LEGISLATIVE RECORD
OF THE
One Hundred and Eighth Legislature
OF THE
STATE OF MAINE
1978
Second Regular Session
January 4, 1978 — April 6, 1978
INDEX
Senate Confirmation Session
June 14, 1978
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First Special Session
September 6, 1978 — September 15, 1978
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Second Special Session
October 18, 1978
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Third Special Session
December 6, 1978
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APPENDIX

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Clarifying the Definition of State Employee and Employee Labor Relations Act so as to Exclude Certain Attorneys Employed by the Attorney General's Office" (H. P. 146) (L. D. 2050)

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

Finally Passed

Emergency Measure

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

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

Emergency Measure

RESOLVE, Reimburse Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (H. P. 2014) (L. D. 2069) (S. "A" S-563)

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

Emergency Measure

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

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

Passed to be Enacted

"An Act to Revise the Administration and Toll System of the Maine Turnpike" (H. P. 2152) (L. D. 2157) (S. "C" S-511; H. "P" H-561)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. The SPEAKER, the Chair, recognizes the gentleman from Westbrook, Mr. Laffin. Mr. LAFFIN, Mr. Speaker. Ladies and Gentlemen of the House: I am going to ask the members of this legislature this afternoon to keep the Maine Turnpike as we now have it. We can do away with the Authority, that that can be a separate branch and that can be handled by the members of the next legislature, but we should at least keep the tolls on as they are now. The Maine Turnpike, mile for mile, is the best value that this state has.

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

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

The second part on the toll barrier system will cost the state between ten and eleven million dollars a year, money that could be put to better use for the people who really need it in this state. This money could be used to build a bridge in northern Maine, it could build a road in western Maine, it could be divided up to help people in all corners of the state. And this morning coming up, I heard that the potato crop in Aroostook County has suffered a $60 million loss. To those people up there, that is a big loss, and the Maine Turnpike is the best sound investment for the people of this state, we could put money to use to help out in that section of the state. There are many ways that we could do it, and the Maine Turnpike is the best way of doing it.

The cities and towns along the turnpike will share with the state over the years. This even though some of the small towns refused to help the cities on their educational problems a few months ago; nevertheless, we share with you that even though we are making a profit with the state, the people of all the state, we have the money to do it, and the Maine Turnpike is the best financial giant that this state will ever have. It is a gold mine, I feel it would be a very big mistake if we should kill that turnpike and give it up for nothing.

The other thing that I am very interested in is that the tourists will help pay for it. We believe that the state is in, outside of our liquor, beer and taxations and things like that, that the tourists can help us with, but the tourists travel that Maine Turnpike, and if you have ever noticed in the summertime when you are on the Maine Turnpike, why it is bumper to bumper with out-of-state cars. That means they are paying. That means they are putting their money in the state, they have work for all year for their vacation, and we only have about 10 weeks of vacation in Maine, and they are spending it on our beaches, they are spending it on our roads, and that all helps the economy of this state. If we don't let them pay for that, where are we going to make up extra money? You have all made mistakes, and I would be the first to admit that I have made plenty in my lifetime. If I had the chance to do it again, I would do things different, but I don't have that chance, but I will do the best chance today. You have got the chance today to stop the mistake that is only inevitable it will come. I am telling you, ten and eleven million dollars is a part of this state that I don't believe we can afford to just pass up. You talk about the New Hampshire Turnpike, that little peanut turnpike doesn't amount to anything. It is only 15 miles long and they are collecting 40 cents. It is the highest turnpike in the United States. What are they doing, if they multiply that by the 110 miles, we would be paying $3.60 instead of $2.20. Yet, people don't mind paying that 40 cents for the New Hampshire Turnpike. They have got it made down there. They don't have that problem, they have a wonderful one, that is fine, but they are taking it away from the people on that little turnpike they have got down there. It is 40 cents to ride 15 miles long.

Even the New Jersey Turnpike, which is probably one of the cheapest because of the New York to draw from, you can ride that for about a dollar. Well, that is understandable. The Illinois Turnpike and the Indiana Turnpike, all big rich states, have got 40 cents, and that is what we need in this state. You don't see them closing their barriers, you don't see them closing down their turnpikes, and they never will.

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

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

This giant that we have that brings in revenue, which is good for the state, and I don't believe that today, when we are talking about spending money here and saving money, and apparently from all the talk, I don't know because I am not an expert in these fields, but we may not always be in that good shape. We may be in the type of situation
where someday you will want this money, and
once you have destroyed the turnpike, you are
not going to build it back up again. Once you
tear down all those tolls, once you tear them all
down, you are not going to build them up.
They are all paid for, the people of southern
Maine and northern Maine, I am sure they use it
when they pay for their tolls to the Maine
Turnpike, and I think the members of the House
would be very foolish to just destroy something
that has been so good to the people, so safe for
the people, just turn their backs on it and say,
well, we are going to do away with it, we are
going to put the barrier system in effect, and
that is the way it is going to be. That is not
sound thinking. I feel back at the deliber-
ation that we have had, we have taken votes but
yet we haven't had anybody stand up and say,
this is what is good about the turnpike bill.
I am not trying to keep anything from you,
I am going to tell you exactly what is wrong
with it.

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

Secondly, when the bill came before this
body, we talked about the possibility — and the
people in southern Maine are not going to
put up barriers and have it under the Depart-
ment of Transportation and you won't be as
half as well off as we are right now.

There are 100 miles or so in the Westbrook
area, they don't mind paying, they have been
paying for 30 years. I don't get a great amount
of phone calls or letters to do away with the
turnpike, but I have a lot of them that say, keep
the tolls on the turnpike instead of a gas tax.
Keep the tolls on the turnpike instead of any
more new taxes. That is what I am getting.
You know, a lot of this will make pretty
sense. I think they have a logical complaint
that they don't want any more taxes. If we are
going to destroy something and then tax them, I
don't think the members of this House are
thinking with good common sense.

I have always believed that the members of
the House, they beat me about every day up
here in this House, but I have a lot of them that say, keep
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that I know of that has talked to other people about this has made it clear.

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

For one, would much prefer to see tolls kept on the Maine Turnpike with commuter passes, essentially having that paid for by the tourists on the Maine Turnpike with commuter passes, $5 a year in annual maintenance costs that has got to come from somewhere.

I, for one, would much rather see tolls kept on the interstate with commuter passes.

It seems to me that this is a bill which makes a very good deal of sense, that we make the To be asking for a lot of trouble in a couple of years and it seems to me, we ought to make a decision in time for things to be followed through before the last minute comes.

I think there is a question of discrimination. I think we ought to kill this bill and really ask for some sort of 'brunchmanship' kind of decision, when everybody says, well, why did you wait this long? Why wasn't this done before?

I would urge you to support this bill and vote against the motion to indefinitely postpone. I would remind the gentleman from Westbrook, Mr. Gatt, that should he return, and I hope he will, the same committee, I didn't make that up. I am trying to make some sort of trouble in a couple of years and it seems to me, we ought to make a decision in time for things to be followed through before the last minute comes.

As far as the moral issue goes, my good friend, moral issues change with time. Two hours ago I told the same thing to the Governor. Years and years ago, skirts were down to there is a problem. They had studies on this bill. They did it, they had a study done of this bill and defeated in the other House and the bill was passed in this House. Obviously, when tolls are equalized, greater need for tolls can be expected at these intersections. The man who has the greatest need for tolls, paid for it again, not five minutes ago in the Legislative Record. They are going to charge the same amount to travel the interstate 95 as the Maine Turnpike.

Two questions raised by Mr. Biron were legitimate ones - how much and where? I have a hunch on where. I have a hunch that if there is going to be a toll, right down in the Augusta area, where the West Gardiner area is now, which is designed only to make you pay 35 cents to go to Portland on the interstate 95, and even if the Gardiner toll area has a logic that my constituents and those north of Augusta are going to pay 35 cents to go eight miles on the turnpike, which is supposed to be a toll road to Portland, I don't think that right. I think there are legitimate class action questions. I think there is a question of discrimination. I think we ought to kill this bill and really ask for some sort of 'brunchmanship' kind of decision, when everybody says, well, why did you wait this long? Why wasn't this done before?

I would make only a couple of points. I talked to the Senator from Androscoggin and the gentleman from Lewiston, Mr. Biron.

I would make only a couple of points. I talked with Representative Biron from Lewiston the other day relative to this matter and I told him that I felt that the last point that I would make for some sort of 'brunchmanship' kind of decision, when everybody says, well, why did you wait this long? Why wasn't this done before?

I would make only a couple of points. I talked with Representative Biron from Lewiston the other day relative to this matter and I told him that I felt that the last point that I would make for some sort of 'brunchmanship' kind of decision, when everybody says, well, why did you wait this long? Why wasn't this done before?

If you haven't said anything about the tolls, you haven't said anything about where the barriers are going to be. I will tell you this, if you are going to set the rate, because we are going to be asking for a lot of trouble in a couple of years and it seems to me, we ought to make a decision in time for things to be followed through before the last minute comes.

If you have all the say-so in the world, because that is when it is going to hit here. I resent the fact that this committee is being chastised by the gentleman from Lewiston. I think personally have never said there were four barriers: I know of nobody on this committee that has ever told me that there are four barriers for me to go right down the drain. The people will be unemployed, there will be no money coming in and we will be out of luck.

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

Mr. Bustin: Mr. Speaker, Men and Women of the House: I would support the motion to indefinitely postpone. I would make only a couple of points. I talked with Representative Biron from Lewiston the other day relative to this matter and I told him that I felt that the last point that I would make for some sort of 'brunchmanship' kind of decision, when everybody says, well, why did you wait this long? Why wasn't this done before?

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As far as the moral issue goes, my good friend, moral issues change with time. Two hours ago I told the same thing to the Governor. Years and years ago, skirts were down to...
this state. It is something which, unfortunately, our state government lacks to a large degree.

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

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

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

The third thing I think this bill does by keeping some type of toll on the turnpike is it includes the necessary of raising the gas tax or reducing our statewide maintenance program for the express purpose of maintaining the Maine Turnpike Authority.

Ladies and gentlemen of the House, this has been a hard fought bill. A week ago, this House voted overwhelmingly to support the bill before us, and I hope that we do not indefinitely postpone.

The SPEAKER: A roll call has been ordered.


The SPEAKER: Thirty-eight having voted in the affirmative,二十 have the negative, with twenty being absent, the motion does not prevail.

Thereupon, the bill was passed to be engrossed, signed by the Speaker and sent to the Senate.


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


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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I realize that at this point in time I do not have enough strength or enough votes in this House to kill this particular piece of legislation. However, I would like to ask for a roll call when the bill comes up, and I would like to just give you a couple of comments that I still believe I have to make on this bill. That is, I still do believe, even after talking to the chairman of the Human Rights Commission, that there is a need to throw another roadblock, another piece of legislation the Human Rights Commission and their subpoena powers.

We create state agencies like the Human Rights Commission to look out for the well-being of the people, and I wholeheartedly believe in and support then we fund and support those organizations just to the point where they can survive. Therefore, I would suggest to you that the Human Rights Commission do not have their subpoena powers since their birth, or for seven years. For seven years they have had subpoena powers, and they don't order subpoenas every day. I think that the Human Rights Commission did use their subpoena powers a year ago when they were conducting the education hearings across the state. I, too, was concerned and I did testify about those hearings, and I think they overused their subpoena powers. That is one of the reasons why this bill is here now, just because of those hearings. The people who are pushing this are the same people a year ago and two years ago and three years ago sponsored a bill in this House to do away with the commission altogether, to move the commission under the Attorney General's Office which represents the Human Rights Commission. I would ask anybody in this body to explain to me and to the rest of the members of this body why they would not support the bill to hamper their powers as they have it today.

Therefore, Mr. Speaker, I would ask for a roll call when the vote is taken, and I would not vote against this particular piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute. Mr. Speaker, Ladies and Gentlemen of the House: As I said before in debate on this piece of legislation, I was on the Performance Audit Committee that heard this bill two years ago and three years ago. As the Chair power is being hauled back just a little bit on this committee is, you might remember last fall the Human Rights Commission put out blanket subpoenas in a rather class action suit against school boards and the universities in the state. These subpoenas were not backed up by any specific charge of anyone. These subpoenas were issued by the director, not by any single person. Now, it was a class-action subpoena over the whole state.

I don't think any one of you would want the CIA, the State Police or the FBI to have this much power that the director or commissioner of public safety or anyone else could issue subpoenas without getting approval from the Governor and the Legislature. I think the action, I think that the appointed board should act in the same responsible manner.

I ask that such subpoenas should be issued by any commission or any appointed agency on trivial matters. The agency should try to resolve their differences, whether it is with public officials or businesses or what, and when you go subpoenaing records of agencies, employment records, medical records, safety records and subpoenaing people to testify, that is just not the case, and that action, I think, should come from the court.

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

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

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

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Just a little clarification of what the last member who spoke said. This bill itself, the Human Rights Commission would not be able to issue class-action suits. With the bill, they would have to have a subpoena. With the bill the Human Rights Commission would have to go through the courts, even if it is just a subpoena on records, personal records and things of that nature.