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Thereupon, the Bill was Passed to be Engrossed.
Sent down for concurrence.

The President laid before the Senate the second tabled and specially assigned matter:
House Reports — from the Committee on County Government on Bill, “An Act Relating to Rates for Room and Board of Prisoners.”
(H. P. 1142) (L. D. 1583) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.
Tabled — May 12, 1971 by Senator Berry of Cumberland.
Pending — Acceptance of Either Report.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

The President laid before the Senate the third tabled and specially assigned matter:
House Reports — from the Committee on Transportation on Bill, “An Act Relating to Steel Guardrails on the Maine Turnpike.”
(H. P. 619) (L. D. 830) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.
Tabled — May 12, 1971 by Senator Danton of York.
Pending — Motion by Senator Greeley of Waldo to Accept the Majority Ought Not to Pass Report.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate:
When this bill was first debated, I thought that we were just talking about from Kittery to York, about a section of the Turnpike that had a depressed median section where we have had quite a few accidents by people going across the road. But I see now that we are talking from York to Augusta where we have, in large part, a raised median strip.

Now, I had a very good friend of mine that died near Saco by driving right into one of these guardrails. I think actually they are suicidal, and I hope you would support my motion to indefinitely postpone the bill and all amendments.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Bill, “An Act Relating to Steel Guardrails on the Maine...
Turnpike’ be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON of York: Mr. President and Members of the Senate: The median strip on the Maine Turnpike is only about nine feet wide, and this is why you have so many cross-over accidents. Anyone traveling at a rate of speed of 60 or 70 miles an hour can take and cross over into either the north or southbound lane in no time at all.

This is a needed piece of legislation. The Maine Turnpike Authority itself has admitted that they are going to do this work, but they want to take and prolong it. They have been in operation now in this state on the first part for about 23 years, and I don’t think we are asking too much that they can provide safety for the traveling public. Thank you very much.

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

Mr. GREELEY of Waldo: Mr. President, could we have the report of the committee read?

The PRESIDENT: The Secretary will give the report of the committee.

The SECRETARY: The Majority Report, which was Ought Not to Pass, was signed by Senators Greeley and Kellam, Representatives Wood, Crosby, Hall, Lee, Barnes, McNally, Dudley, Keyte and Fraser.

The Minority Ought to Pass Report was signed by Senator Johnson and Representative Lebel.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I would just like to give a little explanation of why I signed the report. As I understand it, the Maine Turnpike Authority has already erected guardrails at all the bridges. They also have under construction $300,000 worth of projects pertaining to new guardrails on twelve miles of road, and this is done on the advice of a consulting firm.

There is also some doubt as to whether the Legislature has the right to tell the Maine Turnpike to put up these guardrails.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON of York: Mr. President and Members of the Senate: It seems as if every time the Maine Turnpike is brought into discussion we seem to think we can’t legislate for them. They are no different than any other private business in the state. We legislate for red cabooses, sprinkler systems in hotels, what kind of health codes we should have in our eating establishments, and for construction businesses and all other businesses, so I certainly think we can legislate for another private business such as the Maine Turnpike. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This bill, on which I signed the Minority Report out of Committee, actually was an ineffective bill to a certain extent because there was no date set on it. In other words, it gave the Maine Turnpike Authority the direction the Legislature wanted it to take, that they wanted these guardrails put up, but there was no time set. The only thing that bothers me is that the time that is set now is a year and a half. It seems to me that with the money involved the timing is a little too short. It should be a little longer period of time.

I will say this much, that the accidents that are real beautiful accidents, and I mean the bad ones, are the ones where they do cross the median strip. That is where you have your multiple fatalities, where you have your three, your four and your five. This is the real area where there is a lot of trouble and, as I say, we talk safety, we talk about changing people’s mental attitudes as they drive, and all this and that, and yet when it comes to putting the money up where our so-called mouth is we don’t seem to want to do it.
So I would suggest that this bill move along and then perhaps amend the date to a different date.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate, I point out again that we are talking about two different types of highway construction on the Turnpike, and I point out that a steel guardrail, bolted the way they are now, is a dagger pointed at anybody who ever rubs against them. Many, many of the accidents that we have had with steel guardrails have ended up by breaking the bolts and the guardrail itself piercing like a knife right through the car. This is what happens.

We point out in this legislation that they shall be steel guardrails. I point out to you that in other states these are reinforced concrete guardrails, or they are earth embankment. Now, as I point out, the situation from Kittery to Portland is entirely different than north, where we have a raised median strip, and your accident incidence is much higher south of Portland because of this. You just dip down and go across into the other lane. Now, if you have never seen what can happen to a steel guardrail, I suggest you just visualize a piece of steel sticking right out. And you talk about macabre multiple accidents, you haven't seen anything until you see what could happen to a bunch of cars coming down the Turnpike and running into a guardrail that has been broken and is sticking right out into the traffic.

I don't question that we have got a safety factor here, and I am willing to put my money where my mouth is any time on public safety on the highway. But I think here that first we are telling the highway technically what to do, the Highway Commission. I don't think this is right, And I think that we do have an entirely different situation south and north of Portland. I am certainly not against the bill. If something can be done with it, fine, but I agree that the time table is unrealistic; we are telling the Commission to tie themselves up now and get a certain job done by a certain time. What if there are other more important and higher priority safety features? I think perhaps some of these bumpy roads that we are going over on the Turnpike are very high priority, where the Turnpike is repaving, so I would think that if we want to do it we ought to do this up a little bit. In that spirit until we see what happens, I will withdraw my motion, and then I will make one that the amendment be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, withdraws his motion that the bill and papers be indefinitely postponed. The Chair understands that the same Senator now moves that House Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Berry, has really hit on a point here. I know he speaks as an engineer when he says steel guardrails do all this and do all that, and it kind of scares you. But what bothers me now is why were these put on in the first place if they are so dangerous to have? Why did not they put up these dirt embankments or these concrete things that are not as hazardous as the steel guardrails? Yet, we are putting them up all the time, so there must be something wrong with somebody's engineering or their thinking.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The bolted design of steel guardrails is practically as old as the turnpike is. There has been in the welded safety barriers the advancement of welded construction which removes part of the problem, but I agree with perhaps what the Senator from Somerset, Senator Johnson, is intimating, that perhaps we haven't progressed on the Maine Turnpike on safety features as well as other parts of the country. That doesn't remove the basic objections, however.
The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON of York: Mr. President and Members of the Senate: I thought I made myself perfectly clear when I said the Maine Turnpike Authority is a private business. The State Highway Commission has absolutely nothing to do with the Maine Turnpike Authority. In fact, the State Highway Commission has appropriated somewhere in the vicinity, if I remember correctly, of around $180,000 to put up steel guardrails in the Freeport area where they had a cross-over accident and four lives were taken. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would pose a question through the Chair to anyone who could answer, and that is: What is the price tag involved here on this piece of legislation to the Maine Turnpike Authority?

The PRESIDENT: The Senator from Knox, Senator Hoffses, has posed a question through the Chair to any Senator who may answer.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON of York: Mr. President and Members of the Senate: All of a sudden we are concerned about price tags, but I can remember a sprinkler bill for the hotels, the old hotels, which for some small businessman would come to the tune of about fifteen, twenty or twenty-five thousand dollars to have a sprinkler system installed in the hotel.

The cost of the guardrail is approximately $35,000 a mile. But this doesn't seem like too much to me when I think about the $9 million surplus that the Maine Turnpike Authority presently has. Thank you.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: There is one thing that hasn't been brought out here on these accidents, but we were told that there were 32 accidents, or 32 fatalities. The reason for most of them was that the driver went to sleep.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would like to tell you about one of the beautiful accidents to which Senator Johnson of Somerset referred. It was a year ago Memorial Day, and a new Buick, a 1970 car, was traveling in a southerly direction and approaching the curve just beyond the Saco River at Biddeford. There was a northerly bound car in the other lane that blew a tire as it approached the curve in the other direction. It crossed the dividing strip and was airborne for about seven feet, then hit the windshield of the southerly bound car, decapitating the driver of the car. It hit the following car and killed a person in that. The young lady who was accompanying the driver in the first car had the presence of mind to bring the car under control, consequently, she suffered only two black eyes as a result of the collision. She is a very lucky thirteen year old girl. The driver of the first car was a doctor in charge of the Social Studies Department at Southern Connecticut University. The driver of that car was my cousin. He was the 100th fatality of the 1970 season.

I have every good reason to support Senator Danton, and when a price tag is placed on a bill of this nature you can see why I would vote with the Senator from York.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I signed the Ought Not to Pass Report on this bill because of the reservations that I had about it. I felt that it was in conflict with other legislation that is pending relative to the Maine Turnpike, legislation which I think, if passed, will solve this problem as well as a great many others, and be of over-all benefit to
everyone in the State of Maine. For that reason, I felt it unwise to enter into a dictum to have the Maine Turnpike Authority state guardrailing the entire center strip.

The legislation I am referring to is to have the Turnpike come under the jurisdiction of the State Highway Commission.

There have been some figures quoted here by Senator Danton, and he is quite right, there is a considerable fund built up with the Maine Turnpike Authority and they are well able to make this improvement. My difficulty with the Turnpike Authority is that they not only, I feel, intend to do this relative to the lower end of the state, but they also intend to rebuild the complete section below South Portland, tear down all the overpasses and bridges, rebuild new ones and make an eight-lane divided highway up through the first 40 miles. This has a projected cost figure of $60 million to it. I would presume that when they do that they would put the guardrails down the middle.

I very much object to the Turnpike Authority spending $60 million to rebuild a road which is part of the Interstate Highway System, and which should be rebuilt with the 90-10 per cent matching funds. And if the bill which I have in committee now is passed, relative to transferring the Turnpike to the Highway Commission, then would be in a position to control the Turnpike and make necessary improvements such as this, and also to have the cost of reconstruction, if it is necessary for the Turnpike, to come within the regular federal Interstate Highway Program.

The outstanding bonds on the Turnpike, according to the figures that I have received from the Turnpike Authority itself, would indicate that these bonds could be completely retired in the next four to five years, and I personally would object to the Turnpike Authority stretching out their bond repayments over twenty years' time and charging tolls to the people of the State of Maine and all the visitors and business that comes into the state to do something which can very well be done with the regular highway allotment and the 90 per cent federal Interstate Highway money. It was for that reason that I felt that it wouldn't be consistent to vote in committee for this particular bill.

I have talked to the people who are concerned with it, and assured them that as far as the safety factor is concerned that I am in complete accord with them. For that reason, I would be willing to vote on the initial phase of this bill for passage of it, to keep the bill alive and, in the event that this Legislature is so unwise so as to not realize the great benefits to the state by transferring the Turnpike to the Highway Commission then, of course, this legislation would be desirable.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON of York: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of 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 question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that House Amendment "A" to Bill, "An Act Relating to Steel Guardrails on the Maine Turnpike", be indefinitely postponed. A "Yes" vote will be in favor of indefinitely postponing the amendment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Sewall, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Levine, Marcotte, Martin, Min-
A roll call was had. Fourteen Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to Indefinitely Postpone House Amendment “A” did not prevail.

Thereupon, House Amendment “A” was Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the fourth tabled and specially assigned matter:

**SENATE REPORT—Ought to Pass from the Committee on Natural Resources on Bill, “An Act Phasing Out Log Driving in the Inland Waters of the State.”** (S. P. 451) (L. D. 1297)


Pending — Acceptance of Report.

On motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the fifth tabled and specially assigned matter:


Pending — Acceptance of Either Report.

On motion by Mr. Marcotte of York, the Minority Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

Committee Amendment “A” was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the sixth tabled and specially assigned matter:


Tabled — May 12, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

**Reconsidered Matter**

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of earlier in today’s session whereby Bill, “An Act Relating to Notice of Suspension of Motor Driving Privileges”, (S. P. 396) (L. D. 1174) was Passed to be Engrossed.

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

**Reconsidered Matter**

Mr. Katz moved that under suspension of the rules the Senate reconsider its previous action whereby An Act Relating to Costs of Investigation Where Injunction is Issued under Unfair Trade Practices Law, (S. P. 331) (L. D. 978), was Passed to be Enacted.

Thereupon, on motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec to Reconsider.

**Reconsidered Matter**

On motion by Mr. Quinn of Penobscot, the Senate voted to reconsider its action of earlier in today’s session whereby An Act Eliminating Restriction on Unemployment Benefits for Military Retires (H. P. 623) (L. D. 833), was Passed to be Enacted.

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Enactment.

**Reconsidered Matter**

On motion by Mrs. Carswell of Cumberland, the Senate voted to reconsider its action whereby Resolved, Providing Retirement Benefit for Clyde Walker of Hallowell, was Indefinitely Postponed.

On further motion by the same Senator, tabled and specially assigned for May 17, 1971, pending Final Passage.