

# MAINE STATE LEGISLATURE

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**Senate Legislative Record**  
**One Hundred and Eighteenth Legislature**  
**State of Maine**

**Volume 2**

**First Special Session (Continued)**  
**May 20, 1997 to June 20, 1997**

**First Confirmation Session**  
**October 6, 1997**

**Second Regular Session**  
**January 7, 1998 to March 24, 1998**

**Pages 981 - 1977**

House Amendment "A" (H-122) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-636) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended, **TOMORROW ASSIGNED FOR SECOND READING.**

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**ORDERS OF THE DAY**

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

Bill "An Act to Provide That the Operator of a Motor Vehicle Is Not Responsible for Securing in a Seat Belt a Passenger 18 Years of Age or Older"  
H.P. 303 L.D. 367  
(C "A" H-334; S "C" S-218)

Tabled - May 28, 1997, by Senator **RAND** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334) AND SENATE AMENDMENT "C" (S-218)**, in concurrence

(In Senate, May 20, 1997, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order S.P. 665, in concurrence.)

(In Senate, May 28, 1997, on motion by Senator **LIBBY** of York, **RULES SUSPENDED RECONSIDERED ENACTMENT. RULES SUSPENDED, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED.**)

On motion by Senator **LIBBY** of York, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "C" (S-218).

On further motion by same Senator, Senate Amendment "A" (S-343) to Senate Amendment "C" (S-218) **READ** and **ADOPTED.**

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. If I might just explain, I must say, it was very difficult to come up with an agreement between the Governor's Office, the Department of Safety, the Secretary of State's Office, the two Chairs of the Committee on Transportation and myself but I think we've done that. For those of you who haven't been able to follow because we've had so many other things, this bill was recalled from the Governor's desk. The Governor reviewed the bill and there was a minor problem with the seat belt revisions

as they were written. As they were written, completely unintended I might add, the passenger in an automobile would only be responsible for a seat belt fine, if the driver of that vehicle was fined. And that is, I have been told by the Governor's Office, a nightmare in administration, and I can understand that. So, we worked long and hard to try to come up with some kind of a solution and, actually I spent a lot more time on this bill than I would have liked, but I think we have. This amendment would, first of all, any passenger 18 years of age or older is subject to a fine for not wearing a seat belt regardless of what the operator does. That was problem number one, that we had to get by, not attaching any passenger in an automobile to an event that the driver was responsible for in a court of law. And we have done that. It also, for the driver, secondary enforcement, I think, is the term used for the driver, you must be pulled over for another violation in order to be fined for not wearing a seat belt. But you can be fined under this amendment for not wearing a seat belt even if you are not fined for another violation. I want to make that clear because that's a change in the way the current law is. So what this does then, is make those who are in an automobile responsible for themselves, not to get too technical, but basically what it comes down to is, the people who are driving in any automobile are responsible for buckling their seat belts. They are not, if they are passengers, in any way related to anything the driver does. A driver may be forced to pay a fine for not wearing their seat belt even if they are not convicted of any other offense. So that's exactly what this bill does. If there are further problems with it, I'd be glad to answer them. All sides seem to agree that it is exceptionally well-crafted finally, and I ask you for your consideration. Thank you.

Senate Amendment "C" (S-218) As Amended by Senate Amendment "A" (S-343) thereto, **ADOPTED** in **NON-CONCURRENCE.**

Which was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334) AND SENATE AMENDMENT "C" (S-218) AS AMENDED BY SENATE AMENDMENT "A" (S-343)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Improve the Administration of Animal Welfare Law"  
H.P. 982 L.D. 1362  
(C "A" H-492)

In Senate, May 19, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492)**, in concurrence.