

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

Index

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Wednesday, February 23, 1972
Senate called to order by the President.

Prayer by the honorable Frank Whitehouse Anderson of Ellsworth.
Reading of the Journal of yesterday.

Committee Reports

House

Ought to Pass - As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds to Town of Mattawamkeag to Construct Municipal Buildings Destroyed by Fire." (H. P. 1525) (L. D. 1968)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-552).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Subsidy for Maine Students in Maine Private Colleges." (H. P. 1536) (L. D. 1996)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Establishing a Tuition Equalization Fund for Maine Students Entering Maine Private Colleges." (H. P. 1575) (L. D. 2032)

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted, in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Mr. Kellam from the Committee on Transportation on, Bill, "An Act

Relating to Town's Matching Funds for Resurfacing State Aid Highways." (S. P. 707) (L. D. 1888)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Divided Report

The Committee on Transportation on, Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Five Million Dollars on Behalf of the State of Maine to Resurface Certain Highways." (S. P. 728) (L. D. 2006)

Reported in Report "A" that the same Ought to Pass in New Draft Under Same Title (S. P. 765) (L. D. 2039)

Signed:

Senators:

GREELEY of Waldo
KELLAM of Cumberland
JOHNSON of Somerset

Representatives:

DUDLEY of Enfield
McNALLY of Ellsworth
BARNES of Alton

The same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Representatives:

WOOD of Brooks
HALL of Windham
LEE of Albion
FRASER of Mexico
LEBEL of Van Buren
KEYTE of Dexter

Which reports were Read.

Mr. Greeley of Waldo moved that the Senate Accept the Ought to Pass in New Draft Report "A" of the Committee.

The PRESIDENT: The Senator from Waldo, Senator Greeley, moves that the Senate accept Report "A", Ought to Pass.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: It seems to me this is a very unsound financing venture. This calls for a 5 million dollar bond issue, and when it is issued it will wind up as a 7 or 7½ million dollar debt. This is for maintenance, and I notice that one member of the

Highway Committee has put something on our desks saying that this construction would last 4 to 5 years. But even if it lasts 10, we wind up at the end of 10 years right back where we started: we will have paid off half of this bond issue, our roads will be almost where they were, and we will still owe 3 to 4 million dollars.

It seems to me we should not use this type of financing to handle maintenance. Bonding for construction is one thing, but for maintenance it is absolutely wrong, as far as I am concerned, and I will ask for a division on the motion to accept the Ought to Pass Report of the Committee.

The PRESIDENT: A division has been requested. Is the Senate ready for the question? As many Senators as are in favor of accepting Report "A" on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Five Million Dollars on Behalf of the State of Maine to Resurface Certain Highways", please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Ought Not to Pass Report "B" of the Committee was Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Authorize Bond Issue in the Amount of \$8,360,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (H. P. 1545) (L. D. 2001)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, with reference to this matter, I would move that it be passed to be engrossed and speak to the question.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Legislative Document 2001 be passed to be engrossed.

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: I would like to discuss with you very briefly this morning the problems that are presented by the bond issue of the University as presented to us in the present form in L. D. 2001. There are implications here and decisions to be made that I think maybe many of us would like to avoid but, of course, shouldn't.

My attention was originally drawn to this document by the rather remarkable fact that every one of the seven campuses received a significant item in the bond issue and, from our exposure here to the past set-up of the University and the methods of operation, it immediately struck me as being a return, a reversion, to the old days that I am sure all of us would like to forget: the spectacle of the presidents of the several institutions, at that time independent or part of the Department of Education, and the University coming down before the Legislature and putting on what could generally be characterized as a stage performance and putting the members of the Legislature in very difficult positions, and our decisions were made, perhaps primarily with the help of deity, by the seat of our pants, and some emotion; not one of these three being proper tools to use in determining what to do with the education dollar. I think it was primarily because of this that we supported, worked for, and finally enacted the new University of Maine set-up. It was to avoid this horrible approach to solving the problem of growth, program and money, and many of us here were instrumental and worked very hard to secure the ultimate passage of that bill, certainly one of the landmarks of education in the State of Maine.

Now, why this is important this morning — and let me say right now my position on the bill is that I am supporting it to the point of enactment, and if it is presented to us here in the Senate in its

present form I will oppose it, but there is a lot involved here and we should do everything possible to try to arrive at a good conclusion.

Our problem, of course, stems from the fact that we don't have an awful lot of money for any education purpose, and what we do with what we have got is extremely important. Consequently, when we see a bill presented that has this aspect of something for everybody, it makes us think perhaps that there is some regional or political reasoning behind it.

I want to state, and very emphatically, that none of my comments are directed to the Appropriations Committee. From my own experience on there, and I am sure Senator Sewall will echo my feelings, there is hardly a more frustrating position to be put in than to make a decision on something like we are talking about here: you have no staff, you have no information, you are not independent, you don't have the tools to work with. And I think they did exactly the right thing in turning out this bill the way it was recommended to them by the Board of Trustees. Of course that puts us in the Legislature in a difficult position because if the Appropriations Committee couldn't do it, and I emphasize again that they couldn't do it, how can we as members of these two bodies do it right? I can't give you a quick answer on that one either.

The past history of the University of Maine bond issues is not a particularly fascinating bit of history, and I think that you wouldn't mind if I refreshed your memories with what has happened in the recent years. In the 104th the University requested \$39 million in bonds. The bond issue was recommended by the Budget Bureau at \$22 million, and the Legislature, in its wisdom, suggested \$7½ million. This was put out and defeated in November of 1969. The special session of the 104th authorized and put out to the people about \$15 million in bonds, and that was turned down. And the regular session of our own legislature now, the 105th, received a request from the University of

\$27 million. The budget document carried \$19 million, and the Appropriations Committee recommended to the Legislature action in three areas, Reports A, B and C. Report A provided for \$1,300,000 to be made available from unappropriated surplus directly in cash to the University for emergency items and things they absolutely couldn't live without. Report B provided for a bond issue of \$8.6 million. And Report C was Ought Not to Pass. The result was that Report A was accepted and enacted, they got the money, and the bond issue was defeated in the Legislature; it never got out. So there is where we stand now.

With this record, we are now faced with this particular bill. When I tell you that the main problem is one of priorities, I am sure you very readily see what I mean. If each institution had the same priority systemwide then fine, this would be a good bill. But each location does not have the same priority. It is just impossible. They are not equal sizes, they are not located in the same place, they don't serve the same population, they don't serve the same program, they are just not equal. What should have happened was that the Legislature should have been presented a list of priorities systemwide, and let the chips fall where they may.

Now, as an example of the way this was done, let me just read to you the information which you may or may not have received, and I am quoting from the letter of one of the presidents at one of the locations to the Board, and he is saying here why at his location top priority should be given to the project at his location. This is how it was determined: "Thank you for giving me this opportunity to explain why the No. 1 capital construction priority of the students, faculty and administration of the University of Maine here is such and such a project. Now, we are not running a popularity contest at each of these locations. We don't poll the students, the faculty and the administration and say this is how the No. 1 priority is determined, and then merely pass this on to the Legisla-

ture. This isn't the way it is done. If that is the way it is done at that institution, then the Board of Trustees should have evaluated that in that light and say fine, that is what that group of people want there.

You determine priorities by technical analysis of what the problem is, forecasts, and we all know how you determine priorities. This is one of the major quarrels with this bill as presented to us this morning. Systemwide priorities of the new University set-up were not used to determine the need for the bond issue as presented to us.

Some of the other points I think we should keep in mind are these — and I want to emphasize again that parochialism and sectionalism is not what I am talking about, and I am sure was not in your mind? We don't have the dollars to do what we need to do. That means that we have a priority on dollars too. Sure it is going to be nice to develop at every one of the seven locations a complete, well-rounded program, with all the bricks and mortar, and all the faculty and all the facilities needed so that the ultimate concept of that institution is the way it should be. That is what we are all aiming for, and probably it will be a long time in arriving. To this mind, we are trying to say that we are going to try to educate the most people we can for the least amount of money. Now, this does not involve sending a student from Fort Kent to Portland to study at the University of Maine or the reverse.

Senator Katz has frequently talked to us about commuter education, and one of the major points of this concept at this stage of the game of the University's life is that commuter education brings the most education to the most students for the least amount of money. Now, how better can you define what we should be doing with our dollars? I can't think of any better way, frankly.

Let's hope that this problem that is facing us is not an indication that the affairs of the University are now going to be tossed back into the laps of the Legislature for solution. As I said before, this

would be retrogression and something we certainly don't want. Now, what can we do about it? I don't have the wisdom of Solomon, which I think is about what is needed here, and I have got very few practical suggestions. We could take some money from the unappropriated surplus to do part of the job. We could take this amount of money and say fine, Trustees, come up with a more intelligent list of priorities. We could divide the bond issue up into two or more areas of development, either geographical or any other way we could think of, of curriculum, so we could have two or three different alternatives that could be sent to the people.

I am very much concerned that there may be people sitting back in their chairs, certainly not in this illustrious body, who may be sitting back in their chairs kind of hoping that the bond issue would go out and be turned down by the people. I would consider this an awful thing to happen, really. The University has suffered tremendously through the last several years at the hands of the people, and it hasn't been certainly the fault of the Legislature. So I think we have got a real challenge. I would hope that we are going to see discussion on this matter, and that ultimately we can come up with a solution to what is certainly at the moment an extremely perplexing problem.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill, Legislative Document 2001, be passed to be engrossed in concurrence?

The motion prevailed.

Bill, "An Act Implementing the Reorganization of the Department of Transportation." (H. P. 1541) (L. D. 2013)

Which was Read a Second Time.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I move indefinite postponement of this bill, and when the vote is taken I move it be taken by the Yeas and Nays. I will speak briefly to my motion.

I suppose I will be very unpopular with some of my colleagues for my stand, but I will not only move indefinite postponement of this bill, but I shall vote against all reorganizational bills. My reasons: We have learned from past experience in consolidations that they can be far more costly than our status quo. Secondly, they are politically inspired and they are the forerunner of a spoils system that will create bureaucratic monsters to further distress the taxpayers. Thirdly, they will cause confusion and dissension in the ranks of dedicated state employees. How are lifetime workers in line for promotion going to feel to have inexperienced appointees placed over them? Bitterness will surely retard productivity.

An alternative to reorganizational programs: put a proven businessman at the head of each department. It is my firm belief that they could cut departmental budgets 10 to 15 percent. Thank you.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Bill, "An Act Implementing the Reorganization of the Department of Transportation" be indefinitely postponed. A roll call has been requested.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I have no hard feelings toward my good friend and one of my distinguished friends from Hancock County, Senator Anderson, because I know that what he says is said in deep sincerity. I would like to say that if all of these reorganization bills were defeated the problem would be there, and it would probably be a lot worse than it is by passing some of these bills.

I think the Senator will agree that whether anything happens or not, the budget in the next biennium will go up, and I have got some figures that a member of the other body has brought up, that at least the budget will go up totally by probably fifty to sixty million dollars.

Now, we have a chance here to consolidate these departments. The

Committee has spent many hours and a great deal of time, and we feel that for better efficiency in state government, for long-term savings - the savings immediately apparent are probably not as big or as great as many people feel could be accomplished - however, we have set up this Transportation Department, which includes practically all areas of transportation in the state, and we have tried to set it up so that we would have an integrated transportation system.

I will say that we were in fault in perhaps one area, and that is with the Department of Motor Vehicle Registration. If the committee had perhaps had more time, and less politics involved, I believe that this department would have been included in this Department of Transportation. If this department had been included, I think it is the feeling of all of the experts in this transportation field that the State of Maine would have wound up with probably the best Department of Transportation of any state in the United States. We have a problem today in many areas of transportation, and they all revolve around each other.

The Committee has gone through this at length, and we have had our differences in many, many areas. We have resolved this, and we would like to stay ten years in advance, if we can, instead of going back twenty years, and I hope when the vote is taken that it will be favorable.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I am going to vote against the indefinite postponement, because I would like to see this go back to the other branch and let them thrash some of the problems out. It has got to come back here anyway for final enactment, and I am going to vote against indefinite postponement.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least

one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Implementing the Reorganization of the Department of Transportation" be indefinitely postponed. A Yes vote will be in favor of indefinite postponement; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Dunn, Hichens, and Moore.

NAYS: Senators Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Fortier, Graham, Greeley, Harding, Hoffses, Johnson, Kellam, Marcotte, Martin, Minkowsky, Peabody, Schulten, Sewall, Shute, Violette, Wyman, and President MacLeod.

ABSENT: Senators Katz, Levine, Quinn and Tanous.

A roll call was had. Four Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, with four Senators absent, the motion did not prevail.

Mr. Kellam of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-351, was Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would like to be able to agree with my good friend, Senator Johnson, relative to his appraisal of what this particular bill is at the present time. Unfortunately, I think if we are realistic and do look at the reorganization bill, we find that it does very, very little insofar as the down-to-earth problems relative to transportation in the State of Maine.

The bill states, and I would quote it to you just to be sure that we all understand what the policy of this particular bill is, it says: "It is declared to be the policy of the

State of Maine that adequate, safe and efficient transportation facilities and services are essential to the economic growth of the state and the well-being of its people, and that the planning and development of such facilities and services shall be coordinated by a State Department of Transportation with over-all responsibility for balanced transportation policy and planning." It strikes me that the real important phase of this bill would be those desired policies enumerated, the coordination of transportation and overall responsibility for balanced transportation.

When we look at the departments that are merged together we find that basically it is the Aeronautics, the Highway Commission, and the Port Authority. Then there are three or four other groups which, in statements relative to their functions, it appears that they are relatively inactive anyway.

Now, I agree with everybody who espouses the merging of transportation facilities that this is something that should be done. Unfortunately, the Committee on this particular bill desires to have a Department of Transportation more than they desire to coordinate transportation facilities. The one item that should be by all reasonableness merged with the State Highway Commission, of course, is the Maine Turnpike Authority, it being the only other highway facility in the State of Maine, and Maine being basically a highway transportation state. As I say, it is unfortunate that the people who are supporting so highly the taking of this bill without question do not take the time to read and study the policies which it sets forth.

My reasoning for wishing to have the Maine Turnpike included in with the State Highway Commission is based upon the logic that it is not sensible for us now to maintain about a hundred miles of highway under completely separate ownership, sponsorship and control when we are going to place all transportation facilities under the one group. The merging of the Advisory Committee on Ferry Service, and so forth, it really doesn't do a great deal insofar as

strengthening transportation in the State of Maine.

The amendment that I offer does only what I say it does. It does place the Maine Turnpike Authority under the umbrella of the Transportation Department. The second section, which is the longer paragraph in the amendment, is designed as a house-keeping type of proposal in order to conform to what would be the existing law. We all know, I am sure, and the Highway Commission agrees with me, that it is necessary that the Highway Commission or the Department of Transportation, when it takes authority over the turnpike, has to assume all of its responsibilities and, on the other hand, reaps all its benefits. This was logical, I am sure, to all of us and, of course, it is the state of the law.

The reasoning I have behind this, other than the fact that it is the most sensible thing, is that I feel that the Turnpike Authority itself, is dealing with just a minor section of highway, really does not have the over-all view of the State of Maine at heart and is not able to realize the need of coordinating the turnpike in with other facilities.

I pointed out to the State Government Committee that the turnpike is not coordinated to any degree whatever with other highway facilities in the state, and we see that every day when you realize that no effort is made by the turnpike to induce commercial traffic to use the turnpike. If you drive down Route 1, or Route 201 between here and Brunswick, and Route 1 from there on, you will find a great amount of truck traffic which would certainly be better off being on the turnpike. Unfortunately, the commercial travelers do not feel that it is to their economic interest to use the turnpike, and the turnpike makes no effort to induce them to come onto it. If the roadway was under the same jurisdiction, I am sure that we would find some way to try to induce greater use.

One other aspect is the fact that the turnpike considers itself unto itself. During heavy snowstorms, when it is necessary for people to arrive as safely as possible, the

turnpike, which always espouses itself as a very safe road, closes itself down. I don't know just what the theory is here. I believe it probably has to do with the fact that it is easier to plow an empty road than it is one that has got traffic on it, and I think that is something on which we all agree, but a time of danger is not the time to place heavy traffic on Route 1, with the great accidents that happen on Route 1. These dangerous times are the times to use the safest road possible. Yesterday, or the day before, when we had the storm, of course, the turnpike became an inactive highway again.

I pointed out to some members of this group that I feel that the administrative costs in relation to the turnpike are very much higher than they need to be. I made some study on the matter, and it appears that the administrative costs, based upon the information that the turnpike has made available, and the information that the State Highway Commission has made available, that the administrative costs of the turnpike are three or four times as great. This would seem to me an unnecessary expense for the state to have to put on itself.

I also would like to point out that if you study the financial statements of the Maine Turnpike Authority you will find that they are carrying about \$3 million in cash at all times on their books. Now, it makes no sense whatever to me to have the trustees—these are two large banks which are the trustees, one of them being in Boston—it makes no sense to me whatever to have these trustees having \$3 million in float constantly when this amount of money, in fact, is about three times as much as what the monthly income is. What I am saying here is that if we should keep \$3 million in cash, it ought to be kept by the State of Maine and the value of that money being used by the State of Maine, and not by these trustees.

I have just pointed out these couple of areas in which I feel it should be obvious to all that

the Turnpike Authority is the one area which needs the merging and the consolidation more than any other. Unfortunately, we have a feeling among many people that if the turnpike is under the state umbrella that it is going to mean we are going to stop collecting tolls and lose a lot of money, and so forth. This, of course, is not true. The law is very specific in the matter, and our Commissioner of Transportation has agreed with me, and at the hearing so stated, that there is nothing to stop the transfer of the roadway itself to the Department of Transportation and the continuation of its present system of having the roadway pay for itself. The only thing that would be hoped is that this facility would be coordinated into the network of highways in the State of Maine, and not be completely separate and run without regard as to what our other needs are.

So I hope you will agree with me today that there is a need for the consolidation of this facility within the Department of Transportation, and when the vote is taken I would ask for a division.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I am quite sure that the Senator from Cumberland, the good Senator Kellam, will agree with me that I have had bills in this legislature and I have supported bills to allow a rebate on the tolls on the turnpike for those vehicles that are paying their gas tax and also paying their tolls, which many cannot afford to do because it is a compounding or duplication of the taxes on the gasoline and so forth. I can agree that in order to save money they have to use these other routes because it is not a toll-free highway.

I think that the Committee did not discuss or consider bringing in this Turnpike Authority, and one of the reasons was no one ever brought the subject up. Number two, the Commissioner does not want it at this time. You have got to realize that the bonds on this turnpike were issued some

years ago, they were issued at a low rate, I believe it was four percent, and for the state to take this over at this time would mean that these bonds would necessarily have to be paid off, and we all agree that the rate today on the interest alone would be higher than the four percent at the time these bonds were issued.

I know the Senator and I know how he feels. He comes from an area where, I think, he feels that the traffic from Kittery to South Portland is the traffic that is actually subsidizing the whole of this turnpike, especially in the winter months. I know that he would love to see a toll-free road here, and I think perhaps that all of us would at the same time.

The Turnpike Authority in the last eight years has spent approximately sixty million dollars on reconstruction on this road; reconstruction, maintenance and so forth, mainly reconstruction and rebuilding. There are 250 employees that are presently employed year-round to maintain this turnpike with the tolls, snow removal and so forth. For the state to take this over, there is a question of whether we would get the 90-10 matching funds and still be able to charge tolls on this highway. This has not been resolved.

I think probably the biggest reason for not bringing this under the Department of Transportation is the fact that last June an order was passed in this Senate to give the Research Committee the problem of studying the feasibility of taking this turnpike over into this Department of Transportation or into the Highway Department at the time. They are still working on this program, and for this committee and I think, this legislature to preempt this study group who, I think, right now are doing the job and perhaps they are undecided on what should be done, I think, would be poor business for us to add this department. Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the

Senate: I would like to make a couple of statements in relation to the statements that have already been made by the opponent to this amendment. This is the type of talk we hear in the corridors and the backrooms; it just sort of drifts out without very much substantiation therefor.

I have tried to explain, I have done it to the State Government Committee and others who would listen, that there is never any need whatever to pay off the bonds that are outstanding on the Maine Turnpike Authority. The turnpike was set up by the private and special laws of 1941, Chapter 69, and they carry with it the requirement that if there is a transfer or a dissolution of the turnpike, any group or power to which that turnpike is assigned has to take all the liabilities of the turnpike. This is something that I have said many times, and apparently it doesn't quite get through; probably it is my own fault. Pursuant to that law, the Turnpike Authority issues a trust indenture. This is the way the bond business works. And the trust indenture carries with it in Section 1301 the provision that the trust indenture does bind all successors to itself. In other words, the Turnpike Authority in its original conception recognized the fact that there may be a change made in the future, and this possible change is provided for, that all the liabilities go right along with the roadway. The trust indenture which is drawn up is a large book, and I have it right here, it is a booklet type of thing which sets forth all the obligations, rules and regulations and provisions relative to the bonds, which provides and carries with it the very same requirement that any successor or assignee must take the roadway subject to these provisions.

So, what we are talking about really in relation to the Highway Commission taking over the bonds is really nothing. What we are saying is that they must pay the bonds the way the trustee pays the bonds. What we are saying is that instead of the trustees having three million dollars in cash in their bank account that the State of Maine has three million dollars in cash,

and that when the bonds are purchased and redeemed they will be paid from out of the fund that is provided for with the tolls.

I see no merit whatever to discussion of the fact that we are going to have to have any bonded indebtedness. This amendment is a revenue securing device insofar as the State of Maine is concerned, if you want to consider it that. Its effect is that it adds revenue to the state. It takes and cuts out the middle men who are now having a very profitable time for themselves relative to running this turnpike.

This is not what I desire to do insofar as saying that we are going to take the tolls off down in the southern part of the state; that is not what the amendment is designed to do. The amendment is designed to coordinate various transportation facilities and, to my way of thinking, it is important for the State of Maine to coordinate its highway facilities.

Other facilities which we don't have we don't really need to have quite so much coordination of, and this bill, although it reads quite well, there are a few areas there which really do not have a particularly great amount of application to transportation. It appears to me that the committee that studied this is desirous of going some place even if they go in the wrong direction. I am saying that we should merge our highway facilities into one body and take care of the people of the State of Maine in relation to those highway facilities. And when I say coordinating the highways, I mean that if there is in fact a shown result that commercial traffic will not use the turnpike due to the cost, that possibly increased revenues might evolve by virtue of adjusting the tolls to these truckers and so forth. These commercial vehicles do a considerable amount of damage to other highways in the State of Maine. It is a two-edge sword. If we in fact put heavy trucks on the Maine Turnpike, and we take it off Route 201 or take them off Route 1, we are in fact protecting those roads and they may last that much longer, and certainly they

will be more serviceable to the public and there will not be a loss of revenues.

These are things that could be done, I am not saying that they will be done, if this transfer is made, but it is something that certainly this Transportation Department will be able to make a judgment decision on.

Insofar as the fact that there is study being done by Legislative Research, I am always very pleased that they do study things but, on the other hand, this is the time for action. I feel that if there is a need for study then, fine, then study. I have never been consulted by the Legislative Research Committee, and I have got a pile a foot high on this turnpike, and I keep hearing statements all the time that we can't do it. I am not saying that the people who make the statement are necessarily connected with that particular study group, but it does show to me that studying, I hope it is educational, but I think this is a particular time for action and we ought to, at least at this stage, place all of the highways under this particular group.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am extremely loath to get up and speak, but when the good Senator from Cumberland, Senator Kellam, indicates that my fighting subcommittee of the Legislative Research Committee that is studying this is going in the wrong direction, I think it behooves me to stand up and defend their actions.

I think this is the fourth time I have seen this document and the principle behind it, and I think nothing epitomizes more the problems that have faced Senator Johnson and his committee in their deliberations on reorganization than what is represented here to us today.

I admire Senator Kellam for many qualities, not the least of which is perseverance. Senator Johnson's committee has been exposed to continual pressure, not only for this particular proposal but

many others of a similar nature, and I think that the presentation of this under these circumstances is extremely ill-advised. This was introduced as a bill at the regular session. It was made a subject of the Legislative Research Committee study. Senator Kellam attempted to introduce a bill again at this special session, unsuccessfully, and now we have Senate Amendment "A" to the transportation bill.

I think this is an obviously controversial issue. I don't want to prolong the already too long debate, but I do take issue with the method of saying that if people don't agree with your own viewpoints that everybody else is wrong. I would hope that we defeat this amendment.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A" to Bill, "An Act Implementing the Reorganization of the Department of Transportation." A division has been requested. As many Senators as are in favor of the adoption of Senate Amendment "A" will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion to Adopt Senate Amendment "A" did not prevail.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

Enactors

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

An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law. (H. P. 1548) (L. D. 2007)

(On motion of Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Orders of the Day

The president laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act Relating to Clarifying Definitions Relating to the

Potato Industry of Maine." (S. P. 762) (L. D. 2033)

Tabled — February 22, 1972 by Senator Chick of Kennebec.

Pending — Passage to Be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I would like to make a little explanation on this bill. I am trying to have some amendments drawn up which I believe will clarify the bill. There is one statement, however, that I would like to read into the record.

I have tried to keep everyone informed of what I am attempting to do, even the author of the bill, Senator Harding, and about a dozen others and, much to my surprise, I had a call this morning and found out that somebody, who evidently I was talking to here in Augusta, called Aroostook and informed the Potato Council that the Department of Agriculture was trying to scuttle the bill. I would just like to make it clear that the Department has nothing whatever to do with any of these amendments, and that they are being looked into by members of the committee or other interested parties. So I hope that somebody will table the bill for another day until I have a letter from Attorney General's office, which I haven't received yet.

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

Thereupon, on motion by Mr. Minkowsky of Androscoggin, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act Relating to Guarantees by the State Industrial Building Authority and the Maine Recreation Authority." (S. P. 706) (L. D. 1887)

Tabled — February 22, 1972 by Senator Harding of Aroostook.

Pending — Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, retabled and Tomorrow

Assigned, pending Passage to be Engrossed.

The President laid before the Senate the third tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Kindling Out-of-door Fires." (H. P. 1480) (L. D. 1923) Majority Report, Ought To Pass; Minority Report, Ought Not To Pass.

Tabled — February 22, 1972 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Thereupon, on motion by Mr. Berry of Cumberland, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Relating to Disclosure of Economic Interests by Legislators." (H. P. 1572) (L. D. 2029)

Tabled — February 22, 1972 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act Implementing the Reorganization of the Department of Agriculture." (S. P. 716) (L. D. 1989)

Tabled — February 22, 1972 by Senator Violette of Aroostook.

Pending — Adoption of Senate Amendment "A", Filing S-349.

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the sixth tabled and specially assigned matter:

Bill, "An Act Authorizing Town of Dresden to Vote on Certain

Liquor Local Option Questions.” Assigned, pending Enactment.
(H. P. 1494) (L. D. 1937)

 Tabled — February 22, 1972 by (Off Record Remarks)

 Senator Berry of Cumberland.

 On motion by Mr. Hoffses of
 Knox,

 Pending — Enactment.

 On motion by Mr. Schulten of
 Sagadahoc, retabled and Tomorrow

 Adjourned until 10 o'clock tomorrow morning.