

MAINE STATE LEGISLATURE

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with the infamous word "may", to give the municipality the option to consider this and make a decision at that level. This is not an automatic tax increase. This is not an automatic fee increase. The budget proposal is a tax increase. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, didn't plan to get up and speak today, but since we're mixing apples and oranges or fruits and vegetables, I think, based upon a discussion we had in this Chamber yesterday, it is good to reflect on our words here. I think it's important to remember that what we're talking about is a municipal service that is already in place for which towns have budgeted. We're not asking them to extend themselves beyond a certain level of service to the people who pay taxes in that town. What we're asking is whether or not it will service government by just slightly increasing a fee here. Those fees have a way of running away with themselves, Mr. President, and I think that any time that we send a message out of this Body that it's okay to do a fee here or there because we're going to reward you somewhere else that people start to look at us with a jaundiced eye. I think we need to be careful about that. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Mazurek to Accept the Majority Ought to Pass Report. 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 (#33)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SHERMAN, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, KATZ, MASON, PLUMMER, SAVIELLO, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **MAZUREK** of Knox to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (4/2/13) matter:

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Exempt Occupants of Antique Autos from Seat Belt Requirements" (EMERGENCY) S.P. 24 L.D. 57

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-17)** (1 member)

Tabled - April 2, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **MAZUREK** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, April 2, 2013, Reports **READ**.)

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I guess this is my day to speak in this Chamber. Two bills in succession. Nevertheless, I want to talk to you this morning concerning L.D. 57. I mentioned this the other day, and I'll just quickly restate my position on this. This is giving an exemption for people participating in parades. I'm sure we all have parades in our districts back home. Quite often you have rides in convertibles; the local beauty queen or to honor somebody in a parade. They are not wearing a seatbelt. What it does is gives them the privilege of not wearing a seatbelt during a parade, for the riders as well as the operator of the motor vehicle. Most parades are traveling probably around ten miles an hour, I would guess. Although there are some times that you would have to run to catch up, but nevertheless that's a story for another day. In any event, I would just like to reiterate that it's a small group. It would be for antique automobiles, vehicles that are registered under law to obtain an antique auto registration. In this particular case, here in Maine a vehicle is classified as an antique in 1988. Therefore, I would recommend to vote against the current motion and in favor of this bill. Thank you.

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

Senator **VALENTINO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have the good fortune also to rise twice today with my good seatmate from Wells and Transportation. This actually is a bill, I think, that regulated common sense. Somebody stopped somebody in a car that had Ms. Maine or somebody riding on the back and gave them a ticket. Now that was not common sense, in my book. What happens is then we put something in again to regulate the common sense and we have unintended consequences on it. Right now we have over 16,000 antique autos registered in the state of Maine. You have a hand out that I gave you in front of you. One of the things that it does say is that if the antique auto was not originally equipped with a seatbelt than the current law does not require you to have the seatbelt in it. There is a lot of information on the sheet and most of you probably haven't turned

it over. I need you to turn the sheet over. According to the original bill that was put in, the unintended consequence is that if we did this there would a potential impact to the Federal Highway Administration Fund. There would be a 2% penalty and the State may lose \$3.1 million. That is an unintended consequence. I agree, the Ms. America on the back of a car should not have to wear a seatbelt, but I also agree that that should be common sense, that we should not be putting in a bill for an exclusion for this and risk federal highway funds that will be coming in. Thank you very much.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill is for parades only. It's not enabling anybody to go beyond a parade as far as not being necessary to not wear a seatbelt. There are some federal dollars that may be in jeopardy, but I've got to tell you, with the government the way it is today, with federal government cut backs, I don't think we're going to have parade police out there checking on folks in parades. I think passage of this bill would make a lot of sense. Granted there are some overzealous police officers and there was somebody who got a ticket for not having a seatbelt on during a parade. Seems ridiculous now, but nevertheless it happened. That's what this bill is trying to remedy. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. Point of information, if I may. Is the impact automatic or do we know this is actually going to happen? That is question number one. Question number two, the 70 people not wearing seatbelts that were killed, were any of those in an antique auto?

THE PRESIDENT: The Senator from Aroostook, Senator Sherman poses two questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is not automatic. You would have to be caught. That's why I mentioned the parade police. The other part of your question, I'm not sure about that, to be honest with you. Nevertheless, you have to be caught by a federal agent in a parade. I don't think that's going to happen.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Mazurek to Accept the Majority Ought Not to Pass Report. 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 (#34)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, WOODBURY, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **MAZUREK** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED.**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/2/13) matter:

Bill "An Act To Promote and Expand Awareness of the Educational Opportunity Tax Credit"
H.P. 926 L.D. 1300

Tabled - April 2, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **REFERENCE**

(In House, April 2, 2013, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** and ordered printed.)

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/3/13) matter:

Bill "An Act Related to Appeals of Disciplinary Proceedings Affecting County Employees"
H.P. 803 L.D. 1138

Tabled - April 3, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **FURTHER CONSIDERATION**

(In House, March 21, 2013, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)