

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 7, 1994 to May 23, 1995

something I am uncomfortable with and I am not willing to go along with at this point. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Thank you Mr. Speaker, Members of the House: A few months ago we had an election, which the voice of the people was heard. They wanted change. They changed a lot of Representatives and they changed the Governor. Our Governor, Governor King, has made a promise to heed to the voice of the people. It is our obligation to help that Governor make that change. It is up to you. Thank you.

The SPEAKER: A roll call has been ordered. The pending question is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 58

YEA - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Greenlaw, Hartnett, Hatch, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rowe, Savage, Saxl, J.; Saxl, M.; Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Townsend, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor, Yackobitz, The Speaker.

NAY - Adams, Ahearne, Benedikt, Berry, Brennan, Chartrand, Chase, Gerry, Gould, Green, Guerrette, Heesch, Jones, K.; Kilkelly, Luther, Madore, Meres, O'Gara, Samson, Shiah, Stevens, Treat, Tripp, Vollenik, Watson.

ABSENT - Buck, DiPietro, Rotondi, Truman.

Yes, 122; No, 25; Absent, 4; Excused, 0.

122 having voted in the affirmative and 25 voted in the negative, with 4 being absent, a two-thirds vote of all the members elected to the House being necessary, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy (H.P. 591) (L.D. 801)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed,

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and specially assigned for Thursday, May 4, 1995.

The Chair laid before the House the following item which was tabled earlier in today's session:

Senate Divided Report - Committee on Transportation - (8) Members Report "A" "Ought to

Pass" as amended by Committee Amendment "A" (S-91) - (2) Members Report "B" "Ought to Pass" as amended by Committee Amendment "B" (S-92) - (3) Members Report "C" "Ought Not to Pass" on Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles" (S.P. 77) (L.D. 165) which was tabled by Representative O'GARA of Westbrook pending his motion to accept Report "A" "Ought to Pass" as amended.

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

Representative O'GARA: Thank you Mr. Speaker, Ladies and Gentlemen of the House: You will be told today that freedom is the issue. Make no mistake about it, members of the House, saving lives and increasing safety and reducing health care costs are the real issues.

Those who talk about adults making decisions regarding their safety could guarantee that not one other human being is impacted in any way whatsoever, including no grief over the loss of a loved one then maybe just maybe they might have an argument. We all know such a guarantee is impossible, just as I can't guarantee to you that everyone will wear their seat belt all the time or that there will never be another seat belt loss accident if this L.D. passes.

Seat belt laws have proven to be effective in reducing deaths and lessening the severity of injuries caused by vehicle crashes. Requiring the use of safety seat belts is the single most effective and least costly way to promote highway safety on Maine's highways. Requiring belt use legislatively as 48 other states already do is probably the only way to attain a significant increase in seat belt usage in a short period of time. You will hear about the benefits of using seat belts today and as I just said you will also hear from those who oppose mandating belt use and those who favor instead freedom of choice.

In the majority opinion the issue of highway safety and safety benefits which are afforded by belt use, far outweighs argument of passage of this L.D.. When you hear the argument that a safety belt is an infringement on personal rights ask yourself is the very small harm inflicted when one is forced to buckle a belt really important. Wonder as I do if they have sufficient insurance to take care of an \$100,000 dollar medical bill. Wonder as I do if they have sufficient assets to keep their children off welfare if they are killed or permanently injured in an accident. Ask yourself if their children would rather have a live parent who wore a seat belt than a dead or permanently injured one with all of their "personal" rights.

Due to our rural nature Maine typically has one of the highest mileage death rates in the nation or certainly in this region. This means that Maine citizens are exposed to many more high risk situations on their roadways. The increased use of safety belts would mitigate those risks and have a positive effect on the quality on life of all of Maine citizens. Whereas many fatalities and injuries involve ejection from the motor vehicle. We know and data indicates that safety belts are nearly 100% effective in preventing ejection and in protecting occupants from being thrown around inside the vehicle.

As you already know the citizens of Maine are very proud people. We cherish independence and make sure government doesn't exert too much control over our lives. We respect the long tradition of independent thinking which characterizes the values of the

citizens of Maine. A safety belt use law is not inconsistent with this tradition. Personal freedom becomes an issue when it begins to effect the lives of others or infringe on society as a whole. Safety belt usage falls into the category of insuring personal responsibility for the benefit of everyone.

Unbelted motorists endanger others by not being able to control their vehicles in a crash situation. They also impose excessive costs in an already overburdened health care system. This without question is one of the times when the interest of society in protecting human life and keeping down the cost of medical care must prevail over the individual's freedom to take excessive risks. Sometimes government and its leaders have to muster the courage to stand up and say no matter what kind of misplaced loyalty we have for our independence. Some laws need to be passed for our own good and for the good of society.

When all the benefits of wearing safety belts are brought to the attention of the citizens of Maine, I believe good judgment and common sense will be major factors leading to an increased usage and support of the safety belt law. Public health evaluations nation wide has shown that head injuries causing brain damage, spinal injury, injury severity, hospitalization, hospital bills, average length of stay, permanent disability, and death are higher and more frequent if unbelted.

Saving a life or preventing a serious injury ought to be incentive enough for anyone to use belts. A serious crippling injury or a fatal crash takes only seconds and that is all it takes to buckle up. More must be said about the many tragic, serious and crippling injuries that hospital emergency rooms are treating daily. The severity of these could have been significantly reduced if only the occupants were wearing seat belts. We are all at risk, children as well as adults, men and women in business and industry, professionals and blue collar workers, the poor and the wealthy, are not immune. None of us are immune.

We know that we will never be able to make our highways fatality free, however, this legislature will go a long way in improving the economic well being of Maine citizens. I would like to read briefly from the testimony of one belted survivor of an automobile accident in Hebron in 1990. "I was one of those people who believes in individual choice and that no one should mandate what I should do. I travel 20,000 to 30,000 miles in my car every year. I was either to busy to take the time to buckle up or to stubborn to be told that I should. On that faithful night my best friend pleaded with me to put on my seat belt while I waited for the car to warm up. I obliged her because she was my friend. Less than twenty minutes later I was being rushed by an ambulance to the hospital after losing control of my car. In that one crash my life and the lives of my family and friends changed forever. As a result I spent four weeks in an acute care hospital, but I am alive today and I owe my life to the fact that I buckled my seat belt that one time. My rehabilitation was expensive, but nowhere near as expensive as those survivors who did not wear their belt. I am reminded everyday of the importance of seat belts in my own life. It is difficult knowing that many of my friends are relegated to wheel chairs for the rest of their lives and will need life time therapy and treatment, much of which will be coming from public funding. I still

believe in the privilege of individual choice, but not when it leads such devastation in its wake and not when the taxpayers ultimately have to pay the costly price of my decision."

I would ask each of you to refer to the materials that were passed out to you yesterday by Representative Lindahl. It was a yellow sheet dated March 21. It is a study that was done at the Eastern Maine Medical Center over a period of three and a half years from 1991 to 1994. It is a study of real Maine people and the data simply cannot be shrugged off and ignored. I would speak to each of you who are on either one side or the other of the recent health care debate. These roll calls that are available to the public at large are public record of your position. I would say to you that which ever side you are on, your arguments regarding health care costs are an issue which is reason enough to vote to require the use of seat belts, whichever position you took.

How will you explain to your constituents that although you claim to be mindful of their hard earned money you voted against the bill that will save millions of dollars for them in taxes, not wasted in lower business costs, in lower insurance premiums, in federal dollars not lost to our highways? How will you explain to them that you thought the freedom to go unbelted is greater than the freedom we all lose when we have to pay for unnecessary injuries to people who weren't wearing seat belts?

Yesterday two former Governors challenged each of us to have the courage to do the right thing. To be leaders and display leadership. When you have a constituent who talks about personal freedom and their right not to wear a seat belt, do you have the courage to point out to them that they are helping to pay millions of dollars for unnecessary injuries to unbelted accident victims who are exercising that personal freedom. Did you tell them that mandatory seat belts help get government off their backs by getting it out of their pockets? A lot of you said that as you campaigned that was what you heard. Get government off our backs.

The biggest government intrusion of all is the money it takes out of our pockets. Mandatory seat belts help reduce injuries that are paid for by tax dollars thus helping to reduce the waste of tax payer dollars. Did you tell those constituents that if a seat belt prevents a moderately severe injury to just one Maine medicaid patient it will prevent the waste of more than \$13,000 dollars in taxpayer money? That is real freedom. Did you tell them that they are paying everyday with no voice and no choice in it for unnecessary injuries people suffer because they are not wearing seat belts. They have already lost freedom on this issue and the mandatory seat belt will get it back.

Do you have the courage to tell them that by voting for L.D. 165 you are protecting larger freedoms than that of seat belt use? If I were a member of the media, I would find it rather interesting to match the loud claims of fiscal responsibility, on the one hand, individual legislators vote on health care costs, on the other and their vote on this L.D. to see if in truth and in fact their actions match their claims. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Mr. Speaker, Men and Women of the House: There is no one in here

that I respect more than the Representative from Westbrook, Representative O'Gara, but on this issue where we are kind of apart. Most of the things that the good Representative said could be said for an unending list, it seems to me, of things that people choose to do as adults that cost society money and some of which I passed around there.

Where do we stop in this thinking? If we were forced to drive larger cars, then there is no question that it would cost society less and accidents would be less severe. I would ask the people who use this argument to mandate the seat belts to know what is next on the list. If they don't have a list then, I would like to ask, why not, because certainly there is a lot of behavior changes that could impact our finances in the state.

I would ask people what they think the role of government is in a free society. Is it to be our mommy and daddy? Someone asked on television about a month ago what kind of message are we sending when all of a sudden when you become 19 you don't have to wear a seat belt anymore. I think we are sending the perfect message. Now you are an adult you have got to make your own choice.

We are told it will be a small inconvenience, in fact, there is one amendment that says you can't even be stopped unless you are stopped for something else and then the police will see that you don't have a belt. I would like to remind you that the state mandated that hunters wear orange clothing way back about 30 years ago. That was going to be a mild inconvenience and it was for the good of society.

Let me tell you how that has evolved as far as enforcement goes, now the state sets out decoy deer. You jump out of your car and you shoot at this decoy deer. If you don't grab two pieces of orange clothing out of your car, then you are nabbed for that reason. I would urge you to really think about that. It is probably going to go the same direction. It might be a mild inconvenience now, but what will it lead to down the road.

I would also ask to take a look at this yellow sheet that was handed around. I would challenge these people that put this out to tell me that these associations mandate seat belts for their own people. Read down the list, American Association of Retired Persons, do you have to wear a seat belt to belong to that outfit? They are proposing that all citizens have to wear a seat belt, ask that question. How about the Association of General Contractors? I am a contractor and I have never heard of this. Do you think that association mandates that their own people do? They want to reach out and force everybody to. If it is really a matter of safety, don't you think they would ask their own people to first.

How about the Maine Auto Dealers? How about the Maine Chiropractic Association? How about the Maine State Nurses? Do you think if you belong to that you have to wear a seat belt all the time. This came up in my committee, Fish and Wildlife. Fish and Wildlife Department is pushing that we wear orange hats in October now for bird hunting. I asked them, "Do wardens have to wear orange in October when they are out in the woods? Do biologists?" There response was "No". For thirty years hunters have had to wear orange for deer hunting, but wardens and biologist haven't. It is really a matter of safety or is it something else we are looking at here.

When we work on the budget with billions of dollars and we work on all these things and we think they are so important. In my opinion, this bill before you now is probably more important than that budget. The budgets come and go and over a few years there is no great impact. The impact gets smoothed out, but I am telling you, if you pass a bill like this, it never goes away. It is just one more whittling away at our choices as adults. It never goes away and it impacts millions and millions of people over the generations. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Thank you Mr. Speaker, Ladies and Gentlemen of the House: This is a very emotional issue. Each of us could stand here this morning and tell war stories of why seat belts are good and how they have saved lives. Each of us could tell war stories about the fact that you know of a certain situation whereby a seat belt might have been very damaging, either one.

I doubt very much and my purpose of standing this morning is not to try to persuade you to vote one way or the other. I think 99% of us probably when we came to Augusta this morning and came to this establishment probably already knew what we were going to do, green or red button, on this issue. Probably with the amount of debate here today very few votes will be changed.

It has been mentioned this morning by the good Representative from Westbrook that if we were to have a mandatory seat belt law, we would save lives. You have a sheet on your desk this morning that says it would save 180 lives in the state of Maine in a year. Ladies and gentlemen of the House, if you are really interested in saving lives why don't you vote to do away with the consumption of tobacco and alcohol. Tobacco, the number one killer, if you really and truly are concerned about saving lives, but you won't do that, nor will I. It is so obvious why you won't do it and I won't do it that I won't go into that.

The research that came out of the Bangor area by Dr. Steel, I believe the gentlemen's name was. All good intentions, but there is a piece of the puzzle that is not in there. That is how often and what is the extent of injuries and cost to society for those who were wearing seat belts. Nothing was ever mentioned of that in any of the testimony that we heard at the Transportation Committee. Of course, it is obvious why we didn't hear it. It doesn't serve their purpose.

If we vote for mandatory seat belts, we are, in fact, going to give an opportunity for our constituents, another opportunity for our constituents, to be stopped and receive a citation and pay a fine. You talk about getting off the back and out of your pockets. You are getting another opportunity. I don't think it is necessary.

In Lincoln County a survey was done by a member of the other body about two months ago. Of 900 responses to the survey, it was almost to the letter, 50% of the people said, "Yes, I support this" and 50% said, "No, I don't support this". So, politically no matter how we vote today, I guess perhaps when we go home at least half of our constituents are going to say, "What in the devil were you thinking of when you pushed your button?"

At the current time, about 38% of Maine citizens wear a seat belt. They do it on a voluntary basis.

Are you willing to put a mandate out there to pick up another 20%. I'm not. I'm going to vote against this. We talk about head injuries. You talk about head injuries going to save a lot of money, seat belts. Well if you are really concerned about head injuries, let's wear a helmet. There are so many things that we could do to save lives and reduce medical costs in the state of Maine that are just not practical anymore than this is. We aren't going to do it. It just isn't practical. I would be very pleased if we would defeat this motion and allow the 38% or more who join as time goes on to wear their seat belt without a mandate, without the government telling us to do so. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Thank you Mr. Speaker, Colleagues in the House: I have been involved in the fire department in my town since I was 16 years old and in high school. I have been through a number of accidents and I have even been in a couple of accidents myself.

We know that seat belts save lives. Fire departments and emergency people are required now to annually be reviewed on blood born pathogens, that is for HIV and Hepatitis B. We now have to know the dangers of that. Every accident I have ever been to there is always someone there, the good Samaritan that may or may not be aware of what is going on. What is involved with their actions. They are holding their hand and encouraging them through their ordeal and may be holding their cervical spine so they don't incur further damage to themselves.

I think that people aren't buckling up, they don't take this into consideration when they don't buckle up and what you expose other people to, innocent people. I think to expect people to put their seat belts on, the seat belts are there, I think it is a reasonable, unlike some of the comments earlier. We are not asking someone to wear a helmet while they drive a car. The other Representative mentioned that these organizations don't require these people to wear seat belts.

If they are employees of an employer and they drive a car as part of their work OSHA requires that they wear a seat belt. I am going to say that this doesn't impair your freedom. You still have the freedom to have your gun rack in your window and listen to any radio station you want. You can drink coffee while you drive and you can smoke your cigarette. Thank you Mr. Speaker.

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

Representative STROUT: Thank you Mr. Speaker, Men and Women of the House: I was undecided if I would speak on this issue today, but I guess seems how I signed out the report that gives you the other story, I should get up and make some comments.

First off the previous speaker just told about being a member of the fire department since he was a young fella. I have been a member of the fire department for 30 years. I have been a member of the Ambulance Association for 17 years. As an ambulance driver, I am on call every Monday night. I take my turn.

You may wonder why a person who has been involved with those issues, why I would not sign out a mandatory seat belt law. Let me tell you there are two sides to every issue. I have been on calls where, yes, it would have made sense to have seat

belts, but I have also been on calls and just as recently as last fall where two young people were thrown from the vehicle and in my estimation, if they had been wearing seat belts they would not be here today.

Those are issues that the Representative from Boothbay brought up. There are always issues out there for both sides. The other thing people have said to me as the father of six children, why wouldn't you support the mandatory use of seat belts. The fact of the matter is, I have to tell you today and I have never told this body before, my children do use a seat belt. Their father does use his seat belt sometimes. He doesn't have to be told. My wife does sometimes. I have to tell you this too, my wife is a stronger opponent of mandatory seat belts than I am.

Thirty years ago this December my first wife of six weeks was killed in an automobile accident on Interstate 95 outside of Alton-Argyle, where when they built the interstate before they went to two lanes up in the Howland area, it went from two into one. She wasn't wearing a seat belt and neither was her best friend. It wouldn't have made any difference, because the gentlemen who hit those people was doing 85 miles per hour in an Oldsmobile and she was riding in a Plymouth Valiant. She was completely out of the road way. One hundred percent not to blame, but it would not have made any difference.

In 1973, the women who I am married to today had three of our children in an automobile in Bangor and came into an intersection where another vehicle failed to stop and hit my wife broad side. Here is the other side of the story. Those two children in the back seat had been in a seat belt, they would not have been here today. What happened on impact is that vehicle hit that car, went through the door and my children went to the other side. If they had been in a seat belt, there is no way they would have come out of it.

There are two sides to these issues and yes, I have to tell you, that as far as the use of seat belts, I don't have any concern with that. I have no problem with any member of this House using seat belts. I repeat there are times and over the last 23 years that I have commuted back and forth from Augusta to home and back, I have used my seat belts some nights. Why did I do it? Probably I was concerned that I might have left the road and maybe it could have been a benefit to me. I have no idea and I can't tell you today if it would have been a benefit or not, because I have been lucky. I have never had any accidents and I have never left the road.

I would tell you as a fireman and an ambulance personnel that there are pros and cons on the use of seat belts. Some people have said to me, you have to admit Don that it is better to have that seat belt than not. In 17 years I have seen both cases and I really don't want to make that judgment to tell you people that you use that seat belt it may be a negative effect. That is why I have always opposed mandatory use of seat belts.

This year I have taken a somewhat different approach. A month ago, I suggested and I would tell you this, that I even would agree today that the Representative from Boothbay has brought out to you that the surveys are showing that it is closer than it was 8 or 10 years ago. Why I say that is because

maybe this is one of those issues that we should send it out to the people. I had thought about that a month ago, but it didn't seem to have enough support in committee so I stayed my usual position and voted out "Ought Not to Pass".

I can tell you one other thing that this bill does differently that we have for under 19 year olds. At the present time, under 19, the officer has to have another reason to stop your vehicle. This bill is primary reason for stopping the vehicle. I will admit that if we are going to do anything, we ought to have the people of the state of Maine a chance. This is why I am voting no.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Thank you Mr. Speaker, Members of the House: I am not going to tell you of the two friends I lost thirty years ago in the accident, but the next day I put seat belts on in my car. I am not going to tell you about the two times I would have lost my own life if I had not had seat belts in my car. I am not going to go into explanation about the car I had to crawl into and push a woman through a broken window who was all cut up and had several broken bones, because she did not have her seat belt on.

I am going to tell you about my drive through Ohio. Every few miles through Ohio, I saw this one sign. It said, "Seat belts our law - your life". That made quite an impression on me. I am going to say today that one law right here, and all I am going to say, seat belt our law - your life. Thank you.

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

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: I would like to point out a few things about Maine people. Maine people are proud people. Maine people are independent people and we all take pride in that Yankee aspect. I think more than any other thing that we appreciate about this state of Maine is our attitude, our independence and our love of freedom. I truly believe that. I think that is why we all live here and I think that is why the people up in the gallery today are here, to see what we do, to see how we debate and what we care about.

This particular issue, although sometimes it may not seem like it, is an issue where there are two sides and they both care. It is an issue of quality of life. That is why I have come down on the side I have come down on. I don't believe in mandating seat belts. I think it is a quality of life issue. I tell you when you make a change that impacts the quality of life issue, I think it is our responsibility to really think long and hard about making that kind of a change and the impact that it represents.

We tell young people, you must wear seat belts if you are below the age of 19. When you reach that age we are going to hand you the responsibility to make a decision by yourself, because we respect your ability to make that decision. I am proud of that law. Maine people have told us, Stop the mandates. Stop telling us what to do. Look at car test for an example, the perfect example, stop infringing upon us. Take care of the problem at the source. The source is behavior. Lets educate the public. Lets help to educate them. Lets put resources into

educating the public. Lets work with insurance companies to develop incentives to wear seat belts.

Lets try all of our other options before we tell people you must act this way. We should not be telling people you must act this way whenever we can avoid it. I think in this case as the good Representative from Boothbay very eloquently said, I think this is one of those cases that we don't need to.

The accident rate in the state of Maine is an issue. We play the statistics game here and I think that is unfortunate. I have the accident rate in the state of Maine. I got it directly from the DOT and I want you to know that we don't have a real problem here as compared to other states and as compared to the nation. In fact, our accident rate has been so far below the national average that it is something to be proud of and what it tells me is Maine people are responsible on the roads. They take their responsibility seriously. I applaud Maine people for taking that responsibility on and making something of it.

At the very least if you have any doubt about this issue and as you know I went around and informally polled people. I tried not to do too much lobbying, obviously sometimes you do a little bit of lobbying on the way. I did a poll and I did find out like the good Representative from Boothbay said that most people have already made up their mind on this, but there were 7 or 8 that said, put me in as a question mark and to those 7 or 8, I would ask you please, at the very least, put it out to referendum. This is an issue where Maine people can decide on their own which way it should be then we can all live by that. Thank you.

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

Representative LOVETT: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I want to discuss with you today the importance of a safety belt. I do not call them seat belts. I call them safety belts. This is not an alcohol or a tobacco issue. It is a highway safety issue. I have been involved in highway safety for some 20 years now. I am a former co-chair of the Maine Highway Safety Commission. I have also had the privilege of serving Maine on many national safety councils.

I want to assure you people that safety belts really do work and in every study that I have read they indicate that lap and shoulder belts cut the risk of serious or often fatal injury between some 40 and 50 percent. In every accident there are two collisions. The first being when the vehicle hits an object. However, the injury or death occurs in the second collision. When your loved one collides with the interior of the vehicle or is thrown out of that vehicle. Ejection from that vehicle occurs when your loved one is unrestrained.

If a safety belt law was to be enacted in Maine this would immediately result in a 15% reduction in serious and fatal injuries on our major highways. This is not to mention the in town accidents. In my years on the Maine Highway Safety and being involved, I have had the opportunity to view many vehicles where fatalities have occurred. I hate to tell you if a seat belt had been used in many of those crashes, we would have had quite a few more friends among us today.

Also in some of the crashes that I have witnessed, I found that in that vehicle there was room to live. The only thing that prevented the life was the lack of a seat belt. This really has saddened me to think that shoulder straps and safety belts would have saved so many of our Maine citizens. I had a state police officer tell me one day that he had never unbuckled a dead person. Help keep your constituents and your loved ones and vote with me for a mandatory safety belt law. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Thank you Mr. Speaker, Men and Women of the House: I am prompted to speak on this issue probably because I think I am the member of the House who has had the most recent automobile accident.

As I was driving home from session last night at about 8:30 p.m. I happened to hit a rather large deer on a back road in Poland. Without a doubt, I would have been slammed violently into the steering wheel of my car if I had not been wearing a seat belt. The issue was brought home to me in a rather dramatic fashion. I am planning to vote for this seat belt law. I want to address some of the matters that are brought up here. The good Representative from Penobscot has brought up the hunting issue and I think it has been proven that even though that is a very big infringement on people, it has worked. Our hunting fatalities have gone down. Isn't the purpose of this to save lives?

I find it ironic when we talk about personal freedoms, the same arguments were used last week to argue for other prohibitions on motor vehicle issues and yet we are trying to make this a personal freedom issue. There is a long standing history that the state has the right to control what happens in an automobile. We are constantly being told that the ability to drive a vehicle is not a right, it is a privilege. You don't have the right to operate a motor vehicle. Only if the state licenses you to do so under certain rules.

The vehicle itself has no right to be on the road, only if it is registered and inspected under certain rules. We impose all kinds of rules on them. We require seat belts to be in the vehicles at different levels we require air bags. We require at the state level that they have blinkers, brake lights and head lights. We require the drivers to submit to alcohol tests if they are stopped. We are told that is because we are told is a privilege to drive, not a right. This is no different.

This is an infringement, in a way, on the driver and the other occupants in the vehicle, but it is also something that the state has a well established history of controlling automobiles. We have debated several issues where we have toughened some of our laws in the area of automobiles. We have voted in each case to take away some more individual rights. I suggest to you that the passage of this law will save a lot more lives than those other laws that we have debated. I urge you to vote for the seat belt bill. Thank you.

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

Representative LINDAHL: Thank you Mr. Speaker, Colleagues of the House: I am standing to address a few of the issues brought up by others.

First, I would like to address Representative Heino saying seat belts cause other injuries in motor

vehicle accidents and that was not figured into the equation. He is right. If someone has a broken collar bone because they had their seat belt on, are we going to charge that injury against seat belts or are we going to charge it for seat belts because that individual did not have a flailed chest or possibly die. I think that is a real issue.

Another issue is putting this out to referendum. I was sent here to make the difficult decisions and I was told if they don't like my decisions they won't send me back next time. I think that is a real issue. I am willing to make this tough decision and if I am wrong and people don't like it then they won't send me back. A bullet pole by channel 2 in Bangor come out with a 59% in favor of the mandatory seat belt, 40% were against it, 1% was unsure. Both daily papers in this state have endorsed the use of seat belts. Both weekly papers in my county have endorsed the use of seat belts.

I believe it was Representative Perkins who said, "what is the role of government?" I believe it is to wisely use tax payer money. When Dr. Steel was giving testimony in front of our committee he held up one medical bill from one medicaid patient who was involved in an accident that \$107,000 dollars of tax payer money that we paid for that was not covered by insurance. I don't believe that is wise use of taxpayer money. Somebody mentioned what are we going to stop next, use of fatty food, tobacco, or alcohol. I don't believe so. I think mandating the use of seat belts is a minimum infringement upon your personal liberties. These others would require a major infringement to get into your personal home.

Representative Strout said sometimes he does use a seat belt when he is traveling home from here late at night on a snowy night. He buckles up once in a while. Why does he? He knows he has the greatest chance of getting involved in an accident or injury. Would he buckle up if he was told tonight when he left here that he probably is going to be in an accident? I bet that he would. Most people feel that they will never be involved in an accident. However, statistics show that most people are at some point in their life.

Another issue that a lot of you probably aren't aware of. I was talking to the Deputy Chief of the State Police and he was not aware of this, but Maine adopted mandatory seat belts in 1987 for all commercial vehicles in excess of 10,000 pounds that are engaged in commerce. This legislature in 1987, again in 1989, I believe, in 1991, and most recently in 1993 adopted the Federal Motor Carrier Safety Regulations that is 49CFR, Part 30. It is in here. It is very simple. It says, "use of belts - a motor vehicle which has a seat belt assembly installed in the drivers shall not be driven unless the driver has properly restrained himself with the seat belt assembly." This legislature has adopted that.

That goes for all commercial vehicles in excess of 10,000 pounds or more or any vehicle which is engaged in commerce. The motor carrier safety man said vehicles used in the furtherance of commerce, that includes a half ton pickup if you are carrying blasting caps. They must wear their seat belts now. We have done this and apparently this was passed without much debate in this House. There was no recorded vote on it. I have asked for that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: We have heard both sides of this issue and I think both sides have thought deeply about this. I rise today and will vote against this bill because I do believe it is precisely a personal freedom issue.

I believe we are guaranteed constitutional rights that protect such freedoms and protect our personal right to choose. The old saying goes my personal freedom ends where your nose begins. That is true. Therefore, when you get to that point then someone makes the argument about the medical cost argument. I think the medical cost argument is an argument that are we willing to trade some of our personal freedoms for the overall savings that we will have in society in medical costs. I am not willing to make that trade.

I don't think that is a path that we ought to take Maine down. I would just argue that if we are willing to make that trade. If we are willing to sacrifice our personal freedoms for the savings in medical costs, which is a legitimate point, then we should start at the top. When I say start at the top, I mean we should start with precisely alcohol and tobacco and we should start with fatty foods and maybe other unsafe practices people engage in.

If we are going to trade our personal freedoms in this country because it will save some medical cost, let's start at the very top. Let's start at the very biggest medical costs. It is not a trade I am willing to make. It is not anything I want to regulate in your life. I hope you will not regulate it in mine. I urge you to vote against this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tyler.

Representative TYLER: Thank you Mr. Speaker, Men and Women of the House: Representative Libby mentioned early that he was taking a straw poll of what was going on. I was one of those question marks. My decision has been made. Representative Lovett got up earlier and said that a state trooper told her that he had never removed someone wearing a seat belt that was a fatal injury.

I belonged to the extrication team in the Town of Windham and have been in the first extrication teams in Cumberland County. We covered many towns including Standish, Gray and some others for a number of years. As I got thinking about what she was saying, I too, have never removed a body that was wearing a seat belt. That changed my mind and changed my issue. I will support this bill. I came here with a question mark, but I have now come down in favor. I will support this for the state of Maine. Thank you.

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

Representative BOUFFARD: Thank you Mr. Speaker, Men and Women of the House: When I came to this session, I was one who was fairly convinced that we should not have a mandatory seat belt law. I sat in the Transportation Committee and listened to the testimony and three facts came to me right clear.

Number one fact was that belted people medical costs were approximately \$10,000 dollars less than unbelted people. That was one statistic. The next statistic was from the doctors report that 40% of the

people who went through the emergency trauma unit at Bangor were either on medicaid or medicare. That was right at the top of the level that are our tax dollars are paying for this. For those that our tax dollars are not paying for, it would mean that the insurance premiums must be going up. The cost factor would definitely have a savings.

The third issue was that we are one of two states right now that does not have a seat belt law and the usage of seat belts in the state of Maine is right now 36%. The last legislature when you moved the seat belt law from 18 to 19 years old was still at 36%. Making an issue here of belting a lot more people didn't bring up any usage of the seat belt law. It is a known fact that states that do have the seat belt law and when they passed it their usage of seat belts jumped up to over 60%.

I have a feeling that some of the people that I have talked with anyway, because of the fact that they are law abiding citizens that if we do make it a law they will observe the law and the seat belt usage would go up and when the seat belt usage does go up then I can also thoroughly say to you that lives would be saved. There is no doubt about this in my mind. The doctors report that he gave shows that unbelted persons that died in the previous years amount to 67%, whereas, seat belted persons that died in an automobile accident amounted to 32%. That clearly stated to me that, if the use of seat belts is saving lives, I can not see how anyone in the body here, if we can save one persons life in the state of Maine by having this law, I don't understand how anybody could object to this.

Another issue that I want to talk about is a circular that came across the desk here. It was a letter to the editor, I guess, from somebody and it states in there that Big Brother Government is usurping the freedom by sticking their nose in our private lives and it is exactly the type of thing we voted against last November, but it looks as if government still has not gotten our message. I don't know what that has to do with the seat belt law, but after the November elections, I did not see anything in the Contract with America or any state of the 48 states that have a seat belt law that rush to the forefront and said that someone was usurping the freedom of this nation and we want that law repealed.

As a matter of fact, it was something that was brought up at the testimony that the state of Massachusetts did repeal the law once and wound up afterward bringing it back and it is also very successful in their state as well. Dirigo is the model of the state of Maine. Funny that usage of the seat belt, Dirigo, the state of Maine, is leading, but it is leading in the fact that they are not using it. We are the 50th ranked state in the nation in the usage of seat belt. I always thought that as Maine goes so goes the nation. This is one step that Maine is not going in step with the rest of the nation.

People have often said why is it Maine is always 15 years behind the times to any state in the nation. This issue is one of them. We are one step behind the 48 other states in the nation. I, for one, would prefer to see New Hampshire as the last state that does not have a seat belt law than Maine. I urge those of you aren't decided, statistics are showing and Representative O'Gara and Representative Lindahl have really explained all of these statistics money wise. The mere fact that

making a seat belt law mandatory would even save one life, one Mainer's life, is enough convincing for me to vote for the seat belt law and I urge you all to do the same. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I am a retired police officer of 26 years from Sanford. I could tell you some horror stories involving traffic accidents, but I won't go into that today. I will say this.

In my previous 8 years having served in this body I have seen one or more seat belt bills come before us and each time I have voted against the bill. My reasons for that, at the time, was a volume of mail I was receiving from my constituents and the phone calls that were made. These people told me they were not ready to start wearing seat belts. As of today, I have received one phone call asking me to vote against this bill and no mail. The voters have sent me here to represent them. Many times they have told me to vote my conscience and that is what I intend to do today by voting for this bill.

People tend to do many things that are hazardous to their health. They cross the street against walk lights. They ride standing in open pick up trucks. Walk or ride bicycles on the wrong side of the street and there are many more. I personally have two hazards. I have been smoking cigarettes for 45 years and I can't quit. I am addicted.

I don't wear my seat belt. I am willing to give it a try, maybe I will become addicted to that. Monday morning when I left Sanford with my wife backing out of the driveway, she is the kind of person that always wears her seat belt, she reminded me you don't have your seat belt fastened so I jokingly said, is this today. I fastened my seat belt to my surprise, because normally I don't wear one, when I pulled into the parking lot at the motel in Augusta I really did not realize that I had my seat belt on. Please follow me today and vote for Report "A", "Ought to Pass" on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Thank you Mr. Speaker, Men and Women of the House: I am rising in support of this bill. There are a few aspects of it I want to clarify that we didn't discuss to much today.

One, lets look at the great imposition on personal freedom that we would be inflicting on those of you who may choose not to wear seat belts if this law passes. If stopped and if found to not be wearing a seat belt the fine has been limited by amendment in committee to a maximum of \$50 dollars including repeat offenses. That is the most someone would pay even on repeated stops for that violation. I don't think that is to much to ask given the incontestable evidence that people who are in accidents not wearing seat belts do cost the rest of us by more money in our insurance bills and taxes for those whose health care costs are paid by the state.

We are not talking about locking people in jail if they don't wear a seat belt or stopping them from having the right to drive their vehicles. We are putting some encouragement to all the citizens of Maine to think one more time before they get into the car and turn the key about putting their seat belt on. In addition to that minimal fine which some will

pay there will be more education once this law is passed such as we see in states that now have seat belt laws.

We see a sign, as one of the other good Representatives mentioned, our law - your life or buckle up its the law. Just that sign will make a difference to some people who may have forgotten or who may not have made up their mind to put on their seat belt that day. Those signs will be more evident and there will be more education once this law is passed.

There were people who testified before us in committee who agreed that this bill might save money for taxpayers and health care payers, but that they felt why couldn't some of those who can still choose to not wear a seat belt pay an extra fee somehow or pay more in their insurance rates. This law will give them that opportunity. If stopped, you will pay a small fine and it will be minimal compared to the cost to the rest of society for many not wearing seat belts. I don't think it is to great an imposition considering the other safety requirements we have for operating motor vehicles and for owning motor vehicles. I encourage you to vote for this bill.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: It is obvious today from the debate on both sides of this issue that there is a lot of concern in this body. It hasn't been brought up today that for those that favor this bill there is also a Report "B" that would maintain the passive enforcement provision in the present law regarding 19 year olds and would include passive enforcement for this bill. It also puts into effect a reduction in insurance premiums. There is no question that the cost has been brought up.

The SPEAKER: Would the Representative please defer.

The Chair recognizes the Representative from Northport, Representative Lindahl and would inquire for what purposes the Representative rises?

Representative LINDAHL: Parliamentary inquiry. Is this proper to be debating this bill in front of us or the bill that he is proposing?

The SPEAKER: The Chair would respond to the request of the Representative from Northport, Representative Lindahl that, in fact, his point is well taken. The current motion before the House is acceptance of the Majority "Ought to Pass" Report as amended by Committee Amendment "A" and it would be inappropriate to entertain a discussion of the "Ought to Pass" Report as amended by Committee Amendment "B" at this time. The Representative is free to choose to discuss the reasons for his support or lack of support for the Majority "Ought to Pass" Report as amended by Committee Amendment "A", but the Chair would ask the gentleman to defer from comments regarding the merits of Committee Amendment "B".

The gentleman may proceed.

Representative BAILEY: Thank you Mr. Speaker. It would be appropriate for me to go into the benefits of Report "B" vs. Report "A". Is that correct.

The SPEAKER: The Chair would answer in the negative. The motion before us is the motion to accept the Majority "Ought to Pass" Report as amended by Committee Amendment "A" and the Chair would encourage the good Representative to confine his remarks to the acceptance or lack of acceptance of

the Majority Report as amended by Committee Amendment "A".

Representative BAILEY: If those reasons not to support Report "A", that would be appropriate then.

The SPEAKER: The Chair would respond to the Representative not knowing what the Representative may choose to say that it is difficult to guess at this time as to whether or not those remarks would be appropriate or inappropriate. However, the Chair may be in the assistance of many others who may help me make that decision.

The Representative may proceed.

Representative BAILEY: Thank you Mr. Speaker. It has been brought up here today that there is going to be great savings if this bill passes. I agree that there probably will be great savings. Some of the material that has been handed out today would imply that somewhere in the order of \$50,000,000 million dollars would be saved to the economy if this bill were to pass. I would like to say that there is a provision available if Report "A" doesn't pass where some of those savings could be passed on to the users.

The SPEAKER: Would the Representative please defer.

The Chair recognizes the Representative from Northport, Representative Lindahl and would inquire for what purpose the Representative rises?

Representative LINDAHL: The same purpose I rose for before, Mr. Speaker. I believe we are discussing an alternative and not the bill before us.

The SPEAKER: Once again the Chair would encourage the Representative from Township 27, Representative Bailey to confine his remarks to the acceptance of the Majority "Ought to Pass" Report as amended by Committee Amendment "A" and not to discuss the provisions dealing with the mandatory reduction in premiums to reflect the increased use of seat belts which is entailed in Committee Amendment "B".

Representative BAILEY: Thank you Mr. Speaker. The \$50,000,000 dollars in savings is largely going to be to the insurance companies. There is no provision in Report "A" for the insurers to receive any of that benefit. I just would like to let the body know these two things, that some of those savings could be given to the insurers and also that passive enforcement which was an issue before is available.

The SPEAKER: Would the Representative please defer. The Chair recognizes the Representative from Northport, Representative Lindahl and would inquire for what purpose does the Representative rise?

Representative LINDAHL: Mr. Speaker, same objection.

The SPEAKER: The Chair will note the objection.

The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Mr. Speaker, Men and Women of the House: I know we are all hungry here and I will just take a second. I just wanted to respond to the good Representative Paul who said we were allowed to ride in the back of pick up trucks. Two years ago that bill came up before the Legislature and it was defeated. Perhaps that is the thing I was asking about before, is that the next thing on the list that we will go after, because there has to be some items in peoples minds in ways to save lives.

Someone said if we can save one life we can do this. There is no end to the ways we can save lives. That really isn't the point here. Someone

mentioned that helmets wouldn't be to much of an imposition. Ten years ago we wouldn't think about seat belt laws. Now it has come up as a possibility the way Maine goes and Maine is an independent state and I think that is one of the things that make us great by having a lot of choices.

The good Representative Thompson said that he changed his mind last night because he ran into a deer. I am not sure what side he is arguing on. He chose to wear the seat belt. Every couple years when this comes up the people parade out their posters down the halls and committee rooms. Posters of how important it is that we do this. Where is all the education in between time? Where is there even a notice with our driver's license that says how important this is? Is it really that important? If it is, why don't we educate before we mandate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Thank you Mr. Speaker, Members of the House: I have been sitting here for an hour or two hours listening to both sides of the debate. I am certainly glad to be here today so that I can support this safety belt L.D..

I can tell you a lot of war stories. I will tell you a short one. My brother and his family were driving and he did not have his seat belt on. It was a slippery, dark night. He went off the road and hit a tree. He went into the steering wheel, luckily his children were in the back of a station wagon and they did not really get hurt, just shook up. My brother, Dave, took the brunt of it in his face. He was laid up, out of work, for six months. Being out of work for six months with a small growing family is a hard thing to do. He also played trombone. You can see that being hit in the mouth and this is part of his livelihood, he was not able to work at that.

I think that I will vote in favor of this bill, not for the 50% who do not want it, but for my family and my friends who I want to protect. I feel that in doing that I am also protecting the 50% who do not want this seat belt law. You have to remember that when the cars come out with their air bags, one of the things that happen in cars is that if the air bag came out and you did not have a seat belt on it would throw you sideways. The driver would probably be hurt if he did not have a seat belt on.

On the other side of the coin, I am protecting myself because if that driver in the other car did not have his seat belt on and that air bag came out he would probably lose control of that car and then he is liable to hit me. As far as mandates are concerned, I mean, we live by mandates. We could reverse the situation and go and say OK we are not going to have anymore stop signs. We are not going to have anymore traffic lights. No more OUI. Think about what would happen in this state if we took those away. Once again I would support this bill and hope you would follow my light. Thank you.

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

Representative O'GARA: Thank you Mr. Speaker. I must respond to some of the things that were said. I would like to begin with an issue raised by the Representative from Buxton, what he talked about, in his opinion, and I hope a lot of people understand what he thinks this is all about. He said it is a quality of life issue. Quality of life. Motor vehicle crashes cause 50% of all traumatic brain

injuries nationwide. In Maine, an estimated 1,500 people are admitted to hospitals each year for treatment of brain injuries. About 300 will require long term rehabilitation services, the estimated cost will be about \$4,000,000 dollars.

What type of quality of life, not only for those who are suffering from brain damage, if not for the rest of their lives, for much of their lives. Not only is their quality of life impacted, but what about their family and everyone who is anyway associated with that person or those persons. What quality of life do they have? It has been said now, twice, by the same Representative and suggested by a couple others about if it isn't seat belts this year, next year it will be something else, fatty foods was mentioned as an example.

Laws that mandate personal behavior have to be enforceable. There has to be limited intrusion in areas already regulated and they have to have a potentially large impact compared to the small freedom they impinge. A seat belt law meets all of those criteria, all of them. It is limited. This is a law mandating seat belts, not what you can read or think. Driving is already a regulated area. You cannot drive drunk. You have to use headlights after dark. You have to have a license to drive. There are also several other things that were mentioned before.

Seat belts dramatically reduce injuries and deaths in car accidents. They are a limited infringement. Telling an adult they cannot eat fatty foods, on the other hand, or some of the other things that were mentioned meets none of those criteria, none of them. I would say to you, if any of you are in the mood for a slight bit of humor that the same people, myself included, are advocating for L.D. 165 will not be advocating for a law outlawing two eggs over easy.

Personal freedom has been mentioned again and I cautioned you that that would be the case when I began my comments earlier. A mandatory seat belt law limits personal freedom and is government intruding in our lives. That is true on both counts. I didn't deny it initially and I don't deny it now. Any law that tells you what to do is an infringement and it is an intrusion. So is the lack of seat belts. The resulting unnecessary injuries cost us all money. Thereby, infringing on all of our freedom and intruding on all of our financial lives.

The freedom to go unbelted and the unnecessary injuries that result increase all of our taxes, all of our business costs, and all of our medical insurance premiums. The comment was made about insurance in an attempt, and I certainly am grateful for the Representative from Northport for interjecting the objection to one of the earlier speakers on another bill.

Will mandatory seat belts cut my insurance bills? The reference was made and I will be careful not to make the same reference. In fact, in other states they have. In Maine it should be the same. Insurance premiums are set by the Maine Insurance Bureau after its staff reviews insurance costs since the last premiums were set. If as it has in other states, a mandatory seat belt reduces injuries and therefore lowers injury cost, lower premiums should result. This has happened in other states and I see no reason why it won't happen here.

In fact, in testimony to the Legislative Transportation Committee in March a staff member of the Insurance Bureau testified that claims experience

were taken into account when rates were and if injury claims decreased after seat belts were mandated rates would be adjusted accordingly. Ladies and gentlemen of the House, as I said before, I will tell you again, this is not an issue of personal freedom. It is an issue of saving lives and the data clearly shows and cannot be refuted that seat belts save lives.

Are there examples that were mentioned by our good colleagues on the Transportation Committee of deaths that resulted because of the seat belt? Have there been cases of people who have been trapped under water in a car because they were wearing their seat belt? I cannot deny that. The facts are there also. The fact remains that you are far less, overwhelmingly less, apt to be trapped in your vehicle because if you are wearing your seat belt you are not thrown around as the Representative from Scarborough pointed out. You do not impact. You are conscience. You are able to think reasonably rationally, if you can do so in such a situation.

You are far more likely to be able to get out of that vehicle. It is a matter of reducing dramatically the injuries that cost us all money around this state and in the state of Maine. It is a common sense issue. I must tell you that I did make a comment about the roll call votes on health care and I really find it interesting as I have it here in front of me and I look at it as one or two or more speakers have gotten up and it is an interesting position to see the no vote on the health care program and now a no vote on the seat belt. I don't understand it. It doesn't make any sense. It isn't consistent. I, for one, hope that somehow you will rethink what you have said and will join us in passing this L.D.. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Thank you Mr. Speaker. I will request a roll call. I came here, in part to protect the Bill of Rights. There have been no further incursions into the Fourth Amendment than in cars. You can have a warrantless search of a car, the entire car or packages in the car. What this Report "A" would do is make it a primary stop. It would articulable suspicion to stop a vehicle and search it. If the case warranted. I cannot accept Report "A" and it has nothing to do with my vote on the health care. It has nothing to do with any other of my votes. It has to do with the Fourth Amendment. No further invasions into the Fourth Amendment. There is an alternative. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Thank you Mr. Speaker. May I pose a question through the Chair to anyone on the Transportation Committee?

The SPEAKER: The Representative may pose her question.

Representative LOOK: Will this legislation as proposed require seat belts in school buses?

The SPEAKER: The Representative from Jonesboro, Representative Look has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Thank you Mr. Speaker. The answer is no.

Representative JONES of Bar Harbor requested a roll call on the motion to accept Report "A" **"Ought to Pass"**.

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 members present and voting. All 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 Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: Very briefly I would just like to point out to the good Representative from Westbrook that at this hour, I believe, he should never talk about food, remember the eggs over easy.

I just want to talk about the consistency issue. That is the tough one. We have another debate coming up and you are all aware of it. We will be talking about a woman's right to choose. I have to tell you that I have had to swallow so hard to go along with a woman's right to choose, so hard. When it comes to consistency in decision making in this body you try to do the best you can with consistency, but sometimes you can and sometimes you can't. You have to go with on some of these issues a gut feeling that goes way, way down deep inside, inside your heart and soul. This is one of those issues.

It is just one of those issues that you decide based on your gut feeling, which way should I go? I respect both sides, but I say in this particular issue, which I do believe is quality of life, the side based on your gut feeling. How do you believe that the people of Maine would feel regarding this issue? Are they ready for it? I believe the answer is no and I hope you will follow my lead and vote no on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Thank you Mr. Speaker. I would just like to remind the ladies and gentlemen of the House that Report "A" does not take into consideration the savings to the insurance companies and it also does not take into consideration the passive enforcement that is already in place with the up to 19 year olds. I would urge you to oppose Report "A" so we can get on with Report "B".

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

Representative BOUFFARD: Thank you Mr. Speaker, Men and Women of the House: While debating this in the Transportation Committee with some of the committee members, a suggestion was made to me that what we should do is send this out to referendum to the people.

I was one that was completely against mandatory seat belt law when we started the session, but was more or less convinced by the three statistics. Therefore, after that suggestion was made to me, I did take the issue to some of my constituents. I didn't go and see 6,000 people and ask them their opinion. I did ask some of them and low and behold I would say to them, "Do you think the Legislature should pass a mandatory seat belt law or do you think it should be sent out to the people for referendum?" I was getting approximately a 50/50 vote until the

time that I would explain to them and educate my constituents, more or less, on those three statistics that happen to change my mind.

Low and behold, after I explained to them the fact that some of their tax dollars were being used for the extra health care costs for an unbelted person. The fact that we have not increased our seat belt usage in the last 4 or 5 years. It costs more for a unbelted person as opposed to an belted person. After I explained to them those three statistics, the voting changed. It changed approximately 70% to 30%.

If you go out to your constituents and explain to them what the law is really going to entail and what its going to do, plus the fact that we would not wind up being the last state in the Union to adopt it, I think you will find that voting for this seat belt law is a primary issue of the voters of the state of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Thank you Mr. Speaker, Members of the House: I am not here for gut feelings. I am here to save lives.

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

Representative LINDAHL: Thank you Mr. Speaker. Passive enforcement is not a provision now in the law. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 59

YEA - Adams, Barth, Benedikt, Berry, Bouffard, Brennan, Buck, Cameron, Carleton, Chartrand, Chase, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gieringer, Gooley, Green, Heesch, Johnson, Keane, Kontos, Lemaire, Lemke, Lindahl, Lovett, Martin, Marvin, Mayo, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Ott, Perkins, Plowman, Povich, Reed, G.; Reed, W.; Richardson, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Simoneau, Sirois, Stevens, Stone, Taylor, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Whitcomb, Winglass, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Bigl, Birney, Bunker, Campbell, Chick, Chizmar, Clark, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Gamache, Gerry, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Look, Lumbra, Luther, Madore, Marshall, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Neal, Paul, Peavey, Pendleton, Pinkham, Poirier, Poulin, Rice, Ricker, Robichaud, Rosebush, Spear, Stedman, Strout, True, Tufts, Underwood, Vigue, Waterhouse, Wheeler, Winsor, Yackobitz.

ABSENT - DiPietro, Pouliot, Rotondi, Shiah, Truman.
Yes, 70; No, 76; Absent, 5; Excused, 0.

70 having voted in the affirmative and 76 voted in the negative, with 5 being absent, Report "A" **"Ought to Pass"** was not accepted.

Representative STROUT of Corinth moved that the House accept Report "C" **"Ought Not to Pass"**.

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

Representative O'GARA: Thank you Mr. Speaker. I know you will cut me off if I go in the wrong direction on this. Obviously I am urging the members of this House not to support the "Ought Not to Pass". I assumed the next move would be to move the Report that we tried to discuss earlier and was not allowed. That would have been a different story. I am trying to say this without stepping on the Speaker's toes. I must urge the members of this body not to support the "Ought Not to Pass" so that as reluctant as I am to say this, so that we would then have an opportunity to consider another motion that would be forthcoming immediately after the defeat of this motion. Thank you.

The SPEAKER: The pending question before the House is the motion to accept the "Ought Not to Pass" Report. The Chair will order a division. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Mr. Speaker, Men and Women of the House: Just remember that choice is the essence of democracy.

Representative JONES of Bar Harbor requested a roll call on the motion to accept Report "C" "Ought Not to Pass".

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 members present and voting. All 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.

ROLL CALL NO. 60

YEA - Ahearn, Aikman, Ault, Bigl, Bunker, Campbell, Chick, Chizmar, Clark, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Gamache, Gerry, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Look, Lumbr, Luther, Madore, Marshall, McAlevy, McElroy, Murphy, Nass, Nickerson, O'Neal, Paul, Peavey, Pendleton, Pinkham, Poirier, Poulin, Rice, Ricker, Robichaud, Rosebush, Spear, Stedman, Stevens, Strout, True, Tufts, Underwood, Waterhouse, Wheeler, Winsor, Yackobitz.

NAY - Adams, Bailey, Barth, Benedikt, Berry, Birney, Bouffard, Brennan, Buck, Cameron, Carleton, Chartrand, Chase, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gieringer, Gooley, Gould, Green, Heeschen, Johnson, Jones, K.; Keane, Kontos, LaFountain, Lemaire, Lemke, Lindahl, Lovett, Martin, Marvin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Ott, Perkins, Plowman, Povich, Reed, G.; Reed, W.; Richardson, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Stone, Taylor, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Whitcomb, Winglass, Winn, The Speaker.

ABSENT - DiPietro, Pouliot, Rotondi, Truman.
Yes, 70; No, 77; Absent, 4; Excused, 0.

70 having voted in the affirmative and 77 voted in the negative, with 4 being absent, Report "C" "Ought Not to Pass" was not accepted.

Representative BAILEY of Township 27 moved that the House accept Report "B" "Ought to Pass" as amended.

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

Representative LIBBY: Thank you Mr. Speaker. I would like to request a roll call. I would like to point out the essence of this as I understand it. This amendment is going to give us a seat belt law and I am hoping that you won't vote for the "Ought to Pass" and accept this report. I hope you will vote against it as we did in the very first vote here. It also, on top of that, requires burdensome regulation upon the insurance industry that I also don't agree with. If you feel the same way I do about that kind of regulation and those kinds of requirements, please follow my light. Thank you.

Representative LIBBY of Buxton requested a roll call on the motion to accept Report "B" "Ought to Pass" as amended.

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 members present and voting. All 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 Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Thank you Mr. Speaker, Men and Women of the House: I just wanted to explain this "B" Report a little in case anyone is not clear what this does. This would, in fact, have a seat belt law in place, but a number of people on the committee in hearing testimony that we would, indeed, have lower insurance rates requested, so to speak, to put up or shut up.

This amendment would require, I believe, a 5% education in insurance rates for the first year or two of the program once the law is put into effect. I think it is a good compromise in some ways because it would have a law requiring seat belt use in motor vehicles, but it would also mandate to some degree an education in insurance rates and it might make it more palatable for some of those who think it is an infringement on personal freedoms of themselves or their constituents. I would urge you to move passage of this report.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Thank you Mr. Speaker. I would like to pose a question through the Chair. If I understand this amendment it mandates insurance regulation, wouldn't that properly belong before the Banking and Insurance Committee.

The SPEAKER: The Representative from Pittston, Representative Guerrette has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Thank you Mr. Speaker: There was nothing that said we refer it to the Banking and Insurance Committee, however, I will say that by imposing a mandate here to the insurance companies before the fact. You are actually taking away the responsibility of the Banking and Regulation Commission of State Government. You are obliging

them to do this. This is intrusion into the government facility that we have by mandating them that they reduce that cost up front. Thank you.

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

Representative O'GARA: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Obviously I would have preferred the Majority Report, Report "A", but I really strongly urge you to support the motion pending before us on the House floor. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Committee Report "B". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 61

YEA - Adams, Bailey, Barth, Berry, Brennan, Cameron, Carleton, Chartrand, Chase, Cloutier, Cross, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gieringer, Gooley, Green, Heeschen, Heino, Hichborn, Johnson, Jones, K.; Keane, Kontos, Lemaire, Lindahl, Lovett, Martin, Marvin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Ott, Plowman, Povich, Reed, W.; Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Taylor, Thompson, Townsend, Treat, Tripp, Tyler, Vigue, Volenik, Watson, Winglass, Winn.

NAY - Ahearne, Aikman, Ault, Benedikt, Bigl, Birney, Bouffard, Buck, Bunker, Campbell, Chick, Chizmar, Clark, Clukey, Damren, Dexter, Donnelly, Dunn, Gamache, Gerry, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Look, Lumbra, Luther, Madore, Marshall, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Neal, Paul, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Reed, G.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Strout, True, Tufts, Tuttle, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor, Yackobitz.

ABSENT - DiPietro, Pouliot, Rotondi, Truman, The Speaker.

Yes, 66; No, 80; Absent, 5; Excused, 0.

66 having voted in the affirmative and 80 voted in the negative, with 5 being absent, Report "B" **"Ought to Pass"** as amended was not accepted.

Representative O'GARA of Westbrook moved that the House accept Report "A" **"Ought to Pass"** as amended.

The same Representative moved to table until later pending his motion to accept Report "A" **"Ought to Pass"** as amended.

Representative STROUT of Corinth requested a division on the motion to table.

A vote of the House was taken. 82 voted in favor of the same and 62 against, the motion to table until later did prevail.

On motion of Representative JACQUES of Waterville, the House recessed until 4:00 p.m.

(After Recess)

The House was called to Order by the Speaker.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (9) **"Ought Not to Pass"** - Minority (3) **"Ought to Pass"** as amended by Committee Amendment "A" (H-145) - Committee on Taxation on Bill "An Act to Return 1% of Sales Tax Revenue to the Communities in Which the Tax Was Collected" (H.P. 301) (L.D. 405)

TABLED - April 27, 1995 (Till Later Today) by Representative JACQUES of Augusta.

PENDING - Acceptance of either Report.

Representative DORE of Auburn moved that the House accept the Majority **"Ought Not to Pass"** Report.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Thank you Mr. Speaker, Men and Women of the House: This is one of those terrible ideas that comes wrapped in a beautiful piece of paper. We would all like to go home and say I am returning more sales tax to our local community. That is what this piece of legislation proposes to do.

I want to tell you a couple of reasons why it is a terrible idea. Let me start by reading to you from current law. "Sharing the local government fund - Money credited to the local government fund shall be distributed on the basis of a formula which provides a varying amount per capita revenue sharing aide." Remember revenue sharing. Two communities based upon the comparative tax burden of each municipality. Those municipalities having a greater property tax burden would receive a larger per capita revenue sharing distribution. The portion of the local government fund to be distributed to each municipality shall be in proportion to the product of the population of the municipality multiplied by the property tax burden of the municipality."

In other words, if you have a higher value community because you already invest in your community and economic development, if say you are in Freeport and your real estate is worth more because you have done a lot of economic development in Freeport you are already getting a bigger chunk of the municipal revenue sharing pie then, say, if you were the town next door, which doesn't do as much economic development. If economic development creates a larger tax burden, you get a larger portion of revenue sharing. I want to make that perfectly clear.

In addition, later on another member of the committee is going to explain another pocket of money that you get, again, if you have greater infrastructure needs. I would just like to suggest that if you are in any community that doesn't have this great economic development or most of these stores this proposes to take money out of your schools and your community and distribute it to those communities that have done a better job of economic development. What is true about Freeport and it is also true about Auburn, the town I come from, is that the town next to Freeport cannot do the kind of economic development that Freeport has already done because Freeport has already done it.

I can assure you that Minot and Poland cannot put in the Minot and Poland Mall on a strip something like Center Street in Auburn, because we have already