

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

Ought to Pass as Amended 7
 Ought to Pass in New Draft 4
 Leave to Withdraw 2
 Leave to Withdraw as covered
 by other legislation 5
 Ought Not to Pass 16
 Divided, Majority OTP 3
 Divided, Majority ONTP 1
 Reported out Pursuant to
 Joint Order 4
 Reported out Pursuant to Legislative
 Council Order 1
 Referred to 107th Legislature 2

Sincerely,

Signed:

JOSEPH SEWALL
 Chairman

Which was Read and Ordered Placed
 on File.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,
 recessed until the sound of the bell.

After Recess

Called to order by the President.

Out of order and under suspension of
 the rules, the Senate voted to take up the
 following:

Communications

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. (S. P. 969)

Respectfully,
 Roger L. Mallar
 Commissioner

Department of Transportatio

Donaldson Koons, Ph.D.
 Commissioner

Department of Conservation

Lawrence Stuart
 Commissioner
 Bureau of Parks and Recreation

Which was Read and with
 accompanying papers Ordered Placed
 on File.

Under suspension of the rules, sent
 down forthwith for concurrence.

**Papers from the House
 Non-concurrent Matter**

Bill, "An Act Relating to Mandatory
 Sentences as Amended by Convicted of
 Second Offense Breaking, Entering and
 Larceny or Burglary." (S. P. 957) (L. D.
 2607)

In the Senate March 26, 1974, Passed to
 be Engrossed.

Comes from the House, Passed to be
 Engrossed as Amended by House
 Amendment "B" (H-831), in
 non-concurrence.

Thereupon, the Senate voted to Recede
 and Concur.

Under suspension of the rules, sent
 forthwith to the Engrossing
 Department.

On motion by Mr. Berry of
 Cumberland, the Senate voted to take
 from the table the following unassigned
 matter:

An Act to Change Weights and Related
 Provisions for Commercial Vehicles. (H.
 P. 2060) (L. D. 2592)

Tabled — March 28, 1974 by Senator
 Berry of Cumberland.

Pending—Enactment.

Mr. Greeley of Waldo then moved that
 the Senate reconsider its action whereby
 the Bill was Passed to be Engrossed.

The PRESIDENT: The Chair
 recognizes the Senator from Franklin,
 Senator Shute.

Mr. SHUTE: Mr. President, I would
 oppose the motion for reconsideration at
 this time. This was debated very
 thoroughly yesterday, and I think the
 time is now to move this bill along to the
 enactment stage, to pass it, and I would
 oppose the motion for reconsideration
 reluctantly.

The PRESIDENT: The Chair
 reconizes the Senator from Somerset,
 Senator Cianchette.

Mr. CIANCHETTE: Mr. President
 and Members of the Senate: When this
 bill came up here before for enactment, I
 spoke briefly and asked for this bill to be
 kept alive so that a compromise may

have been reached. I think we have reached that compromise with the amendment that Senator Greeley is about to offer, if this bill is reconsidered.

The amendment will reduce this extreme weight of 128,500 pounds down to a figure of 110,000 or 112,000 pounds. I think it is needed, I think we should do it. I think it would be a responsible thing for this body to do, and I certainly hope the Senate will reconsider this for the purpose of the amendment.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: It is true that if we adopt the proposed amendment it would lower the gross weight on six axle from 125, or the DOT says 128,000, down to 115,000. Some erroneous information was given to the other body and passed out here earlier from the Department of Transportation, misleading, in that they made a comparison with the minimum five axle vehicle weight of 73,280 pounds, and compared this with the 128,500 pounds, which they call special privilege six axle vehicles, it could carry under the proposal as it has moved along through both bodies to this point. But this is in error, again misleading, because the 73,280 pounds can also be added up with the 10 percent tolerance permitted of 7,328 pounds, plus another 15 percent for your three months of December, January and February, plus an additional 2,000 pounds which the Department of Transportation has added to the gross weight of 125,000, or actually 3,500; we are adding 2,000 pounds, giving a comparison of 93,600 pounds for five axle vehicles to the 115,000 for six axle vehicles. Yet the law specifies that you can have 22,000 pounds per axle weight. And in no way does this proposal exceed the limitation of 600 pounds per square inch on tire weights.

These people have asked for a reasonable compromise from the original starting point. These people are small businessmen who are trying to eke out a living by carrying pulpwood products and other products related to the timber industry in the State of Maine, and nothing has been done to help them in 20 years. There is no law on the

books for six axle vehicles, yet in other states they permit tolerances far greater than this.

Mr. President, when the vote is taken, I move it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, just in defense of this letter to the legislature from Roger Mallar, I don't think that he has misstated anything and I don't think he has been misleading. The facts are that the basic maximum today for five axle vehicles is 73,280. That is for the general commodity haulers and everybody except the special interest groups. The special interest groups are the ones that are allowed the additional 10 and 15 percent. So the letter is correct and exact and should not be misleading to anybody. It is a fact of law and I don't see how it could be stated any other way. I would just like to defend the letter because I am sure the letter is absolutely correct.

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

Mr. GREELEY: Mr. President and Members of the Senate: Mr. Mallar is in Washington. This morning about 7:00 o'clock he dictated this letter to his secretary, Mrs. Brown, in the Department of Transportation. She gave it to me about 7:30. I have talked with Mr. Mallar today and he would like to have this read into the record, so I am going to do Mr. Mallar that favor and read it into the record:

"Open Letter to Members of the 106th Maine Legislature -

"While I am very reluctant to write you this letter during the legislative process, I am impelled to do so if I am to fulfill my responsibility to the people of the State of Maine in assuring that they can travel on Maine highways in reasonable safety.

"The Maine Legislature has a long and proud history of positive action in developing highway safety legislation and from motor vehicle inspection to "implied consent" to school bus safety Maine has often been a leader in

highway safety programs.

“Currently you are considering final enactment of truck weight legislation (L. D. No. 2592) which would mean a significant step backwards for the safety of Maine’s approximately 500,000 licensed drivers and their often young passengers. This legislation would increase Maine’s allowable truck weights from a basic maximum today for five-axle vehicles of 73,280 pounds to a weight of 128,500 for special privilege six-axle vehicles before any fine would be imposed. Also the legislation would allow 54,000 pounds to be carried on a three-axle truck with only **twelve feet** between axles compared to 36,000 pounds today on that same vehicle.

“It is obvious to the Department of Transportation that such a concentration of loads on the many old bridges throughout the State will have a very serious impact on our ability to assure that these bridges remain safe for the use of Maine’s motorists.

“While I cannot guarantee you catastrophic bridge failures, I can assure you that such loads will impose an inordinate amount of risk on the traveling public in this regard. We already have in Maine an extremely serious problem in regard to the ability of many of our bridges to withstand the loads being hauled today. Maine still has nine bridges which include so-called “pin” connections similar to that which failed catastrophically on the “Silver Bridge” between Ohio and West Virginia not so long ago. It is extremely difficult to determine the condition of these bridges due to their method of construction. In addition the State of Maine is responsible for maintaining approximately 1,300 bridges constructed before 1935 and the towns maintain approximately 1,000 bridges, nearly all of which are in the same condition. Rather obviously these bridges were not designed for the above weights and many have deteriorated to the point where it is becoming impossible to continue to repair them and be confident of their adequacy.

“I am sure it is unnecessary for me to point out to you the dangers involved in allowing trucks to carry weights that they were not built to safely handle and

the legislation would allow all of the older trucks to carry the same weights as more modern vehicles.

“While it is certainly understandable that the economics of those handling wood products in the pulp and paper industry should be of sincere concern to you, I am hopeful that in responding to that problem you will not jeopardize the lives of Maine motorists.

Very truly yours,
 (Signed) Roger L. Mallar
 Commissioner
 Maine Department of
 Transportation”

Mr. President and Members of the Senate: In listening to the debate in the other branch, I heard a lot of criticism about the Department, that it wasn’t taking care of the roads and that the roads were not built to keep up with the technology of today. Well, I would like to inform you that there is \$20 million down in Washington waiting right now, if Maine can come up with \$8 million to match those funds. If we had passed the one cent in the regular session of the legislature, that probably would have been available. That money would have been allocated to match federal funds. But if we had passed the one cent at the regular session, we would be in the same predicament today as far as maintenance is concerned. Our gas tax revenue fell off about \$270,000 in the month of December. It fell off \$450,000 in the month of January.

I have almost come to the point where I have decided to forget the roads and try to save the bridges. Mr. Mallar has mentioned the bridge here across the Ohio River between West Virginia and Ohio, but I would like to cite you a case that is much closer to hand, the case of the Deer Isle bridge. That wasn’t too long ago that one of the iron plates broke down there. When they found it out, the school buses couldn’t cross that bridge and the children had to walk across.

This maximum load that I am talking about is 64 tons, and years ago when we used to be hauling with horses and oxen, we would call this quite a jag.

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

Mr. SPEERS: Mr. President, with a letter like this on our desks before us here now, if anything were to happen in the future on any of these bridges, I think it would be very difficult for any of us to say that we were not forewarned.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Waldo, Senator Greeley, that the Senate reconsider its action whereby Bill, An Act to Change Weights and Related Provisions for Commercial Vehicles, was Passed to be Engrossed. A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I can't sit here and allow these comments of Roger Mallar to go through without adding a few of my own. I am very disturbed in particular by the last part of the third paragraph. I just paced off 12 feet here in the rear of the chamber, and from the curb here of this step to that door is 15 feet, and Mr. Mallar is advising us that under the proposed legislation it is going to increase the weight 50 percent in the distance of 12 feet between axles. That means you have got an axle here and you have got an axle on this side of the back wall of the chamber, and you are increasing that weight in that short distance 50 percent, from 36,000 pounds to 54,000 pounds. Now, this is quite an increase in weight and, as Senator Greeley has said, there are many bridges in the state that hardly can stand the original 36,000 pound load.

Now, Roger Mallar has gone right on record here; he is all clear. I don't like either amendment. I am going to vote with Senator Greeley now, but unless some other facts come out, this is enough information for me not to put the lives of the people in Maine in jeopardy.

The PRESIDENT: In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will

all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Waldo, Senator Greeley, that the Senate reconsider its action whereby Legislative Document 2592, Bill, An Act to Change Weights and Related Provisions for Commercial Vehicles, was passed to be engrossed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Danton, Greeley, Joly, Marcotte, Minkowsky, Roberts, Sewall, Speers, Wyman, MacLeod.

NAYS: Senators Graffam, Haskell, Henley, Hichens, Huber, Kelley, Shute, Tanous.

ABSENT: Senators Anderson, Cyr, Fortier, Katz, Morrell, Olfene, Richardson, Schulten.

A roll call was had. 17 Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion prevailed.

Mr. Greeley of Waldo then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-452, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, recessed until the sound of the bell.

After Recess

Called to order by the President.

On motion by Mr. Berry of Cumberland, adjourned until 9:30 o'clock tomorrow morning.