

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

(RECALLED from Engrossing, pursuant to Joint Order S.P. 521.)

On motion by Senator VOSE of Washington, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-348), in concurrence.

On further motion by same Senator, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-348), in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BALDACCI** for the Committee on **TAXATION** on Bill "An Act to Facilitate the Assessment and Collection of Municipal Property Taxes" S.P. 402 L.D. 1233

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-242).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-242) **READ** and **ADOPTED.**

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Increase Fees Charged by Municipal Clerks for Services" S.P. 398 L.D. 1229

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

JOSEPH of Waterville
GRAY of Sedgwick
BENNETT of Norway
YOUNG of Limestone
DUTREMBLE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass.**

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

WALKER of Blue Hill
LOOK of Jonesboro
ROWE of Portland
AHEARNE of Madawaska
KILKELLY of Wiscasset

Which Reports were **READ.**

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

May 28, 1993

The Honorable Members of the 116th Legislature:

I am returning, without my signature or approval, S.P. 155, L.D. 486 "An Act Concerning the Mandatory Use of Seat Belts."

As Governor, I have always advocated for the use of seat belts by all motorists, because seat belts prevent motor accidents and, in certain accidents, reduce the severity of injury or the likelihood that a fatality will occur. I have always opposed, however, legislating the mandatory use of seat belts for all Maine citizens. This legislation crosses the line between public interest and personal choice. And one might ask why not prohibit citizens from

smoking or drinking since both personal behaviors result in significant health costs.

As many members know, I supported the legislative efforts to better educate the public on the value of wearing seat belts, as well as the legislation requiring use of seat belts by citizens under the age of 19. There is a distinction, however, between taking affirmative action to protect minors, whose care can arguably be the responsibility of the State, and taking intrusive action to restrict the choice of adults, who maintain responsibility for their decisions.

Moreover, as Maine children, who are required to wear seat belts, maintain the habit of using a seat belt as adults, and as more parents "buckle up" as an example for their children who are required to do so, I believe over time we will see belt use increase in Maine to a level equal to what we could attain with a mandatory law.

I have long supported increased education regarding the health and safety benefits of seat belts as well. The experience of our New England neighbors demonstrates that a seat belt education program can result in higher usage rates without a legal mandate. Fifty-two percent of New Hampshire motorists use seat belts, which is comparable to the usage rates in states with a secondary offense law such as that presented in L.D. 486. In Massachusetts, another neighboring state without a mandatory seat belt law, motor vehicle fatalities are on the decline, dropping from 637 in 1989 to 546 in 1990 and 510 in 1991.

For these reasons I cannot support this legislation and I urge you to vote to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.
Governor

Which was **READ** and **ORDERED PLACED ON FILE**.

The Accompanying Bill:

An Act Concerning the Mandatory Use of Car Safety Seat Belts

S.P. 155 L.D. 486
(C "A" S-88)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **CONSIDERATION**.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act Regarding Appeal Periods in District Court Civil Cases" (Emergency)

S.P. 312 L.D. 945

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-244)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-244) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senator **CAREY** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Operation of Agency Liquor Stores" (Governor's Bill) (Emergency) S.P. 157 L.D. 488

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-243)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-243) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

NOMINATION - of Thomas E. Humphrey of Sanford for appointment as Judge-at-Large of the Maine District Court.

Tabled - June 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, June 1, 1993, Communication from the Committee on **JUDICIARY** **READ** and **ORDERED PLACED ON FILE**.)

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to take this opportunity to tell you a little bit more about Tom Humphrey, who happens to be a good personal