

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

***Volume II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

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point persons to act as policemen. That is presently in the Private and Special Law dealing with the University but do to a quirk in the Criminal Code, the policemen on the University Campuses, astoundingly enough, have only jurisdiction and powers of policing in criminal cases, so we have the unusual situation where policemen on the campuses, due to this quirk in the law, can only act in criminal cases and this would simply provide the power and authority to act in connection with civil violations as well.

Under Suspension of the Rules, Senate Amendment "C" to Senate Amendment "A" was Adopted.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, members of the Senate, I offer Senate Amendment "D" to Senate Amendment "A" under filing number S-319 and would move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "D" to Senate Amendment "A" and moves its Adoption.

Senate Amendment "D" to Senate Amendment "A" (S-319) read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. Mr. President, Members of Senate, all that this Amendment does is to put an Emergency Clause on a bill that was earlier passed by this Legislature dealing with the hospital up in Fort Kent.

That statute would have gone into effect 90 days after adjournment of the Legislature, and by our adding the Emergency Clause, it will go into effect now. It deals with the ability of a corporation to establish and maintain a Mental Retardation Home and Center to be known as the Powell Memorial Center, and for the purposes of this section the corporation shall maintain a separate division of finance to the center to administer matter of income, assets, liabilities, and other matter of finance. That's the only change made in the law that's already passed.

Under Suspension of the Rules, Senate Amendment "D" to Senate Amendment "A" was Adopted.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I offer Senate Amendment "E" to Senate Amendment "A" under filing number S-320 and would move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe offers Senate Amendment "E" to Senate Amendment "A" and moves its adoption.

Senate Amendment "E" to Committee Amendment "A" (S-320) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Mr. President, Members of the Senate, all this Bill does is provide that Section 42 of the Errors Bill will go into effect 90 days after the Legislature adjourns.

If the Chair will give me just one moment, I will check on Section 42.

#### (Senate at Ease)

The Senate called to order by the President.

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

Senator DEVOE: Thank you. Before further action is taken, I would ask Leave of the Senate for me to Withdraw my motion at this time. I will need a few more minutes. I think I can do it in five or ten minutes.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending the Adoption of Senate Amendment "E" to Senate Amendment "A".

(Off Record Remarks)

#### Divided Report

The Majority of the Committee on Transportation, Bill, "An Act to Continue the Maine Turnpike Authority." (S.P. 324) (L.D. 932)

Reported that the same Ought to Pass in New Draft under Same Title. (S.P. 650) (L.D. 1676)

Signed:

Senators:

USHER of Cumberland

O'LEARY of Oxford

Representatives:

HUTCHINGS of Lincolnville

MOHOLLAND of Princeton

MCPHERSON of Eliot

REEVES of Pittston

FOWLIE of Rockland

MACOMBER of South Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S-309).

Signed:

Senator:

EMERSON of Penobscot

Representatives:

CARROLL of Limerick

STROUT of Corinth

HUNTER of Benton

McKEAN of Limestone

Which Reports were Read.

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

Senator O'LEARY: I now move that we Accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President and Ladies and Gentlemen, I would urge you not to adopt the Majority Report and adopt the Minority Report. I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator EMERSON: In 1977, the 108th Legislature adopted Chapter 8 regarding the Maine Turnpike. This law would be enacted, or would become effective upon the date of retirement of all the bonds and the payment of all the interests on the Maine Turnpike.

Subchapter 332 of that Chapter 8, regarding the Legislative Intent, I'd like to read. "It is the intent of the Legislature that the collection of tolls on the Maine Turnpike shall be by a means of a Barrier Toll System, after all bonds have been retired and funds are available in sufficient amount to convert the toll collection system and recommendations in regard to the system have been made to and reviewed by the Legislature."

Further on in that Chapter, Subchapter 335, regarding Legislative Approval. "Prior to the conversion of the Maine Turnpike to a Barrier Toll System, the Commissioner of Transportation shall evaluate alternative Barrier Toll Systems and toll schedules, conduct public hearings regarding alternative systems in appropriate geographic locations, and present a recommended Barrier Toll System and toll schedule to the Legislature while it is in Session."

Since 1977, many changes have taken place, especially in the area of highway financing. There are people along the Turnpike corridor and throughout the State that would prefer to keep the present Closed Toll System facility. It was argued in our Committee that the present closed system would assure a better maintained highway, would provide jobs, would produce more revenue by preventing users from circumventing the toll booths on a barrier system. That is contained in Report "A" in the Majority Report, which is "An Act to Continue the Maine Turnpike Authority." It is intended

to keep the present system with some modifications.

There were those of us on the Committee, those of us who signed Report "B", which is Senate Amendment S-309, "An Act Relating to the Maine Turnpike." There were those of us who felt that we didn't have enough information at this time to make a recommendation about the adoption of either system.

We, also, felt that since the Department was going to be directed, was directed to make a study after the bonds were paid, it would make good sense to make the study now, so we could have the information at this time, or now we would have the study completed by January 1, 1982.

We would then have the results of the study, and we could act on it in the Second Session of this Legislature. I think we would be better informed, and we could analyze the situation better. We could make a recommendation then as to which system to adopt.

I believe that it would make sense to have this study. I think that we would be doing a better service to the people of the State to have more information in this area. Therefore, I hope you would reject the Majority Report and Accept the Minority Report.

I'd like to refer to one thing in the Statement of Fact in Senate Amendment 309. The Statement of Fact reads thus: "This Amendment requires that an evaluation of the present closed system and any proposed barrier system be evaluated and compared." The Amendment further requires: "the Commissioner make his recommendation to the Legislature and the Legislative Committee having jurisdiction over Transportation review those recommendations and report to the Second Regular Session of the 110th Legislature.

I hope you do Accept this Report.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I sincerely hope this afternoon that the Senate rejects the Majority Ought to Pass Report, projected by the Transportation Committee, and Accept the recommendation made just a few minutes ago by the Chairman of the Transportation Committee, who apparently is very cognizant of all the ramifications of this particular Bill.

A little history about this Bill goes back to the year 1977, when I sponsored this piece of legislation, as a long term objective in addressing a very critical problem in the State of Maine. At that particular time, the Transportation Committee, along with Governor Longley, disagreed. Governor Longley was in full concurrence with one particular factor and it was this. That we would be breaking faith with the people of the State of Maine if we did not let this road go toll-free upon payment of bonds.

At the time, I took issue with Governor Longley relevant to this matter. I pushed for the present law. The present law says, when these bonds are paid off, either in 1982, or 1983, then we will have a study. At which point we will make a determination what system we will utilize.

The entire concept behind this was very simple. We felt it was of significant value that the users pay for the cost of the Turnpike. The compromise laid out during that segment of time was simply that our municipalities, or many municipalities along the corridor were being somewhat disenfranchised because of the creation of I-295 from Portland north, coming out into the Town of Gardiner.

Bear in mind that during that segment of time, also, federal funds were readily available and Interstate 95 was being built in increments, of which 90 percent federal funds went into it with 10 percent State funds. My community as well as many communities along the corridor of the 100 mile present Maine Turnpike contributed towards that.

After that law was enacted, my community with the City of Auburn worked very diligently in conjunction with one another to develop an Air Park and a development of South Lewiston where we re-zoned that entire 700 acres of land for industrial development. We realized the crunch was materializing. We were concerned, like the Governor, and many other people who are proponents of industrial development, in Maine, that we could and should develop this particular Air Park.

In the process, we were able to convince a very large manufacturer of ethanol, the D.W. Small Company to come in with \$128 million facility. This was on contention that the Legislature, in its wisdom, would abide by the present existing law, making egress and ingress roads to the Maine Turnpike as a division of the Department of Transportation.

During the interim period of time, many other people showed interest in that particular development. The end result is now by all indications, that the Maine State Employees' Association is not happy with what we did then in my estimation, they are trying to do only two things, address the jobs of 130 toll-takers, and address a union contract coming up in September of 1981.

In my estimation, I think this particular piece of legislation is ill-conceived, it was not done in good faith, and it is going to be deleterious to our community and the end result is to the economic growth of that particular area.

Presently, the law states that the Turnpike will be dissolved upon payment of bonds. As I mentioned earlier, that will take place in early 1982, and possibly 1983. It does convert the system from a Closed Toll System to a Barrier Toll System. It continues the tolls and pays for the upkeep and maintenance of that Turnpike. It pays for the conversion of the Closed Toll System to a Barrier Toll System. It provides funds as available for additional interchanges and roads into the Turnpike. I might point out this particular point, that that requires Legislative overview. It provides funds as available for interconnecting access roads to the Turnpike. Again, requiring Legislative overview. It provides funds as available for widening of the Turnpike was has been discarded at the present time, because there is just not sufficient funds.

Now, at that particular time, also, we addressed as a long-range projection what the cost would be. Based upon the inflationary factors, we felt that 35 cents per barrier would be very satisfactory. The idea behind this was to raise sufficient revenues from the users to take care of the costs and maintenance, not to make money for the purpose of having it go back to the Department of Transportation, to be earmarked for other particular purposes.

Let me reiterate one particular point. We could have fought very diligently in 1977, and maybe we would not have been faced with this problem today, to have that particular road go toll-free. We would still get our egress and ingress roads. As it stands now, we are fighting for our economic survival.

One particular point that I want to bring out to you, which was very significant in a letter to Governor Brennan, from the Mayor of the City of Lewiston. I don't have to read the entire letter, but just this one paragraph will suffice. It states the following: "The closed Maine Turnpike system, and the inadequate," and I emphasize the word 'inadequate', "primary highway system leading to the Lewiston/Auburn area, have significantly contributed to the deterioration of economic conditions in this area."

In other words, over the years, we haven't asked for a heck of a lot from the Legislature. By all indications, we haven't got a heck of a lot, either.

The Lewiston/Auburn unemployment rate of March of 1981 was 9.4 percent substantially higher than the State's, or the country's unemployment rate.

Along with this already high rate of unemployment, the city faces a very distinct possibility that Hillcrest Foods, Inc. will be closing its business, and ladies and gentlemen of the Senate, that happened last Tuesday.

According to the study done by the Department of Manpower Affairs, the closing of Hillcrest could raise the unemployment rate to 12.5 percent.

With 60 to 70 percent of our labor force employed in labor intensive industries all of which are very susceptible to foreign competition, and I'm talking about our shoe industry and our textile industry.

The City of Lewiston is very concerned about its general economic health. While we do not question the wisdom of the State providing substantial sums of money for improvement of Port facilities in Portland, which I supported, and Searsport, which I, also, supported, and for the Central Potato Packing Facilities in Aroostook County, which I, also, supported, we do think the time has come for the State to make a major effort in improving the economic conditions of the Lewiston/Auburn area.

One way, ladies and gentlemen of the Senate, this afternoon, you can do this, in good faith, is to reject the Majority Report and Accept the Minority Study Report.

Now, bear in mind, we're doing one thing. In the existing law that is presently on the books, a study report was going to come forth with anyway, it was going to come forth in possibly January 1983, all we're doing with this Amendment, that Senator Emerson of Penobscot has projected, is backing it up until January 1982.

We are willing, just like the rest of you, to look at this thing more clearly and more constructively, and if necessary, compromise. Don't strip us of what we have done so far through the Maine Guarantee Authority, by taking huge sums of money, in other words, we've got almost \$1.8 million tied up in our facility, and this is not a very simple matter, and a very very complex matter, as far as that's concerned, and some people have taken this darn thing too lightly to realize the long-range effects of what you are doing to these particular communities, not only Lewiston/Auburn, because this is not a Lewiston/Auburn issue, this is an issue along the hundred miles of that corridor affecting all the communities.

Other communities that have joined forces with Lewiston/Auburn have been the City of Portland, through a council order indicating as much that they'd like to see this opened up. I believe Biddeford, or some other area down that way, and Gray, has indicated as well as the Town of Sabattus. They all realize the importance.

Now when you look north of us into the great metropolis of Bangor, Maine, you see five egress and ingress roads and bridges on either part of I-95. Isn't that marvelous! They can open up their industrial parks, but yet we're going to be denied this, even though we feel that we should have that particular accessibility.

Another thing that comes to mind, that road was built with private funds, not state or federal dollars, private funds and this is where we are breaking faith of the people of the State of Maine, if we decide to turn this around and keep this as a closed system.

I urge the Senate, this afternoon, to really weigh and analyze this thing very, very closely, and look at the long term benefits that you'll be, not only helping 2 major cities along the corridor, but many other cities, by looking at it from the viewpoint of the people of the State of Maine, that we will be deriving sufficient revenues to meet our ever dwindling tax base.

I'll just give you one example of what it means. With the D.W. Small Company, with its \$128 million investment, in 3-5 years that particular facility will create, at least, 1500 jobs. This will mean, at least, \$2 million dollars in property taxes per year, shared by the Cities of

Lewiston and Auburn. Now, this is a substantial amount of money, if we are to meet the ever increasing costs of inflation, bonding, taxes, and everything else.

There is another particular company that is looking forward to building in our Air Park, and by general classifications, is referred to as a Fortune 500 Company. This is important because that in an essential business that will bring in at least 1000 jobs, and, you know something, ladies and gentlemen, if that Turnpike reverts to a close system, we stand to lose that particular industry.

I'm only bringing out some of these factors just to prove to you that deleterious effects will have, not only upon our communities, but upon the State of Maine, who is spending millions of dollars in educating kids in our VTI's and in our colleges, and yet, we're saying to these same people, I'm sorry we don't have adequate jobs, and good paying jobs to give you, so then just matriculate to our other New England States, or out west. Work your 20 to 25 years, then come back to Maine.

I'm looking to keep people in the State of Maine. Utilize their skills and talents here, and this is one reason why I'm fighting diligently and sincerely to be sure this particular Turnpike issue reverts to a study, as recommended by the good Senator and the Transportation Committee for January 1982. I don't think that's too long a time to wait in which to get this thing rectified. And, I would urge you to kill, maybe that's a mild word for me to use this afternoon, the Majority Report, and Accept the Minority Study Report that Senator Emerson has.

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

Senator USHER: Thank you, Mr. President. Mr. President and Members of the Senate, the good Senator from Androscoggin is correct. Also the good Senator from Penobscot is correct. We are, as a Committee, in favor of maintaining the Turnpike as a revenue road.

They are, also, correct that back in 1977 the Study Order was put through but back in 1977, everybody thought different. The financial problems weren't what they are today. We're well aware of those. We can't even resolve the present highway system which we have before us. It hasn't even gone through the third and fourth stages.

Back then, everybody wanted to give everything away. We know that we can't today. The Committee is in agreement with the good Senator from Androscoggin, Senator Minkowsky, that we should provide an access road to help in the economic development. To do this, you have to have money. DOT doesn't have any money now to survive, without building the access road, which they have no control over the Turnpike yet anyway. To build an access road in that area, I've heard estimates between \$3 million and \$4 million. Where are we going to get \$3 million and \$4 million to build an access road? You have to have money coming in. With a 10 percent increase in vacationers, which they predict for this year that looks like a good year, as long as the weather stays good, we'll have a real good year, probably over \$15 million. The average is between \$14.5 million to \$15 million now, with the money coming in off the Turnpike.

If you go to a free system, or a barrier system, which we have heard two or three years ago that a barrier system will generate less than \$9 million, make under \$10 million, between \$8 million and \$9 million. That's a little bit different than \$15 million. The present expenses now run over \$7 million, between \$7 million and \$7.5 million. Where are you going to have all this excess money to build access roads?

The Town of Scarborough is concerned. They're going to have an economic development now in that area. Biddeford has been concerned. That's three large communities

right there, who all want access roads. How are you going to build these roads if you don't have any money? That's the major problem that we have now. We haven't got enough to take care of the regular ones.

The Majority Report, continues the present method of collecting tolls, which up to 50 percent is generated from out-of-staters. You're talking about \$7 million in excess. Also, the present Majority Report is a two year extension for the transition period. It's going to take almost two years to transfer all the people properly, make all the corrections. Everything is private there now. All private contractors. It avoids the problems of deciding where the barriers are going to be located.

The Study says that it will study the barrier system. It could be three barriers or four, which is going to be very political, where the barriers are going to be. In Biddeford, they find out it's only going to generate \$8 million or \$9 million in the barriers, well, we'll raise the prices. Why raise the prices? Why not leave the prices just like they are? It would be one of the finest things we've ever done for the people of Maine. Leave the prices like they are. It only costs \$2.25 to go from Augusta to Kittery. We can still generate \$15 million. I think that's a terrific deal.

The Bill would provide the priority use of the money to be used for the access roads with a \$7 million or \$8 million surplus, which it would generate if it stays in the present system. You could build an access road every other year, or whoever is going to be first. I'm sure Lewiston and Auburn would be on our tops of the priority lists. We have considered them. It was included in the amendments. Their representatives for the economic development area attended all of our hearings, all our workshops. We're well aware of their problem.

It also provides for commuter discount, not to exceed more than 50 percent. As a regular traveler that leaves the Biddeford area, South Portland area, if you're familiar with the South Portland exit, they built a parking lot there for the commuters. Now they're parking on the grass. It's not big enough. This is happening everywhere. It's happening at the Westbrook exit. The parking lots are not big enough. That shows that people are carpooling, and using the Turnpike for commuter service. The cost is not the major problem. They want an A-1 road. That's what they're getting, but you have to pay for it.

Look at how many bridges a dime paid for, in New Hampshire and Maine. We found out that they took off the dime too early in many cases.

It will also provide needed money in the DOT, which we need very badly, in the future. It will probably cost more to build a new exit under the present closed system. Down the road, it will be well paid for. We need this to help maintain the access roads, who have the extra traffic, where the traffic is getting off. In the Westbrook, Portland, South Portland area, all the heavily traveled areas, Augusta, it's a ten mile corridor. This is very helpful to all the communities in that area.

The bond payoff, with an exceeding year like this year, has predicted, the bond payoff could be as early as next April. Automatically, when the bond is paid off, the Authority dissolves. The Majority Report will have a two year extension. There will be a two year sunset. They will have to appoint new members on the Authority for the transition period, and start changing the formulas, and working with DOT.

I think this is badly needed. I don't think we have to study it any more. The studies around here don't usually get started until after Labor Day. They probably quit in the first of October. What have they really done? We know most of the facts today. This has been looked at since 1975. The Bill was put in in 1977. Everybody is well knowledgeable in everything that's going to go on. We know, today though, that we do need the money to build anything. If you're

making a request for an access road, how are they going to come and approach DOT to get \$3 million and \$4 million to build an access road?

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator DUTREMBLE.

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I am one of the co-sponsors of this Bill. What we are doing here, if we do not Accept the Majority Report, is we are going to form a study to see if we should go to the barrier system as was suggested in 1977. If we do that, what it will do, is will take a good working mechanism, like the Maine Turnpike Authority, and turn it over to the DOT.

I've been here, this is my third year. All three years, at the end of each Session, all I can remember is we're trying to solve the problems of the DOT. I can't see why we should take something that is working perfectly well right now, and turn it over to the Department that's having problems financially.

The good Senator from Androscoggin, Senator Minkowsky, talks about his concern over economic development for the Cities of Lewiston and Auburn. I am tremendously concerned for the economic development of the Cities of Biddeford and Saco. For the past two years, we have been promised an access road for our industrial parks down there. For the past two years, we haven't had the money to do it. The State has to turn it down. This is improved access, which has not been started on yet because of lack of money.

What the Bill, at least there's something in there that says that any monies available will be used in areas that have economic development as a priority, which many of the cities along the Turnpike have.

One of my major concerns is that, in the barrier system, as the good Senator from Androscoggin mentioned, 35 cents as a figure. Whether that figure is 35 cents or 25 or 45, there's going to be a great deal of revenue lost to the State of Maine. A great amount of that revenue comes from people using the Turnpike, who are from out-of-state. Talk about breaking faith with the people of the State of Maine, they're the ones that are going to have to make up that difference, one way or another. It's still going to cost money to maintain the Turnpike.

What I'm afraid of is that some of the revenues used to take care of the Turnpike in the past may be diverted into other areas, to other parts of the State. The Maine Turnpike will start to deteriorate. I've traveled that road now for three years. I know it is one of the best highways in the State, of all the highways that I have traveled.

I would hope that we would go along with the Majority Report. Thank you.

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

Senator TRAFTON: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I rise today to support the position of the good Senator from Androscoggin, Senator Minkowsky, and also the position of the good Senator from Penobscot, Senator Emerson. I hope you will give serious consideration to Accepting Committee Amendment "A" under a filing number of S-309.

As the good Senator from Androscoggin mentioned, a commitment was made in 1977. We made that commitment. We made it to all the communities in this State. On the basis of that commitment, some areas started to take action. Lewiston/Auburn was a prime example. They moved ahead with rapid plans for economic development, badly needed in our area. They moved ahead. They received commitments from various companies that felt that Lewiston/Auburn would be a good area to move into. Those companies looked at the action that we did in 1977 and anticipated that

they would have access, easy access, to the Lewiston/Auburn area, easy access to our industrial park in South Lewiston, easy access to the industrial park located at our airport.

Lots of projects are underway. The good Senator from Androscoggin has already mentioned some of them. What do these mean to our area? They mean millions of dollars of economic development in our area. They also mean thousands of jobs to one of the very depressed areas in the State.

Now, we're going to change the rules. What does that mean to those companies who have already indicated their willingness to come into our community, into our State? We have no way of knowing. Perhaps some of those companies that have already indicated their interest in our area will change their mind. Certainly, they will have that option. Some of those companies that are presently looking at our area, may well change their minds before making an initial commitment.

The whole issue centers around access roads. In Bangor, if you want access to Bangor, you've got you're choice of 5 exits. You can get off at just about any street that you'd like to.

In Lewiston/Auburn we have 2 exits. One for Lewiston, one for Auburn. Neither of which address our problems in terms of giving access to our industrial areas.

If we have to live with those exits, it means that all the industrial traffic will have to use very poor secondary roads, and will have a very circuitous route to get to the companies that they may wish to construct in those parks.

Now, the question becomes, how do we get the monies to build access roads? Today we've had many people speak on the Floor and talk about which system they believe would provide the needed monies, but do we really know?

I would suggest to you, we don't know. We don't know if the closed system can provide those revenues. We don't know if a barrier system can provide those revenues. As the Senator from Cumberland mentioned, Senator Usher, we've heard that the barrier system will only raise \$9 million. We've heard that. We don't know that. No studies have been done yet, even though that was mandated in the piece of Legislation passed in 1977.

What we're asking for today is your continued good faith with the commitment we made in 1977. What we're asking for today is a little time. We're suggesting to you that perhaps the Legislation before us is indeed a bit premature. The bonds are not paid off. We still have a little time that we can do this study that was suggested in the 1977 Legislation, and get some of the facts that we need to make an informed decision.

Committee Amendment "A" asked for that study. It asks for an analysis of the costs. It asks for a look at the total revenues that would be generated, the personnel changes that would be necessitated, in the following systems: A closed system, as we currently have, a closed system with modification; a barrier system, and a barrier system with modification.

I hope today that you will give us the time that we need because economic development for Lewiston/Auburn is economic development for the State of Maine.

Our State needs that economic development, and I would hope that we would not be so parochial as to turn a deaf ear on the needs of the second largest metropolitan area in this State. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Thank you, Mr. President. Being the Junior Senator from Androscoggin County, I was not about to rise today and speak in behalf of this Bill, however as I hear the debate, I felt that it was my right duty to get up and say a few words.

I'm not prepared, and I just wrote a few

notes, as I heard the debates, and I am quite intrigued at all, of what I've heard. We go back to 1977, when all of this was part of this Legislature, at one time, and here we are today, 3 years later, debating this issue again, then from what I hear, is that these bonds are not due for termination until the 1983's, however, then, in another breath I hear that we could payoff these bonds tomorrow. Then, you know the Turnpike has not been money making profit thruway. Well, I'm not sure. It's very confusing when you hear all these debates.

My understanding is that we could payoff these bonds by tomorrow, and the Turnpike is free and clear, and it can become part of the DOT, and here we go.

Well, I too am concerned. I realize I am from the Lewiston/Auburn area. I am from an industrial area has been promoting industry to come into a community that's got well over 70,000 people or more, and we've heard that unemployment rates were 9.4 and perhaps will rise to 12.5 or more in the next month, and we are all concerned, and we are all committed, or Lewiston and Auburn was committed in some heavily development to continue developing the industry and providing jobs for its people, and this is the people of this great State of Maine.

I have no gripes. I have no problems with the Maine Turnpike. When I ran a campaign, as a matter of fact, my strong statements were that let's give up all tolls. Let's have a free rolling road, and I made those commitments in my house, at a press conference, and naturally I'm not sure how far that would go at that time, but I did make those commitments, however, I am very supportive of the Minority Report in this case. I know what it can do for our area, and the economic development of our area, and, as I said, our good Senator Emerson from Penobscot has said it, so has Senator Minkowsky, now I can add, Senator Trafton, and I don't want to repeat some of the things they said as far as versus a free system to a barrier system, and the 7 million to the 9 million, and what it's going to do, and so forth.

The Study has not been made. It was requested in 1977, and here we are in 1981, and no study has been made as to what this barrier system will do versus the type of road that we have now, under the Maine Turnpike Authority. So, let's get the study going. Let's find out once and for all. Let's solve these problems, and as I said, 1983 is when these bonds were supposed to terminate so why don't we see what all we can accomplish out of this. Why should we rush a Bill here that can hurt the economy of the State, not only in Lewiston/Auburn, but the entire State. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Thank you very much, Mr. President.

Mr. President, one interesting factor that came to mind, was at the Public Hearing before the Transportation Committee, where there was a correlation drawn between the Turnpike costs, and I-95 costs for maintenance.

Did you know that it costs \$17,000 per lane miles for reconstruction and construction of the Turnpike versus \$2,200 for I-95? Now, I think that's rather a fat budget for the Maine Turnpike Authority, isn't it? I think they can actually cut that down dramatically. Yes, it is the most well maintained road. It's very obvious the reason why it's well maintained at \$17,000 per lane mile.

Let's not forget one other thing, also. The revenues don't run out when the Turnpike bond's are paid off, that reverts to a special fund created in the Department of Transportation, and all those revenues will continue on for that 18 month period until a conversion takes place.

Another thing, the \$2.10 to run the full length of the turnpike, under the barrier system it is

only \$1.40. Is that not more practical, and feasible for our people? I think it certainly is.

Another thing, the compromise, Ladies and Gentlemen of the Senate, was very simple, and maybe we were foolish at the time to do it, and maybe I'll take that responsibility, maybe I should have pushed as Governor Longley wanted at the time, for a toll-free road, and we still would have got out egress and ingress roads, and all the taxpayers and the users in the State of Maine could pay for it then. Is that what you people want? I thought we were very fair and equitable in addressing this serious problem by saying let the users pay for it.

Our compromise is very simple. With the barrier system, there will be toll-free zones in between that our people could run from Lewiston to Gray at no charge, and beyond that pay 35¢. Maybe Lewiston to Augusta, no charge, and have that thing opened up, and all along the corridor the same thing. You know something, ladies and gentlemen, I was addressing another problem down in southern Maine at the time where Senator Danton and Senator Farley were concerned because of the congestion of US 1, and that was commuter passes, and tokens, and all these other different things that could materialize.

You don't think we took all your factors into consideration when we drafted this piece of Legislation. I most certainly say we did, and yet, it appears now that we are going to be as the term goes, somewhat shafted in this whole deal, because we were good samaritans that time.

I really urge the Senate, this afternoon, to really weigh, and analyze, exactly what we are doing, and we're not asking that much. We're simply saying the study that was due in 1983, will not come back in 1982. I think we deserve that much consideration, based upon our good intent, and based upon our perseverance in looking out for our great State of Maine by looking towards industrial expansion. I think we should be commended and assisted along those lines, instead of pleading for our survival through this atrocious piece of Legislation, in which is a Majority Report.

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

Senator EMERSON: I'd just like to point out one thing.

It's been said that the barrier system would produce around \$9 million worth of revenue. I don't know how they come about that because a big part of the study would be to set the rate of tolls, so, I don't see how you could arrive at \$9 million now. I think you're premature, because the tolls might be set high enough so you'd raise quite a lot more money than that.

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

Senator O'LEARY: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: I'd just like to pose a question through the Chair.

The PRESIDENT: The Senator may say his inquiry.

Senator DUTREMBLE: I would like to know how a person going from one end of the extreme to the other of the Turnpike and it costs them \$2.25, and it's only going to cost them \$1.40 under the barrier system, how it's not going to mean a loss of revenue?

The PRESIDENT: The Senator from York, Senator Dutremble, has posed a question through the Chair.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, the answer to that, and I don't have the expertise in that particular field, all the bonds were retired, there's no new bonds, the issues are at a very low interest rate, and that would take care of it.

The idea that at time was we did have bonds floating for upkeep and maintenance and reconstruction, and of course, the bonds for the new section from Portland to Gray, from Gray to Lewiston, and subsequently from Lewiston to Augusta. This is the thing that we're paying off finally, and that's the only reason I can give you why we can't reduce rates.

Of course, I don't think the rates have increased too much over the years either, because of the influx of traffic on the Turnpike.

I will say one more thing at this particular point other than that, since I-295 opened up, it has diverted in excess of 1 and 1/4 million cars and trucks out of the Lewiston/Auburn economy by using it by going around from Portland north to Gardiner, and yet, we're willing to accept that, reluctantly, because it shows that it was somewhat growing in other areas, and what we're saying in this particular compromise, that we have on the original law at the present time, is now you won't be, if you want to circumvent the area, you're going to pay 35¢.

Thirty-five cents is not a magic number. It's not cement. It was just a practical, feasible, projected figure to actually address the costs of upkeep and maintenance, and not for profit to be used, as some people have expressed here this afternoon, for other block grants or other projects in the Department of Transportation.

Hey, listen. If we wanted that, we would have said toll-free, and you can pick it up on Gasoline Tax. I think we've done you one heck of a big favor.

I hope that answers somewhat the question of the good Senator from southern Maine, Senator Dutremble.

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

Senator USHER: Thank you, Mr. President.

Mr. President, Members of Senate, to answer a couple of questions that were brought on by the good Senator from Androscoggin, Senator Minkowsky, related to the management costs of the Turnpike.

I have to agree, those are the costs of the Turnpike, that it is a private system. It is not run by the State. What they do we have no control over, until they dissolve. It's still private. When they dissolve, then we take over control. We have no control at all.

Also, the good Senator related to since I-95 the traffic has decreased in this area. Well, I have a report from '79 and '80. 1979 the total vehicles was 16,190,000. In 1980, which just finished, there was 16,517,000. That's an increase, right here in black and white.

As far as revenue, the revenues total for vehicles at the end of 1979 was a little bit over, about \$14.1 million. At the end of 1980 it was \$14.4 million dollars. That's another increase.

So, I don't really think that keeping a closed system is going to jeopardize economic development. Those who have traveled the whole length of the Turnpike, and I mean all the way to Kittery, they could just observe, all the way down, all the South Portland industrial park. I know my community, Westbrook's industrial park, is less than a mile from the Turnpike. I served on the City Council at the time we picked the area, and the main reason was because of access to the Turnpike.

If you go down the Biddeford area, access to the Turnpike. Kennebunk, all the way down to the Turnpike, access to the Turnpike, because it was an A-1 road, and the only way you can keep it A-1 is to spend money on it and keep it in that condition.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

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



The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of the Ought to Pass, in New Draft Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — Bustin, Carpenter, Collins, Devoe, Dutremble, Gill, Kerry, Najarian, O'Leary, Perkins, Pray, Sewall, C.; Shute, Trozky, Usher, Violette, Wood.

NAY — Ault, Brown, Charette, Clark, Conley, Emerson, Hichens, Huber, McBreairty, Minkowsky, Pierce, Redmond, Sutton, Teague, Trafton.

A Roll Call was had.

17 Senators having voted in the affirmative and 15 Senators in the negative, with No Senators being absent, the motion to Accept the Majority Ought to Pass, in New Draft, Report of the Committee does prevail.

The Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

#### (Off Record Remarks)

#### Orders of the Day

The President laid before the Senate: Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 649) (L. D. 1677), Tabled earlier in today's session by Senator Collins of Knox, pending the Adoption of Senate Amendment "E".

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, Senate Amendment "E" under filing number S-320 simply changes one word in what was LD 476 from "of" to "or", but our doing that with the current emergency preamble would mean that the word change would take place 90 days prior to the effective date of the Act, which was not an emergency act. That's the reason for this Amendment.

Under Suspension of the Rules, Senate Amendment "E" to Senate Amendment "A" Adopted.

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

Senator DEVOE: Mr. President, I present Senate Amendment "F" to Senate Amendment "A" under filing number S-321 and would move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "F" to Senate Amendment "A" and moves its adoption.

Senate Amendment "F" to Senate Amendment "A" (S-321) Read.

The PRESIDENT: The Senator has the floor. Senator DEVOE: Thank you, Mr. President.

We earlier in this Session passed Private and Special Law, Chapter 49. That has just been signed today by the Governor. All that this Amendment does is to provide that the first year's funding will be derived from dedicated revenue not the General Fund. This Amendment authorizes a special revenue account for that purpose.

Under Suspension of the Rules, Senate Amendment "F" to Senate Amendment "A" Adopted.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Members of the Senate, I present Senate Amendment "B" to Senate Amendment "A" under filing number S-317 and would move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "B" to Senate Amendment "A" and moves its adoption.

Senate Amendment "B" to Senate Amend-

ment "A" (S-317) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. All this Amendment does is to give the Baxter State Park Authority instead of the Commissioner of Conservation the authority to consent to the transportation of wood that is cut within the confines of Baxter State Park. Thank you.

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

Senator TRAFTON: Mr. President, I'd like to direct a question to the good Senator from Penobscot about Senate Amendment "B". I'd like to know, historically, why it was the Commissioner of Conservation who was delegated that authority? If, in fact, the Baxter State Authority and the Commissioner of Conservation are in agreement with this transfer, and exactly what it entails?

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

Senator PRAY: Mr. President, to respond to the question of the good Senator from Androscoggin, Senator Trafton, originally when the Bill was passed through here dealing with the public lands, which comes under the offices of the Commissioner of Conservation, it was presumed at that time that the lands inside of Baxter Park, the northern section, which is in a forest management practice, through the deeds of trust by Percival Baxter, that that land would be included. It was only afterwards that we found out that it is not. Since that comes under the offices of the Baxter Park Authority, this Amendment is in to include that land as well.

Under Suspension of the Rules, Senate Amendment "B" to Senate Amendment "A" Adopted.

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

Senator GILL: Mr. President, I present Senate Amendment "G" to Senate Amendment "A", and under Suspension of the Rules, I move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Gill, offers Senate Amendment "G" to Senate Amendment "A" and moves its adoption, under Suspension of the Rules.

Under Suspension of the Rules, Senate Amendment "G" to Senate Amendment "A" (S-322) Read.

The PRESIDENT: The Senator has the floor.

Senator GILL: Mr. President, I'd just like to explain this Amendment to the Senators. We have a floating unrelated in this Bill. It's an ambiguity that we're trying to lock down. The Committee on Health and Institutional did not mean for it to be floating. It is the word "unrelated". We're putting it in the proper context.

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

Senator CONLEY: Mr. President, first I was wondering if the Rules were Suspended for the purposes of the introduction of this Amendment.

The PRESIDENT: The Chair understood that they were. The Senator, in her motion, moved that they be Suspended. The Chair answers in the affirmative.

On motion by Senator Conley of Cumberland, Tabled until later in today's session, pending the Adoption of Senate Amendment "G".

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

#### House — As Amended

Bill, "An Act Concerning the Regulation of Atlantic Salmon." (H. P. 474) (L. D. 538)

Which was Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act Providing for Certain Public Utility Bond Financing by the Maine Municipal Bond Bank." (H. P. 1558) (L. D. 1668)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-316 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to LD 1668 and moves its adoption.

Senate Amendment "A" (S-316) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

Bill, "An Act to Protect Farmers' Right to Farm." (H. P. 1175) (L. D. 1399)

Which was Read a Second Time and Passed to be Engrossed, as amended, in non-concurrence.

Sent down forthwith for concurrence.

#### Orders of the Day

On motion by Senator Conley of Cumberland, the Senate voted to take from the Table: Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 649) (L. D. 1677).

Under Suspension of the Rules, Senate Amendment "G" to Senate Amendment "A" Adopted. Under Suspension of the Rules, Senate Amendment "A" (S-314) as amended, Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down forthwith for concurrence.

The President laid before the Senate: Bill, "An Act to Remove the Customer Charge from Electric Utility Rate Structures." (S. P. 654), Tabled earlier in today's session by Senator Collins of Knox, pending Reference.

The PRESIDENT: The Chair would answer the Senator from Knox, Senator Collins, on his query as to whether or not Joint Rule 4 applies, that in the opinion of the Chair, the Rule does apply. The Chair would amplify this to the extent that while the Chief Executive may submit Legislation, at any time that he sees fit, as soon as legislation has been submitted, it then becomes subject to the Rules of the Legislature.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that the Rules be Suspended.

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

Senator PIERCE: I would object.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that the Senate Suspend the Rules, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

12 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the Rules are not Suspended.

The President laid before the Senate the first Tabled and specially assigned matter:

Bill, "An Act Authorizing Reasonable Fees for Nonresident Users of Public Libraries." (H. P. 548) (L. D. 624)

Tabled—May 27, 1981 by Senator TROTZKY of Penobscot.

Pending—Motion of Senator DEVOE of Penobscot to Indefinitely Postpone.

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

Senator NAJARIAN: Thank you, Mr. President. Mr. President and Members of the Senate, this Bill before us is indirectly tied to a bill which is currently on the Appropriations Table, which provides some money for the Resource Libraries. There has been some negotiations continuing among the sponsors and the State Library. There is a possibility that more money will be made available to the three area