

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE

Augusta, Maine
May 10, 1983

Senate called to order by the President.

Prayer by the Reverend Bill Shackelford of the Kennebec Valley Baptist Church of Waterville.

REVEREND SHACKELFORD: Shall we pray! Our Father in heaven, we thank You today for Your blessings; we thank You for this day that You've given us.

We pray now that as this Senate opens today, Father that You will be with each Senator, each decision that has to be made. May each piece of Legislation that is passed honor and glorify You.

Father, we thank You for young people, such as Samantha Smith, and Father we pray that You might bless her and her family.

Father, we pray now, that everything that is done here today, may it honor and glorify You. Give us laws and give us bills of honesty and decency. Bless us and use us now in Your service, for it's in Jesus' Name we ask it. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

BILL, "An Act to Allow the Training of Bear Dogs." (S. P. 371) (L. D. 1145)

In Senate May 4, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-87)

Comes from the House, bill and accompanying papers Indefinitely Postponed in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President and Members of the Senate, in regards to the very emotional issue I just want to inform the Senate that they do train dogs on rabbits, raccoons, and foxes, but after the testimony in the other Body, I realize that it can get very emotional, and I'll now move to Recede and Concur with the House.

On motion by the Senator Usher of Cumberland, the Senate voted to Recede and Concur with the House.

Non-concurrent Matter

BILL, "An Act to Require the Wearing of Protective Headgear by all Motorcycle, Motor Driven Cycle and Moped Riders." (H. P. 836) (L. D. 1072)

In House May 2, 1983 Minority Ought Not to Pass Report Read and Accepted.

In Senate, May 5, 1983 Passed to be Engrossed in non-concurrence.

Comes from the House, that Body Insisting and asking for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, I move that the Senate Insist and ask for a Committee of Conference.

The PRESIDENT: The Senator from York, Senator Danton, moves that the Senate Insist and Join in a Committee of Conference.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I guess the issue has been very well defined in both Branches of the Legislature. I don't think there it is really of any significant value to debate it beyond this particular point. After observing yesterday the shenanigans that went on in the other Branch of the Legislature, it makes me wonder exactly how these things come about insofar as in the name of equity and fair play.

This morning, Mr. President, what I intend to do is ask the Senate to Recede from Passage to be Engrossed of this L. D., and I would ask for a Roll Call vote on that particular motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky has now moved that the Senate Recede.

A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator DIAMOND: Thank you, Mr. President. Men and Women of the Senate, I'm totally baffled at the term "shenanigans". I'm not sure all that was meant which was made reference to by the good Senator from Androscoggin, Senator Minkowsky. I truly have no idea what that means. I would say, though, that this Bill has been debated heavily, a lot of concern for this Bill on both sides. In this very Body we had 16 to 16 vote, in the other Body they had not such a close vote but certainly closer than in past years. So I would hope that you would allow, at least, those on both sides of this issue, to simply sit down and talk in a Committee of Conference. If that is not going to work out with a productive end so be it I can accept that. But I'd think that it might be appropriate given the closeness in this Body, at least, and the concerns that people have on both sides if we do sit down and at least talk about it. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate, like the good Senator from Cumberland just stated, this Bill was debated very well, to say the least.

I just want to tell some of you Members who were not here a few years ago that as I said before, I voted to repeal the helmet law. There's one point that I did not make the other day. Back in '77 when I voted to repeal the helmet law and it went down to the Governor's Office, the Governor then was the late Governor Longley, an Independent. Anyone that knows anything about politics and the Governor's Office, in most cases, and almost in all cases if a Governor vetoes a bill, like the Governor did veto at that time the helmet law bill, it would have been sustained, either in that Branch or this Branch.

So, theoretically speaking, and I know that the bike riders are here today to listen to this debate, I want them to know that the last six years, actually, they've had a free ride without helmets. Had there been a Republican and a Democratic Governor, that bill never would have been repealed. His veto would have been sustained because the vote was that close in this Chamber, I can remember it. It certainly was close enough to take and sustain the Governor's veto. But at that time, I guess, it was the issue of the day for us to take and override the Governor's vetoes in fact, Governor Longley, the late Governor Longley took and vetoed more bills than all governors in the history of Maine and the Legislature overrode more bills, at that particular time, than all the governors of the State of Maine, so I just thought I'd make that point to the Senate this morning.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, both the good Senator from York, Senator Danton and myself have been here a number of terms, but let's not just place the onus upon the bikers who are here this morning it's not in good taste. These people really are the ones who understand what can happen. These are the people that are defensive drivers. These are the people who have been advocating for a number of years a man-

datory educational program. No matter how you try to cut this, from the statistics I read to you last week, pertaining to the State of Maine and Maine only you can have a helmet law but; as long as we have people out there who have one year of experience and I'm going to clarify that by further by saying, sixteen or eighteen weeks, which is the driving season in the State of Maine; as long as we have people who are motivated to drive motorcycles at a high rate of speed just like they drive automobiles; as long as we have people driving under the influence of drugs, a helmet is not going to protect them one iota. It's based upon common sense, and education, of what can happen to them on this two-wheeled motorcycle.

All the fatalities, if I understood correctly, came about with people with less than one season driving experience. If you look at the breakdown, helmet or no helmet, the intent very clearly was that they were going to get killed. In some cases, if they did have a helmet and did not have head injuries it was internal injuries, massive internal injuries.

It is not going to make one bit of difference. We advocate very strongly that people wear helmets. As I brought out last week in debate, there are many different qualities of helmets on the market. If you go by the Bill as it states very clearly, the Commissioner of the Department of Public Safety will set standards. If there is any relevancy to the sixty-eight thousand drivers on the road, in a short driving season in the State of Maine, does this mean all those inadequate helmets out there now that our State Troopers and our Municipal Police Departments will have them taken off. You can buy helmets for fifteen or twenty dollars and in most cases they will not stand an impact of five miles per hour drop. In some cases, where these people did have accidents and had these cheap helmets on their heads, it was more deleterious to their health, simply because they couldn't get the darn thing off. If you want to buy a quality helmet, you're going to pay a hundred fifty dollars to two hundred dollars, not twenty dollars, and there's that possibility of neck injuries from the impact. The human body is a very fragile thing. These are all viable considerations. I think, no matter how we have debated this a Committee of Conference is not going to solve the problem.

On motion by Senator Pray of Penobscot, Tabled until later in today's session pending the motion by Senator Minkowsky of Androscoggin.

Non-concurrent Matter

BILL, "An Act to Establish the Third-party Prescription Program Act." (S. P. 518) (L. D. 1539)

In Senate May 3, 1983 Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-209) in nonconcurrency.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending further consideration.

**Communications
State of Maine
House of Representatives
Augusta 04333**

May 9, 1983

Honorable Joy J. O'Brien
Secretary of the Senate
111th Legislature
Augusta, Maine 04333

The House voted today to Adhere to its action whereby it Indefinitely Postponed. An Act to Amend Maine's Wrongful Death Law (H. P. 398) (L. D. 481) (C. "A" H-141).

Sincerely,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.