

# 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

Brewer.

PENDING - Motion of Representative CLEMENT of Clinton to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Clement of Clinton that the House accept the Majority "Ought to Pass" as amended Report and later today assigned.

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

Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (EMERGENCY) (S.P. 195) (L.D. 631) (C. "A" S-58)  
 TABLED - May 11, 1993 by Representative GWADOSKY of Fairfield.  
 PENDING - Passage to be Engrossed.

On motion of Representative Clark of Millinocket, retabled pending passage to be engrossed and specially assigned for Monday, May 17, 1993.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (H.P. 176) (L.D. 228) (C. "A" H-92)  
 TABLED - May 11, 1993 by Representative PARADIS of Augusta.  
 PENDING - Final Passage.

On motion of Representative Paradis of Augusta, retabled pending final passage and specially assigned for Monday, May 17, 1993.

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

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (S-88) - Minority (4) "Ought Not to Pass" - Committee on Transportation on Bill "An Act Concerning the Mandatory Use of Car Safety Seat Belts" (S.P. 155) (L.D. 486)  
 - In Senate, Majority "Ought to Pass" as amended Report of the Committee on Transportation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-88)  
 TABLED - May 11, 1993 by Representative PARADIS of Augusta.  
 PENDING - Motion of same Representative to reconsider whereby the Majority "Ought to Pass" as amended Report failed acceptance.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.  
 Representative MELENDY: Mr. Speaker, Men and Women of the House: I do urge you to reconsider this motion. I would like to share with you today one of the more moving pieces of testimony that came before

the Transportation Committee.

An 18 year old came before us to ask us to please support the seat belt law. He told of four honor students who were coming home from a high school game and they were good kids, there was no alcohol, however the driver picked up speed on a curve, lost control of the vehicle and two of his classmates died. The third is being rehabilitated to learn how to walk again, speak again and so forth. The young man who was testifying was the only one who was belted and came away without a scratch. The accident happened about six months ago. He came to the committee as a therapeutic measure for himself. He wishes he had urged his classmates to buckle up that night, his buddies would be alive today and the other less severely hurt or unharmed if they had only been belted. He was at the hearing from start to finish. He said it helps him emotionally to urge people to protect themselves by buckling up, as he knows he could have possibly helped his friends by urging them to buckle up that night. If he can help save even one life, his efforts will be worth it.

I would also like to remind you that Maine is one of only six states in the nation that remains without this mandatory seat belt law for all drivers and passengers. This should tell us something.

We continue to complain about the cost of health care. According to the data collected by the Highway Safety Commission, the average cost of treatment for one person with a moderate to serious injury is \$52,000. For Maine, that represents an additional cost of almost \$12 million per year for the treatment of motor vehicle injuries. Is it fair for people who want to exercise their right not to wear auto seat belts and end up infringing on hundreds of thousands of people's right by causing increases in our health care costs?

The other day Representative Libby of Buxton chastised the insurance companies lobbying for the seat belt law. He felt that they were looking out for their own interests. It goes without saying, their own interests become our interests. If their costs are kept down, our insurance premiums will have less chance of skyrocketing.

I must also tell you that businesses are also starting to mandate that their workers use seat belts during work hours. Even CMP, whose meter readers have to keep jumping in and out of a truck, who could cover more territory in less time if they didn't have to stop to buckle up each time, are being forced to use seat belts for savings in workers' comp costs to the business.

Some who voted against the measure earlier this week said they would have voted for this bill if it meant that the state would not lose funds. Isn't saving cost the same as not losing money? The most important thing of all that we could focus on is the lives that it will save. Facts can prove that far more lives will be saved than any that are lost by using the belt.

I would also like to clarify two things in questions that have come to me since the debate the other day. One of them deals with "I can't possibly use seat belt restraints, I just can't do it." Some of them talk about medical conditions and so forth. Well, there are a couple of exceptions and I do want to highlight them. One, of course, is when the number of passengers exceeds the number of seat belts that we have in a car. The other is when the driver or the passenger has a medical condition, he may get

a certificate from his physician and such a certificate is valid for five years.

The other thing that I think is especially important to point out and several people have asked me about that and that is enforcement. Does that mean that the cops are going to be looking out for us and they are going to be stopping us and sort of harassing us? The enforcement section reads, "This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another traffic offense. An operator is not subject to the penalty established in this section unless the operator is required to pay a fine for the primary offense. So, you can see, our committee was really dealing with the same issues that concern you. I think this is one of the best bills that have come down in terms of being able to be acceptable. I do hope that you will move for reconsideration and then pass this bill today.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I will make it very clear to you today, what I am going to tell you is, make sure you vote no on reconsideration. I will make it very clear that a yes vote is for mandatory seat belts and no vote is not for mandatory seat belts.

I want to tell you today that some people get uptight when they use a seat belt. Other people get uptight when they discuss seat belts. Today, I am not uptight on either issue. But, I want to make two things very clear to you that what the gentlelady mentioned about the accident over in Rockland was that all of those students should have been wearing seat belts because they were all 19 or under.

The second thing I want to say to you is that, if the insurance companies in this state are telling us that by wearing seat belts that you are going to save medical costs, then why don't the insurance companies in this state come out and tell us that the medical part of our insurance costs on our insurance policies should be reduced on the same proportion? I have asked that for years — that if there are savings for medical costs, then why can't the insurance companies tell us and reduce our rates on our insurance policies accordingly?

The SPEAKER: The Chair would make one correction to the remarks of Representative Strout of Corinth, the pending motion is not on the bill itself. The pending motion is on reconsideration of voting on the bill. If you want to reconsider whether or not you want to vote on the bill, you will vote yes; if you do not want to reconsider and not vote on the bill, you would be voting no.

The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: First of all, I am awfully glad that Representative Melendy had a chance to speak on the issue; however, I disagree. I know she wanted to speak on it earlier and didn't have that opportunity. I think it is very right that we brought it back to allow everybody to speak on the issue.

However, I just want to take this pink slip and read it to you. This is from one of my constituents, his name is Joe Harmon in Bar Mills and he says, "Oppose L.D. 486, you don't have the right to tell us to wear a seat belt or a helmet at any time." I

agree with Joe. I know there are a lot of other issues that we have already discussed, I am not going to go back over them, I agree with Joe. I think the legislature is already viewed as infringing upon people's basic rights to go out there and just live and they are saying, please, just leave us alone.

I hope that you will vote no on reconsideration of this bill.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Mr. Speaker, Ladies and Gentlemen of the House: The question was asked the other day, who is responsible for people buckling up in a motor vehicle? The law clearly states that the operator is responsible for everybody in his vehicle.

I would like to add that this is not unique. The operator is currently responsible for everybody in his vehicle under the age of 19 to buckle up.

The law currently requires the operator of a motor vehicle that is under age to be responsible for everybody in his vehicle with alcohol.

The law currently makes the registered owner of a motor vehicle responsible for his vehicle if it passes a stopped school bus, he doesn't even have to be in the vehicle. So, we are not setting a precedent here by making the operator of a motor vehicle responsible.

Another item I have heard since the debate the other day was, how can you be pro-choice on abortion and against seat belts? I would return that question to you, how can you say that you believe in the sanctity of human life and not be for seat belts?

I could tell a lot of war stories but I don't want to do that. I have heard people say how they know people who were seriously injured or killed because they had a seat belt on, yes, this does happen. I had a long-time friend of the family explain to me how her grandson might have been killed if he had had his seat belt on. He was a passenger in the right front seat of a pickup that skidded off the road and struck a tree. She told me how he, at the last instance, jumped to the other side of the vehicle to avoid the collision. Well, I will tell you the law of physics doesn't let that happen. If you were in a motor vehicle traveling at 50 miles an hour and you came into an immovable object, your body remains in motion until you impact that tree, I don't care where you jump in that vehicle. I would further state that his injuries were increased because the driver of the motor vehicle did not have his seat belt on and, just an instant after he impacted the tree, the driver impacted on him, thereby increasing his injuries. So, these things do happen.

My wife is the head nurse in the Emergency Room at Waldo County General Hospital, it would be very difficult for me to go home if I didn't speak on this bill.

I no longer deal with the horror stories on the road but I still hear about them. She told me of a bumper sticker she saw the other day that said, "Don't buckle up, we need the organ donors."

I also distributed today a letter from a constituent of mine who is a physician at a Bangor hospital. I wish you would take the time to read it.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I voted against the seat belt bill earlier and I was approached by several members of this body and the other body as well to reconsider

my vote. The single most persuasive argument was the burden on our health care costs. Well, why stop with seat belt laws? Let's pass additional legislation on behalf of smokers, drinkers, junk food eaters and others who burden the health care system. I wonder how many proponents of the seat belt law are burdened or will become burdened in our health care system in some way? I hope while you are having your next cigarette, your drink or loading up on a high fat meal, that you carefully consider how you vote on reconsidering this bill. I ask you to vote no on reconsideration.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: Well, here we go, round two of big brother trying to tell us what to do with only what common sense should tell us what to do when we get in an automobile. I would submit to you, if I have to have it mandatory for me to wear a seat belt, I am wondering when the state, big brother, is going to have it mandatory that I have to wear a seat belt on my rocking chair by my wood stove in the wintertime in case I get to rocking too fast, I might flip over and hit my head on the granite hearth.

I urge you not to reconsider.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: Just to clarify a point that Representative Strout made earlier, I do hope you will reconsider. I know that my insurance company gave me a rebate on my insurance for having a car that had automatic seat belts. I think they have recognized in several ways the importance of having seat belts.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I ask you again to reconsider this piece of legislation. Something happened to me last night — I would like to share that with you.

Three years ago, a fatality took place around the Christmas season, a personal friend of many of us and a member of this House died in a fatality. He came to me again last night, was it a dream, was it a nightmare? He urged me to continue my position in support of a the mandatory use of seat belts. As a law-abiding citizen, he would have perhaps been with us today.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Two weeks back I drove to South Carolina to play some golf and, on the way, almost every state, barring none, required the use of seat belts.

In the previous vote, I voted against the use of these seat belts, but after rethinking my position and reading the note from Representative Lindahl, I am going to reconsider my position. I think that this is a fact that will be happening. I don't think that we can keep preventing this. The federal government wants the use of seat belts, most states are requiring the use of seat belts. I think we are just left like a dinosaur here, we are the only northeastern state remaining or one of the few remaining. I am going to change my vote, I am going to vote for reconsideration. I would urge you to do so.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I will just very briefly remind you in my testimony that I made at the beginning of the week that what this bill is all about is getting people to develop the habit of buckling up. Yes, we are giving up some little small personal freedom but it is for a much greater good. It is about containing the cost of health care and I do venture to say to you, that when employers have to renew their health care policies every year or every other year or whenever, if they do not reflect big claims which certainly motor vehicle accidents and head injuries and all those serious injuries that motor vehicle crashes cause, they obviously will not have any increases reflected in their premiums. So, I think that there will be cost savings passed on whether the insurance companies this day can give you a figure of what their savings will be. Also it is all about saving lives and preventing thousands of injuries and it is also about saving employers billions of dollars. I ask you to support the motion to reconsider.

Mr. Speaker, I request 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 pending question before the House is the motion of Representative Paradis of Augusta that the House reconsider its action whereby the House failed to adopt the "Ought to Pass" as amended Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 89

YEA - Adams, Aliberti, Bailey, H.; Barth, Beam, Bowers, Brennan, Bruno, Carleton, Carroll, Cathcart, Chase, Cloutier, Coles, Constantine, Cote, Daggett, Dore, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Heeschen, Hillock, Hoglund, Holt, Johnson, Joseph, Ketterer, Kontos, Larrivee, Lemke, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Morrison, Nadeau, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pineau, Pinette, Plourde, Reed, G.; Reed, W.; Richardson, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Simoneau, Stevens, A.; Stevens, K.; Sullivan, Townsend, E.; Townsend, L.; Treat, Vigue, Walker, Wentworth, Winn, Young, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bennett, Cameron, Campbell, Caron, Carr, Cashman, Chonko, Clark, Clement, Clukey, Coffman, Cross, Dexter, DiPietro, Erwin, Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heino, Hichborn, Hussey, Jacques, Jalbert, Joy, Kilkelly, Kneeland, Kutasi, Lemont, Libby James, Lipman, Look, Lord, Marshall, Martin, H.; Michael, Michaud, Murphy, Nash, Nickerson, Norton, Plowman, Poulin, Pouliot, Quint, Rand, Ricker, Robichaud, Rotondi, Saxl, Skoglund, Small, Spear, Strout, Swazey, Tardy, Taylor, Thompson, Townsend, G.; Tracy, True, Tufts, Whitcomb,

Zirnkilton.

ABSENT - Bailey, R.; Donnelly, Kerr, Libby Jack, Mitchell, J.; Pendleton.

Yes, 73; No, 72; Absent, 6; Paired, 0; Excused, 0.

73 having voted in the affirmative and 72 in the negative with six being absent, the motion to reconsider did prevail.

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

Committee Amendment "A" (S-88) was read by the Clerk and adopted and the Bill assigned for second reading Monday, May 17, 1993.

on **Human Resources** and Ordered Printed.

Was referred to the Committee on **Human Resources** in concurrence.

Bill "An Act to Identify Potential Costs of Utility Projects to Municipalities and Corporations That Provide Services to Municipalities" (S.P. 491) (L.D. 1502)

Came from the Senate, referred to the Committee on **Utilities** and Ordered Printed.

Was referred to the Committee on **Utilities** in concurrence.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

**SENATE PAPERS**

Bill "An Act to Consolidate Certain State Functions and Create the Board of Licensing Counseling Professionals" (S.P. 489) (L.D. 1500)

Bill "An Act to Modify Various Licensing Board Laws" (S.P. 490) (L.D. 1501)

Came from the Senate, referred to the Committee on **Business Legislation** and Ordered Printed.

Were referred to the Committee on **Business Legislation** in concurrence.

Resolve, to Prevent the Improper Use of Correctional Facilities (S.P. 486) (L.D. 1497)

Came from the Senate, referred to the **Joint Select Committee on Corrections** and Ordered Printed.

Was referred to the **Joint Select Committee on Corrections** in concurrence.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

**SENATE PAPERS**

Bill "An Act to Expedite the Establishment of Administrative Child Support Orders" (S.P. 488) (L.D. 1499) (Governor's Bill)

Resolve, to Authorize Bonding by the Maine Court Facilities Authority (S.P. 493) (L.D. 1504)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

Were referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Encourage the Involvement of Volunteers in State Government" (EMERGENCY) (S.P. 485) (L.D. 1496)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Was referred to the Committee on **State and Local Government** in concurrence.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

**SENATE PAPERS**

Resolve, to Transfer the Responsibilities of the Division for the Blind and Visually Impaired from the Department of Human Services to the Department of Education (EMERGENCY) (S.P. 487) (L.D. 1498) (Governor's Bill)

Came from the Senate, referred to the Committee on **Education** and Ordered Printed.

Was referred to the Committee on **Education** in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Extend the Retirement Incentive Option for Two Years" (H.P. 462) (L.D. 599) on which the Minority "Ought Not to Pass" Report of the Committee on **Aging, Retirement and Veterans** was read and accepted in the House on May 6, 1993; Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on **Aging, Retirement and Veterans** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-220) in non-concurrence which was tabled earlier in the day and later today assigned pending the motion of Representative Chase of China that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and

Bill "An Act to Encourage People in the State to Plan for Long-term Care" (S.P. 492) (L.D. 1503)

Came from the Senate, referred to the Committee