An Act to Enable the Use of Former Exit 5 on the Maine Turnpike for Access to an Adjacent Liquor Store and Hotel and Conference Center Facility (S.P. 594) (L.D. 1653) (C. "A" S-448)

TABLED - March 24, 1994 by Representative O'GARA of Westbrook.
PENDING - Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pose a question about this Committee Amendment that is before us and have an explanation of this bill.

It is my understanding that this amendment, the language in this amendment, authorizes the Authority to erect and maintain signs that contain names, symbols, trademarks, logos, or other identifiers of specific commercial enterprises at Exit 5 only. Are we opening the billboard laws again by allowing the sign usage at Exit 5? Could I have an explanation of this please?

The SPEAKER: Representative Aikman of Poland has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Westbrook, Representative O'GARA.

Representative O'GARA: Mr. Speaker, Men and Women of the House: I will just answer the question. The answer to the question is no, we are not. I will go further than that and say that in fact the amendment does this, it allows the aforementioned to be used, as you have already said, as an access to the liquor store and other facilities.

It does not allow e票 installed describing the services available at former Exit 5.

It specifies that one sign will be located northbound, one sign will be located southbound. The original request was for four signs, we reduced it to two.

The amendment also requires the Turnpike Authority to adopt rules for and to implement a logo signing program. It requires the Maine Turnpike Authority to report to the Transportation Committee by February 1st of 1995 on the development of a logo signing program, not a billboard sign, a logo signing program.

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

Representative OTT: Mr. Speaker, Men and Women of the House: While this isn't a billboard sign, and it came out on a unanimous "Ought to Pass" Report, I think it is important that we all understand exactly what is happening here. It is a sign bill, no mistake about that.

Apparently the Committee on Transportation felt it necessary to carve out an exception to what has been our long-standing signage policy since the 1970's when we enacted the Information Travelers Act.

The proponents make out a case where the developer was not going to come on board to build the hotel conference complex next to the proposed site for the liquor store unless it could put up a logo sign, a logo sign that would advertise a national hotel chain. To me that sounds like somebody is holding a gun to our heads to allow someone (like the Marriott chain or the Holiday Inn or the Sheraton chain) to get a leg up on competition.

Our predecessors in this body struggled long and hard back in the 1970's to get rid of what Maine was suffering under, the so-called billboard blight and litter on a stick, and we passed the comprehensive legislation which has been our signage policy since that enactment. It has been the charge of the Travelers Information Council to address a balance between the business interests and those concerned with the visual pollution and they have done a good job. The basis for that plan has been the criteria that all signage would be done in a uniform manner so that everybody in every commercial enterprise got treated uniformly and evenly. Large or small it didn't make any difference, we had what we referred to as the OBDS signs (official business directional sign).

Now, this bill would carve out an exception, give some big hotel chain an exclusive right to advertise their location because the developer said it was a deal breaker if it doesn't — get that right.

Never mind that the hundreds of independent businesses that have been the backbone of the state's tourism history, never mind that they don't have an opportunity to put their logo sign on the Turnpike. Never mind that our laws have apparently been working very well since the enactment of that signage law back in the '70's and that we now have some appearance of scenic beauty and elimination of the billboard blight and the signage visual pollution that once graced our landscape.

Passage of this bill opens up that door. There was an article in the Boston Globe, February 27th in which an opponent of expanding the signage law or allowing for this exception was quoted as saying, "Each time you reduce the controls along our roadside right-of-ways, there you are opening things up so the State of Maine will begin to look like every other state."

Those who have promoted this hotel project say we need this little exception. In fact, the information that comes from the SACO Mayor's Office indicates that just a small sign letting us tell the world about what we have got is all we need to make this a development project that will be the pride of the state in 1994." Just a small sign telling about it.

My understanding is there is about 22 or 23 other businesses out there that have already made applications to the Turnpike Authority to get their logo signs. There must be some consideration given to these demands because it is also my understanding that Paul Violette, who is the Turnpike Executive Director, has said that the Authority has decided out of fairness to consider allowing signs with company logos at all the exits. To me that means that we might have possibly 32 signs down near the Kittery exit to advertise all the stores and motels that are along the Route 1 Mall. Perhaps we will also have those at Exit 6-4 A who want to advertise their stores and business locations at the Maine Mall.

Maine has been one of three states that has stepped up to the plate to address visual pollution. Only Hawaii and Vermont have done the same but it has been a valiant effort.

I would just like to close by quoting a couple of sentences from a Portland Press Herald Editorial on February 7th. "More than a decade ago, lawmakers committed this state to remove commercial signs from roads and highways. The purpose was clear, to
Gentlemen of the House: The answer to the question is as I said before, there will only be two signs, two logo signs. Everything I have seen so far is that there will be two signs, one northbound and one southbound.

I ask you to turn down this request and vote "Ought Not to Pass."

Mr. Speaker, I request a division.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I really was hoping not to get into too much of a debate at this point in time but I do have to respond before you vote on this division. Some of you have known me for a very long time, some not as long as others. There is no question in my mind that the Turnpike does not want anything but the type of proliferation of signs that the previous speaker would have you believe will happen. I don't believe it will happen and I ask you — we considered this at great length, we see it as an unusual situation, we do not intend for it to be an open door to return to the days that the previous speaker would have you believe we would be. Forty-one other states have the same type of well controlled logo sign program that we are talking about here.

Earlier I had kidded two or three of my fellows by saying that I had the long form of a response and a short form and I really only planned on using the short form. If I am forced to it, I will offer more information but at this time, I urge you to support the committee's report and to accept my sincere belief that we will not be opening the door to the kind of thing that you are being told or were being told by the previous speaker.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. Is this sign going to be a logo sign and is there going to be another sign on the building that houses the hotel, motel or whatever is going to be there — is there more than one sign? Is there going to be another sign on the building, I guess, is what I want to know?

The SPEAKER: Representative DiPietro of South Portland has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: The answer to the question is as I said before, there will only be two signs, two logo signs, one northbound and one southbound. The building itself, as I understand it from everything I have seen so far, and the problem and the reason for the need of the sign is that unlike the liquor store, which did not an issue here because that has already been approved by this legislature in previous legislation, the convention center will not be visible, will not be as readily seen and whether there is a sign on the building, frankly, I cannot answer that question, we have only been involved with the signs on the turnpike.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, I would like to pose a question through the Chair.

Either to Representative O'Gara or anyone else — let me preface the question by saying that I have been along the highest two roads, for Representative O'Gara but I am at the moment confused. In his comments a moment ago he spoke, I believe, to the effect that there would be only two signs.

My confusion arises from the following: on line 43 of the amendment before us, the language speaks to "signs" (plural) "which must be located along the northbound and southbound lanes at appropriate locations" (plural) "leading to at" (more than one) "the former exit."

Then, if we proceed over into the second page of the amendment on line 6, it then specifically constrains, "one sign northbound and one sign southbound" as to its content. And, further down in line 32, "the Authority may charge fees for signs" (again plural) "that contains names, symbols, logo, et al".

Down in line 42 and 43, "The Authority may erect and maintain or allow to be erected and maintained signs containing names, symbols, trademarks, logos and identifiers." It seems to me that there certainly is adequate permissivity in this language to allow many more than two signs.

I would hope that someone would make me feel comfortable that the number is two and not more than two.

The SPEAKER: Representative Reed of Falmouth has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: While I am not sure how much responsibility I have to make the Representative from Falmouth comfortable, I would say to Representative Reed that word two is in fact plural. There are two signs, Representative Reed, two signs (which I said before), one sign north and one sign south. I will say this as gently as I can, no matter how many times you make the references to signs (plural), signs (plural), we are talking about two signs, one sign northbound and one sign southbound and that is it.

I can assure you right now standing here that if there were any move on the part of anybody to locate more than two signs (plural), one northbound and one southbound, there are eight other members besides myself in this body plus three Senators that would be strongly preventing that from happening. Two signs (plural), one north, one south.

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

Representative OTT: Mr. Speaker, Ladies and Gentlemen of the House: Just one last comment, it is my understanding that the Authority to permit this signage already wrested with the Turnpike Authority and that they chose, perhaps because of the sensitivity of the subject matter and the complex legal issues that presented for the situation for that exit was such that they deferred the decision making to the Committee on Transportation and ultimately by us. I think that there was some idea by the Turnpike...
Authority that we shouldn't be carving out an exception unless it had the blessing of this legislative body. I ask you, do not follow that route.

One exception leads to another, one well meaning exception will just find that that signage law, that I am sure, was hotly debated back in the '70s because there must have been a lot of people interested in the environment and there must have been a lot of people that had business interests that met head-on to craft out what has become our signage law and signage policy. I think if we decide to strike a blow for an exception with this vote, we then will make that rule or that law best known for its exceptions rather than for its law.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: A response because I feel it deserves a response. As we do so often here, as I was so often involved in in my ten years as Mayor of Westbrook, we take --- I have always urged those in favor will vote yes; those opposed will find that that signage law, that exception will just find that that signage law, that exception unless ordered.

Accordingly. I think that is only fair, I think that is only fair, in fact, many times before we finally arrived at our unanimous decision.

If there are other requests later, those will have to be considered on their merits one at a time. I urge you to keep that in mind.

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.

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. All 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 Saco, Representative Nadeau.

Representative NADAEAU: Mr. Speaker, Men and Women of the House: I am fully in support of this measure and no, I haven't flipped out totally. As you recall, I fought the exception for certain signage a couple of years ago. This is not a billboard law. This is simply the logo-type identification measure. The reluctance that was alluded to, the reluctance of the Turnpike Authority, of the Executive Director specifically, was that we do not see in the statutes where we would do this automatically. If the Legislature addresses the issue, then we will act accordingly. I think that is only fair, I think that is only proper. That was that issue.

As Representative O'Gara has mentioned a couple of times, 41 states have this kind of service and I do consider this a service. Last summer, I was very privileged to take a cross-country trip and at certain hours of the day you are considering where do I get gas, where do I go to? These types of signs or highway signs in 41 states and it is actually quite a service for the traveler. That is only what we are asking in this bill. We are asking to allow us to identify what type of service you have, nothing more, nothing less.

The number of two should stick out in your head, one northbound, one southbound, that's it.

I would urge enactment.

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

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: I would like to ask the good Chair of the Transportation Committee if he would just give us a rather simple answer as to the dimension of the proposed signs.

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair of the Transportation Committee who may respond if he so desires.

The Chair recognizes that Representative.

Representative O'GARA: Mr. Speaker, Men and Women of the House: They vary. They are from 48 inches, one of the areas 48 inches wide across a sign that would have two side-by-side, whatever that would add up to, 96 inches across.

I wish I had enough --- perhaps I should have passed these out to you but I don't have them. They are very similar to the size that Representative Nadeau was talking about, they are not as big as the billboard signs is what I am getting at. They may be 60 inches across, it might be 96 inches across, depending upon whether they put two side-by-side or three across or three up and down. It varies from 72 inches, they are not going to be the kind of sign that you are talking about. It could be about the size, I guess, to give you an example, of the signs that now say Burger King, that size, not as big as that, that is not as deep as that. Then you see within the confines of the big sign, there will be a smaller sign saying the name of the hotel, or the name of the convention center or whatever it might happen to be. They vary in size. I don't think they have panned it down to the size yet.

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

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: I don't think I got an answer. I think this is what concerns many people in this House. I have seen road signs, they are blue signs usually and I would say they are about no more than four inches wide and no more than three or four inches long, both north and south, tell you where a golf course is, tell you where some other area is --- is that the kind of sign you are talking about? I am pretty confused, you had a description of a large sign and other small signs within it. Then, you made the reference to Burger King, well, I have seen some pretty big Burger King signs. I am just confused and I would appreciate relieving me so I can intelligently vote on this issue.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: Perhaps I should not have mentioned the Burger King sign but I am not talking about Burger King signs in any other state in the Union, I am talking about the signs that you have seen on our Turnpike, Representative Aliberti, our Turnpike.

The average width of a --- the signs that I have listed here is what they have 48 inches. Each sign is about 48 inches wide and there could be two
of those side-by-side which is 96 inches. They are certainly not four inches, I could never let anybody think we are not talking about four inch signs on the Maine Turnpike.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: Let me just clarify a little bit on this particular bill. There was lengthy discussion about signage. The big issue was a logo. The Turnpike now has the authority to put signs and if you will notice when you take I-95 there have been many signs put up to designate certain recreation areas and etcetera. This particular incident, Exit-5, is an exception to the rule because it will probably never happen again where you have an access off the Turnpike to land to develop.

The City of Saco has been asked to develop a facility in that area and part of that was to have a sign. That is the reason why it is here. Right now on the Turnpike if you stop at the service areas, they put logo signs already, there is no exception. One of the things is that we tried to craft very carefully in this bill is that we would not have a problem with signs all over the Turnpike. Ladies and gentlemen, this bill should have been a very simple bill, but because of certain special interest groups that fear that we are going to have signs all over the State of Maine it is going to destroy our beauty and our vision, that it prevents people to expand and to build in this state. I urge you to support it, it is a good bill. The Committee on Transportation worked it very hard and carefully so that we would not offend anybody.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, I would like to pose a question through the Chair to Representative O'Gara of Westbrook who may respond if he so desires.

The Chair recognizes that Representative.

Representative O'GARA: Mr. Speaker, Men and Women of the House: I would say that the limits would be that they are going by the data that they have acquired after looking through all the 41 states and we have tried and they have tried to put together a compilation of all the information that is available to us from the states that have these signs. As I look at the chart that shows there, it is my judgment, and I would have to assume that I am accurate on this, that they do not plan, the Turnpike would not allow, a sign to be any wider than the signs that are already acceptable and considered to do the two things that we want to do that Representative Nadeau has said, to provide a service to let people know where things are and still at the same time not detract from a clear vision and the beauty of the area. These are not going to be garish in nature or they are not going to be outlandish in vision. So, I would have to assume that they are bound by the very same specifications that they have acquired from this survey of the country and none of them in here are any wider than 48 inches each individual block, none of them are any wider than 48 and I do not imagine that they — it is not my understanding that they are going to go any further than two of those which would be the numbers that I gave you before. But, I guess I have to say in answer to your question specifically that I don't recall seeing a set number "no larger than" but they are planning to go by specifications that are already set down in highways similar to ours across the country and none of those are larger than what I told you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, I would like to pose a question to the Representative from Westbrook.

Does the liquor store plan to use separate signs on separate posts in separate locations?

The SPEAKER: Representative Greenlaw of Standish has posed a question through the Chair to Representative O'Gara of Westbrook who may respond if he so desires.

The Chair recognizes that Representative.

Representative O'GARA: Mr. Speaker, Men and Women of the House: No, there will be a sign that says, as we already have now, one of those spaces will say Discount Liquor Store, there will not be separate signs.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, I would address a question through the Chair to the good Representative from Westbrook if I may?

There is just enough commotion back here so frequently we are missing portions of your answers so forgive me if perhaps I repeat a portion of a
question. In looking at what I presume is the final Committee Amendment (S-448), I do find in the amendment nothing that specifies or restricts, question number one, the size of any signs that might be erected. I believe that is what you said, first question.

Second question, it would seem upon page two of the above mentioned (S-448) Amendment that the committee proposes to establish an adoption of rules in accordance with the Maine Administrative Procedure Act to establish a logo signing program on the Maine Turnpike with the Authority thereby giving permission to charge fees if it so chooses? That would mean therefore that the committee is assuming that many more requests will be filed for said same kind of signs along the Maine Turnpike? Second question.

The SPEAKER: Representative Adams of Portland has posed two questions through the Chair to Representative O'Gara of Westbrook who may respond if he so desires.

The Chair recognizes that Representative.

Representative O'GARA: Mr. Speaker, Men and Women of the House: I believe I just answered the first question in trying to answer Representative Heino's question as far as the specific number. There is no specific number in the wording.

As to the second question, the Transportation Committee is not assuming anything. The suggestion that we have a study by the Turnpike to look at the whole entire 100 mile length of the Turnpike to see if in fact there are any other sites — and I agree with Representative Nadeau, it is our judgment that there aren't any other sites, but in fairness to everybody, the Executive Director, Mr. Violette, has requested and we have directed that they do a study of the entire 100 miles to see if in fact there are any other sites that would be possible for such a situation as we are describing here and debating here and if there are whether or not those are feasible. So, we are not anticipating any future signs.

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

Representative STROUT: Mr. Speaker; Men and Women of the House: I got to tell you as one member of the Committee that when we dealt with this it was not our intent to make this an issue of any future signs. I think this committee, working with the Maine Turnpike Authority, has sent a message to them that that is exactly what we want to do is make this exception for that one particular purpose.

This afternoon, I want to tell you, that the Representative from Biddeford, Representative Plourde, in my opinion, gave you the best speech I have ever heard him give in this House. If you listened to what he said it is exactly what the committee intended to do, and that was to limit what is going to happen on that Turnpike. I think the Chairman has explained to you this afternoon also that we have no control of what may happen in the future but I have got to believe in all the times that we talked with the Authority that they are as concerned about this as we are and if any further requests come in they will handle them appropriately.

Before I sit down I want to tell you people in rural Maine that a few years ago we asked for some help on some other signs across this state that helped us on other situations. I think today that we ought to, for once, just help those people in York County.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 288


ABSENT - Coffman, Doré, Hillock, Kutasi, Martin, H.; Martin, J.; True.

Yes, 90; No, 54; Absent, 7; Paired, 0; Excused, 0.

90 having voted in the affirmative and 54 in the negative, with 7 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Concerning the Payment of Medical Expenses in Controverted Workers' Compensation Cases (S.P. 605) (L.D. 1703) (C. "A" S-471)

TABLED - March 24, 1994 by Representative O'Gara of Old Town.

PENDING - Passage to be Enacted.

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

Bill "An Act to Improve Licensing Procedures at the Bureau of Insurance" (H.P. 1414) (L.D. 1924) (Governor's Bill) (C. "A" H-884)

TABLED - March 24, 1994 by Representative PINEAU of Old Town.

PENDING - Passage to be Engrossed.

Representative PINEAU of Jay presented House Amendment "A" (H-931) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-884) and House Amendment "A" (H-931) and sent up for concurrence.