

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

**Index**

**Senate Confirmation Session  
September 16, 1977**

**Index**

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was in response to the one toll, at Kittery of .75. He agreed that it would bring in \$4.7 million, which would be enough to maintain the Maine Turnpike on the proposed toll road.

Now this is now .50. I suppose you would have to project somewhere in the area of \$3.5 million. But at the same time we have raised it from .35 to .50 at the Gray exit and we have raised it from .35 to .50 at the West Gardiner exit. Now Senator Mangan a few minutes ago sat here and told everyone here from Brunswick, Falmouth, that you go north you are going to have to pay. As I said earlier, the only people who go north under the present setup who do not have to pay a toll, are the people in the Lewiston-Auburn area.

All we are suggesting is let us go the same amount of distance, even less, to a major area without paying tolls.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Members of the Senate: I have ridden on the Maine Turnpike since it was built, and if I had to drive up Route 1 and all of these other different routes, 202 and so forth, I would probably have been killed five or six times. The Maine Turnpike, I think, has saved my life many times, because it has always been a good road, and I do not care how much they charge. I would just as soon see it stay just the same way that it is. Let the state have the money. They need it. We did not pass the gas tax.

I never saw two Senators like the two good Senators from York, Senator Farley and Senator Danton, so persistent on any bill, except possibly maybe the other Senator from York, Senator Hichens, on a liquor bill of some sort. He is probably just as persistent. But I say let us vote on this bill and get it over with.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: I want to thank the good Senator from York, Senator Lovell, for making my case for me.

He is right. The Maine Turnpike is a safe road, and I want to make sure that people get off Route 1 and use the Maine Turnpike, and they will use it if we put up the proper barrier system.

What we are doing to them now, we are forcing them onto Route 1, and Route 1 in our area cannot stand any more traffic.

Now Senator Mangan from Androscoggin County tells us about what a nice road we have down in the Biddeford-Saco area. Obviously, I have been blind for the last 48 years, because I have seen no such nice road down in that area.

Now I would like to make one fact clear, that this is not just going to help York and Cumberland County. This will allow the entire State to use the Maine Turnpike if they so desire and put the .50 in, or to get off the Maine Turnpike, get onto I-95, get back onto the Maine Turnpike and put their .50 in the basket and keep going north. There is no way that you can escape. You have to go through one of those barriers, and again I want to say this is the whole purpose for my being so persistent, to make sure that people can travel safely.

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

Mr. MANGAN: Mr. President and Members of the Senate. I do not want to belabor the point. It is just very simply that we have 100,000 people in Androscoggin County, and as I was discussing earlier, the Biddeford thoroughway from Biddeford to Portland is still a four lane highway. I am not sure if Senator Danton has got a chance to see 202 lately, but 202 is not necessarily the best of roads, and I do not think the State of Maine is going to do much repairing on it in the foreseeable future at any point, and I think the State of Maine owes to the citizens of the Androscoggin County at least 31 miles to the

north which they will be getting; however, if the good Senator wishes to add a couple of more tolls between Biddeford and Portland, or make some kind of other provision, or even give us an extra lane on either side of 202, I might go along with his position. But at this point we are kind of fog-bound, in the same position as they are in Rumford, so to speak, and I feel that we have got to get the additional funds, the additional revenue, to not only widen the Maine Turnpike, but also to maintain additional roads in the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, it is getting late and I know we all want to get home. Members of the Senate, I guess when you have served a few terms up here, maybe your mind starts to go off a little bit, but I think that the good Senator from Androscoggin, Senator Mangan, is again arguing my part of this whole thing. Of course, if we can get this Turnpike to be travelled by other people in the State, that there will be money left for him to get another lane on 202. If not, I am quite sure that this Bill is going to be in trouble.

I do not think that the Chief Executive will let this Bill become a law. I have reason to believe that. He feels that there was a commitment made 36 years ago that these bonds would be retired and the Turnpike become toll free, and then my good friend, the Senator from Androscoggin, Senator Mangan, I want you to get up and tell me how you are going to raise the \$5 million to maintain the Maine Turnpike.

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

Mr. MANGAN: Mr. President and Members of the Senate. I am not attempting to belabor the point. I do not think I have been arguing the abolition of the tolls on the Turnpike. I think that with the tolls that have been introduced in the Bill this morning I think will be adequate to provide the additional funds for the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The pending question is the indefinite postponement of Senate Amendment "A" to Senate Amendment "A" on Motion by the Senator from Androscoggin, Senator Minkowsky.

A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

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

The pending question before the Senate is the indefinite postponement of Senate Amendment "A" to Senate Amendment "A".

A yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Huber, Katz, Lovell, Mangan, McNally, Minkowsky, Pierce, Redmond, Snowe, Speers, Trotzky.

NAY — Carpenter, Conley, Danton, Farley, Hewes, Hichens, Levine, Martin, Merrill, Morrell, O'Leary, Pray, Usher, Wyman.

ABSENT — Jackson.

17 Senators having voted in the affirmative, and 14 Senators in the negative, with 1 Senator being absent, the Motion to indefinitely postpone Senate Amendment "A" to Senate Amendment "A" does prevail.

Senator Morrell of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. MORRELL: Mr. President, I briefly would just like to draw the attention of the

Senate to Bill, "an Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law." (H. P. 464) L. D. 569) which we have enacted, and just to comment on this. This came out of the Executive Department as a one time increase in revenues by stepping up the payment of corporate taxes by \$400,000.00. It is calculated in the Appropriations Committee's amount of money available for L. D.'s and to the reserve for contingency; however, I think we should all recognize that it is a tax increase on Maine business, and everybody ought to know about it.

(See Action Later Today)

Senator Hewes of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. HEWES: Mr. President and Members of the Senate, I would like to commend the good Senator from Knox, Senator Collins, relative to the doctor-patient-physician, or what have you, privilege. Half an hour or so ago I discussed Section 123 of the Errors and Omissions Bill, which is L. D. 1896. Since then I have checked the Rules of Evidence. He has shown me the enabling Legislation by which the rules were promulgated. He was absolutely correct. Once again, he was correct, as seems to be the case. I thank you.

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

Mrs. SPEERS: Mr. President, I wonder if we might dispose of the item that we have before us at the present time, and I would ask whether or not a pending Motion at the present time is the adoption of Senate Amendment "A" to L. D. 388.

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Senate Amendment "A" Adopted.

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

Sent down for concurrence forthwith.

#### Reconsidered Matter

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

Mr. KATZ: Mr. President, I move that the Senate reconsider its action whereby it enacted Bill, "an Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law" (H. P. 464) (L. D. 569).

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby it enacted L. D. 569.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I would oppose reconsideration, The \$400,000.00 that would be generated by this Bill are included in the Governor's budget and/or included in all of the revenue estimates used in our calculations throughout the appropriations process.

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

Mr. KATZ: Mr. President I would like to suggest that, as I understand it, this \$400,000.00 is a one-time surplus item, and as such will be going into surplus. I understand that there is going to be a surplus for contingencies, even after we dispose of the L. D.'s. If there are any emergencies during the next fiscal year, we will be coming back in January. I find it very, very difficult, and as a matter of fact it was a voice vote under the gavel and I said a weak no. I find it very difficult to vote for the enactment of a measure which increases taxes, or at least the cash flow from taxes in order to put the dollar into unappropriated surplus if I am correct.

I guess my Motion now in asking for recon-