

Yes, 57; No. 66; Absent, 27.

The SPEAKER: Fifty-seven having voted in the affirmative and sixty-six having voted in the negative, with twenty-seven being absent, the Resolution fails of final passage.

Sent to the Senate.

Passed to Be Enacted

An Act Appropriating Funds to Provide Services for Handicapped Persons in Rehabilitation Centers (H. P. 254) (L. D. 336)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Indefinitely Postponed

An Act relating to Safety Barriers on the Maine Turnpike (H. P. 619) (L. D. 830)

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

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: This act that is before us is a proposed safety measure. Now since the discussion on this bill the other day, I have had occasion to ride over most of the Maine Turnpike and the New Hampshire Turnpike. In the discussion the other day the indication was given that the New Hampshire Turnpike has this safety guardrail the total length. And I observed that this was not the case. In fact I measured the distance from the traffic circle in New Hampshire, going south, it is six and one half miles along the New Hampshire Turnpike before you come to the guardrail in the center. And then it is seven miles from there where there is a guardrail in the center to the end of the New Hampshire Turnpike. So approximately half the New Hampshire Turnpike has this safety barrier.

Now there is also said to be some question about this barrier where there is a depression in the middle of the highway. And on part of the New Hampshire Turnpike, this safety barrier, where there is a depression, is right near the left travelled lane. In other words, if you were crowded in passing, at some point there is not a car widths difference between the paved portion of the left lane and this barrier, because it is not down in the center of the dividing strip. And I question very much whether having this in this position is really a safety measure. I think until we have more information on this and the applicability of this on the Maine Turnpike for the full length, that
we ought to postpone this bill. So I move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, moves that L. D. 830 be indefinitely postponed.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: We have got this good piece of safety for our people and I am sure that we will continue to support the same.

In the last paragraph of the Attorney General's office which I noticed, he says "Nothing contained in the foregoing statement should be considered in any way comments upon the merits of the proposed legislation which I interpret to be good legislation."

I will only add this in all sincerity. All of us here who make use of the Maine Turnpike occasionally or use it daily, remember the day when you vote for this safety item, the life you save may be your own.

And if you never use the Maine Turnpike and probably never will, please remember this, since I commute daily on the Maine Turnpike, the life you save may be my very own.

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

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: We have heard quite a bit of lengthy debate on this, and the recent debate brought in the merits of the New Hampshire Turnpike and the safety barrier or lack of safety barriers in New Hampshire. I don't think that the New Hampshire Turnpike should be brought under discussion when we are talking about our own Maine Turnpike. I would hope that Maine could go further than New Hampshire to make their turnpike a lot safer than the New Hampshire one.

I would also point out that the dividing strip between the two roads on the Maine Turnpike is wider than that of the New Hampshire one.

When the vote is taken I would request that it be taken by the yeas and nays.

The SPEAKER: A roll call has 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 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 Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, I would pose a question to anybody in the House who might answer. What will the cost be of the installation of these safety guardrails and what would the cost be on the maintenance and annual upkeep?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, poses a question through the Chair to any member who may answer if they choose.

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

Mr. LIZOTTE: Mr. Speaker and Members of the House: As for the cost, it was pointed out to me that it would be approximately $35,000 per mile. But as I have said before, we are not concerned when we are measuring dollars with human lives. I sincerely hope that you will support this bill and not vote for the indefinite postponement.

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

Mr. VINCENT: Mr. Speaker and Members of the House: I find the $35,000 a little difficult to accept, due to the fact that the estimate was originally around a metal guardrail, and as this thing has been amended anything could be put in there, anything from shrubs and trees to hedges to metal guardrails.

I would also maintain that over 500 accidents have occurred on this Turnpike and with one good head-on collision you could cover the cost of several miles of that stretch with the claims of insurance on both sides with a head-on collision. A collision resulting in the death of several people in one or another car could result in hundreds of
thousands of dollars in claims on one party or another or several parties. Over a period of time their net savings, resulting from damages incurred and the deaths along the turnpike, that is the main thing, preventing deaths along the turnpike, would more than compensate for the cost of putting in a center guardrail.

I would hope that you would continue to go along and support the guardrail on the turnpike.

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

Mr. JUTRAS: Mr. Speaker and Members of the House: To answer the question that Mr. Hewes had a moment ago, I believe the other day that same question was posed and I answered it, having heard the first debate, $186,000 for every five miles, and that amounted to about $3.5 million dollars with a single guardrail all the way. Since that time an amendment has been put in that they want double guardrails, so that would make it about $7 million.

And while I am on the floor, I have observed from Augusta to York the guardrails that are already in existence, and they have them at the necessary and salient points where they need these guardrails, near the bridge abutments and some dangerous places. They have guardrails. The engineers knew what they were doing and I believe that someone has failed to consult the good judgment of the engineers in this matter.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I can remember when this turnpike was started and they were running around selling bonds to anybody that had fifteen cents to put the money into. When they got rolling they were all losing money on it and a lot of these people weren't getting interest on their bonds. Since the business there has picked up, they have done fairly well and I think they have improved the turnpike as much as they could for the money they had available.

Now I can't see how we can order them to put on an expense like this, because they would have to go upon the cost of travelling on the turnpike or else they would have to forfeit paying on some of the bonds, which would be, as far as I am concerned, bad faith for this Legislature.

This was one of the reasons I refused to vote for the Power Authority, because I figured as soon as they got the Power Authority started someone in this Legislature would start tinkering with the blooming thing. No matter how well they were doing, before they got done they would be in the red so badly that we would have to pay for the whole works.

I don't think this is a good bill. I don't think we should vote for it. I would go along with the indefinite postponement.

The SPEAKER: The Chair recognizes the gentlemen from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Members of the House: I would like to call attention to the chart that was placed on our desks last week. I expect probably everybody has mislaid it, but if you will note that the accident rate from Augusta to Bangor on I-95 is 190 and the accident rate on this piece of turnpike in question is 139. The number of accidents on the Augusta to Bangor I-95 was 328 for a distance of 172,184 vehicle miles; whereas they had over twice as many miles on the turnpike and their number of accidents was less than twice as many as it was there. In other words 507. The accident rate was very much higher from Augusta to Bangor. I hope you will postpone the bill.

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

Mr. CROSBY: Mr. Speaker and Ladies and Gentlemen: Unlike a lot of you people here this afternoon, I have the privilege of driving over the turnpike twice a week, and since the snow has gone I can see marked improvement. The Turnpike has been very busy installing guardrails in the places which the engineers have specified as danger points.
I think it is an imposition and perhaps we are discriminating against this Authority by asking them to spend $3.5 million, when I also at times take Route 201 and 95 down from Gardiner to Brunswick. And if you will note, you have exactly the same condition existing on that road as you do on the turnpike, a narrow median strip, and the only barrier that I have found is a piece of chicken wire stuck in the middle of the median strip down around the Desert of Maine, and no guardrails whatsoever in any other part of it.

So I don't think that we should force an Authority, such as the Turnpike Authority, to spend $3.5 million when they are already doing what they have been told is necessary to do to protect life and property on the pike.

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

Mr. LIZOTTE: Mr. Speaker and Members of the House: In answer to Mr. Crosby from Kennebunk, who is from my section of the state, I am very surprised that he would not favor such a bill. And my last thought would be it would be discriminating against anyone. I am strictly interested in saving human lives and I definitely think that this is one proper way of doing so.

Mr. Vincent of Portland was granted permission to speak a third time.

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen: I would remind you that the Maine Turnpike has a fence running down both sides of the turnpike for the entire length, and it certainly costs a lot more than the center barrier being proposed to be erected.

The SPEAKER: The yeas and nays have been ordered. The pending question is on the motion of the gentleman from Freeport, Mr. Marstaller, that an Act relating to Safety Barriers on the Maine Turnpike, House Paper 619, L. D. 390, be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL


Yes, 69; No, 60; Absent, 21.

The SPEAKER: Sixty-nine having voted in the affirmative, sixty in the negative, with twenty-one being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker, I now move that we reconsider our action whereby we indefinitely postponed this bill and I hope that you vote against me.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller now moves for reconsideration.
The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker and Members of the House: I would rise to support the gentleman from Freeport who has asked for reconsideration. However, I would stop there. I would ask you to vote to reconsider this matter. This is always a doubtful way of killing a bill and in one way I am glad that he has approached it. He has got a lot more courage than I have. With such a close vote I would not think it was a wise move.

However, I would like to at least have three or four of you change your position on this bill so that it could be reconsidered and then it could be placed upon the table for a day, so that you could give it a little more thought. Therefore, I do support the motion to reconsider, only I would suggest that you vote yes.

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

Mr. SMITH: Mr. Speaker, I would ask that this item be tabled for one legislative day.

Whereupon, Mr. Susi of Pittsfield requested a division.

The SPEAKER: The gentleman from Waterville, Mr. Smith, moves that the motion to reconsider be tabled for tomorrow. A division has been requested. All in favor of the motion to table will vote yes; those opposed will vote no.

A vote of the House was taken. 45 having voted in the affirmative and 80 having voted in the negative, the motion to table did not prevail.

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

Mr. GILL: Mr. Speaker, I would like to address a question to the Majority Floorleader. Would he explain his position as that of the Majority Floorleader or as an individual? Because I notice that he took a great number of Republicans with him.

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to the gentleman from Pittsfield, Mr. Susi, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. SUSI: Take your choice.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: I hesitate to belabor this point. Last weekend I drove to Washington, D. C. and on the way back I saw a very severe traffic accident that had occurred on Interstate 95 in New Jersey. There is a median guardrail. I think that if the guardrail hadn't been there the accident would have been much more severe, because the vehicle was stopped after breaking through the guardrail in the median. It did not cross into the other lane. Anyone that has driven on that road knows that the traffic is very very heavy. It would have involved many more than just two cars I feel.

I hope that you will support the motion to reconsider and help save a few lives on the Maine Turnpike.

The SPEAKER: The pending motion is on the motion of the gentleman from Freeport, Mr. Marstaller, that the House reconsider its action whereby it indefinitely postponed this bill. The Chair will order a vote. If you are in favor of the motion to reconsider you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 63 having voted in the affirmative and 65 having voted in the negative, the motion to reconsider did not prevail.

Enacted
Tabled and Assigned
An Act to Revise Laws Relating to Aviation (H. P. 620) (L. D. 802) was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I have just received a letter from the Attorney General dealing with item seven. It raises questions which I don't have the answers to and I would hope that someone would move that this be tabled