

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
Index

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
Index

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
Index

SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
33rd Legislative Day
Monday, February 29, 1988

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Michael Seavey, Holy Cross Church, South Portland.

Pledge of Allegiance.

The Journal of Friday, February 26, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Revise the Laws Protecting the Farmers' Right to Farm" (S.P. 911) (L.D. 2377)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

Was referred to the Committee on Agriculture in concurrence.

RESOLVE, Relating to the Licensure of Foreign-Trained Dentists and the Creation of Specialties within the Dental Profession (S.P. 913) (L.D. 2365)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Providing for the 1988 Amendments to the Finance Authority of Maine Act" (S.P. 912) (L.D. 2378)

Came from the Senate, referred to the Committee on Economic Development and Ordered Printed.

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Provide for Allocations of the State Ceiling on Private Activity Bonds" (Emergency) (S.P. 910) (L.D. 2376)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

Was referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Ban Importing of All Waste" (S.P. 840) (L.D. 2185)

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

Unanimous Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Increase the Base Salary of Vocational-Technical Institute Instructors" (S.P. 776) (L.D. 2033)

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

Non-Concurrent Matter

An Act Pertaining to Fire Permit Enforcement (S.P. 865) (L.D. 2254) which was passed to be enacted in the House on February 22, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-319) in non-concurrence.

The House voted to recede and concur.

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

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

Energy and Natural Resources

Bill "An Act Concerning Shoreline Alteration of Artificially Created Great Ponds" (H.P. 1737) (L.D. 2382) (Presented by Representative CLARK of Millinocket) (Cosponsors: President PRAY of Penobscot, Representatives MICHAUD of East Millinocket and GOULD of Greenville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Extend the Coyote Night Hunting Season" (H.P. 1735) (L.D. 2380) (Presented by Representative McGOWAN of Canaan) (Cosponsors: Representatives ROTONDI of Athens, SMITH of Island Falls and WEYMOUTH of West Gardiner) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Improve Supervision of Prison Furloughs" (H.P. 1736) (L.D. 2381) (Presented by Representative CARTER of Winslow) (Cosponsors: Representatives PARADIS of Augusta, CHONKO of Topsham and Senator BERUBE of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Ronald C. Bailey of Farmington be excused February 29 and March 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sally R. Rice of Stonington be excused February 22, 23 and 24 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Stephen M. Bost of Orono be excused February 25 and 26 for legislative business.

AND BE IT FURTHER ORDERED, that Representative David G. Stanley of Cumberland be excused February 25 for legislative business and February 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradford E. Boutilier of Lewiston be excused February 22 and 23 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Malachi Anderson of Woodland be excused February 18 and 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Gary Bickford of Jay be excused February 18 and 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Philip C. Jackson of Harrison be excused March 1 through March 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James Mitchell of Freeport be excused February 29 through March 7 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Muriel Holloway of Edgecomb be excused February 29 through March 4 for legislative business.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:
Recognizing:

Danielle St. Cyr, of Mexico, the American Cancer Society's Daffodil Child for 1988 and Daffodil Days, March 17th through the 19th; (SLS 435) by Senator Erwin of Oxford (Cosponsor: Representative Perry of Mexico)

On motion of Representative Perry of Mexico, was removed from the Special Sentiment Calendar.

Was read and passed in concurrence.

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1489)

Representative CARROLL from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1988 (Emergency) (H.P. 1734) (L.D. 2379) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1489)

Report was read and accepted, the bill read once.

Under suspension of the rules, the bill was read a second time. passed to be engrossed and sent up for concurrence.

Divided Report

TABLED AND ASSIGNED

PENDING RULING FROM THE CHAIR

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Pertaining to Radar Detectors" (H.P. 1485) (L.D. 2019)

Signed:

- Senators: THERIAULT of Aroostook
CAHILL of Sagadahoc
- Representatives: MOHOLLAND of Princeton
MACOMBER of South Portland
STROUT of Corinth
McPHERSON of Eliot
CALLAHAN of Mechanic Falls
REEVES of Pittston

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1723) (L.D. 2366) on same Bill.

Signed:

- Senator: DOW of Kennebec
- Representatives: POULIOT of Lewiston
SALSBURY of Bar Harbor
MILLS of Bethel
SOUCY of Kittery

Reports were read.

Representative Moholland of Princeton moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative POULIOT: Mr. Speaker, Men and Women of the House: I would hope that you would vote against the Majority Report and support the Minority Report.

I know that this is a subject that we talked about in the past and it always seems to take the course of not passing. I think it is good once in awhile to bring this bill before the people and before this body and discuss it.

I personally feel that the main reason for supporting this legislation is to circumvent the law. When I say circumvent the law, I mean to have a device where you can use excess speeds. I also think that it gives a tool to violate the speed laws. I feel that, as a legislator, that we enact laws so they may be obeyed. Now the laws of speed are either 15 miles an hour, 20 miles an hour, 35, 45, 55 and 65 -- now I ask you to examine your conscience -- why would you want to own a radar device? There will be some testimony coming telling you that it will help keep some awake, it is a safety device in a storm, or whatever reasons that might come up. The sole purpose, I have found in speaking to many of my constituents back home, is it is a device to violate the law.

All I would like to do here today is put all the citizens in my district and the citizens of this state on the same playing field and I mean the same playing field. If you remove these devices, then everyone will operate at the speed that has been set.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Bickford.

Representative BICKFORD: Mr. Speaker, Men and Women of the House: I would just like to address the issue that the good Representative from Lewiston said about breaking the law -- I had a radar detector but that did not stop me from circumventing the law because, with that radar device, I received two speeding tickets. I really believe that it can serve as a warning. As you are driving down the road, it provides you with a warning and it is not necessarily to break the law. I happened to be breaking the law, I got caught, but I think that this is just another example of the "big brother government" that we don't really need.

I would urge you to vote with the "Ought Not to Pass" Report.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: There has been a lot of information cross our desks on the issue of radar detectors and I would just like to have a chance to speak on a few of the points that have been made of why the bill shouldn't pass.

I disagree with that, I think the bill should pass and I think it is important for us to look at what we did in this body last year. We passed a law that raised the speed limit from 55 to 65 miles per hour on our turnpike and basically interstate systems. I think that most of us who supported that bill spoke to the fact that, if we were going to go to 65 miles per hour, then we want to make sure that 65 was in fact the speed that people would be traveling and not faster.

Although there might be some arguments made about the fact that radar detectors are used to keep you within the speed of 65 miles per hour, I think if you really think about it, most people agree and would

come to a logical conclusion that the reason most people have radar detectors is to break the law. One of the arguments used is the fact that, as some people have said here before, "I have a radar detector and have still gotten speeding tickets." That may be true but I guess you have to ask yourself, why did they have the radar detector in the first place? Was it to get around those speeding tickets? I think that most people would find that that is true.

It has also been pointed out that there have been court cases where radar detectors were taken into the court and they were struck down because they were found to be unconstitutional. The case that was put on your desk, you will find that it basically had nothing to do with radar detectors, it was a case of whether or not radar itself was, when used, effective. It had nothing to do with the keeping of radar detectors so I don't think that case has anything to do with the fact of whether or not we should pass this bill.

Another argument that is used a lot of the time is that there aren't very many people who have them and why should we pass a law that only affects a few people? I guess we have done that in many cases. Recently, we had a bill dealing with college students who weren't registered, then they would not be able to receive student loans. There were arguments made here in this body by many people to the fact that over 95 percent of the people already had registered and we shouldn't have that bill because it is foolish for us to be spending the time and the state's money to go after the small percentage of people when we know that there are only a few people breaking the law.

The argument was made on the other side and this body accepted it to the fact that we didn't care how small the percentage was, that it was important for us to have that law stating the fact that we did not want people breaking the law. We felt that it was important to go after that small percentage. I think it is the same thing with radar detectors -- it may be a small amount but it is still important to go after that small amount.

I think it is very important to pass this bill. I think if we really meant 65 miles per hour when we passed that law, we should go with this bill. I hope you support the bill and defeat the motion on the floor at this time.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I would urge this House to support the Majority "Ought Not to Pass" Report because I believe that this bill represents a potentially dangerous intrusion on First Amendment Rights guaranteed under the Constitution. I feel that the federal government and the federal government alone should govern these air waves. The same frequencies that are used on radar detectors are also used on police scanners, garage door openers, burglar alarms and I think we would be setting a dangerous precedent by passing this bill.

The good Representative from Jay recounted some experience with a radar detector and I can recount some similar experiences. I can also say that adding a radar detector can actually hold your speed down because there are so many things that will trigger a radar detector as you move along like garage door openers and other devices that utilize the same frequency. I used to exceed the speed limit on the interstate quite a bit before we passed the realistic speed law of 65 miles per hour. Now I obey the law on the interstate. I still have my radar detector, I

still keep it because I believe I have the right to know when I am under surveillance. I also like to know how well our law enforcement people are doing enforcing the 65 mile speed limit.

There is one other reason why I think we should support this -- one little unknown fact about radar detectors and how they can be used to the benefit of the State of Maine. I was out recruiting students for the University of Maine a couple of years back, I was out of state and didn't know the terrain too well. I was late for the college night, lots of kids were depending on the University of Maine being there to hear about the school because they might consider coming to our fine institution up here. I didn't have a map and I was going to be late so what happened? The radar detector went off so I got an idea -- one of the times I had a real good idea -- I started listening to that frequency and it started going beep, beep, beep and suddenly, it got stronger and I thought, that must be a radar device used by the law enforcement officers. I will find the law enforcement officer and I will ask where this college night is going to be. So, sure enough, I'm driving around Springfield, the frequency is getting stronger, and by golly, I found that police officer and I got to that college night on time. You know, we have more kids going to the University of Maine because they were able to receive their applications and their information because of that radar detector.

I strongly hope that you will use the good mood you are in to be receptive to the message of the Majority "Ought Not to Pass" Report and kill this bill.

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

Representative HILLOCK: Mr. Speaker, Men and Women of the House: I would like to bring you all back to reality here. We are talking about radar detectors, a tool whose primary purpose is to evade the law. We are supposed to be models of the law here. We enact laws that we expect people to obey across the state. I go up and down the turnpike every day and I see people among us who have stickers "Support our troopers, the Elite of the Law Enforcement of the State of Maine." On the dash is a radar detector totally designed to nullify their enforcement efforts of our speed limits. How ironic can that be?

We talk about First Amendment Rights and we try to be ridiculous and say -- door openers? Come on now, let's really get down to what the real fact is here. Are we willing to obey the laws that we enact? If we are not, perhaps we shouldn't even be here.

Radar detectors go way back, I used them when I was in the Marine Corp before they were ever used in civilian life and they were very useful there. But I don't see them useful here. We talk about the lobby that is against radar detectors who try to use the smoke screen, I guess, of the First Amendment Rights and property rights and all of that. Let's examine that lobby situation -- the truckers across the state where time means money and I understand that. The Governor understands that and that is why we raised the speed limit to 65 across our highways that could safely handle 65.

Another lobby that I was surprised to hear from were the manufacturers and the wholesalers in the Portland area, especially the wholesalers. They have certain vested interest in this.

I have an office in the State of Virginia and I visit that office quite frequently. That is one state that has no radar detectors. There is evidence in the State of Virginia that high speed accidents

have gone down so let's look at this for what it really is and look at ourselves for what we really are if we feel that we should promote instruments to circumvent the law.

You may see bills later for explosive bullets that we want to outlaw. There is one reason for explosive bullets and that is to circumvent body armor that police use in certain situations. How are we going to deal with that issue? Let's set precedent for where we are today and what we want to do and outlaw certain items that are solely designed to circumvent the law. Don't let us be misled by argument that they are really ineffective and they are reminders for me to obey the law. That is why we have speedometers on cars, ladies and gentlemen, and don't be misled by that. I would support this legislation and I hope you will too.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, I request permission to ask a question through the Chair.

To anyone on the committee -- seeing as the radar transmissions are in the public air space and the public air space is defined by the government as "in the public domain" -- has anybody inquired into the constitutionality of a law that would in effect prohibit access to the public domain within this state while that access is guaranteed on the federal level?

The SPEAKER: The Representative from St. George, Representative Scarpino, has posed a question through the Chair to anyone on the committee who may respond if they so desire.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: Being the Chairman of the Transportation Committee, I cannot answer the question.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: Bryant Radio Supply vs. Colorado D.M. Slane, Virginia U.S. District Court -- the radar detectors were brought there as a violation prohibiting their use on motor vehicles. Also the case of the Electrolert Corporation vs. Marion Barry, District of Columbia, U.S. Court of Appeals, D.C. 1984; State vs. Anonymous Connecticut, Connecticut Superior Court, 1979; District of Columbia vs. McGhee in Superior Court, D.C. 1979; Smith vs. District of Columbia, D.C. Court of Appeals in 1981 and in all those cases where radar detectors were brought to the court, they were brought to the courts on the question of ordinance prohibiting sales, ordinances taking away citizens' constitutional rights under the First, Fourth, Fifth, Ninth, and Tenth Amendments. In all those cases, it was found that the ordinance to ban detectors was legal. The one case that I mentioned in 1984, Electrolert Corporation vs. Marion Barry, District Court of Columbia -- in the beginning of that case, it was upheld at the appellate level that the ordinance would not be law, but then it was overruled so, in all those cases, it has happened before, they have brought up First, Fourth, Fifth, Ninth and Tenth Amendment Rights and, in all those cases, it has been found that the radar detection bans were found to be legal.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I will be very brief. I really

had not intended to get up on this item until the young gentleman from Orono got up. I think I would like to respond to him.

I don't think radar detectors are any great problem in this state at all. If you want to talk about what the problem is, it is enforcement. If you will recall last year, three important people (let me put it this way) said -- Governor McKernan said, "65 miles an hour means 65 miles an hour." John Atwood, the Commissioner of Public Safety said, "65 means 65." John Bott said, "65 means 65." Do you still say that, Mr. Bott? Our problem is not radar detectors, our problem is enforcement, which is not being done.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: That is right, I said, "65 means 65." People downstairs said, "65 means 65."

I will agree with you, we do have a problem with enforcement out there and I think we ought to be enforcing that speed limit much more vigorously. One of the messages that I hope we can get out of this, after we kill this bill, is that we would like our law enforcement agencies to step up the efforts so that 65 does mean 65. That is the root of the question here.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In the discussion so far today, we have used the very polite term, radar detector. I have heard it referred to as a fuzzbuster, that seems to be the popular name for it. I wonder if the opponents of the bill would explain what that term means?

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

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I will not respond to the question of the gentleman from York but I would like to respond to the previous comments of the gentleman from Orono and the gentleman from South Portland.

The problem with the speed limit today relating to radar detectors has nothing to do with the enforcement being done by our law enforcement community whether it be the Maine State Police, the County Sheriff's Department or the local police departments, it has nothing to do with that. For every person that they stop doing 80 miles an hour on the interstate or on our US and Maine roads, 50 of them go by while that car is stopped, doing 75, 74, 73, 81, 82 miles per hour. I would urge and challenge all of you to take an evening out of your time and ask your local police officer, Chief of Police or Maine State Police, to show you this aspect of the Maine highway situation.

You are not going to increase highway safety by permitting radar detectors. It is popular. Your constituents, those that do have them, the few that do, want to keep them popular. You hate to go against them, this is an easy one, those who are lobbying you to outlaw radar detectors have nothing to offer, as Winston Churchill said, "but tears, toil, and sweat." Those that want you to keep them say that your constitutional rights are being violated and this is "big brother government."

We pass legislation every year in this chamber, every year that address constitutional rights and bring certain questions of privacy into question. The opportunity that we have here today would send a

signal to those who speed. Those who have spoken today admit the only thing that radar detectors are for is to increase their speed and do it under the cover of the law, that is all its for.

I don't think that you can say that the reason that 65 isn't being enforced is because law enforcement people aren't enforcing it. There are only so many police officers, there are only so many hours in a day, and there are more and more people. That is a fallacy.

I did get up last June and say, give it a couple of months, give it a couple of months. Highway fatalities are up, carnage on our highways is up. It does serve a purpose, it empties the schools. We had a couple here just the other day in Kennebec County that are not going to be in high school today. It keeps our unemployment down, it does a lot of things, insurance rates go up, it has no useful purpose.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

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

Would one of the proponents of the bill be kind enough to explain exactly what the bill does, how it is going to be enforced, and is there a fiscal note on the bill?

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, I would like to ask a question to the gentleman from South Portland because in his comments he said that the problem is in the enforcement. Well, if the gentleman from South Portland is going home to South Portland from Augusta, and he is tooling down the Turnpike at 75 miles an hour, and then at the place of enforcement where the trooper may be on the side of the road or coming along, his fuzzbuster goes off -- aren't we cutting off the trooper right at the knees because we are eliminating that place of enforcement? I don't see how we can enforce it unless we eliminate this. I would like to ask the gentleman from South Portland to explain that.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to say that I think the good gentleman, Representative Bott, has made a very good point. It is used to find a police officer, that is what it is used for and he made that point clear. It still rings in my ears that Representative Bott said "65 means 65." I can hear it now. I got his testimony here and I was going to read a little of it but I won't, I will stick to mine.

With regard to the FCC, the FCC does not believe state statutes regulating radar detectors conflict with federal law (you have heard the other cases).

I hope you vote against the pending motion that we adopt the Majority Report. After this speed limit was raised to 65, the National Highway Traffic Administration Survey reported highway fatalities leaped over 50 percent in 22 states. Now, how can we allow the highways to become speedways? The highways are for all to use, a privilege, not a right. Are we swapping time for lives? In December of 1987, the Maine Highway Safety Commission reported 21 people died on Maine roads, half due to excessive speed. The time has come to outlaw the radar detectors and slow down a great number of speeders making the highways safer for all.

As you may recall, I offered an amendment to L.D. 734 in the last session, the bill that raised the

speed limit to 65, it was defeated, it did not have a proper hearing. "65 means 65" was the cry. Well, we all know that has not been the case. Some of the reasons given for them, keeps me awake -- can you believe that one? Helps check my speed -- a cruise control can be purchased for much less than many of the radar detectors if they really want to keep their speed at 65. Another one is, it lets me know where the police are, should I need one -- well that is a good one.

33 states have tried to outlaw radar detectors and have failed. I believe since the speed limit has been raised, they will be back again. I think Maine should put meaning to that old adage, "As Maine goes, so goes the nation." We can do it and save lives at the same time.

I wonder how many here today are familiar with the Consumer Report's Bumper Test Report? I would like to share a few with you. This is a 3 to 5 miles per hour -- an '86 Lincoln Mark VII, a rear bumper, \$314 damage. An '87 Plymouth Sundance and a Dodge Shadow, front \$175, rear \$340, for a total of \$515. An '86 Volkswagon Jetta, front was \$232, the rear was \$449 for a total of \$681. '86 Chevy Celebrity, front \$376, rear \$314, total of \$690. An '86 Yugo, \$620 front, rear \$461 for a total of \$1081, and that was going from 3 to 5 miles an hour. Now, what chance do you have at 65 miles an hour in today's cars?

It's not just the speeder's lives, its others -- others on the highways that want to feel safe.

Should we, the Legislature, set the example? Should we be law makers or law breakers?

I could not believe what I read in the Kennebec Journal on February 9th. This really put the frosting on the cake. "Fuzzbusters from Burt's carry up to a one year guarantee against speeding tickets. That's right," says Truman, "If you get a speeding ticket in that period, K-40 will pay for it." I have got a copy of that and I am sure you would like to see it. That really says it all. What are they for?

I don't believe the State Police should be buying equipment from the same outfit that brings out the radar detectors and I guess they are buying them from Burt so they should look into that.

Allen Dershowitz quoted his grandmother as always saying, "I would rather be known as Mrs. Dershowitz the late than the late Mrs. Dershowitz." I think we can all appreciate that.

Passing a bill to outlaw radar detectors will make our highways safer and maybe all of our lives just a little bit longer.

There have been a number of articles lately in the paper in regard to truckers and a recent one said that one trucking concern was going to slow down his vehicles to 65 or below and it was, not only for safety reasons, but also for fuel consumption. So, I believe we should vote against this pending motion and accept the Minority Report.

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

Representative STROUT: Mr. Speaker and Members of the House: I guess when you sign a bill out as I did "Ought Not to Pass" and being a member of the committee, I ought to get up and explain my position. The concern I have here with this bill is I think it is the basic right of an individual to have radar detectors. My constituents have told me that they would like to see the law stay as it is.

If you are talking about people out there trying to speed, I would be more concerned with CB's than with radar detectors. Today, with what law enforcement has with the "instant on", I believe that the radar detector is not helping that motorist to

break the law. If you come up on a stretch of highway and you come over a rise and the officer puts that "instant on", in effect, I don't believe that that driver is going to get by without being caught.

The New Draft really concerns me more than the original bill. What is proposed in this New Draft is that it is going to require the Commissioner of Transportation to erect signs at the point of entry from other jurisdictions.

A few years ago, we passed a bill in this legislature that did away with a lot of signs out there under the Beautification Act. Now we are going to ask that the state install more signs coming into this state at a cost of \$25,000. I question that cost. I believe that is just an estimate. I believe it is going to cost more. The way times are right now, we are looking at a proposed gas tax increase to fund our highways. I know it is only a small amount but I really don't want to ask my people to support an increase in the gas tax to pay for more signs on the highway.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Just to respond to Representative Seavey's comments -- I do not now and never have had a radar detector. When I go between South Portland and Augusta, I use the cruise control which I set at 63 miles an hour and I don't change it. The only thing I have seen of Mr. Stedman on the Turnpike is when he went by me. So, if anybody is exceeding the 65, it is not me.

I would just like to explain my remarks about not being enforced -- it was not meant in any way to be a criticism of the State Police. The State Police do a very good job with what they have. If you are really interested in improving the safety, improving the enforcement, I think the whole answer is more state troopers. That is something I think we have to look at.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will excuse me for leaving but I had to call Washington to check on a federal law dealing with radar jamming equipment. I am correct, it is against federal law to intentionally jam microwave or VHF or UHF signals. Obviously being an airline pilot, I am aware of that but I wanted to make sure.

Representative Strout brought up a very good point here about our basic or private rights which a lot of people are talking of here today. I own a radar detector -- I have a basic or private right to own that piece of property whether it is designed to break the law or not.

I would ask the Speaker for a ruling on conflict of interest on Joint Rule 10 on this subject at this time.

The SPEAKER: The matter will be tabled pending a ruling from the Chair. The Chair will prepare the ruling for tomorrow.

On motion of Representative Martin of Eagle Lake, tabled pending ruling of the Chair on conflict of interest pursuant to Joint Rule 10.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 1578) (L.D. 2153) Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)

(H.P. 1456) (L.D. 1967) Bill "An Act to Clarify the Status of Meetings and Records of the Public Utilities Commission Under the Freedom of Access Law" (C. "A" H-459)

(H.P. 1479) (L.D. 2014) Bill "An Act to Make Additional Allocations from the Public Utilities Regulatory Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Law Concerning the Maine Student Incentive Scholarship Program (S.P. 730) (L.D. 1989) (C. "A" S-317)

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. 117 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify the Method of Computing Unusual Enrollment Adjustments (H.P. 1469) (L.D. 1980) (C. "A" H-453)

An Act Requiring that Curb Ramps be Constructed in Accordance with the American National Standards Institute Standards (H.P. 1483) (L.D. 2017) (C. "A" H-452)

An Act to Create the Maine Choice Fund (H.P. 1695) (L.D. 2328)

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.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers" (H.P. 1497) (L.D. 2047) (C. "A" H-456)

TABLED - February 26, 1988 by Representative ALLEN of Washington.

PENDING - Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and specially assigned for Tuesday, March 1, 1988.

(Off Record Remarks)

On motion of Representative Richard of Madison, Adjourned until Tuesday, March 1, 1988, at nine o'clock in the morning.