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
of the House being necessary, a total was taken. 96 voted in favor of same and 43 against, and accordingly the Bond Issue was passed to be enacted.

The Chair laid before the House the following matter: An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges (H.P. 1799) (L.D. 2463) (Conf. Comm. "A" H-762) (Emergency) (Roll Call ordered) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I rise tonight to tell you that over the past 24 hours, I have done everything possible to try to have a program that would be fund that commitment like to have it funded. As I told you last evening, the funding mechanism of two cent gas and five cent diesel did not meet with my approval. I also told you last evening that from day one, I supported the highway program, I support the highway program tonight. But, I must tell you that in my opinion here today we have an issue of this magnitude that does so much for the people of the State of Maine and we come down to this hour, when we have tried earlier this evening to get the necessary votes and the necessary votes were not there, that in my opinion, we have one more opportunity and maybe to some of you, it will be a surprise that I am going to take the position at this hour to support the funding package. The problem that I have had is the differential in the fuel diesel tax.

For the Record, I am going to read a section from the Conference Committee Report that deals with the highway cost allocation. As I read it, it says, "Or on or before January 1, 1989, the Department of Transportation shall report to the Governor and the Legislature the results of the highway cost allocation study being conducted in 1988, and if necessary, in order to maintain equity among various classes of motor vehicles, the Governor shall recommend legislation to modify the provisions of the Maine Revised Statutes. Title 36, as they apply to special fuel."

I must tell you that earlier this evening, I met with the Governor and I have been assured, I repeat, I have been assured and this is why I can support this L.D. tonight, that when the results of the highway cost allocation reveal that the differential for diesel fuel should be adjusted downward, the Governor is committed to recommend to the 114th Legislature that the diesel tax would be reduced. I have tried to be here.

My friends out there in the trucking business if the highway cost allocation does what I think it is going to do, that next year they will get their adjustments that they deserve.

I cannot stand here tonight and let a program go down that does so much for so many people.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Baker.

Representative BAKER: Mr. Speaker, Men and Women of the House: Well, here goes my parting shot. In the years I have been here, I often found myself voting for things that I didn't like because someone always said we have to have it, it's necessary, and as a result, I would go along and vote for some of these things. The problem is that the changes that I would have liked to have seen happen never came to pass.

I have stated this in caucus and some of my party members have heard this before so it might sound like a broken record, but I will say it again — the gas tax raises a disproportionate amount of money from poor people. Pure and simple.

There is a way that we could deal with that and still have a gas tax. We could follow the suggestion by the National Railway Passengers Association which is recommended on the Federal level, a gas tax. They would like to see that (by the way) used to help finance the railroads so we could have passenger rail service, and have recommended that we could provide a lower income tax credit. Now, why can't we come up with something like that? Number one.

Number two. When I come from here, I have concerns about public transportation and the funding of public transportation and yet the Constitution forbids us to spend any money out of the gas tax on public transportation.

I have come to the conclusion that we have got to start thinking about making changes in the way we do things in adopting some situations that now confronts us and that situation is simply this, we cannot simply depend on the private automobile to provide transportation. I realize that in a state like this you are not going to have massive public transportation in the rural areas but if someone could come up with a package that would address that, I would vote for a gas tax, I would vote for one more penny.

I really feel that its time we thought about new things we have to do to address those needs. By doing that, we could have solved or at least helped the public transportation system and that low income credit that I am talking about and that would help a lot of people in rural areas. Yet, we can't do it.

That is why I am not going to vote for it because I have made up my mind at this point that, at this stage of the game, if I can't vote for what I believe in wholeheartedly, then I just won't vote for it.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: I, too, had grave reservations when this plan came out, like the good gentleman from Corinth, Representative Strout. But, for someone who spent more than half of his life working for the Department of Transportation, I know that it isn't simple to say that you build a road and forget about it, the minute the roads are built, you have a problem immediately, it starts to deteriorate.

This is the final thing we can do. We can't just shove it under the carpet, we must do something, we can't let it go any further because every day that goes by is going to cost more and more.

I would ask that you support this bill.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard the good gentleman from Portland, Representative Baker, touch upon a problem that I have been struggling with for the past several weeks and it is just the tip of the iceberg. What we have seen here is a classic example of what can go wrong when you deal with a dedicated account. In spite of everything that the Department of Transportation and the Committee of Transportation would like to do for the transportation system of the state, they cannot. They are in a straightjacket. I wouldn't want to be in their shoes because I would be in a terrible frustrated position.

We have heard a lot about economic development in this session. Let me touch briefly on economic development. To have economic development, you have got to have three basic elements, land, labor and
I would hope that you would think on this and when we come back here next time, join me and we will do something about it.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I would like to remind you of basically three different paraphrases that I can recall that happened over the course of the last year. The first little scenario I want to rhetorically comment about has to do with the so-called Augusta Bailout Bill. He was talking about a bill last year which we had in the Taxation Committee which the Augusta Delegation was very involved in, which basically was refined to say something to the effect of "any new construction regarding correctional facilities in the State of Maine will be reimbursed by 50 percent." Certain members of this House and the gentleman that sits in Seat 22, who unfortunately is not here, did make a comment at that point that this was pork barrel legislation if I ever saw it in my life. Subsequently, the gentleman on the second floor said essentially the same thing.

Now, let me give you an example of what has taken place in my community. With high tech, we have a firm that breeds superfucks. The chicks are transported in a special truck to Logan Airport and shipped to China in three days time. Why should they have to go to Logan? Very simple, we don't have an airport in the State of Maine that they can utilize. The Transportation Department should be concentrating on trying to develop their facility similar to Logan but they would have to be involved in politics on a national scale to achieve that because the politicians in Massachusetts don't want an airport in Maine to compete with them. We have two good airports in Maine but that is all they are, they are airports. There is no scheduled commercial airlines or any major activity that we can rely on commercially at these airports.

Other than what is taking place in Searsmont which to me is the only positive thing that the department is really doing in trying to set policy and trying to act instead of react to the situation, it is the only one. I can understand why, it is very simple, they are boxed in, they can't spend the money other than for the highways. You look at the simple, they are boxed in, they can't spend the money other than for the highways. You look at the airports. There is no scheduled commercial airlines or any major activity that we can rely on commercially at these airports.

I would like to point out that the seat I just referred to is the only seat in the House that really has a problem. They aren't the only department but every department that operates on dedicated revenue faces the same problem, year after year after year.

It is time that we wake up and do what is right. I know it is not going to be easy, there is going to be a lot of resistance and those of you who are going to return here in the next session of the legislature — and if I am fortunate enough to return, I will be calling on your help because I think the time has come for us to move to undedicate these dedicated funds and really put the Transportation Department to work the way they should be working if we hope to be economically viable, and prevent the State of Maine from being locked like Massachusetts is now.

Just take a look 20 or 40 years down the road, many of us won't be around but just picture in your mind what is going to happen, you won't be able to move in this state if we don't do something to change the system.
can only do so much with numbers. So, I accepted that argument. Joe six-pack does not really care if two or three cents is going to highways, if two or three cents is going to property tax relief. He or she is basically saying, if it looks like a tax, if it smells like a tax, yea, it is probably a tax and I don't like it. He doesn't care how legitimate an argument can be made by anybody, he just remembers two basic things, the Chief Executive of this state has said for the last two years that he wasn't going to do it. Then certain arguments were made, certain qualifications were made and then certain people said, personally, I am not arguing the point that maybe the needs are there. But, the fact of the matter is certain people said, no way, I am not going to do this, I am not going to pass any tax of any magnitude. Now we are qualifying that, I am saying I don't think the people of Maine are going to stand for that. I don't care how you qualify that, I don't care how you dress it up. I guess, with those three points, I would close at this point and just ask you to consider those and think, who is being consistent around here?

Gentlemen of the House: I didn't decide how I would vote on this bill until I sat through the debate last evening. During the debate, I heard the Committee of Conference Report attacked from this side and that side and the other side and everybody had their pet grievance with it. Most of you know that I was opposed to the original bill, I did not want to pass out a five cent gas tax to my constituents. On the other hand, I was told that the spur is currently being funded and I would be something that would be less palatable, unless I am missing that.

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

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the bill says that there will be $4.7 million used and then another $4 million (up to $4 million) is permissible for a total of $8.7 million in available.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't decide how I would vote on this bill until I sat through the debate last evening. During the debate, I heard the Committee of Conference Report attacked from this side and that side and the other side and everybody had their pet grievance with it. Most of you know that I was opposed to the original bill, I did not want to pass out a five cent gas tax to my constituents. On the other hand, I was told that the spur is currently being funded and I would be something that would be less palatable, unless I am missing that.
and I do but it will probably be in spite of what you and I may do.

It seems to me that the issue here is being missed. We are supposed to be talking about a highway program and if we want a highway program, somebody has got to pay for it. We seem to be more concerned about the funding than we are about the program itself. We have had some of the best brains in this legislature working on this funding program, have done the best job that they can do and all we seem to be doing is tearing down the efforts of the people who are trying to get something accomplished.

It seems to me that the program is simple, if we want a highway program, we have to face the problem of paying and if we don't want to pay for that program, we don't deserve the program.

I don't like all of these provisions myself. But, I do favor the highway program and I can swallow some of the parts that I don't like as a part of the price that I will pay for having that program. I hope that when you vote that you can do the same.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: I just wanted to discuss very quickly a section on the Maine Turnpike Authority that is in the bill. Check on Page 8, the section where the increase goes up $4 million to $8.7 million, it said the Turnpike Authority will meet and consider the transferring of the money to the DOT and then it lists a, b, c, d, e, f, g, h, i, j, k, and l. And l, is financial condition of the Turnpike Authority, the financial impact of the maintenance, construction and reconstruction of access roads and the probable availability of turnpike revenues to make these payments is totally up to the Turnpike Authority to vote to release those funds and they do so only if they have enough money. I want to make sure people realize that because Representative Racine raised that point before. I want people to realize that it is only done so after they have done their maintenance, after they have paid off their bond payments for that year and it is only then that they have excess money left over at that point and the money that they do have left over will be spent in the counties that the turnpike goes through.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I stand up here tonight after hearing all this talk. My good friend across the aisle, Representative Strout, I talked to him 15 minutes ago and he said he wasn't going to change his mind on this vote.

I don't want to say one thing, ladies and gentlemen, 90 percent of this is going to be paid for by the trucking industry of the State of Maine. Two cents a gallon for all the cars. What about all the tourists with cars that are coming in here this year? You are going to let them travel for two cents and you are going to stick the trucking industry in the State of Maine for the five cent tax. I don't think it is fair for the local truckers to have to pay all the bill. I would like to see the roads taken care of but I don't see why it should be taken care of by 90 percent of the Maine trucking industry.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor of that motion will vote yes; those opposed will vote no.

On motion of Representative Macomber of South Portland, the House reconsidered its action whereby An Act to Authorize a General Fund Bond Issue in the Amount of $33,600,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System (H.P. 1884) (L.D. 2576) (C. "A" H-763) failed passage to be enacted.

The SPEAKER: The pending question now is passage to be enacted.

Representative Diamond of Bangor requested a roll call.

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...