

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fourteenth Legislature**

OF THE

**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

May 10, 1989 to June 14, 1989

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

An Act to Permit Law Enforcement Officers to Solicit Funds for a Law Enforcement Officers' Memorial (EMERGENCY) (S.P. 154) (L.D. 274) (C. "A" S-161)

TABLED - June 7, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Mayo of Thomaston, retabled pending passage to be enacted and later today assigned.

#### TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

SENATE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (S-212) - Committee on Transportation on Bill "An Act to Mandate the Use of Seat Belts" (S.P. 491) (L.D. 1333)

- In Senate, Minority "Ought to Pass" as amended Report read and accepted and Bill passed to be engrossed as amended by Committee Amendment "A" (S-212)

TABLED - June 7, 1989 by Representative MOHOLLAND of Princeton.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to oppose the motion which is before you, the "Ought Not to Pass" so we would accept the Minority "Ought to Pass" on seat belts.

I think before we go any further, in view of what some of you might have seen on Channel 6 last night and heard on (I believe) WGAN, the information that they used for a survey -- the question that they asked was, "Should seat belts be mandated for all people?" On the other channel, their statement was, "be applied to 17 year olds?" All we are talking about here today is the amendment. The amendment is the bill. The amendment speaks only to children 13, 14 and 15 years old, nobody else.

Just to give you a little bit of history in the nine years that I have been here, in about 1981 or 1982, we approved the safety seat for children, from the time they were born until they were four years old. A few years later, we raised that and said children four years old to 12 years old had to be in safety belts. What we are proposing now is to raise it by three years. In other words, it will be for children from the day they are born until they are 16 years old and driving cars and things like that and then they will have been in the habit of being in seat belts.

I think if you go from the time you are born until you are 16 years old wearing a safety belt or seat belt, whichever you prefer, I think then it is going to be imprinted on these children that this is the way life is. I don't think there is going to be a lot of discussion about mandating seat belts and things like this.

I have a granddaughter who is five years old and she automatically buckles up. In fact, she reminds me that I don't have my seat belt on too.

You are going to hear, I would assume, a few horror stories about friends or relatives of people who were not buckled up but if they had been buckled

up they would have been killed because of the nature of the accident. I am sure these isolated incidents do happen, I don't dispute that at all. But, I think the majority of the people, the majority of the reports that you have read, the majority of the reports that you have seen, all say that safety belts in the vast majority of the instances that we are talking about, safety belts are the way to go.

I think probably the biggest thing that you may hear is the question of mandates, that you are mandating things, that you shouldn't mandate people to do certain things. I guess when it comes to mandating, all I can say on that particular question is that is the reason you were elected and that is the reason you were sent here -- to create laws. Every time you press a button, you mandate something or other in one fashion or another.

We talked about mandating for children 13, 14, and 15 -- I think you can think of many, many instances where we do that right now, right here today. We say that children up to the age of 16 years old have to go to school so many days, children up to that age can't buy liquor, they can't purchase cigarettes. These are all mandates, but I think they are all mandates that we do with the best interests at heart of these children that we are talking about. I don't really think mandating is a question that should decide your vote here today.

I have been here nine years, I have always been involved on the seat belt bill. I think we have made great strides and I think by increasing the age from 12 to include 13, 14 and 15 year olds would be a step in the right direction. I would like to have you vote against the motion before you so we could accept the "Ought to Pass."

Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today also to join the Representative from South Portland and hope that you defeat the motion that is before you so we can go on to enact the Minority "Ought to Pass" Report.

I think it has already been mentioned that studies have shown the safety and preventing of injuries that are caused by having seat belts on. I don't think anybody would really deny that. There are some cases, I am sure, (as the Representative mentioned) where it may be different but the majority of studies proved that seat belts helped to prevent injuries and to save lives.

I think it is important for us to realize that we are trying to make the seat belt law more consistent with our current law as to who can operate a motor vehicle. We just recently changed that to 16 year olds. This bill would include safety belts for 16 year olds. I think it would make it more consistent with our motor vehicle laws.

I hope you will vote to defeat this motion so we can pass the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The last two or three days,

the Committee on Human Resources has spent a lot of time dealing with the cost of health care. I know my colleagues in Banking and Insurance have done the same thing.

I know some people don't equate the seat belt bill with higher health care costs but, ladies and gentlemen, that is true. You can't argue with the statistics that we have seen over the years, that people wearing seat belts are going to cost us less (in hospitals) than people who don't wear seat belts.

I think every single one of us have gotten letters from either the Chamber of Commerce in your local community or your own employees or employers in your community who are concerned about the high rate in health care costs. I would hope that before you push the button today, you would think about that because on one hand, you can't ask the Banking and Insurance Committee and the Human Resources Committee to try to keep health care costs down and, on the other hand, let things like this go by the boards. Automobile accidents are some of the most costly times in hospitals. They cost the hospital and the person who is paying, whether it is the person himself or the insurance companies, some of the largest pay outs. If we really want to start to keep health care costs down, please remember that if you are against this bill, you ought to think about how you want to keep health care costs down.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote for the motion on the floor. Over the past few years, we have insidiously increased the age limit. There are no statistics to prove that, whether you wear a seat belt or you do not wear a seat belt, saves lives. The statistics that were presented to our committee was a very selective group. When I say selective, I mean very selective. There are no statistics to show that insurance premiums on automobiles go down. They do not have statistics on how many lives are saved by not wearing seat belts. This is one further step to mandate a seat belt law. The people of Maine have spoken over and over that they will make the choice themselves. They are willing to go four to twelve.

They have told us that the years that we have had this law in place have trained the children. If they are trained and they truly believe it, they will buckle up. But there is nothing here that says they are going to buckle up. When you are a teenager, you know everything there is to know in the whole wide world and we never want to forget that. If they think they are safer without it, they are going to be without it. If they think they are safer with it, they will be with it. Remember one thing, when good old dad and good old mom is there, they buckle up, but when they are out of sight, they are going to do what they want to do.

I urge you again to support the motion on the floor.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, we passed a law mandating seat belts for ages up and including 12 years old. Now the ink from the Governor's signature is just about dried out and here we are trying to change the law to age 15. This 13 to 15 age group has already gone through the steps, they have already been through the school, so why do we want to mandate these children (I shouldn't say children, they are half grown up) to be mandated to go another three years? For another three years, I

am sure they are still buckling up, nobody is telling them not to buckle up.

There is no question in my mind that they are going to pick this up every session until they have a mandatory seat belt for everybody in the State of Maine. If a few of your constituents are against mandatory seat belts for all, then you should support the Majority "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I speak today as the Representative from Cape Elizabeth and a cosponsor of this legislation.

I am really very pleased to have an opportunity to agree with the first three speakers on this legislation to encourage the wider use of seat belts in Maine. Let one wonder whether this means I have departed from my allegiance to my conservative ideals, I will only say that I plan to vote no on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I did not intend to speak on this but when my leader got up, I must get up and tell you that sometimes she does make mistakes.

The reason that I reported this out "Ought Not to Pass" very simply is that I asked AAA and my main reason of not going from 12 to 15 was — today with those states that have mandatory seat belts, what's the percentage of use? What came back to me was, the percentage of use was 51 percent.

My other question was, what is the percentage of use on those states that don't have mandatory laws? As of the 1987 figures, it was 33 percent. I think that there is a movement in the State of Maine and across the country for those states that don't have mandatory seat belts for the youth and that is the biggest reason why I don't think we need this bill.

The younger children in my own family, I have two that are in the age group between the 4 and 12 range and they have continually used seat belts and I think you will see as they get older they are going to continue to use them. That is why I don't think we need the bill.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, I would like to pose a question through the Chair.

My question is, because I truly do not know, are air bags going to be mandated in automobiles in the near future and is that occurring presently?

The SPEAKER: Representative Joseph of Waterville has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I think the only way I can answer the question is that they are working on federal legislation in Washington at this very moment. That is one of the suggestions that has been made. The automobile companies, of course, are not in favor of it because of the additional costs it would put on the manufacture of a car. I think that is part of the same bill that they are talking about that will make the determination to how much mileage you have to get to a gallon. I think both of those bills are being worked on in Washington now.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills. The Reagan Administration set into law a policy which

mandated the use of safety restraint in vehicles and it was to be implemented if the states did not go along with seat belt legislation. One of the reasons people mention for not voting for seat belt legislation is that they don't want that federal law to become a policy in law throughout the country. The way that law is written it says, not air bag, but "self-restraining" and that means either self-restraining seat belts or other devices other than air bags that can be used by manufacturers of vehicles. I think it is very important for people to realize that there is no federal mandate for air bags but there is a federal mandate on self-restraining instruments in vehicles and most of your corporations you will see, rather than going with air bags, they are going with the self-fastening seat belts, because they are a lot less expensive.

I want to make sure that people realize that if they pass the Minority version on this bill, it does nothing more to affect that federal policy towards getting air bags or self-restraining seat belts put in because we already have a law for 12 year olds and beyond. All this does is add on to that so if you are for safety in cars by voting for the Minority Report, you do nothing to affect that federal mandate at all. I think it is important for people who want safety in their cars not to think if they vote for seat belts they are going to be doing away with that federal policy.

I hope you will defeat the motion before you and pass the motion afterwards for the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I am not in favor of mandating seat belts to everyone for the simple reason, about five years ago, my daughter was badly injured from not having one on. Two weeks ago, my son was not killed because he did not have one on but, on this amendment, your children who are 15 and 16 are the ones who are wearing them, they are being taught right now in driver ed to fasten their seat belts before they even turn a key on so I think it wouldn't hurt to keep that going.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good Representative from Waterville that asked about mandatory air bags, during the course of the hearing, I happened to speak with a regional representative from one of the car companies and at that particular time I was told that the air bag would be for the driver only if it ever passed, not for the passenger, the driver.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Donald.

Representative DONALD: Mr. Speaker, I would like to pose a question through the Chair.

I would like to know what the present law is regarding school buses and how this legislation would affect that.

The SPEAKER: The Representative from Buxton, Representative Donald, has posed a question through the chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: If you saw the paper a couple of weeks ago, the panel in Washington completely turned down seat belts in school buses. They said that most of the time it is when your children get on and off the bus that they get hurt. That is like anything else and that is why I tell you

today, if you want to see this, I will have it photographed for you people. I think we ought to go along with the "Ought Not to Pass" Report today and let it go the way it is.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: In response to Representative Donald's question, state law does not require that school buses be equipped with seat belts. However, if a school bus is equipped with seat belts, the students on that bus must be buckled up -- state law.

The SPEAKER: The pending question before the House is the motion of Representative Moholland of Princeton that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 64

YEA - Aikman, Anderson, Bailey, Begley, Bell, Carroll, J.; Carter, Cashman, Clark, H.; Crowley, Dellert, Dutremble, L.; Erwin, P.; Farren, Garland, Gould, R. A.; Graham, Gurney, Hale, Hanley, Hichborn, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Libby, Look, Luther, Mahany, Marsano, Marsh, Marston, Martin, H.; McHenry, Michaud, Moholland, Parent, Pederson, Rotondi, Sheltra, Sherburne, Smith, Stevens, A.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Whitcomb.

NAY - Adams, Aliberti, Allen, Anthony, Ault, Boutilier, Brewer, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Cote, Curran, Daggett, Dexter, Dipietro, Donald, Dore, Duffy, Farnsworth, Farnum, Foss, Greenlaw, Gwadosky, Handy, Hastings, Heeschen, Hepburn, Hickey, Higgins, Hoglund, LaPointe, Larrivee, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Mayo, McCormick, McGowan, McPherson, McSweeney, Melendy, Merrill, Mills, Mitchell, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pendleton, Pineau, Pines, Plourde, Pouliot, Reed, Richard, Richards, Ridley, Rolde, Rydell, Seavey, Simpson, Skoglund, Small, Stevens, P.; Stevenson, Tupper, Walker, Webster, M.; Wentworth, The Speaker.

ABSENT - Burke, Foster, Jackson, McKeen, Oliver, Priest, Rand, Ruhlman, Strout, B..

Yes, 55; No, 86; Absent, 9; Vacant, 1; Paired, 0; Excused, 0.

55 having voted in the affirmative and 86 in the negative with 9 being absent and 1 vacant, the motion did not prevail.

Subsequently, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-212) was read by the clerk and adopted and the Bill assigned for second reading Friday, June 9, 1989.

The Chair laid before the House the second tabled and today assigned matter:

An Act to Ensure the Confidentiality of Emergency Medical Services Quality Assurance and Peer Review Activities (H.P. 341) (L.D. 460) (C. "A" H-297)

TABLED - June 7, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Mayo of Thomaston, retabled pending passage to be enacted and specially assigned for Friday, June 9, 1989.

The Chair laid before the House the third tabled and today assigned matter: