

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Ninth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

HOUSE

Monday, March 3, 1980

The House met according to adjournment and was called to order by the Speaker

Prayer by the Reverend Raymond Payne of the Wayside Bible Baptist Church, Livermore.

Rev. PAYNE: To begin with, just a verse of scripture from Paul's letter to Timothy, Chapter 2: I exhort, therefore, that first of all supplications, prayers, intercessions and giving of thanks be made for all men, for kings and for all that are in authority, that we may lead a quiet and peaceable life in all godliness and honesty, for this is good and acceptable in the sight of God and their Savior, who will have all men to be saved and come unto the knowledge of the truth, for there is one God and one mediator between God and man, the man Christ Jesus.

Let us pray! Our gracious Father, we are grateful for the privilege of life and breath, for this day. We thank you for your goodness to us, we thank you for the privilege that is ours to assemble in such a situation as this.

We ask, our Father, that thou would grant wisdom to these men and ladies, wisdom to engage in the activities of the day, decisions that need to be made. We know that all wisdom comes from thee and we need the wisdom that is Thine that we might know and understand that we might lead other lives.

Again, our Father, we are grateful for the privilege of reading the word of God and recognizing the fact fresh and anew that our responsibility is before thee and thou hast ordained that we pray for all, even those that are in authority over us. So this we do this day as other days. We ask thy blessing upon this House, on the leadership, on each one represented here. We ask that all things, O Lord, Jesus Christ, might be glorified. We thank you for his blood work at Calvary, we thank you for the fact of the Resurrection, thank you for the realization of his soon coming, knowing that every knee shall bow and every tongue shall confess him as Lord. Lord, may we be conscious of this even now in our present life and breath that we might give him the allegiance that is due. We ask your blessing in his precious name and with thanksgiving. Amen.

The members stood at attention during the playing of the National Anthem by the Wells High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act to Amend the Maine Sunset Law" (S. P. 773) (L. D. 1965)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, was referred to the Committee on State Government in concurrence.

Petitions, Bills and Resolves

Requiring Reference

The following Resolve was received and referred to the following committee:

Energy and Natural Resources

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Georgia-Pacific Corporation (H. P. 1895) (Presented by Mr. Martin of Eagle Lake) (Governor's Bill) (Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following Joint Orders (Expressions of Legislative Sentiment) Recognizing, Henry Pease, of Jackman, who will celebrate the 100th anniversary of his birth on May 1, 1980; (S. P. 774)

The personnel of Loring Air Force Base, who have faithfully operated this major SAC instal-

lation during the long period of uncertainty, (H. P. 1893) by Mr. McKean of Limestone. (Cosponsor: Senator Martin of Aroostook)

David Silk, of Damariscotta, member of the United States Olympic Hockey Team, the Gold Medal Winners at Lake Placid, New York; (H. P. 1896) by Mrs. Sewall of Newcastle.

There being no objections, these expressions of legislative sentiment are considered passed.

House Reports of Committees

Leave to Withdraw

Mrs. Lewis from the Committee on Education on Bill "An Act Relating to Transfer of Pupils from One Administrative Unit to Another" (H. P. 1802) (L. D. 1923) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill, "An Act Creating a Pesticide Review Board" (H. P. 1783) (L. D. 1905)

Report was signed by the following members:

Mr. HICHENS of York — of the Senate.

Messrs. NELSON of New Sweden
SHERBURNE of Dexter
ROOPE of Presque Isle
TORREY of Poland
TOZIER of Unity
ROLLINS of Dixfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft upon New Title Bill "An Act to Provide Broad Public Representation on the Board of Pesticides Control and to Improve the Level of Information Available to it and the Public" (H. P. 1891) (L. D. 1966) on same Bill.

Report was signed by the following members:

Mr. CARPENTER of Aroostook
Mr. MARTIN of Aroostook

— of the Senate.

Mr. WOOD of Sanford
Mrs. LOCKE of Sebec
Mr. MICHAEL of Auburn
Mr. MAHANY of Easton

— of the House.

Reports were read.

On motion of Mr. Wood of Sanford, Tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Appropriate Money for the Maine Energy Resources Development Fund and to Permit the use of Those Funds for Demonstration Projects." (H. P. 1713) (L. D. 1819)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
TROTSKY of Penobscot
McBREARITY of Aroostook

— of the Senate.

Messrs. DEXTER of Kingfield
AUSTIN of Bingham
KIESMAN of Fryeburg
JACQUES of Waterville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-811) on same Bill.

Report was signed by the following members:

Mr. MICHAEL of Auburn
Mrs. HUBER of Falmouth
Messrs. HALL of Sangerville
BLODGETT of Waldoboro
DOUKAS of Portland

PELTIER of Houlton

— of the House.

Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-811) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Later Today Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-812) on Bill "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License Examination Fees" (Emergency) (H. P. 1723) (L. D. 1827)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
USHER of Cumberland
EMERSON of Penobscot

— of the Senate.

Messrs. McKEAN of Limestone
JACQUES of Lewiston
McPHERSON of Eliot
ELIAS of Madison
Mrs. HUTCHINGS of Lincolnville
Messrs. STROUT of Corinth
HUNTER of Benton
CARROLL of Limerick
BROWN of Mexico

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-813) on same Bill.

Report was signed by the following member:

Mr. LOUGEE of Island Falls

— of the House.

Reports were read.

On motion of Mr. Carroll of Limerick, tabled pending acceptance of either Report and later today assigned.

Consent Calendar

First Day

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

(S. P. 735) (L. D. 1914) Bill "An Act to Adjust the Administration of the Abandoned Property Law" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-424)

On the objection of Mr. Jackson of Yarmouth, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-424) was read by the Clerk and adopted and the Bill assigned for second reading.

(H. P. 1747) (L. D. 1863) Bill "An Act Relating to Group Self-insurers under the Workers' Compensation Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-815)

(H. P. 1635) (L. D. 1744) Bill "An Act to Provide Supplemental Funds to the Judicial Department" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-816)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 4, under listing of Second Day.

Consent Calendar

Second Day

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

Later Today Assigned

(H. P. 1745) (L. D. 1881) Bill "An Act to Revise and Strengthen the Bee Industry Law" (C. "A" H-810)

On the objection of Mr. Torrey of Poland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill Read once. Committee Amendment "A" (H-810) was read by the Clerk.

On motion of Mr. Tierney of Poland, tabled pending adoption of Committee Amendment "A" and later today assigned.

(H. P. 1742) (L. D. 1860) RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Lands in the Unorganized Territory (C. "A" H-814)

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

Passed to Be Enacted

An Act Establishing Conditions for Forest Management in State Parks (H. P. 1623) (L. D. 1733) (S. "A" S-421 to H. "A" H-783)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor**Later Today Assigned**

An Act Combining the Offices of Justices of the Peace and Notary Public and to Establish their Appointment by the Secretary of State (H. P. 1718) (L. D. 1829) (C. "A" H-798)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Carter of Winslow, tabled pending passage to be enacted and later today assigned.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

HOUSE DIVIDED REPORT—Majority (11) "Ought to Pass" as Amended by Committee Amendment "A" (H-804) — Minority (2) "Ought Not to Pass" — Committee on Judiciary on Bill, "An Act to Increase Interest Rates on Judgment Debts" (H. P. 1687) (L. D. 1795)

Tabled—February 28, 1980 by Mr. Nadeau of Lewiston.

Pending—Motion of Mr. Joyce of Portland to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: This is a bill that I have been waiting for since last Thursday, a week ago last Thursday, and I have to be very thankful to the Representative from Lewiston who tabled this bill and I have to be doubly thankful to Mr. Joyce, who has given us that opportunity when I wasn't here last week.

I am also thankful to Mr. Joyce because he and I are good friends and I hope that this bill doesn't divide us up.

Mr. Speaker, I would like to ask a question to the Chair. I would like to know if this bill should have been allowed in this session under Joint Rule 37?

Mr. SPEAKER: Are you saying that this bill was dealt with during the last session?

Mr. CARRIER: Yes, it died between the two bodies in the last session. This is the information that I have.

The SPEAKER: In reference to the request of the gentleman from Westbrook, Mr. Carrier, this matter will be tabled by the Chair pending a ruling by the Chair.

The Chair laid before the House the second tabled and today assigned matter:

Bill, "An Act to Provide for County Self-government" (H. P. 831) (L. D. 1038)

Tabled—February 28, 1980 by Mr. Higgins of

Scarborough.

Pending—Adoption of Committee Amendment "B" (H-805)

Thereupon, Committee Amendment "B" was adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the third tabled and today assigned matter:

Bill, "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1089) (L. D. 1466)

—In House, "Ought to Pass" in New Draft under same title (H. P. 1816) (L. D. 1927) report of the Committee on Health and Institutional Services read and accepted and the New Draft Passed to be Engrossed.

—In Senate, Bill and Papers Indefinitely Postponed.

Tabled—February 28, 1980 by Mrs. Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Prescott of Hamden, tabled pending further consideration and specially assigned for Wednesday, March 5.

(Off Record Remarks)

On motion of Mr. Strout of Corinth, Recessed until the sound of the gong.

After Recess

11:40 A.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" in New Draft under New Title, Bill "An Act to Provide Broad Public Representation on the Board of Pesticides Control and to Improve the Level of Information Available to it and the Public" (H. P. 1891) (L. D. 1966) Committee on Agriculture on Bill "An Act Creating a Pesticides Review Board" (H. P. 1783) (L. D. 1905)

Which was tabled earlier in the day and later today assigned pending acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I move we accept the Minority "Ought to Pass" in New Draft Report.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Sherburne.

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: When 1905, the original bill came out, I heard many people say it was the worst written bill that they had ever seen in this legislature. When we had the public hearing, I guess the farmers and foresters and people outside that were concerned with this bill told us that this was the worst bill that had ever been written. We came back with the idea simply to kill the bill. Seven of us on the Agriculture Committee voted to do that. Those on the minority report got their heads together with people from the outside and got a movement started to come out with a different version.

Many people have been involved in this new draft, redraft, including one of my favorites, the Maine Farm Bureau, and they have swayed at least part of those that were on the majority report to go along with them and I, for one, would support the motion that Mr. Mahany has made with some very slight changes in the membership of the board. And talking with Mr. Wood and others, I am sure that an amendment will be brought up to make some of these changes. If these can be made satisfactorily, I will give my support to this bill.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, I would agree with the comments of the two previous speakers.

There is an amendment being drafted which, if the report is accepted, will be offered at second reading tomorrow.

Thereupon, on motion of Mr. Mahany of Easton, the Minority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (12) "Ought to Pass" as amended by Committee Amendment "A" (H-812)—Minority (1) "Ought to Pass" as amended by Committee Amendment "B" (H-813)—Committee on Transportation on Bill "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License Examination Fees" (Emergency) (H. P. 1723) (L. D. 1827)

Which was tabled earlier in the day and later today assigned pending the motion of Mr. Carroll of Limerick to accept either Report.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I was hoping the gentleman from Island Falls, Mr. Lougee, would be in his seat because I would defer the action so that we could take appropriate action on his proposal, which is a 2 cent gas tax. I feel that we should vote on this one and clear the air on this issue before we take up the next one.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just so we can clear the air, I would move the Minority "Ought to Pass" Report and we will find exactly where this House is on the gas tax, and I request the yeas and nays because I am against this report.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the Minority Report be accepted and also requests a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am really rising to a point of order because this move would have caught members of my caucus perhaps somewhat in a bind. So, I am going to vote against the adoption of this report. It is not at all in a form that I can support, although I do intend to offer a gas tax on Report A, and I didn't want anyone from my caucus, through any sense of support, which I don't think I have got much anyway, sticking themselves on a roll call on something I don't think is supportable, so I hope we will give this a unanimous dunking.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, in the same light as the good Minority Floor Leader has just stated, we also expected the format to go with the Report B. I only did it so that we can dispose with it. I understand what he is saying and I would hope that we would move right along to Report A.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the Minority "Ought to Pass" Report as amended by Committee Amendment "B" be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Peterson, Smith.

NAY — Aloupis, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gray, Gwadosky, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Peltier, Prescott, Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

ABSENT — Austin, Baker, Birt, Brodeur, Dudley, Gowen, Hall, Hanson, Jalbert, Laffin, Leonard, Lougee, Mahany, Marshall, Maxwell, Norris, Post, Reeves, J.; Stetson.

Yes. 3; No. 128; Absent. 19.

The SPEAKER: Three having voted in the affirmative and one hundred twenty-eight in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted and the Bill read Once.

Committee Amendment "A" (H-812) was read by the Clerk.

Mr. Garsoe of Cumberland offered House Amendment "D" to Committee Amendment "A" and moved its adoption.

The SPEAKER: Is there objection to the rules being suspended for the purpose of the offering of this amendment without it being printed?

There being no objection, the rules are suspended.

Thereupon, the Statement of Fact of House Amendment "D" (H-825) to Committee Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Thank you very much for your courtesy and cooperation. I hope you will think it was worthwhile because we are facing the first big problem of our winter session. I think the manner that we approach its resolution is going to say a lot about this legislature and whether or not we are indeed the representatives of the people.

I guess there is no secret that we have big trouble in highway financing, and how did we get here? Well, in my opinion, we got here, in part at least, through our own mistake right in this legislature last year. Faced with level revenues and increasing costs, last year's budget was out of balance. A small gas tax increase was suggested, and thanks to the adamant opposition of the Governor, it was dropped like a hot potato. Instead, we followed his lead; we increased borrowing, imposed temporary license fees and if you can follow the reasoning, we avoided a tax increase. On the other hand, we walked right into a deficit, a deficit that is now headed for a six to seven million dollar level by June 30 and sixteen million a year from then. Had we insisted on the tax increase that was proposed, the department would now be in the black; instead we find ourselves bedeviled once again by the adamant opposition from the second floor to any increase in revenues.

Unlike last year, however, we now have the report of the Governor's Blue Ribbon Task Force. This report verified our predictions of last year that we are headed for unmanageable deficits. The Governor, always asking for alternatives to his suggestions, promptly repudiated the work of his own committee and sent down a bill that continued the patchwork and deferral of last year. It does nothing to solve our highway problems and reads more like a highway robbery bill than a highway adjustment bill.

We do have big trouble in highway financing. The report before us, Report A, is basically the Governor's bill and most definitely is not a solution to our on-going problems. The bill provides no corrections to the current deficit and actually aggravates the upcoming deficit for the next biennium. Those who predict the deficit anticipated no such action as this by the Governor. I think had the Blue Ribbon Committee been aware of this proposal on the part of the Governor, their predictions would have been of a much higher deficit.

What are some of the proposals contained in this report. For one thing, this winter, so far, has broken all records existing for lack of snow. This report proposes to save the same amount of money next year as has been avoided this year in winter maintenance. This is just not realistic.

Last summer, we surfaced the fewest miles of roads in many years. The bill proposes to do even less next year. Our road surfaces are deteriorating.

This report proposes to increase driver license fees from \$10 to \$16, a 60 percent increase but no tax increase. This report proposes to divert over \$8 million from an escrowed account to state road construction account. This money will be diverted to the operating deficit of the department—one shot funds used to maintain on-going programs. Where will the money come from next year? No answer.

What is the objective of these financial acrobatics? What situation demands such a reduction in highway maintenance and diversion of cost to the municipalities because, make no mistake, this bill before us will divert the responsibility for maintaining highways to the municipalities, certainly in the long haul. What logic can be developed to justify the borrowing of \$8 million from the State Aid Account, money that will never be repaid? Believe it or not, the object of all these shenanigans is to avoid a 2 cent increase in the price of a product that has gone from 50 cents last June to over \$1.20 today. Would a 2 cent increase cause a revolution on the part of the Maine citizens? My answer is no. In fact, my evidence shows that given the choice of letting our highway system deteriorate or increasing the gas tax, the choice will be for the gas tax.

What, then, is the obstacle to a resolution of this problem by increasing the gas tax? It is because of an uninformed campaign promise that has been bronzed by an ill-advised governor. The Governor has even stripped himself of the out that he had, the out that comes to almost any campaign promise, when he said the trigger to releasing his opposition to the gas tax would be a dire emergency. Well, evidently the Governor will recognize no dire emergency until every reserve fund, all cash balances and every source of one-time funding had been dissipated into on-going highway programs, and I think we will all agree at that point that the emergency will certainly be dire.

It seems to me that the solution we should reach in the next few days would make reductions in the operating budget of the department and increase revenue to put the fund in balance. That is usually what you have to do when you are dealing with budgets for departments. You have got a playing field that is made up of expenses and revenues, and what the Governor has done is to cut the playing field right in half,

no revenue. You are going to accomplish all this with either mirrors, borrowing, deferring or pushing the burden back onto the municipalities, and I am not going to stand for this playing field being cut in half. We would not be performing our function here if we accept this limitation.

Increasing the gas tax by 2 cents, ladies and gentlemen, will not only establish solvency for the department this year, this biennium, but it will have the effect of a 22 to 26 million dollar reduction in the proposed deficit that was predicted by the Blue Ribbon Committee, because when you reduce expenditures that are on going and you produce revenue that repeats itself, you have taken 20 to 26 million dollars off the back of that proposed deficit for the next biennium.

In closing, I just want to point out that certainly is not a partisan issue. In fact, if I were to listen to political advisors, I would be quietly allowing the Governor to have his own way, secure in the knowledge that the boom will be lowered before he can get out from under it, but by that time, millions of one-time dollars will be irretrievably spent, highway maintenance will see another year of neglect and a first small step will have been taken to transfer to the property tax still another burden the state has been carrying.

The bitter taste of the inventory tax is still strong; the tree growth tax and the tax exempt tax are still standing in line to be rectified, to say nothing of local leeway and other areas where we have balanced our budget at the expense of local government, and I, for one, do not wish to participate in another round of "tax reform" as contained in this highway bill, so I ask your serious consideration of support for the amendment that I have just offered you.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: With the single exception that I agree with the gentleman from Cumberland's characterization that this is not a partisan issue and that I know there are certainly members of my caucus who will be supporting Representative Garsoe, with that single exception, I find very little with which I can agree.

The gentleman from Cumberland, Mr. Garsoe, has, once again, shown his unerring instinct for the capillary of a problem. He essentially outlined for you the highway funding problem which leaves out the most succinct, the most fundamental, the most overwhelming issue which has evolved the question of highway financing and, indeed, our entire economy in the last few years.

I am going to oppose this amendment and, Mr. Speaker, I move that this amendment be indefinitely postponed, and I do so because it flies into the face of the overwhelming policy that this country has become dedicated to, and that dedication is a national policy of energy conservation. We have told our people time and time again that they should drive less, that they should car pool, that they should get smaller cars and that they should use mass transit, and the people of this state have responded, they have reduced their gasoline consumption in the last year 7½ percent in one year. They have responded to that fundamental national policy.

Now, how are we to greet the sacrifice and the dedication which Maine people have exhibited? Mr. Garsoe says that we should meet that sacrifice and that dedication by increasing their taxes. I say that is fundamentally wrong, because the real villain in this problem is not any governor, not any legislator, the real villain is the constitutional mandate that our highways be funded from a gas tax and a gas tax only, and that villain which for years made fat the pockets of Maine's highway contractors and made fat the pockets of the Department of Transportation has now come around full circle and now the issue is, as far as I am concerned,

to increase the gas tax without changing that fundamental constitutional mistake would be irresponsible and in the long run would not be seriously addressing the long-term transportation needs of this state. Do not increase the taxes without the reform of the fundamental system that says the more you conserve the greater the deficit, so we come in again for a tax increase, to put it on top of you so the people conserve more, so then we have to increase the tax again. It is an unending cycle unless we stand here in the 109th Legislature and break that cycle and change that fundamental constitutional villain, and then when we do that, Mr. Garsoe and men and women of this House, then perhaps we can take a rational look at the actual requirement of not just our highway system but of our entire transportation network. That, my friends, is the only rationale to proceed. I do not think Mr. Garsoe's amendment perceives any rational and long-term method beneficial to our people.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. Morton: Mr. Speaker, Ladies and Gentlemen of the House: I always appreciate the remarks of the gentleman from Lisbon Falls, Mr. Tierney. They are always interesting and fairly well organized and usually quite logical from his point of view.

There is one thing I have found in talking to people, they expect the legislature to answer these problems and do it responsibly. I don't particularly want to blame anybody, but this Blue Ribbon Committee, which wasn't actually called that, it was called a Special Task Force on Highway and Bridge Financing, just to get the record straight, was appointed by Governor Brennan and I would just like to read you a couple of remarks that he made at the initial meeting of that committee back on September 19. He made quite a few more remarks than this, but this will just be a little excerpt and I don't think taking it out of context is going to do any harm to what he was talking about.

He said, it is a stakeout to solutions to two sets of problems, financing of highways and bridges for the short term and addressing the long-range funding of our roads program as well. Then to go near the end of his remarks, he went on to say—we have a wide range of concerns of deep importance to our future, including the safety of all those who travel our roads and bridges and our ability to attract federal funding for our highway programs and the relationship between a modern transportation network and our ability to attract and retain the industries so vital to our future economic health. Resolving the long-range problems properly can solve the immediate problems at hand and it will avoid the consistent recurrence of funding problems in our highway program.

At least last September, when the Special Task Force went to work, the Chief Executive's request was that we face the problem long range. One of the aegises that we worked under was that the level of services would be considered to be the level at which we would discuss the methods of financing and that is what we did.

I have talked to people at town meetings, I happened to attend one last Saturday morning in my district and I have talked at other meetings, and when you give the people the opportunity to make a decision, not just do you want the gas tax increase because, you know, on a bare-faced question like that it is not too easy to expect anybody to say, sure, I would like to have a gas tax increase, nobody wants any tax increase, but when you explain to them the difference between a gas tax increase and none is possibly the cutting of some real meat and bone from the highway program, then you get a different answer.

The gentleman from Lisbon brought up the fact of the national policy of energy conservation and that the gas tax goes against it—that is his logic, but my logic would be exactly the op-

posite. Conservation has been brought about by the fact that the price of fuel is increasing rapidly, and, as the gentleman from Cumberland, brought out, it is the price of the fuel itself and not the taxes on it which is materially affecting the people's decisions as to how much they will drive, what kind of cars they will buy, and I think there is no question but what the price of gasoline is going to go up and the number of gallons used is going to go down either economically or mechanically or whatever way you talk about it.

I think we ought to look at a couple of other things. You know, we talked about tax increases. No one ever mentions the fact that the dollars are increasing; all they talk about is the rates. Well, I don't spend rates, ladies and gentlemen, I get a little old, moldy money in my pocketbook and that is what I have to spend, and we all recognize that the sales tax has increased materially in the last few years and it is still increasing. The income tax has increased in the last few years and is still increasing. These are our two major taxes to the General Fund. Property taxes are controlled somewhat by the people back home in the communities, unless we lay things on them up here at the legislature, so they do have some control. In my community last year they really slashed heck out of the budget that the selectmen presented. They have cut taxes but they have saved a little bit.

Here in the area where we have a department of this state that is running in a situation where their wages have increased like everyone else and, as far as I know, no more, but their cost of materials is directly affected by the same forces that are causing the price of fuel to increase, and they are facing the lowering of the dollars that we pay and, incidentally, our guests in the state of Maine help pay, rather than an increase. I think we all have to admit that is an absolutely impossible situation.

Just as an example, from 1976 to 1977, fuel tax receipts have increased nearly 6 percent; the year before that, it had been nearly 4 percent in 1978, it dropped to 1.7 percent; in 1979, 1.1, and the latest figures that I have through January 31 of this year are that the receipts expected will be down about \$6 million from what they expected to get. They programmed the 2 percent increase and they are going to be down \$6 million, which will be roughly a 7 or 8 percent decrease. So, there is a department that is running on revenues that are decreasing, one of the few areas of the state where our revenues are decreasing.

As the gentleman from Lisbon Falls points out that this is a slap in the face to people who have been conserving. Well, I guess you could say that, but those same people tell me that they want their roads protected and the cuts that we are envisioning, if we move in the direction that the bill originally talks about, are rather substantial.

My town manager and people in New Sharon, where I happened to go to the meeting on Saturday, they don't want their TRI money cut, they want that money, they need it. Their roads aren't all finished. They may be down in Cumberland County, down in lower Androscoggin, you may not have any back roads that are mud roads anymore, but up in New Sharon they have them and they have that TRI money.

The gentleman mentions the fact that we are living with a constitutional mistake. Well, even he would agree that we can't face that this year other than perhaps pass a bill in this legislature, if somebody wants to put it in, I am not sure whether it is or not, but even that is going to take some time to implement, it is not going to be available to us immediately. All I am saying is that the gas tax in itself is a position that I have always supported, it is a position that I supported on the task force and it is a position which will maintain the meat and bone of our highway department operation.

I would point out, although it has been glossed over a great deal and nobody has talked about it, that Representative Garsoe's amendment does include cuts in the department in addition to the gas tax increase.

I hope you take a long look at it, consider something besides the political implications that everybody seems to read into it and think first about the State of Maine and the people out there who are driving on the roads, and I hope you will support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have the highest regard for my good friend from Farmington, Mr. Morton, and the Minority Floor Leader of this House, Representative Garsoe, but there is a difference of opinion here this morning expressed by both of them and the difference of my opinion as I intend to express it now.

I don't think that we, in the legislature, be it the legislature in Maine or the national legislature, can talk out of both sides of our mouths at the same time and expect the people of the State of Maine or even the American people to accept it. You can't fool them and I don't believe anyone of us here this morning is here attempting to fool them. Inflation is murdering everybody, we all know that, that is not a profound statement to make here today. We know that people are having a difficult time to put food on their tables, to put heat in their homes, that is not a profound statement, we all know that. But we also know that the people in our state can raise an honest question by saying, how can you honestly ask us to accept a gas tax increase when we are pinching ourselves through the use of our automobile because of the price of gasoline, for the quality and type of food that we are eating because of the cost, and you are not substantially representing me, that is the Maine citizen, by increasing our gas tax for the Highway Department.

I have been here 12 years and the State Highway Transportation Department has been a unique agency in itself. It has always been able to live within the resources that they have had because they have had plenty of resources. If there has been a department, mark my words, that has expanded as much in the last 10 years as the State Highway Department, given the fact that they have a dedicated revenue, I would like to know what it is.

The people of Maine cannot afford a tax increase and this House cannot afford to pass a tax increase, not for any political reasons, Mr. Morton, but for the simple reason that the very men and women that you represent and I represent, be it Farmington or Bangor, are having a tough and difficult time maintaining their own homes.

Let me tell you something right now, the Maine Highway Transportation Committee is going to live within the ability or monies that they have now, just like the Maine citizen is. There has to be cuts made, and I think the House this morning is going to tell the Highway Transportation Committee, in its wisdom, outside of the fact that we appreciate all the problems that they have, that we are not going to pass a gas tax to maintain the level of services in the Department of Transportation. I know that services are going to have to be cut, the Governor knows that services are going to have to be cut because of his recommendations, and the Highway Transportation Committee has indicated today by their recommendations that there is dissention there.

This proposal that is offered by Representative Garsoe, I hope will be soundly rejected here this morning.

Mr. Speaker, I would request a roll call vote.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: There is an issue separate from the gas tax increase recommended in this amend-

ment which I wish to raise at this time. I have a feeling that I am alone on this, so it is something that I simply want to call to your attention to be thinking of as we vote on the highway budget this year.

I have written a note to Representative Garsoe to ask him what percentage of the Maine State Police budget would be paid from the highway fund under this amendment, and he believes that that is 75 percent. I know that the Majority Report mentioned 60 percent, but whatever, something that takes place now and is being recommended to continue is, I believe, something that is poor public policy, having the Maine State Police budget paid for mostly from the dedicated highway fund, and what is the result? The result is an absurd one to me. Our best trained law enforcement officers in this state, the Maine State Police, are ending up sitting around highways. The poor souls must be bored to death sitting around waiting for speeders. Don't we have other laws that should be enforced? We hear again and again that laws of various kinds not being enforced. Well, I think if you look around, you will understand why. Naturally, our law enforcement is sitting there waiting for the speeders around the highways and it just seems to me that if we are public policy makers, we should re-think this close attachment between the funding of the Maine State Police and that dedicated highway fund. I just simply wanted to bring it to your attention. I feel that this is the place to do it, on the floor of the House, and I ask you to please thoroughly think through the potential outcome of such a funding policy.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Since we don't have the amendment before us, and I was sort of listening with just half an ear when you read it to us, I would like to pose a question. Is there an increase in fees in this particular amendment to consumers in Maine aside from the proposed gas tax?

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Yes, in answer to Representative Kany's question, I would like to emphasize that this, unlike Report A, keeps the funding of the state police just as it has been, 75-25. There is no attempt to take \$2 million out of the General Fund for the purpose of state police in the amendment that I have offered you.

Yes, Representative Rolde, there is an increase in revenue in the amendment that I am proposing whereby the first time driving license exam would go from \$5 to \$8. That would produce \$306,000 in revenue.

While I am on my feet, I have always enjoyed a discussion with the gentleman from Lisbon Falls, and I overlooked his position in my opening remarks and perhaps was unduly harsh on the gentleman on the second floor. I guess I would have to say by way of explanation that I didn't know there was much of a connection between those two gentlemen, so I would now like to include the gentleman from Lisbon Falls in my remarks and he considers that almost everything I have said would apply to him.

What I do want to say to that gentleman is, not one word of defense for the Governor's bill came out of that corner, a criticism of my bill, legal, logical and, as usual, very sharp, but not a word of defense for what he wants you to follow him in adopting, not one word of defense for taking \$8 million out of an escrow account and pay it, Mr. Kelleher, and on behalf of our Maine citizens saying we are looking out for your best interests, because one thing we have got to realize, we are going to produce \$16 million one way or the other. I propose through

\$3.6 million in cuts and \$13 million in a 2 cent gas tax. Forget the gas tax, the bill proposes it with about \$5.7 million in cuts and \$8 million out of the escrowed account. Don't tell me you are doing a favor for the people of the State of Maine by taking money that has been set aside to meet the downstream needs and before anyone else says it, I agree. You are not going to hurt anything this year or next, they couldn't spend that money if they had to, but you are going to steal another million dollars in interest. That money is earning about 15 percent right now, so you can kiss a \$1.2 million goodbye when you take that \$8 million out — completely backward financing, opportunistic problem deferral, that is all it is, a plot to avoid a 2 penny increase in the gas tax. I don't think we are going to be seen as operating in, really, the best interest of the people of Maine if we follow Report A.

The SPEAKER: The Chair would like to remind the gentleman from Cumberland, Mr. Garsoe, that there was no way that the gentleman from Lisbon Falls, Mr. Tierney, could have defended the Governor, since we are dealing with the amendment offered by the gentleman from Cumberland, Mr. Garsoe and there was not one of the items in it.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Very lightly my good friend from Cumberland touched on the subject of the funding of the state police. The 75-25, the raffle I will call it, is just about what it has been. When we had plenty of money in the Department of Transportation, we were overly generous, we gave one-half of one percent to the snowmobile fund; we gave the boat ramps and parks and recreation some of the highway department's funds. I guess anybody who wanted any money, all they had to do was line up and down there and they would give it to you, they were overly generous to you.

Now we have, through a statement from the Department of Audit, determined that the ratio should be altered to 65-35. As a matter of fact, when you consider the turnpike reimbursement to the General Fund, it should be a 60-40 ratio. I don't see how he can take this so lightly when he has such great concern for the Department of Transportation. If you are so concerned, sir, I ask your support on this constitutional question.

Another question, it is a constitutional item that must be addressed and addressed on this floor, and that question is, do you assume your rightful responsibility in the funding of the state police or are you asking the people of the State of Maine to fine the state police for all the criminal activity that goes on in the State of Maine, for all the other activities you ask about? This is a question that I am prepared, gentlemen, to ask you, to act responsible, to vote, to change the ration from 75-25 to what the ratio should be and I ask him to reconsider his amendment, should it be passed. It should be addressed and I hope you will not pass it because he has passed the buck. He simply told us again he doesn't want to address the constitutional question of the funding of the state police and I think this is one of the first items that must be addressed before you go any farther here today.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I think I heard a question in there somewhere addressed to me and I am not going to step back and be criticized for irresponsibility by the chairman of a committee who brings out a report calling for \$2 million out of the General Fund.

Sir, if we are going to share the responsibility around here, let's keep the facts straight. There has never been a prayer of a snowball in hell that that \$2 million is coming out of the General Fund, and to report out a bill calling

for it is, in my opinion, the height of irresponsibility.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who might care to answer. In both the Committee Amendment and the House Amendment under discussion, there is a reduction in allocations for bond retirement in the amount of \$570,000. I am not certain just what that means, but if it does mean the deferring of the regularly scheduled retirement of bonded debt, doesn't that have the same effect as it would to write new bonds? If that were true, doesn't it follow, then, that we would be bonding for current operating expenses of the highway system? Could someone clear that up for me?

The SPEAKER: The gentleman from Harrison, Mr. Leighton, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, since my amendment parallels Report A right down to that point, I have accepted the explanation given by my members, all members, I guess, of the Transportation Committee that you will recall the Governor's statement that they were going to avoid bonding for this biennium and that this would be the savings on the bonds that were not issued during this biennium. I would hope that the House chairman will fill us in on this, but this would be, in my understanding, Representative Carroll, the unnecessary amount that has been budgeted to make the initial payments on bonds that would have been floated this biennium.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, according to the Statement of Fact I have here, that is correct.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that House Amendment "D" to Committee Amendment "A" be indefinitely Postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopous, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brenerman, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Davies, Davis, Dellert, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowle, Gavett, Gwadosky, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesenman, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterman, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, P.; Paul, Pearson, Peltier, Prescott, Reeves, P.; Rolde, Sewall, Simon, Small, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Wood, Wyman.

NAY — Bachrach, Carter, F.; Damren, Dexter, Dow, Drinkwater, Fenlason, Garsoe, Gillis, Gray, Howe, Hutchings, Lowe, Lund, MacBride, Masterton, Matthews, Morton,

Nelson, A.; Paradis, E.; Payne, Peterson, Rollins, Roope, Sherburne, Silsby, Smith, Torrey, Tozier, Vose, Wentworth, Whittemore.

ABSENT — Austin, Baker, Birt, Brodeur, Carrier, Dudley, Gowen, Hall, Hanson, Jallbert, Laffin, Leonard, Lougee, Marshall, Maxwell, Norris, Post, Reeves, J.; Stetson.

Yes, 99; No, 32; Absent, 19.

The SPEAKER: Ninety-nine having voted in the affirmative and thirty-two in the negative, with nineteen being absent, the motion does prevail.

Mr. Elias of Madison offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "C" to Committee Amendment "A" (H-822) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Elias.

Mr. ELIAS: Mr. Speaker, Ladies and Gentlemen of the House: My savior to the Department of Transportation's dilemma, and the legislature's, is outlined on a fact sheet that is, I think, on everyone's desk. I don't have the House Amendment letter on the fact sheet—it is a fact sheet that is on white paper, it is not the committee amendment, and section one of the fact sheet outlines the cuts that I made in the department to save \$2 million.

What I want to do first of all is explain what the \$2 million is and where it comes from and what the problem is with it in terms of the Appropriations Committee and the Transportation Committee.

First of all, let me outline what the 75/25 split means. What this is, you have the State Police Department and the Department of Transportation. The Department of Transportation is the general highway fund which funds 75 percent of the state police budget. The other 25 percent comes from the General Fund. Now, in the committee amendment, not my amendment, that is asking for a 60/40 split as opposed to a 75/25, and the difference in the 75/25 and the 60/40 is the \$2 million, the controversial \$2 million. I hope that at least clears up where the money originates from that is in question.

My amendment leaves the 75/25 ratio as it is in the law today; it doesn't touch that, it doesn't change it.

Secondly, it reduces, as you can see Section 1-B, from the state police allocation \$400,000. Aside from the \$2 million figure, the committee has already cut the state police \$300,000. This is aside from the \$2 million. So, this amendment will cut \$400,000 additional dollars, for a total of \$700,000; (C) reducing the highway administrative account by an additional \$500,000 which totals \$800,000; (D) reduces the salary plan \$173,000; (E) eliminates the picnic area account, which is around \$107,000; and (F) reduces the highway and bridge improvement account by an additional \$500,000—total, a million dollars.

On Section 2 of the fact sheet, these cuts are already in Committee Amendment "A". The only cuts that are in addition to Committee Amendment "A" are under Section 1.

Now, rather than go through each explanation of what possible ramifications my cuts might make, I will just briefly go down through and make a couple of points relative to the state police.

First of all, in our caucus we had a question come up relative to the Criminal Justice Academy, and in talking with the officials from the Public Safety Bureau, they told me that if they are cut, what they will do is, they will not operate the Criminal Justice Academy for state police only this year, which will save \$990,000—just the state police. It will still be open for municipal police officers to come take their course, but just for the state police, for 30 state police officers, which is what the school will hold, they will save \$990,000. That is only deferring it for one year. That explanation is under Section 3, the third paragraph.

On page 3, where I have cut \$500,000 out of the administrative account, in our committee, at one of the hearings where the department came and spoke, they told us they could absorb a \$300,000 cut without any problem at all, without the loss of any jobs. So, with my additional \$500,000, that will be a total of \$800,000, and the figure that I have here, in terms of positions lost, which is 40 with a \$800,000 cut, they are not accurate, because they told us they could absorb a \$300,000, and where I increased it \$500,000, that is the only figure we are talking about, \$500,000, in terms of any job losses. That would incur about 25 jobs rather than 40.

I am sure that you have gone over all the little summations that I had relative to my cuts and rather than go over them myself, I would be happy to address any questions that any of you have.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I would like to address some questions to the gentleman from Madison, Mr. Elias. I think, in essence, I might be able to accept some of this amendment. I would like to ask him on the picnic area, as I understood him to say, if this would delete any maintenance at all concerning the picnic areas; that is one thing. On the salary plan, has he taken into consideration the new contract that might come up, if this \$73,000 would affect that? On the highway and bridge improvement, it was that understanding when we cut the \$500,000 that it would not interfere with any matching federal programs. What affect would this addition \$500,000 have on our matching funds?

The SPEAKER: The gentleman from Corinth, Mr. Strout, has posed a question through the Chair to the gentleman from Madison, Mr. Elias, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. ELIAS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, relative to the picnic areas, what that will do is, that will cut \$106,642 and what would happen there is that we could do a number of different things. We could either go back to the municipalities and ask them if they wanted to pick up the slack in terms of upkeep on the picnic areas with civic groups, Kiwanians or anyone that might be active in that municipality, or we could go into the Department of Parks and Recreation and ask if they had any funds kicking around. As all of us have talked in our individual caucuses, we know that there are a number of dollars available in that department for situations such as these. I think if you ask the municipalities to pick up the slack in terms of their picnic areas, they would, realizing that we do have an economic crisis facing us.

On the salary plan, originally in the committee, we had proposed to cut \$200,000 out of this account, and the reason I didn't cut the \$200,000 is because this was the last item that I had looked at in terms of securing \$2 million and I didn't need the \$200,000, so all I cut was what I needed, which was equivalent to \$173,000. Because the \$200,000 didn't affect any other account, whether it be federal or state, obviously the \$173,000 wouldn't either.

I think the last question was on the highway and bridge improvement fund. I did check and see if there would be any effect on any federal money, and there wouldn't be.

Also, relative to that, we also have a highway and bridge maintenance program. So, according to the department, they could defer any construction that would bleed money out of the highway and bridge improvement act until another year, and then the highway and bridge maintenance act would be able to keep our bridges in good enough shape for us to use.

I hope I have answered the questions.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I would ask the gentleman from

Madison to address the highway and state aid construction account, because, as I read this, there is the same type of putting off the use of these funds for the biennium and lower its one-time saving, and I would just ask him if I am correct in that assumption.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a question through the Chair to the gentleman from Madison, Mr. Elias, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. ELIAS: Mr. Speaker, in response to that question, presently in the state aid construction account, we have \$12 million. For this year, we only have \$4 million worth of contracted construction out. So there will be a difference of \$8 million. This is where the cut comes from, in that there won't really be that much of a difference. The money is, in essence, a surplus and what better way to spend a surplus than to cut back on a deficit.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of statements and perhaps a couple of questions that Representative Elias can clear up. On the highway and bridge improvement program which he plans to cut by approximately a million dollars, with the half a million which we had within our cuts, the department had intended that the number of state-funded projects would be cut by approximately one half. That is in order to keep away from those projects which have federal dollars involved.

Now, we add another half a million dollars on that. That does not mean that we are going to cut those projects by one half; we are going to cut them by a heck of a lot more.

As I go through the highway and bridge improvement program for the next couple of years, I notice all the way from Fort Kent to Portland, and I think what I would like to know is, where are those state cuts going to take place? I know that I have roads in my district, and I have travelled a little bit down here and I think you have the same problem, of roads which are scheduled in this book to be resurfaced, state roads or state highways this next two years, and those roads right now are in very deplorable condition. Does this mean, as we defer this for one year or perhaps two years, that when it comes time to resurface those roads we are not going to talk about resurfacing, then we are going to talk about reconstruction because many of those roads are going to be in that condition? So I get just a little bit leery when we start talking about million dollar cuts versus a half million, which seems to be the borderline that we could reach.

We spent many hours with the department talking. Exactly what do we mean when we say we are talking half a million out of the highway and bridge improvement account? What do we mean in cuts? This was the borderline that we could reach. When we go beyond that borderline, we do one or two things—we make those cuts in those state roads that is going to hurt each and every area within this state, and I think a lot of us fail to realize when we talk about this thing—hum, rural state, we depend on our highways and just how far down are we going to let them go? How many lives are we going to take? How many towns are going to have the front end of their cars realigned every time we hit a pothole because we didn't resurface or fix a highway? I would like you to kind of keep this in mind as we proceed with this debate because these are things which worry me and worry the people at home and I think they worry the people in your hometowns too. I am worried about that million dollars in cuts and I would pose that question, Mr. Speaker—what part of the state, what state-aid roads are not going to be resurfaced this next two years?

The SPEAKER: The gentleman from Limestone, Mr. McKean, has posed a series of questions to the gentleman from Madison, Mr.

Elias, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. ELIAS: Mr. Speaker, first of all, I would like to say that I know probably just as much as all of you know about potholes. The Town of Madison has been considering changing their name from Madison to "Pothole" in the last few years.

Yes, we are going to lose a few federal dollars, but this directly reflects—what do you do? Do you keep increasing taxes to keep up with the federal matching dollars? Keep raising money here and there to keep up with federal matching dollars?

Right now, the Department of Transportation has got \$39.9 million worth of bond money that they haven't even touched yet, and I can't see any reason why they can't use that money in the highway and bridge improvement act. This is money just sitting there and, you know, what bothers me is that if you look at your allocation acts in the little green booklets that you get at the beginning of the session, you will see on line item, appropriation, \$50,000, just for an example. Then you get the audit report and in the audit report it will say, total money available, \$750,000. So, you are sitting back looking at your budget and you are saying, well, that is cutting \$25,000, which is a 50 percent cut. But what you are really doing is cutting \$25,000 out of \$750,000. The hidden money is what really bothers me, the money that is covered up, and I think \$32.9 million of bond money is hidden and it is time that they used it because this is an economic crisis, as I stated earlier, and that is why we can continue to get our roads fixed in the same manner that they are now.

In the recent past, we had a governor who put his fist down on his desk and said—this is how much money you are going to spend and that is it. X-amount of dollars and that is it. All the departments came back and said 'we just can't do it, impossible, it is impossible.' But he said, "I'm sorry, this is what you have got to spend and that is all you are going to get." You know what, the state is still here today, the roads are still being plowed, the departments are still there, no jobs were lost. Maybe people tightened their belts a little bit, but no jobs were lost and everything is running efficiently.

So, I think that with all the hidden money that is around, just what I have seen is available, it is beyond belief, and I think that our roads will, no matter how tight we bring that belt, continue to be plowed.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I would like to direct a question to the House chairman of Transportation. Inasmuch as this amendment that has been offered by the gentleman from Madison, Mr. Elias, this deals specifically with the \$2 million question. I would now ask, where the committee, last week, reported out a pretty much unanimous report with the assumption that the \$2 million was coming out of the General Fund, has his position changed between last Wednesday and today?

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: My position certainly has not changed. We sent the Appropriations Committee a bill for \$2 million, and I don't care if it hasn't got the chance of a snowball downstairs, the bill is there. It is a legal commitment. It is in the Constitution of the State of Maine that the auditor and the legislature, that we cannot commit one legislative body to another, but his legislative body has to address that subject matter, and that is a \$2 million bill that we sent to the Appropriations Committee.

They didn't invite the Transportation Committee to sit in on their deliberations. They immediately said—stop raiding the General Fund. We are not raiding the General Fund; we are telling the General Fund they owe us \$2 million.

When I get a bill from somebody, do I call them up and say stop raiding my pocketbook, I don't owe you that money, throw it away? If I did that, they would have a lawyer right down there and they would be serving papers on me. I have to pay and pay and pay, and that is what the General Fund is all about. You owe us some money; you owe us \$2 million and you can't pay that bill by sitting there and saying there isn't any money. It is a legal commitment; you owe it. The auditor has told you what the ratio is.

In 1955, out of the Highway Department, it was a 90-10 ratio; in 1957, it was a 50-50 ratio. Remember that, I want you to hear me, please listen again. The General Fund paid 50 percent and now, in 1963, we went to 75-25. From 1963 to 1980 is how many years' grace we have given you and in that bank you have saved all this money and you have spent it for various other projects throughout the state and now you sit here and tell me that you don't want to pay \$2 million you owe? That is where my problem comes from. My position hasn't changed. I say, you have a bill that has been sent to you, you owe it and you should pay it.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think that Representative Elias has demonstrated here this morning on his part, as a member of the Transportation Committee, some differences of opinion that he had with the report that was signed out as of last week. He honestly has presented on his own a recommendation for this House to consider.

This morning I called the city manager of Bangor and I asked him, how much money had we saved in our highway budget in my community because of the non-existing amounts of snow that we are usually used to? He stated that we had saved, and believe me, I am deflating what he told me, approximately \$100,000, and it is much higher than that, but let's just use that figure. A colleague of ours called Portland, and they have estimated their savings to be, and I am going to deflate that figure again, \$400,000. The State Highway Transportation Department, and I asked the good chairman of the Transportation Committee this morning, and the member sitting right to my left, what they estimated the savings were, and one said \$500,000 and the other one said somewhere around \$400,000, although in fairness to Mr. Carroll, he said it could be higher. If two communities, Portland and Bangor, have saved roughly a half million dollars, then I question the amount of savings that is being told to us by the Highway Transportation Committee in savings in winter maintenance alone. That is a legitimate question that was raised and I feel very uneasy with the answer. I don't think the committee themselves are totally in agreement to that recommendation.

Mr. Elias has offered a proposal; I am going to oppose it, I am going to oppose it simply on the grounds that this should go back to the other 12 members of the 13-member committee. I think the House has raised its objections and raised a lot of legitimate questions concerning that budget. There has been positions raised on how the changes should be made. In my opinion, I would urge this House to oppose the recommendation presented in good faith here this morning. After that is done, then perhaps leadership of some member of the committee would make an appropriate motion to do what should be done, and that is send it back to the committee.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I just want to bring out that the City of Lewiston also has \$100,000 more than we had last year, but the Department of Transportation is going to have a surplus of \$500,000 and I want you to understand why that \$500,000—it is because there hasn't

been any overtime. The same crew is working. I just want you to understand this.

If you cut the winter maintenance, my community of Lewiston isn't going to be hurt, Portland isn't going to be hurt, Bangor isn't going to be hurt, the smaller towns are going to be hurt and you are going to have to put that on the real estate tax. Don't forget that.

Mr. Kelleher of Bangor requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Madison, Mr. Elias, that House Amendment "C" to Committee Amendment "A" be adopted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Benoit, Blodgett, Brannigan, Brown, A.; Brown, K.C.; Cloutier, Curtis, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Gwadosky, Howe, Kane, LaPlante, Lizotte, Martin, A.; McHenry, Michael, Nadeau, Pearson, Prescott, Rolde, Simon, Soulas, Theriault, Tierney, Tuttle, Vincent, Violette, Wood, Wyman.

NAY — Aloupis, Barry, Beaulieu, Berube, Bordeaux, Boudreau, Bowden, Brenerman, Brown, D.; Brown, K.L.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Conary, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Dow, Drinkwater, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gray, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Kany, Kelleher, Kiesman, Lancaster, Leighton, Lewis, Locke, Lowe, Lund, MacBride, MacEachern, Masterman, Masterton, Matthews, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Paul, Payne, Peltier, Peterson, Reeves, P.; Rollins, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stover, Strout, Studley, Tarbell, Torrey, Tozier, Twitchell, Vose, Wentworth, Whitemore.

ABSENT — Austin, Baker, Berry, Birt, Brodeur, Carrier, Dudley, Gowen, Hall, Hanson, Jalbert, Joyce, Laffin, Leonard, Lougee, Marshall, Maxwell, Norris, Post, Reeves, J.; Roope, Stetson.

Yes, 34; No, 94; Absent, 22.

The SPEAKER: Thirty-four having voted in the affirmative and ninety-four in the negative, with twenty-two being absent, the motion does not prevail.

Mr. Pearson of Old Town offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-821) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the third, I guess, amendment to be offered today, and this involves itself with trying to fund the Transportation Department through an increase in fees.

If you will look at House Amendment "B", you will see that I have offered an amendment to increase the fees for trucks, not for automobiles but for trucks. I will say from the very beginning that in so doing it may or may not affect pickup trucks, depending on how the person cares to register that vehicle, because you have two different options, you can register as a regular family passenger car or as a truck.

This particular amendment is designed to

keep the funding for the state police at the same ratio that it is now. It is designed to provide enough money so that people in the state police will not be laid off.

It has another intricacy that I will tell you about, and that is, if you remember correctly, in 1979 we gave a temporary increase to auto and truck registrations. This will make that temporary increase a permanent increase and then up the truck registration. I will tell you, in the 1979 temporary increase, it was supposed to end in 1981. If we take no action between now and 1981, we will go backwards and lose several million dollars, so this makes it permanent and then increases the truck registration.

It is a user fee. I am told by people who are supposedly knowledgeable in this field that the biggest amount of abuse to highways are from trucks, from weight, and so this amendment is merely an attempt to make those people who use the roads pay for the roads.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I rise to support an unpopular segment of our work force; namely, a poor fellow out here with a truck trying to make a living.

You may know that we do not have any railroads in my district and my district probably is one of the largest in the state.

I know that when you meet these large trucks coming down the road, some of you cringe because you are scared. I will meet a truck any time before I will come of these pot smokers here on the road. I feel far more comfortable.

It so happens that I have driven a truck. I have driven about all the trucks there are on the road. I will tell you what the hazard on the road is, it is when they are driving down the road and someone looks you right square in the eye coming in from the intersection and pulls right out directly in front of you and when you have eight cord of wood on, or nine cord, you have to think pretty quick.

Do you want to force my trucker to license his vehicle down in Florida, because that is what you are going to do? You can license down there for about one seventh of what it costs here. If you don't think he is paying his share on the road, you start buying some tires, you start paying the excise tax on that truck, you start paying the registration on that truck.

You want to talk about pot holes? You have a little small pot hole and here comes a car, that car goes bang right into that pot hole, here comes a thousand more cars, each car takes a little chip off there. When you have a small pot hole that truck tire will go right over that hole without doing anywhere near the amount damage. It has to do with what we call PSI's.

I guess I don't probably stand anymore chance than that proverbial snowball that has been melted here several times because of the people that I represent, but I simply cannot sit here and see these people get one thing on top of another piled on them. You take away the trucks in the State of Maine and you see what happens. I am talking about the poor little fellow with one or two trucks and works seven days a week. He would work eight if we would legislate the eighth day, so I expect probably my snowball will melt but, anyway, I had to try.

Now I move the indefinite postponement of Amendment "B" to Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is not going to hurt a trucker that bad. At the very most, at the top end of the scale, it is not going to even come to \$100 for the year. They are the ones that use the highways and they are the ones that use them the hardest, and I think they ought to pay, and this is a mechanism to fund the problems that they have in the Transporta-

tion Department. It is clear and as simple as that.

We have some real problems. We have heard from everybody in the House how the General Fund owes money on this one thing or not and Mr. Carroll says that you have to pay your bills—well, let me tell you, we don't have any money to pay any bills. I have offered an amendment to try to help the Transportation Committee out of the dilemma that they are in. You can take this amendment and fund the programs that you find necessary or not.

We have some indications from Washington, I was listening on the television just this morning, the Office of Management and Budget in Washington has been working all weekend, all of Saturday and Sunday, to come up with a list of proposed cuts in the federal budget so they can balance the budget and one of the victims is going to be the federal revenue sharing in this state, \$15 million. That is the real problem that the General Fund has got to face. We have to face problems dealing with retirement that we don't know the answer to yet; the employees' salaries and transportation comes in and says we need \$2 million. Mr. Morton has told the Republicans in his caucus and I have told the Democrats in my caucus that we don't have the money. We have to find a mechanism to fund the Department of Transportation and this is as good a mechanism as any and I hope you will adopt it. If you don't, you are going to lay off X-number of state police, your summer maintenance may be affected, or whatever else in terms of transportation, and I think it is absolutely imperative that we do something and I hope you will vote for it.

The SPEAKER: The Chair recognizes the Gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I beg to differ with my good friend Mr. Pearson. This amendment, to me, is aimed at the small, independent trucker. The regulated truckers, all they have to do is go over to PUC or ICC and increase their rates and they will pass it on to the consumer. But the small, independent trucker has no other recourse and if this goes through probably they will be put out of business due to the increased cost of fuel and other things. I think this is a very poor amendment.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to anyone who may care to answer.

I find it difficult to vote on an amendment such as this when we have no figures. Does anyone on transportation know how many trucks are registered in Maine and what the result of this amendment would be? I sympathize with Mr. Pearson and I would like to support it, but without figures I find it difficult to do that.

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Just to answer the question, I would have to thank the gentleman from Old Town, Mr. Pearson. He sent me over a note and, according to the figures he gave me, there is a total of 93,387 units, with the fee increase totalling \$1,780,340.

The big problem that I have, I have to agree with him, I guess, that he is not hurting the large truckers that bad, I agree with him there. I think you have to realize, though, that there is one little baby in this amendment that does do a lot of harm, and that is 699,000 pickup trucks—the amount is 699,000 and there are 58,316 pickups in the State of Maine that are going to be increased 60 percent, that is the issue that I see here, because today, with the energy

problem that we have, a lot of people are going to pickups.

I would request a roll call on the motion.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: On pickup trucks, if a person chooses to register their pickup truck as a truck and not a car, the increase would be \$12.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Kingfield, Mr. Dexter, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Barry, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gray, Gwadosky, Hickey, Higgins, Hobbins, Huber, Hunter, Hutchings, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, N.; Paradis, E.; Paul, Payne, Peterson, Post, Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY — Brennerman, Cox, Davies, Dow, Howe, Hughes, Nelson, M.; Paradis, P.; Pearson, Prescott, Vose.

ABSENT — Austin, Baker, Berry, Birt, Brodeur, Carrier, Dudley, Gowen, Hall, Hanson, Immonen, Jalbert, Joyce, Laffin, Leonard, Lougee, Maxwell, Norris, Peltier, Reeves, J.; Stetson.

Yes, 119; No, 11; Absent, 21.

The SPEAKER: One hundred nineteen having voted in the affirmative and eleven in the negative, with twenty-one being absent, the motion does prevail.

Mr. Pearson of Old Town offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-819) was read by the Clerk.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is my other plan. I am not an expert in transportation and I think everybody knows that. What I am trying to be an expert in is the General Fund and protect it. I am trying to protect the General Fund not because I am the chairman of that particular committee but because I am really concerned about the myriad of things that people have bills in here for human services and for all of the different things that people are concerned about and lack of money if we lose \$2 million in the General Fund towards transportation. It really is a problem, people. Mental Health and Corrections will suffer, Human Services will suffer, all the various departments of the state, and so I looked at the Transportation Commit-

tees' majority report and I looked at the largest account that they had and the largest account they had was summer maintenance and it is an account that runs around 27 or 28 million dollars each year. So, this amendment simply takes out of the first year of the biennium, which we are almost concluding now, we will be July 1, \$237,393.

In the second year, it takes out \$1,762,607 for all of the next fiscal year. I don't know where they will take this summer maintenance and what part of the state will be affected; I suspect it probably won't be Corinth but I don't know where it is going to be, but we will let them establish their own priorities, lower their amount of monies so we won't have to lay anybody off in the state police.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would move the indefinite postponement of House Amendment "A".

One comment I would like to make to the gentleman from Old Town, Mr. Pearson. He said that this would reduce the summer maintenance account \$237,000 in this year. That is accurate. What he also said was that it would reduce summer maintenance next year \$1.7 million. What he is saying is that you are decreasing an additional \$1.7 more than we decreased. What you are saying is that instead of cutting out 200 miles of resurfacing, you are going to lose 800 miles; therefore, I would move the indefinite postponement.

The SPEAKER: In case there should be any question in the future, the purpose of the vote on this motion as offered by the gentleman from Old Town, Mr. Pearson, it is an attempt by leadership and the Transportation Committee and Appropriations Committee to get a clear, clean feeling on behalf of the members of the House as to whether or not they believe that \$2 million should be taken from the General Fund account and transferred to the Committee on Transportation for allocations to state police. If you are in favor of maintaining the General Fund account intact with no transfer of the \$2 million, you will vote yes. If you are opposed to the position of the gentleman from Old Town, Mr. Pearson, and for the position offered by the gentleman from Limerick, Mr. Carroll, and the Committee on Transportation, you will be voting no.

Mr. Strout of Corinth withdrew his motion to indefinitely postpone House Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: There is a great deal at stake in this vote if people interpret it the way the Speaker has shown it, and I believe that he has given an accurate trail of what is at stake here.

As far as the General Fund, from my point of view, agriculture is at stake here, Human Services is at stake here, Mental Health and Corrections is at stake here, the University of Maine at stake here, Maine Maritime at stake here, and all of the other things that might come out of the General Fund, including the funding of attorneys general, district attorneys and that sort of thing and all the LD's, non-transportation LD's that you might be interested in this year and in years to come with the funds as tight as they are—that is the way I see it.

Mr. Morton, in his caucus, I am sure, and Mr. Higgins, has told you who are Republicans in here of the financial plight of the General Fund and the amount of money that we expect that we are going to have at the end of this year barring some contingencies. We have coming up here shortly retirement to consider, collective bargaining to consider and, who knows, maybe an Indian settlement that might include some money, I don't know, all of those programs that have been offered by yourself individually are at stake in this vote, I think, in the message

that you are going to send to the Transportation Committee.

Please do not allow the General Fund money to be taken.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Yes, there is a lot at stake on this particular vote. People in my caucus have heard a little bit about this but I think, just so you can come to a real clear picture of exactly what we are voting on, (1) we are asking for a fair share of the 60-40 percent as determined by the Department of Audit that was in the Governor's message to us, that was in the Task Force Report, and let me give you a reason why this determination has been made. I will try to be as brief as I can.

We are talking about the Maine State Police. Within the Maine State Police you have a criminal division one made up of 12 full-time officers; criminal division two made up of 12 of them; criminal division, three made up of 11 of them. Of those uniformed officers within those criminal divisions, which have nothing to do with highway, you have 8 people assigned to the district attorney's office in different counties; you have 8 people assigned to Governor's security, Senate security, and the Attorney General's Office. Under the division of special investigations, you have drug smuggling, DSI, which is the Department of Special Investigation on Drugs, and you have DIU, which is your Diversion Investigation Unit, you have the intelligence unit and you have also theft. Again, we are not talking about actual highway items.

In arson investigations, you have 4 people assigned, uniformed officers. They are paid for by the fire marshal's office, so they don't worry about those. In your police lab you have 6 people and, again, the laboratory personnel are not working on highway items. You have officers assigned to your games of chance and beano and they are paid for under that particular dedicated fund. In the fuel allocation office, you have one officer assigned. You have approximately 71 uniformed officers assigned to those activities which have nothing to do with the highways.

I could go a little bit further and tell you about under criminal investigations in the year of 1979—83,000 hours spent by your uniformed officers and plain clothes officers in criminal investigation. Crime scene processing, that has nothing to do with highways—1,703. I could keep going—security details, nothing to do with highways—10,932 hours, and it goes on and on and on, so we are not asking for something that is not due, we are asking for a bill to be paid like our good chairman has said.

If you want a real quick way out of the dilemma, I will tell you what we could do, it would save us a lot of money. You could go ahead and vote yes to take the \$2 million out or to leave the \$2 million in the General Fund and not put it in the highway fund. You could vote to leave the state police without any activities other than highway activities, which is essentially what you are doing. You could drop all your criminal investigators, your drug investigators, you could drop the whole gamut, the whole nine yards and you can save money in your courts. You could save the people money from the attorneys, you could save a lot of money, but what would you be doing to the people of this state? What would you do to them? Stop and think of that as you vote. We are asking for what is due. We are not asking for a giveaway.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Since this little amendment became a very symbolic vote and that is what it has turned into, I think you ought to be aware again of some of the things that have been pointed out and I want to point out some specifics.

We are talking about General Fund monies; we are talking about things that won't happen. We are talking about arthritic drugs, \$264,000; we are talking about elderly tax credits; we are talking about cost of living for the retirees; we are talking about private schools; we are talking about special education; we are talking about spruce budworm, for those of you who support that. We have a whole list of things here that have to be considered, and I appreciate the concern that Mr. McKean has pointed out, but this has turned into a symbolic vote on this amendment and I hope you all look at it very carefully.

I understand the problems of highway, but this is a little greater concern than some of these bills we have talked about today and some of the specifics that I have pointed out here. I know many are close to your hearts, they are close to mine, some of these things, so think about this symbolic vote carefully. There are things that we can do after this vote is taken, maybe recommit or do something else, but let's not send a message out that we want to do away with these things. I don't and I know that you don't.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that they told us there was no money in the General Fund. We are talking about money. I tell you, they have it folks, they are loaded.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I do want the record to show that this is a symbolic vote and that is exactly what you said, and I agree with you and I will vote yes on the vote but I will never vote yes on the final bill if that is what is in it.

The SPEAKER: The Chair would concur with the remarks of the gentleman from Farmington, Mr. Morton, it is the intention to use this amendment as a method of determining the support or lack of support for the \$2 million which is presently in the General Fund, which would be transferred and has been in the original committee amendment.

It does not imply support or lack thereof for the transfer in the summer maintenance account, as the amendment would have implied.

The SPEAKER: The pending question before the House is on the adoption of House Amendment "A" to Committee Amendment "A". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Barry, Beaulieu, Benoit, Berube, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fowle, Garsoe, Gavett, Gillis, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, P.; Joyce, Kane, Kelleher, Kiesman, Lancaster, Leighton, Lewis, Locke, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, P.;

Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

NAY — Bordeaux, Carroll, Dellert, Dow, Elias, Fillmore, Hunter, Jacques, E.; Kany, MacEachern, McKean, McPherson, Strout.

ABSENT — Austin, Baker, Berry, Birt, Brodeur, Carrier, Dudley, Gowen, Hanson, Immonen, Jalbert, Laffin, LaPlante, Leonard, Lizotte, Lougee, Maxwell, Norris, Peltier, Reeves, J.; Stetson, The Speaker.

Yes, 116; No, 13; Absent, 21.

The SPEAKER: One hundred sixteen having voted on the affirmative and thirteen in the negative, with twenty-one being absent, the motion does prevail.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the Bill was recommitted to the Committee on Transportation and sent up for concurrence.

The Chair laid before the House the following matter:

An Act Combining the offices of Justices of the Peace and Notary Public and to Establish their Appointment by the Secretary of State (H. P. 1718) (L. D. 1829) (C. "A" H-798) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Mr. Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-808) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I can't find House Amendment "A". Would Mr. Carter please tell us what it does.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, has posed a question through the Chair to the gentleman from Winslow, Mr. Carter, who may respond if he so desires, and the Chair recognizes that gentleman.

Mr. CARTER: Mr. Speaker and Members of the House: In answer to the question, the amendment merely incorporates in the bill what is already existing in the law which stipulates if selectmen in any community refuse to call a town meeting when one should be called, then the citizens of that community can address themselves to the justice of the peace—in this case it would be for the notary public. It would just put the bill in proper order.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

I have been against this bill ever since it started, I still am. Maine has been a state for 150 years or so, we have had justices of the peace and notaries public and all of a sudden it seems to be that we need only one. I can't imagine the emergency of it.

It has been said that a notary doesn't need to have a seal, but in the statement of fact it does say that he must have a stamp or seal in his office.

I did an errand in Scarborough last Thursday and I thought I would drive over to Cape Elizabeth and see if there was a clamor for this bill. I drove up and down the streets of Cape Elizabeth and no one came out and stopped me. I just can't imagine not being stopped at least a dozen times.

Back in the country where I come from, we have both justices of the peace and notaries public. If you take the justice of the peace out

and make them take down their signs, you are going to have a lot less people to do this job that they have to do. I think that the way energy is, we don't need to have to go 10 or 15 miles to get someone to sign a paper.

The SPEAKER: The pending question is on the motion of the gentleman from Dixfield, Mr. Rollins, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

Mrs. Bachrach requested a roll call vote on passage to be engrossed.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I think we ought to have a record of this vote considering that we have had JP's in Maine ever since it became a state and before that, most likely, and now we are doing away with them forever. I think it is a sad day, really, historically.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Barry, Beaulieu, Benoit, Berube, Bowden, Brannigan, Brenerman, Brown, K. C.; Carter, D.; Cloutier, Cunningham, Davies, Dellert, Doukas, Dow, Drinkwater, Gavett, Hall, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Jacques, E.; Joyce, Kane, Kany, Kelleher, Leighton, Lewis, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterton, McHenry, McMahon, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Paul, Rolde, Sewall, Silsby, Simon, Small, Sprowl, Stover, Tarbell, Theriault, Tierney, Tuttle, Violette, Wentworth, Whittemore.

NAY — Bachrach, Blodgett, Bordeaux, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carroll, Carter, F.; Connolly, Cox, Curtis, Davis, Dexter, Diamond, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gillis, Gray, Gwadosky, Hunter, Jackson, Jacques, P.; Kiesman, Lancaster, Martin, A.; Martin, J.; Matthews, McKean, McPherson, McSweeney, Nelson, A.; Payne, Pearson, Peterson, Post, Prescott, Reeves, P.; Rollins, Roope, Sherburne, Soulas, Strout, Studley, Torrey, Tozier, Twitchell, Vose, Wood, Wyman.

ABSENT — Austin, Baker, Berry, Birt, Brodeau, Brodeur, Carrier, Chonko, Churchill, Conary, Dudley, Garsoe, Gowen, Hanson, Hobbs, Immonen, Jalbert, Laffin, LaPlante, Leonard, Lizotte, Locke, Lougee, Maxwell, Norris, Peltier, Reeves, J.; Smith, Stetson, Vincent, The Speaker.

Yes, 64; No, 56; Absent, 30.

The SPEAKER: Sixty-four having voted in the affirmative and fifty-six in the negative, with thirty being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The SPEAKER: The Chair would appoint for tomorrow's session as Speaker pro-tem, the gentleman from Madison, Mr. Elias.

(Off Record Remarks)

On motion of Mr. Nadeau of Lewiston, adjourned until nine-thirty o'clock tomorrow morning.