

# MAINE STATE LEGISLATURE

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



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

# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

MARCH 7, 1974 TO MARCH 29, 1974

**Index**

**Legislative Ethics Committee Report**

motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the fifth item of Unfinished Business: Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 2060) (L. D. 2592) (H. "B" H-791)

Tabled — March 25, by Mr. Birt of East Millinocket

Pending — Motion by Mr. Stillings of Berwick that the bill be indefinitely postponed.

(A Roll Call requested)

Mr. Finemore of Bridgewater offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-800) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like very much to speak on this amendment before the motion is taken. I believe you deserve an explanation on an amendment as long as this. There was some dispute in regard to the length of the vehicles, and I agree with just 65 feet. So we have removed this under the first section and so now the longest vehicle that can be on the road is 56½ feet, same as it is now.

The second part of this amendment was placed in this by the gentleman from Farmington, Mr. Morton, and by the request of Mr. Mallar. This is so that all 1975 trucks cannot be loaded over the limit that is authorized by the manufacturer, and this proof has to be carried in the truck when the 1975 model is out, which is a very good move. It is a safety measure, and I am glad they have presented it. I hope the trucks will go along with it.

On the bottom of the first page, you will see "further amend bill" so and so under Section 5, before it read "and trailer." In other words, there was a lot of question here that could mean double bottoms, which we do not want, which we aren't in favor of, and we added the words "or trailer" — or trailer, this meaning the trailer now that is in effect with this little four-wheel trailer hauling

behind in the woods products and other products.

Item 9 on page 2 was left out of the bill completely. The operator of the vehicle shall be prima facie evidence that said operation was caused by the person, firm or corporation holding the permit or certificate for said vehicle from the Public Utilities Commission. This is so the driver isn't holding. It is very unfair for a driver of a vehicle that you have loaded or that I have loaded and he have points taken away from his license just because we overloaded the truck. He has no way of telling the weight of the truck. So this is just adding on the law that is already been on there.

I think that is about all that I can explain in the amendment. If there are any further questions, I would be glad to explain them. We have done just the request. I have followed along with Mr. Stillings in this and I hope I have covered everything that everyone wanted. I can't think of anything that I have left out. I hope we have made this satisfactory.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: There is just one question I would like to ask the gentleman from Bridgewater, Mr. Finemore. What is the difference in weights? Is there any increase in the weights of these trucks?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to the gentleman from Bridgewater, Mr. Finemore, who may answer if he wishes.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: Yes, sir, you mean in the bill itself, Mr. Kelleher? Well, if he means in the bill itself, I will explain that. I thought maybe he would answer it. On the three-axle trucks there has been an increase of 3,000 pounds. On the four-axle trucks there has been an increase of 3,000 pounds or less than 3,000 pounds. On the five trucks there has been an increase from 73,000 to 80,000 pounds, which would be a little over 6,000 pounds.

What we would like to do, ladies and

gentlemen of the House, If I may continue briefly, what we would like to do is have this amended and go to the other body to see what they are going to find. Maybe in the end it will be killed anyway. So we haven't got to worry too much about it. I hope at this time you will go along with the amendment and vote against the motion to indefinitely postpone, unless that motion is withdrawn.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House adopt House Amendment "D". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 16 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bridgewater, Mr. Finemore, has suggested that the series of amendments that he has just offered have overcome all of my objections to the bill, and that is true pretty much, except remember that there still are increased weights in this bill. The tolerances are still there, the special permit for the haulers of forest products is still there, and even though the frozen roads law has only been mentioned casually in this debate, I think we should all recognize the fact that any vehicle that is registered for 18,000 pounds or \$100 registration fee could carry any overload without paying the extra \$25 during the months of December, January and February, provided it is not in excess of the requirements of Section 1652.

I mentioned previously that this bill included no road limit, and that is correct. There is absolutely no road limit. The vehicle I talked to you about, the six axle rig. That could be registered for 100,000 pounds and could still carry 128,500 pounds with impunity under certain circumstances.

I also mentioned to you another concern, that we are increasing all of the weights; yet we were doing nothing

about the fine structure, and that is the case. The fine structure still remained the same. No vehicle except a six axle rig could be assessed any more than the \$200 maximum fine, plus the \$10 cost of court that is now in the law.

I must confess, though, that the amendment that has been offered taking out the extra length, taking out the double bottom feature, and so on, have served perhaps to make a bad bill a little better bill. I am not sure that is always the way we should go at legislation.

I hope that you will also note that Section 8 of this L. D. calls for the Transportation committee to study the truck industry in Maine. They are authorized to study the role of the motor truck industry in the economy of the State of Maine and in other states, including but not limited to allowable types of vehicles, vehicles lengths and widths, allowable axle and gross weight and highway user taxes and fees paid for the use of public highways.

If you accept this bill, I for one, at least, feel that it is very unlikely that regardless of the outcome of that study we'll ever reduce the weights from what we are establishing here. It seems to me that we are putting the cart before the horse. We should study the matter of truck weights and any other related matters thoroughly, especially before we enact legislation like this. I would still hope that you would vote for indefinite postponement of this bill.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Berwick, Mr. Stillings, is a member of a time-honored profession, one that I appreciate very much, he is a teacher. I had occasion to look in a town report in 1928 as what the salaries of the teachers were at that time, and I think it will bear it out that at the present time these salaries are at least ten times what they were in 1948. We haven't had a change, I think it has been said before, in the trucking industry since that time, and I wonder how Mr. Stillings would feel if he hadn't had anything done on wages, hours and working conditions. We have heard

wages, hours and working conditions ever since I have been down here at least twice a year. Now a great deal depends on our decision here today.

In New Hampshire, New Brunswick our neighboring State and Province, the weights are much higher than they are in Maine. We are talking about efficiency and productivity, and we certainly can't do it with half a load. I know the people who are behind this thing, Ronald Emery, the first selectman in the Town of Peru, Norman Chadbourne is a very well known citizen of Cambridge; he is a man who distributes Gideon Bibles throughout that part of the country. Douglas Campbell, I guess his main reason for fame is that he attended the State of Maine Day in Boston when the Red Sox played last year. I oppose the pending motion and I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I believe the day before yesterday I had a distribution put on your desks showing you the various sketches of different types of trucks, the axle limits, the tire limits, and so forth, and on the third page of that distribution it gave you the tire weights, for various size tires and pointed out that these tire weights had been around for about 50 years, since we have had the hard rubber tires.

I would like to point out several factors on this fact sheet, the length of the vehicle, less pound per foot, the less stress on most our bridges, the more axles, the less weight per axle, the less weight per tire, therefore resulting in less damage to road service. It goes on and on.

I think the question before this body this afternoon is not increasing truck weights, it is legalizing what our trucks have been hauling for the last four, five and six years.

Now, my legislative district, the county I live in, the surrounding counties, our main industry is lumber, and I dare say that nearly all the people living there earn part of their income or all of their income through the lumbering industry. Only in the past few weeks, the truckers have been faced

with these increasing costs, not only for fuel but for parts. They have increased fees for trucking a cord of wood upwards of \$2 and they are still operating in a bind. We can say we can pass this on to the lumbering industries and the paper mills, we can force them to increase their prices for wood. But here again, I don't think they can go much higher and I don't believe they would go much higher. I think this is very important legislation and hopefully you will vote against the indefinite postponement motion.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to answer one of the questions that the gentleman from Bangor asked, Mr. Kelleher. He asked if the weight of trucks have increased. Yes, the weights of trucks have increased, but the loads haven't. What are we doing here today? All we are asking is that two-axle trucks be increased from 32,000 to 34,000. We have the tolerances on there now. We are not asking for any increases in tolerances. All we are asking for is 2,000 pounds. On three-axle trucks we are asking for 51 to 54, is that very much? For four-axle trucks we are asking for 66,800 to 69,000, another 2200 pounds. We have the tolerances. Five-axle trucks, we are asking for 73,800 to 80,000. Now this is an increase of basically 6,200 pounds. What you have here in five axle trucks, your new trucks. I believe it is evident to me anyway, that these five and six-axles trucks should have more weight and be able to haul.

Now, on the six-axle trucks, we have no law on the books now. Let's give six-axle trucks a chance to haul some of these loads.

Mr. Speaker, I hope that the motion to indefinitely postpone is defeated today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When arguments are presented here before this body concerning this industry, that it hasn't had any increase or changes since 1948 or 1928, it seems to

me it is ridiculous, because you couldn't take a truck in 1948 and put the load on it that they have today. These trucks will be driving on secondary roads, and the roads aren't any wider than they were 20 years ago. In fact, when I came down to Augusta the other day from Bangor, a couple of weeks ago, I came down the old way on the secondary roads, and the roads are terrible. To ask people to drive on these roads where there are increased weights and they are not hauling three cords of wood in these trucks or four cords, they are hauling nine cords of wood. I was over to the International Paper Company, I told you the other day, I was amazed at the size of the loads that they were hauling in there, not only Maine truckers but trucks were coming from Canada. And to say that the increase in weights hasn't been substantially increased, I think that is somewhat wrong.

The roads can only stand so much, I know that when I am driving a car that these trucks, as large as they are, I don't want to make the load any less, but to try to go by them or to try to drive on the road with them, it is rather difficult. To turn around and increase it and come in with a bill such as we saw here two weeks ago with four committee reports, and it has been amended to death up and down and to try to pass in this body, I think it would be irresponsible. I hope the House supports the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't vote to indefinitely postpone this bill, because in my area we need it. We are using a lot of wood up there and it is getting further and further to haul it. And to make it economical and efficient, we need to haul more wood, or as much as we are hauling now and make it legal. The State will get more money from increased license fees than they will from fines, I am sure.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Dixfield, Mr. Rollins, mentioned school teachers. I am going to get back

to the subject of roads, but he mentioned what school teachers were making back in 1948. I would like to point out to him that we are discussing roads and road limits. And I wish to tell him the roads, at least in my area, and obviously I think Mr. Brawn can say the same thing in his area, that our roads are in no better shape now really than they were in 1948. They were not built to take the weight this gentleman is talking about; they weren't built to take the weight then and certainly they are not built to take that weight now. With the cost of asphalt going up three times what it cost — I am still working on the municipal budget — we won't be able to afford to prepare our roads to take these weights that the gentlemen are speaking of.

Mr. Dyar of Strong has mentioned his drawings, and I have looked them over quite conveniently. Every bridge that he seems to talk about, when he is hauling a full trailer or one of those thing-ama-jigs that they lug behind these trucks to haul logs on, everyone of these quite conveniently happen to rest on a pier. And I would tell him that there are very few bridges in the State of Maine that are exactly 50 feet apart or would exactly fit any trucks that are going across.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: A member of the Oxford County delegation and I were just exchanging thoughts here while the gentleman from Bangor, Mr. Kelleher, was discussing the truck weights. I sort of wondered, in a sense I guess, whether maybe we ought to take the gentleman from Bangor to load a couple of truck loads of pulpwood with us over a weekend and take him over some of the log roads that are constructed and over some of the bridges that are constructed in these areas.

We talk about the problem with bridges. I have seen bridges constructed, and as a matter of fact have helped to some degree, and those are still around even though the trucks have crossed over them for a full year, both during summer hauls and winter hauls, and those are not constructed to the

specifications of the State Department of Transportation. As a matter of fact, they are constructed with logs and they hold up very well under conditions that are adverse, probably more so than they would be under a regular highway.

I guess the thing that I am down on, and I feel strongly about it, is that since 1948 no attempt has been made to try to take into account the increased weight of trucks and the trucks have just gone sky-high in terms of the weight themselves. The load has not changed, the load totals have not changed. So what has happened is that the amount of load that is on the truck has actually decreased according to the law, and this is really a real problem. So if a trucker wants to have a safe truck to run through the various towns, then he loses the capability of having the weight, but if he wants to keep the weight of the load, then what he can do is to get the smaller truck and the load factor remains the same. This to me is exactly the opposite of the way we ought to go, because the safer the truck, it seems to me, the better we are in the long run. And in terms of protection to everyone on the road, of the people who are trafficking in terms of hauling or just vacationing, you are much better off with a safe truck with better linings and everything else on that truck, than you are to have just a good old farm truck hauling five cords of pulpwood on it.

I would ask you to vote against the motion of indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I was delighted to hear my friend from Eagle Lake, John Martin, mention bridges and saying that he has been over some bridges that are made out of logs and they can hold up these severe loads, because I have always said that I have thought that the Department of Transportation has too many employees over there, engineers, and maybe now, since he has mentioned the log bridges, we can do something about the bridge in my town of Skowhegan. Because I am concerned about increased weight limits and I am sure that many of you people have been

through my area in the summertime, and especially now that it is getting close to the month of April when the Maine Department of Transportation now will send their crew to my town and they will start in the middle of April, and they will stay on a bridge until the middle of September at least. This is a crew of six or eight men, and all they do is continually cut and weld. That is all they do. This has gone on for eight years now and it will still continue, because they have to keep welding the bridge. I am sure my good friend, the gentlewoman from Madison, has been down in my town enough to bear me out on this.

We cross two bridges. We have only one approach to our town, and it is over two bridges. And if you were on the second bridge, which is an overhead structure span, and a pulpwood truck was going on the other side and stopped, you would jump out of your car and leave it and run for the nearest piece of land you could get to, unless you have become accustomed to it. The bridges are not safe in some of these towns for these increased loads.

The other thing that concerns me is that we have been told here, now the bill is dead and it has gone to rest where it should have gone anyway, and that was the gas tax bill, that the Highway Department is not going to have any money to give to the towns to help them maintain their roads. I just don't think the people of the towns can afford to assume any more burden than they have already assumed. If we start increasing the truck loads now, we are going to put a burden on the roads. They are going to tear up much faster, and then we will have no road system at all. I think something should be done, but I don't see where it can be done until there is more money available for state aid to the municipalities in regard to their road construction. I don't think it is right to increase the burden on the municipalities by increasing weight limits. I am sure that the truckers, even though they are having a little problem now, I am sure they can get along for a little while longer, they are not going to go out of business and they are not going to suffer too badly. So this is why I support the indefinite postponement.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I was glad to hear bridges mentioned, because maybe I am the only expert on bridges in this House. I had the good fortune back in 1937 to get a job with the State painting bridges. We had a very good crew, we had a crew that did a day's work every day, myself excepted possibly. We got 50 cents an hour for state bridges, 70 cents an hour for federal bridges.

I will say this for the Transportation Department. We had a very good foreman, he did a good job, and they plan to do this job, this painting and scraping, every seven years on the bridges in the State of Maine, and I really believe that they take good care of the bridges.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: Since we have gotten into the fact that — I have been calling this the overweight truck bill — I will say this. Mr. Dam made a very good point, not only is the Madison bridge in that condition, but in Gardiner the same thing has been happening whereby most of the large ten-wheel trucks that carry anywhere from seven to ten yards of gravel, and we know they are overweighted many times, are actually stressing the bridge to its nth degree. What they have had to do is, the Department of Transportation is now welding it — several new eyebeams — so they can increase the load limit on those bridges.

I think if there is one valid argument that we haven't even talked about here today — I am not so much worried about the roads. We have lot of roads in Maine, but if there aren't that many new bridges and the Highway Department will not loosen up money on bridges, we had better all concentrate next year on finding some method of funding bridges.

The Legislative Council, last year, refused to allow a study by the Committee on Transportation into an alternate method of funding bridges. And when they proposed the one-cent

gas tax, many of us who had bridge projects in the works felt compelled to support that tax based on the fact that if we didn't support the tax we would be the last to be considered when it came to building these bridges. There is no money in federal funds to replace bridges. Bridges in Maine are in horrible shape, and many of the bridges need much more attention now than ever before. I would ask you to go along with Mr. Martin today, but be very much aware, those of us who come back, we are going to come back looking for some way to finance new bridge construction throughout the state so the bridges are safe.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. To my good friend from Gardiner, Mr. Whitzell, I did not mention the Madison bridge. I mentioned the bridges in Skowhegan, and I said I thought the good lady from Madison, going over my bridges, she has seen this welding going on. We are not as fortunate in Skowhegan as the Town of Madison, because the Town of Madison is getting a brand new bridge and we are not getting a brand new one. That is all.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to make two brief points. I believe the Highway Commissioner did state at one of the hearings that salt damage was as much a detriment to the iron bridge as truck weights.

To the gentleman from Bangor, Mr. Kelleher, I would like to explain that in 1948, a small Ford truck, or a small International truck could haul legally about seven cord of wood. Today, a Mack truck, four axle, can haul legally about four cord. Today's truck has probably four to five times the braking power, has four to five times as much rubber hitting the surface of the road and is far safer. So I think what we are asking, it would force these men out of the big trucks and go back to the small trucks and they could still haul a load and be legal. A load of seven cord on



many small trucks, three-axle truck, is legal under today's present law.

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 Berwick, Mr. Stillings, that Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles," House Paper 2060, L. D. 2592, and all accompanying papers be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Bither, Boudreau, Bragdon, Briggs, Bunker, Bustin, Carey, Carter, Chick, Chonko, Clark, Conley, Connolly, Cressey, Dam, Donaghy, Drigotas, Farley, Farnham, Fecteau, Flynn, Goodwin, K.; Hobbins, Huber, Jackson, Jalbert, Kauffman, Kelleher, LaPointe, Lawry, Littlefield, Mahany, McCormick, McKernan, McMahan, McTeague, Merrill, Parks, Rolde, Stillings, Trask, Tyndale, Webber.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Birt, Brawn, Cameron, Carrier, Cooney, Cote, Cottrell, Curtis, T. S., Jr.; Davis, Deshaies, Dow, Dunleavy, Dunn, Dyar, Evans, Farrington, Faucher, Ferris, Finemore, Gahagan, Garsoe, Good, Greenlaw, Hamblen, Hancock, Hunter, Immonen, Kelley, Kilroy, Knight, LaCharite, LeBlanc, Lewis, J., Lynch, MacLeod, Martin, Maxwell, McHenry, McNally, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Pontbriand, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Strout, Talbot, Tierney, White, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Binnette, Brown, Churchill, Crommett, Curran, Dudley, Emery, D. F.; Fraser, Gauthier, Genest, Goodwin, H.; Herrick, Hoffses, Jacques,

Kelley, R. P.; Keyte, Lewis, E.; Maddox, Morin, V.; Perkins, Pratt, Ricker, Santoro, Sheltra, Smith, S.; Soulas, Sproul, Susi, Tanguay, Theriault, Trumbull, Walker, Wheeler.

Yes, 44; No, 73; Absent, 33.

The SPEAKER: Forty-four having voted in the affirmative and seventy-three in the negative, with thirty-three being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "B" and House Amendment "D" in non-concurrence and sent up for concurrence.

The Chair laid before the House the first tabled and today assigned matter: Bill, "An Act Changing the Membership of the Legislative Ethics Committee" (H. P. 2069) (L. D. 2599)

Tabled — March 25, by Mr. Stillings of Berwick

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, retabled pending passage to be engrossed and tomorrow assigned.

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Dams and Reservoirs." (S. P. 916) (L. D. 2527) reporting that the House recede and concur with the Senate in passing the Bill to be engrossed as amended by House Amendment "A" (H-721) and "B" (H-725) as amended by Senate Amendment "A" (S-387) thereto.

The SPEAKER: The Chair would state that it improperly ruled this morning.

Mr. Kelleher of Bangor withdrew his motion to recede.

The same gentleman moved the House reconsider its action whereby the Conference Committee Report was accepted.

Mr. Simpson of Standish requested a vote on the motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.