

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988
Index

SECOND CONFIRMATION SESSION

May 13, 1988
Index

THIRD CONFIRMATION SESSION

June 15, 1988
Index

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988
Index

FOURTH CONFIRMATION SESSION

November 14, 1988
Index

FOURTH SPECIAL SESSION

November 28, 1988
Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

Senator TUTTLE of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report (H.P. 1912) (L.D. 2611), in concurrence.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges" (Emergency)

H.P. 1799 L.D. 2463

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-588).

Signed:

Senators:

TWITCHELL of Oxford
DOW of Kennebec
SEWALL of Lincoln

Representatives:

SEAVEY of Kennebunkport
JACKSON of Harrison
WHITCOMB of Waldo
ZIRNKILTON of Mount Desert

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representatives:

MAYO of Thomaston
DUFFY of Bangor
DORE of Auburn
NADEAU of Saco
SWAZEY of Bucksport
CASHMAN of Old Town

Comes from the House the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator TWITCHELL of Oxford moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you Mr. President. Mr. President, men and women of the Senate. I would rise to oppose the passage of the Majority Ought to Pass Report and move that we defeat its motion and accept the Minority Report for several reasons. Number one, with great due deference paid to the Economic Development Study Committee and with the people who have put forth a proposal to increase the gas tax in the state of Maine by five cents. First of all, I would want to say unequivocally that my constituents are overwhelmingly in opposition to an increase in the five cent gas tax, mainly because it is probably one of the most regressive taxes in the state of Maine outside of the sales tax. Secondly, because the way this is configured I think it is going to actually be double jeopardy. It will not only increase the taxes for people in southern and central Maine who utilize the Maine Turnpike, as well as our primary road system in this state, it would in effect increase the tolls on the Maine Turnpike for those who are from southern Maine and use it on a regular basis.

I would also suggest that there are other reasons why this proposal should not be adopted by the Senate. First, although I accept the long-term planning horizon of twenty years for trying to address our long-term needs of the state and I accept this from the proposal that this is not new. We have tried to address the issues in the state of Maine with regards to our highway system in the long-term because it is a prudent fashion. What I think is wrong with this specific proposal is that only one cent of the gas tax will go to address emergency

needs regarding our highways in terms of our bridges. The report that was put forth by the Transportation Department indicated that this one cent would address the bridges. If there is a need, I would suggest that we address that need first. I think everyone in this Senate would address the need. But if we are to increase the tax to Maine consumers who have been trying to conserve their energy on our highways, then I would say we are penalizing the elderly, the working people and the poor. More importantly, I would suggest that part of the responsibility, if not a great measure of the responsibility for this problem, lies with the Federal Government, who has impounded the funds that are coming to the state of Maine. Maybe what we ought to be doing is trying to address why isn't the Federal Government releasing the funds so we can address the needs of the people here in the state of Maine and with regards to our highway system.

I think it is very important that we, in this Body, recognize that the people of Maine are willing to pay the price for maintaining good, safe and responsible roads as long as there is a clear and distinct plan and rational for it. Although I believe the beginnings of a sound planning process is now taking place, I do not believe it has reached its fruition. For those of us who are from southern Maine and certainly central Maine, we have been trying to address the issue of growth management. Many of us say that it is the responsibility of one sector of this economy, that would be the developers, that would be a group of business people who are in southern Maine, that would be the builders, etc., but if you analyze the concept of growth and development in the state of Maine one of the primary factors for increasing the growth in the state of Maine and the acceleration of growth in the southern and central Maine and now it is beginning to move up the coast to central and northern Maine, is highway. The highway system itself produces a tremendous amount of growth. Within this proposal I see that York County, for example, and Cumberland County would have a tremendous impact on widening the road between Kittery and Biddeford. We addressed a proposal last year to widen the Maine Turnpike Authority. As people looked at widening the Maine Turnpike from Kittery to Biddeford and beyond, we saw a serious concern regarding economic growth and development. The small communities along that Route 1 corridor and I am certain many of the other corridors throughout the state are not aware of what the impacts are for growth and development according to an increase in the width or the size of the highway. I think it is also important, Mr. President, ladies and gentlemen of the Senate, that if this program is to be sold to the people of Maine I think the Governor of this state has to go out there and sell them and convince them that it is an integral part of his program, an integral part of his priorities. I do not believe the state Senate or the Legislature should be held totally responsible for an increase in the gas tax without the direct unambiguous and clear statement of support from the Governor. It is clear to me from newspaper reports and from discussions in this Legislature that the Governor is not taking primary responsibility for proposing a gas tax increase. We do not mind accepting the responsibility for maintaining safe, efficient and well planned roads in the state of Maine. But, I think this Legislature before we enact a five cent increase, a major increase in a tax that we just increased in 1983, that there should be a prudent, well thought out debate and discussion of its implications. I therefore would urge this Senate not to Adopt the gas

tax increase. That we are to pass anything that we are to address an emergency measure, put an amendment on this Bill for a one or two cent tax increase to address the real serious problem of bridges. If that is a problem and it hasn't been defined to me that it is a so critical issue that we have to address it this Session, but if it is a problem then I am willing and I think my constituents are willing to pay that price. We just had a bond issue to address roads and bridges, it was passed by the people of Maine, where is that money going? What happened to that money? We have had millions and millions of dollars to address a whole host of issues throughout this state regarding to our road system. Where has that money gone? Where is it going? I think we have to have a clearer definition of the problem before we tax the people of Maine. I think it is very important that this Legislature communicate that message to the Governor and to the Departments that in favor of this issue. No one is not in favor of prudent planning and responsible implementation of programs, but I think at this time it is not prudent to do so unless it is of a pure emergency measure.

On motion by Senator KERRY of York, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I do not intend at this time to support the Majority Ought to Pass Report for a five cent a gallon gas tax. I do not intend to support that measure because I think what has been proposed is a very ambitious program that is supposed to go on for twenty years and I think that with that kind of a program it requires a little bit more review then we have already been afforded. I, for instance, was handed for the first time today a report that had told me what was in the package that was presented. Today, here we are taking up a five cent a gallon gas tax and I had been presented a report that is suppose, if you are to believe the press accounts, to go on for twenty years. I don't think that is right and I think that our constituents deserve a little bit better review of the proposal that we are going to be saddling them with for a long time into the future. I think that needs more review. That is no question that the used tax and basing it on the gasoline is a way to take care of the roads. There is no question that roads need to be taken care of, but at the same time we talk about roads and the condition of roads, we talk about growth management, we talk about how Maine is being overrun with developers, how Maine is being overrun with tourists, how Maine is being overrun and it is no longer Maine. At the same time we develop arteries into areas of the state that have never had arteries before and opening it up for more and more development. It seems to me on the surface and maybe it can be explained that there may be some contradictions there. That needs to be reviewed. I have relatives in Dexter, Maine and they were telling me about the log trucks that are going through that part of the state because of what is going on with the railroad. There seems to be more and more tonnage on the roads, more and more log trucks because they couldn't go down the river because the Legislature in its wisdom decided that it was environmentally

unsound and then they couldn't go down the railroad tracks because the railroad tracks have been abandoned. They are going over the roads and he tells me that with the frost heaves and everything else and the tremendous amount of log trucks on the roads that they are going to be tearing up those roads and he says that a nickel a gallon isn't going to be sufficient to take care of the problems. Do we have to prioritize our concern in this administration and Legislature that railroads are very important to the life blood of a balanced transportation network in the state. Is that important? I think those are important questions and I think the Department certainly, as I passed around to members of the Senate yesterday figures about the gas tax revenues here in the state of Maine, is not a starving entity. It has gone from forty-eight million dollars in 1982 to over ninety million dollars in 1987. We have approved over seventy-one million dollars in bond issues since we passed the last gas tax. So, certainly there is not a sense of urgency at this moment where there is a crisis developing that would not allow us an opportunity to review it.

The fact of the matter is that unless there is some sort of eighth wonder of the world that this measure is not going to receive enough votes to receive to support its emergency enactment. So that it wouldn't go into effect for this construction season. So that it wouldn't have the impact this summer, so it is going to have to wait and I think it is imperative if we are to do our job that we review it a little bit more thoroughly then it has been reviewed. Frankly, all this discussion about whose tax it is, I was under the impression in the State of the State Address that the Governor had proposed it. I thought it was the Governor's Bill and then I understand from the press accounts this morning that it was implied that it wasn't his particular tax Bill. I think that doesn't do the people in the Transportation Department and the people who use the roads for commercial means any good because you have to be out there promoting this if it is a good package, not by just saying, I hope it gets done, I am not going to take the blame for the tax and I will be there to cut the ribbons when the new road is open. I think you have to be out there selling it and convincing people that it makes sense. That is not the way to go about it, it wasn't the immaculate conception that brought the Bill to us it was the Governor's Bill. Frankly, members of the Senate, I just hope that we do have that opportunity. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. The subject that we are debating today is rather volatile. Gasoline is a very dangerous when there is a lot of warm air exposed why strange things can happen. Mr. President, I would like to go back into ancient history a little bit and review for the benefit of the Senate at least my experience with the gasoline tax. I was a young freshman House member in 1971 and not very knowledgeable about the process and someone persuaded me to introduce a one cent increase in the gasoline tax. Mr. President and members of the Senate, I can tell you that it was a learning experience. That Bill went around and around and around and it did finally pass and I learned more about how people feel about gasoline taxes at that time then I ever have since. I understand the concerns of the people from southern Maine and northern Maine and central Maine and I understand how

rural people feel and how people who pay tolls feel and I have arrived personally at several conclusions.

First of all, I would like to tell you that there is good planning that takes place within the Department of Transportation. In 1970, or there about a planning division was created for the expressed purpose of expending road funds in a very planned manner over a period of time with dedicated funds. It seemed to me as they analyzed the various roads throughout the state, took traffic counts, were cognizant to weight levels, it seemed to me that they were operating that Department in a proper manner. So, when we suggest today that we perhaps haven't looked at this enough and that we need further planning and consideration I find it very difficult to accept that thought. In my mail I have been receiving reports on bridges and in my particular part of the state for literally months and it seems to me that we all ought to be aware of where the money is going to be spent, how it is going to be spent, the conditions of our bridges. In fact, we have a memo that I see is dated in February that indicates that there are some four hundred and one bridges that are functional obsolete or structurally deficient that are over twenty feet long. I have looked over the report with respect to the areas of the state that are going to receive attention in the next three to four years and I identified for example that in northern Maine and in Aroostook County there are some 9.4 million dollars worth of construction on highways and I know where all of those are and I know that they need attention and I know that they won't get that attention if we don't pass this gasoline tax.

It seems to me that if you want economic corridors to develop in the state of Maine and I have to remind you that northern Maine is not an overdeveloped part of the state, nor is parts of eastern Maine and that we would still like our economic corridors to have some decent roads. We have commodities that we want to ship from northern Maine, potatoes and wood products, lumber, and I think the people that I represent and I know that the people that I represent as a result of my survey in my district even though they don't like the high prices of gasoline, and I have to tell you in northern Maine you pay more for gasoline than you do in southern and central Maine because of transportation costs and other factors. In spite of that, the majority of the people that have responded to my question on this issue support an increase in the gasoline tax. I am convinced that the administration supports this endeavor. I haven't had the pleasure of reading the morning paper, but I do recall prior statements that have been made by the administration and on behalf of the administration that indicate to me that they are supportive of this increase in the gasoline tax. So, I hope that you will join me this morning in voting with the good Senator from Oxford, Senator Twitchell, to support the increase in the gasoline tax. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Mr. President. Mr. President, men and women of the Senate. Just briefly because I don't think it will make a particle of difference one way or another what is said here today because I think the votes have all been counted as everybody knows, but just to give you a little bit of background information. The Governor brought to the Transportation Committee a five cent tax increase for gasoline. After the Committee did their work on it, they made some changes in it. We still have the five cents, but instead of four cents of it going to the

major highways, the secondary and primary highways, a half a cent of that increase is going back to the towns in the local road assistance, which makes a twenty-two percent increase to each one of those towns that get local road assistance for a one time bonus and written into the Bill is a study to study the formula so that next year we hope to be able to return the money to the towns in a more equitable fashion. Also included in the Bill is four million dollars coming from the Turnpike if, in fact, there is money enough in the Turnpike with increased tolls or with increased participation of the tolls for the highway to be able to receive four million dollars from the Turnpike. That four million dollars will go to the areas surrounding the Turnpike. Also, just for your information, there is another 1.2 million dollars included in this Bill to help at least twenty-five percent of some of the salt and sand facilities that have been put on hold on some of the towns to help pay for some of those. So that is included in the Bill.

Now, the Taxation Committee did not make any changes in it, just the Transportation Committee made those changes. There is no question in my mind that we could use the money. There is no question in my mind that if Senator Kerry of York wants to use his influence to get the twenty million dollars that the Federal Government is holding for the highway we could certainly use his support in doing that. If we have the five cents, we will still not be able to build all the roads or take care of all the roads in this state that needs taking care of, but it certainly would be a help and I urge you to support the motion. Thank you.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. The five cent gas tax and the program put forth by the commissioner certainly is a challenging and impressive one. I have all the respect in the world for the Commissioner of Transportation. I think he is a brilliant spokesman for that department and I also believe he is a brilliant spokesman for the State of Maine. However, we are talking about the five cent gas tax here and I do want to relay to you what my concerns are. Right now I believe the gas tax is fourteen cents per gallon and I think everybody in the State of Maine who uses the roads and highways and bridges understands that there has to be a certain amount of taxes paid and I don't think anybody has any problems with that. People in my area have another problem. We also have to pay the cost of the Maine Turnpike which the good Senator from York, Senator Kerry, eluded to. I guess I have a real problem with the fact that for instance, just as an example, somebody from Biddeford traveling to Augusta has to actually pay another forty cents per gallon tax on top of what they usually pay just to get up here. If you count the cost of the toll as being the tax, which actually it is, those of us who use the Maine Turnpike have to pay a toll to start with. I am sure you remember the big discussion we had on the Maine Turnpike just last year. We were talking about widening the turnpike and possibly having a toll increase to take care of that. Those of us who use that road, if we want our road to be improved, have to pay for it through a toll. What this Bill is telling us through the gas tax is that

not only are you going to pay for the increase of the toll, but some of that money is going to be used to pay for other projects. I don't think that the tolls on the Maine Turnpike were ever intended to fund the Department of Transportation. At one point we started adding money and taking money out of the turnpike and adding it to the Department of Transportation to do the spurs along the turnpike in the different cities along the turnpike. My city was one of them - Biddeford. In 1981, we started asking for that and they said yes, we are going to do it. It is now 1988, and it is still not done. So when we have the Biddeford and Saco Bridge proposed in the gas tax, we say that is all fine and dandy, but when is it going to be? And should it be funded by money coming out of the Maine Turnpike tolls? The good Senator from Kennebec, Senator Dow, says that the money being taken out of the Maine Turnpike will stay in that area. What is going to happen to the money raised by the gas tax in that area? Is that going to stay in that area too? No matter how you cut it, money from the Maine Turnpike is being used to fund the Department of Transportation and the users of the Maine Turnpike should not be double hit just because they use the Maine Turnpike. This is why I am opposing the gas tax. From the very beginning I said that before I would even consider supporting the gas tax, that that language about the Maine Turnpike would have to be taken out. I understand that the language does say that if there is any extra money, it will be the only time they take that money away. Well if there is any extra money, return it to the people. Lower the tolls. It seems to be the reasonable thing to do and there will be extra money. The studies that have been made and are being done now show that the traffic on the Maine Turnpike is continuing to increase. So you know that the monies will be more. That four million dollars will be there. I don't think anybody doubts that. Let's just not use the Maine Turnpike to fund the Department of Transportation, and if that is what people want to do then let's get rid of the Maine Turnpike and put it in the Department of Transportation and let everybody work on an equal part. You know that I have stood here before as a supporter of the Maine Turnpike. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you Mr. President. Mr. President, men and women of the Senate. I am always edified by the logic and eloquence of debate by the good Senator from Aroostook, Senator Collins, and as I was reviewing one of the documents that I received from the Office of Policy and Legal Analysis, they presented to me a document that says "the recent history of the gasoline tax". As you might know, the recent history only goes back to 1978, and our good Senator from Aroostook, Senator Collins, referred to his ancient history of 1971. I happened to not be around at that time in the Legislature, but I appreciate the wisdom and knowledge of one with so much experience and I would defer to that. But in reviewing the statistics and figures that were presented by the good Senator from Aroostook at that time, I believe he proposed a gas tax increase from eight to nine cents, a one cent increase. That statistic, if my figuring is correct, is approximately a 12.5 percent increase in the tax. I am sure there was great debate about that. A 12.5 percent increase is a fairly substantial increase, especially since we have only experienced two, three, four and five percent increases in inflation recently.

More importantly in 1982, to 1983, we passed a tax and it was a five percent increase at that time.

But here we are proposing another five cent increase. If you analyze the statistical increase, a five cent increase in our current tax is a 35.1 percent, I believe, increase in the tax. Do we and can we justify a 35 percent increase on the tax? And more importantly, if you add the tax that we passed in 1983, should the people of Maine be responsible for experiencing a 111.1 percent increase in the tax in just these few short years? I don't believe that it is fair. I don't believe that it is just. I don't believe it is responsible. This Administration and with all due respect for Commissioner Connors, and I, along with the good Senator from York, Senator Dutremble, and everyone in this Body, believes that Commissioner Connors and the Department of Transportation is doing a good job and certainly is a responsible Department. I think the funds should be found later, maybe next year or the next session, but I cannot justify in this short time to place a one hundred and eleven percent increase in the tax for the consumers of Maine without appropriate justification and appropriate reasons. I, once again, would give due comment to the good Senator from Aroostook, Senator Collins, who I think does represent his constituents well, but we have a responsibility to our constituents as well. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. The Transportation Committee had the Gas Tax before our Committee for about a month. We had a total of four work sessions dealing with this issue and I will tell you that if you have never been down to the Transportation Committee, it might be worth a trip down to watch how a work session in that Committee is run. You deal with people, a great group of people with a great many ideas and we heard every single one of those ideas brought before the Transportation Committee. We came up with a program that made everyone pretty happy, as happy as any of us can be supporting a tax increase in an election year. I know that is difficult, but I think it is time we bite the bullet and do it.

Then the bill was referred down to the Taxation Committee and that Committee dealt with this Bill for a half hour. After the Transportation Committee dealt with it for over a month, the Taxation Committee decided in a half hour that they were going to report this Bill out seven to six Ought to Pass, which leads me to believe that some members of that Committee were perhaps responding or doing some political maneuvering rather than responding to the merits of the gas tax increase.

I would like to discuss with you some of the points that the Transportation Committee worked so hard to come up with, some of the compromises. We suggest that a total of five cents be raised for a total of thirty five million dollars per year. We suggest that one cent of that total go to extraordinary bridges. The good gentlemen from York, Senator Kerry, is absolutely right. The bridges are in deplorable shape in this state and they need some assistance and they need it now. Phase I of the bridge program is the state share of the Million Dollar Bridge in Portland/South Portland, the state share of the Brunswick/Topsham Bypass, the Penobscot Bridge replacement in Bangor/Brewer, the Waterville/Winslow Bridge and to do some preliminary engineering for the Phase II of that project. In Phase II, we are talking about the Carlton Bridge or its alternative the Saco/Biddeford Bridge, the Augusta Area Bridge and the Skowhegan Bridge - the

state share. Because we will get matching money for these bridges and the money that we are talking about in the gas tax is the state share of that federal money. Three and a half cents of the nickel we suggested would help defray federal cut backs because yes ladies and gentlemen, the Department of Transportation has experienced about forty million dollars in the last two bienniums of federal cut backs and that has hurt our program. We would suggest that two cents of that three and a half cents go toward helping defray the cost of these federal cut backs and then the remainder one and a half cents would go toward highways, a regional significance such as Routes 9, 201, 302, and 26. And for those of you who would like to look further, the blue book that the Transportation Committee refers to that was passed out is where those programs are. Then the remainder would be a half cent for local municipalities. The half cent for municipalities was not in the original package, but the Transportation Committee felt very strongly that in order to get this Bill passed this year, we needed to put in some money for municipalities. We agreed on the half cent. I, personally, would liked to have seen a whole cent, but in the spirit of compromise, ladies and gentlemen, I agreed to go with the half cent.

Currently, we give municipalities 15.8 million dollars annually to the towns for road assistance. This would add 3.5 million dollars annually for a total of 19.3 million dollars going to local road assistance. The Transportation Committee recognized fully that the formula currently used to return money to local municipalities had some problems. That formula we agreed on was probably inequitable, so what we decided or what we are recommending through this Bill to do is have a bonus type situation so each municipality and every municipality that now receives state money for roadways would receive a twenty-two percent increase - a bonus which results in a twenty-two percent increase probably to be paid in January of 1989. Now this is not a one time bonus ladies and gentlemen, but in this instance will be paid one time until the Transportation Committee over the summer has a chance to review the formula of how local road assistance is distributed and comes back with a recommendation to the One Hundred and Fourteenth Legislature. But that 3.5 million dollars will go into the pot making the total of 19.3 million dollars that will be distributed annually to municipalities. Additionally, in the spirit of compromise, the good Commissioner of Transportation, Commissioner Conners, also recognized that there was a need out there for sand/salt piles. We have mandated to work with the towns and their sand/salt piles. So the Commissioner of Transportation has agreed to put 1.2 million dollars into sand/salt piles so that municipalities will also have that type of assistance, for a total ladies and gentlemen of an additional 4.7 million dollars going back to towns.

To respond to a couple of points that were raised. The good Senator from Penobscot, Senator Baldacci, said something about planning and I have to tell you that planning has always been a thorn in my side and I have always recommended to the Department of Transportation rather strongly that they get their act together and they do some long-range planning. I am delighted to see a twenty year plan. I think it is just absolutely great. I would also like to respond to the good Senator from York, Senator Kerry, when he says the gas tax is a regressive tax which it is. I submit to you, the good Senator from York, Senator Kerry, that there is nothing more regressive than bad highways and deferring maintenance of bad highways. In fact, we found out that the average

Maine motorist travels fifteen thousand miles per year and would pay a total of thirty seven dollars and fifty cents annually in gas tax increase. That same motorist, if the gas tax was not increased and we had bad roads, would pay over a hundred dollars in increased fuel consumption, delays, accidents and vehicle wear and tear. So I think when we talk about a regressive form of taxation, bad roads is the ultimate form of regression. Additionally, when I campaign and I am going to town meetings, I hear more often than anything that we need property tax relief. I think that a gas tax could really be construed as property tax relief because I remind you ladies and gentlemen, we are suggesting that 3.5 million dollars be returned to the local municipalities. That is 3.5 million dollars that those same towns are not going to have to raise through property tax. Thank you.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I think a couple points of clarification are in order. A document which I had sent around to Members of the Senate yesterday had gone back as far in numerical figures as 1978, but if you had read the history of the tax, it had gone back as far as 1923, but it had been written out and hadn't been put in numerically and I do apologize to the good Senator from Aroostook, if he wasn't able to decipher that. The other point that was brought out this morning was that maybe the Taxation Committee may have been a little bit more politically motivated in its report of seven to six than the Transportation Committee even though it was pointed out by a member of the Transportation Committee that they added the municipal assistance to help the passage of the bill.

I think it is important to point out also to the Members of the Senate in reviewing the proposed supplemental program that has been submitted here today, I notice with interest Presque Isle reconstruction 2.45 million dollars and Presque Isle bypass of new construction of over 3.54 million dollars. I can understand the interest of the good Senator from Aroostook, Senator Collins, as to why he thinks it is very important that the gas tax be increased over thirty percent on people driving through the State of Maine to go to work and to go back home. I know that there are problems with transportation in Presque Isle, but as far as the justifications of a Presque Isle bypass around what I think needs to have a little bit more review than the cursory review given by some members of the Transportation Committee. I am not in opposition to an increase in a tax to pay for the upkeep of the roads, but I think that the Commissioner of Transportation has provided a lot of leadership in this particular area and I think that he has been able to convince me that we ought to be able to do something to attract those federal funds for the bridge repair and also some maintenance along the roads. To his credit, I would be willing to support some sort of an increase, but I think that going to a five cent over thirty percent increase in a gas tax is hitting at the people at the wrong time. I hope you will support the Ought Not to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to make a response to my good friend from Sagadahoc, Senator Cahill. It is true that we did get the tax bill yesterday afternoon at 1:30. It is true that we did spend about a half hour on the Bill because we were told to get the Bill out by 5:00 so the House could have it. We also did spend four and a half hours at a hearing with the Joint Standing Committee on Transportation. It is not our job to tell where the money goes. It is our job to raise it and that is what we thought we were doing yesterday. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to pose a question to anyone who cares to respond. My question is, if the five cent gas tax is passed and we are going to get all these bridges built with federal money, is this the same federal money that the Federal Government is now holding and refusing to allow to come down to the states so they can balance their national budget?

THE PRESIDENT: The Senator from York, Senator Dutremble, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Mr. President. Mr. President, men and women of the Senate. The Federal Government is holding back about twenty million dollars of funds that should be coming to the state. Most of those funds that they are holding do not have anything to do with these bridges that were referred to. Some of them already are on line to be taken care of and some of them we do have the funds for, some of them we don't. If we do pass this gas tax, of course it will also free up some more money for other projects including some other bridges and some other roads.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TWITCHELL of Oxford, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report. A Roll Call has been ordered.

A vote of Yes will be in favor of ACCEPTANCE

A Vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator KANY of Kennebec who would have voted YEA requested and received Leave of the Senate to Pair her vote with Senator ERWIN of Oxford who would have voted NAY.

Senator GAUVREAU of Androscoggin who would have voted YEA requested and received Leave of the Senate to Pair his vote with Senator BRANNIGAN of Cumberland who would have voted NAY.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, DOW, EMERSON, GILL, GOULD, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, THERIAULT, TWITCHELL, WHITMORE

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BUSTIN, CLARK, DUTREMBLE, ESTES, KERRY, MATTHEWS, PEARSON, TUTTLE, USHER, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

PAIRED: Senators BRANNIGAN, ERWIN, GAUVREAU, KANY

17 Senators having voted in the affirmative and
14 Senators having voted in the negative, with 4

Senators having paired their votes, and No Senators being absent, the motion by Senator TWITCHELL of Oxford, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-588) READ and ADOPTED.

On motion by Senator PEARSON of Penobscot, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-588).

On further motion by same Senator, Senate Amendment "B" (S-417) to Committee Amendment "A" (H-588) READ and ADOPTED.

Committee Amendment "A" (H-588) as Amended by Senate Amendment "B" (S-417) thereto, ADOPTED.

Under suspension of the Rules, READ A SECOND TIME.

Senate at Ease

Senate called to order by the President.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Senator CAHILL of Sagadahoc Objected to the Rules being Suspended for the purpose of sending this paper down forthwith for concurrence.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

Bill "An Act Relating to the Maine Uniform Transfers to Minors Act"

H.P. 642 L.D. 865

(C "A" H-602)

Bill "An Act to Amend the Maine Juvenile Code to Expand Notice Provisions"

H.P. 1486 L.D. 2020

(C "A" H-603)

Bill "An Act to Amend Property Tax Exemptions"

H.P. 1657 L.D. 2267

(C "A" H-586)

Bill "An Act to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws"

H.P. 1731 L.D. 2374

(C "A" H-597)

Bill "An Act to Improve Supervision of Prison Furloughs"

H.P. 1736 L.D. 2381

(C "A" H-609)

Resolve, Authorizing the Bureau of Health to Conduct a Time-Trend Study of Leukemia Incidence in Maine

H.P. 1769 L.D. 2422

(C "A" H-598)

Resolve, Establishing the Advisory Committee on Education and Critical Issues for State Decision Making

H.P. 1776 L.D. 2429

(C "A" H-589)

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1788 L.D. 2449

(C "A" H-584)

Bill "An Act to Amend Maine's Domestic Relations Laws"

H.P. 1801 L.D. 2465

(C "A" H-601)

Bill "An Act to Clarify the Obligations of Distributors, Dealers and Redemption Centers"

H.P. 1806 L.D. 2472

(C "A" H-605)