

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-Second Legislature
State of Maine

Volume I

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First Special Session

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Pages 1-736

TUTTLE of Sanford
CLARK of Millinocket
Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:
 SNOWE-MELLO of Androscoggin
Representatives:
 HALL of Holden
 DUPREY of Hampden
 CRESSEY of Cornish
 HAMPER of Oxford

READ.

On motion of Representative DRISCOLL of Westbrook, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-243)** on Bill "An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs"

(H.P. 218) (L.D. 293)

Signed:
Senators:
 COWGER of Kennebec
 MARTIN of Aroostook
Representatives:
 KOFFMAN of Bar Harbor
 THOMPSON of China
 EBERLE of South Portland
 SAVIELLO of Wilton
 DUCHESNE of Hudson
 ROSEN of Bucksport
 TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-244)** on same Bill.

Signed:
Senator:
 SNOWE-MELLO of Androscoggin
Representatives:
 JOY of Crystal
 ANNIS of Dover-Foxcroft
 DAIGLE of Arundel

READ.

Representative KOFFMAN of Bar Harbor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Nine Members of the Committee on **TRANSPORTATION** report in Report "A" **Ought Not to Pass** on Bill "An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds"

(H.P. 123) (L.D. 172)

Signed:
Senators:
 DAMON of Hancock
 DIAMOND of Cumberland

SAVAGE of Knox
Representatives:
 FISHER of Brewer
 SAMPSON of Auburn
 McKENNEY of Cumberland
 COLLINS of Wells
 BROWNE of Vassalboro
 THOMAS of Ripley

Three Members of the same Committee report in Report "B" **Ought to Pass** on same Bill.

Signed:
Representatives:
 PARADIS of Frenchville
 HOGAN of Old Orchard Beach
 MAZUREK of Rockland

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "A" (H-221)** on same Bill.

Signed:
Representative:
 MARLEY of Portland

READ.

Representative MARLEY of Portland moved that the House **ACCEPT** Report "A" **Ought Not to Pass**.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative HOGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Majority Report and I do so for a variety of reasons.

I wish that we would take this bill much more seriously than some have taken it and by that I mean that this is a bill of common sense and good conscience. Twenty-three deaths occurred from motorcycle accidents last year. Some had helmets, some didn't. Obviously, with some of these accidents nothing would save them. A suit of armor couldn't save them, but it should be noted that the Department of Human Services says that 36% of all motorcycle accidents results in traumatic head injuries. That's of last year, 36%. Now, that relates to our insurance system, whether it is Maine Care, whether it is private insurance policies or whether it be no insurance at all. We all know how these filter out to the rest of us, to the constituents of the State of Maine. I believe that we do have fiduciary agreement between the constituents of the State of Maine and our position here in the House and that is in regards to safety. We should do everything that we can in regards to safety. If you can vote for a seatbelt law you certainly can vote for a helmet bill.

I should note also, that your neighbors to the north, Canada, they have a helmet law for motorcyclists. They come to our state and they got it right. They got the same set of circumstances and the same set of reasoning that we are dealing with as well.

Also, our neighbors to the south, Massachusetts, they also dealt with that same set of values that we are dealing with to try and determine whether we should have a helmet law or not. They got it right, as well as many other states. I doubt very much that any of us would want our loved ones – daughters, granddaughters, sons and so forth – to get on a bike and go down the road, with the percentages and odds of something happening. It probably would never happen, but if you go down on a bike you have a major problem. Obviously, with a seatbelt they have the enclosure of the car, but with or without a helmet you have the pavement and that's all that you have to deal with and something bad is going to happen. You can put broken bones back together, but you can't put a head back together. So, for this small inconvenience I ask that you support my position of

not supporting this Majority Report and I respectfully ask for the yeas and nays.

The same Representative **R REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Sampson.

Representative **SAMPSON**: I am on the opposite side of that report from the good Representative and I just wanted to say that he is right. There were 23 accidents last year – fatalities from motorcycles – 13 of them were wearing helmets and what the statistics showed was that while the helmets do reduce head injuries they do not reduce neck injuries. There is a huge gap of information that we are needing and the day that we had this particular bill in there we were inundated by motorcycle enthusiasts not to take this particular right away from them, to go without a helmet if they so desire.

We know that there is a much bigger pool of people that are riding with helmets. It's a choice of educating them of the needs to protect themselves, but just as the seatbelts have taken a number of years to educate people and to encourage them to wear them I think we are having to do the same thing with helmets and I say let the riders decide. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 96

YEA - Annis, Ash, Austin, Babbidge, Bierman, Bishop, Blanchette, Bowen, Bowles, Brown R, Browne W, Bryant, Burns, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duprey, Eberle, Eder, Edgcomb, Emery, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jennings, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Makas, Marean, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, Ott, Patrick, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan, Webster, Woodbury.

NAY - Adams, Beaudette, Blanchard, Brautigam, Bryant-Deschenes, Cain, Canavan, Craven, Cummings, Dudley, Duplessie, Faircloth, Goldman, Harlow, Hogan, Hutton, Jackson, Jodrey, Koffman, Marley, Marraché, Muse, O'Brien, Paradis, Percy, Perry, Pilon, Rines, Schatz, Thompson, Valentino, Walcott, Watson, Wheeler.

ABSENT - Barstow, Berube, Bliss, Brannigan, Fischer, Gerzofsky, Lerman, Miller, Pelletier-Simpson, Smith W, Tuttle, Mr. Speaker.

Yes, 105; No, 34; Absent, 12; Excused, 0.

105 having voted in the affirmative and 34 voted in the negative, with 12 being absent, and accordingly Report "A" **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Six Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-231)** on Bill "An Act To Require the Use of Reflective Material on Ice Fishing Shacks"

Signed:

Representatives:

WATSON of Bath
LUNDEEN of Mars Hill
WHEELER of Kittery
CEBRA of Naples
MOODY of Manchester
JACKSON of Fort Kent

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senators:

BRYANT of Oxford
WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro
RICHARDSON of Greenville
RICHARDSON of Carmel
BRYANT of Windham

READ.

On motion of Representative WATSON of Bath, the Report "A" **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-231)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, May 9, 2005.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 517) (L.D. 1499) Bill "An Act To Amend the Laws Related to Health Insurance and Confidentiality of Property and Casualty Filings" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 95) (L.D. 275) Bill "An Act To Promote Energy Conservation and a Cleaner Environment" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-101)**

(S.P. 129) (L.D. 405) Resolve, To Establish a Long-term Care Education Pilot Program for Registered Nurses Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-100)**

(S.P. 167) (L.D. 541) Bill "An Act To Amend the Laws Related to Cancellation and Nonrenewal of Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-105)**

(S.P. 183) (L.D. 574) Bill "An Act To Amend Provisions of the Submerged Lands Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-96)**

(S.P. 187) (L.D. 578) Bill "An Act To Amend the Charter of the Portland Public Library" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-104)**

(S.P. 335) (L.D. 995) Bill "An Act To Conform Maine Employment Security Law with the Federal SUTA Dumping Prevention Act of 2004" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-97)**