

# 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**

**INDEX**

**FIRST SPECIAL SESSION**

**AUGUST 3, 1981**

**INDEX**

**FIRST CONFIRMATION SESSION**

**AUGUST 28, 1981**

**INDEX**

**SECOND SPECIAL SESSION**

**SEPTEMBER 25, 1981**

**INDEX**

**THIRD SPECIAL SESSION**

**DECEMBER 9, 1981**

**INDEX**

It is a vote.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Committee Report**

**House**

**Divided Report**

The Majority of the Committee on Taxation on, Resolution, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund. (H. P. 733) (L. D. 833)

Reported that the same Ought Not to Pass. Signed:

Senators:

TEAGUE of Somerset  
EMERSON of Penobscot

Representatives:

MASTERMAN of Milo  
TWITCHELL of Norway  
DAY of Westbrook  
BROWN, of Bethel  
INGRAHAM of Houlton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

WOOD of York

Representatives:

POST of Owl's Head  
KILCOYNE of Gardiner  
KANE of South Portland  
HAYDEN of Durham  
HIGGINS of Portland

Comes from the House, the Bill and Papers Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Collins of Knox, LD 833 and all its accompanying papers, Indefinitely Postponed, in concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Paper from the House  
Non-concurrent Matter**

Bill, "An Act to Create a Fuel Efficiency Adjustment Program and Other Highway Revenue Adjustments." (Emergency) (H. P. 1652) (L. D. 1689)

In the House, June 9, 1981, (H. P. 1653) (L. D. 1690) Passed to be Engrossed.

In the Senate, June 10, 1981, Passed to be Engrossed as amended by Senate Amendment "A" (S-363), in non-concurrence.

Comes from the House, that Body Having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I think that it is clear that this Bill is dead and the easiest way to dispose of it, therefore, would be for the Senate to Adhere. I move that the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The motion prevailed.

On motion by Senator Pierce of Kennebec, Recessed until 2:00 o'clock this afternoon.

**Recess**

**After Recess**

The Senate called to order by the President.

On motion by Senator Collins of Knox, there being no objections all items previously acted upon were sent forthwith.

On motion by Senator Collins of Knox, Recessed until the sound of the Bell.

**Recess**

**After Recess**

The Senate called to order by the President.

**(Off Record Remarks)**

**Orders of the Day**

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act Establishing a National Guard Scholarship Program in Vocational-technical Institutes." (H. P. 452) (L. D. 499)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 499 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "A" to LD 499 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to LD 499 and moves its adoption.

Senate Amendment "A" (S-376) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator CONLEY: Mr. President and Members of the Senate, perhaps the news is old hat, but I know that the Senate certainly wants to take this opportunity to congratulate Senator Frank Wood and his very lovely wife, Debby, upon their new arrival of Amanda Grace Wood, who weighed in at 7 pounds, 3 ounces, on Wednesday this past at 3:00 in the afternoon. I know we wish the three of them the best of happiness.

The PRESIDENT: The Chair would ask the Senate to rise and extend its greetings.

(Applause, the members rising.)

Senator Hichens of York was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: I was waiting until the Order had come up before us but the good Senator from Cumberland beat me to the punch. I have penned a few appropriate words as might be expected.

Amanda Grace — how sweet the sound — it makes one feel good

Especially the parents Frank and Debby Wood Who on the 17th of June — presented to the State

A bouncing baby daughter — and we all think that's great.

We've waited for the word to come — for she was overdue

And on one occasion I recall — debating soon was through

When Frank announced he had to leave — and hoped he'd get to vote

Before he headed down the road and have the chance to gloat

But that day passed and many more before the baby came

And Frank — Expectant father — will never be the same.

Yes all the waiting's ended and with him we are glad

For the future holds great promise — the best is to be had

So join with me this afternoon — put things in proper place

In Welcoming God's precious gift — sweet Amanda Grace.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Paper from the House  
Joint Order**

ORDERED, the Senate concurring that Bill, AN ACT to Continue the Maine Turnpike Authority," Senate Paper 650, Legislative Document 1676, be recalled from the Governor's desk to the House. (H.P. 1699)

Comes from the House, Read and Passed. Which was Read and Passed, in concurrence. Sent forthwith.

**Orders**

Expressions of Legislative Sentiment recognizing:

Mr. and Mrs. Vernon Haslam of Eastbrook, who are celebrating their 65th wedding anniversary. (S.P. 708) presented by Senator PERKINS of Hancock (Cosponsor: Representative CONNERS of Franklin).

Merrilee Monks-Paine, Brunswick Police Department youth aid officer, who was honored by the Kiwanis Club as "Police Officer of the Year" for the year 1981. (S.P. 709) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Ann Sutherland Riley of Brunswick who received the Brunswick Kiwanis Club's Citizen of the Year award for the year 1981. (S.P. 710) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

The birth of Amanda Grace Wood, on June 17, 1981 at 3 p.m., weighing 7 lbs, 3 oz., daughter of the State Senator Frank P. Wood and Assistant Clerk of the House Deborah Bedard Wood. (S.P. 711) presented by Senator CLARK of Cumberland (Cosponsors: Senator KERRY of York, Senator HICHENS of York and Senator DUTREMBLE of York).

Which were Read and Passed.

Sent down forthwith for concurrence.

**Enactor**

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

**Emergency**

AN ACT to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, to Establish a Local Road Assistance Program, to Continue the Maine Turnpike Authority and to Adjust Highway Fund Revenue. (H. P. 1696) (L. D. 1691)

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

Senator MINKOWSKY: Mr. President and Members of the Senate, the points have been very well debated on this particular issue this morning. The only thing of significant value to me this afternoon is just for the future Record, that a Roll Call vote be taken on this particular measure, on its Enactment.

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

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

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

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, Members of the Senate, while we were debating this Highway Funding issue, I would like to impress on the Senate and the Department of Transportation the importance of good highways at the various ports of entry into our State. This factor, in our discussion, is particularly important at this time of year, when our economy is beginning to flourish with traffic from tourists.

My Senate District covers the Jackman port of entry. In recent months, I have been continually reminded by many of my constituents of

the poor condition of our highway. Our highway that's leading from the border crossing at Armstrong to the Town of Jackman, the distance of this particular highway is about 20 miles, 13½ miles is long past due for reconstruction, and carries top priority. Only 4½ miles is scheduled for this summer and 9 miles will not be touched.

I understand that from the DOT, that nothing can be done about it unless the federal government votes money to rebuild these US Highways. It seems as if the problem is very serious. It seems as if there should be a way we could address it.

The latest traffic survey of this crossing showed 915 vehicles a day using it. This is an official count made by our Department of Transportation. My people in the Jackman area are very concerned about the effect the poor highway will have on their business. I'm, also, concerned about the effect this highway will have on transient business throughout western Maine. The traffic which uses this port of entry flows through the State. Canadians pass through here on their way to the beach resorts in southern Maine from such cities as Montreal and Quebec City.

We need a good highway program, but we need to pay particular attention to our ports of entry. Our Maine Publicity Bureau and the whole tourist industry predicts one of the most busy summers ever. We need to do everything we can to help make this happen. We must, also, think of our truckers. I think we should be very aware that good highways are a major asset.

When you vote on this issue, I hope that you will consider these matters. When this Highway Funding Bill is passed, hopefully, that everyone understands that at this late hour, we are not solving the State's problems. In two years we'll have to start over again. I might say that I, for one, would like to know where we're going in the future, not only with DOT, but with other departments, the BPI, for instance and other areas.

I'm going to vote for this, only to fulfill my responsibilities as a legislator. I do not like to see us go into the General Fund. I'd prefer increasing the traditional Gas Tax. The only solution to the problems of this State depends on the leadership on the second floor. This will be addressed, hopefully, by the voters of Maine at the ballot box in 1982. Thank you, Mr. President.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, first of all, I'll apologize at this late hour on an issue which has pretty well been debated. First of all, I think the reason for the late hour, the blame belongs with other individuals. I'll leave that alone.

The continuing cry that I hear in reference to the package that's before us is the alternative, is the Gas Tax. This is a proposal which has been well debated previously. I think that the action taken by this Body would show that it wasn't going to go anywhere.

Underlying every comment is the continuing accusations that the problem belongs on the second floor, and if the voters will reflect their displeasure, or hope that the voters would express their displeasure in 1982. I, for one individual, will trust the voters to make the correct decision. I think I know how that one's going to come out.

As an individual, who, similar to the Senator from Somerset, Senator Redmond, who represents a large rural area, I contend a Gas Tax is against the voters of your Districts, against the constituency of the District, because out of necessity they have to travel great distances.

Inland Maine does not receive the certain amount of tourism that comes up along the coastal areas. I think that's well reflected when we look at the, perhaps, the highway sys-

tems which the Senator from Aroostook, Senator Violette, earlier raised objections to. The further inland you go, the further north you go, the less upkeep or maintenance we see on the State highways. The further upland we go, of course, the greater the frost. The further upland we go, the greater the truck weight loads with trucks hauling lumber, hauling pulpwood, hauling the heavy loads on those roads where the frost is the greatest, particularly in the spring and the fall of the year.

To continue at this late hour to advocate that this package is not a good package and that this package passes a responsibility back upon Maine citizens to pay for the burden, first of all, is incorrect. Second of all, I believe that the accusation and the cry for a Gas Tax is contrary to what the public opinion is in this State. I, for one, as I stated already, will trust the voters in their decision and deliberations in 1982, to reflect their true feelings that there was no desire and there is no desire for a Gas Tax in this State.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, I realize the hour is late, but I have had some reservations earlier in the day and expressed them yesterday afternoon, when the three workers on this particular piece of legislation were present. I asked them again this morning. My concerns, rather than those of the good Senator from Somerset, are not with the summer months, but with the winter months and with winter maintenance. I continue to be concerned and I would express my concern here today although I intend to vote for this piece of legislation, I do it with reservations. I will do it with tongue in cheek because I feel that unless we have better winter maintenance and more winter maintenance than we had last year, we are doing a disservice to all our State, whether it be rural or urban, or whatever.

If we had the problems that we encountered in the past season that we have, or that we predict that we might have them, then I think this is indeed a generous disservice for the Legislature of the State of Maine.

However, one has to place his faith in those who espouse some sort of authority and some sort of expertise. I'm doing this today and ask others to join me because I think they have worked long and hard towards something that is a solution for two years only, but is a solution. Our highways are our only asset within the State of Maine. Those of us who must travel those and those of us who don't have the blessings of either the Turnpike or the Interstate, or what have you, but have one highway which is the access and the regress must be dependent upon this Department to keep our communities, our transportation, and our supply lines open.

Therefore, I intend to keep my portion of good faith this afternoon and vote for this piece of legislation, but the first bad storm that my highways are not addressed in a proper manner and in good faith, that's where the line of transportation, the road and the good faith will end. I'm depending on our Department of Transportation to fulfill their degree of good faith and keep our lines of transportation open.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, Members of the Senate, I will try and be brief, however, in view of the mixed emotions that I have before taking this vote, I would like to add on to the statement from the good Senator from Hancock. When he mentions winter maintenance, I have given up on that one. This is why I forgot to mention it when I spoke previously, because I acquired a four wheel drive. The people from the Jackman area, when they came down river, if they want to be sure they'll get there, they have to own a four wheel drive. Unfortunately, those who don't own one have to car pool with

the ones who own four wheel drives. That's what the winter, how the winter maintenance affects the area over there.

I would, also, like to say something with regards to the Senator from Piscataquis, Senator Pray, or from Piscataquis, Penobscot, Piscataquis, because I'm sincere when I say I have mixed emotions. How can I stand here and vote for a bill like that when the Canadians flow into this State through the port of entry at Jackman, and the Gas Tax would be letting them pay a share of, pay their own share of taking care of our highways, not letting only the Maine residents pay for taking care of the highways? I think it would be only fair to let them contribute to that.

There are many, many Canadian trucks that market their product in the New England states. They go as far as across the continent with some of their products. They travel through the whole State. A Gas Tax, there again, would be only fair. They have to buy gas when they're going through the State.

This is why my convictions are that way. I have very mixed emotions. I still don't know what I'll do when my name comes up.

The PRESIDENT: The pending question before the Senate is Enactment of LD 1691.

A Yes vote will be in favor of the Enactment of LD 1691.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, McBreairty, Najarian, O'Leary, Perkins, Pray, Redmond, Trafton, Trotzky, Usher, Wood, The President, J. Sewall.

NAY—Ault, Hichens, Minkowsky, Pierce, Sewall, C.; Shute, Sutton, Teague, Violette.

ABSENT—None.

A Roll Call was had.

24 Senators having voted in the affirmative and 9 Senators in the negative, with No Senators being absent, LD 1691 was Passed to be Enacted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, having voted on the prevailing side, I move Reconsideration and urge the Senate to vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Reconsider its action whereby LD 1691 was Passed to be Enacted.

Will all those Senators in favor of Reconsideration, please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

The Bill having been signed by the President, was by the Secretary presented to the Governor forthwith for his approval.

The PRESIDENT: The Chair would like to take this occasion before the Highway issue is gone and forgotten to particularly thank Senators Emerson, Teague and Huber; Senator Emerson who spent so many long hours attempting to fathom his way and our way out of the highway morass.

I would, also, like to thank former Department of Transportation Commissioner Roger Mallar, present DOT Commissioner George Campbell and Assistant Legislative Finance Officer Bent Schlosser. These 3 gentlemen were able to successfully complete and finish a compromise Highway Budget which, for the moment at least, has gained the support of two-thirds, at least, of the Maine Legislature and hopefully will serve the Department of Transportation well in the 2 years ahead.