

MAINE STATE LEGISLATURE

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

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Index

charge for delivering, receiving, accepting, notarizing or witnessing the absentee ballot, that they could then perform those services. Second, to respond to the Senator from York, Senator Kerry, the answer would be that it would apply to those working on referenda, also.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President, I would like to pose a question through the Chair to any Senator who may care to respond. Does the receiving any compensation whatsoever include mileage and expenses?

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate. In my opinion, it would include expenses for travel.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot, to RECONSIDER whereby the Senate ADOPTED House Amendment "A" (H-217).

A Division has been requested.

Will all those Senators in favor of the motion of Senator PEARSON of Penobscot to RECONSIDER ADOPTION of House Amendment "A" (H-217), please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot, to RECONSIDER ADOPTION of House Amendment "A" (H-217), PREVAILED.

Senator PEARSON of Penobscot moved the INDEFINITE POSTPONEMENT of House Amendment "A" (H-217).

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Thank you Mr. President, I would like to pose a question through the Chair to any Senator who may care to respond. What does this leave of for a Bill as far as absentee ballots are concerned in the future, without having this amendment? What is the procedure in the future?

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate. The Bill is what is left, and the Bill is really the unanimous Ought to Pass report from the Committee on Legal Affairs.

What it does is simply prohibit a candidate from delivering, receiving, accepting, notarizing or witnessing an absentee ballot, other than his own, which has been furnished by the clerk of a municipality in this state.

Senate at Ease
Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, House Amendment "A" (H-217) INDEFINITELY POSTPONED IN NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED IN NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Divided Report

Eight Members on 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 the same subject 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 the same subject report in Report C that the same Ought to Pass.

Signed:

Senator:

THERIAULT of Aroostook

Representative:

MOHOLLAND of Princeton

Comes from the House with Report A OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212).

Which Reports were READ.

Senator CAHILL of Sagadahoc moved to ACCEPT Report A, the OUGHT TO PASS AS AMENDED Report.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President and members of the Senate. Clearly, we have a choice before us this afternoon. I hope you appreciate the Transportation Committee to make that possible. First, I would like to explain to you what this does. One of the Reports raises the speed limit to 65 miles per hour on the interstate system. In addition to that, it raises the minimal penalty for speeding. The other Report leaves the system as it is today, no increase in speed limit, no increase in fines, no nothing. The other Report raises the speed limit to 65 miles per hour on the interstate and leaves the fine schedule as it is today.

I would urge you to vote against Report A so that you could accept Report C, and Report C is the one that raises the speed limit without raising the penalties. I supported that report primarily because we do have a fine system on the books and I think that it is sufficient and we should not change it. So, I would urge you to defeat the motion so you could accept Report C.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Thank you Mr. President and members of the Senate. This Bill is a long time in

coming, we have wanted more competent inquiries that people have had and in the district which I represent is where is this Bill and when is it going to be acted upon.

We just went through Memorial Day weekend where we had a lot of people coming into the state and we were surrounded by states that have 65 mile per hour speed limits, but yet when they cross the border they found that the speed limit in Maine had not yet changed. Trying to explain to people the rationale behind that. Realizing what has already taken place, I think it is imperative for the Legislature to act together to get this Bill to the Governor's desk and get it signed into law. Report A certainly takes into consideration the increase in the speed limit and it also talks about increasing the fine, not to the level that was proposed by the Governor, but increasing the fine. It is one of the concerns that we all have that there be better enforcement there and more awareness of that particular speed limit. I think by raising the fine and not leaving it at \$25, as a fine, makes people more aware economically of what retribution is out there and the expense of it if they do go over that speed limit. So, I think that is best for us to act and to act expeditiously in the interest of the people and I would encourage you to support Report A.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I am not going to debate this at all. All I want to say is when is the last time you paid a \$25 fine?

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you Mr. President, ladies and gentlemen of the Senate. Somehow as the good Senator from Penobscot, Senator Baldacci, speaks that we are surrounded by all of these states that have a 65 mile per hour speed limit, I feel somewhat like Custer at that the last stand with wagons, you have to somehow have a wagon surrounded here in the Senate where I think this Bill is going to fly through. But, also, I think we should reflect a bit upon this. We had our debate before on the Resolution, I think I can count the votes and I have spoken with all of the various members of the Committee, but I would hope that the Senate would reject both Report A and Report C and accept Report B, which would be the Ought Not to Pass Report. I do so for several reasons. First of all, the state of Maine does have a 1.2 billion dollar energy Bill and I know we talked about this before and the amendment that was submitted and passed by the House, Committee Amendment "A" (H-212), relates to the serious conservation effort that was the instigator for this Bill, the 55 mile per hour speed limit.

I would like to let people know once again, to reflect upon the fact that things are changing, things are evolving. We are once again going to be faced with increased energy prices and one of the greatest conservation measures, not only in petroleum product, but for lives, is the 55 mile per hour speed limit. I think we should look upon one thing in this Bill, first and foremost, what is in the best interest of the state of Maine. Even though there may be a traffic line of support for this Bill, I think it is important that we remain prudent and reflect upon the costs for the citizens of Maine.

The citizens of Maine, in 1985 and 1986, consumed over 1/2 billion gallons of oil. If there is an increase in the number of gallons of gasoline in the state of Maine of a mere 2.5% to 5%, we will see an additional increase to possibly somewhere in the

vicinity of 572 million gallons of oil in 1987 alone. I think it is important to recognize that if you took 50% of the amount of gallons of gasoline that is burned in the state alone, you would come to around 286 million gallons on the highways. If you reflect upon the fact that if you drive at 55 miles per hour, you are driving at a 20% greater efficiency then if you were driving at 65 or 70 miles per hour. There is no question in my mind that people are driving 65 and 70 miles per hour today and I think there is no question in anybody's mind, here in this Legislature, that people are driving at those speeds.

The cost of this to the people of Maine will be somewhere in my estimation of around 57 million dollars. The price of a gallon of gasoline in March of this year was around 86 cents a gallon, it has escalated up to nearly 98 cents a gallon for regular and soon will reach a dollar. The price for a gallon of unleaded gasoline, is over a dollar. In the Lundberg Report, just recently submitted, he puts on his weekly and monthly newsletter that he anticipates the gasoline in this country will escalate at two to three cents a month throughout the driving season. It will peak sometime in late July. I would hope to think that you would recognize that you are in effect taxing the citizens of the state of Maine indirectly and I know I hate to use that term, but 57 million dollars of increased cost will not go to support jobs here in the state of Maine, but will be shipped out this state to pay the people who produce petroleum product down in the southwest and outside of this country. In addition to that, within the House Amendment that was submitted, they have within their Statement of Fact or within the many 'whereas', it says that "we no longer need to have the conservation effort because we have, so to speak, won the battle." If you reflect upon the fact that a barrel of crude oil back in 1973 was around \$3 a barrel, it went up to \$40 dollars a barrel, that comes out to about 1,233% increase in price. It dropped down to \$10 a barrel but has gone up, just in the last year, to \$19 a barrel and I assure you it will be \$20 a barrel very soon. That is an 80-90% increase, it will be a 100% increase very shortly. I might add, also, that in 1973, this country imported 33% of its petroleum product. In 1985 and 1986, it had dropped down to between 25-30%. Today, it has increased to 38% to almost 40% and it is anticipated in the 1990's it will be over 60%. We are becoming ever more dependent on crude oil from the mid-East and I might add that this state is at the very end of the pipeline. If you reflect upon the fact of what is taking place in the Persian Gulf today, if you want to know what is going to happen next year or it could be very shortly, certainly in our heating season or in our driving season, you will find that the crude oil prices will dramatically escalate if the Iraq, Iranian gets any worse or if the United States engages in any type of additional warfare in that area. There have been over 7,50 ships that have been hit in that Persian Gulf area.

I know it may seem like it is far away, but I would like to have you reflect upon the fact that the price of crude oil and the price of retail products in the state of Maine, especially Gasoline, is very much related to those situations. I would hope that we would reflect upon these before we vote. The fact that people spend almost \$1,300 a year to fuel their cars. I realize what the vote will be, unfortunately I don't think it is going to be in the absolute best interest of the citizens of Maine, but sometimes we make decisions that we think may be in the best interest of the people in the short run. I just hope

that you would reflect on the impact in the long run. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, men and women of the Senate. I will be brief this evening, because I think that we debated this several times, in fact, it is kind of like *deja vu*' standing up here tonight. I would like to tell you that 55 miles per hour rather than 65 miles per hour requires 1 billion additional hours of passenger time annually. That is a direct loss in productivity and that perhaps is indirectly taxing the citizens of the state of Maine. The real reason that I am voting for this Bill today is because, of course you all know, that until 1973 and the Arab oil embargo, speed limit policies were the responsibility of state and local governments. I believe that is where they should be, with the state and local governments and not with the federal government. I think the most compelling reason for voting to increase the speed limit to 65 miles per hour is the current non-compliance with the 55 miles per hour speed limit. I think when Congress lifted the ban on the 55 mile per hour speed limit the public voted on the issue. They are driving faster than 55 miles per hour, in fact, the average speed on the interstate system right now is up over 60 miles per hour. I believe that being allowed to drive 65 miles per hour is not only a convenience it is also a privilege. I believe very strongly that 65 miles per hour means 65 miles per hour and it does not mean 70-75 miles per hour.

I think that is why it is necessary for us today also to add a minimum fine, which is \$50. We also need to pass this legislation now, because many of our federal aid roads that are left at 55 miles per hour, still must meet the 50% compliance rate and if they don't meet that compliance rate than we stand to lose 10% of our federal highway money, or up to 3 million dollars. I think that the good Senator from York, Senator Kerry, mentioned the neighboring states. A lot of the neighboring states have raised the speed limit and I think when they come into the state of Maine, perhaps for their summer vacation and what not, they wouldn't be driving at a higher rate of speed. If they think they can get away with driving at a higher rate of speed, I think that leads for overall contempt to all speed laws and that makes very unsafe highways. I urge support of Report A today, it allows the Maine motoring public a more convenient and more reasonable rate of speed to travel at on our highways.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President, I would pose a series of simple questions through the Chair to anyone who might wish to respond to them. I have heard this evening that it is imperative that we, meaning the Legislature, pass or make a decision relative to the increased speed limit on Maine's interstate highways. My question is somewhat naively perhaps, why do we, the Legislature, have to do this? It is my understanding in attempting to answer my own question that no other state, at least to my knowledge at this time, has taken this action, but rather the people vested with the authority over the various Departments of Transportation across the country already are empowered by the authority of their office to raise the speed limit, not that I am opposed to raising the speed limit. Secondly, is it really necessary to increase the fines if we increase the speed limit? What is the impact on those Maine citizens who may be exceeding the posted speed limit driving off on a vacation, or to work and

inadvertently or perhaps even deliberately exceeding the speed limit and they are of a lower income bracket. Does this not impact more negatively on them then on those who are perhaps more able to pay the increased fines, as reflect in Report A? Are there any other states across the nation who have concurrently increased the speed as well as increased the fines? Thank you Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Clark, has posed a series of questions through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Mr. President and members of the Senate. In response to some of the questions of the good Senator from Cumberland, Senator Clark, I would just say that driving is not an individual right of every Maine citizen in this state. It is a privilege. In that privilege to drive, there are certain responsibilities which one must abide by. One of them is the law on the road, as far as the speed. We don't have in the back of the cars a plate saying this is a poor person so they can speed, or that if they do speed, they don't have to pay as much of a fine as somebody else who has more money. The fact of the matter is, when you are driving on the roads, it is a responsibility you have to make sure you obey the laws.

As far as what other states are doing about the fines, I think that isn't an issue here. What the state of Maine is going to do about the fines and to set an example and say we are raising the speed limit we want to make sure the enforcement and the penalties for breaking that speed is appropriate so that people don't take on additional mileage over that speed limit, as they may do under the present system we have now.

The third issue is that we have the Bill in front of us, the Legislature has been dealing with it, the Transportation Director has stated that he is going to wait until the Legislature has dealt with the issue, until he changes the speed limit. I think it is incumbent upon us to deal with the issue if we are in favor of it and to deal with it expeditiously to sort of relieve the confusion and conflict that there is. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President and members of the Senate. I think most of the questions probably have been answered, but there is one item that I need to bring to your attention and primarily the reason why I did not want to raise the minimum fine. That is the individuals that speed quite often, and most often in my part of the state, the victims, I will call them, are those working people that might be late for work in the morning. So, they are motoring down the highway to get to work and they might speed a little just to be on time. Those will be the victims of this Bill and this is why I voted that way. In answer to the action of other state, as far as I know, no other state increased the speed limit and increased the fines simultaneously. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Whitmore.

Senator WHITMORE: Thank you Mr. President, men and women of the Senate. I think that if we are going to act on increasing the speed to the 65 mile per hour limit, that I think that this Body should at least have as a matter of Record that I would hope that the law enforcement officers and the judicial system would recognize that to allow the same type of

tolerances that have been allowed previously with the lower speed at 55 miles per hour, that it is recognized or acknowledged if you traverse the turnpike or the interstate system, that apparently there is a tolerance of plus or minus 10 miles per hour that I would hope that they would not allow that same tolerance to continue with the increased speed. Recognizing full well that if it is increased to 65 miles per hour then 66 miles per hour does not necessarily mean that one is summoned to court, but I do feel that anything beyond the plus or minus 5 miles per hour should be a maximum, recognizing that there are some deficiencies in the speedometer and perhaps sizes of tires and other types of things like that that might one get into the judicial system and be able to argue. I think it is incumbent upon the judicial system to weigh the impact of all of this and at least be willing to support the law enforcement agency. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CAHILL of Sagadahoc, to ACCEPT Report A, the OUGHT TO PASS AS AMENDED Report.

The Chair will order a Division. 18 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator CAHILL of Sagadahoc, to ACCEPT Report A, the OUGHT TO PASS AS AMENDED Report, PREVAILED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-212) READ.
On motion by Senator CLARK of Cumberland, Committee Amendment "A" (H-212) INDEFINITELY POSTPONED in NON-CONCURRENCE.
The Bill TOMORROW ASSIGNED FOR SECOND READING.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Create Minimum Safety Standards for Firefighters"

H.P. 1234 L.D. 1686

In Senate, June 1, 1987, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-225) AND "B" (H-235) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Black.

Senator BLACK: Thank you Mr. President, I would like to pose a question to the Chair. I understand that the Honorable Senator from Cumberland, Senator Clark's, motion was to remove Committee Amendment "A" (H-212) off of the divided report from the Committee on Transportation?

THE PRESIDENT: The Chair would inform the Senator that the motion by Senator Clark of Cumberland, was that Committee Amendment "A" (H-212) be Indefinitely Postponed, which was subsequently done.

The Chair recognizes the Senator from Cumberland, Senator Black.

Senator BLACK: Mr. President, the question I would like to know is exactly what this did to the Bill?

THE PRESIDENT: The Chair would advise the Senator that the Bill has been assigned for Second Reading without the Committee Amendment.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate on the Record.

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. Is the Senate still in possession of supplement 19, L.D. 734?

THE PRESIDENT: The Chair would answer in the negative, the Bill having been assigned to Second Reading the next Legislative Day.

Senator BLACK of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator BLACK: Thank you Mr. President, my question has been answered. I received a note from the Secretary saying that it was an emergency preamble, that was removed.

Senate at Ease

Senate called to order by the President.

Senator BALDACCI of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator BALDACCI: Thank you Mr. President and Members of the Senate. I believe one of the greatest miscarriages of justice has taken place, where this Body has decided to, by a Division, support a Committee Report and then with an appearance of a slight of hand find that that report, with its Committee Amendment having been eliminated and assigned to another day. Only represents to the people of the state of Maine that there are flaws in the process. We are all trying to do our job, we win some and we lose some, believe me I have lost my share of them.

But the process at the Committee level, the process in the Senate and the process that we live by to represent to the people the integrity and the ethics that are involved here, I believe have just been dealt a blow. I hope in the future, when these issues are decided by the Body that there is not some usurping of that ethics which we are all abided to under the oath that we took when we accepted this office. Thank you Mr. President.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator PEARSON: Thank you Mr. President, men and women of the Senate. This is another day, there are other opportunities, using the process, to express a difference of opinion over status of the Bill that we have before us. I must say, with the differences of opinion that I have from time to time with every member including the Presiding Officer, that I stack his fairness up against anybody.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator CLARK: Thank you Mr. President, men and women of the Senate. I would like to explain to members of this Chamber, most of whom including myself, have been less than attentive in the deliberations in our afternoon and early evening sessions this week and I emphasize the words including myself. Because it is the result of our inattentiveness that allowed my motion, which was made through the Chair, to Indefinitely Postpone a Committee Amendment, which is allowed under the rules with which we operate and which allowed without slight of hand, but a deliberate pause of the gavel and a look around the Chamber before that gavel fell.

I realize that there are members of this Chamber who are not happy with the status of a Bill, which will be before us in second reading tomorrow morning. I will be supportive of a motion to