

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Fifth Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**

December 1, 2010 – June 29, 2011

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MAKER of Calais  
McCLELLAN of Raymond  
McFADDEN of Dennysville  
NELSON of Falmouth  
RANKIN of Hiram  
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-8)** on same Bill.

Signed:  
Senator:  
LANGLEY of Hancock

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the **Minority Ought to Pass as Amended by Committee Amendment "A" (S-8)** Report.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.  
**READ.**

On motion of Representative RICHARDSON of Carmel, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Make a Violation of the Laws Governing Seat Belts a Secondary Offense"  
(S.P. 37) (L.D. 64)

Signed:  
Senator:  
DIAMOND of Cumberland

Representatives:  
GILLWAY of Searsport  
HOGAN of Old Orchard Beach  
MAZUREK of Rockland  
PEOPLES of Westbrook  
RIOUX of Winterport  
ROSEN of Bucksport  
THERIAULT of Madawaska

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-4)** on same Bill.

Signed:  
Senators:  
COLLINS of York  
THOMAS of Somerset

Representatives:  
CEBRA of Naples  
PARRY of Arundel  
WILLETTE of Mapleton

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4)**.  
**READ.**

Representative CEBRA of Naples moved that the House **ACCEPT** the **Minority Ought to Pass as Amended** Report.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **TUTTLE**: Could somebody please explain what this bill is doing?

The **SPEAKER**: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What this bill does basically is that it takes the primary seat belt law that we have now in the State of Maine, as a primary offense, and makes it a secondary offense, and basically it waters down the bill tremendously. Mr. Speaker, may I also add a few other comments?

The **SPEAKER**: The Representative may continue.

Representative **MAZUREK**: Thank you, Mr. Speaker. I am hoping that the people of this House will vote as the majority voted to Ought Not to Pass. The seat belt law has been in effect since 2008 and there have been a lot of people who have spoke out for and against it. I'm looking for a note right now, and, if I can find it, I'll be right with you. In our meetings dealing with this, these are the people who have spoken out in favor of retaining our seat belt law. The Bureau of Highway Safety, LifeFlight of Maine, a number of doctors, nurses, medical people, Maine Driver Ed and Traffic Safety Education Association, AAA of Northern New England, the Maine Chiefs of Police Association, the Maine Orthopedic Association, the Maine Public Health Association, the Maine Association of Insurance Companies, General Motors, the Alliance of Automobile Manufacturers, and the Maine Nurse Practitioner Association are just a few of the people who spoke saying that we should retain our bill, keep it as a primary offense.

We also have to look at the cost of what we're talking about. If we do away with this and make it a secondary offense, we're talking approximately \$1.5 million it will cost the State of Maine. There will also be a significant increase in the cost of Medicare at the time when we least can afford it. Just in safety alone, in the year 2009, over 70 deaths were prevented because of the seat belt law on the books, a law that requires us to buckle in our children. Now for some reason, when we reach the magical age of 18, we're now going to say we don't have to buckle in. I don't know if our heads got any harder. I don't understand why. But I think that we're talking about safety here and I really strongly would urge that Maine retains this seat belt law. Thirty-six states have had it. No state has considered repealing it except Maine. Why step backwards? Why move back when we should be moving forward? Doctors, nurses, people, all have testified very strongly in support of it. It saves lives, it saves injuries. It is something that we should really maintain, so I am asking the people of this Legislature to stop and think. Do we want to go back, move backwards, or are we going to move forward? Please keep this bill intact. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Mr. Speaker. I just would like to clarify a few items in relationship to this bill. First, I

hold in my hand and I know I'm not supposed to show it, but I have a fiscal note on this bill. It looks like \$650,000, not \$1.5 million. When the people came to testify on this bill before the Transportation Committee, quite a few organizations lined up opposed to this, quite a few citizens from the public came and testified in favor of it. It is interesting when I look at the fiscal note on this bill, that when the original bill was passed a couple years back it was a secondary offense in Maine and the bill to make it a primary offense, there was no fiscal note attached to that. So it is amazing how this has suddenly become a moneymaker in fine money.

What I would like to also say, Mr. Speaker, to clarify the point, is that this does not remove the requirement to wear a seat belt in the State of Maine. I will say it again. It does not remove the requirement to wear a seat belt in the State of Maine. This bill would just remove the requirement, or the piece of law, that says that a law enforcement officer could pull you over for such an offense. It would put it back to being a secondary offense, so if they pulled you over for something else, this would be a secondary offense if you weren't wearing a seat belt.

As far as public safety, I've heard statistics on both sides that say it's done nothing and I've heard statistics that say it's been a great thing. But as far as my personal liberties are concerned, I prefer to have the police not be able to pull me over for this. I think that having heard from numerous constituents, out on the trail as they say, as well as emails and phone calls, I've heard from dozens of constituents who don't like the fact that it's a primary offense and I've heard from a couple of constituents who believe that it should be a primary offense. So I believe this is one of those issues that you need to decide for yourself where you stand, and I know where I stand and that would be in favor of the restoration of it being a secondary offense. Thank you, Mr. Speaker.

Representative MARTIN of Eagle Lake moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative CURTIS of Madison **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess I need to know, can I continue to speak on this subject or is debate halted at this point?

The **SPEAKER**: The Chair would inform the Representative he may proceed.

Representative **BURNS**: Thank you, Mr. Speaker. I understand the concern about this bill. I understand the concern about trying to make it a secondary offense, and the concern about intrusion into our lives when it comes to us and our safety. I share some of those concerns on a lot of those issues. But on this particular issue here, to me, it is in fact a no-brainer. We have come a long way in this state and in this country since the campaign to get people to use seat belts started. We saved thousands of lives. To go backwards now, I think, would be a terrible mistake. We now have a generation of people that are used to getting into a vehicle and buckling up, just as we're used to taking our infants and our young children and putting them in a car seat. I can't imagine going back to the days when kids were all over the place, people had no restraints in their vehicles, whether they wanted them or not. I remember those days when I started police work. It was a rare occasion to see anybody in a restraint device, a seat belt, even though we were required to

wear them as soon as they were equipped in our vehicles and that was for a reason.

I'm not concerned about the fiscal note. I don't look at public safety laws as a means of making money. I am concerned, however, about the incredible cost and I'll just quote one statistic from AAA that was done as a matter of reviewing 76 Maine Medicaid car crashes that involved patients under Medicaid, \$3.2 million in cost to the public. That's an incredible amount of money and that was just in, I believe, 2009. If this situation is important enough to put in a law, which we saw fit to do, then it's also important enough to enforce. I don't know professional officers that would use this as a method to stop your vehicle to check for something else. I'm not saying that doesn't happen, but that's not professional law enforcement. I do know, Mr. Speaker, of many law enforcement officers. In fact, most that I know agree this is a very important law. They know and they believe that because they see firsthand the number of lives that it saves. You will always have the argument, well, if that person hadn't been in a seat belt, they might have walked away from that crash. I am here to tell you statistically that is not a fact, that is a rare occasion. I have seen many accidents and the majority of them, the majority of them were people wearing seat belts have saved people from serious injury and death. So I go back to the same premise. If this issue is important enough to have it in statute, which we saw fit to do, then it is important enough to allow your police officers to enforce and the way that you do that is to have it as a primary offense.

When I started police work in the '70s, there was no such thing as a primary or secondary offense. If it was on the statute, if you folks saw fit to put it in statute then we were asked and we were charged as police officers to enforce it, and that's what you're supposed to do. So some reason we got into this gray area of, well, it's a law but it's not that important a law, so we'll call it a secondary offense.

I guess my final argument to this is if it's not significant enough to enforce, then let's repeal the law all together, let's go back to education and see if that meets the requirements and the needs in order to save lives on the highway. I don't think that's the answer but rather than calling it a law that's really not important enough to be a primary offense, let's just make it a recommendation. I urge you folks to follow my light.

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative MARTIN of Eagle Lake to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

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## CONSENT CALENDAR

### First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 34) (L.D. 61) Bill "An Act Implementing a Fisheries Permit Banking Program" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-5)**

(S.P. 65) (L.D. 214) Bill "An Act To Establish Governor William King Day" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-6)**

(S.P. 177) (L.D. 594) Resolve, To Enhance Economic Development in the City of Eastport by Facilitating the Ability of the City of Eastport To Transfer Ownership of Property (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-7)**