudreau, P.; Bustin, Carey, Carrier, Carter, F.; Chonko, Connors, Connolly, Diamond, Green, Henderson, Hobbins, Howe, Kane, Laffin, Mackel, Martin, A.; Moody, Nadeau, Najarian, Raymond, Talbot, Torrey, Trafton, Truman, Valentine.

ABSENT — Ault, Bagley, Beaulieu, Bunker, Devoe, Dudley, Dutremble, Garsoe, Gillis, Goodwin, H.; Jacques, Jalbert, Kerry, LaPlante, Marshall, McBreairty, Mills, Mitchell, Shute, Spencer, Stover, Stubbs, Tierney, Tynedale.

PAIRED — Aloupis, Lewis.

Yes, 95; No, 29; Absent, 24; Paired, 2.

The SPEAKER: Ninety-five having voted in the affirmative and twenty-nine in the negative, with twenty-four absent and two paired, the motion does prevail.

Mr. Biron of Lewiston offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1087) was read by the Clerk.

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

Mr. CARROLL: Mr. Speaker, I now move the indefinite postponement of House Amendment "B".

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The House Amendment that you have before you is similar to the House Amendment that I presented last year which was adopted by this body. The House Amendment that you have before you simply changes the intent of the legislation to a point where we will be providing adequate revenues for the maintenance of the Maine Turnpike.

I believe that most of you here are concerned with the possibility of \$5 million coming out of state revenue for the maintenance of the turnpike and none of you here, nor am I, are interested in putting on a one cent gasoline tax to take care of that possible problem.

However, there was a question posed earlier by the good gentleman from Westbrook, Mr. Laffin, to any member of the committee in reference to dollars which would be made available from the federal government. Mr. Jensen was correct in his statement. However, Mr. Jensen did not mention the possibility that by 1981 the federal government "might" pass legislation which would provide the State of Maine with 90/10 for maintenance of the turnpike, and that is why I questioned it, and I say that is only a possibility, but that is why I questioned the need for this legislation here at this time, but if we are all convinced that we need to pass legislation, then I submit to you, why not pass legislation that would simply bring in the amount of money necessary to maintain the Maine Turnpike, and that, by the admission of the Department of Transportation, is \$5 million.

The proposal that you have before is a one-toll system similar to what you see in the State of New Hampshire. New Hampshire has been very successful with their one-toll system and the amendment that you have before you proposes that we put a one-toll system in at York.

Those who will rise in opposition to this amendment will say people will bypass the one-toll system. The one-toll system in New Hampshire is not bypassed and you can simply bypass that by going five miles. Here in the State of Maine you would have to go 17 miles to bypass a one-toll system.

The one-toll system will bring in the adequate revenue necessary to maintain the Maine turnpike without putting an additional gasoline tax burden on anyone in the state. However, it does something which I think we should all consider here today and that is, it takes the burden off the people in the southern part of the state who, for 20 years, have paid for the Maine turnpike, who, 20 years ago, were

told that if we float a bond issue and if we pay for it for 20 years, at the end of the 20 years it is going to be free. That is the legislative intent. It is in the record. I am not smoking you, that is a fact. Now we come back and say, it is going to cost \$5 million. I am not going to argue with that point, but I can't stand here today as a legislator from the Lewiston-Auburn area and support a plan which, under the proposed legislation that you have, does (1) set the amount of tolls to be collected by the commissioner the bill that you have before you says that; (2) that the commissioner will bring his proposed barriers to the legislature and he gives us all of 40 days to make a decision and if we don't make that decision, he puts them where he wants. I can't support that plan, and that is the plan that you have before you.

A single-toll system tells you, the legislators and the people who should be concerned, exactly what the bill will do. We will have a one-toll system, we will have it at York, we will charge 75 cents going in and 75 cents coming out. The people of Maine will travel all of Maine without paying an additional dime. Don't you think it would be fair for us to do that after maybe misleading the people in the southern part of the state in telling them it was going to be completely free? None of us here want to make it completely free. We don't want to raise the gasoline tax. I agree with you, but do we want to put the burden on the people who have already paid? I don't think so.

This is a plan that will give you an opportunity to treat those people fairly, to bring in the money necessary to maintain the Maine Turnpike, and I think it is a plan that we should very seriously consider. The only argument I have ever heard against this plan is that people will bypass it and that argument doesn't hold water. It never has and it never will. I fully realize that it doesn't put as much money into the hands of the bureaucrats but that is fine as far as I am concerned, because I am not going to have the people of Lewiston and I don't think any of you want to have your constituents pay for more than they have to. Under the plan that you have here today, there is nobody on that Transportation Committee who can tell you what the toll is going to be and where the tolls are going to be. They can't tell you that because they don't know. I am telling you exactly where the toll will be and where it is going to be, and that is the major difference. It brings in the money necessary. It got the support of this body in the last legislative session, and I sincerely hope that you support the amendment that you have before you.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I didn't vote with the gentleman from Lewiston on his last amendment, but I think in this amendment he hits the heart of the issue. He certainly is right to say that you can raise enough money through a one-toll system, that in such a system you can avoid taxing further the residents of the southern part of the state who have paid for that road over the last 21 years.

I find it very difficult to figure out why the Department of Transportation is actually opposed to this one-toll concept. It raises the amount of money they say they need. The only answer I can come up with is, essentially that it doesn't provide the additional money they would like to have to do some of the ancillary things on the turnpike that they would like to do. I suppose when you have one toll, there is kind of an upper limit of a dollar or so that is feasible to charge. While that dollar or so may bring in enough money to operate the turnpike, which is all they say they want, if, indeed, they have plans to expand to three, four or six lanes in the future, it may not bring in that kind of money.

I guess I agree with the gentleman from Lewiston, Mr. Biron, in that it is very likely, with

the interstate system coming near completion, with the highway lobby wanting that money to continue to go into highway construction, that those funds are going to become available for maintenance and for widening projects. I think we ought not to set ourselves up to a continuation of a toll system which taxes people unfairly.

This bill, as amended by Mr. Biron, would do the minimum necessary to operate that turnpike not at a loss to Maine people. It would do it more satisfactorily than would the committee version, in my opinion. I ask you to support his amendment.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. What exactly was the Department of Transportation's primary objection to the good gentleman from Lewiston's suggesting a one-toll barrier in southern Maine? To me, it makes sense. I would like to hear from someone on the committee.

The SPEAKER: The gentleman from Auburn, Mr. Green, has posed a question through the Chair to any member of the Transportation Committee, who may respond if they so desire.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, I think this year compared to last year, the cost that the gentleman from Lewiston gave of \$4.7 million to maintain was accurate. I believe a year ago I supported that amendment that he offered, but in answer to the gentleman from Auburn, the cost that we are looking at is not 1978 or 1979, we are looking at 1983, when possibly this would be converted. The cost at that time, from the projections we have now, is \$6,061,192, and the one toll will not cover that cost. I do feel, however, that at some time in the future there has got to be an expansion at the southern end of the turnpike. In order to do that, we have got to have \$8 million. The bill that we have before us, if not amended, will take care of this and bring in the \$8 million that is needed.

However, another argument that I have, and I don't know that the committee feels this way, I just don't feel, and I know the good gentleman from Lewiston knew I was going to say this, we are putting all of the cost on the out-of-state people. I feel this is wrong. I don't think we should sock it to all tourists for just one city.

I believe the proposal we have is fair, I think that is the one we should go with, and I think personally what the gentleman from Lewiston is trying to do is kill the bill again this year.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the figures that were just given to you, the figures that I have here are figures that were made available to me by the Department of Transportation. Those figures indicate that the 75-cent toll would bring in adequate revenues to maintain the turnpike.

If the Maine Turnpike is to be expanded, Mr. Jensen, a member of the Taxation Committee, has talked about 90/10 dollars that were made available. I can't see why the people of Maine would have to pay any additional dollars for that. Today we wouldn't be wrestling with this problem if the turnpike had been built the same way I-95 was built, with 90/10 dollars. This is the point that I am trying to make. For 20 years the people in the southern part of the state have paid and have paid dearly for that road. Now there is a possibility, and a very very strong possibility, that they won't have to anymore. Yet, there are some people who would prefer to have them pay, not only for a tree barrier system but, in addition to that, a fine, a \$10 million fine. Not only are we going to say that you

have got to pay for 20 years, but you have got to pay a \$10 million fine because you have paid for 20 years, so you can pay again.

The legislation that you have before you, if it is not amended, should receive a Pulitzer Prize. It is incredible that anybody would write this piece of legislation and expect it to be passed as written. It gives a tremendous amount of power to the Commissioner in the Department of Transportation. I don't think it is power that many of us here want to give to that individual. In addition to that, it has got so many "maybe's" in it. This amendment simply clarifies what the tolls will be.

I will be the first one in this body, if I should be re-elected, to introduce a bill to remove the one-toll system if 90/10 dollars are made available, and we will know that by 1980 or 1981. If they are not made available, now we have a funding mechanism, and that is what we are interested in at this point, a funding mechanism, not a dream, not a promise, not maybe. What exactly is going to happen in 1981 if we don't have any federal dollars? This tells you exactly what will happen. The bill that you have before you tells you nothing. It tells you the commissioner will set tolls at whatever level he wants. It tells you the commissioner will put barriers wherever he wants. That is the problem with the legislation that you have before you.

If you are concerned and you don't want a gasoline tax, and rightfully so — but don't tell me that the one-toll system doesn't provide enough revenue, because according to the Department of Transportation, it does. Don't ask me today to support a bill that doesn't tell me how much my constituents are going to pay, that doesn't tell me where the tolls are going to be and expect me to vote for that in good conscience. I don't think any of you here can vote for that in good conscience, but I think you can vote in good conscience to say that we will have a one-toll system and it will cost 75 cents, because you know what you are voting for. But under the proposal that you have, you don't know what you are voting for, so I urge you to support the amendment.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: From the explanation I just received, I can only assume that the gentleman has not read the legislation. He has incorrectly explained certain phases and certain facets of this legislation. I would like to point out to him that his 75 cent dream is a cheap ride, it may be cheap if you ride the full length of the turnpike, but how about if you get on and only go 20 miles and you are socked 75 cents? We have a piece of legislation here that is going to have a three-barrier system. It is going to be approved by the Maine Legislature. The toll system must be approved by the Maine Legislature.

I can assure you that the committee spent many hours on this legislation. We went over it, we held hearings and we tried every way we could to come up with a reasonable answer. This, to me, is the most reasonable answer we have. We are trying to open up the turnpike so the people in the southern part of the state, down in Wells, will have additional access roads so when they are congested this summer and they sit there for two hours, and if you have ever traveled down there and sat on Route 1 waiting to get somewhere, it would do away with that problem. You will have access to get onto the turnpike and to use it at a reduced rate. If you are a commuter you will get a reduced rate.

You will also have barrier systems where you will have free travel zones. You will have more access roads, more facilities available for the people of the State of Maine at a reasonable and reduced cost. I don't think it is fair for a man who gets on down in Kittery and only rides a short distance to soak him 75 cents. I don't think it is fair to Lewiston if you travel a

short distance to pay 75 cents. You are talking about someone who gets on and rides the full length, that is a cheap ride. I agree. I think it is a bargain. But I am trying to point out to you that this legislation is opening up the turnpike for all the communities along the turnpike. We are going to have additional access roads and there are going to be additional facilities for the people of the State of Maine. There is going to be a reduced fair, commuter passes. I don't see how you can vote against this legislation.

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

Mr. HUGHES: Mr. Speaker and Members of the House: A lot of questions have gone unanswered in this debate and I hope to answer some of them. I think the one that is still unanswered, at least to my satisfaction, is, what is wrong with that source of money? Nobody has really said it is not going to bring in that much money. I think the figures are accurate, and if it brings in as much money as is estimated by the DOT as needed, then it ought to be sufficient.

But we were asked the question, why hit the out of staters so hard? Or, I am against hitting the out of staters for this whole package. I think if you will think back to the original rationale for continuing tolls at all, it is simply because out of staters pay a higher percentage of turnpike tolls than they pay of gas tax revenue. That is why we, I think, have pretty thoroughly discarded the idea of discarding tolls completely and going to a gas tax increase, because out of staters pay a much higher percentage of those turnpike revenues.

The whole philosophy of this bill and this concept is to hit out of staters and I guess it is just a matter of how hard you want to hit them. I think if they are typically out-of-state visitors who come into the state once or twice, whose presence during a three-month summer season necessitates these large roads in the first place, and necessitates the possibility of expanding to four and eight lanes, then it is not unfair to ask them to take that burden and pay that toll once as they arrive in the state. It is a burden they have been paying all the way up from New York, in the first place, so that is why we hit the out-of-staters a little harder in Mr. Biron's amendment than under the proposal of the Department of Transportation.

You would still have the possibility of commuter tickets and you would still have the possibility of additional exits and entries in Wells and wherever else it seems necessary to put them, all that we are bringing in too.

We would also save a great many millions of dollars in some conversion costs. For example, the toll booth in York is already there, it is right across the road, all built, ready to go. This bill refuses to set a price tag in what it is going to cost to create new barrier systems, to tear down the old ones and make all of the changes necessary, because it says in the fiscal note that those factors are not known yet.

Last year, on this exact same issue, this House took a stand twice by very strong votes to adopt the one-toll concept if we are going to continue tolls on the Maine turnpike. I simply would recall that to your mind and ask that you do so again, because there has not been sufficient new evidence to change at least my mind and I suggest the mind of anyone else in this House.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: It is unusual that I find myself on the same side as the good gentleman from Lewiston, but I am rather pleased that today is one of those occasions.

My reason for supporting the one-barrier concept as opposed to the three-barrier concept is one of energy conservation, particularly for those small businessmen, the people who are the truckers in the State of Maine. When you

are driving an 18-wheeler and you have got to go through about 12 gears up and down when you are driving on the Maine Turnpike, each barrier that you have to stop at costs you a large amount of fuel. It drives down your fuel efficiency by a great margin, and that costs truckers money, it costs the people who ship by those truckers money, and it costs all of us who consume those goods that are shipped. I think this simple cost will probably save several hundreds of thousands of dollars over the lifetime of the road, and I think that this, too, has to be a factor that we have to consider. Do we want to force the costs of our small businessmen up? I don't think we really want to. I don't think we want to waste energy, as well. That is the reason why I am going to support the amendment that Mr. Biron has presented today.

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

Mr. GREENLAW: Mr. Speaker and Members of the House: I would like to respond to the comments of the gentleman from Lewiston, Mr. Biron, and the gentleman from Orono, Mr. Davies, as they pertain to the amendment and not to the entire bill, because I believe it is the amendment that is before us today.

I think the gentleman is correct. The 75 cent toll at York would, in fact, generate the necessary revenue that we need to maintain the turnpike facility. I don't think anyone has said that it wouldn't.

Second of all, as to why the gentleman from Auburn, Mr. Hughes, raised the question of why not the 75 cent toll at York. I would suggest that it would hit very hard at the residents of York that come onto the turnpike at that facility, and I think what we are talking about is trying to develop a toll road that would be equitable to all people who use the turnpike.

I think what we are really talking about is continuing to use the concept of that person who uses the turnpike to pay for the maintenance of the turnpike. I think, also, that while we are continuing the tolls to some extent, we in fact probably are reducing the toll in many respects by at least 50 percent and in some cases maybe more.

To the gentleman from Orono, Mr. Davies, I would suggest that the maximum number of barriers this bill would provide for if a person drives the whole length of the turnpike would be three. A person has to go through two barriers with the present situation, so at worst it would cause the additional paying of toll at one barrier, and at best it may reduce paying of toll by one barrier, or you may not, depending on where you get on or off the turnpike, have to pay any tolls at all.

I think the proposal that is before us today is perhaps not in the best interest of everyone, and I hope you do support the motion of the gentleman from Limerick, Mr. Carroll, to indefinitely postpone this amendment.

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

Mr. VALENTINE: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Lewiston, Mr. Biron. I have sent a couple of notes without response. I am curious, as was just referenced by Mr. Greenlaw, as to what would happen to the residents of York, Kittery and Elliot who, under that proposal, literally would be the only people in the state who could not travel within the state without paying the 75 cents. That is my only real concern.

The SPEAKER: The gentleman from York, Mr. Valentine, has posed a question to the Chair to anyone who may care to answer.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question by Mr. Valentine, under the proposal that I brought before the Legislature last year, and this is something that I would present again, hopefully I could back up the bill, the amend-

ment that I have does not have a commuter pass, not because it was intended that way. The commuter pass concept could very easily be put on this bill.

As you realize, if I lived in York and if I was to go to Portsmouth, for example, and it was going to cost me 75 cents, I surely would not take the turnpike, and I don't think anybody in that area would. I don't think they do now. Let's not kid ourselves; let's not say that these people are taking the turnpike when they have a free access road that they can use. However, those who commute on a daily basis and those who have a need on a daily basis, I would fully support a further amendment, and the reason the amendment is not here is just an oversight, because it wasn't intended that way, to provide a commuter pass for those people who use it on a daily basis.

I agree that those who just get on the turnpike and go for 10 or 15 miles should not have to pay 75 cents, but I also come back and say that those people who have been paying for 20 years, that includes the good people from York and Kittery and Lewiston and Augusta, those people have been paying for 20 years and should not continue to pay to use a road in the State of Maine that everywhere else in the state is free. This would provide the revenues necessary. I think that is so important, ladies and gentlemen. The big problem is the revenue, and this will provide enough to maintain the Maine Turnpike. Those people on the committee have said, yes, it is. Well, I can't understand why they want to build a three-barrier system when they can have one barrier that does the same job. To this day, no one has been able to answer that.

I fully understand Mr. Valentine's problem, and I wish I could say I have the amendment but I don't. I brought it down to the Legislative aides and when it came back it wasn't on there and I didn't have the time to get it back on. That is in answer to your question, but I would fully support that.

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker and Members of the House: Mr. Biron states that the people in the southern part of the state are going to be relieved of this toll. Well, it is the people in Elliot and Kittery and York who are going to pay this toll. From Wells to Augusta, there will be no toll, and I am sure that people are going to drive that 10 or 12 miles to bypass this. I doubt if there would be enough revenue to maintain the toll house, let alone maintain the road. You might just as well free it as to put this amendment on, and I say, let's kill it and bury it right off quick.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that House Amendment "B" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were present and voting, he would be voting yes and if I were voting, I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, I wish to pair my vote with Mrs. Lewis of Auburn. If she were here, she would be voting nay and I would be voting yes.

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

Mr. TARBELL: Mr. Speaker, I wish to pair my vote with the gentleman from Millinocket, Mr. Marshall. If he were here, he would be voting yea and I would be voting nay.

ROLL CALL

YEA — Ault, Austin, Bachrach, Bennett, Birt, Boudreau, A.; Brown, K. C.; Burns, Carrier, Carroll, Carter, D.; Chonko, Churchill, Conners, Connolly, Cox, Cunningham, Curran, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Fowlie, Gill, Gould, Gray, Greenlaw, Hall, Hickey, Higgins, Hobbins, Huber, Hunter, Hutchings, Jackson, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Laffin, Littlefield, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, Morton, Nadeau, Norris, Palmer, Paul, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Quinn, Rideout, Sewall, Silsby, Smith, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Valentine, Violette, Whitemore, Wilfong, Wood, Wyman.

NAY — Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Brennerman, Brown, K. L.; Carey, Carter, F.; Clark, Cote, Davies, Goodwin, K.; Green, Henderson, Howe, Hughes, Kane, Lizotte, Locke, Moody, Najarian, Nelson, M.; Nelson, N.; Post, Prescott, Raymond, Rollins, Tierney, Trafton.

ABSENT — Bagley, Beaulieu, Bunker, Devoe, Dudley, Dutremble, Garsoe, Gillis, Goodwin, H.; Immonen, Jacques, Kerry, LaPlante, McBairty, Mills, Mitchell, Shute, Spencer, Stover, Tyndale.

PAIRED — Alopous, Bustin, Jalbert, Lewis, Marshall, Tarbell.

Yes, 93; No, 31; Absent, 20; Paired, 6.

The SPEAKER: Ninety-three having voted in the affirmative and thirty-one in the negative, with twenty being absent and six paired, the motion does prevail.

Mr. Nadeau of Sanford offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-1096) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: If you look at the amendment, under Subsection 335 of the Bill, once the bill is presented to the legislature, under the present bill we would have 40 days to decide on what to do. My amendment gives it the full legislative session so that we don't come under the gun come the 39th or 40th day. I just feel that after last year's attempt, you remember the turnpike bill came in later in the session, and if the committee can't come up with something in 40 days, I hope we can do something by the end of the session before the recommendation comes through from the Commissioner of Transportation. I urge the adoption.

Thereupon, House Amendment "F" was adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "F" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program" (H. P. 1959) (L. D. 2041) (C. "A" H-1070) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mrs. Huber of Falmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1093) was read

by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: The amendment you have before you on blue paper is House Amendment "A". It came in this afternoon. The Committee Amendment "A" on pink paper is the bill at this point and the House Amendment is the bill if you pass it this afternoon.

I would like to give you just a brief explanation if I may. If you have the pink committee amendment in front of you, filing number 1070, you will notice that the title of the bill at that point is An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program. That title was put on the original bill because it was intended that funds from the oil conveyance program would be used to investigate what you all know as mystery spills, pollution of the waters for which no particular occurrence could be determined at brief look.

In working with the bill in committee, it was the strong feeling of the entire committee that the funds from the oil conveyance fund should not be used for such a purpose, inasmuch as they are right now used to reimburse those who are hurt by oil spills specifically. We felt that this was going at it backwards and we preferred to see that the department reimburse, if necessary, by funds or a penalty paid by the polluters. The committee amendment was an attempt to so indicate to you and it was passed unanimously from the Committee on Natural Resources. However, as the bill hit the desks, we discovered that the language was, indeed, a good deal broader than we had intended and, in fact, gave the Department of Environmental Protection what amounted to, if they so chose, double funding, the legislature's appropriation plus any penalties that they might assess a polluter, because the committee amendment calls for the recovery of funds to the DEP upon anyone who was found to be in violation of any provision of law, any order, rule, regulation, license permit, etc. This was clearly not what the committee had in mind and not what the committee intended to bring before you.

House Amendment "A" corrects that mistake. In fact, it states that any person who is found to have discharge any pollutant without a license as required by the laws, in other words, someone who was not already under the control of the Department of Environmental Protection, could be sued by the state. The damages could be recovered and the Department of Environmental Protection would receive only those funds necessary to pay for any cost and expenses actually incurred in retaining consultants or other assistance outside the DEP to aid in investigating and establishing the violations. Those of us on the committee, some of us on the committee, I should say, feel that this does, in fact, accurately reflect the statement of the majority of the committee. I hope you will vote "Ought to Pass" on Committee Amendment "A".

The SPEAKER: The Chair would inquire from the gentleman from Falmouth, Mrs. Huber, in the course of her supporting her position on this amendment suggested that this amendment would now become the bill and that the pink amendment would no longer be the bill that was the bill? Has the Chair followed that discussion properly?

Mrs. HUBER: It was my assumption, Mr. Speaker. In looking at the bill, I see that it does amend the bill by striking all the title and I believe the pink amendment also amended the bill by striking out all the title.

The SPEAKER: It is the purpose of the amendment to become the bill?

Mrs. HUBER: That is right.

The SPEAKER: The Chair understands that the gentleman from Falmouth, Mrs. Huber, withdraws House Amendment "A" at this time.

On motion of Mrs. Huber of Falmouth, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted. On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

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

House Amendment "A" (H-1093) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Although I went along with the committee originally in reporting out this amendment, I had very strong reservations about it. I now have even stronger reservations about it.

Today, as I received this amendment to L. D. 2041, presented by the good gentle lady, Mrs. Huber, I feel that this has too many strong changes in the law that never had a public hearing. On the outset, the title of the bill is entirely different. Originally we were just supposed to be dealing with oil pollution cleanup; we no longer are; we are dealing with any pollutant investigation.

I have a lot of trouble with this because the amendment provides that anyone who is found with this because the amendment provides that anyone who is found in violation to this provision of the law — administered by DEP is liable for any cost and expensed actually incurred in retaining consultants or assistance outside of the department for the cleanup. Also in the bill it says this "shall be" recovered by the Attorney General, "shall" require that the Attorney General. It doesn't suggest that in some cases he could do it, it says that he "shall" do it.

In the first line of the amendment, it says any person who is found to have discharge, in the third line, it said without a license. The person could be a private homeowner. How about a private homeowner who has a septic tank? It pollutes the water system — the original problem when this bill came before our committee was because of the town of Gray and their pollution problem down there. The original bill was to deal with oil pollution. This doesn't, this is an open blanket for any pollution coming in under DEP. They already have a budget. This is just another way for them to double their budget. We already give them enough money.

I would ask for a division on this and move the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker and Members of the House: This amendment which has just been proposed by Mrs. Huber just clarifies, as she said, the intentions of the committee. It is an amendment which makes sense. It simply says where we have some of these mystery spills or mystery pollutants coming in, that once the DEP does make an investigation, if there are extraordinary costs outside of what the department can normally handle, that the state may try to recover these unusual costs from the person who is finally found responsible for it. This doesn't mean that they are going after any people who already are licensed because they can then. These are people who are not normally licensed and who they cannot normally recover the costs from. It simply says that the state can recover the costs, which they should be able to do, if someone is responsible. These costs cannot be recovered at the present time.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: That may be true, but it bothers me that in this amendment the costs are not defined at all. Even the cost of the Attorney General could be involved in this amendment.

The SPEAKER: The Chair will order a vote.