

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session
December 3, 2008 to June 12, 2009

Pages 1 - 1159

Representatives:

BOLAND of Sanford
WILLETTE of Presque Isle
BEAUDETTE of Biddeford
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-12).**

Signed:

Senator:

COURTNEY of York

Representatives:

COTTA of China
CLARK of Easton

Reports **READ.**

Senator **SIMPSON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#26)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **SIMPSON** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Modify the Laws Regarding Seat Belts" S.P. 71 L.D. 221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-9).**

Signed:

Senator:

DAMON of Hancock

Representatives:

MAZUREK of Rockland
PEOPLES of Westbrook
HARLOW of Portland
CAREY of Lewiston
BROWNE of Vassalboro

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Senator:

GOOLEY of Franklin

Representatives:

HOGAN of Old Orchard Beach
THERIAULT of Madawaska
CEBRA of Naples
ROSEN of Bucksport

Reports **READ.**

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-9) **READ.**

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

Senator **GOOLEY:** Thank you, Madame President. I wish to rise and speak in opposition. It's dangerous driving on Maine roads and the use of seatbelts does save lives. This amendment says frequent, and I underline the word frequent, entry and exit from a vehicle to be exempt. That's in the amendment. Frequent is not defined so the whole intent of the bill, with the amendment, is compromised. I urge voting no on this particular legislation.

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

Senator **PLOWMAN:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. Is this a limited occupational kind of idea or while I'm out campaigning, going door to door, frequently getting in and out of my car, does

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. To the question posed, the amendment to the current law which requires the use of seatbelts is that a newspaper delivery person is not required to be secured in a seatbelt while engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle. To the question that was posed, if the good Senator is employed as a newspaper delivery person while engaged in a campaign it would pertain to her, otherwise it would not.

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, indeed this was put in at the request of newspaper carriers, rural carriers, and it follows the exact federal regulations that exempt mail carriers in the rural routes. Some try to lean over and drive this way and the belts don't allow them to do that. It just gets to be a mess. This is the exact same regulation that the National Board of Transportation and Safety has okayed. It is a very limited piece. If you do it in pairs, it is the person who is actually getting in and out of the car, van, or whatever, and not the person that is just driving. That person would have to stay belted up as law. It is the exact same law as the federal regulations for mail carriers. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I'm only standing because I want to go on record as being in opposition to the lack of choice we have in wearing our seatbelts or no. I think the Senator from Penobscot, Senator Plowman, brings up an issue I actually brought up just moments ago about others. What about milk delivery? What about all kinds of things? I don't think we should be penalized for not choosing to wear our seatbelts in cases like that. Whether it is campaigning, milk delivery, or newspaper delivery, I'm against the seatbelt law eliminating our choice to wear or not wear our seatbelt. Thank you.

The Chair ordered a Division. 28 Senators having voted in the affirmative and 5 Senators having voted in the negative, Committee Amendment "A" (S-9) **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Increase the Safety of Automobile Drivers"
S.P. 120 L.D. 356

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

Signed:

Senators:

DAMON of Hancock
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
THERIAULT of Madawaska
CAREY of Lewiston
BROWNE of Vassalboro
THOMAS of Ripley
CEBRA of Naples
ROSEN of Bucksport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-11)**.

Signed:

Representatives:

HOGAN of Old Orchard Beach
PEOPLES of Westbrook
HARLOW of Portland

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act To Correct the Law Concerning Private Investigators' License Qualifications"

H.P. 104 L.D. 122

Bill "An Act To Include the Town of Falmouth as a Member of the Greater Portland Transit District" (EMERGENCY)

H.P. 340 L.D. 452

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

Bill "An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession"

H.P. 135 L.D. 156

READ A SECOND TIME.