

# 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

people that this Bill effects. The Legislature got out of direct involvement of major policy reclassification positions in the early 1970's and, in my opinion, they should stay out of this process. Currently, the Legislature is involved in funding reclassification of employees only if funds are not otherwise available by downgrading or abolishing positions, or through dedicated revenues. The most recent amendment to this Bill, which was put on in this Body, limits specific legislative approval to only appointive major policy-influencing positions and it is an improvement, but it still does discriminate against seventy-six state employees. These are professional, career, state employees, forty-two of which were here prior to this administration. So, I don't think this Bill should become law.

Senator CAHILL of Sagadahoc requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. As a clarification, these are the unclassified, higher level positions. There is no attempt in this Bill to make those people come back for their step increases within their ranges. The reason that you want them back when they change their range is because it has an impact on your budget. So, that when Appropriations gets it, we don't have a chance to make a determination as to whether those job changes should be made or not, as to whether we have the budget to do it with. They are unclassified people. One of the things that wanted to be done in this legislature, was to take all confidential employees, whether they were classified or unclassified, and put them under this. The amendment does not do that. The amendment only takes the higher level people who are unclassified. I think that is an appropriate thing to do and I would appreciate your support.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. As we have gone over the Part II Budget downstairs, some of the increases in range changes that have been brought to our attention are unreal. They are going up four or five ranges at a time. So, I think this is a good Bill and I support it.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A Division has been requested.

Will all those Senators in favor of ENACTMENT, please rise in their places and remain standing until counted.

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

17 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.

An Act to Establish a Comprehensive Service Delivery System for Persons with Head Injuries  
S.P. 350 L.D. 927  
(C "A" S-211)

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

An Act Relating to Smoking in Nursing Homes and Boarding Care Facilities

H.P. 920 L.D. 1286  
(H "A" H-433 to C "A" H-288)

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

An Act to Amend the Laws Concerning the Use of Seat Belts

S.P. 491 L.D. 1333  
(C "A" S-212)

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you Mr. President. Mr. President, men and women of the Senate. This Bill, L.D. 1333, is "An Act to Amend the Laws Concerning the Use of Seat Belts." We had this Bill before us in the last two sessions and we have it again this session. We thought that we were going to have a big turnout for the seat belt Bill and come to find out we only had about twenty people who showed up at the hearing. The Bill started out to mandate the use of seat belts and that would take everybody. Then, the Committee felt that probably wouldn't pass, so they amended the Bill and brought it down to the age of fifteen and younger. Can you imagine if you had two children in the car and one was fifteen and one was sixteen and the fifteen year old had to wear a seat belt and the sixteen year old didn't have to. I don't think this is a good piece of legislation. It is another mandate and I don't think the Bill is needed.

Senator TWITCHELL of Oxford requested a Division.

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. We have the same problem if the Senator from Oxford, Senator Twitchell, feels that it is a problem that a brother thirteen and a sister twelve, one does and one does not have to wear a seat belt. Some of us might feel that everyone would be safer and everyone both on the road and in cars would be safer if seat belts were worn by everyone. We now require that people learn to wear seat belts through the gradual process of first infants and then we raised it to twelve years old. Now we are making, I believe, a sensible increase to the age, if all goes as predicted, fifteen. So, the fifteen year old will have to wear his or her seat belt by law. The sixteen year old, just beginning to drive, we hope will then wear his or her seat belt, because they have been properly trained. We, therefore, as sponsors and supporters of this Bill, ask you to vote with us to pass this Bill to raise the age to fifteen for mandatory seat belts.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. As the Senator from Franklin County, I would ask you to vote against this and support the position of the good Senator from Oxford, Senator Twitchell. It seems to me that if it isn't broken, you don't need to fix it. This is definitely not broken. I want to tell you a story. I have a six year old little girl, who has been in a car seat since she was first born. She now, of course, wears a seat belt. I used to be proud of the fact that I didn't wear a seat belt, because I didn't think I needed to wear one and I didn't want to wear one, so I didn't. Unfortunately, my six year old has brow beaten me enough so that every time I jump in the car with her, I wear one. I

think that is good and I guess it doesn't hurt me to do that. I feel very strongly that this is a foot in the door. It is unnecessary and most young people from the very beginning, from the time they are old enough to know what is going on, wear a seat belt and I think they will continue to do that right up to the age of twelve. At that point, you will find that most of them will. This Bill is unnecessary, it is a mandate that we don't need.

On motion by Senator WEBSTER of Franklin, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I rise today in support of the seat belt proposition. As many of you know, we have discussed this many times and the evidence is overwhelming that those people who wear seat belts have a better chance of surviving an accident, than those who do not. Furthermore, the evidence suggests that the severity of the accidents is diminished among those who wear seat belts, in terms of their treatment at hospitals. It seems to me that we ought to continue this forward movement and I would indeed be supportive of a mandatory seat belt that required everybody to wear it. But, we make these steps in small steps, not giant steps, and I think we should remember that this Body has supported this on our prior votes here and I would hope today that we would again do that and Enact this Bill, so that those young people coming along, when they begin driving at sixteen, will automatically wear seat belts because they have from childhood had the opportunity and were required to do it, so it would become habit. I think it will save lives. Unlike much other legislation, it will cost nothing. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you Mr. President. Mr. President, men and women of the Senate. The law is not being enforced now and by passing this piece of legislation it won't change a thing. All we are going to do is move it up to fifteen, next time around it will be up to twenty, and the next time around it will be up to thirty, and eventually it will be all of us. This piece of legislation won't change a thing.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A vote of Yes will be in favor of ENACTMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator DUTREMBLE of York who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator GAUVREAU of Androscoggin who would have voted YEA.

Senator KANY of Kennebec who would have voted NAY requested and received Leave of the Senate to pair her vote with Senator HOBBS of York who would have voted YEA.

The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CARPENTER, CLARK, COLLINS, ESTES, ESTY, GILL, GOULD, PERKINS, THERIAULT, TITCOMB, WEYMOUTH

NAYS: Senators CAHILL, DILLENBACK, EMERSON, ERWIN, LUDWIG, PEARSON, RANDALL, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY  
ABSENT: Senators HOLLOWAY, MATTHEWS  
PAIRED: Senators DUTREMBLE, GAUVREAU, HOBBS, KANY

18 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators having paired their votes and 2 Senators being absent, 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.

Emergency  
An Act Regarding Reimbursement for  
Out-of-district Special Education Placements  
S.P. 283 L.D. 729  
(C "A" S-215)

On motion by Senator BRANNIGAN of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency Resolve  
Resolve, to Direct the Executive Branch to  
Develop a Special Review Process to Monitor Personal  
Services Contracts

S.P. 391 L.D. 1036  
(C "A" S-220)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease  
Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon were ordered sent forthwith.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:  
COMMUNICATIONS

The Following Communication:  
114TH LEGISLATURE  
LEGISLATIVE COUNCIL  
STATE HOUSE STATION 115  
AUGUSTA, MAINE 04333  
June 13, 1989

Honorable Joy J. O'Brien  
Secretary of the Senate  
114th Maine Legislature  
State House Station 3  
Augusta, Maine 04333  
Dear Secretary O'Brien:

This is to notify you that pursuant to its authority under Chapter 15 of the Resolves of Maine,