ROLL CALL


ABSENT—Bustin, Genest, Hall, Hanson, Haskell, Jalbert, Mills.

Yes; 54; No, 89, Absent, 7.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-nine having voted in the negative, with seven being absent, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted. The Bill was given its two several readings. Committee Amendment "A" (H-245) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

Order Out of Order

Mr. Barnes of Alton presented the following Order and moved its passage:

ORDERED, that David Lord and Charles Strout of Charleston be appointed to serve as Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Passed to Be Engrossed

Bill "An Act relating to Board of Visitors for Each State Institution under the Department of Mental Health and Corrections" (S. P. 431) (L. D. 1245)

Bill "An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 569) (L. D. 1710)

Bill "An Act relating to Definition of Resident Trainee, Licensing and Compensation of Board under Laws Relating to Funeral Directors and Embalmers" (H. P. 528) (L. D. 690)

Bill "An Act Revising Licensing of Hearing Aid Dealers and Fitters" (H. P. 593) (L. D. 788)

Bill "An Act relating to Salary and Duties of Executive Director and Assistant Director to the State Board of Nursing" (H. P. 594) (L. D. 789)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Amended

Bill "An Act relating to Steel Guardrails on the Maine Turnpike" (H. P. 619) (L. D. 830)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Lizotte of Biddeford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-247) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCormick: Mr. Speaker, I would like to pose a question through the Chair to anyone who might answer, if they could tell us what the cost of this amendment would be.
The SPEAKER: The gentlewoman from Union, Mrs. McCormick, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker, as I recall from the argument yesterday that it would cost $186,000 for a five mile stretch and at that rate it would cost $3.5 million for a hundred miles.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker and Members of the House: Again I repeat what I said yesterday. We are not putting dollars in front of human lives. In the last four years we have had 32 people losing their lives on the Maine Turnpike. This is not a cost to the State of Maine, this is a cost to the Maine Turnpike Authority. So I believe that this is a good bill and I hope that you would go along again with me and vote for its passage.

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

Mr. JUTRAS: Mr. Speaker, may I pose a question through the Chair to Mr. Lizotte?

The SPEAKER: The gentleman may pose his question.

Mr. JUTRAS: Well, in large conclusion why should we not erect a guardrail from Augusta to Orono?

The SPEAKER: The gentleman from Sanford, Mr. Jutras, poses a question through the Chair to the gentleman from Biddeford, Mr. Lizotte, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. LIZOTTE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Mr. Jutras, the reason that I put this bill in was because in the last four years we have had 32 fatalities, and as you go from Augusta to Waterville you will notice the median strip does not need a guard rail because of the width; and this is something that we do not have on the Maine Turnpike.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: This was heard before the Transportation Committee of which I am a member. First of all, there were quite a few people killed and I think that if there was a guardrail there may be more people killed. This is my personal opinion. Because this guardrail is not high enough. And most of the people were killed went to sleep, driving. And so if you slipped up against this guardrail you are going to flip over into the other turnpike, in the other lane, and I don't see that it is a benefit.

And where necessary, these people that are managing the turnpike, are now putting it up where they think it will help, they are putting it up double. This only calls, as I remember, for a single barrier. And it is my opinion that a single barrier — it is my honest humble opinion that this single barrier would actually cause more accidents, especially if they go to sleep. They will roll over because it isn't high enough, the one that is proposed.

So I think that this is bad legislation in view of the fact that the people on the Turnpike recognize the need for something to be done and they are trying to do something about it where it seems necessary, as fast as they can; as a matter of fact, I think they went into great detail where action was being taken as fast as possible, and they too don't know that this could be traced to accidents. And all over the nation they are experimenting with items that might save lives, but none of them have proven that they will. You can't help it much when people go to sleep, somebody is going to get hurt.

So I think that I would like to move that this bill be indefinitely postponed.

The SPEAKER: The Chair would advise the House that the only pending question is the adoption of House Amendment "A".

The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.
Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative McNally, who I consider to be a friend's question yesterday when I left here, I started telling myself — well perhaps I might have missed something with the naked eye. Who knows, my lovely wife could have engaged me in conversation going from Kittery to the Mass. border. So not being entirely sure I decided to do a little homework. I made about five calls to the New Hampshire State Highway Department and finally reached a Mr. Roberts who was Assistant Design Engineer for Safety.

The New Hampshire Pike was prompted back in 1967 by the then State Highway Commissioner, who saw in his wisdom the dire necessity for such a structure. In 1967 they constructed that portion that consists of between Kittery and Seabrook, New Hampshire. The following year of '68 they completed its construction. Since that time there has been no incident whereby one car has crossed or broken through that double guardrail which they have. The guardrail itself, the way it is set up, it is set up on six by eight posts, with a so-called six inch block as to where the railing itself is attached. It is a double guardrailling. The principle involved because of the six inch block is this, that when the car hits that railing the front wheel is kept away far enough so that it does not veer through the median strip.

I want to tell you ladies and gentlemen that they haven't had one occurrence or one fatality resulting by anyone crossing that strip. We are, and we should be, concerned with safety. It seems to me today that the newspapers are filled with two major issues today, one ecology and the other one public safety; and if we can do anything to promote either one I think we should.

New Hampshire has also elected — and they are having public hearings presently, whereby they intend to build or add to two more lanes in one direction, mainly going south. And some of the railing was torn down, and they have a new precept that they will increase their median strip from the present 24 feet to 66 feet; and they will try to construct perhaps a concave or a convex elevation whereby a car, because of the new length or the new width, could perhaps regain control.

But, as this Mr. Roberts informed me and also his assistant by the name of Mr. Hawkes, the intent might still be as far as they are concerned, even though it becomes an 8-lane highway, they still are concerned and still would like to see a guardrailling erected. And what will determine this, because naturally it is a state issue, is what will be the result of the public hearings which are being held presently. My only bone of contention is the fact that our pike has been in existence for quite some time and even though when it was in its present state that these guardrailings did not go up faster.

I think that this is a good bill. I think the length of time on the amendment is considerate. And let us not forget that this is a private enterprise and they are in there to make money. And naturally being a private enterprise you can look to many other industries within the state — take like your insurance people for instance, when the State can come out and tell you well such and such a home needs a sprinkler system, at a tremendous additional cost. You have to force these people into action. Otherwise they will keep delaying a situation.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I have been waiting for perhaps somebody else on the Transportation Committee to a little bit more fully explain this guardrail situation. To start with, the first six miles to the Piscataqua River bridge is going to be rebuilt, for the reason that you come off the Piscataqua River bridge with six lanes. And they have been able to get an agreement from the government that they may use interstate money to rebuild this piece of the road of six lanes up to York line.
Now that takes care of six miles of guardrail. There will be no question but what that particular stretch would be built according to federal specifications and it cannot be built by any other specifications and use the federal money.

Now we will go on from there. Most of the accidents in the years past have been at the entrance of the bridges, and the first thing that the Turnpike Authority did was put metal guardrails of the type recommended by the engineers, who are the consulting engineers out of Kansas for this turnpike, along with the Highway Commission here, the proper type guardrail that they thought would eliminate the accidents, the very bad accidents which have been at the bridges.

Then, since the only thing that has been mentioned about guardrail runs as far as Portland is due to the fact that that median strip is hollow; in this way it is hollow, and coming from Portland this way it is a raised median strip between. So, this is what they are doing now and why the necessity is of having two guardrails is because the place is hollowed out. If you should put one steel guardrail down in the middle, any car or any truck that ran down into that hollow would either become impaled upon it or jump over and still be in the other lane, and you would probably have worse fatalities than you have got now.

The only reason that they are not considering from Portland up here is the fact that the median strip is a raised median in between. Now since the Turnpike Authority has already seen the dangers of the median strip in the years past, they have already had a contract that is being started, to build twelve miles in the worst locations, the most dangerous locations, of a double guardrail which is what is recommended by the engineers, and knowing that they will pursue another one the following year, there doesn’t seem to be any reason why we should say — well, now this is a private outfit that is making a lot of money. Let us be glad that they are making money, that they are paying their bonds, that they are doing their work as they are set up to do, and be satisfied that they have really tried and are still trying, and shouldn’t be condemned for it.

The SPEAKER: The pending question is on the adoption of House Amendment “A”. All in favor of the adoption of House Amendment “A” will vote yes; those opposed will vote no.

A vote of the House was taken. 76 having voted in the affirmative and 57 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker. I now move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Enfield, Mr. Dudley now moves the indefinite postponement of L. D. 830.

The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me just lately I read somewhere that our turnpike is one of the safest ones in the country. Now the people have told about the turnpike, and they certainly have been fatalities. The members of the Highway Committee were not against this either. We hope that everything can be done for safety. Mr. Sheltra, our representative, spoke very well on what the New Hampshire turnpike did. They did it; no argument about that. They did it for safety reasons. Our Maine Turnpike isn’t being driven to it; they are offering to do it. New Hampshire took two years to do 19 miles approximately as I remember it, and the liberal amendment he just put on would give them two years to do 100 miles.

The Turnpike had a study. They already have plans to improve their turnpike to six lanes clear to Scarborough. This is all going to be done with toll money. Mr. McNally told about the progress that he had made already on the guardrails, they are going to be extended, and I think that the situation should be and I hope that you do indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.
Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I was questioned yesterday, and in the amendment that I presented it specifies that the guardrail which I propose will be erected in the center of the median strip and not on both sides, and I hope that this will clarify the question.

I also would like to add that Mr. Wood mentions that the Turnpike will erect 12 miles of guardrail this year, but if they do something else on the turnpike next year then no guardrails will be erected. I would not want to wait another 20 years for this safety piece of legislation to be done. That is why I have also put a deadline in the amendment as to when this should be completed.

I hope that you will support this bill and continue to place safety of the traveling public above all. I hope that you will not go along for the indefinite postponement, but go along with the bill.

Mr. Vincent of Portland requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker and Members of the House: About the only point that I would like to add, in talking to this design engineer from New Hampshire yesterday, he mentioned the fact that by today's standards the traffic is so heavy that invariably if someone crosses that median strip he could well establish an accordion type reaction whereby fifteen to twenty cars could easily be involved; and in this instance you would have a heck of a lot of people hurt. And if they considered it in their wisdom back in '67, I am sure that the traffic count has increased immeasurably since then.

I can remember well last summer coming back from Boston, whereby from the New Hampshire tollhouse where you put your quarters in there, well into our new tollhouse in Maine, which is a 25 mile area, I went bumper to bumper and it took me about an hour and a half to just go those 25 miles. That is what the traffic count is getting to be, gentlemen, and I think it is time for action.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that Bill "An Act relating to Steel Guardrails on the Maine Turnpike," House Paper 619, 1st Session, 1971, be indefinitely postponed. The yeas and nays have 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 members 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 Enfield, Mr. Dudley, that this Bill be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL


ABSENT — Binette, Bustin, Cummings, Dyar, Evans, Genest, Hall, Hanson, Jalbert, Millett, Slane, Starbird.

Yes, 65; No, 74; Absent, 11.

The SPEAKER: Sixty-five having voted in the affirmative, and seventy-four in the negative, with eleven being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

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

Mr. CAREY: Mr. Speaker, I now move that we reconsider our action whereby this Bill was passed to be engrossed. All in favor will say aye; those opposed, no.

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

Passed to Be Engrossed (Cont'd)

Bill "An Act Appropriating Funds to Continue Housing Services for Older People" (H. P. 675) (L. D. 912)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Indefinitely Postponed

Bill "An Act relating to Use of Motor Vehicle Dealer Registration Plates" (H. P. 900) (L. D. 1220)

Was reported by the Committee on Bills in the Third Reading and read the third time.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would now move that this Bill and all its accompanying papers be indefinitely postponed, and I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore now moves that L. D. 1220 be indefinitely postponed.

The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the committee 10 to 3 "ought not to pass." There was a similar bill like this in the 104th that was killed. I have listened to this bill quite a few times in the committee that I was on last year. Due to the fact that the dealers now are pretty well restricted what they can do with registration plates, they still have to do business, we have to give them some chance to do business or else tell them to quit. So I hope you will go along with the indefinite postponement of this bill. When the vote is taken I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: I am against that motion that he has just made. We are not restricting the dealers at all, and we are not restricting salesmen either. The ones that we would like to restrict are the managers — I will show you here. We have here seven different kinds of titles. The ones that we would like to restrict are the general managers, fleet managers, used car managers, truck managers, assistant service managers, service managers, and part managers.

Just imagine, the dealers plate when they were in 1919, when they were first given out was for the dealers to sell cars to use on their own cars that they had in stock — and not for everybody. And that car is not — the license is paid, and it was not the regular price. That is the privilege, they give them the privilege to pay only $10 a plate.

And the others that operate on the roads they have to pay $15 a plate. And then they do not have to pay any excise tax on it; they pay a stock tax, which is very small compared to the excise tax. I feel that that license, it is O.K. for the dealer himself, and still we