

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 155

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mendros, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Bowles, Buck, Campbell, Collins, Glynn, Goodwin, Jones, Kasprzak, MacDougall, Mack, Marvin, McNeil, Nass, O'Brien JA, Pinkham, Sherman, Tobin J, Waterhouse, Weston, Winsor.

ABSENT - Bolduc, Daigle, Hatch, Kneeland, Madore, Plowman, Richardson E, Treadwell, Williams.

Yes, 122; No, 20; Absent, 9; Excused, 0.

122 having voted in the affirmative and 20 voted in the negative, with 9 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Establish the Birth Defects Program

(H.P. 1322) (L.D. 1905)
(C. "A" H-268)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Resolve, Regarding the Conveyance of a Right-of-way Across the Elizabeth Levinson Center in Bangor

(S.P. 620) (L.D. 1785)
(C. "A" S-160)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned.

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 House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-377)** - Committee on **TRANSPORTATION** on Bill "An Act to Repeal the Mandatory Seat Belt Law if Approved at Referendum"

(H.P. 1397) (L.D. 2002)

TABLED - May 5, 1999 (Till Later Today) by Representative JABAR of Waterville.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to defeat the pending motion and send this bill out to the people to vote. I would like to share some information with you. First of all, as we all know, we live in a great country. The reason we are a great country is because we have our freedom. I think that is our most important asset here in the United States. We are free to choose to wear a seat belt or not. It is true that seat belts save people's lives. I don't dispute that fact. Mandatory seat belts do not save lives. They only make criminals out of people who choose not to wear their seat belts. I want you to think about that. That is what we are talking about. In most cases, if you are wearing a seat belt when you get into a car accident your life will be saved probably 95 times out of 100. There are other cases. I can tell you a very personal one. My best friend back home was in a car accident in the summer of 1995. He was a passenger in a car. The car flipped over three times and smashed into a rock sideways and he was thrown into the drivers' seat. When the police came to the accident scene, the officer told my other friend who was driving that he could give him a ticket because I know your friend wasn't wearing a seat belt. If he had been, he would be dead. The whole side of the car was crushed. In most cases, that is not the case. If somebody chooses to now wear their seat belt and they get into an accident and they get killed, that is their choice. They understood the risks. If we force somebody to wear a seat belt and they get killed, we have murdered that person. There are no ifs, ands or buts about it. We caused their death. It wasn't a choice.

You might hear some statistics that in 1994, when this law went into affect, 50 percent of the people in Maine wore seat belts. Now it is up over 60 percent. Those figures are national figures. The people in California didn't start wearing their seat belts more just because we passed a law in Maine. People in New Hampshire didn't start wearing their seat belts more because we passed a law in Maine. They don't have the law in New Hampshire. The reason more people are wearing their seat belts now is because of education and because all the new cars have seat belts that automatically hook on. That is why the number of people wearing seat belts is up, not because of this law.

Finally, I want to remind you, all we are doing is sending this back out to referendum. I completely disagree with the law. I would not be so arrogant as to put in a bill to repeal it. It was decided by the people and it should go back out. We changed this law. It is no longer a secondary offense. It is a primary offense. People can get a ticket without having done anything else wrong for not wearing their seat belt. The law was changed. Let it go back out to the people. I want to clarify that this is not eliminating seat belts for everybody, only for adults. It gives the choice back to adults. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. Seat belts do work. Seat belts save lives. I am here today because I was wearing my seat belt last Tuesday when I bounced off the two guardrails on both sides of the turnpike and my car going round and round. I walked away without a bump or a scratch because I was wearing my seat belt. I am here today for the two young gentlemen who lost their lives just recently in Lewiston. They are not here today because they were not wearing their seat belts. They were over 19. Thank you.

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

Representative **COTE**: Mr. Speaker, Men and Women of the House. I urge you today to vote Ought Not to Pass on the seat belt law. I too experienced a bad situation back in June. It was bright, early and rainy morning, approximately around 6:30 in the morning. I had taken my wife to work. I blame myself for the accident, but if it wasn't for my seat belt, I wouldn't be standing here today urging you to vote Ought Not to Pass. I was following the speed limit and I fell asleep behind the wheel. I swerved into the other lane without realizing it. The other party didn't signal me that I was going in her lane. Of course, I wound up ruining a 1988 Ford Escort LX. It was brand new. I had just bought it. It was a \$2,700 vehicle I had just bought myself. If it wasn't for my seat belt, I wouldn't be here. Even the paramedics and the police officers that attended to me told me I was lucky I had my seat belt. About a week after my accident, the same vehicle up north, a gentleman was driving, he was not wearing his seat belt. He died instantly on impact. He got hit in the same spot where I got hit. His engine was in his lap. Luckily for me, my engine wasn't in my lap. Luckily for me, I walked away. He didn't because of the seat belt. I urge you today to vote Ought Not to Pass on this law. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I don't think anybody here wants a protracted debate on whether or not seat belts save lives. We all know they do. If I could just say to the adults that advocate that the government tells them to wear a seat belt in their personal anecdotes of how the seat belts saved their lives, certainly they could have decided to have the belt on themselves. Everybody knows seat belts save lives. The question is, should it go back out to the people? It just barely passed by 1 percentage point or so. In the lands Down East and up north it failed. Since we have tinkered with it, this is an unprecedented law, there is no other law like it that I can tell where it failed to pass on the safety issue. It passed purely on economic grounds. I can think of no other imposition on adult decision based on purely economic grounds such as this. Anyway, I think it ought to go back out to the people and let them decide if they like it after we tinkered with it. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. Before you vote, I want you to remember one thing. I am not trying to ban the use of seat belts. I am trying to make it a choice to choose to wear it or not. No way would I tell people you can't wear a seat belt, which is what this is portrayed as. It is very important. It saves lives. Let's not

force people to wear them and force somebody to be killed because they are wearing it.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

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

The SPEAKER: The Representative may pose his question.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. To anyone who has an answer about federal funds and the states which have mandatory seat belt laws and I believe that federal funds are attached to all states. It seems to me that in debates in earlier sessions that certain federal funds were taken away if you didn't have a seat belt law.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. To answer the question, I am not an expert in that, but I do believe we would be in jeopardy of losing some federal funds. I think this is one of those cases where the federal government takes our money and then dangles it back in front of us. They do it in all sorts of ways and we accept a lot of that. Usually it is couched in the constitutional commerce clause. They do that in all sorts of ways. Sometimes they get away with it and sometimes they don't. I think we ought to say no, this doesn't have to do with interstate commerce and we didn't hire you to tell us how to behave. That is what we ought to tell the federal government in this situation. Thank you.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. As former chair of the Maine Highway Safety Commission, I have to assure you that safety belts save lives. Not only for the driver, but for the other people on the road. If anyone of us hit a road hazard, like a soft shoulder or anything that is in the road and if we are wearing our safety belt, we are going to be able to drive that vehicle to safety. If we are not wearing a safety belt, we might just hit an innocent person and kill them. I would hope that you would vote with me for the Majority Report here. I think they do save lives. They have been proven. I would urge you to listen to the debate that you have heard.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Like the old saying goes, if it isn't broken, don't fix it. Since this was voted in at referendum, the law has worked. We don't need to send it back out. There is no reason. Let's vote for the Majority Ought Not to Pass Report. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: A division has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken. 103 voted in favor of the same and 23 against, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Representative THOMPSON of Naples assumed the Chair.