

# 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 Tenth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 3, 1980 to May 1, 1981**

KJ PRINTING  
AUGUSTA, MAINE

representatives in Congress, as well as your counterparts in the fifty state legislatures, will all have an opportunity to affect the decision, and this, of course, is the way it should be.

I expect there will be as many opinions of the President's budget as there are members of the legislature. But this is not a President who shrinks for a challenge, and part of the mandate he received on November 4 included the reordering of federal priorities, a reduction in the role of the federal government in state affairs, and an increase in the legislative prerogatives of the states to set their own priorities accordingly. The shifts in focus contained in the President's package embodied these concepts and provide you, as legislators, with an unprecedented opportunity to maximize the benefits of federal programs while minimizing the suffocating effects of bureaucracy regulation and red tape.

As a member of Congress, I feel the President has essentially moved in the right direction with his budget. As a foremember of the State Legislature, I feel he is giving you the authority and the tools to exercise more control over the impact of the federal government and its programs on the State of Maine. I wish I had had that same opportunity when I served the way you now serve, and I hope that you will consider the benefits of greater local control, reduction of federal expenditure, and generally the block grant approach, when you consider the various elements that will be before you over the next several months.

I would be very happy to take questions on this subject or any other for the next 10 or 15 minutes, or whatever time the Speaker has allocated for that purpose, and, once more, I want to thank you very much for the courtesy of allowing me to address the House this morning and promise that if there is anything I can do as a member of Congress to assist in your deliberations with information as it becomes available, I would be most happy to do that in whatever capacity it may be useful.

At this point, the House was at ease for a question and answer period.

At the conclusion of the question and answer period, Congressman Emery was escorted from the hall of the House by the Sergeant-at-Arms. (Prolonged applause, the members rising)

#### Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Requiring Protective Headgear for Motorcycle Riders" (H. P. 414) (L. D. 453)

Report was signed by the following members:

Senators:

O'LEARY of Oxford  
USHER of Cumberland  
EMERSON of Penobscot

— of the Senate.

Representatives:

MOHOLLAND of Princeton  
HUNTER of Benton  
REEVES of Pittston  
FOWLIE of Rockland  
HUTCHINGS of Lincolnville  
MACOMBER of South Portland  
STROUT of Corinth  
McKEAN of Limestone

— of the House.

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

Report was signed by the following members:

Representatives:

McPHERSON of Eliot  
CARROLL of Limerick

— of the House.

Reports were read.

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

Mr. CARROLL: Mr. Speaker, I move that

the House accept the Minority "Ought to Pass" Report and I would like to speak on the subject very shortly. The fatalities have increased 48 percent since we repealed the helmet law.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKeane.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would take a good close look at the report. There is a reason why this report is 11 to 2, the reason being that the ponderance of evidence, I have a great portion of it right here, showed that the number of registrations to the number of fatalities on motorcycles, the percentage actually decreased and that, to me, was the most important thing. This legislature did not make a mistake back in 1977. There is no evidence, none, and I have the statistics, which I hope I don't have to use later, to prove otherwise.

I hope that you will accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Men and Women of the House: I am the sponsor of the bill, so maybe I could clarify a few questions to the gentleman from Limestone, Mr. McKeane.

Essentially, the bill would require that every person driving a motorcycle wear a motorcycle helmet. I guess essentially motorcycle use has increased dramatically since the 1960's where the growth and use became evident that head injuries have been the leading cause of death in motorcycle accidents and that safety helmets can reduce both the number and the severity of head injuries that are the most common cause of fatalities. By 1975, helmet use was required in 47 states; only four years later, because of changes in the federal law, 27 of those states had repealed their laws; Maine was one of them.

During this period, a number of deaths from motorcycle accidents nationally increased 46 percent, as Mr. Carroll said, while the number of motorcycles registered increased only 1 percent; it is a very important point.

Because of these extraordinary figures, the Congress ordered the Secretary of Transportation to study and report all aspects of the problem in relationship to helmet use by motorcycle operators. The Secretary published his findings in a report to Congress and the following are some of the conclusions:

First of all in the report, it is stated that helmets are effective. Helmets do not cause neck injuries. Voluntary use of helmets is as low as 25 percent. Helmet laws are constitutional. In states where helmet laws have been repealed, there is a 300 percent increase in head injuries and a 400 percent increase in those severities. Unhelmeted riders are two times more likely to incur head injuries and three times more likely to incur a fatal head injury than an operator wearing a helmet. Brain damage, as was brought up in the public hearing by many doctors from around the state, from head injuries results in long and indefinite hospitalization and high and medical social costs.

Frequently, those who are opposed to helmet use state that the helmet used increases neck injuries. This is not true and no evidence supports these statements. Quite the contrary; most alleged neck injuries are manifested by complaints of pain but no visible signs of injury. Only 2 percent of all injuries to operators are neck injuries and, as an emergency medical technician, I can concur with that statement.

Also, no evidence supports the claim that helmets interfere with vision and hearing. A full coverage helmet restricts peripheral vision by only 3 percent, resulting in 177 degrees of horizontal field in view. This is far more than the 140 degrees required by licensing agencies.

Because of the nature of the vehicle and the operator's unprotected position on it, there is little that can be done to reduce injury and fatality rates other than to require helmets,

which drastically reduces the insurance rates, as was mentioned by Commissioner Briggs of the Department of Insurance.

For these reasons, I hope that we can address this issue objectively and pass this bill on, not only for our sakes but for the lives of the citizens of the State of Maine.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, I would request a roll call.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Limestone, Mr. McKeane.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I think there are some things that are very important here. Motorcycle registrations in 1977, which I think most of you remember was when we repealed the helmet law, you had 27,000 registrations. At that time, you had 24 fatalities. You must remember that this doesn't mean you had 25 deaths due to head injuries. This is a 25 total fatalities, whether it was chest, wherever it might be, it doesn't mean that it was head injuries. In 1978, you had 30,000 registrations and 27 fatalities. In 1977, you had one fatal in 1,088 registrations. In 1978, you had one fatality in 1120 registrations. In 1979, you had 34,996 registrations and you only had one additional fatality, with no evidence that that was even a head injury that caused that additional fatality, so you had one fatal in 1,248 registrations.

Let's go to last year, 1980, you had 38,133 registered motorcycles and you had 29 fatalities, which is one in 1,315 more, so the evidence here does not show us that you have a problem since we have repealed the helmet law.

As far as the evidence that was presented in the hearing itself, you had some doctors, they spoke on an article that featured motorcycle accidents, for gosh sakes, in Kansas. They have no statistics to prove that the fatalities were due to head injuries. You had doctors from Portland, Eastern Maine Medical Center, he had statistics on helmeted versus unhelmeted riders but there was no corresponding speed statistics. He gave the cost to the state of Maine and to the federal government of your Medicaid and Medicare programs, which meant absolutely nothing because, you know, something that bothers me, we always have a perennial attempt to save somebody from themselves. We don't care who it is, but it is better if we pick on the minority because it is easier.

If you want to save some money in the Medicaid and the Medicare and the social programs, then what you do is require people to use helmets in automobiles, because there are times more head injuries in automobiles—to the head. The federal government some time ago said we could put seat belts on them, right and we eliminate some problems, but they couldn't even do that. So, we have more problems than having helmets with motorcycles. If you want to save money, go for the big money, don't go for the small one.

You have more problems, you have more deaths by impacted intestines. If that is the case then, why don't we have a bill in here to mandate Ex-lax and suppositories? Why do we always pick on a small group in which there are no statistics to prove that we even have a reason to pick on them?

Something that really charged me up down in the hearing, we had a film from the university of Southern California, it was a very good film and it gave what happened to a rider when he

hit an object without a helmet on and what happened to him when he hit an object with a helmet on. I thought it was very good, it was a 1980 film. The gist of the film was that you couldn't see the motorcycle, they were a hard thing to see to a motorist, and in the film they had no lights on the motorcycles, which goes to show you that the State of Maine had even beat them in that because we now have laws that require you have a headlight on. I asked the guy showing the film, well, do you have a helmet law in California, because I figured with this film from the University of Southern California, of course they would have a helmet law, and guess what, they don't so, that didn't show me too much.

I think there was a remark made by an individual in the hearing that just seemed to hit the situation perfectly. He said, you know, when the good of society preempts the rights of an individual, then this state and this country are headed down the road to despair. That hit home, because they don't prove anything, the argument here is, should we try to make someone safe for themselves or not and, if we are, then let's pick on where the big money is, let's pick on the majority of accidents are, where the majority of injuries are. Let's say you have to wear a seatbelt, let's say that you have to wear helmets in automobiles because that is where the problem is; it is not on the motorcycles.

I am a biker myself and you all know that because you have seen me down here with one. I wear a helmet, I wear it everytime that I get on it. You don't have to tell me to do it, it is my choice and I think it should be that way for everybody. It is our choice, let us have that choice. We have that degree of intelligence, let us use our own heads; you don't have to mandate that to us.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go on record at this time supporting everything that Mr. McKean has to say and further move that this bill and all its accompanying papers be indefinitely postponed and I further request a roll call.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. As the time progresses, I am pretty sure most of us have many things that we should be doing now but I feel this is a very important issue.

We talk about figures, I present figures, Mr. McKean presents his figures, but something that I received from the Maine State Police was a very interesting set of figures for the year 1980. The number of people killed was 29, those who were not wearing helmets was 28. As Mr. McKean mentioned, the result of death physiologically, there was some question as to whether a head injury was in the direct cause, I think it was 16 out of the 28 or close to 75 percent.

I guess my only question is, how many people can die? How many figures do we need to obtain before we pass a bill of this nature?

At the public hearing, those individuals who supported this bill — the Maine State Police Association, the Maine State Department of Rehabilitation, the Emergency Medical Physicians of the State, the State Nurses Association, the Maine Emergency Medical Technicians of the state, the Maine Hospital Association, the Maine Ambulance Council, the Commissioner of Insurance said, we all pay for the biker's right of free choice.

As most of you know, before I was elected to the legislature, I was a full-time emergency medical technician with the Sanford Fire Department, so this is a very emotional issue for me. I have seen first hand the personal injury and death resulting from operators and passen-

gers of motorcycles who were not wearing helmets. If any of you have any doubts as to the effect of not wearing a helmet, I would be glad to arrange some time for any of you to accompany me on an emergency run when we pick up what is left and when we confront the parents of the victims in the emergency room of the hospital and tell them the reason why their son or daughter is dead is because they weren't wearing a helmet.

This is a very important issue to me. So when you vote today, vote for the lives that will be saved when this bill is passed and pray for the lives of those who are dead because something hasn't been done already.

I hope you vote to defeat the motion to indefinitely postpone this bill.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: For the last four years, I have voted to keep the helmet law. I don't know which way I am going to vote today, but I am going to tell you that after seeing those gentlemen downstairs and those gentleladies and all the smoke and all the smell and the whole works, if they haven't got the intelligence to save their own lives, let them take care of it themselves.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the motion for indefinite postponement. My husband and I both own motorcycles. I am giving up mine this summer because, frankly, I have decided I do not choose to take the risks which is involved whenever a rider takes a motorcycle onto the road, but my husband has made the decision to continue riding a bike, and he has for 15 years, and let me assure you, he wears a helmet, not because it is required by Maine law but because it has been mandated by a higher and greater law — my law.

The SPEAKER Pro Tem: 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. 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am cosponsor of this bill. I have supported the helmet law for a number of years and I would like to read part of a letter that was sent to me by an individual whom I have never met from Bangor. He says in his letter, "On June 7, 1980, I was in an accident on the Interstate on my motorcycle. It happened because a front end warble in my tire. I skidded almost 400 feet on my head doing 70 miles an hour. I ended up with a broken collar bone, cracked ribs and a collapsed lung. Mr. Pearson, the only thing that saved my brains from becoming a mass of jelly on the Interstate was a helmet. What I am stating is, a helmet does work and it does save lives." He asked me in his letter if I would stop by his house, he wasn't home at the time, I picked up the helmet from his mother. This is the helmet that saved his life. You can see the scars on it.....

The SPEAKER Pro Tem: The Chair would inform the gentleman that the use of visual aids, under the decorum of the House, is not in order unless you have permission from the Speaker before the session.

Mr. PEARSON: Mr. Speaker, I won't do it again. I had had conflicting opinions on that before the session began, and I tended to rely on the people that said it was all right.

Mr. McKean from Limestone and the two gentlelady's from Bath have indicated that

they both concur with what Mr. McKean said, and one of the remarks that he made during his presentation on figures, which I consider to be kind of picky little things, was that he said one man that appeared before the committee said the United States of America was in trouble when the good of society preempted the rights of an individual. I think that is a terrible philosophy because, you know, we have safety plate glass in our automobiles, we have bumpers on automobiles, we have seatbelts in automobiles, we have all kinds of safety devices in this country, and if a helmet will save one life, it is worth it.

I teach in a high school, and during the spring, about this time of year, a lot of boys, and some girls, come to the high school on their motorcycles, and some of those are pretty fast machines and pretty expensive. What I fear most of all is that pretty soon one body or two boys will start to come without their helmets on, and then it will become one of those things that if you are wearing a helmet you are a sissy and nobody wants to be a sissy in high school, so pretty soon nobody is wearing a helmet and the thing catches on. And if you have ever seen a high school kid that has died and the funeral that comes after it, it is one of the saddest things that you can ever see, and I don't want that to happen. I really don't want it to happen to anybody, but that, I guess, is my principal interest.

This boy from Bangor, whom I have never met, is living testimony of the fact that his life was saved by a helmet.

I hope that I am not going to violate a trust, and I understand that I am not by the nodding of a head from the other side of the room, there is a legislator here from York County, whom I used to sit beside last year, the helmet bill came up, his son was sitting up in the balcony just by chance that day. He leaned over to me and he said, that is my boy up there. He said, he almost died on a motorcycle one time and he would be dead right now if it wasn't for a helmet. There are enumerable cases like that.

We pass laws all the time to protect people. This is a safety law, and I hope that you will all enact it and defeat the motion by the gentlelady from Bath.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker and Members of the House: The State of Maine does not require snowmobile riders, stockcar drivers, bobsled riders and skateboard users, airplane pilots, convertible drivers or skydivers, etc., to use protective headgear. There is documented proof in each one of these sports or activities where individuals have been seriously hurt or killed because they didn't have protective headgear when they came in contact with something solid.

I know I am up against some stiff competition in this House this morning on this bill, and as one of those young whippers that Representative Carroll refers to, I offer my brief years of experience to help defeat this bill.

I don't ride a motorcycle. As a matter of fact, they scare me. I have, however, downhill ski raced and jumped out of airplanes for the last seven years, and I would not do either of these activities without the use of protective headgear. My brain bucket is worth a great deal to me.

I think that many of the facts and figures presented to you today are misleading. You and I both know that statistics can be swayed either way. I was at the parachute meet in Florida in 1976 when a person whose chute failed to open hit the ground. He didn't have a helmet on, but the helmet wouldn't have done him much good. He hit the ground at about 120 miles an hour. A motorcycle going north at 55 and a Mack truck going south at 55 have an impact of 110 miles an hour. Human error of the motorcycle swaying into the other lane would not be helped by a

helmet.

I would urge you to support the motion of the gentlewoman from Woolwich to indefinitely postpone this bill.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker and Members of the House: I want to add my support to the motion to indefinitely postpone this bill as one more young whipper who has ridden motorcycles, haven't in the last few years, I don't think there is any question that wearing a motorcycle helmet makes common sense. As I understand it right now, it is the law that juveniles have to wear motorcycle helmets.

I think in the end what we are faced with here is an issue that comes before all of us daily, and it is, what is our job here in the legislature? We have a motion here, wearing a crash helmet when you are driving a motorcycle. I think if you use your head, you would wear one, it makes common sense, but I am sure that it is the job of the legislature here to legislate common sense. I think there is a limit to what we can expect our influence to be, and I don't think we are in a position of legislating people to use their heads.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I noted very carefully the remarks of my good friend from Old Town, Representative Pearson. I am very happy to hear that he is not concerned with figures and statistics because, in that case, my good friend, you owe the Transportation Committee around \$15 million, and since it isn't any concern to you, we will take it.

The other thing that bothered me about the presentation, he said that these youngsters in high school could get into the habit of not using a helmet or peer pressure would cause them not to if we don't put this on the books. I would suggest to you, we repealed the helmet law in 1977, so if they are not in that habit now, I think in three or four years they are not going to get into it. I don't think that argument holds too much water.

I would certainly hope that in the interest of these people who we say have common sense, and the majority of them do—you know, you can always take any thousands of people, and there are 39,000 or 40,000 bikers in this state, and you may find a few who won't use good common sense, but I can show you a lot of hunters who don't use good common sense, I can show you a lot of automobile drivers who use even less common sense, and that is where the big bucks are, if you want to stop the flow of big bucks, so the bikers is not the place to start.

Let's indefinitely postpone this bill and get it out of here.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker and Members of the House: I would just like to correct my friend and colleague from Durham on a couple of points. One, the law doesn't require helmets on juveniles, it is only those 15 and under, so anybody 16 or 17 or any other minor can ride a motorcycle without a helmet. And the second one, I don't think he can consider himself so young anymore.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I, too, am a cosponsor of this legislation, and I will try to be quick because I think we have talked about this long enough.

I am a biker. I ride quite frequently. I don't like over-regulation anymore than you folks do, and I will be the last person to vote for regulation after regulation.

As the gentleman from Sanford, Mr. Tuttle,

I, too, am biased. You can throw all the figures you have. The gentleman from Limestone, Mr. McKean has done that and Mr. Tuttle has done that, but until you have been on the scene and tried to treat these people, then all those figures mean nothing. If there has been one or two killed out of fifty or eighty thousand, whatever he said, then I am not sure if those are absolutely correct either, because I have been to at least two myself, and I am sure there are other places in the state where this has been happening.

If someone is injured, as someone else pointed out, it is not just a case of letting those who ride decide, and that is the big slogan they are all trying to throw at us now—let those who ride decide. Well, if you decide to ride without a helmet and you become injured, then we all pay. There is more to it than all that.

All I am saying is this—I am biased, the gentleman from Sanford is biased, because we have seen it, seen it first-hand. And if you had been there with us, your lights would be the same as ours.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

Mr. SWAZEY: Mr. Speaker and Members of the House: I have two sons who own motorcycles. I also have a son-in-law who owns a motorcycle and, needless to say, they wear helmets. I don't believe we should be here today legislating everything for everyone. If they want to wear a helmet, I believe if they are properly reared, they know their responsibilities to themselves and the community, they will wear helmets.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: I have listened to a lot of these horror stories, but I think that you will find there are just as many people or a lot more killed in automobiles and have the same problems that wouldn't be on a motorcycle. I guess I would ask you, how many of you would report a bill that said everyone that rode in an automobile had to wear a helmet?

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Woolwich, Mrs. Cahill, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Armstrong, Austin, Baker, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Clark, Conary, Connors, Connolly, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dillenback, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Hall, Hanson, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Hunter, Hutchings, Ingraham, Jalbert, Jordan, Kiesman, Lancaster, LaPlante, Laverriere, Leighton, Lewis, Lisnik, Livesay, Locke, Lund, Macomber, Mahany, Martin, A.; Masterman, McCollister, McGowan, McHenry, McKean, Michael, Michaud, Moholland, Murphy, Nelson, A.; Norton, Perkins, Perry, Peterson, Post, Racine, Reeves, J.; Reeves, P.; Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.W.; Soule, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

NAY — Aloupis, Beaulieu, Boisvert, Brodeur, Carrier, Carroll, Chonko, Cox, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Fitzgerald, Gowen, Hickey, Jackson, Jacques, Joyce, Kane, Kany, Ketover, Kilcoyne, Masterton, Matthews, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Prescott, Randall, Richard, Smith, C.B.; Soulas, Stevenson, Stover, Thompson, Tuttle.

ABSENT — Brenerman, Gwadnosky, Huber, Kelleher, MacBride, MacEachern, Manning,

Martin, H.C.; Pouliot, Mr. Speaker. Yes, 97; No, 44; Absent, 10.

The SPEAKER Pro Tem: Ninety-seven having voted in the affirmative and forty-four in the negative, with ten being absent, the motion does prevail.

The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action and hope you all vote against me.

The SPEAKER Pro Tem: The gentleman from Limestone, Mr. McKean, moves that we reconsider our action whereby this Bill and all its accompanying papers were indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

#### (Off Record Remarks)

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent.

#### Petitions, Bills and Resolves Requiring Reference

The following Bills were received and referred to the following Committees:

#### Energy and Natural Resources

Bill "An Act to Allow the Export of Wood from Public Lands under Certain Circumstances" (Emergency) (H. P. 1359) (Presented by Representative Martin of Eagle Lake) (Cosponsors: Senator McBreairty of Aroostook and Representatives Locke of Sebec and Hall of Sangerville)

(Ordered Printed)

Sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

#### Transportation

Bill "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats" (H. P. 1360) (Governor's Bill) (Presented by Representative Reeves of Pittston) (Cosponsor: Representative Gowen of Standish)

(Ordered Printed)

Sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-205) on Bill "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State to that of the Kittery Store" (H. P. 798) (L. D. 952)

Report was signed by the following members:

Senators:

SHUTE of Waldo  
CHARETTE of Androscoggin  
— of the Senate.

Representatives:

STUDLEY of Berwick  
TREADWELL of Veazie  
SWAZEY of Bucksport  
COX of Brewer  
PERRY of Mexico  
McSWEENEY of Old Orchard Beach  
GWADOSKY of Fairfield  
STOVER of West Bath  
SOULAS of Bangor  
— of the House.

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

Report was signed by the following members:

Senator:

VIOLETTE of Aroostook  
— of the Senate.

Representative:

DUDLEY of Enfield  
— of the House.

Reports were read.