

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Third Legislature

State of Maine

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The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **SAVAGE** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **CHRISTINE R. SAVAGE** of Knox County.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Act

An Act To Make Failure To Wear a Seat Belt a Primary Offense
S.P. 22 L.D. 24
(S "A" S-35)

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you, Madame President, ladies and gentlemen of the Senate. I did not speak on this bill before and I'd just like to put a few things on the record, if I may. What bothers me with this bill is that this went out to public referendum in the last century and the State of Maine kept this as a secondary offense. The language that came out of this Body says in Section 3A, which is the seat belt bill, that it would be enforced only if the law enforcement officer had detained the operator of a motor vehicle for suspected violation of another law. The operator is not subject to the penalty established in Paragraph D unless the operator is required to pay a fine for the primary violation. We talked about this. The time has come to put this back out to referendum again if we are so sure it's going to have some value. This did come back from the 122nd Legislature as an L.D., An Act To Amend the Law Governing the Use of Seat Belts. That came out of this Body as an Ought Not to Pass. There is a history here that bothers me. I did surveys the last time I was in the other Body and I sent out over 250 cards in District 8. I had two cards that said, 'Ain't never going to wear a seat belt again.' The rest of the people said, 'We wear the seat belt most of the time.' There are occasions when people forget. They want to pick up paint at Wal-Mart or something. They hop in, drive up the street, pop in and get the paint. It's an in and out kind of thing. We've had numbers given to us here about the lack of seat belts in terms of how many people using. Not even 77% actually use them. The survey that I had basically said most of the people use them most of the time. You hopped out for gas or you hopped out for food, you were going shopping from one place to another, you ended up maybe forgetting. I'm not inclined to allow this. I'd be careful here, because sometimes cars are stopped, in rural areas maybe. To me this is another excuse to

stop someone. I had a situation with my daughter, who worked at a Pizza Hut when she was in high school. She was driving home at 10 or 11 o'clock at night and she was stopped by a young gentleman on several occasions. One time it was for the seat belt and another time it was the issue of a taillight out or something. My take on this is that we had a referendum and the people said to make it secondary. I think if we make it a primary we are saying to the people in the State of Maine that we don't care what they did back in the 1990's. That time has gone by. People have forgotten, so let's make this mandatory. I'm going to vote Ought Not to Pass on this. Thank you.

The Chair noted the absence of the Senator from Kennebec, Senator **MARRACHÉ** and further excused the same Senator from today's Roll Call votes.

THE PRESIDENT PRO TEM: The pending question before the Senate is Passage to be Enacted. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#55)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, DAMON, DIAMOND, DOW, EDMONDS, MARTIN, MILLS, MITCHELL, NUTTING, PERRY, ROSEN, ROTUNDO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT PRO TEM - CHRISTINE R. SAVAGE

NAYS: Senators: BENOIT, BROMLEY, BRYANT, COURTNEY, GOOLEY, HASTINGS, HOBBS, MCCORMICK, NASS, PLOWMAN, RAYE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO

EXCUSED: Senator: MARRACHE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **EDMONDS** to the rostrum where she resumed her duties as President.

The Sergeant-At-Arms escorted the Senator from Knox, Senator **SAVAGE** to her seat on the floor.

Senate called to order by the President.
