

MAINE STATE LEGISLATURE

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Senator **AMERO**: Thank you Mr. President. Ladies and gentlemen of the Senate, I want to add my voice to the debate on this Bill because I think some of the issues that have been raised about concerns of discrimination, concerns about riding bikes on dirt roads and all, we need to realize that this Bill refers only to the riding of bikes on public roadways. I think with all the competing uses of our public roadways, it is so important that we protect our children by requiring by State law that children 16 and under wear helmets. I think it's a very positive approach for our state to take. I also want to commend the Committee for the way in which they are asking the enforcement community to address this issue. It's by having a positive relationship with a child who is stopped by a police officer for not wearing a helmet, a police officer then can say to the child do you know that there is a State law that requires you to wear a helmet and it's for your own safety. The law enforcement officer can then alert the parent to the importance of that law as well. I think for our police officers to serve in an educational role for children this age is an extremely positive approach. One that we've taken in the DARE program and other programs in trying to have police officers serve as educators as well as law enforcement officials. One other factor that I'd like to mention is according to one of the sheets that was distributed under Senator O'Gara of Cumberland's name, bicycle crashes are one of the most frequent causes of injury related death for young children. I see it as a very appropriate action for this Legislature to take. If in fact we can do something to cut down the number of injuries in young children simply by passing a law that those children must wear a helmet when they are riding their bikes on a public roadway. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT**: Thank you Mr. President. May it please the Senate, I'll be brief, but I did want to comment concerning the remark by the Good Senator from Cumberland, Senator Harriman, who said he believed this measure if Enacted would be discriminatory and mentioned the skiers situation. It's not discriminatory at all. I say that respectfully because I have occasion to frequently go up the Saddleback Mountain during the ski season where my wife is quite an accomplished downhill skier. I noticed this past season nine out ten adult skiers, and young people as well, were wearing helmets. Judy says it's contagious. She had to have a helmet this year. We had to go over to Kingfield and shop for one and we did. You will not find very many folks on the slopes in Maine; Sugarloaf, Saddleback, Sunday River whatever, but what they are helmeted. Quite likely in that area no statute like this, which is an educational measure, is necessary. I would like to conclude Mr. President by noting a remark that I heard today that made some sense to me on the subject. Somebody said, you know, I know some young people who have a helmet when they ride their bike, but their friend believes it kind of whimpy to put on the helmet and talks them out wearing the helmet. This law on the books seems to me will help with that kind of peer pressure, will allow the young people to say OK you think it's whimpy, well it's the law. It's an educational thing to me that has ramification such as educating young people in a safety measure and to respect the law. Thank you Mr. President.

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

Senator **LIBBY**: Thank you Mr. President. Men and women of the Senate, I'll be brief as well. I guess I didn't make myself clear enough earlier as to one of the major reasons why I just absolutely do not condone Bills like this, but particularly this Bill. You need to understand something. This is what your passing today. Your going to have a high school freshman required to wear a helmet when they ride a bike and a high school sophomore not required to wear a helmet when they ride a bike. A high school freshman. If this Bill said anything like for example we should have kids who are in elementary school wear helmets on their bike I'd be the first one to vote for it. You're talking about high school freshman here. Your discriminating by class. I think it's the most ridiculous Bill I've seen in the Legislature in my seven years. This is why the age is ridiculous. What we need is a Bill that talks about elementary school kids, maybe teaches them at a young level, maybe they'll carry that on as they get older. But to go up to age 15, this is an over reach. You're welcome to vote for it and it looks to me like it's going to pass today. But if I were in high school and I was a freshman I'd look at this Legislature and laugh. Thank you very much ladies and gentlemen.

At the request of Senator **CASSIDY** of Washington a Division was had. 27 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **O'GARA** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-378) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act to Repeal the Mandatory Seat Belt Law if Approved at Referendum" H.P. 1397 L.D. 2002

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-377)** (3 members)

Tabled - May 12, 1999, by Senator **O'GARA** of Cumberland.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 11, 1999, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 12, 1999, Reports **READ**.)

Senator **CASSIDY** of Washington requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** You'll see that there were three of us on the Committee that opposed this Ought Not to Pass motion. The reason that we did that was because, as you all know, a few years ago we did go out to Referendum for the folks of Maine to decide whether they would like to require seatbelts in this state. And by a very slim margin that Bill passed. I must tell you I wear seatbelts always when I travel back and forth to Calais and I think their wonderful. I must say to you though that after we passed that at Referendum we came back here in the 118th and changed that Legislation as to the way it was when it went out to Referendum. I didn't think that was fair to the people of the state of Maine. What this Bill would do is send it back out to Referendum under the current law and let the people make that decision. That is why I oppose this motion. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator O'Gara..

Senator **O'GARA:** Thank you Mr. President. Ladies and gentlemen of the Senate, you might recall that yesterday, I guess it's all right to refer to yesterday here, I took a position on sending an item back out to Referendum, that in my judgment, the citizens of Maine had already voted on. Regardless of the margin of the vote, the citizens of Maine took a position. I urge you to support the Majority Report.

At the request of Senator **CASSIDY** of Washington a Division was had. 20 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **O'GARA** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

ORDERS

Joint Order

On motion by Senator **PINGREE** of Knox, the following Joint Order: S.P. 826

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services jointly report out to the Senate a bill establishing a fund to receive and use money received by the State in settlement of or in relation to the lawsuit State of Maine v. Philip Morris, et al., Kennebec County Superior Court, Docket No. CV-97-134.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you, Mr. President. I'd like to pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **MICHAUD:** This Joint Order talks about the Appropriations and Health and Human Services Committee to report out a Bill. If the Committees were currently discussing this and if the Committees cannot agree unanimously on the Bill, would that prohibit them from reporting out a Minority Report or 3 reports or however many?

THE PRESIDENT: The Chair would answer that this would allow the Committees to Report out a Bill and the Minority Report could be an Amendment to that Bill as subsequent Reports, similar to the way Bills are Reported out now with the Majority and Minority Reports. So it does not restrict the ability of the Committee to come up with more than one option.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you very much, Mr. President. I rise to ask for your opinion. We presently have a Bill on our Calendar dealing with this issue. Would that affect this Joint Order as well?

THE PRESIDENT: The Chair would answer in the negative.

Senator **HARRIMAN:** We've already Reported out a Bill.

THE PRESIDENT: The Chair would answer this Order is Passed with the prospective reporting out of the Appropriations Committee Reporting out a Bill, not retroactively.

At the request of Senator **BENNETT** of Oxford a Division was had. 20 Senators having voted in the affirmative and 9 Senators having voted in the negative, **PASSED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Concerning Ownership of a Rafting Company"

H.P. 879 L.D. 1236

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

Signed: