

MAINE STATE LEGISLATURE

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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

NAY — Ault, Baker, Berry, G.W.; Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Bustin, Cameron, Carrier, Churchill, Curtis, T.S., Jr.; Dam, Davis, Deshaies, Dunn, Dyar, Emery, D.F.; Farnham, Flynn, Gahagan, Garsoe, Greenlaw, Hamblen, Hancock, Huber, Jackson, Jalbert, Kauffman, Kelley, Kelley, R.P.; Knight, LaPointe, Lynch, MacLeod, Mahany, Martin, McKernan, McNally, Morton, Murray, Norris, O'Brien, Palmer, Parks, Pontbriand, Rolde, Rollins, Shute, Simpson, L.E.; Smith, D.M.; Snowe, Stillings, Theriault, Trask, Trumbull, Walker, White, Willard, Wood, M.E.

ABSENT — Albert, Carter, Chonko, Cooney, Cote, Cottrell, Cressey, Dow, Dudley, Farley, Fecteau, Ferris, Gauthier, Goodwin, H.; Herrick, Hobbins, Hoffses, Immonen, Jacques, Keyte, LaCharite, Lawry, Lewis, J.; McTeague, Murchison, Perkins, Pratt, Ricker, Ross, Santoro, Sheltra, Silverman, Soulas, Susi, Tanguay, Tyndale, Webber.

Yes, 46; No, 64; Absent, 40.

The SPEAKER: Forty-six having voted in the affirmative and sixty-four in the negative, with forty being absent, the motion does not prevail.

LETTER OF TRANSMITTAL

To: Governor Kenneth M. Curtis

The Members of the 106th Legislature of the State of Maine

The Bureau of Parks and Recreation, Department of Conservation and the Department of Transportation are pleased to submit herewith "Bicycling in Maine: An Examination of Transportation, Recreation and Safety Aspects of Maine Cycling." This report has been prepared at the special request of the 106th Legislature, regular session, pursuant to Chapter 133, Private and Special Laws.

Respectfully,

(Signed) Roger L. Mallar
Commissioner Department of
Transportation

(Signed) Donaldson Koons, PH.D.
Commissioner Department of
Conservation

(Signed) Lawrence Stuart
Director

Bureau of Parks & Recreation

Comes from the Senate with the Communication read and placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Emergency Measure Tabled and Assigned

An Act Clarifying the Functions of and Reconstituting the Office of Maine's Elderly and the Office of Resource Development. (H. P. 2088) (L. D. 2610)

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest that someone table this to tomorrow morning, basically because we now are down close to 101 and this is an emergency measure, so I would suggest that someone table it.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and tomorrow assigned.

The following paper from the Senate appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill, "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 2060) (L. D. 2592) (H. "B" H-791) (H. "D" H-800) which was enacted in the House on March 28.

Comes from the Senate with the Bill passed to be engrossed as amended by House Amendment "B" (H-791) and House Amendment "D" (H-800) and Senate Amendment "B" (S-452) in non-concurrence.

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

Mr. FINEMORE: Mr. Speaker I move we recede and concur.

The SPEAKER: The gentleman from Bridgewater moves the House recede and concur.

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

Mr. MAHANY: Mr. Speaker and

Members of the House: I move to recede, because I have an amendment I want to offer.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Easton, Mr. Mahany, that the House recede from passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

On motion of Mr. Mahany of Easton the House reconsidered its action whereby the bill was passed to be engrossed.

Senate Amendment "B" (S-452) was read by the Clerk.

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

House Amendment "A" to Senate Amendment "B" (H-836) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, I move the indefinite postponement of House Amendment "A" to Senate Amendment "B".

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of House Amendment "A" to Senate Amendment "B".

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

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I offer this amendment in good faith. I think it is important for us here in this body to give it sincere consideration.

Previous to our voting on this bill, we had distributed to our desks, at lunchtime or just before lunch time, Senate Amendment 450, part of that amendment reads as follows: "Any person who operates or causes to be operated upon or over any bridge posted in accordance with this section, a vehicle or combination of vehicles with a gross weight in excess of the posted limits shall be fined at the rate of \$2 for each 100 pounds, such gross weight exceeds the posted limits."

Later, after we voted on this bill and sent it to the other body, we have received Senate Paper 452. Now, there is quite a variation, in my thinking, of the fines expressed in Senate Paper 452 and the one that we had on our desks, which I feel was misleading. It misled me, and I believe several others, thinking that was the amendment that would be attached to the bill. This one reads, and I will start on this paragraph that we are interested in: "Any person who operates or causes to be operated upon or over any bridge, posted in accordance with this section, a vehicle or combination of vehicles with a gross weight in excess of the posted limits shall be fined at the rates provided in Section 1654."

To my understanding, this fine as specified in 452, would be much less in cases of a noticeable overweight. I think Senate Paper 452 takes it right back to the old loophole where the fines were minor.

We listened to that sort of talk several times here during the various debates on this bill, and one of the cries was, the fines mean nothing they are so small. Other cries were, raise the weight and improve the laws on truck weights and trucks so we will not be overloading. I retain, in my thinking the first amendment 450, Senate Amendment 450, not only misled me, it misled several in this body thinking that \$2 a hundred weight on the overload fine would help this bill a lot. When it comes back with the Senate Amendment 452, I am sure, and you think about this, you will not go along with indefinite postponement of this amendment.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: The first thing I want to do is apologize to the gentleman from Easton, Mr. Mahany. When I moved to recede and concur, I didn't know he had an amendment, but as soon as I noticed it I voted to go along with him and recede.

In this amendment of his it doesn't do a bit of hurt; it doesn't do much good. I would like to read you, on the Senate Amendment it says, "posted limits shall be fined at the rates provided in section

1654." Well, 1654 weights violation of any overload, 2,000 pounds would be \$40, just exactly what Mr. Mahany's amendment would bring in, 3000 pounds would be \$60, just what his amendment would bring in. The only difference would be, the following fines would cost maybe \$20. In other words, \$20 would be for 1000 pounds. So his amendment doesn't make any change whatsoever, because it says, "the following fines and costs may otherwise be imposed at \$20 and costs of court when the gross weight is in excess of the limits prescribed in 1652. So, you come out just exactly the same.

I am not going to oppose the amendment, he can put it on if he wishes, but this is right here in 1654 now.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: As I look at this amendment, it strikes me there is a great deal about it that is completely unfair. No one knows better than the gentleman from Easton, Mr. Mahany, that there are many times in certain industries, including perhaps the pulp and paper, which I don't have to look after, but even in the potato industry where it would be almost impossible for a man to know just exactly what the weight of his load was.

I assume there are penalties for overloading presently on the laws of the State of Maine now. I do seem to have an aversion to setting up this particular penalty. I guess I go along with the motion of the gentleman from Eagle Lake, Mr. Martin.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am not rising to make any big debate against this amendment, but in the other body it was brought out, and Senate Amendment "A" and Senate Amendment "B" were discussed, and it was my thinking on this, when the compromise was worked out Senate Amendment "B" would be more workable than Senate Amendment "A" because they wanted the bridge fines the same as the roads and this is what the

Senate wanted and I see no reason for House Amendment "A".

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I do want to explain very briefly why I made the motion to indefinitely postpone.

First of all, if you take a look at the non-concurrent matter on Supplement No. 8, the bill came back from the other body as amended by House Amendment "B" and House Amendment "D" and Senate Amendment "B". Now, Senate Amendment "B" deals with the section that was worked out in a compromise earlier today and was agreeable to everyone except the railroad industry.

Basically, what this amendment does, and I guess I am a little bit upset because what it does is to do something which I had a bill in four years ago to get rid of. That bill allowed and forced the judge to order fines in excess of \$500 for one violation. You take, for example, \$2 for each 100 pounds, and you figure out what can happen, and that is exactly what you are getting yourself involved in. This is an overload provision that is being pushed by our friends in the railroad lobby. I have a great love for them. One of them is a former Speaker of this body, and I know what he is doing because we discussed it. This goes back to what we had. This is a horrible thing and I certainly hope that you will vote for indefinite postponement.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: We could pursue this thing a little farther if we are so bent, I suppose. We could have a fine on every different class of road in the State of Maine. A man could start on a dirt road. We could catch him there and we could have a fine. He could go onto a second-class road and pursue it indefinitely. I would expect that the fines that we have now for things are plenty.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: My seatmate insists that I keep getting up and down so

I can lose some weight. I think basically why I oppose this amendment, and it hasn't been discussed here, it seems as though at this time of year, and the three or four months previous to this time of year, we have snowplows and sandtrucks on the highway. Some of you may have bridges in your towns, whether it be railroad bridges or municipal bridges, and they are posted for five ton. I would suggest, mathematically, if there is a five ton load limit and you have a snowplow with a load of sand on crossing that five ton limit bridge, that you are fined each time you cross that bridge, and if you are caught it is \$200.

Possibly you can get around this section of the law, if we pass this amendment, we can buy twice as many sandtrucks and snowplows and post one on each side of the bridge so we will avoid this law, but I think you probably will have to shovel off the bridges by hand possibly spread the sand by hand. So, I hope we indefinitely postpone this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that House Amendment "A" to Senate Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Thereupon, Senate Amendment "B" was adopted in concurrence.

The Bill was passed to be engrossed as amended and sent to the Senate.

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

Bill, "An Act Relating to Supplemental Security Income" (H. P. 2084) (L. D. 2608) Emergency

Tabled — March 27, by Mr. Birt of East Millinocket

Pending — Passage to be engrossed

Mr. LaPointe of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-833) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I really don't want to debate this. The amendment that I proposed yesterday was about eleven pages long. We redrafted the amendment and came up with a one paper to make it kind of easy for everyone to look at.

I would suggest that everyone just look at the Statement of Fact. "The purpose of the amendment is to strike from the bill those sections reconstructing the programs currently operating by the Bureau of Social Welfare and creating a Bureau of Income Supplementation and abolishing Bureau of Social Welfare." This amendment also corrects a technical error in the original bill. I think it is quite simple.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, Ladies and Gentlemen of the House: I support this amendment. As I said this morning, from a simple bill it proceeded to become quite a complicated bill, a very difficult one to understand. From the explanation that we had and the things that were said, it appeared to me that L. D. 2608, as amended by this amendment, which the gentleman from Portland has just presented, we would solve this complex situation probably the best way possible. Also, I feel that the order concerning this which was passed this morning, presented by the gentleman from Strong, Mr. Dyar, would also help the situation.

I urge you to vote for this bill as amended. I feel that it is in good order now and most people who are concerned do agree with it.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: This bill which you have before you is a bill on the Office to Maine's Elderly, and it now seems to have been woven together in what I believe to be a web of deliberate confusion. I think perhaps one thing should be made clear, that this bill can pass without the Office of Maine's Elderly bill and the Office of Maine's Elderly bill can pass without this one.