

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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Senate Confirmation Session

June 14, 1978

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First Special Session

September 6, 1978 — September 15, 1978

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Second Special Session

October 18, 1978

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Third Special Session

December 6, 1978

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APPENDIX

"An Act to Establish Standards to Protect Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation" (H. P. 1998) (L. D. 2079) (H. "A" H-1101 to C. "A" H-1045)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Clarifying the Definition of State Employee under the State Employees Labor Relations Act so as to Exclude Certain Attorneys Employed by the Attorney General's Office" (H. P. 1940) (L. D. 2020)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of same and 20 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1978 (H. P. 2141) (L. D. 2162)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (H. P. 2014) (L. D. 2089) (S. "A" S-503)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1978 (H. P. 2105) (L. D. 2142)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Revise the Administration and Toll System of the Maine Turnpike" (H. P. 2132) (L. D. 2157) (S. "C" S-511; H. "F" H-1096)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to ask the members of this legislature this afternoon to keep the Maine Turnpike as we now have it. We can do away with the Authority, that can be a separate branch and that can be handled by the members of the next legislature, but we should

at least keep the tolls on as they are now. The Maine Turnpike, mile for mile, is the best value that this state has.

I fear several things will happen if we lose the tolls that we are now having coming in. It will cost jobs. It will cost jobs for retired people who work part time to supplement their income because their retirement pay cannot meet the requirements today because of the great inflation. It will allow them to live with dignity and respect and help keep them off the welfare rolls while they are in their retirement years.

Section 340 of the bill is a total farce, it is not worth the paper that it is written on and it is not the law, it is a broken promise that will be taking place time after time.

The second part on the toll barrier system will cost the state between ten and eleven million dollars a year, money that could be put to good use for the people who really need it in this state. This money could be used to build a bridge in northern Maine, it could build a road in western Maine. It could be divided up to help people in all corners of this state, and this morning coming up, I heard that the potato crop in Aroostook County has suffered a \$60 million loss. To those people up there, that is a big loss, and the Maine Turnpike, which is a sound investment for the people of this state, we could put money to use to help out in that section of the state. There are many ways that we could use this added revenue, and the people who ride the turnpike, I can assure you, ladies and gentleman, they do object to paying.

The cities and towns along the turnpike will share with the people of the rest of Maine, even though some of the small towns refused to help the cities on their educational problems a few months ago; nevertheless, we share with you. We do not take that attitude. We will share with the people of all Maine if we have the money to do it, and the Maine Turnpike is the best financial giant that this state will ever have. It is a gold mine. I feel it would be a very big mistake if we should kill that turnpike and give it up for a promise. I don't believe that the members of this House have any intentions of doing that.

As long as we have the Maine Turnpike taking in the kind of money that it is taking in, we can pay off the federal government \$10 million, so what? The people of Maine, the majority of the people, have always had strong backbones and they can stand on their own two feet. If the federal government wants \$10 million, we will pay them \$10 million, and then once we pay them, we can run it the way we want to. That is known as local control. However, many of you in this House only want local control when it affects you or your communities personally. Any other time it comes to local control, you are not interested in it.

I think there are many members in this House today who would hate to see the Maine Turnpike lose the added revenue that could be of great value and assistance to the people of this state. You know, the thing that is really amazing to me is that the people who ride the turnpike are not complaining, because they do it by choice and not by chance. They are not made to ride the turnpike and they do it for two reasons. Number one, it is the safest thing we have going for us in this state. Of course, the second thing is that when they ride this, they do it without a bureaucracy telling them that they have to do it. I believe that it will be used even more when people realize that it took us 30 years, and when you multiply that by the interest that was spent, you are talking roughly in the ball park figure of 12 years, so it took them 42 years of Maine money to build that road, and not once have I ever heard one complaint from the people around the greater Portland area for paying to use that road. It is a great credit to this state to have a road like that, and to waste the money and time to tear down those barriers would be a mortal sin. We have got them all paid for, they are all there, and all we have to

do now is keep them going, and when you talk about a \$16 million business and you want to take and throw it out the window, I say to you that something is wrong someplace.

If you want to keep the tolls and do away with the Authority, we could put money in the State Authority, we could put money in the State Treasury, in the General Fund or wherever you want it to be used for dedicated programs, as I say, whatever you may want to use them for, but don't, this afternoon, continue to have a situation where the bureaucracy is going to tell the people on 110 miles of road what is best for them.

The other thing that I am very interested in is that the tourists will help pay for this. We don't have too many businesses that the state is in, outside of our liquor, beer and taxation and things like that that the tourists can help us with, but the tourists travel that Maine Turnpike, and if you have ever noticed in the summertime when you are on the Maine Turnpike, why it is bumper to bumper with out-of-state cars. That means they are paying. That means they are putting their money that they have worked for all year for their vacation, and we only have about 10 weeks of vacation in Maine, and they are spending it on our beaches, they are spending it in our summer resorts, and that all helps the economy of this state. If we don't let them pay for this, where are we going to make up extra money?

I know that we have all made mistakes, and I would be the first to admit that I have made plenty in my lifetime. If I had the chance to do it again, I would do things different, but I don't have that chance, but you have got that chance today. You have got the chance today to stop the mistake that is only inevitable it will come. I am telling you, ten and eleven million dollars is a lot of money. Ten and eleven million dollars is part of this state that I don't believe we can afford to just pass up. You talk about the New Hampshire Turnpike, that little peanut turnpike doesn't amount to anything. It is only 15 miles long and they are collecting 40 cents. It is the highest turnpike in the United States. What are they doing, if they multiply that by the 110 miles, we would be paying \$3.60 instead of \$2.20. Yet, people don't mind paying that 40 cents for the New Hampshire Turnpike. They have got it made down there. They don't have an income tax and a sales tax. That is wonderful, that is fine, but they are taking it away from the people on that little turnpike they have got down there. It is 40 cents to ride 15 miles.

Even the New Jersey Turnpike, which is probably one of the cheapest because of the fact that it has the great metropolis of New York to draw from, you can ride that for about a dollar. Well, that is understandable. The Illinois Turnpike and the Indiana Turnpike, all big sources of revenue, and that is what we need in this state. You don't see them closing their barriers, you don't see them closing down their turnpikes, and they never will.

We have got a situation here where we could take this money and put it to good use.

The other thing that I am really disturbed about, if you people are willing to do away with the Maine Turnpike, why don't you do away with the State Lottery? That is the biggest flunket we have ever had. There is no money coming into the treasury; yet, the turnpike, which is showing us a profit, it has proven that it is a good piece of revenue, you want to do away that. I can't understand the members of this House coming up with such a plan as that.

This giant that we have that brings in revenue to this state is certainly a credit to the state, and I don't believe that today, when we are talking about spending money here and saving money, and apparently from all the talk I hear, we have got plenty of money, I don't know because I am not an expert in these fields, but we may not always be in that good shape. We may be in the type of situation

where someday you will want this money, and once you have destroyed the turnpike, you are not going to build it back up again. Once you tear down all those tolls, once you tear them all down, you are not going to build them back up. They are all paid for, the people of southern Maine and northern Maine, I am sure they use it when they go home, they pay for that turnpike, and I think the members of the House would be very foolish to just destroy something that has been so good to the people, so safe for the people, just turn their backs on it and say, well, we are going to do away with it, we are going to put the barrier system in effect, and that is the way it is going to be. That is not sound, responsible thinking. I feel that someday, somewhere, someplace, we are going to be very sorry if we make that decision today to do away with that turnpike.

I can't help but see down the road that when you have got something good that you want to destroy it, it is hard for me to believe that that is what the members of this House want to do. I don't know how this bill got so far in the first place. Apparently, it has, and for what reason, I can't answer.

I am asking the members of this House today to think very very carefully about destroying something that has been so good, and that is what you are going to do, you are going to destroy a good paying piece of property. You are going to destroy that and you are going to put up barriers and have it under the Department of Transportation and you won't be half as well off as we are right now.

The people in my area, in the Westbrook area, they don't mind paying, they have been paying for 30 years. I don't get a great amount of phone calls or letters to do away with the turnpike, but I get a lot of them that say, keep the tolls on the turnpike instead of a gas tax. Keep the tolls on the turnpike instead of any more new taxes. That is what I am getting. You know, I think the people of this state make pretty good sense. I think they have a logical complaint that they don't want any more taxes. If we are going to destroy something and then tax them, I don't think the members of this House are thinking with good common sense.

I have always believed that the members of the House, they beat me about every day up here and probably will today, but I still have the greatest respect for your judgment and I will have it after this vote is taken, but I want to leave you with a little something — what we do is how we think; how we vote is what we are.

I move that this bill and all its accompanying papers be indefinitely postponed and I would request a roll call when the vote is taken.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon in opposition to this bill but not for the same reasons as the good gentleman from Westbrook, Mr. Laffin does.

I sit here this afternoon and I look across the House and I wonder why various members of the House vote on legislation and what are your personal feelings on this bill. I am sure that some of you in this House don't really care what happens to the Maine Turnpike because it doesn't affect your area. I am sure that some of you in this House also feel that your vote on the turnpike will affect a local road project. Let's face it, ladies and gentlemen, the talk has been around, that depending on how and what happens to the turnpike, this project will be completed, that project will be completed. I think it is a very, very sad state of affairs when we have to consider our vote on one matter if that vote is a positive one against or for the Maine turnpike because it will in turn bring another project to our area. If that is the case, I personally feel sorry for you as a legislator, because I know myself, personally, I would never be put in that position. If your local roads need

repair or if you have a major project in your area that needs to get done, it should get done according to need, not according to how you vote on the Maine turnpike. If any of you are in that position, I sympathize with you.

Next is the people who do care, the people who are concerned about the Maine Turnpike. Maybe I can address myself to those people now and just say a few words about the bill because we have had a lot of deliberations in this House but none of it has been in a positive way towards this bill. If you think back at the deliberations that we have had, we have taken votes but yet we haven't had anybody stand up and say, this is what is good about the turnpike bill. I am going to pose a question later on trying to find out what is good about this bill, but let me tell you exactly what is wrong with it.

The first thing wrong with the bill is that whenever legislation is brought before this body, it should have what we call need. There is no need for this turnpike bill at this time. There is nobody on that committee who has convinced me or nobody in this House or any other body that has convinced me that there is need for this legislation. We are talking 1981, the possibility of 1981 before any action has to be taken, yet you have a bill before you now, so there is no need for the legislation.

Secondly, when the bill came before this body, we talked about the possibility — and the bill says three barriers on the Maine Turnpike, but when you start talking to the committee members come to find out, there are four barriers. I think they are playing games, ladies and gentlemen, and as a perfect example, misleading the members of this body as to what the real intent of the legislation is. If you will read that bill, you would swear that it says three barriers, but if you talk to the members of the committee, you have four barriers.

The most serious problem with this bill is that it talks about tolls and it talks about barriers, but it doesn't say how much and it doesn't say where. Let's face it, if this bill is passed, it is going to become a political game as to where those tolls and barriers are going to be put. I, for one, don't want the responsibility of going back to my people and saying, I passed a bill in the legislature which — it is just like sitting here today and passing a tax and not telling people how much the tax is going to be. If this bill is so important, why doesn't the committee come to us and say, we need to raise X-amount of dollars and this is where the barriers are going to be? Why are they so afraid to face the facts? Is it because I, personally, two years from now am not on the right side of those in power in the legislature that we will have three barriers in Lewiston? What kind of games are they playing? Where are the barriers going to be? I know that it is of concern to me. I think it is a concern of every member of this House.

The people in the southern part of the state have paid for approximately 20 years for the Maine turnpike. We have all benefited from the Maine turnpike, because even if you are in Aroostook, the Maine Turnpike has been used to bring your products from your part of the state to the southern part of New Hampshire and other parts of the country, so the Maine Turnpike has been beneficial to all of us. Yet, the people in the southern part of the state, as well as the tourists, have paid the majority of the expense for the road. We are coming to a time when according to the bond issues that road should become a free-access highway. That was the legislative intent. That is important to me because that is what my constituents were told when they started paying 20 years ago and are still paying today.

As Mr. Laffin said, there are some who would not object to paying in the future and I personally might not object to paying in the future, provided I knew how much I was going to pay and provided I knew where the tolls were going to be.

If you will recall, a bill came before you last year that said how much we were going to pay and where the barriers were going to be. That bill was defeated, unanimously defeated by this body. Yet, they come back this year and they give us a bill which doesn't give you that information, yet this body votes for it.

I wonder what is going through the minds of some of the members of this House. If you were unwilling to support a bill last year which told you exactly where the barriers were, and I think you didn't support that bill because you felt it was unfair, yet this year you are willing to pass a bill that doesn't give you any of that information, that is more unfair to your constituents than anything could be. That is the concern that I have here today.

I sincerely hope that when the vote is taken, you do not pass this legislation because there is no need for this legislation right now.

I would now like to pose a question through the Chair to any member of the committee. What is the need for this legislation?

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In response to the need for this legislation now, it is to allow lead time for the Department of Transportation to approach Congress for special congressional legislation relieving us from the burden of paying back \$10 million. Other states have had this relief and they have been relieved of paying back all but a small amount of the money that the federal government has put into such a concept. As long as there is lead time, we are not fixing the tolls, we are not setting barriers we just want lead time. The next legislative session we will be meeting here and they will act upon it. If Congress acts favorably, then they will disapprove.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment on two things that the gentleman from Lewiston has brought up; one, that the legislature doesn't set the tolls, if he will read Senate Amendment "B" (S-507) is reads, "The rate of toll at each facility shall be fixed and revised from time to time upon recommendation of the Commissioner of Transportation, subject to approval by the legislature during the January prior to revision." If the gentleman will look at that amendment, he will find, in fact, that the legislature will set the rates.

I would also suggest that he ought to read the bill itself. The bill itself, unlike what he apparently has been hearing elsewhere, says in terms of the number of toll barriers, "This recommended barrier toll system and toll schedule shall include a system of toll barriers designed in such a manner that motor vehicles traveling the entire length of the turnpike will encounter no more than three toll barriers. What this means, what I envisioning it meaning, is two barriers south of Portland, one barrier at West Gardiner or thereabouts, one barrier somewhere between Falmouth and Lewiston. That means that when you go from one end of the road to the other, you hit three barriers. It actually means that you have four barriers there.

This was designed in such a way as to provide for a situation where people would pay the same amount of toll whether they went up through Lewiston, through Mr. Biron's constituency, or over on 95 from Portland up through Topsham, Brunswick and West Gardiner. That is the reason the provision is in there. I think the committee has made no attempt to do anything but make it clear to people that what was there, at least I certainly have and every member of the committee

that I know of that has talked to other people about this has made it clear.

I would urge you to support this bill. We need some time to get this proposal before the Congress to examine what the situation is in the State of Maine and to give them a little bit of time. Come 1981, if there is not a bill passed by the Maine Legislature and another bill passed by the Congress of the United States, the Maine Turnpike will become toll free. What that will mean if approximately five to six million dollars a year in annual maintenance costs that has got to come from somewhere. You can take it out of the Department of Transportation's budget, and if you attempt to, I wish you good luck. As you are well aware, I have looked from time to time for money and there is very little there, or more likely you will end up passing a gas tax that is paid for by the people of Maine.

I, for one, would much prefer to see tolls kept on the Maine Turnpike with commuter passes, essentially having that paid for by the tourists — well over half, would be paid for by the tourists, the out-of-state people coming into the state. In addition, it would be paid for on a user fee basis, which I can't object to at all.

It seems to me that this is a bill which makes a lot of sense. If we don't pass it, we are going to be asking for a lot of trouble in a couple of years and it seems to me, we ought to make a decision in time for things to be followed through and not wait until the last minute and ask for some sort of 'brunchmanship' kind of decision, when everybody says, well, why did you wait this long? Why wasn't this done before?

I would urge you to support this bill and vote against the motion to indefinitely postpone. I would remind the gentleman from Westbrook, Mr. Laffin, when he returns, and I hope he can hear me now, that if, in fact, this bill is killed, the people that he is concerned about at the turnpike, and the concern that he has about losing all this money, will go right down the drain. The people will be unemployed, there will be no money coming in and we will be out of luck.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I would support the motion to indefinitely postpone this particular issue.

I would make only a couple of points. I talked with Representative Biron from Lewiston the other day relative to this matter and I told him that it was my best judgment that the bill could not be stopped, because those of us who are against the bill in its present form have different interests and different reasons and sooner or later some of those will get taken care of if the necessary votes are needed. Irrespective of that, I would like to go on the record as to my particular viewpoint on this bill.

I have a very peculiar concept of what a toll is. I think a toll is a fee that you pay to use the road. Such is not the case, alas and alack in this bill, or even under the current system, in my judgment. I said on the floor of the House last year that the West Gardiner toll is a toll on Interstate 95; everybody laughed.

I would like to quote to you from a little paper hassle that has been going on between the Senator from Androscoggin and the gentleman from Lewiston, Mr. Biron. You saw the WLAM editorial and today you may have not read it, but the Senator from Androscoggin replied, and I would like to make a couple of direct quotes from the latter.

"Under the proposals agreed to by the Legislative Committee on Transportation, the Commissioner of Transportation and the elected officials of Lewiston and Auburn, an equal amount of tolls would be charged on the Interstate." Down in the next paragraph, it talks about how after the opening of the Interstate between Topsham and Gardiner, nearly, 45,000 more vehicles went through Lewiston and

Auburn, and then it says, "Obviously, when tolls are equalized, ever greater increased can be expected at these interchanges." The man on the committee, whom I highly respect, said it again, not five minutes ago in the Legislative Record. They are going to charge the same amount to travel the Interstate 95 as the Maine Turnpike.

Two questions raised by Mr. Biron were legitimate ones — how much and where? I have a hunch on where. I have a hunch that if there is four, there is still going to be one right down where the West Gardiner area is now, which is designed only to make you pay 35 cents to go to Portland on the Interstate 95, and even if the barrier is in the Augusta area, it means that my constituents and those north of Augusta are going to pay 35 cents to go eight miles and get on Interstate 95, which is supposed to be a free road to Portland. I don't think that is right. I think there are legitimate class action questions. I think there is a question of discrimination. I think we ought to kill this bill and really take a loot at all the snakes that might be in this particular garden. I think it is an attempt, a very poor attempt, to disguise a toll on Interstate 95, which is supposed to be a free road. That is why I am voting to indefinitely postpone.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I keep hearing, you haven't said anything about the tolls, you haven't said anything about where the barriers are going to be. I will tell you this, if you are lucky enough to be back here next session, you will have all the say-so in the world, because that is when it is going to hit here.

I resent the fact that this committee is being chastised by the gentleman from Lewiston. I personally have never said there were four barriers; I know of nobody on this committee that has ever told me that there are four barriers because, Mr. Biron, I can read and the bill tells me, 'no more than three.'

As far as the moral issue goes, my good friend, moral issues change with time. Two hours ago I told the same thing to the Governor. Years and years ago, skirts were down to the knees and down to the floor but they are not now. Bathing suits were the same way — morally. Mr. Biron, World War I was the war to end all wars, but did it? So moral issues do change and the inflationary concept of this country today has changed those moral issues and this is the one device we have to try to make the issue correct.

I would urge you to support this bill.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: If I may respond to the good gentleman, Mr. McKean, the four barriers were confirmed by the good gentleman from Portland, Mr. Jensen, who serves on the same committee. I didn't make that up. I am not chastising any committee; I am just bringing out the facts to the members of this House. Let no one believe that there is going to be three barriers, there is going to be four. The argument is that a person traveling on the interstate will not go through more than three, but there will be four. I didn't make that statement, Mr. Jensen stood up and made that statement. So I am just saying to you what the members of the committee have told me.

If Mr. McKean is not familiar with what the committee bill is, that, again, is not my problem but a problem of the members of the committee.

The bill came before us last year and I remember it. Let's look at the history of this bill. The bill came before us last year without any work whatsoever from the committee. Mr. Mallar walked into the Transportation Committee and said "Here is a bill," and they signed it out and it came before us and was de-

feated. There was a one-barrier system suggested last year. It was passed in this House and defeated in the other House and the bill died. They had studies on this bill. They did come to Lewiston this summer. I attended that meeting and what was discussed at that meeting was the exact same bill that they had proposed last year which was not accepted by this body. The proposal for a one-toll system, which was accepted by this body, would not have been brought up at that work session or hearing unless I attended and brought it up — that was the only reason it was.

I personally believe that Mr. Mallar and his department has a special interest in passing this legislation that we have before us. This legislation that we have before us, I am convinced, brings in more money than is needed to maintain the Maine Turnpike. This extra money is going to be used to put in access roads, to do other things that Mr. Mallar, and maybe rightfully so, feels are necessary along the turnpike. Well, let me say to you that if that is the intent of this legislation, let's spell it out here and now. Let's now box the next legislature, and this is what we are doing if we pass this legislation, you say to me today that the next legislature will come in here and make the decision. Well, I will say to you today that the only decisions they can make is what we spell out in this bill. Why don't we simply say to the next legislature, and those are the people who are going to have to deal with this subject, have an open hand, do what you think is best. Let's not box them in and say you are going to have three tolls, or as little or as many as three, it could be one, it could be none, and let's not say you are going to set the rate, because we are boxing those people in. Why don't we just say, when you have the problem, address it at that time.

What is the need for this legislation? It still hasn't been answered. Don't tell me that you have to get congressional approval, because that has already been attempted by the department without passing a bill. You can go out and get legislative approval on a tentative — that is what this thing is, it is tentative. What do you need a bill for if it is only tentative? No one can guarantee me that legislative approval, congressional approval will be given to this bill because this thing has been passed. It doesn't make any difference if we pass it or we don't. That is the argument here today. Here we are saying, the members of the committee are saying that the next legislature is going to set the tolls, is going to set the rates. We need to pass it today because we need congressional approval. Come on, ladies and gentlemen, let's be reasonable. If there is a problem in 1981, let's address it in 1980. That is plenty of time.

If the Department of Transportation wants to keep tolls on the Maine turnpike, and maybe they have a good argument and maybe there is no other way of funding it, well, they can go ahead and get in touch with the different delegations, or our delegation in Washington, and find out if they can get approval for such a thing. They don't need this bill to do it because this bill doesn't do anything. That is the point I am trying to make.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If this bill doesn't do anything, it has given us about 45 minutes of debate.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to respond to the points the gentleman from Lewiston, Mr. Biron, has raised. First of all he asked, what is the need? I submit that one of the needs of this bill is that we have a department of state government that is willing to have some foresight and do some planning into the future needs of

this state. It is something which, unfortunately, our state government lacks to a large degree.

He challenges the need for passing this legislation in terms of going to Congress. If we do not make some type of indication that this legislature wishes to see the tolls continued, there will be no need to go to Congress, pure and simple, because there will be no portion of the costs of the tree barriers that are in question, the York barrier, the South Portland and West Gardiner that we would have to pay off, so that issue is moot. If we make this judgement now, the commissioner has to go to the Maine Congressional Delegation and ask them to have legislation introduced, and I think the gentleman knows full well that things in Washington move a lot slower than they do here in Augusta.

The gentleman asked what is good about the turnpike bill, and I submit three things right off the top of my head. Number one, it collapses one level of bureaucracy, namely the Maine Turnpike Authority, into another one, the Department of Transportation, which obviously already exists.

The second point is that it has the potential, this bill before us, the bill that comes before us a year from now has the potential of reducing the tolls by maybe as much as up to 50 percent. In some cases, it has the potential for reducing tolls a hundred percent. In some cases, admittedly, in a rare case, it may be less than 50 percent.

The third thing I think this bill does by keeping some type of toll on the turnpike is it precludes the necessity of raising the gas tax or reducing our statewide maintenance program for the express purpose of maintaining the Maine Turnpike on a year-round basis.

Ladies and gentlemen of the House, this has been a hard fought bill. A week ago, this House voted overwhelmingly to support the bill before us, and I hope today that you reject the motion to indefinitely postpone.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Transportation worked very hard to get this bill out. We conducted hearings at several places in the state, especially in the Lewiston-Auburn area. At the present time, we have two men who are on this committee. We had people appear at the committee hearing from the Lewiston area that did want to keep the Turnpike Authority on with the tolls. The two Lewiston representatives worked very hard to try to get a compromise to see if we could get Lewiston out of the hole that we are in now, making it free toll from Portland to Augusta and Augusta to Lewiston. but we came out with this compromise and both Lewiston representatives agreed that this would be just about the best that we could get.

Now, we have tried to make everybody happy, to be satisfied, but like I said, we conducted hearings in Lewiston and no one objected to keeping the tolls on the turnpike. I think this barrier system is about the best that we can have. I hope that we do not indefinitely postpone this bill.

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 Westbrook, Mr. Laffin, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Biron, Boudreau, P.; Brown, K. L.; Bustin, Carey, Carrier, Chonko, Connors, Connolly, Cunningham, Dexter, Diamond, Dow, Fenlason, Flanagan, Gillis, Gray, Green, Henderson, Hughes, Kane, Laffin, Lizotte, Mackel, Martin, A.; Nadeau, Najarian, Peltier, Peterson, Post, Rideout, Rollins, Spencer, Tarr, Truman, Twitchell, Valentine, Wood.

NAY — Aloupis, Austin, Bachrach, Bagley, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Carroll, Carter, D.; Carter, F.; Churchill, Clark, Cote, Cox, Curran, Davies, Dudley, Durgin, Dutremble, Elias, Fowlie, Garsoe, Gill, Goodwin, K.; Gould, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Lewis, Littlefield, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, Masterton, McBreairty, McHenry, McKean, McMahon, McPherson, Mitchell, Morton, Nelson, M.; Nelson, N.; Palmer, Paul, Peakes, Pearson, Perkins, Plourde, Prescott, Raymond, Sewall, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Teague, Tierney, Torrey, Tozier, Trafton, Violette, Wilfong, Wyman.

ABSENT — Ault, Beaulieu, Bennett, Berry, Berube, Bunker, Devoe, Drinkwater, Goodwin, H.; Kerry, LaPlante, Maxwell, Mills, Moody, Norris, Quinn, Silsby, Theriault, Tyndale, Whittemore.

Yes, 38; No, 92; Absent, 20.

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

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

“An Act to Expand the Elderly Low Cost Drug Program” (H. P. 1912) (L. D. 1973) (S. “B” S-501 to C. “A” H-1028)

“An Act Relating to Trafficking and Importing of Marijuana” (H. P. 1999) (L. D. 2080) (C. “A” H-1048)

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

“An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission (S. P. 703) (L. D. 2150) (S. “A” S-478)

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

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I realize that at this point in time I do not have enough strength or enough votes in this House to kill this particular piece of legislation. However, I would like to ask for a roll call when the vote is taken, and I would like to just give you a couple of comments that I still believe I have to make on this bill. That is, I still do not believe, even after talking to other members of this body and talking with the Chairman of the Performance Audit Committee, I still fail to see why we have to throw another roadblock, another piece of harassment up in dealing with the Human Rights Commission and their subpoena powers.

We create state agencies like the Human Rights Commission to look out for the well-being of the people of this state, a commission that I wholeheartedly believe in and support. Then we fund and support those organizations just to the point where they can survive. Then, little by little, we peck away at their authority.

The subpoena powers, I understand, and I understand the safeguards that they now have, and I also understand that those safeguards are under the Attorney General's Office, which

represents the Human Rights Commission. I would ask anybody in this body to explain to me and to the rest of the members of this body why they have or why the need another roadblock to hamper their powers as they have it today.

Therefore, Mr. Speaker, I would ask for a roll call when the vote is taken, and I would hope you would vote against this particular piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: As I said before in debate on this piece of legislation, I was on the Performance Audit Committee that heard this bill and some of the reasons that the subpoena power is being hauled back just a little bit on this committee is, you might remember last fall the Human Rights Commission put out blanket subpoenas in a rather class action suit against school boards and the universities in the state. These subpoenas weren't backed up by any specific charge of any person. These subpoenas were issued by the director, not by any single person. Now, it was a class-action subpoena over the whole state.

I don't think any of you would want the CIA, the FBI, the State Police or anyone else to have this much power that the director or commissioner of public safety or anyone else could issue subpoenas without getting approval from somebody. Ordinarily that approval comes from the court, and there is no reason why an appointed board shouldn't act in the same responsible manner.

I don't think that subpoenas should be issued by any commission or any appointed agency on rival matters. The agency should try to resolve their differences, whether it is with public officials or business community or what, and when you go subpoenaing records of agencies, employment records, medical records, safety records and subpoenaing people to testify, that is serious business, and that action, I think, should come from the court.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am on the Performance Audit Committee and I want to just make it a little clearer from what the last member who spoke said. With the bill itself, the Human Rights Commission would not be able to issue class-action suits. With the bill, they would have to have a subpoena. With the amendment on there, any subpoena requested would have to go through the courts, even if it is just a subpoena on records, personal records and things of that nature.

Actually, the bill is what the committee came out with. The amendment was tacked on in the Senate, and I don't think there is any need for the amendment.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Just a little clarification and then I will be quiet so the vote can be taken. I don't like and I don't think you like scare tactics brought to this floor before a vote. Therefore, I would suggest to you that the Human Rights Commission has had subpoena powers since their birth, or for seven years. For seven years they have had subpoena powers, and they don't order subpoenas every day stirring up trouble around this state. They did use their subpoena powers a year ago when they were conducting the education hearings across the state. I, too, was concerned and I did testify at those hearings, and I don't think they overused those subpoena powers. That is one of the reasons why this bill is here now, just because of those hearings. The people who are pushing this are the same people who a year ago and two years ago and three years ago sponsored a bill in this House to do away with the commission altogether, to move the commission under the Attorney General's Office