

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

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steel a car. That also is a secondary act of responsibility.

The primary act of responsibility or the primary responsible group, quite simply, is the Department of Corrections. They were responsible to keep that individual, who had been sentenced, incarcerated. It is through their action or lack of it that the gentleman escaped. It was their action or lack of it that allowed the gentleman to be in a position to steal the car and it was their act or lack of it that forced the trooper to be in a position where he had to drive the car off the road. I think very clearly the responsibility is the state's and I would urge your support of the Majority Report.

Subsequently, on motion of Representative Priest of Brunswick, the Majority "Ought to Pass" Report was accepted, the Resolve read once.

Committee Amendment "A" (H-210) was read by the Clerk and adopted and the Resolve assigned for second reading later in today's session.

Divided Report

Eight Members of the Committee on Transportation on Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour" (H.P. 547) (L.D. 734) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-212)

Signed:  
 Senator: CAHILL of Sagadahoc  
 Representatives: MILLS of Bethel  
 CALLAHAN of Mechanic Falls  
 SOUCY of Kittery  
 STROUT of Corinth  
 SALSBURY of Bar Harbor  
 McPHERSON of Eliot

Four Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Signed:  
 Senator: DOW of Kennebec  
 Representatives: REEVES of Pittston  
 POULIOT of Lewiston  
 MACOMBER of South Portland

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass"

Signed:  
 Senator: THERIAULT of Aroostook  
 Representative: MOHOLLAND of Princeton  
 Reports were read.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker: I move that the House accept the "Ought to Pass" Report, Report "C."

Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that we are confusing the genuine purpose behind raising the speed limit to 65 miles per hour on Interstate highways. I believe the federal government had decided to allow the state to raise the speed limit because the full scare of the scarce gas of the early 1970's has passed and the safety and fuel economy devices currently in place in the vehicles warrant a higher maximum speed limit.

We should not be using our higher speed limit to increase fines and give the state added revenue. We, on the other hand, are going to tell the general public that they can travel 65 miles per hour on the Interstate and, on the other hand, double the fines for speeding.

We are being a bit hypocritical by doubling the fines and we will be turning the turnpike into the country's largest speed trap. A person traveling from Houlton to Lewiston will be able to travel 65

miles an hour through to Augusta. When he reaches the turnpike, he is expected to reduce his speed to 55. Both you and I know that the tendency is to maintain that speed which we have been traveling. Police will be able to sit in Gardiner and catch dozens of people traveling 60 to 65 miles an hour for violation of the law but that certainly is not an offense worthy of a \$50 fine. We must be careful not to double the minimum fine. Our state police should keep a closer eye on the people who do exceed the 65 miles per hour speed limit and they should send a clear signal to the people who speed on our Interstate that that will not be tolerated.

I ask you to accept Report "C" -- raise the speed limit but not the fine.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to ask for a roll call when the vote is taken.

I rise today in support of Report "B" which is the "Ought Not to Pass" Report and I would like to very briefly give you my reasons. I think whenever any member of this House votes on an issue, he has particular standards of his own or criteria that he uses to determine whether the bill is something that is needed or not. I guess my feelings on this particular bill -- I went down through sort of a list that I had. First of all I asked -- is there a need for this particular piece of legislation? I could come up with no legitimate reason that I thought we should go from 55 to 65. I think most people would agree that we are not driving at 55 at the present time.

The next issue I raised was -- it is a safety measure, will this lead to less accidents on our highways, fewer number of deaths, and things of this nature? I don't believe you could qualify that under that particular piece of criteria.

The next thing I asked was -- is it an economic issue? I don't think you can really classify it as an economic issue when we are going to be using more gas, more fuel.

I think another thing that swayed me in my vote of "Ought Not to Pass" is the fact that people who are held in a great deal of respect in the State of Maine, Senator Mitchell, Senator Cohen, Representative Snowe, Representative Brennan -- when this particular bill was voted on in Washington, all four of them voted no. I think perhaps we ought to think about that. I am sure they had a pretty good reason for doing that.

I guess another thing that bothered me even more was that Amendment "A" puts it into an emergency situation. I would like to have anybody who wants to tell me the rationale for putting this bill into effect right at the present moment when the tourists are just starting to hit the highways in Maine. I think the more rational way of doing business would be to wait until the tourists have gone and then put the higher speed limit into effect, if that is what you want. I would like to say -- think about some of the things I have said. Does it meet any of the criteria that you people use when you vote for a bill or vote against it? I would ask you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

Representative Strout of Corinth requested a Division.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to defeat the pending motion so that we could eventually go on and accept the Majority Report which is to raise the speed limit to 65, increase the minimum fine to \$50 on the turnpike and the Interstate system only. Only on those two highways would the minimum fine -- it's not doubling the fine, it's raising the minimum from \$25 to \$50. The only reason this is being done is to try to send a clear message out there to people that -- yes, we are willing to raise the speed limit to 65, but 65 means 65 -- not 70 and not 75.

In response to one of the questions of my good friend from South Portland -- why raise it now with the tourist season starting? The states to our south have raised the speed limit on their Interstate systems to 65, so to try to keep it the least confusing as possible, and keep it standard throughout the whole Interstate corridor, we feel it should be raised at this time.

I would ask you to defeat the pending motion which is to indefinitely postpone and go on to accept the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: From the previous speakers' comments, it is very clear that there are two issues facing us here today. One, do we believe that the 55 mile an hour speed limit is an ineffective state policy, and should we increase that limit to 65 to take into the reality of the situation which is currently taking place in this state?

The second issue is, do we believe that in doing so in this time, we should go with a mandatory minimum of \$50 fines? Those are the two issues facing us here today.

I would urge you to vote against the pending motion to indefinitely postpone this bill because I believe that two of these three reports are perfectly acceptable. You will note in looking at the breakdown of the reports, that nine members of that committee felt very strongly that the speed limit should be increased. I might also point out that, at the hearing, the bill had the support of the Governor's Office, the Commissioner of Transportation, the Commissioner of Public Safety, the Maine Highway Safety Committee, and all of the speakers who testified at that particular hearing. No one showed up to oppose that bill.

Having grown up a strong supporter of the 1974 law that lowered the maximum speed limit to 55 miles per hour, I nonetheless believe that the time has come to reevaluate its effectiveness as state policy for the 1980's and beyond. And while few would argue that the effectiveness of the 1974 law in achieving its desired goals, I believe that developments over the last two decades have made it obsolete and ineffective to the point where it now is almost universally violated by the driving public. All you have to do is drive on the Interstate and look around you, go 55, and see how many people are exceeding that speed. In fact, testimony was brought out at the hearing by officials charged with monitoring the 55 mile per hour speed limit, that 85 or 90 percent of the motoring public that passes those markers are exceeding 55 miles per hour.

I would ask you what are laws, ladies and gentlemen? Laws are social contracts that we all make in order to promote a good society. We, as legislators, are agents of negotiating those laws and

the compromises that are involved. I believe that it is very important that we increase the speed limit to 65 and take into the account the reality of the situation. If the speed limit is in any way, shape, or form close to the actual experience of the motoring public, I believe people would obey that law. To maintain a law where it is 55, while not enforcing it or not being able to enforce it, in my belief, is hypocritical.

The 55 mile per hour speed limit represents an unnecessary burden on Maine citizens in terms of added travel time, lower productivity, and higher shipping costs. It is also an impediment to the flow of interstate commerce, adding to the geographical isolation Maine already experiences in relation to world-wide markets. Widespread violation of the 55 mile an hour speed limit also breeds disrespect for other state laws. Preoccupation with this particular statute impedes enforcement of other more vital laws, confuses the public about the most important elements of highway safety, and encourages a misallocation of enforcement resources.

Adoption of this proposal, as I pointed out earlier, would make other laws more enforceable, would allow state agencies to use their personnel, equipment, and limited funds, in a more efficient and effective manner. If Maine sets the speed limit that bears some relation to the actual driving speeds on the Interstate, the state police can direct their attention and efforts to other safety programs.

In response to the good gentleman from South Portland, his question was why does this have to be done in terms of an emergency preamble? Two reasons. One, other states have already acted to raise their speed limits, and to leave our speed limit at a lower level -- those motorists traveling 65 and entering the state are going to continue to travel 65. Just look around you, after the federal government passed the law that allowed states to raise the speed limit, you will notice that motorists now are frequently traveling 65.

The other reason is a reason that is obviously left up to us as policymakers. If you were to go with Report "A," the minimum fines would make sure that, when the speed limit takes effect, those fines would take effect too. It would send a very important message that we are no longer going to tolerate widespread violation of the law. We are going to change the law to make it more reflective of what is going on in the State of Maine.

I urge you to defeat the pending motion and then seriously consider two of the three reports that raise the speed limit.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: Increasing the minimum fine to \$50 doesn't do any good, I believe, if the enforcement isn't there. I think we could use more enforcement on the highways now in terms of these speed issues.

Secondly, I do not think we make public policy based on greed. One of the real reasons this bill is being pushed is that the state tends to lose perhaps as much as \$3 million if we do not come into compliance. I think this legislation is hypocritical, on one hand it encourages conservation, it encourages safety, and yet on the other hand, we turn our backs on these values to receive and an increase in federal monies.

I urge your support of the pending motion.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps somebody from the committee can correct me but it is my understanding, this not only increases the maximum speed to 65, but it increases the minimum speed from 45 to 50. That really concerns me because now you are pushing people to move faster.

I am going to vote for the pending motion.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: To respond to the last gentleman, to my knowledge, there is nothing in either report to increase the minimum to 50. The minimum will stay the same.

While I am on my feet, basically, the reason that I support Committee Amendment "A" is to send a message that we are increasing the minimum fine from \$25 to \$50. As far as I am concerned, I think the issue to increase to 65 — the time is right. You know, as I drive down everyday, I am not going to tell you what I set my cruise control at, but I can tell you that people are driving more than 65.

The difference between Report "A" and Report "C" is the difference of \$25. I think a point ought to be made right now that if you are driving more than 65 today, and you get caught, the fine is going to be at least \$50. If this bill passes and you are doing more than 65, the fine is going to be \$50. I really believe we ought to increase the speed to 65 and I think we ought to increase the minimum fine.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: The first speech I gave on the floor of the House earlier this year was around this very same issue. Since that time, I have had a chance to reflect on it, think about it, and I have changed my point of view. Earlier, I was persuaded by exactly the same sorts of arguments that persuaded the good Representative from Orono, Representative Bott, that raising the speed limit would, in fact, engender respect for the law.

I have thought more about it and talked to various state troopers and I have considered my own experience in my past when I used to do trial work in the courts. I am aware that troopers always give a certain amount of latitude and if they don't, and go into court when somebody is going five miles over the limit, or three miles over the limit, the judge writes them off as writing out cheap tickets. It is for that reason that the state police and the local police tend to give five to ten miles over the limit, and sometimes more, before they will actually ticket you. That policy won't change. There is no way that you can change the attitude around cheap tickets.

If we were to pass this bill, we would really be raising the whole range of speeds that people travel by ten miles an hour, and in fact, the state trooper's wouldn't (I am convinced) be ticketing people until they were going 75 or 80. That does not make sense to me. That also leads to the situation where state troopers would have to go 90 and 100 miles an hour in order to catch violators of the law. We have enough problems already with high speed chases, and for us to raise the speeds at which people travel on the state turnpike by ten miles an hour before those high speed chases even begin, does not make good policy.

Ladies and gentlemen of the House, after thinking about this, I would urge you to support the motion to indefinitely postpone. I believe the speeds that we

are traveling on Maine's highways are fast enough already.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: There have been some pretty good arguments raised here today as to why not raise the speed limit. Those same arguments were made in the committee. I considered them and decided to vote to raise the speed limit. I would like to give some of the reasons why.

One of the reasons that has been mentioned today for raising the speed limit is the fact that if more than 50 percent of the state's drivers are found to be going over 55, then we could lose some of our highway funds. Now that is not necessarily a good reason to raise the speed limit, I realize that, but it is one thing to be considered. I think the biggest reason why I voted to raise the speed limit to 65 is because it seems realistic to me.

In the past, studies that were brought before the committee have shown, that when the speed limit was 70 miles an hour, most people who drove on the turnpike and on the Interstate, drove approximately 64 miles an hour. The studies that have been brought in since we have had the 55 mile an hour speed limit show that the majority of the people that drive on the highways now, drive 64 miles an hour. The point is, most people realize there is a realistic speed that they can drive on that highway and it is not 55, I don't believe, nor is it 70 or 75. The majority of the people, no matter what we have set the speed limit at on that highway, have driven 64 miles an hour. I think that is because it is a realistic speed.

Some people might argue that 55 saves lives and I cannot give an argument that says otherwise than that, it is true. It is also true that 50 would save more lives and it is also true that 45 would save more lives. It is also true that if we drove down in tanks, we would probably save more lives, but there comes a point when you have to decide what is realistic and what should be the speed.

Those highways were built for people to drive at 70 miles an hour and they have gone down to 55. Now, if safety is what we are really interested in, why do we allow on rural roads that are not built for four lane traffic — why do we allow many of those same highways to drive 55? If safety is the real concern that we have for highways, why are we so inconsistent with our policy and allow on rural roads to drive 55, and then on four lane highways, we have the same law? Now some of you will argue that it is still 55 that saves lives and therefore we should have the law, even if it is not a realistic law, we should still have the law.

I think that many people would say those same arguments are reasons why we should have prohibition and why prohibition was passed. It was good, it would save lives, and therefore, we should have the law. We tried the law, we saw that it wasn't realistic, although the arguments were there that it would save lives, people were breaking the law because they didn't see why in the process of the law that it was really realistic for them to go by that law.

I think the same is true for the speed limit. We know that most people will go 64 no matter what the speed limit is. It has been shown consistently that that is the speed they will drive. I think 65 is fair and it is good policy for this state to pass that law.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Men and Women of the House: I would like to clarify the issue of the 50 mile minimum speed, which Representative Rolde brought up. At the hearing, the state police testified that if the speed limit was raised to 65 that it would be proper to raise the minimum speed to 50, so it is quite likely that if the speed limit was raised to 65, that the minimum speed would be set at 50 miles an hour on the Interstate.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I oppose the pending motion for a very legitimate reason. We are six and a half to seven hours drive from the St. John Valley. I promise you, you will find very few tourists from Bangor to Houlton. Let's not further disenfranchise the people of the northern part of the state.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning particularly because I am a cosponsor of this bill. Another reason is that I don't think anyone here has traveled the Maine Turnpike any more than I have. I have traveled it since its inception. Furthermore, I can recall that when we did reduce the speed limit to 55 miles an hour, the thing that I feared most, and I was traveling from Aroostook County to Biddeford very frequently all summer long -- what I was afraid of happening and almost did happen to me many times was falling to sleep at the wheel at 55 miles an hour. It really wasn't fast enough to keep me awake for that period and that distance.

As far as our distinguished delegation in Washington, I can well understand why they would like it to remain at 55, because they fly over it, they don't use it. I am telling you ladies and gentlemen this is a fair and a just law and I feel that you should really try to keep our people honest. Everyone is going over the 55 mile an hour speed limit. I think it is only fair, other than keeping our people honest, and of course, tourism -- tourism was brought about. You know, we don't have a reciprocal law between Massachusetts and ourselves. I am sure that when you travel the turnpike, you have seen Massachusetts drivers spin by you like you were stopped. The same holds true for the Canadian drivers, so the only people that are being punished by maintaining the slow speed limit, are the natives of Maine. So please, think about it. Let's indefinitely postpone the current bill so that we can go on to the next one.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: Mr. Speaker, may I pose a question through the Chair?

To any of the sponsors of Report "A" or Report "C" -- I heard the turnpike mentioned in the previous speech, and it is my understanding that the turnpike is not affected by this legislation, only Interstate 95. Is that correct?

The SPEAKER: The Representative from Thomaston, Representative Mayo, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: You will still have to drive 55 on the Maine Turnpike from Augusta to Gray. That creates quite a speed trap, especially coming

from the north, for tourists, or for Maine people or anybody else.

So I wish you would defeat this bill and let Report "C" go through.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I am going to vote for the pending question, which is to indefinitely postpone this bill and all its accompanying papers for a couple of reasons, not the least of which is what we just heard. If we have a separate speed limit for our turnpike than we do for our Interstate 95, I think that is going to be very confusing to motorists throughout the state.

I keep going back to the original reason why we lowered the speed limit to 55 and I don't believe those reasons have changed at all. I would urge this House to consider the conservation and I would urge this House to consider highway safety and vote for the pending motion.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I would also like to pose a question.

The question is, is there a fine for violating the minimum speed?

I urge you to defeat this motion for one reason. We have one of the most sophisticated highways, high speed highways, safe highways, in the nation. Look at the record when the speed limit was 70 miles an hour. We have a real fine system and I think that we ought to utilize it and also conform to the rest of the United States.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: There are a few issues here that I think need to be clarified. The further we go here, it seems like the muddier the water is getting. This only raises the speed limit on the Interstate system, which includes portions of the turnpike. There is an area or a portion of the turnpike from Falmouth to Gardiner, which was inadvertently omitted in the federal legislation and steps are being taken to correct that, so eventually the whole of the turnpike will be raised to 65.

As far as the minimum speed, there will be no change. There was some talk in the committee, but bear in mind, that it cannot be changed until it comes back to the legislature.

I and the majority of the committee feel the same way, that the Majority Report is a good compromise, it is in the best interest of everybody in the the state. Remember, these highways were designed for 70 miles an hour. They were originally 70 mile an hour highways. The minimum on them at that time was 45, which will stay the same.

I would ask you to defeat the pending motion and support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, I request a roll call on the pending motion.

Mr. Speaker, Ladies and Gentlemen of the House: As you know, I come from the most northern part of the State of Maine. Everything is trucked in and trucked out. Our truckers, if they have to go 55, it costs them more money to deliver material, food, and what have you. My constituents really want the speed limit increased. The "55 Saves Lives" -- they call it the "55 is a big lie."

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Representative from Kennebunkport, Representative Seavey.

That question Representative Seavey is, if today, you were picked up for doing 70 miles an hour on the Interstate and if Report "A" was adopted tomorrow, what would the fine be in our judicial system for doing the same speed violation at 70 miles an hour -- what would that fine be?

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I will bite on the question, I don't know what the fine would be, to be honest with you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I believe in answer to the gentleman from Canaan, I think the fine would be a minimum of \$50 and beyond that would be at the judge's discretion.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Lewiston, Representative Pouliot, that L.D. 734 and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, I request permission to pair my vote with the Representative from Madison, Representative Richard. If he were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of the Representative from Lewiston, Representative Pouliot, that L.D. 734 and all of its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 88

YEA - Allen, Anthony, Baker, Carroll, Conley, Dellert, Dexter, Dore, Dutremble, L.; Foss, Foster, Garland, Handy, Harper, Hickey, Hillock, Holt, Kilkelly, Kimball, Look, Macomber, Mayo, Melendy, O'Gara, Paradis, P.; Parent, Perry, Pouliot, Reeves, Rolde, Rydell, Seavey, Stanley, Stevens, A.; Stevenson, Strout, B.; Swazey, Tupper.

NAY - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutillier, Bragg, Brown, Callahan, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Davis, Diamond, Duffy, Erwin, P.; Farnum, Farren, Gould, R. A.; Greenlaw, Gurney, Hale, Hanley, Hepburn, Hichborn, Higgins, Hoglund, Holloway, Hussey, Ingraham, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Michaud,

Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Paul, Pines, Priest, Racine, Rand, Reed, Rice, Ridley, Rotondi, Ruhlin, Salsbury, Scarpino, Sheltra, Sherburne, Small, Smith, Soucy, Stevens, P.; Strout, D.; Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Jackson, Simpson, The Speaker.

PAIRED - Gwadosky, Richard.

Yes, 38; No, 106; Absent, 3; Vacant, 2; Paired, 2; Excused, 0.

38 having voted in the affirmative and 106 in the negative with 3 being absent, 2 vacant, and 2 paired, the motion to indefinitely postpone L.D. 734 and all its accompanying papers did not prevail.

Representative Macomber of South Portland requested a roll call on the motion of Representative Moholland of Princeton that the House accept Report "C."

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I do hope you go along with my Report "C" today. For all the people in the northern part of the state, for all the tourism that we are suppose to be getting through our lovely state, and to double the fine, I think, is outrageous. We have a task force going now in the State of Maine where we are supposed to be drawing business into the State of Maine. We are not going to draw business if we are not going to draw people into the State of Maine. Down in the committee, we had one of the gentlemen from the state police that said we are going to put this fine on to wake up the people in the State of Maine, that we mean business. Well if they mean that much business, I think we ought to go along with my amendment version of "C."

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Soucy.

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the pending motion. I want to make it very clear that members who signed out the "A" Report made it very clear to the public safety people that we meant 65 to be 65. We want to get rid of this notion that, if we place the speed limit at 65, that you can travel at 75. So, the intent of the members who signed Report "A" was that 65 shall be 65 -- with a little variation but it should not be ten and fifteen miles an hour.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I go along with the previous speaker's intent but, as I see this bill, we have got a built-in speed trap between Augusta and South Portland. Through a technicality, that part of the turnpike was omitted so you are going to have to go 55 down through that area.

I think probably there will be more people that will swing off at Augusta and go down through 95 so that they can avail themselves of the 65 mile an hour

speed limit. If you would go 65 from one end of the turnpike to the other, I would agree with it, but you have got a built-in speed trap. Then on the other hand, you are letting people from Portland to Kittery go 65 on the Maine Turnpike and that is the most congested area that there is on the pike. If any of you have been down there on a weekend traveling from Portland toward Kittery, I don't even know if I would want to go 65 miles an hour down through there. So, this section of the turnpike that is going to be left at 55, I think is a built-in speed trap and I don't think it is fair for the people that are using the pike. They are going to be traveling 65 and they are going to come into that area and if you expect them to slow down to 55, I don't think that would be true.

To bear that out, I went to Boston, as much as I hated to, a week ago and ran into the same condition there. When you are going into Boston, there are parts of New Hampshire that are 65 and there are parts that are 55 and it changes two or three times going from here to Boston. I could see that this really would be very confusing -- especially with the tourist season coming up and a lot of people will be traveling it. I don't think it is a good idea at this time.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker and Members of the House: Very briefly before our vote this morning, I wanted to correct what had been said earlier in the debate that the Maine Highway Safety Committee was in support of raising the speed limit to 65 miles an hour. As a member of the Maine Highway Safety Committee, I can say that, at no time, did we ever endorse this type of action before this legislature ever.

We are in the beginning now of the three deadly months of summer, June, July, and August. If you accept Report "C," members of the House, we will be making this one of the deadliest summers in the last 15 years. If we pass legislation raising the speed limit on our highways, on the Interstate and on the Maine Turnpike, we will be helping to increase the fatalities on our highways by a sizable proportion.

I cannot in good conscience vote for this. I travel the Interstate and the turnpike like many of you do and I see people traveling by me at 75 and 80 miles an hour. We cannot have a state trooper posted at every turn and every corner of the road.

Alcohol is still a factor in our highway fatalities. I would ask you to consider this morning, members of the House, that the alcohol that is being consumed by our tourists as they drive along our highways, mix that with 75 miles an hour in a small car, and we are going to hear and see the horror stories on the evening news and in the papers where four or five people in an automobile hit a guardrail or another truck or car and disintegrating. If we want to see these types of accidents happen, and they do happen, vote for this bill, it will increase it, it will help it along. There are going to be fewer tourists buying fewer Maine goods, I can guarantee that. And we are going to be shipping them back to New York, New Jersey, Pennsylvania and Florida in coffins and not in cars.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: I would like to very briefly respond to the good Representative from Augusta. I don't doubt his sincerity and his concerns. In fact, one of the reasons that I was very supportive of the 1974 law, was because I believed that it reduced the number of fatalities on the highway. I might still

share those concerns if I hadn't conducted extensive research on the subject and come to realize some of the conclusions that were outlined in the most definitive study on this issue that was conducted in 1984 by the Transportation Research Board. That report really changed what one of my initial perceptions was. One of my perceptions was that, if the speed increases, naturally the amount of fatalities experienced on the highways also increased.

I am going to quote part of that report to you here today. "Analysis of the 1981-82 data reveals no statistically significant relationship between average speed and the fatality rate. This is true for other speed measures as well. Percentage of drivers exceeding 65 miles per hour and the 85th percentile speed, all considered states with higher average speeds, do not have higher fatality rates than states with lower average speeds.

Second, there is a statistically significant relationship between speed variance, that is the range of speeds on some given highway, and the fatality rate. While most cars are traveling at about the same speed, whether it be a high speed or a low speed, the fatality rate is low, presumably because the probability of collision is low. When there is a considerable range of speeds among cars on the highway, the fatality rate is high presumably because this increase is the probability of collision.

Third, when the effect of speed variances are held constant, there is no statistically significant relationship between the fatality rate and other speed variables. This suggests that the variance of speed is more important to the safety than the average speed."

Simply put, if you have got cars that are all traveling 65, it is a much safer situation than if you have people going 55 and 75, because when changing lanes, there is a greater degree of variance on the highway. I believe that by passing this legislation we may, in fact, be making our highways safer by reducing the speed variance on the highway and also freeing up law enforcement personnel to go after 65 because there will be fewer people exceeding the speed limit, in my belief, if the speed limit on the highway is 65.

Another thing that bears mentioning is that the fatality rate on the highways has gone down every single year since 1945. It has significantly gone down because increases of safety on the highway and the technological advances that cause of witnesses. The biggest drop in the fatality rate occurred during that period following the passage of the legislation in 1974 and many experts attribute that fact to the fact that gas prices were so high, fewer people were traveling, they were staying closer to home. Fewer people traveling, fewer accidents on the highway.

So, while I don't doubt the sincerity of opponents when they believe that this will increase the fatality rate, I don't believe that it holds up when you take a look at the facts.

I also believe that currently no one is going 55, very few. If there are a few people going 55, it is making the situation much more dangerous because it is increasing the speed variance on the highway.

So, I would urge you to support raising the speed limit to 65. The choice now before you is whether you believe in a minimum \$50 fine and enforcement to send a strong message that we are, in fact, going to enforce 65 and that is going to be a compromise and we are all going to be traveling in a much safer environment if the speed limit is 65.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.



Representative MILLS: Mr. Speaker, Men and Women of the House: I would just like to go back over where we are at this point. We just moved to indefinitely postpone getting rid of the whole bill and we are left with two reports now. We are left with one report which says that the fine will go from \$25 to \$50 on the minimum fine and the other report says basically that it will stay the same way as it is now, which is \$25. So, I don't think we should be taking up a lot of time deciding whether or not we want to have 65 or not because we have pretty much taken care of that issue.

The issue before us now is whether you want to raise the minimum fine \$25 by accepting the Majority Report, which is Report "A" or to accept Report "C" (which is on the floor right now) which is to leave it the way it is. If you want to go with what the majority of the committee wants, which is a 65 mile an hour speed limit with a \$50 fine, you would vote this motion down and vote for the next motion. I hope that is what will happen. I think it is a better policy for us as state legislators when we raise the speed limit to give the message that the minimum fine will be going up.

So, I hope you will vote this motion down and accept the Majority Report which would be the next motion.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I just want to speak briefly in reference to the so-called speed trap. That speed trap isn't being acknowledged today. I know for instance when we travel rural areas, we constantly look for signs that reduce speed limits in congested areas. I would assume that if the law goes through that there will be signs erected that will indicate that in that particular section, the speed will be reduced to 55 miles an hour.

I would hope that you would go along with the Majority Report, put a fine, and let's adhere to that fine, those that exceed the limit, let's fine them. My golly, let's go along with the rest of the country and make it 65 miles an hour.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reinforce everything Representative Bott said. In 1973, I was Chairman of the Fifth National Conference on Safety Education. I don't know where his statistics came from but they are very much in my memory from that conference. I believe that environment will be safer. Furthermore, I think we should get away from the idea that toughness and compliance go hand and hand. I would appeal to the higher instincts of people for a change. I think you get positive results out of that.

As far as enforcement goes, I don't believe an officer will be considering what the fine is. I think the two are not necessarily closely related. Therefore, I am going for Representative Moholland's amendment or bill.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to get up again on this but I want to make two points, one is on Report "C." As I read the two reports, if Report "C" passes today and you were doing 69, your fine is going to be \$25. Today, if you were driving 69, your minimum fine would be \$50. I think that if you are going to increase the speed limit to 65, you don't want to reduce the fine. That is what you are going

to do with Report "C." You are going to be sending a message out there that you can drive 69 with a minimum fine of \$25 whereas today, it would cost you \$50.

The other point I want to bring out is about the section of the turnpike that cannot be increased at this time. I talked with the Commissioner of Transportation just a few minutes ago and it is his intent to try to get this change made. That section is not under the Interstate system and the only way they can get that change is it would have to be an act of Congress. He is going to work on this to try to get this changed if this bill passes.

Representative Moholland of Princeton was granted permission to address the House a third time.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I don't know where my good friend Representative Strout got that 69 deal on the \$25 fine. If we don't pass this bill with a minimum fine of \$25, I wonder if anyone can tell me how much revenue we are going to lose by trucks, tourists and cars traveling 295 from Gardiner to Portland?

I would think that you would go along with the Report "C."

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Moholland of Princeton that the House accept Report "C." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 89

YEA - Allen, Bost, Cashman, Coles, Conley, Dexter, Duffy, Farren, Jackson, Jalbert, Lacroix, Mahany, Marsano, Martin, H.; McHenry, McSweeney, Mitchell, Moholland, Norton, Paradis, J.; Pouliot, Rand, Ridley, Rotondi, Scarpino, Simpson, Tardy, Thistle, Vose, Willey.

NAY - Aliberti, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Cote, Crowley, Curran, Davis, Dellert, Diamond, Dore, Dutremble, L.; Erwin, P.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoggund, Holloway, Holt, Hussey, Ingraham, Jacques, Joseph, Ketover, Kilkelly, Kimball, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Matthews, K.; Mayo, McGowan, McPherson, Melendy, Michaud, Mills, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Priest, Racine, Reed, Reeves, Rice, Rolde, Ruhlin, Rydell, Salsbury, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Taylor, Telow, Tracy, Tupper, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT - Richard, The Speaker.

Yes, 30; No, 117; Absent, 2; Vacant, 2; Paired, 0; Excused, 0.

30 having voted in the affirmative and 117 in the negative with 2 being absent and 2 vacant, the motion did not prevail.

On motion of Representative Mills of Bethel, the House accepted Report "A," the Bill read once.

Committee Amendment "A" (H-213) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

CONSENT CALENDAR  
First Day