

# 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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Amend the Sardine Tax (H.P. 1253) (L.D. 1711) (H. "A" H-258)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour (H.P. 547) (L.D. 734) (H. "B" H-252 to C. "A" H-212)

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

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

Representative SMITH: Mr. Speaker, Men and Women of the House: Last Friday I thought I had my mind made up on this issue and would vote for it but I have decided that I shall vote against it.

I travel 170 miles down on I-95 and 170 miles back. It extends about 30 miles where I get off. While traveling to and from my home, I travel slightly over 55 and I am passed continually, cars dodging in and out, some cut across sharply in front and you would almost think it was a two-way highway. I think the turnpike issue should be returned to the committee and they should address all issues we are concerned about and that is the Lewiston section, which cannot be raised, and I think we should have a means to properly control the speed. We do not wish to adopt the radar detector control and I don't see how you are going to keep the speed at 65. Simply saying, we cannot enforce it at 55, we are going to raise it to 65, to me, is a pretty weak reason.

So what we are saying by using that logic is that if we can't control it at 65, then we are going to continue to raise it to 75. Those with the radar detectors are not concerned at what the speed limit is set at.

I would hope that you would vote against this measure and let's do it right in the first place.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I have no intention of debating this issue. It has been debated very very extensively and we have had good, solid votes here in the House and the other body but I want to make one last appeal to those of you who have been opposed to this measure to vote in support of enactment of this bill as it requires a two-thirds vote.

The Commissioner of Transportation made it very, very clear that with a vote to increase the speed limit in both bodies, a legislative intent would be established and that he, acting on his authority, would raise the speed on Maine's Interstate highway system. However, I think it is very, very important

that we get the two-thirds here today so that the Fines and Enforcement Division would be allowed to take effect at exactly the same time the speed limit is raised.

I also feel very strongly that the other amendment that is attached to this should take effect immediately as well and that is the school bus amendment so we can take care of the safety of the children traveling in school buses while pursuing extra-curricular events. Even to those of you who are opposed to this measure, I respect your position, but I hope today you will vote for enactment of this so when the speed limit is raised, we can send out a quick message out there that the fines and the enforcement are being put into effect and that 65 means 65. We can also take care of the concerns about our children riding in school buses on the Interstate.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one comment. We have a section of road up in the Houlton-Haynesville area that they wrote a song about and I hope we don't have another song written because we have raised the speed limit. That song was, "A Tombstone Every Mile."

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I join my good colleague from Island Falls, Representative Smith, in opposition to this legislation. We state, quite clearly, in this House that we don't want to outlaw fuzz busters that would help enforce the 65 miles per hour speed limit and yet, we want to raise the speed limit.

We have attached a provision that says school buses can't go 65 because of safety reasons. They have to go 55. That doesn't make any sense to me.

We sit in this Chamber and debate energy standards and conservation and yet, we are going to pass legislation that is going to lead to greater abuse of petroleum products.

I would urge this House not to pass this legislation simply because it is an emergency and we need to have this take effect now. If you feel as strongly as I do against this legislation, I urge you to stay where you are.

This is improper legislation, in my mind, and it will cause greater problems than we are seeking to prevent here. I would urge this House to vote against the pending question.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: Now it has been brought up about the amendment addressing the school buses and I would like you all to take a minute and just think what that is about. It is whether or not you are for or against the 65 mile an hour speed limit. Here we have an amendment regarding a specific class of vehicle and by mandate from us, cannot go along with the flow of the traffic. None of us are naive enough to think that the speed limit at 65, the flow is going to be 65 to 70, but we are saying to all of the municipalities in the state, your buses can only go 55. Doesn't that register as a hazard? When we talk about flow of traffic, when we mandate that a certain segment, which carry our youth, our most important asset of the state, we are developing a hazard by the legislature. I can't believe this.

Hopefully, some of you people or the majority of us would see this. This really tarnishes the bill. Those of you who have voted for the 65 mile an hour speed limit should take this into consideration and hopefully get something back a little cleaner here.

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

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I know that we have debated this for awhile but I would like to go over some of the facts again because I think we are being misled or some people might have ideas, I think, that possibly could hurt the bill. After hearing what I have to say, hopefully, they will think the other way.

As far as school buses go and whether or not we have them driving 55 or whether or not we should have them under a different law and whether or not that would affect the flow of traffic -- there is a possibility that having them drive 55 could make them slow down and I suppose that is true. But if you are concerned about whether or not we have a different law for school buses -- I think if we look at the current law on the books right now about school buses, we make mandatory that all school buses stop at railroad crossings. Now we don't make other vehicles do that, we only do it for school buses and we do it for a particular reason and that is because we have said, yes, school buses are different and they should be under a different law. We don't have people coming in here trying to repeal that law because it is slowing down traffic. I say to you that that does slow down traffic but we haven't had any more accidents because of it, we have had more safety because of it. So, I don't think having this amendment on making school buses different is any different than we have made in other areas of the law to have school buses different. We have them different because we feel that it is important to make them that way.

As far as the 65 mile an hour speed limit bill itself -- a lot of people seem to be under the impression that if we pass this law, we are going to be allowing people to drive 75 and 80. I could understand people being scared about that if we didn't already have facts and figures on the books but we already have facts and figures on the books where we had a speed limit higher than 65 and we know from those facts and figures that the majority of the people did not drive 75 and 80 any more than when the speed limit was 70. If we have it at 65, we know that the majority of the people right now drive 64 and the reason for that is, because it is reasonable.

Most people find that four lane highways that were built for 70 miles an hour find it strange that we have 55 mile an hour speed limits on roads that are two lane highways out here right now. They can't understand why they have a four lane highway at 55 and yet, we allow people on two lane highways to drive 55 also. That is because it is reasonable, I think, to drive 65.

Studies show that people have continuously driven at about 64, whether it was 70 miles an hour or 55 miles per hour. I don't think the accident rate is going to go out and become something terrible. As far as school buses go, we already have laws that are different. I hope that you will support the bill that we have already supported in this body before.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: Just briefly, I wanted to inform those who don't realize it that we have a law on the books that defines imprudent speed as going 30 over

the speed limit. At present, someone going 85 or 86 miles an hour is subject to immediate arrest and can be taken down to the station. If this law passes and the speed limit is raised to 65, it is not until a person is going 95 or 96 miles per hour on the Interstate that that person is subject to arrest.

I would encourage voting against this measure.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I really don't have a problem about people going 65 but does anybody here know of a railroad track that crosses the Maine Turnpike where you have to stop and that is what we are talking about here. Let's get away from the smoke and really deal with this issue that is really bothering me more than anything else. My boys, when they go to athletic events, I think they would be safer going along with the flow of traffic. I lived in southern California for awhile, you travel on an 8 lane highway and you are going 10 miles an hour below the speed limit, you are a hazard. It will be that way in Maine. School buses are less maneuverable than other vehicles on the highway so we should really consider this. Whether or not you are for the 65 mile an hour speed limit, I think is just unfortunate that this amendment got attached to this.

Another thing we talked about was the law and whether people obeyed the 65 mile an hour speed limit -- there are not many lawyers in here and it wouldn't take much of a lawyer to defend the speeding case of 66 miles an hour in a 65 mile an hour zone. They usually have that buffer so they make these speeding cases locked tight and does that mean it is 75 miles an hour? There is a legitimate defense for non-calibrated radar detectors, radar guns, and speedometers on cars so we should keep that in mind.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I had no intention today to speak on this bill because I thought it was taken care of some time last week but I feel that I must speak today because I was a sponsor of the amendment that some people here today are talking about.

I had a phone call a week ago on this amendment from my school administrator asking me if I would put an amendment in for school buses to do 55. If some of you would take some time and read the statutes, the statutes state in there that they can do the posted speed. My people in my town had a concern about that. As many as 18 people called me and different school administrations had the same concern. So I did a little bit of research. I called Colonel Demers of the Maine State Police and he told me, if he had his druthers, he would like to see the speed limit left at 55 miles an hour for school buses. Every administrator that called me felt the same way.

There is a big concern out there about school buses exceeding 55 miles per hour -- you have a high wind come down that Interstate, they lose virtually all control of that school bus so my main concern about putting this amendment in was for the safety of the kids. That is all. I hope people in this body don't fly like they drive.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Walker.

Representative WALKER: Mr. Speaker, Ladies and Gentlemen of the House: Does the Representative from Gorham realize that before we had the 55 mile an hour speed limit, we had a limit of 45 for school buses? I know because I drove one for three years.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: Like my good seatmate said, that there is a minimum on the turnpike for school buses of 45 miles per hour. I don't think we are going to crowd anybody off the road or anything.

I had quite a problem with the fine on the 65 miles per hour but we worked hard in the committee and we came out with a unanimous committee report that we should bring the speed limit up to 65 miles per hour. I wish you would go along with that today.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Smith of Island Falls requested a roll call.

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 passage to be enacted. This being an emergency measure, a two-thirds vote of all the members present and voting is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 118

YEA - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Callahan, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Davis, Dellert, Diamond, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hepburn, Hichborn, Hickey, Higgins, Hogle, Holloway, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lebowitz, Lisnik, Look, 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.; Parent, Paul, Pines, Rand, Reed, Rice, Ridley, Rotondi, Ruhlin, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Soucy, Stevens, A.; Stevens, P.; Strout, D.; Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Allen, Anthony, Baker, Brown, Carroll, Conley, Dexter, Dore, Foster, Handy, Harper, Hillock, Ingraham, Kilkelly, Macomber, Mayo, Melendy, O'Gara, Paradis, P.; Perry, Pouliot, Reeves, Richard, Rolde, Rydell, Smith, Stanley, Stevenson, Strout, B.; Swazey, Tupper.

ABSENT - Kimball, Lawrence, Priest, Racine, Small, The Speaker.

Yes, 112; No, 31; Absent, 6; Vacant, 2; Paired, 0; Excused, 0.

112 having voted in the affirmative and 31 in the negative with 6 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

RESOLVE, to Study the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-obtain Lines of Liability Insurance (S.P. 595) (L.D. 1752)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Law Pertaining to the Department of Corrections' Responsibility to Pay the Board, Care and Mental Health Treatment Costs of State Agency Clients in Residential Placements (S.P. 602) (L.D. 1765)

An Act to Ban the Use of Nondegradable Plastic Connectors for Containers (H.P. 912) (L.D. 1224) (C. "A" H-261)

An Act to Provide for the Issuance of Summonses (H.P. 977) (L.D. 1324) (C. "A" H-260)

An Act to Strengthen the Laws Relating to Food Safety (H.P. 1023) (L.D. 1381) (C. "A" H-262)

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

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Legal Affairs

Bill "An Act to Provide Discretion to the State Liquor Commission to Establish Temporary Agency Liquor Stores in Response to Natural Disasters" (Emergency) (H.P. 1311) (L.D. 1789) (Presented by Representative PERRY of Mexico) (Cosponsors: Representatives MURPHY of Berwick, PRIEST of Brunswick, and Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Expand the Sales Tax Refund for Agricultural and Other Equipment" (H.P. 744) (L.D. 1007) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Authorize Hospitals to Use Magnetic Resonance Imaging Devices Located in Private Physicians' Facilities" (Emergency) (H.P. 1303) (L.D. 1782)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.