

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

Index

Bill "An Act to Establish a Moratorium on Land Leases Affecting Tree Growth Classification" (Emergency) (H.P. 743) (L.D. 1006)

Was reported by the Committee on Bills in the Second Reading and read a second time.

On motion of Representative Michaud of East Millinocket, tabled pending passage to be engrossed and later today assigned.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (5) "Ought to Pass" - Abstained (1) - Committee on State and Local Government on Bill "An Act to Provide for Election of the Public Advocate" (H.P. 524) (L.D. 708)

TABLED - June 2, 1987 by Representative CARROLL of Gray.

PENDING - Motion of same Representative to accept the Minority "Ought to Pass" Report.

Subsequently, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in today's session

MATTERS PENDING RULING

Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour" (H.P. 547) (L.D. 734)

TABLED - June 2, 1987 by Speaker MARTIN of Eagle Lake.
PENDING - Ruling of the Chair.

The SPEAKER: The Chair would rule that House Amendment "A" as presently drafted is germane since it deals with the speed limit on the same area that would be affected by the raise in the speed limit. It also deals with the issue of establishing fines which would then, obviously, be increased as a result of the use of radar and, therefore, the Chair would rule that it is germane. If, on the other hand, the amendment had dealt with the entire state, the amendment would not have been germane.

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

Representative MOHOLLAND: Mr. Speaker, I move the indefinite postponement of House Amendment "A" to Committee Amendment "A".

Mr. Speaker, Ladies and Gentlemen of the House: The legislature killed this bill two years, which is now offered as an amendment. It was a bad bill then, it is a bad bill now. This was too much of a change to be offered as an amendment. This should be presented as a separate bill and have a proper hearing before the committee.

I would like to say, when you vote, I hope you vote with me to kill the amendment today.

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 thank you Mr. Speaker for the ruling. As always, it is fair and quick, and I appreciate that.

I would urge you to support the motion from the Representative from Princeton, Representative Moholland, to defeat this amendment. Those of us who have sat in this body for the past few years have seen this bill come down in the form of legislation and I do believe that it is an amendment of such great magnitude and of such great consequence that we should have this proposal in a public hearing and an

L.D. before the Joint Standing Committee on Transportation.

I would hope that with the same effort that we passed this bill yesterday that we would defeat this amendment today.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I would just like to concur with the two previous speakers. I think this is a very far-reaching amendment and one that should be carefully considered by the members of this body who have expertise in the area of transportation-related issues.

There are a number of concerns that come to mind in just briefly looking at this amendment. First and foremost, how would our state police be able to enforce provisions such as this because my understanding is that a person possessing a radar device would not be in violation of the law unless they were traveling on the Interstate and the Maine Turnpike. If that is the case, what would happen to the individual who was using the radar detector on a road other than those two roads and goes onto the turnpike? It won't take too long for you to figure that there are some major problems with this amendment that would really have to be addressed with a public hearing and through legislation. I would concur with the two previous speakers and urge that you indefinitely postpone this amendment.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you would not support the pending motion to indefinitely postpone the amendment. The reason that I say that is that, every year when this bill has come up, while I have been a member of this legislature, I was appalled at the vote. We have laws on our books to restrict the speed of vehicles, yet we are telling people, you can go out and buy a detector to be able to break those laws. That does not make any sense to me whatsoever. If we are going to increase the speed limit on the Maine Turnpike, then we should prohibit the use of radar detectors. Radar detectors are being purchased primarily to observe state troopers that are out there with their radar guns. The only reason why you have a radar detector is to be able to break the law. Let's not be hypocritical about this. Let's pass this amendment today.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to urge you not to adopt this amendment. Yesterday, I spoke in favor of not raising the speed limit. I still believe that is the course that I would like to see taken. If the gentleman from Island Falls had wanted to have been involved in this process, we have been in the committee for the past two months discussing this very issue, if he felt that this was the proper way to go, I think he should have been there.

I hope you will not support this amendment.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I do believe this is a bill of great magnitude or an item of great magnitude but we didn't raise the speed limit two years ago and we didn't raise it four years ago, we are raising it now. Now is the time to address it.

We have troopers out there that are supposed to be doing their jobs and here we are giving allowance for radar detector systems so they cannot do their jobs. Should we take the troopers off the roads and let them do something else? Because everyone might as well go as fast as they feel safe and what is a safe speed?

You know, sometimes I feel like going a little faster than what the law allows and I probably do. But there are many times when a car goes by me and I say, well, if he can do it, I can. I wonder how many others might fall in line behind that fast car and say, I am going to follow him and when he gets caught, then I will slow down.

I am sure you all know that when you get in a line of traffic and there is only one trooper running the radar system and there are three cars going 70 miles an hour, he will pick off the last car and that last car could be you. The only reason that front car went more than the speed limit, he probably was running a radar detector, so he gets away free and he picks off the last car. He cannot stop all three.

I would hope now that we have a chance to address this issue that we would do so.

What is the purpose of the radar detectors anyway? What useful purpose are they? I really find none, they are only a means to break the law.

We are dealing with just 95, the Interstate system. I am sure that with many of our other roads, you cannot drive even the given speed limit because of their condition. I am not worried about those but when I go down 95 and there is a big truck on my tail, I am quite concerned because I am going 55 and he is bearing down on me and in the other lane, there might be already somebody passing, I get quite concerned. I think 65 is plenty fast enough and, if we are going to hold it at that, then we have got to have the means to do it.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: There are all kinds of things that I could say to refute the arguments that have been put forth against this amendment. I think I will limit my discussion to one area of debate that we heard yesterday when we were debating the issue of the 65 mile an hour speed limit. We were told that 65 was going to mean 65 and anybody who exceeded 65 was going to have to pay the price. I urge this House to adopt this amendment to give our law enforcement officials the ability to make 65 mean 65, so that our highways will not be as unsafe as I fear they would be. I urge this House to vote against the pending motion and adopt this amendment.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I think that Representative Macomber was correct. I think that this should have been discussed in committee and I can't help but feel that we have an ulterior motive here with someone trying to kill the bill. I wish you would certainly consider voting against this amendment.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I want to make it perfectly clear my intention is not to kill this bill. I voted for the 65 mile speed limit. We talked about a hearing process, the hearing is now, we are all in on it right now. We all have committees to attend to during the regular session and we all don't get a chance to go to them. You all understand that, I am

sure. I think the hearing is now, the speed limit has been raised, and I think we should try to keep it at the limit that we have raised it to.

The SPEAKER: The pending question before the House is the motion of Representative Moholland of Princeton that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Reeves of Pittston requested a roll call vote.

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 Representative Moholland of Princeton that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 101

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Bickford, Bost, Bott, Boutilier, Bragg, Callahan, Carter, Cashman, Chonko, Coles, Conley, Cote, Curran, Dellert, Diamond, Duffy, Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hepburn, Hichborn, Hickey, Hوجلund, Holloway, Hussey, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lebowitz, Look, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Norton, Paradis, J.; Parent, Pines, Priest, Rand, Reed, Rice, Rotondi, Ruhlin, Scarpino, Sheltra, Small, Stanley, Stevens, A.; Stevens, P.; Strout, B.; Tammaro, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Whitcomb, Zirkilton.

NAY - Begley, Brown, Carroll, Clark, H.; Clark, M.; Davis, Dexter, Dore, Dutremble, L.; Gould, R. A.; Handy, Harper, Higgins, Holt, Ingraham, Kilkelly, Lawrence, Lisnik, Lord, MacBride, Mahany, Mayo, Melendy, Michaud, Mills, Murphy, T.; Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, P.; Paul, Perry, Pouliot, Racine, Reeves, Ridley, Rydell, Salsbury, Seavey, Sherburne, Simpson, Smith, Soucy, Stevenson, Strout, D.; Swazey, Tardy, Weymouth, Willey, The Speaker.

ABSENT - Crowley, Hillock, Jackson, Kimball, Mitchell, Richard, Rolde.

Yes, 91; No, 51; Absent, 7; Vacant, 2; Paired, 0; Excused, 0.

91 having voted in the affirmative and 51 in the negative with 7 being absent and 2 vacant, the motion did prevail.

Subsequently, Committee Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such