

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Equalize Retirement Credits for Air and Army National Guardsmen

H.P. 1177 L.D. 1606  
(H "A" H-142; H "B" H-166)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules

H.P. 1210 L.D. 1651

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Require the Use of Seat Belts for Children 12 Years of Age and Younger

H.P. 649 L.D. 877

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, men and women of the Senate. Before we send L.D. 877 along its way, I would like to offer a few remarks. This is the Bill that would require seat belts for children through the ages of 4 and 12. I would like to say at the very beginning, I truly believe in seat belts, I use my seat belt, my family decided, as a block, to use their seat belts and I believe that is exactly the way it should be. I think it should be a family decision.

I have some concerns about mandating this law. One concern is enforcement. I believe as long as we have child abusers, drunk drivers on the road and we have people that constantly disobey traffic laws, I think it is not appropriate to ask law enforcement agencies to enforce a Bill such as this. There is no provision in this Bill that says the police can stop, pick people up, cite them a violation only when they have been stopped for another traffic infraction. I also have trouble again on the enforcement angle because I believe often times the police officer may have difficulty in distinguishing between a ten year old, an eleven year old or a twelve year old, and to my knowledge, we don't require children to carry identification. So, I think that could become a problem.

Unless, and I was discussing this with the good Senator from Washington, my seatmate, Senator Randall, it is sometimes inconvenient or difficult to have a child in a safety restraint. He told me the story, just this week he was coming down to the Legislature from Eastport. As you know, Senator Randall has four children, and one child became quite distraught and there was no way the good Senator from Washington, Senator Randall, and his wife Evelyn could have kept that child in a seat belt.

I have always felt that when we make laws they should be enforceable and when we start making laws that are largely unenforceable and for all practical purposes and I think it leaves the impression that it is all right to break laws and I am not sure that is the impression we want to leave with our young people. So, I would ask you today to vote against the enactment of this legislation.

Senator CAHILL of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENACTED.

A Division has been requested.

Will all those Senators in favor of PASSAGE TO BE ENACTED, please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, to Create Dispersed Recreational Opportunities on Public Lands at PineLand

H.P. 1209 L.D. 1650

Which was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify and Amend the Treatment of Overboard Effluent Discharges into the Waters of the State

H.P. 945 L.D. 1268

(C "A" H-156)

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

Senator USHER: Mr. President, men and women of the Senate. I would like to take this opportunity to clarify the intent of L.D. 1268. Concerns have been raised over the impact of this legislation on state owned facilities. It was the intent of the Energy and Natural Resources Committee that any publicly owned sewerage system servicing a state, federal or municipal facility would be accepted from the provisions of this Bill. I would also note that inclusion of the term adverse impact to aquatic life is intended to reaffirm the provisions of existing water quality law.

Senator USHER of Cumberland moved ENACTMENT.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Thank you Mr. President, ladies and gentlemen of the Senate. Speaking as the Senators from Senate District 12, I find myself in an awkward position today, because, in general, I favor this piece of legislation. I find that it is really a monumental piece of work on behalf of the Committee. I do, however, fail to find the emergency within the piece of legislation and I have found in years past and sometimes in the experience here in the Legislature, that many of these pieces of legislation which we find necessary to hurry on through, we have had to go back and make some rather substitutive changes. I today find myself using the only option open to me and that option will be to vote against the emergency enactment with the hope that others will join me and that perhaps the emergency will be removed. Thus, giving those who are effected an additional sixty to ninety days with which to face their responsibilities and I hope to fall into compliance, because I do favor the piece of legislation and I will vote for the enactment as a regular Bill.

The difference is and in the other Body they made a pledge that were there problems they would deal with them in January. So, the difference would be that the Bill would then take effect in mid-September and the time frame would then be from mid-September