

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

WHEREAS, this matter should be reviewed by the Legislature; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Performance Audit shall study the budget funding and administration of the Maine State Museum to determine the basis, if any, of such criticism and whether or not the intent of the Legislature is being met; and be it further

ORDERED, that the committee shall complete this study prior to adjournment of the First Regular Session of the 108th Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to the members of the committee.
Came from the Senate, Read and Passed.
In the House, the Order was read and passed in concurrence.

Reports of Committees Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act Repealing the Requirement for Wearing Motorcycle Helmets" (S. P. 4) (L. D. 9)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
MINKOWSKY of Androscoggin
-of the Senate.
Mrs. HUTCHINGS of Lincolnville
Messrs. STROUT of Corinth
LUNT of Presque Isle
JACQUES of Lewiston
JENSEN of Portland
BROWN of Mexico
ELIAS of Madison
McKEAN of Limestone

-of the House
Minority Report of the same Committee reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following members:

Messrs. CARROLL of Limerick
LITTLEFIELD of Hermon
-of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

Mr. Jacques of Lewiston moved that the House accept the Majority "Ought to Pass" Report in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not accept the "ought to pass" report and would accept the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I would like to ask the gentleman from Lewiston, Mr. Jacques, one question, maybe a series of questions. I notice Evel Knievel is continually jumping all over the place and I notice he continually ends up in the hospital. I would ask the gentleman from Lewiston if it isn't a fact that Mr. Knievel does wear a helmet and that is about the only part of his body that is still in one piece?

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I have a very short bit of information I would like to share with you all. There is data, as we all know, that would support both sides of this issue. Data will support that helmets do not need to be worn, does not really provide that much safety, es-

pecially under conditions over 50 miles an hour and so forth.

Having a motorcycle, having been riding one for five years and knowing what it is to take a spill, and the gouge in my helmet would substantiate that. I intend to support the data that says that helmets are very, very important.

There are two points I want to bring to the attention of the people of the House. One, people who are injured as a result of not wearing a helmet could indeed become that of state aid, they might require state aid, in any terms of welfare during their time of recovery. But more important than that, more important than the taxpayers' burden, which may or may not result, is that motorcycling has tended now to become more of a family sport. We are talking primarily now of Mom and Dad and the children. In the last two years, I have seen a great increase in people riding motorcycles with their children on the back, and for me to leave that whim to the adult whether or not that child should wear a helmet is something I would rather not be involved with. I think it would be behooving us and the people of the State of Maine if we can continue with this law.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I would just like to quote the Maine Highway Safety Committee Newsletter of last August in which they say "We continue to strongly support the helmet law, contrary to motorcyclists' claims that only the motorcyclist is affected when he risks injury or death without a helmet, we all pay for his negligence."

The following quote is from the U.S. Supreme Court upholding the Massachusetts helmet law. "From the moment of the injury, society picks the person up off the highway, delivers him to a municipal hospital with municipal doctors, provide them with unemployment compensation if, after recovery, he cannot replace his lost job, and if the injury causes permanent disability, we assume responsibility for his and his family's sustenance for the rest of his life. We do not understand the state of mind that permits people to think that only the person himself is concerned. The whole of society is concerned when somebody is permanently injured mentally so that he can no longer ever support himself again."

I hope you will reconsider any vote to repeal the motorcycle helmet law.

Mr. Rollins of Dixfield requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I just want to quote you a few facts. Kansas has just repealed the helmet law effective July 1, 1976. South Dakota has just repealed their helmet law July 1, 1977, which will go into effect in July 1977. Iowa has just repealed the law. Rhode Island has repealed theirs May 19. Montana no longer has any enforcement. Wyoming no longer enforces. Oklahoma amended May 3. Arizona repealed May 28.

Most of these people who are talking here are people who I imagine don't drive motorcycles, because most motorcyclists at the hearing were the ones who said they didn't want the helmet, and who is going to wear those helmets but the motorcycle rider. If they don't want to wear it, let's not make them wear it. If they want to wear it, let them wear it. Let's not have people tell them that they have to wear one.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I just want to tell you a couple things I have on my mind against repealing this particular piece of legislation.

One is that a couple of sessions ago I escorted a young lady down front here who had just won a contest in Portland, a very bright, a very knowledgeable young lady who spoke before this body and the other body. Her name is Carlene Carter; she is my niece. She was riding a motorcycle last July and she attempted not to put on the motorcycle helmet but because of one reason or another and then at the last minute decided she would. They had gone down a couple of blocks and they were making a turn when the motorcycle slid and hit a car. She ended up with the car on top of her and her head in her chest. Consequently, she ended up with a snapped neck. She spent two and a half weeks in traction and she spent three months with a surgical collar. This is a girl who was always active, played tennis, always worked and is going to school in Pennsylvania. She snapped her neck and all of that came to a sudden halt.

I talked to the doctor and I talked to her after that when I visited her in the hospital, and it was their conclusion that if she had not been wearing a helmet, she would have died. But because she was wearing a helmet, it literally saved her life because you can't move anybody that has a broken neck, and they used the helmet as a sort of brace.

Another thing that I want to point out to you is the fact that I just sponsored a bill that passed in this House and now sets on the Appropriations Table dealing with epileptics. I don't know if you know much about epilepsy, but I have been doing quite a study on it. I have found that a great many cases of epilepsy are caused by head injuries.

I am of the conclusion that a helmet is about the only piece of safety equipment that you have on your person. Although a car has seatbelts, a car also has two lanes to travel in, and a motorcycle has at least three.

I don't have anything against motorcyclists or people who ride motorcycles, but I have seen motorcycles, as you have seen motorcycles, travel down one lane and the other lane and travel down the middle.

I would hope that you would reject this motion so that I may move that we accept the minority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I feel that as a member of the Transportation Committee I should rise this afternoon and defend my position.

In the last two sessions of the legislature, we have had this bill before us, and in the last two sessions of the legislature, I have opposed this bill. Primarily, the only arguments we have had in the last two sessions was that if we were to repeal that helmet law, we would lose 10 percent of our federal money. As it stands now, a new federal law was passed since we were in session in the 107th and this is no longer the case. If the helmet law is repealed during this session, we stand to get our federal subsidy without any 10 percent cut.

The statistics that I have been able to read in the last few weeks don't show me that there is any advantage to wearing a helmet. I had these feelings in the past that it was in the best interest of the motorcycle rider to have a helmet on. Statistics were within 2/10ths percent difference across the country, and I have no real strong feelings today whether this bill is repealed or not, but I do feel, however, that we are not at the present time mandating helmets be worn on snowmobiles and I have a strong feeling, as I travel about the State of Maine, that 80 percent of the snowmobilers today are wearing helmets. So this tells me something.

I think the argument that families are not going to wear helmets any more, just because this bill is repealed, doesn't make too much sense, because I have a strong feeling that even though

the bill is repealed. I feel the people in the State of Maine who are riding motorcycles, a good majority of them are going to continue to wear helmets.

I think the big problem here is that they don't want to be mandated, and I therefore support the majority "ought to pass."

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: It is difficult to get up here and speak on a bill like this, one that I have been fighting now for four years, two different sessions, and really know where to begin. I have got so much information and I feel so strongly about this, and I don't want to take up too much of your time because I think everybody here knows the issues pretty much, but I would like to read just a couple lines from some people who have written about this and just discuss very briefly the safety aspects of the helmet.

I am not going to stand here and say that a helmet does not offer you protection; it does offer you protection, obviously it does, but there are limits to this protection. There are also questions as to whether or not a helmet could actually cause an accident in the first place, and second of all, whether or not it may also cause additional injuries. These are the types of questions that come up that I feel raise some significant doubts as to the validity of whether or not the government should require us to wear those helmets and whether or not it should be up to an individual's own choice.

A doctor from California wrote an article about wearing helmets. He is a motorcyclist himself, and he states there are many disadvantages and difficulties connected with wearing a helmet. It impairs hearing and vision, it may enhance an individual to falling into a hypnotic trance by virtue of producing a relative sensory deprivation, by giving you a false sense of security in other words. A rider is fatigued by the helmet's weight, scalp humidity and temperature increases. Recent research of space scientists has shown that perception, cognitive function and alertness are maintained at higher levels for longer durations when astronauts were equipped with cool helmets and decreased intracranial temperatures, etc. I could go on and on.

I have got statements from a motorcycle officer and his experiences through the years, and he is supporting the repeal of helmets across the country. Organizations such as the Blue Knights, an international organization of motorcycle police officers and policemen who ride motorcycles are supporting this.

I have got statistics to show that states like California, which has never had a helmet law, that had 25 percent of the motorcycles registered in this country, have less of a fatality rate per accident than the national average or which 40 some states, before the feds changed their rulings, had helmet laws.

I can go on and on on this, but I think that enough has been said about this in the last couple years, and I would certainly hope that you would vote to accept the majority report of the committee, the majority report of this committee which two years ago was just the opposite due to the restrictions on the federal dollars. Now that those restrictions are no longer there, there have been a lot of increased arguments along other lines, but I think that the fact remains that this is an issue as to whether or not the government is going to tell you what type of protective devices you have to wear.

We have already gone around this on the federal level with seatbelts, and in Washington they have said that we don't want to tell people we have to wear seatbelts, and I think we should say the same thing on the state level with helmets.

The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This isn't a bill from South Carolina or the west coast, this is a commonsense Maine bill. Look at the roads; we are driving over them every day. Look at the potholes out there. It is a dangerous thing to go down the road today, seeing that car coming at you at night. What if it were a motorcycle dodging those potholes?

I don't think we have to look north, south, east and west from this state. Let's look right here in the state. I think this is a commonsense thing we have got to vote on, and I urge you to keep those helmets on those mothers' children that are out there.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have a very fundamental dislike for this type of legislation or anything similar to it. You cannot legislate laws that will attempt to counteract poor judgment on the part of individuals. If you are going to do that, then let's go all the way. We have motor vehicle laws; let's make it impossible to have automobile accidents. You have hunting fatalities; let's make it impossible for people to go into the woods and place themselves in the position where they can be shot.

You cannot legislate to counteract poor judgment, no matter how many laws you pass. I think we ought to repeal it.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, wishes to pair with the gentlewoman from Waterville, Mrs. Kany. If Mrs. Bachrach were voting, she would be voting no; if Mrs. Kany were present and voting, she would be voting yes.

The pending question is on the motion of the gentleman from Lewiston, Mr. Jacques, that the Majority "Ought to pass" Report be accepted in concurrence on Bill "An Act Repealing the Requirement for Wearing the Motorcycle Helmets," Senate Paper 4, L. D. 9. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Aloupis, Ault, Austin, Bagley, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Conners, Cote, Cunningham, Curran, Davies, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jacques, Jensen, Kane, Kelleher, Kerry, Kilcovne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Peakes, Peltier, Perkins, Peterson, Post, Prescott, Quinn, Raymond, Shute, Silsby, Spencer, Sprowl, Strout, Tarbell, Teague, Torrey, Trafton, Tyndale, Valentine, Whittemore, Willfong, Wood, Wyman. The Speaker.

NAYS — Beaulieu, Boudreau, A.; Boudreau, P.; Bustin, Carey, Carrier, Carroll, Cox, Devoe, Dexter, Diamond, Gauthier, Gray, Higgins, Hunter, Joyce, Littlefield, Lougee,

Masterton, Pearson, Rideout, Rollins, Stubbs, Talbot, Tarr, Tierney, Tozier, Twitchell.

ABSENT — Connolly, Jackson, Jalbert, Mackel, Martin, A.; McMahon, Nelson, M.; Smith, Theriault, Truman.

Yes, 109; No, 28; Absent, 10; Paired, 2. Vacant, 2.

The SPEAKER: One hundred nine having voted in the affirmative and twenty-eight in the negative, with ten being absent and two paired, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Authorize Use of Emergency Lights and Signals by State Liquor Inspectors" (S. P. 38) (L. D. 64)

Report was signed by the following members:

Mr. McNALLY of Hancock
-of the Senate
Mrs. HUTCHINGS of Lincolnville
Messrs. STOUT of Corinth
LITTLEFIELD of Hermon
JACQUES of Lewiston
JENSEN of Portland
BROWN of Mexico

-of the House
Minority Report of the same Committee reporting "Ought to Pass" on the same Bill.

Report was signed by the following members:

Messrs. GREELEY of Waldo
MINKOWSKI of Androscoggin
-of the Senate
Messrs. CARROLL of Limerick
LUNT of Presque Isle
ELIAS of Madison
McKEAN of Limestone

-of the House
Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I feel that it is extremely important that these men be given the additional tool of the blue light. We give it to others. Deputy sheriffs have it, law enforcement people have it, and I am fairly convinced that they need this in order to carry out their duties as liquor inspectors.

I have the assurance of Mr. Weeks that they will be used and be used in liquor enforcement, that that is their primary duty, and that he will see that they continue this as long as he is in the position that he is in today.

Therefore, I would request that you accept the minority report of this committee that they be allowed to have their blue light so that when they have a portion of their duties to perform, they will have the light to stop the vehicles in a proper manner.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the House accept the Minority "Ought to Pass" Report in concurrence.

The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: On this bill today, I guess I am on the other side of the good gentleman from Limerick, Mr. Carroll, but I am going to speak very briefly and tell you why I signed the majority "ought not to pass" report.

As I understand it, at the present time the liquor inspectors in the State of Maine do not have the power of criminal arrest. However, I