LEGISLATIVE RECORD

OF THE

One Hundred and Fifth
Legislature

OF THE

STATE OF MAINE

Volume II
May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE
In the House: On motion of Mr. Mills of Eastport, tabled pending further consideration and specially assigned for Wednesday, June 2.

Non-Concurrent Matter
Tabled and Assigned

Bill "An Act Restricting Use of Certain Campsites" (H. P. 996) (L. D. 1358) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in the House on May 17.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Porter of Lincoln, tabled pending further consideration, and specially assigned for Tuesday, June 1.

Non-Concurrent Matter

An Act relating to Exemptions from Real and Personal Property Taxation for Industrial Disposal Systems (H. P. 1131) (L. D. 1559) which was passed to be enacted in non-concurrence on May 21 and passed to be engrossed on May 17.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "A" thereto in non-concurrence.

In the House: On motion of Mr. Finemore of Bridgewater, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers" (H. P. 1330) (L. D. 1744) which was passed to be enacted as amended by House Amendment "A" in the House on May 26.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:
The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Hodgdon.
Mr. HODGDON: Mr. Speaker, I move we insist.

The SPEAKER: The Chair recognizes the gentleman from Orrington, Mrs. Baker.
Mrs. BAKER: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves that the House recede and concur.

Mr. Finemore of Bridgewater requested a division on the motion.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Hodgdon.
Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: I believe this L. D. was well debated on Wednesday. I don't believe that the basic causes have changed any in two days. I would just remind the ladies and gentlemen of the House that this is an exception to the general rule whereby as long as the state has the police power of the liquor business that it is entirely from any other personal type of business, and it is up to this legislature to continue to control it.

I appreciate the votes that you gave me last Wednesday, and I would ask that you stay with me today. In fact, I will invite anybody who has had a change of heart to go along with me.

The SPEAKER: A vote has been requested. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.
30 having voted in the affirmative and 77 having voted in the negative, the motion to recede and concur did not prevail.

Thereupon, the House voted to insist.

Non-Concurrent Matter

An Act relating to Safety Barriers on the Maine Turnpike (H. P. 619) (L. D. 830) which was indefinitely postponed on passage to be enacted in non-concurrence in the House on May 24.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.
Mr. LIZOTTE: Mr. Speaker, I move that we recede and concur.
The SPEAKER: The gentleman from Biddeford, Mr. Lizotte, moves that the House recede and concur.

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

Mr. LEE: Mr. Speaker and Members of the House: We defeated this in good shape the other day and I think we were right. I ask for a division.

The SPEAKER: A division has been requested on receding and concurring.

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

Mr. LIZOTTE: Mr. Speaker and Members of the House: I believe that Monday the reason that we lost this is because of the attendance, but I do believe that most of us here are really concerned with the safety of our people. Isn't this the reason why we ran for this office?

Now I will go back to the good gentleman from Freeport, Mr. Marstaller. It seems rather strange to me that he would speak against such a good piece of safety legislation. The reason for this is, the last four years the Town of Freeport has had one accident on a divided highway such as the Maine Turnpike which resulted in four fatalities. Because of this the State Highway Commission has appropriated the sum of $180,000 in their agenda for this year to erect five miles of guardrail in the Town of Freeport so no such accident will happen again.

Now let's go back to the cost, which truthfully is not what's important. I mentioned the price of steel guardrails, but now that the bill has been amended to the words "safety barriers," that is up to the safety engineers to see fit, in their wisdom, something better that could be much cheaper, and they may do so. But believe me, ladies and gentlemen of the House, we are here to protect our people. Please, let's live with our commitments!

Let us remember that on the Maine Turnpike we have had, in the last four years, 32 fatalities crossing the median strip. I for one am not looking for any more. I hope you will all join with me and recede and concur.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I believe that last Monday when we defeated this bill, or the last time it was on the floor of this House, it was because the people who were here had the good judgment and confidence in the engineers of the Maine Turnpike Authority who put up barriers where needed. If you will notice, these barriers are being put up; even this week they are working on this Maine Turnpike Authority, to put up barriers where they are needed.

This is an emotional, publicity seeking bill whereby state officials are trying to interject themselves into a privately owned, a privately controlled authority, where we have no business in telling them that they have to spend millions of dollars to put up a guardrail or a barrier, or whatever you may call it. I move that we kill this bill once again today as we did last week.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am chagrined to again take issue with my good friend from Albion, Mr. Lee. I was not present when the last vote was taken on this. The gentleman makes comment, "This bill was roundly defeated." The vote was 69 to 60. I would suggest that probably this would not indicate that the bill was roundly defeated.

The reason that I am on my feet on this bill is because, like all of us, I am a frequent traveller on the turnpike. My driving time is very very limited. I have, however, a personal experience that was witnessed this winter by members of this House, at which time, fortunately, the driving speed was no more than 40 miles per hour on the turnpike, and suddenly complete control of the car was lost and I wound up on the only barrier that was available, and that is a small snow bank in between the two lanes. Now there might be some that might think that might
not have been a great loss, but it could have been a great loss if I had plowed across and run into two or three other cars.

I want to make comment that there are a lot of good pieces of legislation that we have heard and there are a lot of bad ones. And this is a very very good piece of legislation. We give ourselves some protection on the second-highest paid toll road in the country — the Maine Turnpike Authority. And as far as I am concerned, my area pays a great deal of this, because for many many years, when we were trying for 18 years to get the third bridge, which we still haven't got, believe me, a great many people paid the fifteen cents to go from Lewiston to Auburn on the turnpike, and that to me is a lot of money. Our mill and shoe shop people and our workers at home have to pay it and they deserve some sort of protection.

I want to commend the young gentleman from Biddeford, Mr. Lizotte for having the far thought of presenting this piece of legislation. This is a sound, solid piece of legislation. And when I was chairman of the "I Want to Live" convention we had, attended by 1,200 people, there was a great deal of conversation concerning such things being done to protect the individuals over the turnpike. When the vote is taken, Mr. Speaker, I would go along with the gentleman from Biddeford, Mr. Lizotte. I move the vote be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I would pose a question through the Chair to the gentleman from Sanford, Mr. Jutras. The question is, Mr. Jutras, are you still employed by the Maine Turnpike Authority?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Farrington, poses a personal question to the gentleman from Sanford, who may answer if he chooses, and the gentleman does not care to answer.

The Chair recognizes the gentleman from Biddeford, Mr. Sheltra. Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen: It has come to my attention that the objectional part of this bill is the fact that the Maine Turnpike Authority doesn't like to be told what to do and when to do it. Now I submit to you, in our own private lives there are many many safety measures that we have to adhere to. For instance, even on your own private lots you have to build an outer building such as a garage so many feet away. If you want to burn your leaves you have to have a permit and go to the fire station in order to do this and to do that.

I was in a nursing home a couple of years ago to renew this lady's advertising — a large nursing home, by the way — and she said, "Well, I don't know what we are going to do about the advertising this year. I can't afford a new sprinkler system which would cost me $25,000." So consequently, she says, "I am going to go from a nursing home to a rest home." I said, "How is this going to affect your people in here now?" She says, "I am going to lose very few. My house will still be full." Well I said, "Isn't that strange? All you have to do is change the name of the institution and all of a sudden your people are fire orientated. They don't have to fear fire." But anyway, going on here, your restaurants, all of your businesses come up against this safety factor. We all live with it on a daily basis.

Now this bill — there has been much said about it, but this bill has been watered down to practically nil. We did away with the guardrailing, we are just down primarily now to the time factor, and that is January 1, 1975. We have given this industry plenty of time. I don't feel that the Maine Turnpike Authority is a sacred cow, by any means. I think they should be subjected to the same type of laws and legislation that we are. I certainly hope that you will recede and concur with the Senate.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Bernier.
Mr. BERNIER: Mr. Speaker, Ladies and Gentlemen of the House: I voted against this measure the last time because like most of us here, I am on sort of an economy binge. But economy can be pushed too far.

This was brought to my attention in rather a forceable manner. While driving the other day the hood of my car popped up, and I suddenly realized what could possibly happen if we were in heavy traffic. Under these particular conditions you just can't see a thing. This is probably the most dangerous thing that ever happened to me. And for that very reason, I do believe that let's forget economy for this once and vote for this most important piece of legislation, I am voting for it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am reluctant, seeing as this is so far away from my domicile, to say much, but I did sit on the Transportation Committee which was a nearly unanimous report and it was certainly a majority report after we heard both sides of the evidence. Now let me tell you here this morning, we seem to be hearing only one side of the evidence, but after this Committee on Transportation, which is a pretty sound bunch of fellows in my opinion, heard the evidence on both sides, we were certainly a large majority that felt that this bill should not pass. And we felt so and this is one of the reasons that we felt this way — first of all, they are now putting up guardrails where it seems necessary. They are doing everything that seems within their means — they are trying. They didn't say "We won't put up guardrails," they said, "We are already doing it."

Basically what this bill does is tell them when they have got to do it, how fast they have got to do it. They don't know how much their revenue is going to be. They can't anticipate their revenue no more than we can our state revenue. But based on sound mathematical figures, of which they use, they figure they can do it within a certain length of time and they are doing it.

Now it wasn't like they came to this Committee on Transportation and said we are not going to do it, we don't intend to do it. This wasn't the case. They said they are going to do it and they are doing it. So this bill merely tells them to speed it up, to do it so and so, regardless if they have got the funds or not. And your Committee on Transportation didn't feel as though this bill should pass.

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

Mr. JUTRAS: Mr. Speaker, could I have the Clerk read the committee report on this bill, please?

The Committee Report was read by the Clerk.

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

Mr. JUTRAS: Mr. Speaker, am I correct that there is only one member of the minority report who says that it should pass and twelve against?

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

Mr. LIZOTTE: Mr. Speaker, there was also a gentleman from this body, Mr. Lebel, that signed the report.

I would also like to thank the good gentleman from Old Orchard for posing the question to the good gentleman from Sanford, whether he is employed by the Maine Turnpike Authority. But truthfully, it makes no difference whether he works for the Maine Turnpike Authority or not, I am only interested in safety for the people.
The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss if I didn’t point out that the Senate amendment that changes the words “steel guardrail” to “safety barrier” now provides the Turnpike Authority with another opportunity to provide a very substantial barrier by 1974 the whole length of the turnpike if they would just cease and desist in picking up the nonreturnable bottles and cans in the median strip.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Biddeford, Mr. Lizotte, that the House recede and concur with the Senate on Bill “An Act relating to Safety Barriers on the Maine Turnpike,” House Paper 619, L. D. 830. All in favor will vote yes; those opposed will vote no.

ROLL CALL


NAYS — Barnes, Berry, G. W.; Berry, P. P.; Birt, Bither, Brad ton, Brown, Call, Crosby, Cum mings, Curtis, A. P.; Donaghy, Dudley, Evans, Fraser, Hall, Haskell, Hayes, Henley, Hewes, Immonen, Jutras, Kelley, K. F.; Keyte, Lee, Lewis, Lincoln, MacLeod, Marstaller, McCormick, M cNally, Millett, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Susi, Trask, White, Williams, Wood, M. W.; Wood, M. E.

ABSENT — Baker, Carrier, Curran, Cyr, Gauthier, Hanson, Mad dox, Orestis, Ross, Santoro, Tyndale, Wight.

Yes, 88; No, 50; Absent, 12.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty in the negative, with twelve being absent, the motion to recede and concur does prevail.

Whereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Mr. JA LBERT: Mr. Speaker, I now make a motion that we reconsider our action whereby we enacted this bill, and when you vote, vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Ja lbert, moves the House reconsider its action whereby we receded and concurred. All in favor will say aye; those opposed will say no.

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, June 1, at 10 o'clock in the morning. (S. P. 608)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Messages and Documents

The following Communication:
The Senate of Maine
Augusta, Maine
May 27, 1971
Hon. Bertha W. Johnson
Clerk of the House
105th Legislature

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, “An Act Relating to Pub-