

# 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

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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

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

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 JACQUES of Waterville pending further consideration.

-In House, Bill and accompanying papers were indefinitely postponed on May 10, 1995.

-In Senate, Bill passed to be engrossed as amended by Committee Amendment "A" (S-91) as amended by Senate Amendment "A" (S-135) thereto in non-concurrence.

Representative O'GARA of Westbrook moved that the House Recede and Concur.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I will be very brief. I urge you to vote against the motion to Recede and Concur so that we would be able to move to Recede.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House: I would ask you to go along with the good Representative from Westbrook, Representative O'Gara and go along with the motion to Recede and Concur.

Currently 35 percent of our people are using seat belts. That is by statistics supplied by the Maine Highway Safety Commission. I believe as many as 35 to 30 percent more are not against the seat belts and probably would buckle up if they were given that extra push. I think it would cause them to buckle up. It takes some getting used to, to wear your seat belt. If you drive an awful lot, it would probably take you a couple of weeks. If you drive a little, it might take you a month or more to get used to it. It is uncomfortable at first, but once you become accustomed to it, you will feel undressed without them.

This is not about dollars. I think it is about reducing injuries and suffering that are caused by accidents where people are not buckled up. I don't believe the money we are now spending on education works. I feel people keep getting the same message over and over to buckle up and they stop listening. It is kind of like that ad we see on TV with two eggs frying in a frying pan. This is your brain on drugs. People just don't pay attention to it any longer. I think we need a law causing people to buckle up. There is going to be a certain percentage that will not go along with this. I believe the vast majority of the people, an additional 25 to 30 percent of the people, would go along.

That would give us a compliance rate somewhere in the 60 to 65 percent range. I also feel that after a period of time through the actuarial figures that the Bureau of Insurance has, that it will effect our insurance rates. I urge you to please go along with the good Representative's motion. Thank you.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I am rising to support the good Representative from Westbrook also. I know he has debated this issue long and well. I am not going to spend much time on it. I want to make you all aware that this bill that we are now having the opportunity to vote on is not in the same form it was when it left the House last. It now has Senate Amendment "A" on it. It does make the matter a matter of secondary enforcement to law enforcement officers, which was a concern to some of you. In other words, police officers would not be able to stop an operator of a motor vehicle solely on the suspicion that he or she is not wearing a seat belt, only if they were stopped for another offense would they then be able to be cited for an infraction of the safety belt law.

It is an important difference. As I said before the fines are limited by amendment that we made in committee to a maximum of \$50 dollars. So really we are not talking about a major imposition on anyone's life, should they choose because of personal beliefs not to wear a seat belt. It is a minor infraction and it shall be treated as such. On the other hand, it has a major impact on all of our lives, all of us who have family members involved in an accident, all of us who pay medical insurance bills and those of us who pay our own medical cost. However we deal with medical costs. The continued use of automobiles without safety belts is impacting all of our lives in Maine and I hope you choose to Recede and Concur with the Senate bill as it stands now.

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

Representative GERRY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative GERRY: If we vote for this current bill as it is, that means we can't amend it. We can't throw the amendment I have on it?

The SPEAKER: The Chair would answer in the affirmative.

Representative GERRY: May I proceed?

The SPEAKER: The Representative may proceed.

Representative GERRY: Mr. Speaker, Men and Women of the House: Would you please vote against this measure so that I may put my amendment on it. When we vote again, I would like to request a roll call.

Representative GERRY of Auburn requested a roll call on the motion to Recede and Concur.

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

Representative FARNUM: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative FARNUM: Thank you Mr. Speaker. In the last few weeks there have been a number of accidents on Maine highways. Does anyone know how many of those accidents, in which all of these people were killed, were not wearing seat belts?

The SPEAKER: The Representative from South Berwick, Representative Farnum has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House: One accident in Wilton this past weekend, one person was killed and one was put in the hospital, because of this accident. They were both not wearing seat belts.

While I have the floor, I would just like to say that there is a sadness in Farmington today, because a daughter in her early 20's slipped on ice rounding a corner. The car went off the road into the woods. Her only injury was a head injury. She was not wearing a seat belt and has been in a coma ever since. Her parents are sorry she wasn't wearing her seat belt and support a seat belt law for all Maine citizens. Thank you.

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

Representative LINDAHL: Thank you Mr. Speaker. In answer to Representative Farnum's question, I had an opportunity to speak to the officer who is on the State Police Dive Team in reference to the two young ladies who went into the Royal River. I said, "Were they wearing their seat belts?" He said, "No." Thank you.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: We have had a number of speakers get up this morning and remind you of all of the atrocities of not wearing a seat belt. I would ask you to remember two things. One, we don't have a lot of facts and figures, because they serve no ones purpose on the studies or what happens when you do wear a seat belt and the injuries is caused there of. The other thing I would ask you to remember is, remember the reasons why you voted no the last time. Thank you.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: Very briefly, I just want to make sure that we all understand that some of the young people that unfortunately died in some of those incidents recently that we keep talking about were breaking the law, because they didn't have their seat belts on and they were under the age of 19. The fact is, they should have had their seat belt on, as should all of us when we drive our automobile.

I think none of us have any doubt about that, but if we look at some of these accidents in recent weeks, we will notice one thing in the majority of the cases. That one common element is drinking and driving. We have to do something about the real problem and that is getting the drunks off the road. We haven't done enough in this body to get the drunks off the road. I think we can do more to get the drunks off the road. I don't think that mandatory seat belts are the answer to that problem. I would like you to vote no on the pending motion. Thank you.

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

Representative DORE: Thank you Mr. Speaker. I would just like to give you two reasons why you ought to vote to recede and concur. The first reason is if you believe our Senator from Maine, Senator Snowe is going to be successful in separating helmets from seat belts. It is going to put a lot more money into our roads. When you go home you are going to hear about the bad condition of our roads and how it effects business in Maine. The truth is the money

has to be spent on safety until we can have a seat belt law in Maine.

Senator Snowe has agreed to separate seat belts from motorcycle helmets. Seat belts will still be required, so we will be spending the money on safety messages, rather than pot holes. Safety messages don't do anything for the commercial traffic we need in Maine. We are the last stop and we need good roads to have good businesses in Maine. That money freed up will mean a lot to us.

I am going to give you the second reason. I was talking to a friend years ago about how to talk to your kids about seat belts when they wouldn't wear them. He said, "You want to know what I do with my kids." I said, "What do you do?" He said, "I take them for a tour of the vegetable ward." Go to your local hospital and there is a ward filled with people who didn't wear their seat belts. Whether they were drinking or sober, they didn't wear their seat belts and they are brain damaged. Never mind that they are on yours and mine dime for the rest of their lives and many will live to be 70 and 80 years old.

Who goes to visit them after a while, when they don't recognize anybody? Who bathes them and cares for them and holds them? The victims of those who don't wear seat belts aren't just the persons who rot in hospitals in what is known as the vegetable ward. It is the families that endure the heart break of having someone in the vegetable ward. I would encourage you to Recede and Concur.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: I agree that people should go look at people on that ward that the good Representative was talking about and see the people who are injured. That is really not the point here at all. I have stated a couple times from my point of view, I wear my seat belt most of the time and I encourage people to wear it. If we force people to wear seat belts, we are sending a message that we don't believe in education. That is very serious.

We are very quick to jump to making mandates. Where is the energy put into educating people? It seems to be the only time we educate people or try to get the word out is every couple of years when this bill comes up. Posters come up around the hearing rooms. We hear all this debate. It is in the papers and then thats it. There are very few announcements on the radio to the importance of this. It makes me wonder if it is really a safety issue or if it is a control issue. Sometimes I wish people would go back and see the movie "Easy Rider".

I am not saying that people's motives aren't right, but I really would like to remind you again of that yellow sheet that was handed out. All those lists of different outfits and agencies that said that we should force people to wear seat belts. I still haven't heard anyone tell me if those different organizations require their people to wear seat belts to be part of that organization. I almost guarantee you that they don't, but I would be willing to hear the other side of that. Instead of mandating, why don't we educate, if it is so important.

To the good Representative, Representative Gooley's remarks about the poor person that was injured. It was a sad situation and he said the parents wished that person had been in a seat belt. Should the government be the parents? To me this is

the essence of this question. I hope you will vote against it. Thank you.

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

Representative BOUFFARD: Mr. Speaker, Ladies and Gentlemen of the House: We have debated this long and arduous and I still maintain that there are 48 states who have this law. All 48 states do claim that it has saved lives in their states and it has cut costs. Why should we in Maine be different? Let us save lives and save money. Thank you.

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

Representative FARNUM: Thank you Mr. Speaker: We mandate people to stop at stop signs. We mandate people to go 25 miles an hour past schools and through towns. We mandate people on the super highway to go 65 miles an hour. What is the difference?

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 Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: Just one comment in response to something that was mentioned about education. The Representative from Auburn already pointed out about money that was lost to the state. Last year \$600,000 dollars that would have gone to maintaining and repairing roads was not lost to the state, in fact, it went into public safety for education programs that were, in fact, all over this state and throughout the schools, everywhere. This year we stand to lose.

The highway repairs and maintenance will lose \$1,600,000 dollars and the public safety division has the right to submit grants. It doesn't guarantee that they will get any of that money or all of it. They may get some of it. They then submit grants for that money to be used in public safety education programs. In truth and, in fact, the money is definitely lost to the state, but it is definitely lost to repairing and maintaining the roads that you hear from your constituents about all the time.

I sincerely ask you to vote for the motion to Recede and Concur. Thank you.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I wasn't going to rise again today, but just for clarification, if you vote to Recede and Concur we have no other choice. I am asking you today to vote against the Recede and Concur so that we can offer a motion to Recede where, I will make it very clear. I will support this, so that we would have an option to send it out to the people for referendum.

The debate that I have heard for the last two weeks is there are people on both sides of the issue that feel we should have and there are people who feel we shouldn't. A couple of things happened to me over the weekend that I just want to bring to your

attention. First, it was put in the Bangor Daily News that I led the charge last week to oppose the mandatory seat belts. I don't know if I led the charge or not, but over the years that I have been here, I felt strong about that issue and I have always voted no.

I received a letter in the mail on Saturday that the gentlemen wrote, not from my district, but he said, "I read with dismay in the Thursday paper of the Bangor Daily News that you lead the charge and I am not surprised." That did not bother me. The second paragraph bothered me more, I think, than the number of years I served here when he basically said you should take the lead in your district, because your people don't know what they want.

Let me tell you people as I stand here today, my 23rd year of serving in this Legislature. I made a commitment 23 years ago when I went around and campaigned. I asked my people when various issues come up, how do you want me to vote? To this day on all issues when people say to me overwhelmingly we want you to vote against seat belts or we want you to vote against another issue or we want you to vote for that issue. Whether I believed in my heart it was right to vote the other way, I always voted the way my people wanted. I did it then and I am doing it today.

Another issue I want to bring up that I read a couple of weeks ago in the paper that the PAC in the state of Maine and various organizations, as I understand it, will be doing a survey as you enter these facilities to see how many people are actually using seat belts. That is why I think we need to put this off and get some more statistics on the number of people who are using seat belts and maybe it will give us a better idea. That is mine. I would urge you today to vote against the motion and give us a chance.

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

Representative GERRY: Mr. Speaker, Ladies and Gentlemen of the House: I did plan to rise a second time. Last week when we had the Sheriff's Department here, I asked just about everyone I could catch to read the bill. I said to them, "What do you think of seat belts?" They told me they all liked the idea of seat belts, but I asked them if we, the Legislature, should impose it on the citizens or let them do it. They said, "Let the citizens impose their own restrictions on them." "It would make our jobs a lot easier to enforce if they themselves choose what sort of restrictions and whether or not to place that on them." I agree.

I don't want to force people into having to wear seat belts. I want it to be freedom of choice and if it we have to limit their choices. Let it be them. If we enact the seat belt law without giving them the courtesy of choosing for themselves, no sooner will this law get passed then they will start a referendum. At least it will cut to the chase and it will stop the process of having to have a referendum to let the people decide and to stop them from wanting to repeal this. If they themselves have a chance to decide this question for themselves. Please vote against this measure so that I can put on my amendment and throw it out to referendum. Thank you.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: It was mentioned by a previous speaker on the floor this morning that 48 states have adopted this regulation and that it was the Representative's opinion that it proved well. If you check some material that was on your desk this morning, you will find that in Hawaii they passed the mandatory seat belt in 1985 and since that time accidents and fatalities have increased. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Gieringer.

Representative GIERINGER: Mr. Speaker, Ladies and Gentlemen of the House: Our children and loved ones lives depend on what we do here today. Save their lives. Don't wait until it is too late. I believe that the other 48 states in this great nation did the right thing. Let us not be the last state in this union to pass such a law. I am convinced that an automobile can be and often is a lethal weapon and should be treated as such under the law. We must employ seat belts as a defense against the terrible injuries which can be incurred in automobile accidents. I strongly urge you to vote in favor of L.D. 165. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Recede and Concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 95

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

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

ABSENT - Adams, Dexter, Martin, Ott, Simoneau, True, Truman, Vigue.

Yes, 64; No, 79; Absent, 8; Excused, 0.

64 having voted in the affirmative and 79 voted in the negative, with 8 being absent, the motion to Recede and Concur did not prevail.

Representative LIBBY of Buxton moved that the House Adhere.

Representative GERRY of Auburn moved that the House Recede.

Representative DONNELLY of Presque Isle requested a division on the motion to Recede.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I would urge you today to vote to Recede. The commitment I made last week and a month ago and I made that commitment again this morning. If we move to Recede the good Representative from Auburn is going to offer an amendment that will resolve this once and for all.

The Chair ordered a division. A vote of the House was taken. 120 voted in favor of the same and 16 against, subsequently, the House voted to Recede.

Representative GERRY of Auburn presented House Amendment "A" (H-181) which was read by the Clerk and adopted.

Senate Amendment "A" (S-135) to Committee Amendment "A" (S-91) was read by the Clerk.

On motion of Representative STROUT of Corinth Senate Amendment "A" (S-135) was indefinitely postponed.

Committee Amendment "A" (S-91) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-91) and House Amendment "A" (H-181) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act Concerning Reports of Material Transactions and Other Provisions of the Maine Insurance Code" (S.P. 561) (L.D. 1528) (Governor's Bill)

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

Was referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife" (EMERGENCY) (S.P. 562) (L.D. 1530)

Came from the Senate, referred to the Committee on **Inland Fisheries and Wildlife** and Ordered Printed.

Was referred to the Committee on **Inland Fisheries and Wildlife** in concurrence.

Bill "An Act to Clarify Early Retirement Incentives" (S.P. 563) (L.D. 1531)

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

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

ENACTORS  
Emergency Measure

An Act to Prohibit the Stocking of Alewives in Hogan Pond and Whitney Pond in the Town of Oxford (H.P. 1086) (L.D. 1529)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.