

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

Ought to Pass as Amended

Report of the Committee on **Business Legislation** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-282) on Bill "An Act to Provide Better Regulation of the Practice of Architecture and Landscape Architecture" (EMERGENCY) (S.P. 662) (L.D. 1738)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-282) as amended by Senate Amendment "A" (S-295) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-282) was read by the Clerk.

Senate Amendment "A" (S-295) to Committee Amendment "A" (S-282) was read by the Clerk and adopted.

Committee Amendment "A" (S-282) as amended by Senate Amendment "A" (S-295) thereto was adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-282) as amended by Senate Amendment "A" (S-295) thereto in concurrence.

Ought to Pass as Amended

Report of the Committee on **Education** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-246) on Bill "An Act Relating to Restructuring the Public Schools" (S.P. 445) (L.D. 1189)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-246) and Senate Amendment "A" (S-302).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-246) was read by the Clerk and adopted.

Senate Amendment "A" (S-302) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-246) and Senate Amendment "A" (S-302) thereto in concurrence.

Ought to Pass as Amended

Report of the Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-277) on Bill "An Act to Establish a Public Solid Waste Facilities Loan and Grant Program" (S.P. 641) (L.D. 1689)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-277) and Senate Amendment "A" (S-303).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-277) was read by the Clerk and adopted.

Senate Amendment "A" (S-303) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-277) and Senate Amendment "A" (S-303) thereto in concurrence.

Divided Report

Seven Members of the Committee on **Transportation** on Bill "An Act to Mandate the Use of Seat Belts" (S.P. 381) (L.D. 1058) report in Report "A" that the same "**Ought Not to Pass**"

Signed:

Representatives: STROUT of Corinth
HUSSEY of Milo
MARTIN of Van Buren
HALE of Sanford
TAMMARO of Baileyville
RICKER of Lewiston
BOUTILIER of Lewiston

Four Members of the same Committee on the same Bill report in Report "B" that the same "**Ought to Pass**" as amended by Committee Amendment "A" (S-249)

Signed:

Senators: THERIAULT of Aroostook
GOULD of Waldo
MILLS of Oxford

Representative: SMALL of Bath

Two Members of the same Committee on the same Bill report in Report "C" that the same "**Ought to Pass**" as amended by Committee Amendment "B" (S-250)

Signed:

Representatives: MACOMBER of South Portland
BAILEY of Farmington

Came from the Senate with Report "B" "**Ought to Pass**" as amended by Committee Amendment "A" read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-249)

Reports were read.

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

Representative MACOMBER: Mr. Speaker, I move that the House accept Report B, "Ought to Pass" as amended by Committee Amendment "A" (S-249).

Representative Strout of Corinth requested a roll call.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly tell you what Report B is. Report B says that seat belts will be worn up to your 19th birthday.

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 Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: Committee Amendment "B" is a compromise offered to us from some members of the Transportation Committee in the other body. Again, this legislature may dare to take another small step towards mandatory use for all. I can live with this compromise but we should not compromise the fact that safety belt laws could benefit all ages. Mandatory safety belt usage laws have only one motive and that is to develop the habit of buckling up within our motoring public.

Here is why we need to take a stand on buckling up. Motor vehicle crashes are the number one preventable killer andcrippler of people aged 0 to 44. The number three overall cause of death, cardiovascular disease and cancer being the leader. Clearly there is an epidemic on our public highways.

In 1990, 166 Maine citizens died on our highways, 84 percent of these fatalities were not wearing their safety belts. There were 16,000 Maine people injured on our highways. We must accept that these fatalities or injuries are not inevitable. Motor vehicle crashes are not random, uncontrollable acts of fate, rather they are understandable, predictable and preventable. Prevention is the key. Mandating safety belts use is an injury prevention strategy that helps people alter the behavior or adopt newer safer ones.

It is well documented that laws have a positive effect in helping people develop the habit of buckling up and we know that buckling up saves lives and reduces injuries. Motor vehicle crashes result in two tragedies, an economic tragedy and a human tragedy.

Let's talk about the economic tragedy. Each fatality costs society an estimated \$358,000. Maine's cost for last year's 166 fatalities equals \$60,000,500. Blue Cross/Blue Shield provides us with this information. Their research of the use of safety belts found those individuals who wore seat belts less than 25 percent of the time had average claims that were 13 percent higher; used 54 percent more inpatient dates, had 32 percent more claims over \$5,000 than individuals who wore a seat belt more than 75 percent of the time. A significantly greater number of unrestrained individuals required admission to a hospital, 6.8 percent admitted were wearing seat belts, 19.2 percent admitted were not wearing seat belts. Of the individuals admitted and who were severely injured, 81.2 were not wearing a safety belt. Individuals not wearing seat belts incurred an average health care charge of \$1,500 whereas those individuals wearing seat belts incurred an average health care charge of \$500.

There is no question that extending our mandatory usage laws to 19 will contribute savings in our health care dollars.

Now for the human tragedy, safety belts have 40 to 60 percent effectiveness in reducing injuries and

fatalities. Of Maine's 166 fatalities, if they had been buckled up, approximately 80 of them could be alive today. Let's be more realistic and say that, if only half of the fatalities had had their belts on, 30 less people would have died. It is a human tragedy that in 1990, 40 people died needlessly.

The professionals that are in the business of putting injured people together assure us that, even though there's surgical skills that accomplish good results, you will never be what you were before prior to your motor vehicle accident. Their advice is to develop habits that are preventive and they are strong advocates of safety belts. Too many times they are required to repair injuries that should have been prevented.

It is clearly a reasonable and responsible role of state government to mandate safety. If you were comfortable mandating florescent orange attire for hunters or mandating life preservers in boats, you should have no problem mandating safety belts. Mandating safety on highways is just as important as mandating safety in the woods or on the water. Passing legislation such as this will prevent needless deaths and injuries. Remember, motor vehicle crashes are our number one preventable killer. The lives we save together might include someone you know and love.

I urge you to support Committee Amendment "B."

Representative Boutilier of Lewiston moved indefinite postponement of L.D. 1058 and all accompanying papers and further requested a roll call.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you would vote against the motion of the my good friend from Lewiston. We have made some strides in the last several years since we first started instituting seat belts for youngsters, the car restraint seats for our very young adults and now going up to the age of 19. I think the Report that the Transportation Committee Report B signed off on is one of the more responsible actions that we can take in this chamber and this legislature this year. No one, and I would challenge anyone to stand this morning in this chamber and say that seat belts are not an important vehicle to save lives on our highways.

We had two young adults from Stonington that got killed just night before last and neither of them were wearing seat belts. The State Police have told us that many of the accidents, many of the fatalities are preventable by the simple buckling of a seat belt around our waists. To say that we should not take any action this year, I find completely inexplicable. I support the statements made by Representative Pendexter from Scarborough, I think to ask us to go a little bit further this year to improve upon what we have been doing is the most responsible action we can do.

I hope that you will 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 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 less than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Lewiston, Representative Boutilier, that L.D. 1058 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 74 in the negative, the motion did not prevail.

The SPEAKER: The pending question before the House now is the motion of the Representative from South Portland, Representative Macomber, that the House accept Report B, "Ought to Pass" as amended by Committee Amendment "A" (S-249), a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 119

YEA - Adams, Aliberti, Anthony, Ault, Bailey, H.; Barth, Bell, Bennett, Bowers, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Constantine, Crowley, Daggett, Donnelly, Dore, Duplessis, Dutremble, L.; Farnsworth, Foss, Goodridge, Gwadosky, Handy, Hastings, Heeschen, Heino, Hepburn, Hoglund, Kerr, Ketover, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, MacBride, Macomber, Manning, Marsano, Marsh, Mayo, McKeen, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pfeiffer, Pineau, Pines, Plourde, Rand, Reed, G.; Richards, Richardson, Rydell, Saint Onge, Savage, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Tardy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Anderson, Boutilier, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Cote, Erwin, Farnum, Farren, Garland, Gean, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Hanley, Hichborn, Hichens, Hussey, Jacques, Jalbert, Joseph, LaPointe, Lord, Luther, Mahany, Martin, H.; McHenry, Nash, Norton, Parent, Poulin, Pouliot, Powers, Reed, W.; Ricker, Rotondi, Ruhlin, Salisbury, Sheltra, Strout, Swazey, Tammaro, Townsend, Tracy.

ABSENT - Bailey, R.; Butland, DiPietro, Duffy, Hale, Holt, Ketterer, Kilkelly, Kutasi, Michaud, Pendleton.

Yes, 90; No, 50; Absent, 11; Paired, 0; Excused, 0.

90 having voted in the affirmative and 50 in the negative with 11 being absent, Report B, "Ought to Pass" as amended by Committee Amendment "A" (S-249) was accepted, the bill read once.

Committee Amendment "A" (S-249) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-249) and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Regarding Nonresident Income Taxes" (S.P. 31) (L.D. 45)

Signed:

Senators: BOST of Penobscot
ESTY of Cumberland
COLLINS of Aroostook

Representatives: DiPIETRO of South Portland
DORE of Auburn
DUFFY of Bangor
TARDY of Palmyra
NADEAU of Saco
CASHMAN of Old Town
BUTLAND of Cumberland
HEPBURN of Skowhegan

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representative: MURPHY of Berwick

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Reports were read.

On motion of Representative Nadeau of Saco, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information" (EMERGENCY) (H.P. 825) (L.D. 1179) which was passed to be engrossed as amended by Committee Amendment "A" (H-394) in the House on May 28, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-394) as amended by Senate Amendment "A" (S-298) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Extend the Commission to Study Maine's Oil Spill Clean-up Preparedness and to Improve Marine Oil Spill Prevention, Planning and Response" (EMERGENCY) (H.P. 56) (L.D. 77) which was passed to be engrossed as amended by Committee Amendment "A" (H-339) in the House on May 22, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-339) as amended by Senate Amendment "A" (S-266) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter