

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Sixteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

Bill passed to be engrossed as amended by Committee Amendment "A" (S-92)

Reports were read.

Representative Clement of Clinton moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Tuesday, May 11, 1993.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-88) on Bill "An Act Concerning the Mandatory Use of Car Safety Seat Belts" (S.P. 155) (L.D. 486)

Signed:

Senators: GOULD of Waldo
BRANNIGAN of Cumberland
PARADIS of Aroostook

Representatives: PLOURDE of Biddeford
BAILEY of Farmington
DRISCOLL of Calais
MELENDY of Rockland
BAILEY of Township 27
O'GARA of Westbrook

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives: STROUT of Corinth
HUSSEY of Milo
RICKER of Lewiston
MARTIN of Van Buren

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-88)

Reports were read.

Representative O'Gara of Westbrook moved that the House accept the Majority "Ought to Pass" Report.

At this point, the Speaker appointed the Representative from East Millinocket, Representative Michaud, to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative

Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: That I, a health care professional, should stand before you and push for safety belt legislation is probably no surprise to any of you for you all know my commitment to preventive health care measures as well as my commitment to highway safety.

The Maine Highway Safety Commission, with the exception of the Governor's Highway Safety Rep, voted unanimously to support L.D. 486.

The Commission felt so strongly about the need to legislate safety belts it further took the leadership role to organize statewide support for this legislation. The resulting coalition that was created is responsible for the brochure on your desks. I call your attention to the back of the brochure which lists the supporting organizations here in Maine from AARP to any law enforcement community you can imagine to medical organizations, to nursing organizations and to insurance organizations. I might also point out that the map in the middle of the brochure is already outdated because it shows that there are eight states without seat belt laws and there are presently only five. The states that don't have laws presently are South Dakota, Kentucky, Massachusetts, New Hampshire and Maine.

This bill has everything to do with establishing the habit of buckling up. A survey was done in the spring of 1991 by the Survey Research Center of the Muskie Institute at USM which says that only 35 percent of the people in Maine buckle up. We know that in 1992 eighty percent of our fatalities weren't wearing their safety belts. Simply put, the majority of people in Maine are not in the habit of buckling up.

Experiences from other states show us that the mere action of passing a safety belt law raises user rates by 20 percent. Combining public education and enforcement, we can realize usage rates well over 60 percent. We have Hawaii which is a state that has an 85 user rate and we know well the experience with our neighbors to the north in Canada where they have usage rates of over 90 percent.

Human nature being what it is, we often don't do certain things until we absolutely have to. How many of you know Mainers who go down to Florida in the winter and wear their seat belts the whole time they are there and they come back in the spring and they have done one of two things, they have either learned the habit of buckling up or they just don't do it because they are in Maine and they don't have to. I think that shows to you how laws work.

How many of you know people, who traveling from state to state, take their belt off and on depending what state they are in? Human nature. Sometimes to change behavior, we have to legislate it, L.D. 486 has everything to do with safety which translates into saving lives and preventing injuries. Maine closed out 1992 with 214 highway fatalities, nine more than 1991. Of these fatalities, 171 died in motor vehicle crashes. This bill has a potential of saving at least 40 lives and preventing thousands of injuries.

In 1973, exactly 20 years ago, this very body passed legislation by a vote of 86 to 44 on an issue that pitted safety and saving lives against infringement of personal freedom, that legislation was mandating fluorescent orange when hunting in the

woods and the potential of those savings was saving 15 to 16 lives.

Reading the testimony of the debate, you would think that you were listening to a debate of a safety belt because the debate centered around impersonal infringement, freedom of right versus safety. This body, I hope, will take the advice of our colleagues 20 years ago and put safety first before small infringement of personal rights.

We already legislate safety on highways related to driving a motor vehicle. We tell you how fast you can go, that you have to have a license to drive, you have to inspect your vehicle, we have strict DWI laws. Legislating the use of safety belts, which is the safety equipment you have been purchasing since 1968, is simply legislation to promote safety, save lives and prevent injuries, injuries that are usually very severe and life altering.

An emergency room physician shared some of his personal experiences during the public hearing before the Transportation Committee. He states, and I quote, "On a day in my emergency department not long ago, an elderly woman walked in with minimal injuries after a 40 mile an hour head-on collision in which she had been the safety belted driver. She walked out after her few scrapes and bruises were tended to, no admission, minimal cost. Not long after, another elderly woman who had been the unbelted driver in a 40 mile an hour collision came into my emergency department by ambulance and died in front of us with my hands inside her chest as I helped the surgeon desperately try to close a hole in her heart. That hole came from the collision between her chest and her steering wheel, a collision that ruptured her heart beyond repair and would have been prevented by a safety belt. In this case, no admission either, but the ultimate cost."

Think about it, safety belts do save lives. L.D. 486 has everything to do with containing health care costs. We already know that for every one dollar we spend on child restraints, we realize a savings of two dollars in medical care. Hospital studies confirm that the cost of treating unbelted victims is three to seven times higher than treating belted victims. The average cost of treatment for one person with a moderate to critical injury is about \$52,000. For Maine, this represents an additional cost of about \$11.8 million per year for the treatment of motor vehicle injuries. Safety belts drastically reduce injury severity and therefore drastically reduce the health care costs of caring for Maine's injured in motor vehicle crashes.

If you claim to be a legislator committed to health care cost containment, you have to be in favor of safety belts. You cannot claim you are doing all you can to contain health care costs when you decline to adopt one of the simplest most cost effective preventive health care measures known in the name of some who might make the adult decision to be unbelted.

L.D. 486 has everything to do with saving employers billions of dollars. The report commissioned by the National Highway Traffic Safety Administration in cooperation with a non-profit organization called Network For Employers For Highway Safety was released April 27th in Washington. The study showed that U.S. employers pay more than \$181 billion annually for fatalities and injuries on and off the job. The largest cost category, motor vehicle crashes accounts for \$54.8 billion of total costs. Stated GYCO Corporation Chairman and CEO

William Snyder, and I quote, "Emphasizing traffic safety has proven to be one of the most cost effective ways of reducing injuries, saving some employers millions of dollars." You cannot profess to be a business friendly legislator if you vote against a measure that can provide employers in this state substantial financial savings.

In summary, L.D. 486 is all about getting people to develop the habit of buckling up. L.D. 486 is all about health care cost containment. L.D. 486 is all about saving lives and preventing thousands of injuries. L.D. 486 is all about saving U.S. employers billions of dollars. I urge your support for this bill.

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

The SPEAKER PRO TEM: 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 PRO TEM: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I can claim that I want to control health care costs. I can claim that because I promote and support educational measures and company policy that educate people to wear safety belts when it is appropriate, so I can claim that and I will not be forced into feeling like — you know, I have a guilt trip here so I better vote for this measure because I really do not support it.

As far as the list of companies on the back of that brochure goes, I want you to especially look at the insurance companies because insurance companies have a big stake in this. They know that, if they force seat belts down Maine people's throats, then they won't have to pay out those premiums. Will the rates go down? Will the premiums go down? You know the answer to that is no. It is a win/win situation for the insurance companies so, of course, they are pouring all kinds of money into this effort. It is ridiculous to, I believe, force this down Maine people's throats.

Maine people are proud, they know when to make a choice and they will choose to wear their safety belts when it is appropriate. Again, this is a question of treading on the automobile owners right to choose. I got a lot of phone calls this weekend that supports that. I had none the other way.

Let's not follow the lead of Massachusetts, whose legislature imposed this upon the people of Massachusetts only to have enough signatures gathered for referendum so the people of Massachusetts could vote this down, which they did overwhelmingly. Let's not make that same mistake. Let's follow the good policy of education, of assistance, of making people aware so they can make the right choice. I do believe in that.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I speak today not as an opponent of the use of seat belts, but I speak to you today as one who uses a seat belt occasionally and I have no problem with you people using it. For you people

that have been here in past sessions it is no surprise to you to see which side of the issue I am on.

It seems like every two years we have a bill dealing with mandatory seat belts. I can remember when we started out having seat belt use for those under four years of age, then they went to 12, then they got up to 19. I remember very specifically one of the people who spoke here today saying two years ago that, if we could get the 19 year olds, we would not be back and bother you and we are here today asking for all people to use seat belts.

A few years ago, my wife and two of my children were in an automobile accident. We came into an intersection where a vehicle hit my vehicle on the passenger side, going through the intersection. I have never said this before to the members of the House but you wonder why I have been so strong against the use of seat belts and making it mandatory — what happened in that accident was that my wife was not at fault, but the car went through the intersection, hit the passenger side and, if my two children had been in seat belts in the back seat, they both would have been killed. What happened in that particular accident, and you can hear pro's and con's both ways, is that those two children were thrown to the other side. Luckily that day they weren't in seat belts. Today, those two children wear seat belts. I still have children that are under the age of 19 and, just two weeks ago, we were in Canada to visit my oldest daughter. As many of you know, when you go into Canada, it is a requirement to wear seat belts. The minute that we hit the border, I had forgotten about that but my youngest daughter said, "Dad, you've got to put your seat belt on." That's a requirement over there and I have no problem using it and I have no problem using it at times in the State of Maine. Education the last few years has done more (in my opinion) than having a mandatory seat belt law. Even yesterday when we were out for a ride on Mother's Day, my youngest daughter said to me, "Dad, get your seat belt on." It was hot and I didn't want to put that seat belt on, so I didn't have to.

There is no question in my mind that in some accidents when you have a head-on collision that seat belts would help. Just this past Saturday up in our area, we had an accident where three young teenagers left the road and hit a utility pole. One of those young teenagers is being buried tomorrow. One of them is on the critical list at Eastern Maine Medical Center and the other girl was released Saturday afternoon.

People will tell you that maybe the one that was killed in that accident, if she had had her seat belt buckled, she would be alive today. Those are assumptions. This vehicle hit a utility pole at 80 miles an hour and, if you saw pictures of that vehicle on TV Saturday night, it is a wonder, in my opinion, that any one of those three girls lived.

It is hard, I think, for people to not say that in some accidents seat belts do save lives. Various issues that we have had this year — I know in the past few weeks, we had an issue where I voted out of committee not to allow young people to ride on the front of a motorcycle. I believe in that. This House, by a two to one vote, killed that bill.

Another issue we had was dealing with riding on the back of pickups, where they should be seat belted. I believed in that and I voted for it. This

House voted two to one to kill that bill. So today, ladies and gentlemen, I am taking the pro-choice route. I would ask all of you to join me in voting against the mandatory use of seat belts.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: In the length of time I have been here, I have sponsored, cosponsored or supported most of the seat belt legislation beginning with the child safety seat. I am very proud when I see my grandchildren, my children and other young people buckled up and I feel they are much safer. For a period of time, I was not supportive of requiring adults to use safety belts because those of you who know me well know that I really don't like mandates at all.

However, quite a few years ago, I was coming down from Presque Isle to Augusta, really later in the evening than I probably should have been traveling, and I had a terrible accident. A great big moose jumped on my car and the car went absolutely crazy and was practically demolished. The thing that impressed me so much was the fact that my seat belt pulled my shoulders right back against the back of the seat and it kept my hands firmly on the wheel, one on each side, and I had just one thought in mind, I had to keep that car on the road or I was going to crash into the trees on either side of the woods and knew I would be killed. Well, I was able to do that with the help of the seat belt. Finally, I was able to get the car stopped in the road. When the state trooper came along, the moose was dead with my windshield wiper sticking out of its back and I just walked away from the accident without a scratch. He looked at it and said, "You would be dead today if you had not had your seat belt on." That is true. At that point, the state would have had a death benefit to pay for me or they would have had a long hospitalization to pay for me. If I hadn't been a state employee, eventually the state would have been picking up the cost of much of that money for the accident.

I do feel that seat belts are lifesaving devices and I think it is important that we use them. I think one of the things that happens is that people don't want their freedoms interfered with. I really don't like to have mine either but on the other hand, we have many of our freedoms that are taken away. A case in point is my brother, for example, he does not wear a seat belt when he is driving or riding, he refuses to wear one, but, on the other hand, we live near the border in Canada and if we go across the border to have dinner, we come to the station right there at the border and there is a big sign that says to buckle up, it says it in French and in English. I look over at my brother and the first thing he does is take that seat belt and fasten it. So, I think that lots of times people just don't use a seat belt unless they are required to do so.

I think this is one mandate that is important and I hope you support this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I think all of you know which side of this bill I am on. I have always been against seat belts. I am not against people wearing seat belts if they so desire but I am certainly

against telling people that they have to wear seat belts. I haven't heard anybody tell me that they wanted seat belts mandated. I have had plenty of people tell me we should not do that.

I have heard a lot about how seat belts save lives. I have heard no one say that seat belts can also kill. When I wrecked my car three years ago in March, I totaled the largest model Cadillac available and I did not have a seat belt on. If I had had a seat belt on, being of the size that I am, my seat belt is not a shoulder harness, it comes on my neck and as a result, I would have either had a broken neck or probably a cut artery because I held my hands on the wheel but my head hit the top and there was no way that there was enough give in that belt that my head could have hit the top so it would have had to cut my neck. It is true that in certain circumstances it does save lives but, in other circumstances, it kills.

Two years ago, we had the bill and instead of having doctors, we had chief's of police and they — in fact it was the Chief of Police from Portland, I believe, who brought us a photograph of an accident with a police car in Portland and the gentleman driving the car, the male officer driving the car, was wearing a seat belt, the female officer sitting in the passenger seat was not wearing a seat belt and somebody hit them — I don't know if it was a high speed chase or what it was but somebody hit them and the officer that was not wearing a seat belt was thrown from the car but she lived. We asked the Chief of Police what would have happened if this officer had had a seat belt on? He said she would have been killed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I would just like to make a few comments on some remarks that have been made. Reference was made to Massachusetts who had a referendum and repealed their law. I would say to you that there were other states, Oregon and Nebraska for example, who also had referendums that repealed their laws but have also been successful in subsequently passing laws in their legislature and now have seat belt legislation in their state. I venture to say that Massachusetts will have to think about not passing a safety belt law this time because they already have a helmet law on the books, so they face a real squeeze from the federal government if they don't pass a seat belt law because their highway funds would be diverted to safety programs and they would chance to lose approximately 400 highway construction jobs. So, I think they have a little more at risk to think about this time.

Nobody claims that seat belts save lives all the time. In fact, we do know in side collisions that seat belts are not effective. In fact, there are crashes that you won't survive and we are not claiming to stand here and say to you that seat belts will save everybody all the time. What we are saying to you is that probably 55 percent of the time we will save somebody's life or we will prevent very serious injury. I think that is a percentage worth talking about.

Education alone just does not do it to up our usage rates. We have been doing education in this state for years and years. I can think back ten years ago our usage rate was 22 percent and it

certainly has not gone up very fast in the subsequent years. The education plus enforcement is what really works.

I would just like to make a few comments on personal choice. Some of you don't want to legislate what should be an individual choice, then don't, legislate seat belts as an individual act of fiscal responsibility, legislate safety belts because we cannot afford the cost of not legislating them.

Civilized societies are about small limitations on personal freedom for the benefit of the common good. This proposed small loss of freedom is for the greater good and will result in more freedom for all of us than it takes away from any of us.

If we refuse to pass this legislation, we curtail the freedom to be unbelted, curtail the freedom to all Mainers. An unbelted driver usually suffers greater injuries and, therefore, incurs greater health care costs. All our freedom is then curtailed because the higher cost forces us to pay higher taxes and higher medical insurance premiums. If you vote down the safety belt law, you trade part of our financial freedom for their driving freedom. The preservation of freedom from legislating safety belts can only be preserved by trading it for our freedom from higher taxes, higher medical costs, etcetera. You cannot give people the freedom to choose on safety belts without taking away Mainers freedoms to keep more of their money that they earned when these two losses are compared. I venture that we suffer more in the wallet than they do around the chest.

When the loss of freedom is minimal and the gain is maximal, we curtail other freedoms in the name of health. Vaccinations of children are a pain we impose on them in the name of preventive health. We infringe one's right to drive impaired. We limit where one can smoke, yes, we do these things to protect others from the adverse health effects of individual behavior but an extra dollar spent on an unbelted victim's preventive injury is a dollar lost to prenatal care and to other areas that adversely affect the health of other people. What freedom is lost with this bill? It doesn't force anyone to drive with a seat belt on, just to pay a fine if you don't. The driver's freedom is not abridged unless he or she chooses to comply with the proposed law. You can refuse and pay, an adult decision in this real world of tough choices. Is this a freedom you want to be remembered for protecting?

In a car crash I know of, a baby girl survived in a child restraint, her unbelted mother died when she was thrown from the vehicle which then rolled over her. Who among you would tell that baby you voted down this bill to protect her freedom to drive one day without a safety belt? Who among you would stand before her and defend that supposed right? Moreover, why would anyone want a right they would gladly give up in that final second before they hit the steering wheel or the windshield or a right that a grieving family would bitterly wish had not been protected as they stood at a graveside?

Some rights you may die for but are not worth dying for. I have never met an unbelted victim of a motor vehicle crash who did not regret having that freedom some of you wish to protect. In the end, if this body passes L.D. 486, you may face some voters who will be angry you obligated them to buckle up or pay up. You can tell your constituents you did it because safety belts save lots of lives and lots of money, because you care about their wallet and their

health, because the health and fiscal freedom gains were greater than the freedoms lost and because they elected you to represent and lead them.

You did it because tough times require tough decisions and sacrifice from all of us.

You did it because you could not, in good conscience, ignore a huge opportunity to save tax and state money when you were having to drastically cut Maine's budget.

You did it because you had the courage and because the time had come when it was the right thing to do.

If all that doesn't convince them, tell them you did it because the State of Maine would rather wrap a safety belt around their waist or chest than pick their pockets for more money.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I hope that this is a successful venture that I have taken here today in support of the good Representative that just spoke and who put in so much dedicated work and energy, but that is not what this bill is about. This bill is about precious lives, precious lives.

If you analyze the legislation that took place in the past four years and the lives that that legislation saved, we initially put it on for youngsters and we finally passed a law that upgraded the use of these belts, is there anyone here that can deny that those seat belts worn by those youngsters in the past four years didn't save lives? I wish I had the statistical data to present to you, the facts and figures as to how the use of these belts saved those precious lives.

Are we saying because you have maturity, physical maturity and supposed mental maturity, that that automatically puts you in a different class as far as considering a precious life?

One of the hardest things I had to do, the most difficult things I have had to do is to get used to putting that seat belt on. I would say it took me six months of intensive reminding to put that seat belt on. It has become such an automatic part of my life right now, I don't go ten yards in an automobile without a seat belt on unless I have completely lost it for the day, and that is possible too.

I can't give you a direct experience as a result of wearing a seat belt, I hope I never have to.

This idea of taking away your right to make up your own mind — well, heck, we as legislators have been doing that consistently to our constituents out there, telling them what they can do and what they can't do and under what circumstances.

The good pilot that sits here in this legislative chamber will tell you how they enforce that seat belt law whenever you get on an airplane, you buy a fare and under certain conditions, you must wear that seat belt. You don't say, I am old enough I can make up my own mind.

So, I don't know how effective I am being in support of the good Representative that sponsored this bill but I have some pretty strong feelings of being uneasy in an automobile and driving in an automobile where my life, not only is dependent on my control of that car, but the many, many unpredictable situations that may evolve while on the highway.

I hope that you just consider that your life is just as precious as any life around it.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I promise no long speech here, I wanted to ask a question through the Chair.

I guess I would direct it to the Chair of the Transportation Committee, but I am not sure — the question is, is the driver of the automobile responsible for all other passengers in the automobile if they are not wearing seat belts should this law go through? The liability aspect concerns me greatly.

The SPEAKER PRO TEM: Representative Libby of Buxton has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: I may have to rely on somebody else on that, I really don't recall that issue coming up, to be very honest with you, unless somebody else does, I can't answer it, but I will get the information.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative O'Gara of Westbrook that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Poulin of Oakland. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative O'Gara of Westbrook that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 75

YEA - Adams, Aliberti, Bailey, H.; Bailey, R.; Barth, Beam, Brennan, Bruno, Campbell, Carleton, Carroll, Cathcart, Chase, Cloutier, Constantine, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Faircloth, Farnum, Fitzpatrick, Heeschen, Hillock, Hoglund, Holt, Johnson, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lemke, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Ott, Pendexter, Pfeiffer, Pinette, Plourde, Reed, G.; Reed, W.; Richardson, Rowe, Rydell, Saint Onge, Simonds, Simoneau, Sullivan, Taylor, Townsend, E.; Townsend, L.; Treat, True, Walker, Wentworth, Whitcomb, Winn, Young, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bennett, Bowers, Cameron, Caron, Carr, Cashman, Chonko, Clark, Clement, Clukey, Coffman, Coles, Cote, Cross, Dexter, Donnelly, Erwin, Farren, Foss, Gean, Gould, R. A.; Gray, Greenlaw, Hatch, Heino, Hichborn, Hussey, Jacques, Jalbert, Joseph, Joy, Kil Kelly, Kneeland, Lemont, Libby Jack, Libby James, Lipman, Lord, Marshall, Martin, H.; Michael, Murphy, Nash, Nickerson, Norton, Paradis, P.; Pendleton, Plowman, Pouliot, Quint, Rand, Ricker, Robichaud, Rotondi, Saxl, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Swazey, Tardy, Thompson, Townsend, G.; Tracy, Tufts, Vigue, Zirkilton.

ABSENT - Farnsworth, Gamache, Hale, Look, Michaud, Pineau, Ruhlin.

PAIRED - Gwadosky (Yea)/Poulin (Nay)
 Yes, 69; No, 73; Absent, 7; Paired, 2;
 Excused, 0.

69 having voted in the affirmative and 73 in the negative with 7 being absent and 2 having paired, the motion did not prevail.

Subsequently the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Limit Contributions Candidates May Receive from Political Action Committees" (S.P. 180) (L.D. 594)

Signed:

Senators: CAREY of Kennebec
 HALL of Piscataquis

Representatives: DAGGETT of Augusta
 LEMKE of Westbrook
 BOWERS of Washington
 GAMACHE of Lewiston
 STEVENS of Sabattus
 NASH of Camden
 ROBICHAUD of Caribou
 TRUE of Fryeburg
 BENNETT of Norway

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

Signed:

Senator: HANDY of Androscoggin

Representative: MICHAEL of Auburn

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

Reports were read.

Representative Daggett of Augusta moved that the House accept the Majority "Ought Not to Pass" Report.

Representative Tracy of Rome requested a roll call vote.

The SPEAKER PRO TEM: 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 PRO TEM: The pending question before the House is the motion of Representative Daggett of Augusta 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. 76

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Bennett, Bowers, Bruno, Campbell, Carleton, Carr, Cathcart, Chonko, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Fitzpatrick, Gould, R. A.; Greenlaw, Gwadosky, Hichborn, Hillock, Hوجلund, Holt, Mussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Kneeland, Kontos, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Morrison, Murphy, Nadeau, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pinette, Plourde, Plowman, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rydell, Saxl, Simonds, Simoneau, Small, Spear, Stevens, A.; Strout, Swazey, Taylor, Townsend, G.; Townsend, L.; Treat, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirkilton.

NAY - Adams, Ahearne, Aliberti, Barth, Beam, Brennan, Cameron, Caron, Carroll, Cashman, Chase, Clark, Coffman, Faircloth, Gean, Gray, Hatch, Heesch, Heino, Johnson, Joy, Kilkelly, Kutasi, Lemke, Michael, Mitchell, E.; Mitchell, J.; Oliver, Pendleton, Pfeiffer, Quint, Rowe, Saint Onge, Skoglund, Stevens, K.; Sullivan, Tardy, Thompson, Townsend, E.; Tracy, Wentworth, Winn.

ABSENT - Farnsworth, Foss, Gamache, Hale, Look, Michaud, Pineau, Poulin, Ruhlin, The Speaker.

Yes, 99; No, 42; Absent, 10; Paired, 0; Excused, 0.

99 having voted in the affirmative and 42 in the negative with 10 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 183) (L.D. 597) (C. "A" S-82) which was finally passed in the House on May 4, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-82) and Senate Amendment "A" (S-109) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Regarding Family Leave" (H.P. 318) (L.D. 406) on which the Majority "Ought to Pass" as amended Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-178) in the House on May 3, 1993.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Labor read and accepted in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Tuesday, May 11, 1993.