

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Sessions

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

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effort to see that bills that would obviously come before the next special session would get a good early start. However, it doesn't appear that it is being very well received and I suggest we get to the question.

The SPEAKER: Did the Chair understand the gentleman to move the previous question?

Mr. WADE: I don't want to cut off debate on it.

The SPEAKER: Is the House ready for the question?

(Cries of "Yes")

Mr. CHILDS: Mr. Speaker, I request a division.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that this order be indefinitely postponed. A division has been requested. Will those who favor the motion to indefinitely postpone this order please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and two having voted in the affirmative and seven-teen having voted in the negative, the motion prevailed.

On motion of the gentleman from Portland, Mr. Tevanian, the House voted to take from the table Bill "An Act relating to Penalties on Maine Turnpike" H. P. 1118, L. D. 1626, tabled earlier in the day by that gentleman.

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

Mr. TEVANIAN: Mr. Speaker, I would now present House Amendment "A" to L. D. 1626, filing 633. I would like to state that this is one-half of the Committee Amendment to this bill which was inadvertently indefinitely postponed by my colleague, Mr. Broderick from Portland, when he made his motion to indefinitely postpone the Committee Amendment, he had forgotten that this other half of the amendment was contained therein.

House Amendment "A" was read by the Clerk as follows

HOUSE AMENDMENT "A" to H. P. 1118, L. D. 1626, Bill, "An Act Relating to Penalties on Maine Turnpike."

Amend said Bill by striking out of Sec. 19 in said Bill "\$50" and inserting in place thereof "\$20".

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker, I rise for the purpose of asking a question please. Would this amendment as presented allow someone with plenty of money to send in his twenty dollars and not have to appear in court?

The SPEAKER: The gentleman from Kittery, Mrs. Burnham, has addressed a question through the Chair to the gentleman from Portland, Mr. Tevanian, who may answer if he chooses.

Mr. TEVANIAN: Mrs. Burnham, this amendment does not allow that, that is already provided for in the law. People may plead to misdemeanors by posting bail and then allowing the bail to forfeit, they may plead by attorney and there is nothing to stop them by pleading through mail and just sending in their money. This amendment does not provide it, the law already provides for that.

Mrs. BURNHAM: Thank you, that is the point that I wish to bring out, that someone with plenty of money can get a lawyer and send in twenty dollars. He would think the second time before he sent in the fifty dollars. I am against this amendment.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, in view of increasing accidents on the turnpike, it seems to me that there should be something as a deterrent, and I feel that fifty dollars would be a better deterrent than twenty dollars, and so I move the indefinite postponement of this amendment.

The SPEAKER: The question now before the House is the motion of the gentleman from Presque Isle, Mrs. Christie, that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: The general motor vehicle statute on our highways, our public highways, provides a maximum of three

hundred dollars, and it leaves with the magistrates, the trial justices of the municipal court the exercise of their discretion, what fine should be attached to each case on the merits of the case. Now the same thing would be true of this. This bill provides for a fine, the bill itself, provides for a fine not exceeding fifty dollars, so if there is a violation on the turnpike it would give the magistrate up to the limit of fifty dollars to levy what he considers a reasonable fine according to the violation. Now it appeals to me—I was going to oppose the amendment but now I want to support the pending motion to indefinitely postpone it because I think any magistrate should have the tools to work with adequately to apply the proper penalty for the particular violation. Therefore, I urge you to give our magistrates the right to exercise his jurisdiction up to a limit of fifty dollars by indefinitely postponing this amendment.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I think I can explain this a little bit coming from a town where this question is a very important one since our change in the matter of allowing municipal courts to assess fines and costs. That change enabled violators of traffic regulations on the turnpike to get out from under for ten dollars because in our present law there is a limitation on the turnpike fines for traffic violations, that is for traffic violations on the turnpike of ten dollars. Prior to a change which became effective in August the municipal court judges could assess a fine and costs, and the fine on turnpike violations was limited to ten dollars but they could assess costs of five or six or seven, whatever the costs might be, and normally it was five dollars, so that in the Kennebunk municipal court for the last two or three months traffic violators on the turnpike have been getting out for ten dollars where prior to that they got out for fifteen only. Whether the amount should be here, but if you indefinitely postpone this and do nothing at all your turnpike violators are limited to a ten dollar fine

because the municipal judges can no longer assess costs.

The SPEAKER: The Chair owes an apology to the gentleman from Kennebunk, Mr. Emmons, the Chair was not paying too strict attention at the moment, but as the Chair understands it, the gentleman from Kennebunk, Mr. Emmons, made the statement that this motion now before the House changes the law. That is not the case. The motion before the House is to indefinitely postpone this amendment.

Mr. EMMONS: Mr. Speaker and Members of the House: I was in error, I thought this would cut out any change in the law.

The SPEAKER: The question before the House is the motion of the—the Chair recognizes the gentleman from Bangor, Mr. Browne.

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: I would point out that this amendment is an attempt to do just what we had already done before we reconsidered the whole problem. The Committee Amendment was to the effect reducing the amount from fifty to twenty. The amendment also included the emergency clause which had to be removed, and therefore in removing the amendment we had to replace this figure of twenty which was deleted with the abolition of the amendment. To recap very quickly the hearing. The original amount requested was fifty dollars. The turnpike—representatives of the Turnpike Authority, were present at the hearing and testified that they would be much more satisfied with a less amount, and that is the reason that we came up with the twenty dollar figure. It was only an attempt to comply with their requests.

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

Mr. CALL: Mr. Speaker, I would like to ask a question through the Chair. Point of clarification to you attorneys, I would like to know why this particular stretch of road has just a limited amount on a fine of ten dollars when it is under the jurisdiction of the state police? I would like to know why this doesn't have the same laws that our other roads have as the gentleman from Bangor, Mr. Quinn, has already said up to a fine of three

hundred dollars? Why they are allowed to have just a small fine. To us laymen I would like to have that answered.

The SPEAKER: The gentleman from Cumberland, Mr. Call, has directed a question through the Chair to anyone who may answer if he chooses.

The Chair recognizes the gentleman from Portland, Mr. Tevanian.

Mr. TEVANIAN: Mr. Speaker, in 1941 this body created the Turnpike Authority and they gave the Turnpike Authority the right to set the maximum speed limit and base the amount of fine which I believe was ten dollars because it is exempted from our regular highway system by an act of this body in 1941. May I continue on the question?

The SPEAKER: The gentleman may continue.

Mr. TEVANIAN: Now you may ask why we did not go along with the fifty dollar fine on the turnpike. When you take into consideration that speeding on our highways are subject to a greater fine, I believe the figure is one hundred dollars, but I am not in a position to debate it. In the first place they have upped the speed limit to seventy miles an hour and they have a policy which is rigidly enforced that any person who drives a motor vehicle over eighty miles an hour shall and they do suspend his license one day for every mile in excess of seventy miles an hour. In other words, any man who is brought before a magistrate or a court, who has gone eighty miles an hour or more, he shall pay a minimum of the twenty dollar fine under my amendment and his license shall be suspended for a period of ten days. Now we feel in Judiciary that that is quite a punishment, quite a deterrent to have your license automatically revoked. On hearing they are always revoked. I feel that that is a greater deterrent than any other factor.

Another reason that the Committee decided that they wouldn't go along with the fifty dollars is there is some question of the legality of any fine whatsoever for violations of speed on the Maine Turnpike under our present statutes, and for that reason we felt that a twenty dollar

charge on the turnpike in view of the automatic revocation of license in accordance with the speed was a stiff enough penalty and a good enough deterrent.

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

Mr. QUINN: Mr. Speaker, this Turnpike Authority is more or less of a private corporation, it is not a public highway, but when these violations occur they come into our courts, our public courts where our magistrates must exercise their jurisdiction and discretion. Now they have that maximum speed of seventy miles an hour on the turnpike, and brother when you are going seventy miles an hour you are going. And when they only arrest someone when they are going over eighty, it appeals to me that we have some—we should give some thought to the people of the State of Maine who are using this turnpike, for their safety and security, and we ought to give the magistrate who is going to exercise his jurisdiction a little more latitude that a twenty dollar fine if a case comes in that would warrant a higher fine. I feel fifty dollars is not high enough, that there might be circumstances where a magistrate would feel warranted in giving a great deal more but he couldn't because the law would prevent it. Therefore, I feel that in order to have justice properly applied to this turnpike and to safeguard the public, that the fifty dollar limit should at least be on that bill, and therefore I urge you to vote down this amendment to reduce it to twenty dollars.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, I feel that severe offenses demand maximum fines and I hope that this amendment does not pass.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that House Amendment "A" be indefinitely postpone. Will those who favor the indefinite postponement of House Amendment "A" please say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

The SPEAKER: The question now before the House is on the adoption of House Amendment "A". Is it now the pleasure of the House that House Amendment "A" shall be adopted? The Chair will order a division. Will those who favor the adoption of House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and forty having voted in the negative, House Amendment "A" was adopted.

Thereupon, under suspension of the rules, Bill "An Act relating to Penalties on Maine Turnpike", H. P. 1118, L. D. 1626, was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent to the Senate.

On motion of the gentleman from Lewiston, Mr. Jalbert, the House voted to take from the table Joint Order relative to the Highway Commission, H. P. 1121, tabled earlier by that gentleman.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Information from the Highway Commission tells us that the time on the printing of these maps would be approximately eight weeks. They have to be sent out of the state and then be pictured down to size, and the cost would be about ten thousand dollars. It is just my opinion that it might possibly delay the work of the Research Committee wherein it concerns this program. I shall not make a motion. Also before I sit down, I am one of the guilty parties in where it concerns parliamentary procedure. I think our affable Clerk and likewise our Speaker and likewise our Reporter and his staff have been submitted to a tremendous two and one-half hour barrage, would I then be in order to submit a verbal order that we give them a round of applause. (Applause)

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think you can rest easy, you can soon make up your minds that you can go home, if there is any of you thinking about the time of getting that deer, the time is near.

I think that I have a good order here, a good idea. Many people that I talked with this morning agreed with me wholeheartedly. I was naive enough to believe that there was money enough over there in the Highway Commission to provide this type of information for the people of the State of Maine. The word comes back to me that if we pass such an order as this we have got to provide the money. I know of no reasonable way except by collection and I don't believe I want to try that this morning. I would say that I hope that when the Research Committee meets that they won't be told that they have these maps and they provide an investigation that they have got to provide the money. I sure hope that won't happen, but in view of the fact that we have got to provide the money to get these maps I will now move that this order be withdrawn.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now requests permission to withdraw his order. Is this the pleasure of the House?

The motion prevailed.

(Off Record notice)

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I am not sure whether a comment on this order would be out of order now or not.

The gentlewoman from Falmouth, Mrs. Smith, was granted unanimous consent to address the House.

Mrs. SMITH: Mr. Speaker, I would like to call this to your attention, that this order although I did not see it until it came in this morning and had no part of it, goes to the very heart of this matter, and it does ask the Highway Commission to clearly tell the people of the State