LEGISLATIVE RECORD

OF THE

One Hundred and Eighth Legislature

OF THE

STATE OF MAINE

1978

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

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mr. Hughes.

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

The SPEAKER: The Chair would advise the gentleman that the pending motion before this House is an amendment to a bill and concurrence, which would adopt the Senate Amendment. If the House is opposed to the Senate Amendment, they would vote no. If they are in favor of the Senate Amendment, they would vote yes, and in favor of that motion will vote yes, those opposed will vote no.

ROLL CALL


The Speaker called the roll and the affirmative and seventy-six in the negative, all matters that require Senate concurrence; and that after such matters has been so sent to the Senate. The Clerk, no motion to reconsider would be allowed.

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

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

(Off Record Remarks)

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

Mr. Morton of Farmington, recessed until four o'clock in the afternoon.

Mr. Lynch was granted unanimous consent to address the House.

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

After Recess 4:00 P.M.

The House was called to order by the Speaker.

The Chair called the House to order.

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

Bill "An Act to Revise the Administration and Toll System of the Maine Turnpike" (H. P. 2153) (L. D. 2157) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

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

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

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

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

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

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

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

The Chair called the House to order.

Bill "An Act to Revise the Administration and Toll System of the Maine Turnpike" (H. P. 2153) (L. D. 2157) which was tabled earlier in the day and later today assigned pending further consideration.

The amendment that you have before you this afternoon makes the pending legislation an emergency. Those of you who have been approached by those who are interested in
told that if we float a bond issue and if we pay for it for 20 years, at the end of the 20 years it is going to be free. That is the legislative intent. It is in the record. I am not smogging you, that is a fact. Now we come back and say, it is going to be free. I am not going to stand at that point, but I can’t stand here today as a legislator from the Lewiston-Auburn area and support a plan which, under the proposed legislation that we are dealing with, does set the amount of tolls to be collected by the commissioner the bill that you have before you says that; (2) that the commissioner will bring his proposed barri­ers to the House, which gives the tolls for 40 days to make a decision and if we don’t make that decision, he puts them where he wants. I can’t support that plan, and that is the plan that you have before you.

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

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

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

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

I find it very difficult to figure out why the Department of Transportation is actually opposing the one-toll concept. I think they don’t provide the additional money they would have to bring in to do some of the things on the turnpike that they would like to do. I suppose when you have one toll, there is kind of an upper limit of a dollar or so that is feasible. I don’t think we can bring in enough money to operate the turnpike, which is all they say they want, if, indeed, they have plans to expand to three, four or six lanes in the future, it may not bring in that kind of money.

I guess I agree with the gentleman from Lewiston, Mr. Biron, in that it is very likely, with the interstate system coming near completion, with the highway lobby wanting that money to continue to go into highway construction, that those funds are going to become available for maintenance and for widening projects. I think we can get away from the idea of a perpetu­ation of a toll system which taxes people un­fairly.

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

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: In answer to the question raised by the Chairman, I will be the first one in this body, if I should be re-elected, to introduce a bill to remove the one-toll system if 90/10 dollars are made avail­able. A road was built in 1959 or 1961. If they are not made available, now we have a funding mechanism, and that is what we are inter­ested in at this point, a funding mechanism, not a dream, not a promise, not maybe. What exactly is going to happen in 1981 if we don’t have any federal dollars? This tells you exactly what will happen. The bill that you have before you, which the commissioner will set tolls at whatever level he wants. It tells you the commissioner will put barriers wherever he wants. That is the problem with the question that you have before you.

If you are concerned and you don’t want a gasoline tax, and rightfully so — but don’t tell me that the one-toll system doesn’t provide the right to say that you can raise enough money through a one-toll system and it will cost 75 cents, be, and that argument doesn’t hold water. I don’t think any of you here can vote for that in good conscience. I don’t think you can vote for that. We will have $61,192, and the one toll will not cover that cost. I do feel, however, that at some time in the future there has got to be an expansion at the southern end of the turnpike. In order to do that, we have got to have $8 million. The bill that we have before us, if not amended, will take care of this and bring in the $8 million that is necessary.

However, another argument that I have, and I don’t know that the committee feels this way, is that the gentleman from Lewiston knew I was going to say this, we are putting all of the cost on the out-of-state people. I feel this is wrong. I don’t think we should be charging them by the city, but this is the way the tolls are being applied. I believe the proposal we have is fair, I think that the one we should go with, and I think personally what the gentleman from Lewiston is trying to do is kill the bill again this year.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentle­men of the House: I didn’t support this amendment that he got the support of this body in the last legislative session, and I sincerely hope you support the amendment that you have before you.

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

CARROLL: Mr. Speaker, Ladies and Gent­lemen of the House: From the explanation I just received, I can only assume that the gen­eral topic of the one-toll system is that the commissioner correctly explained certain phases and certain facets of this legislation. I would like to point out to him that his 75 cent dream is a cheap dream. It will bring in the $8 million, but how about if you get on and only go 10 miles and you are socked 75 cents? We have a piece of legislation here that is going to have a three-barrier system. It is going to be approved by the Maine Legislature. The toll system must be approved by the Maine Legisl­ature.

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

We also have barrier systems where you will have free travel zones. You will have more access roads, more facilities available for the people of the State of Maine at a reason­able and reduced cost. I don’t think it is fair for a man who gets on down in Kittery and only rides a short distance to sock him 75 cents. I don’t think it is fair to Lewiston if you travel a
short distance to pay 75 cents. You are talking who drive on the toll, and you are driving on the Maine Turnpike, each barrier that you have to stop at costs you a large amount of fuel. It drives down your fuel efficiency and costs the truckers money, it costs the people who ship by those truckers money, and it costs all of us who consume those goods that are shipped. I think that is going to cost me 75 cents, and it was intended that was the case. The commuter pass concept could very easily be put on this bill.

As you realize, if I was in York and I was just to the barrier, and at worst it might just as well free it as put this amendment into effect. The toll booth in York, Mr. Biron, and the gentleman from Orono, Mr. Davies, as they pertain to the amendment and not to the entire bill, because I believe it is the amendment that Mr. Biron is presenting today. I think the gentleman is correct. The 75 cent toll at York would, in fact, generate the necessary revenue that we need to maintain the turnpike. I don’t think anyone has said that it wouldn’t.

Second of all, as to why the gentleman from Auburn, Mr. Hughes, raised the question of why the 75 cent toll at York. I would suggest that it would be very hard for the residents of York that come onto the turnpike at that facility, and I think what we are talking about is trying to put in a pricing concept that is equitable to all people who use the turnpike.

I think what we are really talking about is continuing to use the concept of that person who uses the turnpike to pay for the maintenance of the turnpike, which I think also would be fair and equitable.

To the gentleman from Orono, Mr. Davies, I would suggest that the maximum number of barrier if we continue to toll the Maine Turnpike. Those people on the commuter pass concept could very easily be implemented. I think the gentleman from Orono, Mr. Davies, who use the turnpike to pay for the maintenance of the turnpike, which I think also would be fair and equitable.

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

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

Mr. VALENTINE: Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Lewiston, Mr. Biron. I have sent a couple of notes to the residents of York, Kittery and Eliot who take the toll. From Wells to Augusta, there will be no toll, and I am sure that people are going to drive through 10 or 12 miles and pick up the toll. If there would be enough revenue to maintain the toll house, let alone maintain the road. You might just as well free it as to put this amendment in, and I say, let’s kill it and bury it right off quick.

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

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

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

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

The Chair recognizes the gentleman from Bangor, Miss Aloupis.

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

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 yes; those opposed will vote no.

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

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

The Chair recognizes the gentleman from Bangor, Miss Aloupis.

Miss ALOUPIS: Speaker, I wish to pair my vote with Mrs. Lewis of Auburn. If she were here, she would be voting nay and I would be voting yea.
The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.
Mr. TARBELL: Mr. Speaker, I wish to pair my vote with the gentleman from Millinocket, Mr. Ray, on this amendment, and move to table it. I would be voting yea and I would be voting nay.

ROLL CALL


NAY — Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Bronner, Brown, K. L.; Carey, Carter, F.; Clark, Cote, Davies, Goodwin, K.; Green, Henderson, Howe, Hughes, Kane, Lizotte, Locke, Moody, Najarian, Nelson, N.; Nelson, P.; Noble; Parlin; Perry; Peter; Prescot, Prescott, Raymond, Rollins, Tierney, Trafford.


The SPEAKER: Ninety-three having voted in the affirmative and thirty-one in the negative, the amendment fails by a vote of thirty-two. On the amendment, vote recorded.

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

House Amendment "F" (H-1068) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: That may be true, but it is not true that we have no extra funds available for the cleanup.

Mr. Speaker, our budget is not set in stone. It can be modified by the Legislature or the Governor at any time. We need not wait until the end of the session to make a decision. We can act now to ensure that the necessary funds are available for the cleanup of oil spills.

The amendment provides that any person who caused an oil spill shall be liable for the cost of cleanup. This includes the cost of hiring consultants, the cost of any penalties assessed, and any other costs incurred in the cleanup.

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

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

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

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

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

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

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

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

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

These costs cannot be recovered at the present time.

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

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

The SPEAKER: The Chair will order a vote.