

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

(At Ease to Gong)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Prohibit the Sale of Polystyrene Foam Products Containing Chlorofluorocarbons" (H.P. 1797) (L.D. 2461) which was passed to be engrossed as amended by Committee Amendment "A" (H-596) in the House on April 5, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-596) as amended by Senate Amendments "A" (S-414) and "B" (S-422) thereto in non-concurrence.

On motion of Representative Mitchell of Freeport, tabled pending further consideration and later today assigned.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1687) (L.D. 2316) Bill "An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-641)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

The fifth Tabled and Today Assigned matter was taken up out of order by unanimous consent:

SENATE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" - Committee on Taxation on Bill "An Act Concerning Access Fees" (S.P. 297) (L.D. 847)

- In Senate, Minority "Ought to Pass" Report of the Committee on Taxation read and accepted and the Bill passed to be engrossed.

TABLED - April 6, 1988 by Representative BOTT of Orono.

PENDING - Motion of Representative CASHMAN of Old Town to accept the Majority "Ought Not to Pass" Report. (Roll Call Requested.)

On motion of Representative Cashman of Old Town, the Bill and all accompanying papers were recommitted to the Committee on Taxation in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Prohibit the Sale of Polystyrene Foam Products Containing Chlorofluorocarbons" (H.P. 1797) (L.D. 2461) which was tabled earlier in the day and later today assigned pending further consideration.

(Was passed to be engrossed as amended by Committee Amendment "A" (H-596) in the House on April 5, 1988 and came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-596) as amended by Senate Amendments "A" (S-414) and "B" (S-422) thereto in non-concurrence.)

Subsequently, the House voted to recede and concur.

(Off Record Remarks)

(Recessed to Gong)

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the following matter: 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) which was tabled earlier in the day and later today assigned pending further consideration.

(In House, Minority "Ought Not to Pass" Report of the Committee on Taxation read and accepted on April 5, 1988.

- In Senate, Majority "Ought to Pass" as amended Report of the Committee on Taxation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-588) as amended by Senate Amendment "B" (S-417) thereto in non-concurrence.)

On motion of Representative Lisnik of Presque Isle, the House voted to recede.

The same Representative offered House Amendment "D" (H-643) to Committee Amendment "A" (H-588) and moved its adoption.

House Amendment "D" (H-643) to Committee Amendment "A" (H-588) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Lisnik.

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: This amendment eliminates the proposed 5 cent increase on the gas tax and provides for a one-time funding of \$15 million dollars from the "Rainy Day Fund." Additionally, this amendment will use \$8 million dollars in existing Highway Funds, \$4 million dollars in unallocated surplus and \$4 million dollars from the Maine Turnpike Authority. This total of \$23 million dollars will make up the decrease in federal dollars for highway and bridge improvements as well as \$3.5 million dollars for local road assistance.

As one legislator, I do not feel that it is time to increase the gas tax especially in the light of a surplus that now exists in state revenues. We currently have \$15 million dollars that we can safely remove from the "Rainy Day Fund," a fund that was established for just such purposes. To my knowledge, there was never any suggestion that the "Rainy Day Fund" could only be used for General Fund purposes. The "Rainy Day Fund" was specifically established for major construction projects of over \$500,000 and to reduce our bonded indebtedness.

At this point, we are in a position to allow this "Rainy Day Fund" to accumulate to \$25 million dollars. Although this is not a long-term solution to this issue, I believe that this gives us time to do a couple of things. It will give us time to do an

appropriate, proper cost allocation study, which many people here suggested in the debate two days ago and, in the interim, we are going to elect a new President and a new Congress and, hopefully, their attitude about the \$10 billion dollars that they are keeping from the states, \$20 million in this state, will change.

Most importantly, I believe we ought to utilize existing revenues before we pass an additional tax on to the people of the State of Maine. This should be done only as a last resort and I do not believe that we have sought out every possible avenue. This is an alternative to passing on that gas tax to the people of this state. I urge you to support it.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: We are here addressing an issue in terms of needs that have been identified in terms of economic growth and jobs. We see here today, I think, a proposal that can't really pass the straight-faced test. We saw some floundering around the other night trying to find some way of saying, no, because the Governor said this or didn't say that, that was clarified. I think we see another proposal here because, for some reason, those that are opposed to the road and bridge program don't want to be caught saying no to that road and bridge program.

We have provisions in the law on the "Rainy Day Fund" that have to be met and that was a bipartisan effort in this chamber establishing that fund and laying out procedures. This amendment flies right in the face of those requirements or procedures so it is a raid on the fund, it is a raid on the turnpike and I think you ought to be aware, if you vote yes on this amendment, what the consequences are.

The consequences are that the bridges will not be built. The dollars will not be there. In the packet that you received today in terms of the proposed supplement program, that probably will not be done.

I think the Governor and the Commissioner of Transportation has brought to the floor for the consideration of these two bodies a long-term program, not a bandaid, and some of it frankly is making up for things that were not done in the past before the watch of this new administration began. It is a long-term program.

We traveled on those economic development tours and we heard in region after region after region that a barrier to prosperity that you have in southern Maine, they told us, was that we cannot move workers, we cannot move raw materials, we cannot move finished products. So, we see before us an amendment that really is a cop-out, there is no other way of looking at it. Let's talk about it in very plain language, it is a cop-out. It is an effort to say that we did something to get us through the next 12 months and it just doesn't pass that straight-faced test.

If you are concerned about jobs, if you feel that new bridges need to be built in this state, if you feel that the jobs that are in the southern part of the state that are looking to expand, cannot expand in northern, central and eastern Maine because the infrastructure is not there, then you should be voting no on this amendment.

We are here, and I think we have used the word "courage" -- this is an election year, I feel that the Governor and his Commissioner and many members of this House already from both parties (not enough from the other party) have exercised that courage so far. I would hope that, when we go home, whatever that date is, that we will be able to look the citizens of this state in the eye and say we had a program of

needs, roads and bridges, that we enacted, not for next year or to bide some time, that we didn't take a cop-out, but that we looked toward the next 10 to 15 years.

So, I guess looking at this amendment, if you want to vote yes (it isn't even a bandaid, not even half a bandaid) you can vote for half the bandaid or the cop-out amendment or if you have the courage, this program of roads and bridges that is before us will begin to move Maine forward and bring jobs to all parts of the state.

I would urge members of this House to vote no on this amendment.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: If I didn't know better, I would believe that the gentleman from Kennebunk has been delving into my speech file because those are many of the same words I used just a few years ago when we were trying to raise funds for the University of Maine for some social programs and a variety of other needs for the state.

At that time, I remember arguing that it took courage to support a tax increase and that the needs existed to such a great extent that we couldn't afford to address those needs. Most importantly, I remember emphasizing that there was no other alternative available to the members of this legislature and thus, a tax increase or fee increase was necessary and imperative. We succeeded in large part because the majority party in this body understood and recognized that need and understood and recognized that no alternatives existed. We had people on the other side who went and took credit for a lot of what we passed in this body but who did not support those proposals. Nonetheless, there are a large number of members here who had the courage, as the gentleman just referred to, to pass legislation and to pass a tax increase when no other alternative existed.

Today we have a different story though. We have a request coming from the Governor of this state for a tax increase, a tax increase that many people said was necessary, was imperative, and many people believed to which there was no alternative available.

The Lisnik amendment though proves that there is, indeed, an alternative available to us. The Lisnik amendment shows that there is an option that we should have looked at a long time ago and an option that we should take today. It is a responsible amendment and I think appropriately deals with the crisis that was discussed two days ago on the floor of this House.

I went through the Legislative Record from two nights ago and saw how member after member, proponent after proponent for the tax increase, claimed that an emergency existed, an emergency existed to the point that we had to pass a tax increase, no matter how painful it was. An emergency existed to the point where we had to pass a tax increase, even though we weren't sure that the nickel being requested was the amount necessary to cover that need. It may be too little, it may be too much, nonetheless, people wanted to pursue that tax increase, adopt it first, and deal with the problems later.

We didn't think that was a responsible way to approach the issue. Many people in here wanted to take care of the roads, wanted to take care of the bridges, want to see that Red Book that Representative Jackson waved, funded, but we had a reluctance to vote for a tax increase where no accountability existed. We got that accountability, supposedly, in a plain, brown wrapper this morning.

Mine came addressed to Representative Joseph Diamond. Many people saw that as a way to elicit greater support for the package by showing what is going on in our home districts. Some were impressed, some were not impressed but it goes to show you, there is a lot of flexibility that exists in this plan, a lot of flexibility that may be exercised politically if those in power don't like the way the vote goes today.

I was very disappointed to hear the gentleman in the other corner say that some of those programs that we passed last year in that Red Book may not be funded. For example, the Bangor-Brewer Bridge is in that Red Book. The plan that Representative Lisnik has before us would fund that, to my understanding, but now we are hearing that maybe those plans we adopted won't be funded, maybe that commitment that we made and was made to us, won't be honored. The more I hear of the politics of this, the more I dislike it.

I think all of us understand that there is a serious problem facing the people of Maine, a serious concern about the quality of transportation in Maine. We feel that the plan adopted by this legislature last year and submitted by the Department of Transportation is one that deserves funding. We question whether or not we know enough information about what we are going to do with this new and improved plan, the supplemental plan, that has been promoted and discussed.

The big concern we have and should have here is to deal with the crisis that was created by the federal government, the crisis where they embargoed our money, our citizens' tax dollars, to balance the federal budget or at least to come close to balancing the federal budget. That is \$20 million dollars.

The Lisnik proposal deals with that \$20 million dollar question and it also addresses other concerns about our local municipalities. We can accomplish that Red Book if that commitment to us is going to be honored and can accomplish the funding necessary to complete those projects. We can deal with the concerns of local municipalities through this amendment. We have the opportunity to do so and this will do so in a very responsible way, a way that is going to deal with the problem, deal with the emergency, using an emergency fund, without necessitating a tax increase.

I don't like what Representative Murphy called this -- a cop-out or a smokescreen -- a lot of the information that he related to you, I believe, is just wrong. He said it can't pass the straight-faced test -- I don't think a proposed tax increase can pass the straight-faced test, especially when we have this money available to us. I don't think we should pass a tax increase on to the people of Maine when it is unnecessary, I don't think we should ask the businesses of the State of Maine to pay higher transportation costs, I don't think we should ask the consumers of Maine to adopt a tax increase that would make us the third highest in the nation. I don't think we should adopt a tax increase when we have money in the bank. That is irresponsible. The most responsible thing we can do is to use that money that has been set aside for this very situation, an emergency brought on by unforeseen events, and deal with the question of long-term funding when we have a better handle on the situation.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: I would like to address this issue if I could from a different perspective. I don't mind talking about courage at all. I was sent

up here, I think, at least three times, to represent the people of Gray-New Gloucester, Maine, District 44. I received my little brown package this morning, I was very pleased, I was happy we had tabled it so I could take a look at this.

I looked at the proposed commitments that we have for future projects and I looked at Route 26, the infamous economic corridor it's now called, before it was just Route 26 -- the interesting thing is that, since I have been here, in the green books, yellow books, red books, whatever color books I see, Route 26 has been there and every single year, it inches up, one more notch. Now I see that it is going to inch up again. It is down to number 23 on the list of priorities. That doesn't seem to fare too well for my district at all.

Talking about straight-faced tests -- let's look at it from the local perspective. Let's look at it as giving the money back for local road assistance, the bonus, the bonus to Gray-New Gloucester, Maine. I represent about 7500 people as everybody else in this House does and I look at the numbers -- the town of Gray will get \$12,458, the town of New Gloucester will get \$8,803, that is our bonus. My rough calculations and they are really rough because I didn't have time to call everybody who has a car in my district but I am guessing about 1,000 of my constituents own an automobile and they are going to drive. The administration tells me that it is going to cost them \$37.50 a year more with this gas increase, the tax increase. Now if I add up 1,000 people by \$37.50, I come out with \$37,500. Now that is a wonderful amount of money. I have to go back and say to my constituents "but don't feel bad, you are going to get about \$40,000 in new taxes to fix your roads locally because we are going to give you back (one time) \$21,000. Straight-faced test? Ladies and gentlemen of the House, that is the cop-out here, that doesn't pass any straight-faced test at all.

Let's be serious, we have an alternative, a logical step to look at the individual problems we have in this state, the emergency exists, we have the money to deal with that emergency to get the Red Book funded or whatever color it is this year, and I think that is what we should do.

I think this amendment is a reasonable approach and an intelligent approach. It does meet the straight-faced test and I don't now have to go back and tell my constituents that, not only do I have to increase their taxes but they have to pay twice as much to get more road assistance.

I would urge the House to support the amendment.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: If we could get the discussion out of the corners of the chamber a little bit, I would like to call your attention to the packet that members received on their desks because it seems to me that the discussion, up to this point, is neglecting two points that are in the packet. One of those items that we all received is entitled "Sand/Salt Building Assistance." I bring it up at this time because the Representative from Gray-New Gloucester who just spoke neglected to mention a \$100,000 that would go back to those two communities for a commitment to a mandate that we passed for his communities to build, or if they have already built, to assist in funding those communities for their costs for Sand/Salt storage. I have yet to hear the amendment before us discussed of what the alternative is for funding that proposition before our communities.

The other missing element in this discussion, and I am interested to know if it is a policy decision or what has happened, is an additional \$24 million dollars that we discussed the other night as we were discussing the Governor's proposal because, fine, we have a one-time solution to the \$20 million dollars that the federal government (and that George Mitchell, Bill Cohen and Ronald Reagan) has taken away from our budget and will continue to take away from our budget -- we say in this amendment before us today that we have a one-time solution to that. We have not addressed next year and the year after.

We have the bridges, we have the extraordinary bridges, we have bridges which are funded at the federal level if we match them at the state level. The state match for that is \$24 million dollars. Either there is a commitment not to build bridges, which some members apparently feel by the responses to their questionnaires the way they wish to go, or we take an additional \$24 million dollars out of one of the items in our packet and that is the projects 1988-89 program projects.

This several page sheet -- if you will look on the last page it lists \$53 million dollars worth of state highway projects already committed, the ones that the towns are already planning to receive in their communities (these are state projects) so if we have made \$20 million so that is whole, we are still faced with subtracting \$24 million from that or not building those bridges. Maybe we don't need that bridge in Topsham, maybe we don't need that bridge between Portland and South Portland. I am sure the people in my district would feel that way but this project was approached as a statewide program. This project that is before us is a long-term solution. Highways have to be funded and approved long-term.

We have before us a very short-term. We have before us a continuation of the kind of spending we heard about the other night at the Institute on Maine Economy, the kind of consumptive spending mentality versus a long-term approach.

We heard a suggestion that this body does have courage. I think it does, but the courage seems to be fleeting if we talk of solutions to highways that are long-term investments with long-term solutions.

I urge this body to vote against the motion before us and Mr. Speaker, I would request a roll call.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Men and Women of the House: In addition to thanking you Mr. Speaker, I would like to thank Representative Lisnik and I would like to thank him for delivering us from the evils of taxation. I would like to thank him for doing that because I think his proposal is a very reasonable proposal that would help this body to help this state out of this crisis.

Let's look at the "Rainy Day Fund." We took some money out of the "Rainy Day Fund" last year. If you remember, a year ago today, much of my legislative district was under water, many of the roads and bridges in this state were being ruined by high water, the 500 year flood, and we chose in the Appropriations Committee to use the "Rainy Day Fund" money for some of these fix-up repair projects. After hearing the debate the other night, I am in full agreement with many members of the proponents of this tax that we are in an emergency situation at this time. I propose to accept this amendment as a member of the Appropriations Committee, not as a member of the Taxation Committee or not as a member of the Transportation Committee.

Let's take a look at the revenues. Let's take a look at the revenues that are floating around this House at this time. A Supplemental Budget, ladies and gentlemen, of \$92 million dollars, not a keep-the-store-open budget as our Part I or new and expanded programs as our Part II but \$92 million dollars in a Supplemental Budget.

Then I want to bring your attention to a sheet that you saw from the Office of Finance last week, the new revenue sheet, and it showed that we may have \$57 million additional dollars coming into our state coffers because of the state's good economic conditions at this time. We have an \$18.3 million dollar "Rainy Day Fund" account at this time. In addition to that, and I think you are a little surprised that I keep adding up, there is \$17 million dollars in over-collected taxes from the people of the State of Maine because of non-conformity to the federal tax laws. In simple addition, it comes out to about \$153 million dollars, plus or minus.

I listened to Representative Whitcomb the other night as the proponent and sponsor of this tax and Representative Whitcomb whom I have served with for a few years in this body and who hasn't been a proponent of many taxes in this legislature and hasn't supported many impositions onto the people of Maine through taxes -- I think he is welcomed out of the cellar of the minor leagues and into the major leagues to play first base with a 36 percent tax increase to the people of the State of Maine on a commodity. I would say that with \$153 million dollars floating around this State House, how can I as a legislator and a member of the Appropriations Committee, walk out this door and say with a straight face, that I am going to propose an additional 36 percent tax increase on the people of my legislative district on a commodity that they need. I would say that that would bring us to the second highest in the nation in a status that we don't need. We are a poor state where we know that the gas tax in the state where people are poor and have a large highway network is going to affect them most.

Yesterday, I passed out an article to you that came out of Forbes Magazine this month and I would call your attention to that article. Paul Volcker and Alan Greenspan agree that the U.S. should raise the gasoline taxes by about 15 cents a gallon. Come November, the President-elect may have to take a stand on the prickly proposal. Now Paul Volcker and Alan Greenspan, we all know who they are, one was former head of the feds, the other is the present head of the feds -- these people are listened to in Congress. If these things come to pass, in addition to Senator Boren from Oklahoma who wants to impose an oil import tax fee, we may have put in a 100 percent tax increase on a commodity to the people of the State of Maine by January of next year.

I would say that this proposal that Representative Lisnik has given us is a choice that you can make, you can walk out this door and say, I voted a 36 percent increase to the people of the State of Maine on a commodity that they need to get back and forth to work, not luxury tax, but to get back and forth to work or I chose to wait and see what a new administration and a new President will do with the monies that we, in good faith, paid in the form of a gasoline tax. Will they give it back to us? This is a member of the Appropriations Committee coming to this legislature and saying, I think that we should take some of these monies that we have benefited from in the General Fund and help out an emergency situation. Unlike the people in Congress and in the Reagan administration, who are saying, I think you people in Maine who paid a federal gas tax

every time you drove up to a pump should have your money held hostage by a budget balancing act that isn't going to happen. This is a fair choice, this is a good courageous choice, it is not a 36 percent tax increase on a commodity that our people in this state need.

I would hope that you would support Representative Lisnik and I would, again, like to thank him for his proposal.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Kennebunk, Representative Murphy.

Did you consider, Mr. Murphy, the original report from the Committee on Transportation, the Majority Report as well the Majority Report of the Committee on Taxation, a raid on the turnpike?

The SPEAKER: The Representative from Thomaston, Representative Mayo, has posed a question through the Chair to the Representative from Kennebunk, Representative Murphy, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would be pleased to respond. I think the report that had come up from the Transportation Committee had language included that money taken from the turnpike was to be used in that region. It appears that there has been a problem in terms of the document that came up that that language was not included and that is another problem that we are going to have to face.

I think if we accept this amendment, and I think we heard the gentleman from Augusta the other day, talk about he wanted clarification on the federal dollars and we just heard a speech on the clarification of the federal dollars. He said he went and spoke to Senator Mitchell and that he made it very clear (I think he read from Senator Mitchell's speeches before committees dealing with that issue) and I am not sure if we are supposed to be checking the mailboxes here in Augusta if the check is in the mail but I doubt it very much and I don't think that check will be here very soon.

I think if you are a proponent of this amendment, then maybe during the remaining days that we have, those of you who are up here for the week and when you head back on Friday's or those members who commute, we could probably just take a little detour, swing down by the DOT building, pop open our trunk, pick up a little sand and gravel, pick up the little cold patch and that is what you are offering in terms of the long-term needs of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I would like to restate some of the problems that I have with the proposed bill and why I will support the amendment.

The amendment to the bill does away with the tax increase. I want to remind this House and restate for the Record the combination of federal and state taxes on a gallon of gasoline today is 23 cents. The combination on a gallon of diesel fuel is 29 cents. The proposal would take it to 29 cents and 34 cents respectively.

I used the term, two nights ago when we were debating this issue, tightening our belts. The good gentleman from Waldo, Representative Whitcomb, suggested that we had tightened our belts. What that original bill did before this amendment was offered was we tightened by \$10 million and we let it right

back out by \$35 million. That is an increase of \$25 million.

The good gentleman from Waldo, Representative Whitcomb, has talked about sand and salt sheds -- I don't see those anywhere in the original bill. I understand that the Commissioner of Transportation has offered to try to look for that money but I don't see it anywhere there. I don't see any of those bridges we have talked about. I rather resent the pressure that is being put on many of us by threatening us all with a bridge here or a road there. I don't see those anywhere in the bill.

My objections to this bill have been and will remain that it is a regressive form of taxation on the people of the State of Maine. It is taxation when, in fact, there is a surplus, as I stated two days ago and has been restated by my good friend, Representative McGowan. We are being asked to raise taxes when there is a surplus.

To call Representative Lisnik's amendment a cop-out, to call it irresponsible, I think, is inappropriate. Representative Lisnik's amendment is very appropriate, it buys us some time, it allows us to carry on those projects that would have been eliminated if we had not taken any action. It allows us to look at the cost allocation of why we need those tax dollars, it allows us to look for other alternatives before heaping a huge tax increase, a \$35 million dollar tax increase, upon the people of this state.

I would urge this House to go along with the pending motion and adopt this amendment.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I want you to think about something -- we have a dedicated alcohol premium tax and it is about to be presented to you to undedicate because the argument is going to be that we take General Fund dollars. All the money should go into the General Fund and let the Appropriations Committee spend the money.

We have another one -- Fish and Game -- they are not taking enough fees in, undedicate it, take it out of the General Fund.

We have another dedicated revenue -- the highway -- take General Fund money and put it to highways and you are going to say here, undedicate the Highway Fund.

You have one committee in Augusta handling everything that goes through this place and I happen to sit on it this year, I might not next year, or I might not be here ten years from now, but there are 151 of you here and I think it is important that you all have input into what goes on in Augusta. I think, once you start taking General Fund monies and putting them to highway, you are going to sit here -- undedicate, undedicate.

The other thing I want to bring to your attention is something that is very interesting to me and I have spoken to people on my committee about this. You know those little Blue Cross increases that you get -- ladies and gentlemen of the House, right now there's about \$40 million dollars worth of programs in this legislative branch floating around that they are asking to pass through, pass through hospitals with a little assessment to hospitals. If they use pass-through legislation and those \$40 million dollar programs -- for every million you pass-through under assessment to hospitals, your rate goes up one and one-half percent. I have fought on that committee to take it out of the General Fund -- if they can find extra money, why not do that?

Some of the pass-throughs are \$5 million to AIDS. The Speaker has a wonderful bill, Representative Foss is on it and two other people -- I would like to be able to vote for that. \$3.5 million. \$6.5 million federal funds -- pass it through with the hospital assessment -- what is that? \$3.5 million times 1.5 percent a million, it shows up in your Blue Cross or your insurance rates.

This is a much bigger problem when you get right down to it. If you look a year or two ahead, transportation, the roads are dedicated revenue, I believe that it should remain that way. I think the money raised from the gas tax should go to the highways.

The other thing is -- what about the elderly? Their money is going into the General Fund. If we have extra General Fund monies, wouldn't it be much better to take care of them? Wouldn't it be much better to take care of our children? That is what it's all about. The General Fund is for one thing; highway's another. I don't care how you raise the money on the tax but let's raise gas tax money for highways.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: There are few members of this House that I respect more than Representative Foster. I really believe she is a person who looks at the issues ahead of looking at the partisan nature of an issue and I commend her for that. I appreciate her concern about dedicated revenues too. In fact, just earlier today, she and I were talking about concerns over the possible undedication of the alcohol premium fund. She and I are on the same side of that issue.

On this particular issue, I think we need to clarify something in case people might be under a misunderstanding. This is not the first time that the Highway Fund or the Department of Transportation has been loaned money from another source. About 12 years ago, if I am correct, the Department of Transportation received money on a loan basis from the General Fund in order to deal with an unanticipated shortfall. Over a period of years, that money was paid back. That was money from the General Fund that was loaned and, in that particular case, we took a risk because we risked taking money from programs for the elderly, from programs for children, from programs for education and from a variety of sources in order to deal with an immediate need in the Department of Transportation. It was a risk that we took and, fortunately, it was a risk that we were able to weather without any harm.

In this particular instance, we are not taking money from the General Fund. The "Rainy Day Fund" is segregated, it is money that cannot be used for education. It cannot be used for Human Services, it cannot be used for child care, it cannot be used for the elderly, it can only be used for two purposes, to deal with expensive capital construction and to help to reduce our state's bonded indebtedness. This is one of those instances that fits that criteria. We have the ability to take that money for major capital construction, for road and bridge construction and repair. We have the ability to do so without, in any way, impacting those social service programs, programs for the elderly and education funding without negatively impacting that. I think that is an important consideration and an important distinction because that money would not, in any way, be available for any of the L.D.'s that are on the Appropriations Table, or any of the other proposals

that are before the legislature including those of the Governor.

I was concerned about the reference that this is a bandaïd approach and if I understood the gentleman correctly, we aren't getting anything through the Lisnik proposal that would amount to any more than a patch. I just can't imagine that \$20 million dollars or actually \$23 million dollars can be termed a bandaïd or a whole patch because that is a lot of money. It doesn't say much for that infamous Red Book that we have discussed so much today -- is that a whole patch? There is a lot in there, I like a lot of what is in that book. I think that it deserves to be funded. The Lisnik proposal will do that and I don't see how anybody with a straight face can term it otherwise.

I think what has happened today is there are people here who want that tax increase. They don't care whether or not it is responsible, they don't care whether or not there is any accountability here, they want that tax increase. By wanting that tax increase, they are willing to cloud the issue. It is a dangerous thing to do. I believe that we have an alternative available to us and that it should be exercised. I believe we should spare Maine families an additional tax increase if we have the money in the bank to take care of our needs.

This issue was addressed by the Governor himself, a little more than a year ago in his budget address to the legislature and I have a copy of that address. I think it is very interesting. He was talking about, in this biennium, that a tremendous increase in our fixed and unexpected obligations exist and he goes on to talk about some of those concerns. In his proposed budget, he called for the expenditure of money from the "Rainy Day Fund." He said, "I do not ask this lightly but I believe that we must make prudent use of all of this state's resources. I will not ask the mill worker in Biddeford or the carpenter in Calais for additional taxes when there is money sitting in reserve in the General Fund." He was a little bit wrong there by saying that money was in the General Fund because it is not in the General Fund, it is in the "Rainy Day Fund." Those roads are in bad shape in part because of rainy days and because of stormy days. An emergency exists and many members of this body said so just the other night and I can't think of any better reason to use that money than to deal with the crisis before us.

I ask you to heed the words of the Governor expressed in this chamber in February of 1987 and use that "Rainy Day Fund" in an appropriate way. We have the opportunity to do so today and I think every one of us should exercise it.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: Surprisingly as it might seem, I too would like to thank the Representative from Presque Isle, Representative Lisnik, for his amendment.

My concern though, and I am not being facetious, is that it is not enough. I rise really for two points. One is that we have been told that we need \$35 million dollars a year to run a program effectively. This addresses \$23 million of that, that doesn't seem enough to get us through the next year to find out whether or not the feds are going to come through with their \$20 million dollars. That is my concern, that it doesn't go far enough.

Strange as it might seem, I had spoken earlier this session, six or eight weeks ago with the

administration, about the possibility of using some money from the General Fund to augment the gas tax increase or maybe reduce it by a certain amount. I was of the opinion that members of the opposition party would have some real concerns with that because I can remember many a debate that went on in this chamber where members of the different parties talked about the DOT and that particular organization as the sand and gravel crowd. There didn't seem to be an awful lot of support for taking General Fund money and putting it into the DOT. I can accept that position. If there is a genuine concern and interest in doing that, I am willing to accept it because I, too, feel that if we have money in one pocket that we ought to consider not having to raise taxes. I hasten to add that if it is not enough to meet the needs of the \$35 million dollars, then it is to some extent, a bandaid approach and that concerns me.

I run a trucking company albeit a small one and I suppose I am in some sort of conflict of interest here in a way because if we passed that nickel a gallon gas tax, I figured it out this morning, it is going to cost me about \$2,000 a year out of my pocket to pay the extra fuel tax. Now that is something that doesn't excite me an awful lot as you can imagine. At the same time, if there is a compelling need out there, the state needs and I need, as a Representative from my district to address it. I am willing to forego that \$2,000 a year if it is done on an equitable basis and the needs of the state are met.

If someone can tell me how this \$20 million dollar proposal can be put together with some other proposal to come up and meet the total needs of the state, I would accept it.

The other point that I want to address is the one that the Representative from Canaan, Representative McGowan, made -- the impression that he is leaving with this chamber and the people of the state is that this state is awash in money, that we don't know what to do with it, it is just literally falling out of our pockets because we have so much. I missed all the numbers that he read to you but the ones that I caught were, first of all, a \$58 million dollar surplus in the General Fund. He knows as well as I do. I think anyway, that \$26 million of that has already been earmarked to fund the Supplemental Budget so you can knock that down to basically around \$30 or \$32 million dollars of surplus over and above what is estimated.

We still have four months left in the current biennium and anything can happen to those figures, they may well be up and probably within a week we will know the answer to that. So that is money that's possible to be used if you want to take from the General Fund and give it to the DOT.

The \$92 million dollar Supplemental Budget that he spoke of, which is the Governor's proposal, has obviously a number of issues in there which this body wants to address. There are many programs here that you all are involved with, that the Governor has chosen as initiatives in one manner or the other, whether it be day care or ASPIRE or any numerous programs. If you want to talk about cutting some of those programs back, then you have to have the votes to do that to give you some more money. He mentioned \$17 million that we have in reserve that Maine people have paid in in excess taxes because of tax conformity or the fact that we collected more than we were supposed to. I don't think, maybe I am wrong, that he is indicating that he wants to take that money and give it to the DOT because if he is anything like most of us, we had at least 15 calls from people who were some ugly about the fact that they are paying more income tax this year than they

were last year and the year before that because we didn't see fit to change our tax law. I think that really throws that \$17 million out, maybe I am wrong.

The other issue that he mentioned was \$18 million in the "Rainy Day Fund." That clearly is money that is available to be used for whatever the legislature deemed necessary but, under current law, the Governor has to recommend that that \$18 million dollars be used for this particular purpose. I am not sure but I would doubt that he is willing to do that at this time. I really don't know, I haven't spoken with him, and I don't know anybody who has but that is money that is available so out of the \$153 million dollars that he says is available, my best guess is that there might, at this point, be \$54 million. That is the most that there is available and I think if you talk to the people in Finance and Administration, they would say that the \$26 million of that \$54 million is very chancy. Most of that surplus is, in fact, in personal income tax money that people have paid into the state for the current tax year. I think most of the people over there who are supposed to be experts are saying that they feel that that revenue that is coming, over and above estimate, is because people are over-withholding. I can't challenge that, I don't know, and I don't think they know. I think they are simply making a best guess.

I don't want anybody to leave here today and the papers reporting that there is \$153 million kicking around here that nobody knows what to do with or we could take that and put it into the Highway Fund. That is just not possible without making some real serious cuts somewhere along the way, which I think would offend everybody in this body.

I do applaud the gentleman from Presque Isle, I think it is an approach that needs to be at least considered but my concern is that it does not go far enough. Unless someone can prove to me that there is another \$15 million that can go with this to get us through the next year or that there is some maintenance that can be delayed or some bridges that can't be built or some towns that don't need some additional money for road improvement, I am going to vote against it. I do think it is worth considering but not in its present form.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Bickford.

Representative BICKFORD: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest to you that we vote against this amendment. I had not planned on getting up and speaking on this issue but it is disturbing to me and I have several issues that I would like to address.

The first issue is, does it buy us time? I would suggest it does not buy us time because we need the roads. We need avenues, avenues that will create economic development.

We talk a lot about jobs. I happen to live in an area where there are 1,200 people, 1,200 people who do not have a job. Maybe, just maybe, that had we had good paying jobs in the area, jobs that people were happy with prior to the mad rush to International Paper, then maybe we would not be in a position that we are in today. So, maybe, and just maybe, had we had good economic conditions, a good economic environment policy that would create jobs, we might not have had that mad rush to International Paper in Jay, Maine.

We heard a day or so ago about people and their questionnaires, that the people back home were against the gas tax. I also put that question on my questionnaire and yes, it did come back that we do not want the gas tax. But as the good gentleman from

Kennebunk has suggested, we need courage. I am fortunate (I feel that I am fortunate) and I feel more comfortable because 47 percent of my people said that we need the gas tax.

Commissioner Connors had a talk show a week or so ago. After that talk show, I had residents call me at home and suggested that they were not in favor of the gas tax. In fact, some of those people that called me that night also responded to my questionnaire. I talked with those people, I talked to the people not in terms of a tax but in terms of a need, a need for jobs, a need for good roads and other issues that were pertinent to the gas tax. Do you know that before I got off the phone with those people who called and said no to the gas tax adopted a different attitude? Their attitude changed because it was explained to them about the needs and they were beginning to understand that maybe, just maybe, we do need that five cents a gallon.

I do not want to demean the intelligence of the general public because I think they are very intelligent but I think it is the role of us as legislators to inform them.

I guess I will sit down now but I think it is important that we talk of the need for good roads and not talk in terms of a gas tax. I hope I did not cloud the issue because I think it is important that we turn this amendment down and we adopt the present bill in its original posture.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly, I would like to respond to a remark made by the Representative from Jay. I attended a rally attended by about 1200 residents in the Jay area and I was asked a question about the gas tax. I can tell you that 1200 voices were loud and clear, they do not want a gas tax.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I felt compelled to get up today to share with you a few points of view that I have on this issue. I think slightly different than some of my colleagues.

Two nights ago, I voted for a five cent gas tax increase. I was quoted in the Lewiston Sun this morning as saying that I thought it was important for a lot of reasons, I think, we have talked about here on the floor today.

Three years ago, I chaired the Joint Select Committee on Economic Development, spent a year or so studying how we do things in this state relative to that issue. I went from there to serve on the Governor's Task Force on Economic Development. I served on that for a year, which the Governor has referred to on several occasions as the committee that came up with this proposal to begin with. To go further than that, I served on the Transportation sub-committee of that task force that came up with what (at that time, I think) was actually a six cents gas tax increase proposal. I did so for a lot of reasons. Those reasons are, I think, reasons we all understand, the roads of this state are clearly the lifeblood of our economy. I think Representative Lisnik understands that, I think we all understand that, and I think there is very little dispute. What we have here is a difference of opinion on how to fund necessary repairs and improvements to our roads and bridges in this state.

Two nights ago, I was willing to vote for a five cent gas tax increase to do that. If it were necessary, I would vote that way again. Yesterday, I

suppose or today I guess, an alternative was presented. I think what I said in the paper was, if somebody came up with some kind of magic solution, that I certainly don't enjoy raising the gas tax five cents -- well, Mr. Lisnik came up with an alternative. Quite frankly, a simple alternative that I wish I would have thought of some time ago. It may have saved the Transportation Committee some agony and the Taxation Committee. I think its simplicity is something that is quite amazing. It provides us with necessary funds to get by the hump. It is clearly a short-term solution. It may very well be a bandaid. I think what the five cent gas tax is are stitches. The question is, do you want to put the stitches in, if a bandaid will do?

I think it has been mentioned here on several occasions today that a new Congress, new President, there may be a new outlook as far as the federal government is concerned, something I am going to hope for dearly and I hope as a state we do everything we can to encourage that money to come back to us because it belongs to us.

A cost allocation study will be completed. I think that is also a very positive step in the right direction. But, make no bones about it, I think the roads and bridges in this state are so critical to the economy that I, for one, will be willing to raise that gas tax five cents, go home to my people and explain to them why.

The people I represent, for those of you who know my district or are from my area, know that they are not people with a lot of money to spend. So, that vote a couple of nights ago was not an easy one but I recognize in terms of the overall good, the greater good if you would, the overall economic impact of this state in terms of jobs, in terms of growth, in terms of spreading that recovery and boom from southern Maine to the rest of the state, people in my district don't mind that. The Lewiston/Auburn area has been growing rather well in the last few years but the people in my district, I think, are certainly anxious to help those people in other parts of the state that have not been so fortunate.

Lastly, I would like to say that it is very difficult for me to get up on the floor and say this today based on the history I told you about. I worked on that task force with some very, very impressive people. The Chairman of that group, Roger Mallar, is a person I respect a great deal. The Commissioner of Transportation, Dana Connors, as far as I am concerned, is probably one of the finest highway commissioners in the country and certainly one of the finest commissioners we have had in this state and I was quite excited when the Governor decided to keep him on. He has been, I think, a great asset to this government and has done a great job with that department. All that having been said, I think the prudent thing to do at this stage of the game, with the option that has been presented to us is, let's sit back and let's buy a little time. Let's use available resources.

The difficulty I am going to have in going back to Lewiston with this option before me is saying that I chose to raise additional taxes before applying existing resources and not resources that could be used for Human Services or resources that could be used for education. They are funds that are available for emergency use and, quite frankly, I think the hesitation of the federal government to address our needs has created a crisis and an emergency. So having said all that, I would encourage you to adopt this amendment and let's work as hard as we can together over the next year to resolve the long-term solution.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I commend the gentleman from Presque Isle for presenting this amendment. I, like the gentleman from Scarborough, agree that I don't think it goes far enough.

One of the issues that I saw in the amendment is the local road program that is near and dear to my heart. The Transportation Committee worked over a period of weeks to put in a bonus plan but also in that bonus plan included a \$3.5 million additional money to go in effect July 1, 1989. What we did was increase that from \$15.8 million to \$19.3 after the bonus period was over. The problem that I have with this section of the amendment is, that once we have put an amendment on here that gives the bonus for one time to the local road programs, the municipalities out there are going to expect it in the future. I think when you add on an additional \$12,000 or \$18,000 or \$20,000, the next year down the road, that municipality is going to be looking for that same amount of money and it is not going to be there.

One other point I would like to bring out today is that if we have so much surplus in the General Fund, why are we thinking about floating a \$31 million bond issue for the University of Maine? Why don't we use that surplus and take care of those buildings without a bond issue?

You know, I represent small towns in this state and I am a road commissioner of a small town and I look at this package that the commissioner presented in that light. On a municipal basis, we have revenues of excise tax, we have revenues of property tax and we have revenues of local road assistance. Most of my towns, up our way, use the excise tax to go on the roads.

The Commissioner of Transportation basically has two revenues. He has revenues from registration fees and he has the gas tax. Since 1983, the Maine Department of Transportation, which is now in the process of losing federal funds, does not have the same amount of revenue coming in that they used to have. I would ask you people that are sitting in this House today, as we leave here tomorrow and go home for the weekend, to call your municipal people and ask them, as I know, how your excise tax figures are today compared to 1983. I would ask you to look at that and, when you come back next week, take that into consideration.

The gentleman from Gray-New Gloucester mentioned that it is going to cost his people money and they weren't getting much in return. I looked at the proposal of sand/salt storage and that is not in this amendment. There is no money in here for sand/salt storage facilities. There are 108 municipalities out there that, when we passed the bond issue, weren't included in the sand/salt program. Those municipalities are looking for some assistance. In this package, there is going to be assistance that is going to help them on their property tax. I have looked over my six towns, my people didn't send me a survey but I went and saw them personally. I have been to every town meeting in the last month and my people were saying seven and eight to one opposed to the gas tax. But, you know after I got done explaining to them that I wouldn't support anything unless it had money for the local road programs or money in there for the salt and sand storage facilities, when you explain it on an individual basis, you will find that these people will tell you that this is the right way to go.

The other analysis that I did a couple of weeks ago, and I know it doesn't affect the larger

communities on the same basis that it does mine, but I took an average home in my area and I took the property tax based on our present mill rate. I took what the municipalities would get back under this program and I built it in for 1989 estimates and you know, surprising as it was, that with the money coming back, I can show my people next year that there will be a reduction in the property tax to offset the cost to the average homeowner in the fuel tax. Granted not everybody is going to be treated the same way, but I took an average home in my area of \$50,000 to \$60,000 evaluation, that probably sounds small to the southern part of the state but I also took the basis of \$37.50 on the gas tax.

I feel bad today because I think that the program that the Commissioner of Transportation has presented to this legislature is probably, in the coming days or weeks that we are left here, is going to fail. Some of you have looked at this program over the last four or five weeks, I have been on this program since January. I have worked with the committee, I have worked with the commissioner, I have worked with Maine Municipal, I serve on their legislative policy committee, and I really feel, knowing what I have seen happen over the years that I have served here, that this program is going to fail.

The proposal that we have with the amendment is a short-term solution that I don't believe goes far enough. I would hope that the members would turn this amendment down today. But, if it is accepted between now and Monday, I just ask all you members here to talk with your municipal officials, talk with your people and, as you talk to them, explain to them exactly what it does. If you have done what I have done since January, I think when you come back here Monday, you may have a different opinion.

Representative Murphy of Kennebec was granted permission to address the House a third time.

Representative MURPHY: Mr. Speaker, Men and Women of the House: There was a key word that was used in the debate by the Representative from Bangor, he used the word loan. I think when you look at the amendment, it is a loan. We have heard very clearly from the debate here that we are coming up short this year. When you read the language in there, if at some future date the tax is increased or the federal dollars come in, we have impacted severely whatever that new tax is and we have come close to wiping out the federal dollars that would be accepted. So, not only are we coming up short right now in terms of needs, if we buy into this amendment, we have impacted any future decisions or money that is rightfully ours that is returned from Washington.

I think, looking at that provision, what we are being asked to buy into is very much like a very strained family budget that finds, when you add up the needs that are needed, not the wants, but the needs, the income is no longer there.

I heard someone say earlier the word irresponsible had been used, I haven't used that word yet, but I think it fits. In terms of that family budget, it would be as irresponsible as the head of that household turning and taking all the debt and all the basic costs and slapping it onto plastic. Any financial advisor would tell you that that is irresponsible. That is what we are being asked to do here, to slap it on plastic, except it is called the "Rainy Day Fund." There is nothing more basic in a large rural state that has varying degrees in terms of weather extremes, nothing more basic in terms of the responsibility of government, than to provide modern safe roads and bridges. We are not talking about wants, we are talking about needs. This comes up short and it creates a handicap or a limitation in

terms of any future tax increases with the next legislature or the rightful return of our money.

Now, I can sense in terms of seeing people in the hall or the chamber that a lot of people in this chamber that has said, "Whew, they got us out of that." If you bought into that, "they got us out of it" you have bought into a political decision and we have been told here that everything here is political. But what was moving through here was a decision that would have involved roads and bridges. What we have in this amendment is a political decision and, when you vote, you have a choice, a responsible proposal, long-termed, based on needs, present and future, plus funding mandates in terms of sand and salt sheds, funding mandates in terms of roads that were turned onto the local communities. That was one choice.

The other choice, I guess, is maybe if we are looking for labels and there have been labels flying all over this place today, that this amendment or alternative proposal, could be called in terms of an amendment, the "rattle your teeth and hold onto the dashboard amendment" because that is the repercussions in terms of the alternative that is before us.

I would ask the members of this House to reject the political decision and "whew, they got us out of it" and take the responsible approach by voting no on this amendment and working our way back to the original bill.

Representative Diamond of Bangor was granted permission to address the House a third time.

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Ronald Reagan has a famous line that he used against President Carter in 1980 when he implied that President Carter was not being straightforward with the American people and he got up and said, "There he goes again." Listening to Representative Murphy speak for the third time today, I want to say the same thing, once again we are being directed away from the real issue before us and that is an alternative to the proposed tax increase in a way that is going to accomplish the goals set out in the infamous Red Book.

The proposal of Representative Lisnik has been degraded and denigrated by opponents to this amendment. They have made claims that it is a raid on the Maine Turnpike Authority, they say that we are deleting the salt and sand money that was in here for the salt/sand sheds. I am looking at the Governor's Bill and as it came, I wanted to say, "What's going on?" I am reading Page 4 of the Governor's Bill and it talks about that very same \$4 million dollars that we are asking to be loaned for this program from the Maine Turnpike Authority, a one-time loan. I look at what the Governor has proposed and I assume it comes from the Department. It is talking about an ongoing program transferring \$4 million from the Maine Turnpike Authority to the DOT. I think if we are talking responsibility here, that we have got to ask, which is more responsible, a one-time loan of \$4 million that is going to be paid back at some point in the future or an ongoing transfer of money that is going to cost us much more in the future? I think that is something we have got to look at.

To use the gentleman's own words, there is a much more significant \$4 million dollar raid being proposed here and it is the proposal of the Governor to do so. Fortunately for us, Representative Lisnik has attempted to deal with that.

Secondly, I don't find anywhere in the Governor's Bill where the money for the salt/sand sheds is included. I may have to stand corrected but I haven't found it yet. It is my understanding that

that is an agreement with the Department that that money will be available if it can be found and if this program is funded in its full context.

We have to deal with the reality of getting through this crisis that we understand exists because of the lack of federal money. We have to deal with adopting a policy that is going to deal with our immediate need that won't jeopardize the funding of the Red Book and yet will allow us to plan for the long-term projects through the proper cost analysis. We have that in the Lisnik amendment. I think we have been debating this long enough today (I see heads nodding up and down) and I think everyone agrees that we all know where we are going on this issue and it is time to vote and get the issue behind us and move on to something else.

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

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Bickford.

Representative BICKFORD: Mr. Speaker, Ladies and Gentlemen of the House: I will make a sincere effort to be brief but I would like to respond to the Representative from Rumford. I would like to suggest to her that there are only 489 workers who live in the town of Jay who are on strike and some of those have gone back, by the way, but I would like to suggest that, of those 1200 people that were at that rally which account for about 42 percent, are not all of my constituency.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I just can't get it clear in my head how, with a \$35 million dollar problem, we are going to solve it with a \$23 million dollar solution. Some of the information provided to the Transportation Committee pointed out to us that 50 percent of Maine's primary roads are rated fair to poor and that, in just 10 years, which is a short span, 17 percent of those will be down to the poor condition.

The Cost Allocation Study has been mentioned -- you are saying that the trucking industry is going to absorb this additional money that we need? It is just not the solution. I would hope that you would defeat the amendment.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Men and Women of the House: I will make it short. I had a questionnaire like many of you did and on my questionnaire, 22 percent said yes, 65 percent no, 13 percent undecided on the gas tax so I have no problem taking a position against the gas tax.

Some of the comments made on the questionnaire was, why don't you spend the money that you have down there now? I thought, I don't know what they are talking about but apparently they knew. Representative Lisnik has drawn their attention to the fact that it is here. I think that is great. So, when I go home, I won't have to go home with a straight face, I can go home and smile.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Men and Women of the House: I, too, will not take much of your time.

It appears to me listening to the debate, looking at the amendment this afternoon, that we have a short-term solution for a long-term problem. The good gentleman from Eliot, Representative McPherson, spoke of the \$23 million dollars that is to be appropriated from various agencies of state government in this year of the biennium to fund \$35 million dollars worth of proposed projects. That leaves us about \$12 million dollars short.

Looking at this amendment, this is a one-time deal, folks. It is a one-time shot. The Representative from Kennebec was correct, it is a loan. Whatever the next session of the legislature does or whatever Congress does, if Congress opts to release those embargoed funds back to the state, that will go back to repay those proposed loans. That still leaves us \$35 million dollars short in 1989-90 and 1990-91. What do we propose to do then? History has told me, since I have been in business, that when you have a project proposed, drafted and on the planning board, you ought to do it. You know why? Because it costs additional dollars the longer you wait. It also costs additional time.

With this proposal, there is no money in there for planning and research and future projects. What happens, folks? We will still fall behind, continue to lag so, instead of 5 cents, the next time you might need 7 cents to meet the immediate needs of the state.

It is not a good business decision to do what the amendment does. I posed that question on my questionnaire, I represent five communities and most of those communities are bedroom communities, they travel to greater Portland area for their employment or the Lewiston-Auburn area or New Hampshire for their jobs. My questionnaire came back with 53 percent in favor, 47 percent against, and I am going to assume that the reason that it came back that way was that I included in my questionnaire -- would you support a gas tax with monies coming back for local road improvement? I am going to assume that is the reason I got the response that I got.

You have heard talk of the Highway Allocation Study in 1982-83, which was completed in 1983, and the Highway Allocation Study is all about the question of equity, if the users pay equitably for the highways. I would submit to you that, when this Highway Allocation Study is completed, that the results will be the same. The results will ask for a gas tax increase, not only for the truckers, but for all users. Why do I say this? In 1983, an average car for average mileage was getting approximately 16 to 17 miles per gallon. Today, it is in excess of 20. I don't know how many of you people have traded automobiles in the last five years but I have, I traded my automobile that was getting 18 miles to a gallon to an automobile that averages better than 30 miles per gallon. Simple arithmetic tells me that the mileage I travel every year, I am saving about 40 percent.

So, I think when the Highway Allocation Study is completed, those figures will bear true that there is going to be a demand and a need for the gas tax increase. I would think it would be wise and prudent to submit today to defeat the House Amendment that is before us and continue on with the current bill that was presented to us by the Transportation Committee. I think that Maine people are willing to make an investment in Maine's future and that investment in Maine's future is going to be in a good transportation network that makes good transportation

a network that is available to everybody in the state. Everybody will share in equal opportunities. I think to deny eastern, northern and western Maine those opportunities is a travesty. We need the good paying jobs just as badly as southern Maine needs them or central Maine needs them. Maybe even more so. It was brought to our attention by the good gentleman from Corinth, Representative Strout, about the property tax. This legislature has failed and failed miserably in addressing the property tax

The SPEAKER: The Chair would ask the Representative to please continue to talk about this issue.

Representative JACKSON: Thank you, Mr. Speaker. I feel that not to do this, not to pass the gas tax at this time, will create a hardship that will be even greater on the people of Maine in the ensuing years. I think and feel that if the gas tax, as somebody has stated or alluded to that it is a 36 or 38 percent increase in a commodity price, that not to do that, not to allow the Department of Transportation of the State of Maine to address the needs of this state, that the burden that we will be putting on those very same people through repairs, maintenance and replacement is going to be even far greater than what the 5 cents per gallon tax is going to do.

The SPEAKER: The Chair recognizes the Representative from Mechanic Falls, Representative Callahan.

Representative CALLAHAN: Mr. Speaker, Men and Women of the House: There is just one more point that I believe is very important and this so-called \$15 million dollar "Rainy Day Fund" definitely is derived from the General Fund. The fuel tax is a use tax. If we use this General Fund, we are going to be asking elderly people that don't even own an automobile to help pay for the highways. I think it is very unfair.

The SPEAKER: The pending question before the House is adoption of House Amendment "D" (H-643) to Committee Amendment "A" (H-588).

The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, I wish to pair my vote with Representative Conley of Portland. If he were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is adoption of House Amendment "D" (H-643) to Committee Amendment "A" (H-588). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 245

YEA - Aliberti, Allen, Anthony, Bost, Boutilier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Mahany, Manning, Martin, H.; Mayo, McGowan, McSweeney, Melendy, Michaud, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Perry, Priest, Racine, Rand, Reeves, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tardy, Thistle, Tracy, Vose, Walker, The Speaker.

NAY - Anderson, Begley, Bickford, Bott, Bragg, Callahan, Curran, Dellert, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Jackson, Lawrence, Lebowitz, Look, Lord, Macomber, Marsano, Matthews, K.; McHenry, McPherson, Mills, Murphy, E.; Murphy,

T.: Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Tamaro, Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Bailey, Baker, Davis, Dexter, Farnum, Hillock, Kimball, MacBride, Richard, Seavey, Warren.

PAIRED - Conley, Pouliot.

Yes, 77; No, 60; Absent, 12; Paired, 2; Excused, 0.

77 having voted in the affirmative and 60 in the negative with 12 being absent and 2 paired, House Amendment "D" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "D" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "D" thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem for Friday, April 8, 1988.

On motion of Representative Gurney of Portland, Adjourned until Friday, April 8, 1988, at twelve o'clock noon.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
April 7, 1988

Senate called to Order by the President.

Prayer by Reverend Alan Mather of the First Baptist Church in East Machias.

REVEREND MATHER: Our Father in heaven, we ask Your blessing upon the business that must be taken care of today. We pray that as we get wrapped up in the hustle and bustle of many bills, that You would grant wisdom that those things that should be passed would be and those things that might be brought in that in the long run would appear not to be wise, You would grant that these would be weeded out.

Father, I would like to ask Your blessing upon Senator Randall's son and his healing and recovery and others that also might have personal family problems. Bring our own personal lives before You. We thank You that You are a sovereign God that works even in the hearts of kings and rulers. In Jesus name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1988-89" (Emergency)

H.P. 1800 L.D. 2464
(C "A" H-563)

In Senate, March 31, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY HOUSE AMENDMENT "A" (H-634), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Resolve, Creating the Commission to Study Private Ways and Private Roads (Emergency)

H.P. 1922 L.D. 2622

Committee on TRANSPORTATION suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED in NON-CONCURRENCE. Sent down for concurrence.

COMMITTEE REPORTS

House
Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1988 (Emergency)

H.P. 1921 L.D. 2621

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.