

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

***Volume II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

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(H. P. 1011) (L. D. 1207) Bill "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-426)

On the objection of Mrs. Higgins of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-426) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

(H. P. 636) (L. D. 726) Bill "An Act to Clarify the Domestic Violence Statutes"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-425)

No objections being noted, under suspension of the rules, the above item was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

#### Passed to Be Engrossed Amended Bill

Bill "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats" (H. P. 1360) (L. D. 1545) (C. "A" H-411)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentlewoman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: I would simply like to explain why I voted "Ought Not to Pass" on this bill. This is a very much watered down version of the original bill. In fact, it is so watered down that it is like pouring from a boot. This was a terrible bill when it was first presented to our committee and it is no better now.

The original bill said that child restraints would be mandated and fines implemented of \$25 and \$50 for first and second offenses for parents who had children under 4 years of age if they were caught without these child restraints in their automobiles.

At the hearing, we had many young parents, doctors and others, I am sure all very well meaning, and I certainly agree that this is a good idea; however, I totally disagree that we should mandate it or interfere with the rights of parents, and, in fact, it would be an impossible bill to implement and to prosecute.

The bill before you now is considerably changed, apparently in response to many of the complaints to the sponsor of the bill, my good friend from Pittston, Mrs. Reeves. I, in fact, had a letter from one parent who has six children, four of them under four, and she told me that she had bought an energy efficient, very small automobile, she could take four or five of the children with her but not in the seats that would have been mandated, they just took up too much room.

I am suggesting that we don't need this bill, we don't need to clutter up our laws with more mandates or more suggestions. This can be a voluntary program, administered by PTA's, the Extension Service, young parents who really want to be some good in their community. We just don't need this bill, and I think this would, too, would be impossible to carry out. It simply says now that if you should be stopped for a minor infraction, such as a sticker overdue on your car, or brakes or lights, the policeman who stopped you would look in the car and see if you have a child who is under four years of age, and if so, he would hand to you some educational information.

I really do not think this bill is necessary, and I hope you agree with me.

The SPEAKER: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote for this bill. As amended by the Transportation Committee, it is not a mandate but it encourages voluntary use of safety seats and seatbelts for children under four. This is based on a California law. It is a public information and education program which I think is really suitable for Maine but is certainly not ready for any kind of mandate in this area.

The Commissioner of Public Safety would administer this information and education program. Public service radio and TV messages will emphasize the importance of safety seats and belts for young children. The State Police and municipal police and county police are all eager to cooperate in an organized effort to inform drivers, whose cars have been stopped for other reasons and who have unbelted young children passengers, by giving them oral and written safety information on the value of using safety seats and seat belts to protect young children from accidents.

The State Police and the Maine Chief of Police Association strongly support this bill and they are very eager to implement it. They also strongly stress that this legislation is necessary to implement the program. Unless the legislature shows enough interest in this issue and takes the responsibility and leadership of passing this law, police departments aren't going to have the incentive to take the trouble to organize and implement this program of safety awareness.

Nationwide, the automobile crash is the leading cause of death and serious injury for children beyond infancy. In Maine, 47 children under the age of five have been killed in automobile accidents since 1970, and 3,000 have suffered very serious injuries. More than 90 percent of young children ride with no safety seats or seat belts, and even the slightest car accident, when they are called crashes that never happen, they are highly vulnerable to death and irreparable injury.

It has been proved by many studies that safety seats reduce chances of death by more than 90 percent and injury by 80 percent. National studies have shown that death and injuries to our small children in car crashes can be almost entirely eliminated by proper use of safety seats. Legislation in this area is a top priority recommendation all around the country and 35 states are considering it. It think this bill is appropriate to the state of Maine and will do a lot of good and I urge you to vote for it.

The SPEAKER: The Chair recognizes the gentlewoman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, I would like to make a motion to indefinitely postpone this bill and all its accompanying papers and would ask for a roll call.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in favor of this bill. As the lady from Lincolnville said, it is not a strong bill, it is an attempt on the part of the Transportation Committee to put the state's name in back of a program to educate people as to the advantages of having safety chairs for the young children. There is nothing here that says anything is mandated, there are going to be no tickets issued. The only thing that will happen is, if a state trooper or local policeman stops you for some other violation of some kind and he sees a young child bouncing around in the car, he will give you a small card which will tell you about the benefits of having safety seats. The safety seats, many of them have already been purchased by different groups.

We realize there are things in the bill that we just can't handle. For instance, one man said he owned a pickup truck and had four children, how would you handle it? As far as I am concerned, there is no way that I know of that you

could handle it. But all we are trying to do is put the state's name behind a program that would educate the people in the state as to the feasibility of wearing seat belts.

There is no fiscal note attached to it and I hope you would support the motion and vote against the motion to indefinitely postpone.

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. 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: The pending question before the House is on the motion of the gentleman from Lincolnville, Mrs. Hutchings, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Armstrong, Bell, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Conary, Connors, Curtis, Day, Dillenback, Dudley, Gavett, Gillis, Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Lancaster, Lewis, MacBride, MacEachern, Masterman, Masterton, McCollister, McHenry, McPherson, O'Rourke, Paul, Pearson, Perkins, Peterson, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Smith, C.W.; Stover, Strout, Studley, Treadwell, Walker, Webster, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Davis, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowle, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, Lund, Macomber, Mahany, Martin, A.; Matthews, McGowan, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paradis, P.; Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Rolde, Smith, C.B.; Soule, Stevenson, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Wentworth, The Speaker.

ABSENT — Austin, Cunningham, Damren, Hayden, Jalbert, Livesay, Manning, Martin, H.C.; Small, Soulas, Twitchell.

Yes, 54; No, 85; Absent, 11; Vacant, 1.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-five in the negative, with eleven being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

RESOLVE, Requiring the State Planning Office to Conduct an Educational Program on Manufactured Housing, and Directing the Committee on Local and County Government to Monitor and Report on the Program (Emergency) (H. P. 892) (L. D. 996) (C. "A" H-412)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances (H. P. 742) (L. D. 880) (C. "A" H-300)

Tabled — May 18 (Till Later Today) by Representative Diamond of Windham.

Pending — Motion of Representative Hob-