

# 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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**AUGUST 3, 1981**

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Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" (S-311) and House Amendment "A" (H-543) in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" — Committee on Election Laws on Bill "An Act to Prohibit Registration within 72 Hours of an Election" (H. P. 1003) (L. D. 1201)  
Tabled — May 14 by Mr. Martin of Eagle Lake.

Pending — Ruling of the Chair on Germaneness of the Bill Under Joint Rule 4.

The SPEAKER: The request was made by the gentlewoman from South Portland, Ms. Benoit: based on the action of the House on April 29, April 30 in the Senate, where L. D. 363 was indefinitely postponed; on L. D. 40, which was indefinitely postponed on March 9, and on the bill which was indefinitely postponed today, the Chair would rule that the matter is in violation of the rules.

The following paper appearing on Supplement No. 15 was taken up out of order by unanimous consent:

#### Divided Report

Majority Report of the Committee on Transportation on Bill "An Act to Continue the Maine Turnpike Authority" (S. P. 324) (L. D. 932) reporting "Ought to Pass" in New Draft (S. P. 650) (L. D. 1676)

Report was signed by the following members:

Senators:

USHER of Cumberland  
O'LEARY of Oxford

— of the Senate.

Representatives:

HUTCHINGS of Lincolnville  
MOHOLLAND of Princeton  
McPHERSON of Eliot  
REEVES of Pittston  
FOWLIE of Rockland  
MACOMBER of South Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-309) on same Bill.

Report was signed by the following members:

Senator:

EMERSON of Penobscot

— of the Senate.

Representatives

STROUT of Corinth  
HUNTER of Limestone  
McKEAN of Limestone  
CARROLL of Limerick

— of the House.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

In the House: Reports were read.

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

Mr. CARROLL: Mr. Speaker, I now move that we accept the Minority "Ought to Pass" Report in non-concurrence.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: I have often heard here in the House that if something is working well, there is no reason to fix it. In the case of the Maine turnpike, I would say that this is something that is working well and there is no reason to change what is working well.

We have a system that generates \$14 million a year, and when the bonds are paid off on the

Maine turnpike, we will have plenty of money for maintenance and we will also have money for construction of access roads and also maintenance of other roads that are accessible to the turnpike.

The Turnpike Authority, in this bill, for those people who are worried about two administrative procedures dealing with the roads of Maine, in the bill the Turnpike Authority will go out of business in two years and the Department of Transportation will take over the administration of the turnpike.

The real reason that some of us have sponsored this bill and the real issue that people ought to look at in this bill is whether the turnpike should a system of barriers or a system like we have now where when you get off the road you pay a toll at the various exits.

Let me give you several reasons why I think that a system with barriers is a bad way to run the turnpike. As some of you may know, the legislation that we passed several years ago said that when the bonds were paid off, a barrier system would be put in place and a study should be done of how that barrier system will be put in place. That bill said that there will be three barriers. I believe that one would probably be placed in York where the present barrier is, one would be in Augusta where the present barrier is, and then the middle one will become a political issue. Who wants the middle barrier? I don't see any way that we will ever be able to decide where that middle barrier will go. We don't want it in Portland, Lewiston doesn't want it, I am sure Falmouth doesn't want it, Scarborough, Mr. Higgins will probably tell you they don't want a barrier there either. So where will that barrier go? I maintain that is a political issue that we will not be able to deal with, and it is a political issue that the community with the least clout will end up having a barrier located on the turnpike in that community.

Let's say the barrier is located in Scarborough. That means that someone going from Portland to Kittery would have to pay double, would have to pay in Scarborough and would have to pay again in York, where somebody going from Portland to Lewiston would pay zero. That just doesn't seem fair to me on a road that presently, when you get off at an exit you pay for the amount of road that you have used.

Also, I think it is a waste of money, over \$700,000, to tear down the present toll booths and to construct a barrier in the middle.

My next point on this issue really has two parts. I think that with the barrier system it will be easy for anyone to avoid the turnpike if they really don't want to pay the toll. In the case of southern Maine, someone can just get off the turnpike, get onto Route 1 and get back on after they have gone by the toll booth. If anybody from Maine and anybody from outside the state realizes they can do that and they can do that farther up in Maine, then I think that that will not bring in the amount of money necessary to run the turnpike.

I think also that this will allow many sections, obviously, to be toll free, and because of that the barrier system will not bring in the amount of money that it will take to maintain the highway and to pay for the access roads that several communities are interested in.

There is a section in this bill, and you will hear from representatives from several communities, one in particular, that will say that they need an access road and they probably do, and if anybody looks at Page 7 of the bill, Section 6, Paragraph F, they will see a section which says that the priority in construction of access roads will be given to those that promote industrial and economic development of communities adjacent to or near the turnpike whose present lack of access tends to discourage that development. But that doesn't help the communities that need the access to industrial parks or to the municipalities where they need

economic development, and I don't see anything else that will get them those access roads. I think that section of the bill will deal with the complaints that some communities have with this bill.

One other point is that because we are a tourist state, it seems ridiculous to me to remove the toll booths and the toll takers at the various exits. The other day I drove down to Kennebunkport and I went on the turnpike and got off at the Kennebunk exit and the place that I was going to, I really didn't know which road to take to get there, so the easiest thing to do was to ask the toll taker who told me which road to go down to get to the place that I was going. If you have the barrier system, you get off the exit, there will be nobody there and the tourists from out of state will have no one to talk to to tell them how to get to any particular place that they want to go.

Finally, one program that we are offering in this bill for people who use the turnpike often is something called the commuter pass. We feel that with the commuter pass, volume users of the turnpike will be able to use the turnpike at a lower cost and will not have to pay what they may feel is a higher cost at this point and it will encourage people to go from point to point by using the turnpike and maybe use the turnpike instead of using other roads which may be clogged.

I just can't see the need for a barrier system as is proposed, as was proposed several years ago, and I would hope that the House would oppose the minority report and stay with the system that is working well.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I signed the minority report and I would like to give you two reasons why.

I was down here during the 108th when we studied the whole session the Maine turnpike system, and as a result of that study, we went back through the records, both federal and state level, back when the turnpike was built, and we found out that federal money was forthcoming because when the bonds were retired, the turnpike was to be given to the citizens of Maine as a route of free travel for those people who now about the turnpike.

We found out during the 108th that, yes, they did want to be able to travel that turnpike at either a very reasonable cost, much more reasonable than what they have now, or they would like to travel it free. Through a series of public hearings that we had, talking with people who live in Portland, Lewiston-Auburn, Augusta, all the way down, we found out the consensus of opinion was pretty well the same — they would like us to honor the commitment that we made. So we came out with a barrier system, and the idea of the barrier system was to have sufficient funds to keep the highway in the condition that it is now, which is fairly good condition, but at the same time allow routes of travel for those people who have to traverse that turnpike one way or another and who live around the turnpike, and the barrier system seemed like the way we could do this.

Of course, times have changed a little bit and now we find that there happens to be a problem in that there will be some people who say no, we don't want that now, we would rather have the toll system like we have now.

I have been talking to a lot of people, both around Portland, Lewiston-Auburn, and I find those people who told me that they want to leave it like it is now are sponsors of the bill. I allowed as to how that was right; yes, that should be the way, if you are sponsoring a bill, you should believe in it, but I have often wondered if you have gone down and talked to the guy who is carrying a dinner bucket and he has got to traverse that thing and pay those tolls, if you asked him, how is he going to feel? What is he going to say?

In the committee, we hashed and hashed and hashed, and we finally figured out how do we buy a pig in a poke? How can we say that if we go the barrier system, we are going to actually net less revenue than if we have the closed system, because we don't know what the barrier system is going to bring, no idea.

As you know, if you go to a barrier system, of course you are going to cut down the number of employees, you are going to cut down the capital cost, there are many, many things that you are going to cut down, so as a result of cutting down on one side and lowering the revenues on the other side, will the overall net be approximately the same, would it be less money than we are making now or would it even be more? These are things that we don't even know.

In order to actually honor this commitment, which we keep saying we want to honor but just never seem to do, we said we need more information, and we do. The best way to get that information is to take that study, which was in the original bill during the 108th, move that up to now and say, let's complete it, let's get some accurate figures or at least some real good estimates so that we know what to work on. That is the reason we have the minority report.

I just hate to buy a pig in a poke. I hate to go to these people and say no, we didn't mean what we said, when we could have meant it and we could have done it and still have about the same net revenue as we have right now. That is the reason for the study. I hope that you will go along with the minority report, because I think you need more information just like we do.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem, and Speaker Martin retired from the hall.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: As a cosponsor of this bill, I am obviously very interested in it and have been for the past five years. The Maine Turnpike, as has already been told to you, is the best highway in the state, the very best, well maintained, it is safer in snowy and treacherous weather, it is one of the safest roads you can travel on. As the gentleman from Portland, Mr. Brennerman, already stated, if something is working fine, don't try to fix it. It would be crazy, simply crazy, to tear down a perfectly fine operating system and build up something that is going to generate fewer dollars, cost money to tear down and end up with a road possibly that is less fitting than it is at present.

About two months ago, there was an article written by the press in the Sunday Telegram and it explained this bill and what we were trying to do with it. I believe, and I say this without exaggeration, I believe that I received more telephone calls at home, not letters but telephone calls, saying what are you people thinking of down there to tear down that existing system, the closed system?

In 1980, the revenue generated by the Maine Turnpike was \$14,377,072.69; expenses or maintenance from that was \$7,396,652.71, so it is \$7 million after the maintenance is paid for that has been used to retire the bonds.

What we are saying with this bill, the \$7 million or whatever it happens to be, it may be more, should indeed go to the Commissioner or go to DOT and let them use that money to work on the problems that they are having in the Department of Transportation.

Both sides have agreed all along that a barrier system will produce less revenue. If you are going to have one at either end and one in the middle, there is no way you can generate the amount of dollars, you don't need a study to

prove this, with one in the middle and two at the ends that you can now with 13 toll plazas, you just can't do it.

In 1980, there were 16,517,000 cars coming across that turnpike and half of those, 50 percent of those, were out-of-state cars.

What we are doing, we are not only losing money by going to a barrier system, we are losing out-of-state money. I ask you, knowing the financial dilemma that we are in, we are facing in the next two legislative days with a highway allocation act sitting the way it is, how can we possibly think about taking away the amount of bucks, millions of dollars, from our system that the DOT needs?

I would hope that you would consider carefully the importance of this bill, consider the impact of what the amendment would do that the gentleman from Limerick, Mr. Carroll, has proposed. I hope you will defeat that and go with the majority report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Windham, Mr. Diamond, I have to agree with him that the condition of the present system is an excellent highway and I wouldn't question that it probably would be in the future whether it is a barrier system or whether it is a closed system.

My reason for signing out the minority report is, as has been said, and some people will say that it is a study, I don't look at it as a study, what I look at in the minority report is an evaluation of what was passed in 1977, and it is my position at this time that we should not break faith with what we did in 1977.

One other point I would like to mention is that nobody in the minority report has said anything about there would be a barrier system when the bonds are paid off, no one has said this. I think some of us, in looking this over in the last couple of months, have come to the conclusion that we would like to have a little more time before we finally vote on whether we would want to go with a barrier system or whether we would want to keep the closed system. Until that evaluation is completed and a better idea is proposed, I would like to see us bring the study that was passed in 1977 a year early and that is what we are saying in the minority report. Who knows at this time what the estimated revenues will be until the evaluation is completed? Who knows what the costs will be? Who knows what it is going to cost to maintain that turnpike once the bonds are paid off? Right now, it is costing us \$7 million; I believe it can be done for less money. In fact, I know it can be done for less because I think the good gentleman from Windham, Mr. Diamond, will agree with me that in the last couple of years there has been a great effort to improve this highway and I think he knows reasons why it has been done.

I haven't, over the last two or three months studying this bill, been assured, when the bonds are paid off and if we did go to a barrier system, there is a good possibility that there could be savings made with less employees, with less maintenance and with a fee that could generate enough to maintain the turnpike and also to do anything to the access highways but what we might be showing a net revenue as great as we are today with the closed system.

Therefore, I would ask you to consider supporting the minority report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this evening in opposition to the minority report. I realize that there is a city in our state that claims they are having problems with their industrial park and their economic development because of the turnpike program that has been banded back and forth here in the past few days. They say they are fighting for economic survival. Practi-

cally every town and city in the state is fighting for economic survival, and even more so those towns and cities are away from the turnpike, they are really struggling and they are putting up with roads in far worse shape than the turnpike will ever be, the turnpike or the access roads will ever be. This town acted on impulse when they went into the economic development program rather than on factual data. Now I think they should act on factual data to see if they can't get themselves out of it. I sympathize with them and I believe that there is an allowance in the bill that access roads can be built. The access roads will cost in the area of \$4 million to \$5 million each, I believe. If there is money available, I believe the access roads should be built, but to open the turnpike up to the barrier system, I think is the biggest mistake this state can make.

Right now, it has an annual income I believe in the area of \$15 million. If the barrier system is put in, I believe that revenue is supposed to be reduced down to around \$8 million or \$9 million. If the bond issue is paid off, and I assume that it is going to be paid off ahead of schedule, state government can pay the bond issue off, pay a penalty to the federal government and still maintain the tolls on the turnpike, there is no sweat on that. But to reduce the revenues coming in from the turnpike now or in the foreseeable future would be a big mistake. With spiraling costs and everything escalating, you just can't do it. The people of the state of Maine cannot pick up the extra tab that would be needed on an open system.

Representative McKean made several statements concerning turning the turnpike back to the people; this can be done but under the payoff of the bonds and paying the penalty to the federal government and we can still maintain a toll.

I ask you to vote against the Minority Report so that we can bring the Majority Report out.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: Several things have been said here today and they are pretty general and I really don't think that a lot of it is the truth.

In 1977, the legislature failed to agree on a turnpike bill which would have provided barriers, and presently the bill is in effect which would provide barriers, but at that time the Transportation Committee was directed to study the general subject matter. It was studied and I don't see any need for anymore studying on this matter. In 1978, the act passed.

Representative McKean referred to his people or people up and down the turnpike saying that they don't want us to continue the tolls. I conducted a questionnaire, as I think some of the rest of you know, in which you found out that they certainly don't mind having the tolls continued. Since they feel that the present turnpike is in such wonderful shape and would continue to be so, they are more than willing to pay the tolls. The truck drivers will tell you that also. Anything is worth the safety that they are faced with in winter weather.

The Maine Turnpike, mile for mile, is the best value this state has, it is a gold mine. It generates, as we have been told, close to \$15 million annually. The barrier system would probably generate around \$9 million. There is really no positive way that we can give you a figure.

The Turnpike Authority provides many part-time jobs for retired people to supplement their income; this would disappear. It would be a waste of time and money to tear down the toll booths and erect new barriers.

It has been mentioned already that the tourists help pay for the turnpike, as we know, bumper to bumper every summer. They think it is a bargain. And when you consider that you pay in New Hampshire 50 cents to travel 15

miles, you can see what a bargain it is.

One of the problems which has already been mentioned, which would arise if we allow the present excellent closed system to be changed, would be the political games as to where the barriers would be erected and what tolls would be charged.

Everyone benefits from the Maine Turnpike. The people in southern Maine have probably paid the most over the years, but they may choose to drive on the pike or not, they have other alternative routes to follow. The people in Aroostook County benefit because their products are brought safely and quickly to their part of the state.

I hope you will think very carefully about destroying something that has been so good, so good to you. You would be destroying a good paying piece of property and you would have barriers up and have it under the jurisdiction of the DOT. Leave it alone, and in the vernacular, as you have heard here on the floor of the Maine farmer, "if it ain't broke, don't fix it."

**The SPEAKER Pro Tem: The Chair recognizes the gentleman from Princeton, Mr. Moholland.**

**Mr. MOHOLLAND:** Mr. Speaker, Ladies and Gentlemen of the House: I voted on the majority report on this bill for one reason. I think we have to keep the road the way it is. It costs me \$240 a week to run the turnpike; \$960 a month; \$11,540 a year, and I think it is a very good road and I would hate to see the barrier system for the simple reason that we can go up that highway and not bother anybody in accidents or fog or anything like that. I think my city that wants a barrier, I think the state would be very willing to put it in.

**The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.**

**Mr. JALBERT:** Mr. Speaker, Ladies and Gentlemen of the House: I think this has been a good debate and I think everyone has listened to the words from the Speaker of anything that we talk about, let's try to talk about something different.

I would like to make one comment probably directed to Mrs. Hutchings, my friend, that the bill in 1977 that was passed said to make a study and report in 1983. As far as barriers are concerned, nobody is talking about barriers. What we are doing, we want an evaluation done and that has not been done. We want faith kept.

We talk about good roads, and we talk about the fact that Portland, for instance, you can get in and out of there 40 ways, you can take the turnpike or you can take a far better road, 191. I have seen Mr. Brennerman on it more than once, so let's not toss that goulash around here.

Over in our area, we don't ask for much as far as roads are concerned and we don't get much either. It took me 22 years to get a toll bridge, the Vietnam Memorial Bridge. Five years ago, I voted and worked my head off for a bond issue, with a positive and absolute promise that we would get that pontoon fixed in the middle of the road, the north bridge. Two years ago, and I have the record of the legislature, we were hung up with the highway program, hung it up dead cold, and my good friend, Mr. Carroll, and he is my dear friend, will attest to that. We hung it up so bad, and I have the record here, that the Speaker of the House, at a point about five-thirty or quarter of six, sent the Majority Leader to the other body to inform him that we had concluded our business. We were done and we could not get a 101 votes. Many of you were here then and you remember that.

I stopped him here, the present Attorney General, went back to see the Speaker, we went out to eat, I got together with my friend from Lewiston, Mrs. Berube, when we came back. It was quite late, I think it was more like quarter of seven, because when we came back we had to suspend our rules that stopped us from meeting after nine o'clock, we had 98 votes, and I well remember, and Mrs. Berube

well remembers, when we went to the Speaker and said, run it. We have 98 votes, run it. He ran it and in two minutes, the record here shows 101 votes, two-thirds.

As far as I am concerned, when it came time to help Portland with their fish piers, my county voted 17,316 yes; 9,302 no.

To my dear friend from Windham, Mr. Diamond, if you think that is the best road in the world, that turnpike, if you think it is the best in the world, let me give you a little ride around 191. I travel that area. Let me take you up around Bangor, why you can find more ways to get out of Bangor and in Bangor than I have hair on my head, and I am not talking broken down roads either.

There are those who are talking about barriers. All we want is this, we want word kept, we want an evaluation, that is all.

My friend from Calais is not here, he talks about economic situations. As far as I am concerned, our situation at home a few months ago was 12 1/2 percent unemployment. Since then, two major restaurants have closed; Hillcrest, which was the largest poultry supplier in the country — closed. One of our big furniture exchanges is about to close, and I hear there is another one that is about to close. I hear there is another major restaurant that is hanging on by its thumb nails, which, in my opinion, puts us around the 16 or 17 percent area of unemployment. We are in desperate circumstances.

I am not talking about barriers, I don't know about barriers or keeping the tolls or not keeping the tolls than anybody else in this room. The evaluation will show that, and I will abide by the evaluation. That is all we want; that is all we wanted in 1977, and now I am asking you to keep faith, we are begging you to keep faith.

I can tell you one thing now, if you remember, some of you, welcome back day, there was a certain prominent officer of the Maine Turnpike Authority that gave us a list a mile long of his accomplishments, but he left one out — he forgot to tell us that for some 20-odd-years he was General Counsel for the Maine Turnpike Authority, and I happen to know how much he made and it wasn't potato chips.

I know a former commissioner of highways who was getting upwards of \$200 a day in expenses for his services. I don't want to have the toll taker removed, far be it, and I know what kind of lobbying the MSEA has done, and I know that you people will agree with me that I don't bother with reprisals, but you know, what is sauce for the goose is sauce for the gander, and things always even themselves out.

I haven't lobbied anybody, I didn't think it was necessary. We are in a horrible situation at home, we need your help, we are begging for your help. We are begging you to have this evaluation made, and by accepting the Minority Report, the evaluation will be made and we will abide by it.

On that level, Mr. Speaker, I am asking in all fairness that you people accept the Minority Report, and when the vote is taken, I respectfully ask for the yeas and nays.

**The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Auburn, Miss. Lewis.**

**Miss LEWIS:** Mr. Speaker, Ladies and Gentlemen of the House: I must concur today with my good friend from Lewiston, Mr. Jalbert. The turnpike, we have been told, is working well, but it is not working well for those of us that live in Lewiston and Auburn, and many of the speakers that have told you today that it is working well do not live on that turnpike the way we do.

In 1977, a law was passed which led Lewiston and Auburn to believe that the turnpike was going to be changed, and we began economic development on that premise. If we keep the same turnpike that we have right now, that economic development is going to be in dire straits. As Mr. Jalbert has pointed out to you, the economic climate with our high unemployment rate in Lewiston and Auburn is a real

mess and we need that development that this bill could possibly destroy in our community.

In fact, as I hear the people talking about this bill today, particularly in fiscal matters, I begin to think that the conservatives and the liberals are changing places, because I, who am supposedly a conservative, definitely must support that minority report, and the minority report, as you have been told, calls for an evaluation.

Most of the issues that we have before us in this legislature are extremely pressing and you are always hearing me tell you how pressing workers' comp is. Well, in this case, this issue is not pressing. The bonds are not yet due to be retired, and so I ask you, why should we vote today on something that we can put off until next session? With that, I ask you to put this off until next session, let us have that evaluation and let's vote yes on the minority report.

**The SPEAKER Pro Tem: The Chair recognizes the gentleman from Kennebec, Mr. Murphy.**

**Mr. MURPHY:** Mr. Speaker, Men and Women of the House: Those of us alongside or possibly have communities that are cut in half by the Maine turnpike had three major concerns when the bill first surfaced; one, that there be commuter passes established to ease the load, especially if we would be putting money toward the DOT dedicated fund or toward the General Fund, to ease the load of our citizens who work outside our communities; two, some very real concerns that the road not be widened to three lanes or four lanes gobbling up the revenues; and thirdly, the three communities that have restaurants or gas stations on the turnpike be allowed to keep their leasehold form of taxation, the only successful form of taxation, leasehold, east of the Mississippi River.

The sponsors of the bill, on Pages 8 and 9, have incorporated all those concerns. We are not quite sure how much money will be raised above and beyond the maintenance of the road and the interchange roads, but possibly seven to nine million dollars.

A southern Maine newspaper, two years ago, running an editorial in favor of keeping the toll system, had a hand holding five, ten, one hundred dollar bills in the background, Labor Day traffic clogging the turnpike, and the message was very clear — the money is there. Mr. Jalbert, who has lectured as many times on this floor about the shortage of funds and down in Room 228, we are talking about maintaining a very good highway, raising possibly seven to nine million dollars above and beyond that for roads out beyond the turnpike, and I can't imagine this tight-fisted legislature, the 110th, letting those dollars go blowing in the wind.

**The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from South Paris, Miss. Bell.**

**Miss BELL,** Mr. Speaker, Ladies and Gentlemen of the House: I am going with the minority report. Many of you realize that this bill, or I have heard that this is a Lewiston and Auburn bill, well, I would just like to say a few words on how this might affect Oxford County.

The Lewiston-Auburn area certainly draws from a much larger area than the immediate Lewiston-Auburn area, maybe as much as 30 square miles. Furthermore, when one area of the state benefits from development, the rest of the state profits also.

I am not an advocate of the barrier system; I am concerned with having sufficient information to make a decision of this magnitude. Therefore, I would urge you to support the minority report.

**The SPEAKER Pro Tem: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.**

**Mr. DILLENBACK:** Mr. Speaker and Members of the House: Fortunately, I am not bound by any agreements that were made in the past.

Thirty years ago, I worked for Howard,

Tommen, Needles and Bourgendoff when we built the first section of the turnpike, and you people are right, this is a fine highway. You know, we can argue from here until doomsday and you can debate in here until doomsday and nobody is going to change a vote in this House at all. All my associates that I have talked to have said, you have got the greatest money-maker in the world in the Maine turnpike. If you need access in Lewiston, there will be money for it.

I agree with my friend from Lewiston, the handsome gentleman, you certainly do need access and I am sure you can get it and there will be money to pay for it, it won't come out of the taxpayers' pockets. That is a fine highway, it is operating well, the tourists are paying half the money that is being brought in, half the \$12 million a year. Why would anybody want to change it? That is ridiculous.

I would like to have the vote taken, if we may, sir.

**The SPEAKER Pro Tem:** The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

**Mrs. BERUBE:** Mr. Speaker and Members of the House: We all agree that the turnpike is the finest road, I travel on it daily and I would not travel on any other road, frankly. However, I think we have to remember that when the turnpike was originally started, it was with the understanding that eventually, when the bonds were paid off, we would have a free road. In so doing, I guess, we borrowed money from the federal government. Let me backtrack for just a moment — I think we would be breaking faith also with the people who allowed this turnpike to be built, the citizens, with the understanding that indeed it would be a free road.

But there is another reason also, and that is, in order to build it, we needed federal funds. It is my understanding — yes sir, federal funds — and it is my understanding that we got those funds so that when the bonds were expired, were paid off, the toll road would be free and we would owe the federal government nothing. However, if the tolls are not removed, I understand that the department will have to return to the federal government \$8.7 million in federal reimbursement — I rest my case.

**The SPEAKER Pro Tem:** The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

**Mr. HIGGINS:** Mr. Speaker, Ladies and Gentlemen of the House: I am just going to speak to you today as the Representative from Scarborough and not as the floor leader, since this is obviously not a partisan debate by any stretch of the imagination.

I guess I take exception, or at least would take you back to the remarks of the gentleman from Lincolnville, Mrs. Hutchings, when she said that people in the southern part of the state are the ones that have paid the most, and I think that is the key. It is easy for those of you who don't live in the southern part of the state to say "let's keep the tolls on, we need the money." You aren't going to have to pay for it. There are communities that border the turnpike and they are the ones that have been paying. I submit to you that if we adopt this bill now, we are breaking not only a commitment that we made in the 108th, but we are breaking a commitment that we made much longer ago than that that the good gentelady from Lewiston spoke about just a minute ago.

The idea when this bill was passed was that once the bonds were paid off, the road would become free access.

I was here two terms ago when we went through the harangue of whether or not that road would become free or not. The revenue question was brought up then, as it has been brought up now. The fact of the matter is, until this study is accomplished, until we have results by some impartial person, we won't know how much revenue is going to be raised or probably even how much money it is going to

cost to run the turnpike once the toll booths are taken down.

How can you assess the results of a bill like this until you have something rational to base it on? An independent study is going to say how much revenue is going to come in if you adopt a 75 cent pay, or a 50 cent pay, or whatever that is. It is going to say how much revenue you are going to save by not having X-number of toll takers because you only have three barriers now instead of 15 or 12 or whatever. Besides, the number could fool you, and I think by adopting a piece of legislation like this, we are, above all, being premature, we are acting irresponsibly, and we are acting without any knowledge of what is going to happen or what the potential is.

If the study comes back and says if you put the barriers up there is going to be a tremendous loss of revenue unless the fee is \$1.50 — you know, we have got something to base our decision on. Right now, we are grasping at straws, and I submit to you that we can't afford to do that for the time being.

It is easy to say leave it as it is, but for those people in the southern part of the state, you are breaking a moral commitment and one that was made just recently, not that long ago. I can appreciate the fact of those of you who were not here four years when we made that commitment, but at some point in time, this body has got to stand up and say, we are going to make a commitment sometime on this piece of legislation and stand by it and stick with it.

I really hope you go along with the minority report today and the good gentleman from Limerick, Mr. Carroll, and adopt the minority report. Let's get the horse in front of the cart, have something reasonable and rational to base our decisions on, and then come back here and make an intelligent decision.

**The SPEAKER Pro Tem:** The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

**Mr. JALBERT:** Mr. Speaker and Members of the House: I think the remarks of the gentleman from Scarborough, Mr. Higgins, the Republican floor leader, are so well put that at least one comment is worthy of repeating. It is this — we don't know where we are at now. This evaluation that we are begging you for will show us that. He also spoke about a commitment that was made four years ago, in 1977; he talked about a commitment that was made many years ago. The commitment was made in 1945 when the Turnpike Authority bill was presented. There was one opponent to that bill, it was I, when I said that I wanted, if they insisted on having a turnpike, I wanted it to go around Brunswick, because I-95 was going to come in and we were going to wind up holding the bag, and I questioned them then that I doubted they would hold up to their commitment. You can go down to the library and the record is there for you to read, because I spoke about it on the floor of this House.

I well remember, as a matter of fact, that the man who presented the bill was offered the chairmanship of the Maine Turnpike Authority. He refused it and gave it to the man who offered it to him, and he wound up attorney for the Maine Turnpike Authority. Those are the people that I am after, those engineers, those high price people. We have got highway equipment that can take care of these things, but that is not even the issue. The issue is, we are begging you to keep a commitment that was made in 1977, the evaluation is to be made, a study will be made and it will be reported.

I am sorry to have gotten up again, but I had forgotten that I was here in 1945, and I remember the commitment that was made. And I can tell my good friend from Kennebunk, Mr. Murphy, that I can assure you of one thing, I can sit down with him and spend days on end showing him where millions of dollars have been saved in 228 through some efforts on more than one occasion.

George Carroll came to me around 6:30 or so

about two years ago and said, will you cut out your foolishness and go get us the votes that we need, and he told me in no uncertain terms, and I went out to supper and I got the votes. But we are asking now, we are begging you to help us. We are in bad shape.

At this point, Speaker Martin returned to the rostrum and Representative Gwadodsky returned to his seat on the floor of the House.

**The SPEAKER:** The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

**Mrs. WENTWORTH:** Mr. Speaker, Ladies and Gentlemen of the House: I live almost at the far end of the turnpike. We probably pay as much or more than anyone else traveling the turnpike. The people in my area even go from town to town on the turnpike because it is a good road, and the famous gateway to Maine, which is Route 1, hasn't been touched for 40 years, so we have to go on the turnpike and are glad to pay for it.

If the turnpike is a free road, where will we get the money to take care of it?

**The SPEAKER:** The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

**Mr. LaPLANTE:** Mr. Speaker, Ladies and Gentlemen of the House: It was spoken of a little earlier that access roads might be built for that area, and those are the words that always bother me — might and may. As it says on Page 7, the Authority "may" provide turnpike revenues for the department for maintenance, construction and reconstruction of interconnecting access roads, only if it can be shown that the flow of traffic will pay for the access road.

An access road under a closed turnpike and an access road under a barrier system is a lot different, probably five times the cost under a closed system as it is under a barrier system, so it would almost be impossible to justify any cost under a closed system if you would have a factory or economic development along that area, especially for a small community. And many small communities right now are thinking about economic development, and many of them are bordering the Maine turnpike and believe it is very, very necessary.

The fact that someone needs information to travel and they can get it on the Maine turnpike, it seems to me that the people beyond Augusta and all the way up to New Brunswick and Fort Kent seem to find their way very well without having someone at a toll booth to locate Squaw Mountain or New Brunswick or Fort Kent or whatever.

Another area that was mentioned, that the Lewiston and Auburn area acted on an impulse spending \$2.5 million going into an economic development; they went on possible good faith from the legislature, and we see that that is difficult to attain sometimes. The area that we are talking about in that particular area is a 1500 acre park in Lewiston and several hundred acres in the Auburn Park area, plus an ethynol plant in the Auburn area. The average employment in an industrial development park is 15 employees per acre. You multiply about 1800 acres times 15 and see what you get for employment. So the possibility of keeping a closed system, you may be biting your nose to spite your face, because you take that amount of people on the sales tax and the income tax and you are way taking the money in the state general fund that that closed turnpike toll could ever bring.

I think you really should consider the minority report for the simple reason that it is a study, it will be brought back in January and you can vote on facts and not on speculation.

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

**Mr. McKEAN:** Mr. Speaker, Ladies and Gentlemen of the House: Briefly, Representative Berube, I believe, hit the nail right on the head. Yes, there is a pay-back provision and whether



we are talking out of school or not, negotiations right now are being made between the Department of Transportation and the federal government, negotiations on how much the payback will be and if legislation at the federal level can be implemented which will stop that payback.

I think that if we act right now, passing a bill which ensures a closed system, we are going to have a direct impact on those negotiations. And with the present austerity measures taken by the administration at the federal level, and they can see \$9 million looking them right in the face, what would you do? That is another reason why right now is the time to tread carefully, and this study is the way to tread carefully, until we see what they are going to do. We can't afford to pay back \$9 million, and that is what we may have to do if we act irresponsibly right now.

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

Mr. MACOMBER: Mr. Speaker, I will be brief. I will speak only to the one issue that I think is really concerning us on this particular bill, that is the issue of the Lewiston-Auburn access. I think everybody seems to have a mistaken opinion, the gentlewoman from Auburn, the gentleman from Lewiston, that if we stay with the closed system, this is not possible.

I have a copy of the old bill, 1977, I have read it many times, and nowhere in that bill does it guarantee any access to Lewiston and Auburn, but, by the same token, the bill that we are talking about here today, in no way does it prohibit any access to the Lewiston-Auburn area, and I would point out to you that if you would go along with this bill and the closed system, that you would generate more revenue under the closed system and that money could be applied to an access system for the Lewiston-Auburn area.

I think when people talk about a free system, and several have mentioned it, the free system is sort of out of the question. You realize that when the bond is paid off, the DOT is going to assume 400 miles of lane travel that they are going to have to maintain and repair, and you are talking about taking away \$5 million from the money that is needed to do this job.

I have talked with Mr. John Turner from Lewiston-Auburn. He is a very capable gentleman. We have discussed this many times, and he said one of the problems was that the exit would be too close to the Auburn exit. That is not a factor, actually, because you people will remember exits of 6-A and 7 are only about 200 yards apart, so there is no reason that by keeping the closed system which you have now, using the revenue that is derived by the tolls, that the Lewiston-Auburn area can't be assisted. Nobody on the Transportation Committee who signed the majority report had anything but the utmost sympathy for the position of Lewiston and Auburn.

As to the remarks of the good gentleman from Scarborough concerning people in the lower end of the state, well, I happen to live within a mile or so of Mr. Higgins. I am sure we are talking to some of the same people. The only reaction I have ever gotten from any of those people is, don't be crazy enough to take the tolls off. I think this is the position that we should assume.

Mr. Higgins, as he said, he spoke not as the minority leader but as a Representative from Scarborough. He did not mention, but I am sure he will agree, that the town of Scarborough is interested in locating an industrial park and they would like to use the temporary seasonal exit that is now there, widen it to four lanes and use it for an access road to their own development.

But I would say to you, defeat the minority report, pass the minority report and it would do what the Lewiston and Auburn area wants as well as the minority report would.

The SPEAKER: A roll call has been request-

ed. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. CARROLL: Mr. Speaker, I have been here since 1965, and this is only the second occasion when I addressed the Speaker and I had to do it more than once to be recognized, and I don't appreciate it.

People have mentioned to me, Carroll, keep your voice down, don't get hot under the collar and you will do a good job. Well, I don't think you hear me when I do a good job and try to do a good job. I think the only time you hear me is when I get up here and roar a little bit.

I met with Jim Longley, Governor Jim Longley, God rest his soul, and I made a commitment to Jim Longley as the House Chairman of the Transportation, and that commitment was, he wanted the tolls taken off completely, and I convinced him that the barrier system would be something that he could buy. Roger Mallar will tell you with his own mouth, he met with him many many times over a two-week period and convinced him to buy the barrier system.

Ladies and gentlemen, we are not asking you to pass the barrier system, we are asking you to study and evaluate, and I think you should keep faith. You make commitments and you break them; what do you think the young people of this state are going to do in the future?

Is it any wonder that the Viet Nam veteran is bitter? He sees people breaking faith and breaking their word every day, and he fought for his country. I think it is time you kept your word and I think it is time you kept faith. I don't want any union man telling me how I am going to vote in that committee, and I like union people and I support them, but my integrity was insulted and I don't like it, and I don't like it when you won't study and evaluate that turnpike because that is not right. You are doing wrong if you don't accept the minority report — two wrongs don't make a right, and wrong is not the way to go. The way to go, let's be fair with people, let's keep our faith, let's do the study, let's evaluate.

Suppose they come back and say, look, you guys, you ought to double the toll. All right, you might learn something. Why do you think they have history books for people to study, why do we have records — to look at it and see what we said back in 1977 and 1978, and that is what I ask you today, I ask you to give us a chance to evaluate.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: On Memorial Day this year, there were 23,000 cars that went through the York gate in an eight hour period, 2,500 cars an hour, and most of them were from out of state. They are paying for the cost of that road to a large degree.

Right now, they tell us that the Maine turnpike brings in \$14 million a year; \$7 million of that is used for maintaining that road. When the bonds are retired, we can expect that we would be getting \$14 million, hopefully, to both maintain that road, which Mr. Strout from Corinth has told us will cost less, so that would give more to the Highway Department for the problems that they have.

This year, in trying to solve the problems of Transportation, the Transportation Committee has dealt with it, leadership dealt with it, then a super committee dealt with it, and now there is a special order on the table that is going to call for somebody else to deal with it. There are suggestions to solve the problem all over

the place — gas tax, fees, truck decals, trailer registrations, license fees and General Fund money which would affect a lot of the programs of the state. They all are scrambling for the money to solve the highway problem.

The Governor has proposed various solutions to this problem, the Transportation Committee is trying, and I am waiting with abated breath as chairman of Appropriations to find out how this is all going to settle.

A study has been proposed and everybody says, why can't we have a study. Well, we know how the system works right now, that's a given fact. There are firms that exist in this country that can conduct a study on that turnpike without any kind of a barrier system, and under the present conditions it could have been done last year.

The thing that bothers me the most is, I want to know if the Transportation Committee and the Governor are really serious about what they say is the highway problem, because if they are really serious, it seems to me that they would go with a system which would bring in the most amount of money, and we know that that is the system that we have right now and not some kind of a barrier system. If he is serious on the second floor, and I trust that he is, and he is not playing games and he needs money for highways both now and in the future, this is the way to do it, the way we have got it right now.

I don't want anybody to come to me and say, as one person from Old Town, that we need money for the highways because we can't find out how to fund them in the future and throw \$7 million away, or whatever it is going to cost for the barrier system. We know that is going to bring in less money.

I want to know from anybody that can tell me, how can you rationally justify cutting out money when you need it the most?

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I really apologize for belaboring this issue, and I assure you, Mr. Speaker, I will be very brief.

In regard to Mr. Pearson's contention, I suggest you read the amendment. The Governor, the Transportation Committee and no one else that I know of is proposing one way or the other a barrier or closed system — I stand corrected. The majority report does that. The majority report abruptly ends this issue, terminates discussion. The minority report, as I am certain you are aware of by now, is an evaluation. What the Transportation Committee's minority report has stated is, they do not have enough information to make a rational decision. In order for us as a House of Representatives to make a rational decision, I think we would be well advised to do the same thing. We are not in the position right now to evaluate this rationally because we don't have the proper information. The department itself is not aware of what it would cost for decommissioning the present system, essentially reconstructing a new system. All those questions are unanswered.

I fail to see, because of the length of the issue, from 1945 to now, why we cannot postpone this until January when we will have the information necessary to make an intelligent, responsible decision. I don't think it will hurt anybody one way or the other on either side of the issue. If you have made a decision on closed system or barrier system, fine, you will have the opportunity to exercise that opinion in January when other people who are possibly not so well informed or have not had the opportunity to reach a decision, they will also have information to reach their conclusions.

Ladies and gentlemen, I think it would behoove all of us to calm down and take this amendment and look at it seriously. It is an evaluation, it is a mechanism that we can use to educate ourselves to make an intelligent de-

cision come January.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Minority "Ought to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, I would like to pair my vote with the gentleman from Auburn, Mr. Michael. If he were here, he would be voting yes; I would be voting no.

#### ROLL CALL

YEA — Armstrong, Austin, Beaulieu, Bell, Berube, Boisvert, Boyce, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carroll, Carter, Clark, Connors, Crowley, Curtis, Day, Dexter, Diamond, J. N.; Foster, Gavett, Hall, Hayden, Higgins, L. M.; Hobbins, Holloway, Hunter, Jacques, Jalbert, Jordan, Kelleher, Kiesman, Kilcoyne, LaPlante, Lewis, Lisnik, Livesay, Locke, Lund, Mahany, Martin, H. C.; Matthews, McHenry, McKean, Michaud, Mitchell, J.; Nadeau, Paradis, E.; Paul, Peterson, Pouliot, Randall, Richard, Salsbury, Smith, C. B.; Stevenson, Strout, Tarbell, Telow, Theriault, Treadwell, Twitchell, The Speaker.

NAY — Aloupis, Baker, Benoit, Bordeaux, Brannigan, Brennerman, Carrier, Chonko, Cox, Damren, Davis, Diamond, G. W.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadodsky, Hanson, Hickey, Higgins, H. C.; Huber, Hutchings, Ingraham, Jackson, Joyce, Kane, Kany, Ketover, Lancaster, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, McCollister, McGowan, McPherson, McSweeney, Mitchell, E. H.; Moholland, Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, P.; Pearson, Perkins, Perry, Post, Prescott, Racine, Reeves, J.; Reeves, P.; Ridley, Roberts, Rolde, Sherburne, Small, Smith, C. W.; Soulas, Soule, Stover, Studley, Swazey, Thompson, Vose, Walker, Webster, Wentworth.

ABSENT — Canary, Connolly, Cunningham, Davies, Laverriere, Martin, A.;

PAIRED — Michael-Tuttle.

Yes, 66; No, 76; Absent, 6; Paired, 2; Vacant, 1.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-six in the negative, with six being absent and two paired, the motion does not prevail.

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I now move indefinite postponement of this Bill and all its accompanying papers.

Whereupon, Mr. Diamond of Windham requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I understand that indefinite postponement of this bill would put us in the position just the opposite of what we just voted, so it would end the closed turnpike system when the bonds are retired. If I am not mistaken, I would like to be corrected, and if I am right, I think that is a ruse.

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

Mr. JALBERT: Mr. Speaker, very obviously the chairman of the Appropriations Committee in the House is becoming an authority on highways. As a former chairman of the Appropriations Committee, let me give him a little

education for free. The MSEA is not telling me what do do, I guarantee you that right now. They have been educating him all day, but they haven't educated me.

If we had the \$14 million that he spoke about, I would be delighted to join George and have the highway be in the General Fund, and then we wouldn't have any highway problem. If we have to pay 50 cents in New Hampshire for 15 miles, if the 23,000 people that Mr. Pearson, the authority, mentions come in here, let's jack up the price for them, let those suckers pay. There are two sides to the street.

The lady's motion is well taken and we will act accordingly after we dispose of that motion, I can guarantee you that right now. I am in the highway business now, I am no longer with the Appropriations Committee for awhile.

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, 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 — Armstrong, Berube, Bosivert, Boyce, Brodeur, Brown, D.; Brown, K. L.; Cahill, Carroll, Carter, Connors, Day, Dexter, Foster, Hayden, Higgins, L. M.; Kelleher, Kilcoyne, LaPlante, Lewis, Lund, Mahany, Martin, H. C.; McHenry, McKean, Michaud, Paul, Pouliot, Randall, Salsbury, Stevenson, Tarbell, Telow, Twitchell, The Speaker.

NAY — Aloupis, Austin, Baker, Beaulieu, Bell, Benoit, Bordeaux, Brannigan, Brennerman, Brown, A.; Callahan, Carrier, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Damren, Davis, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Fowlie, Gavett, Gillis, Gowen, Gwadodsky, Hall, Hanson, Hickey, Higgins, H. C.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Lancaster, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Matthews, McCollister, McGowan, McPherson, McSweeney, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Peterson, Post, Prescott, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Small, Smith, C. B.; Smith, C. W.; Soulas, Soule, Stover, Strout, Studley, Swazey, Theriault, Thompson, Treadwell, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT — Canary, Cunningham, Davies, Laverriere, Martin, A.; Michael.

Yes, 35; No, 109; Absent, 6; Vacant, 1.

The SPEAKER: Thirty-five having voted in the affirmative and one hundred nine in the negative, with six being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence, the New Draft read once and assigned for second reading the next legislative day.

The following paper appearing on Supplement No. 19 was taken up out of order by unanimous consent:

#### Divided Report

Majority Report of the Committee on Energy and Natural Resources on Bill "An Act to Establish a Fund to Implement the Hazardous Waste Program in Lieu of a General Fund Appropriation" (S. P. 447) (L. D. 1303) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities" (S. P. 660) (L. D. 1684)

Report was signed by the following members:  
Representatives:

MITCHELL of Freeport  
MICHAUD of East Millinocket  
HALL of Sangerville  
KIESMAN of Fryeburg  
HUBER of Falmouth  
JACQUES of Waterville  
DAVIES of Orono  
MICHAEL of Auburn

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities" (S. P. 661) (L. D. 1685)

Report was signed by the following members:

Senators:

REDMOND of Somerset  
O'LEARY of Oxford  
McBREAIRTY of Arrostook

— of the Senate.

Representatives:

DEXTER of Kingfield  
AUSTIN of Bingham

— of the House.

Came from the Senate with the Minority "Ought to Pass" in New Draft under New Title Report read and accepted and the New Draft passed to be engrossed.

In the House Reports were read.

The Majority "Ought to Pass" Report was accepted in non-concurrence and the new draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 20 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 649) (L. D. 1677) which was passed to be engrossed as amended by Senate Amendment "A" (S-314) as amended by Senate Amendments "A" S-315, "B" S-317, "C" S-318, "D" S-319, "E" S-320, "F" S-321, and "G" S-322 and House Amendments "B" H-525, "C" H-526, "D" H-527, "E" H-529, "F" H-532 and "A" H-522 thereto in the House on June 3, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-314) as amended by Senate Amendments "A" S-315, "B" S-317, "C" S-318, "D" S-319, "E" S-320, "F" S-321, "G" S-322 and House Amendments "B" H-525, "C" H-526, "D" H-527, "E" H-529, "F" H-532, and "A" H-522 thereto in non-concurrence.

In the House:

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

Mr. CARRIER: Mr. Speaker and Members of the House: I am rather disturbed by this report and I will tell you why. If you look at it, at first glance you don't see much, but what has happened here, somebody has sneaked in an amendment in the Senate which is H-334. This particular amendment, I don't believe you have it on your desks, nobody has the amendment on their desk, they told me it wasn't distributed yet, and under the Joint Rules, it says under 19-A, that no amendment shall be presented in either house unless the amendment is printed and distributed at least 24 hours prior to its introduction. This is a rule of the House, and on that basis, I think this is in violation of the rules.

But we have to do something with the errors and inconsistencies. For those of you who have been here for the first time, this is a nice way to sneak something in here, and I think that is what happened. The reason for that is that the present amendment, which is S-334, I believe is