

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

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beginning at Page 1544

The third thing I'd like to say is back in January I attended the Martin Luther King Breakfast in Portland. It was a great event and there were a lot of folks there from the Portland area. Some of you who have been there before know it's a big draw for that area. The keynote speaker was Bill Cohen. That's a gentleman I've always respected. I've a picture of me with Bill Cohen and a picture with George Mitchell that were taken two days, one right after the other. I treasure both of those because I admire and respect the work that those men have done. In his keynote speech, I was surprised, no pleased, to hear him say that the state of Maine should take the Medicaid money. He said we should take it now and we should take it as fast as we can. That's somebody I'd like standing with me as we go forward down this march. We should take this now and as fast as we can. Thank you, Mr. President.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#572)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFOSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, LANGLEY, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 22 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House of Representatives.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System

H.P. 1320 L.D. 1831

Tabled - April 11, 2014, by Senator JACKSON of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-814)**, in concurrence

(In House, April 10, 2014, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814)**.)

(In Senate, April 11, 2014, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-814) **READ**.)

Committee Amendment "A" (H-814) **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator COLLINS of York, Senate Amendment "A" (S-520) **READ**.

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

Senator COLLINS: Thank you Mr. President. Ladies and gentlemen of the Senate, this is the highly controversial, sometimes discussed, sometimes politely and sometimes argumentatively, transportation sign bill. Just to give you a brief history on how this got here, last session we asked two agencies that report to the Transportation Committee, the Maine Turnpike Authority, as well as our own Maine Department of Transportation, to come back with some guidelines as to how we should regulate bills coming through requesting signage along the Interstate 95 corridor. For those of you who don't know, Interstate 95, from the town of Kittery up to the city of Augusta is the Maine Turnpike. It is a private road. However, they work in conjunction with the Transportation Committee. They submit to us their budget. They provide for their own police protection on the turnpike. The rest of the 95 system, and 295 as well, goes from Augusta to the town of Houlton. For many years, periodically, there would be a request for an additional sign advertising whatever the case may be, a school or whatever. We diligently tried to persuade the sponsors of this legislation not to go forward with it, but in some cases these bills were passed into law and a sign was erected. We asked two agencies to come forward and give us recommendations as to what we could put up for regulations in the future, for legislators coming before us dealing with signs along the Interstate 95 corridor. They did. They came back to the committee of jurisdiction, the Transportation Committee, with their recommendations. However, in my opinion, they went just a step too far because they recommended to the committee, and through the committee amendment, to take down certain signs along the Interstate 95 corridor. Well, that's where

the surprise and the argument ensued. Some people were very concerned about their signs coming down. In a lot of cases these two different agencies, here again I'll repeat them, the Maine Turnpike Authority and the Maine DOT, tried to find some common ground and to alleviate concerns of our colleagues in the Maine Legislature and they did. However, there are still some signs that will come down. Some signs will be moved. One sign of contention for a lot of people is just south of the city of Augusta. The sign advertising the University of Maine at Fort Kent. Seems a little premature to be advertising that campus south of Augusta. What the department will do is move that sign closer to its destination. There are other instances of that along the corridor.

It seems unfair for some to get signs and some not. That was one of the reasons, again, just backing up a bit, that we wanted these new guidelines set up in legislation and, hopefully, incorporated into Maine law. I, at the committee level, tried to introduce the possibility of grandfathering existing signs that are out there now along the Interstate 95 corridor, grandfather those signs but accept the guidelines and the language provided to us by these two different agencies. That's essentially what my amendment does. It grandfathers existing signs and any new proposals would have to adhere to the new regulations. Well, some critics say, "Well, that's unfair because what you're doing is you're having a cut-off date and people who want a sign will now have to adhere to new regulations." Well, that happens. It happens in life. I go back to the municipal level. When we pass zoning and things of that nature, there is a cut-off date. Here in the Maine Legislature we have sunset clauses on pieces of legislation we pass. That's not uncommon. My hope is that we'll accept the amendment, my amendment, and retain the language as currently in the committee amendment, which will put in place new qualifications for signage coming forward in later years.

Just to digress even a little bit further, just to give you an example of what we're trying to do here. Many years ago we had a proliferation of requests for vanity plates. It seemed as though every term there was one or two proposals for a special vanity plate. Well, it got to be so frequent that we had to set up a set of guidelines, which we did and it has slowed down the pace of successful attempts to introduce into the Secretary of State's Office the issuance of license plates and new vanity plates. You can imagine the expense of going forward with a vanity plate, if it doesn't sell it sits there on a shelf somewhere in some warehouse and just doesn't get sold. We put up qualifications that would require some of the things that were to happen before that bill could be even considered.

Getting back to the signage, some people say, some critics, "Well, gee, wow, we don't need signs any more. We've got all this GPS mapping in our cars and we don't need signs anymore." Well, Maine is a tourism state. People come to Maine for the first time, maybe the second time, and they're riding up the highway system, they see a sign for something and they go, "Wow, let's go there." Sometimes it's kind of a spontaneous decision to take an exit and go see what's available in that given community along the Interstate 95 corridor.

In closing, I would encourage you to follow my light, vote for the amendment, attach it to the bill, and you'd make Senator Ron Collins a very happy man. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd like to make him a happy man also. I rise in support of this amendment. I think it's a very good approach to what has been proposed to the Transportation Committee. As you all know, I'm sure you know that Maine receives about \$5 billion a year, annually, from tourism. From that \$370 million in tax revenue comes to us. Out of that we create about 90,000 jobs. That's where I come from, the position I come from. That's very important to the state of Maine and it's equally, if not more, important to the district that I represent, Downeast in Washington County and parts of Penobscot and parts of Hancock. There are three very important places in my district that are signed on the I-95 corridor. The University of Maine at Machias, Cordy Head State Park, and one that's actually not in my district but it certainly supports my district, that's Roosevelt Park, the only park of its kind in the world, which is just across from Lubec on Campobello Island, which is half owned by this country and half by Canada and has about 130,000 visitors to it every year. You can imagine what that does for the Washington County and Lubec area and areas that those folks have to traverse through in order to get to those locations. If any of you have come Downeast, you know we're not exactly on the way to anything and we're a little hard to find, so anything that we can get in support of directions is very important to us.

I understand why the department, and probably the Maine Turnpike Authority, and certainly us here in Maine want to keep our highways uncluttered. I think that's extremely important. I feel the same way about some of the junkyards that I see around. We have to do what we can to keep things uncluttered, but I don't want to see us throwing the baby out with the wash. I think signage is very important. Maine is one of the four states that passed a billboard prohibition law, along with Vermont, Alaska, and Hawaii. Four states and Maine is one of those. We're doing a pretty good job right now at keeping our highways from being uncluttered by unnecessary signage. Again, maybe not so well with some of the other things that we need to pay attention to, but as far as signage is concerned we're doing a pretty good job I think, Mr. President. I don't travel very often, but when I do travel, and you think of yourselves and your family in your own vehicles traveling, I depend on signage. I don't drive and watch my GPS until I'm near my destination, but I do depend on signage, especially when I'm on the Interstate systems, to help me find where I want to go and I don't think we have come to the point yet where people have stopped looking for signage to find the destinations they want. As the good Senator from York suggested, oftentimes that signage is the one thing that causes them to divert, maybe, from their original destination and visit an area which each of us has in our districts. It's very important to us when it comes to tourism. I think the right solution to this is to adopt the Committee Amendment that has already been put forward along with the proposed amendment here today and work from here into the future and make sure that we have certain regulations and certain criteria that has to be met in order to place new signage up. I think that would go a long way to protecting our highways in the future. I think it's very important for us also to think if we're open for business, and I believe every one of us really wants to be open for business, then we have to show the people where some of our most important businesses in this state are. That's all about the tourist industry. We can do that, and we are doing that, with signage and at this point right now in our state's economy to take away any of that advantage that we have through appropriate signage, I think, would be a detriment to our

economy as we move into the summer months. I would hope you would consider these arguments and support the amendment before you. Thank you.

Senator **VALENTINO** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-520).

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I rise today on the Indefinite Postponement. The good Senator from York basically outlined why this bill is before you. The bill is before you because we have had a proliferation of sign requests before the Legislature. The Legislature, it's very difficult because it's all political requests. They're all in relation to a certain district. Everybody is fighting hard for their sign. What we did is we asked the Maine Turnpike Authority and the Department of Transportation to do a study and to come back to the Transportation Committee. I would say this is probably one issue that I agree very strongly with the Executive Branch on, that is that we waste a lot of time on studies. Every time we get a study usually it's because we didn't have the political will to do something. We send it back and have it studied and then the study comes back and then we still don't like the study and throw it away. This amendment is basically throwing away the study. We asked them to do a study. It came back. This was a unanimous report from the Transportation Committee.

I, myself, asked the same question as the good representative from York. Why can't we just grandfather the signs? We were told quite specifically that grandfathering the signs would not solve the problem. The problem is, and has been, everybody who sees a sign on the Turnpike than comes in and says, "If they have a sign, why can't I have a sign?" Than the Legislature says, "Well, okay, I guess if you have a sign, we'll do the sign." Many of these signs qualify for a logo sign. People want free signs. A logo sign is \$1,200 a year on 295 or \$1,500 a year on the Turnpike. They could qualify for a logo sign but they don't. They want a free sign. Is it really first come first serve? Is that how the Legislature works?

I will tell you, we went through this entire bill. We went through every line. We went through every single sign in this bill and I want to read one thing from the Maine Tourism Association. "Maine has been a leader by not allowing billboards and the proliferation of other signs along our roadways and yet we provide the information that the visitors seeking. The Maine Tourism Association operates the state's official seven visitor information centers and we hear all the time what a pleasure it is to drive in Maine and enjoy the beauty of our state without being assaulted by signage. We know that the adoption of this new policy will be very difficult, but we applaud the Department of Transportation for doing this and ensuring that the state of Maine will continue to be judicious regarding signs in the future." I will tell you, personally, I would put logo signs up every place. I like the advertising. I like business. It keeps me driving, but there are a lot of people who voted anti-billboard and don't want these signs. I don't care.

There are four signs on this list, and I'm a member of Transportation, that are coming down right in my hometown. Two for the Saco Hotel and Conference Center and one for the Old Orchard Beach. I'm a member of Transportation and these four signs are coming down and I voted unanimously because we're voting on a policy and if each and every one of us, all 35 of

members, decide to vote against this bill, or for this amendment, because there is one sign in our district that we're fighting to keep, then we're really doing the wrong policy and we should just throw out the whole report and say, "Let's let them all come in." We had seven different bills this year on wanting signs: Katahdin Trail, Berwick Academy, the 45th Parallel North, and Gould Academy. All got Ought Not to Pass in both Chambers. Lee Academy and the Underground Railroad actually advanced a little further. They got through the House but died in the Senate. Only one sign, Oxford Casino, made it all the way to the Governor's desk and got in. There is no rhyme or reason for what gets in and what doesn't get in right now. It is really based on politics. We need this decision based on a policy. Everybody came in, and I know props are not allowed so I won't show them, but they all said, "What about this sign? How come you're doing it for the ski areas? You're not doing it for the amusement park. What about this sign? There's a sign for Portland in Augusta. How can there be a sign for Portland in Augusta? There's a sign for Fort Kent in York." Everybody was saying, "What about this sign? What about this sign?," trying to pick on everybody else. This policy tries to be consistent.

I will read, "We're trying to conform our signs to a federal policy." Let me show how far this bill has to conform the signs, after we've created all the loopholes, to keep as many signs as we could. Major recreational areas; the national standard is the sign has to be 5 miles. What did we do? We said, "Okay, 100 miles. Let's do 100 miles. We're not going 5 miles." Non-profit colleges and universities - 15 miles. Okay, let's try and get as many signs up as we can. We're going to put no limit on this. Federal, state, and federal and state parks - they have 5 miles. Okay, we're going to try and keep up as many signs as we can. We're going to go 100 miles. Our policy is 100 miles. Again, the federal policy is 5. The federal policy on veterans' cemeteries, firefighters, police officers, and veterans' memorials - they don't allow them at all, but we want to keep ours up so we went 20 miles. The Transportation Committee bent over backwards to keep as many signs as possible. The reality is many of these signs are not allowed and if they are allowed then they should be a logo sign and they should pay for it.

I just want to read one thing from the Maine Turnpike Authority, and what it says is, "This bill establishes a uniform policy to comply with federal law" although we know we have stretched it and stretched it and stretched it, "Under this bill, signs with life in them will continue in the grandfathered status for 5 years." No sign is going down tomorrow morning. Five years before these non-conforming signs are going to go down. As far as the grandfathering, it says, "We cannot set policy based on claims of perceived unfairness." If MCI has a sign, then Hebron needs one. If Hebron gets a sign than Gould should have one. If Gould gets one, why not Erskine Academy. If Erskine Academy gets one why not John Bapst or NYA or Fryeburg or Kent's Hill or Foxcroft or Hyde or Washington or George Stephens or Lincoln or Bridgton Academy and goodness knows I'll be right down to the Revisor's Office for my Thornton Academy sign if this goes through. Once you stray beyond the immediate needs of the traveling public, there is no end to this issue. This is not about one sign. It is about a sign policy. Please vote to Indefinitely Postpone this amendment and any other amendment that comes up. Thank you very much.

On motion by Senator **KATZ** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Mazurek.

Senator **MAZUREK:** Thank you Mr. President. Ladies and gentlemen of the Senate, just a comment or two regarding this issue. I've served on the Transportation Committee for 10 years and the sign issue has been with us for 10 years, that I know of, and probably goes back a long time before that. It's a very important part. Signs, basically, are there for a purpose and that's aid for the motorist. Not to advertise. Not to promote businesses or promote colleges or anything else. It's to aid the traveling motorist so they can get to their point of destination in the quickest way possible. I think that we have to be careful that we don't clutter our road signs. I don't know if anybody in here has ever taken a ride down to Connecticut or through the Connecticut turnpike, but I found it very interesting the last time I drove through Connecticut. I went through part of the turnpike and there were a number of signs, not really on the turnpike but off it. I got a kick out of one. It was a rather brightly colored one. I'll let you figure out what the meaning was. It said, "Have your next affair here." I couldn't quite figure out what they were trying to get at. I asked my wife and she looked at me like I could jump out the window. We have to be careful with signs. I think the state of Maine is known for its beauty, for its aesthetic value, and we don't want to clutter up our highways or our roads with signs that have become meaningless lately. After a while they just don't mean anything.

I'd just like to tell you, or have you look at the handout. Peter Mills, I think, makes a very good point here. This was a unanimous report from the Transportation Committee and it made it very clear that the sole purpose for public signs on the Interstate is to provide direction for travelers to destinations with high traffic. When there are too many official signs they become meaningless to motorists and ineffective for traffic management. This is why the federal law prohibits interstate signs be used for commercial, economic, or other private industries. Because federal law sets the national standard for all traffic control devices the federal highway administration, last year, warned Maine's Transportation Committee that non-compliance could ultimately result in the loss of federal aid funds. Flouting the federal law could jeopardize \$170 million per year in Maine's highway funding. I think that speaks volumes of why we have to be very careful, why we have to maintain what we have, and not ruin Maine for commercial purposes.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, just to reiterate the content of my amendment, it will grandfather existing signs. Existing signs. For the most part these signs have been in place along Interstate 95 for 25 plus years. They've been there for a long, long time. I think I'm being conservative when I say 25 years. It's probably much longer than that. As far as adding new signs to the Interstate 95 corridor, no. If we adopt my amendment and grandfather existing signs, signs that have been there for 25 years or more, and accept the guidelines set forward by the

Department of Transportation and the Turnpike Authority, future sign requests will have to meet that criteria. When you talk about a widespread proliferation of signs, number one, that doesn't exist in Maine anyways, even with the existing signs along Interstate 95. We've been very diligent here in Maine about not allowing billboard-type signs that we see in other states. I have a MG sports car and I go to Stowe, Vermont every fall and I get to Route 16 in New Hampshire and I see all the billboard signs and I say, "Geez, thank God we don't have those in Maine." The signs that we're talking about, dictated by this amendment, are signs that are already there and have been there for a very long time. Future requests to the Legislature for signage will have to meet this new criteria set forward by the MTA and the Maine Department of Transportation. In closing, I think that we should adopt the amendment, go with the language that was proposed to the Transportation Committee, and call it good. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Collins to Adopt Senate Amendment "A" (S-520). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#573)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, MAZUREK, MILLETT, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, GRATWICK, HAMPER, LANGLEY, MASON, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-520), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814), in concurrence.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Maine's Ability To Attract Major Private Investments"

S.P. 738 L.D. 1835

Report "A" - Ought Not to Pass (7 members)