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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

First Regular & Special Session
December 6, 1996 to May 19, 1997

Pages 1 - 980

The Bill **READ ONCE**.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, men and women of the Senate. I know that Senator Ferguson from Oxford can speak for himself but I am perfectly satisfied that safeguards have been built in so that a person will not be able to get the wine, which is locked in the trunk, while they're in the automobile.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much Mr. President, ladies and gentlemen of the Senate. The Senator from Oxford will speak for himself and I concur with the good Senator from Kennebec. I have no objections either.

Off Record Remarks

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. I rise to support Senator Dagget's motion, the Senator from Kennebec. Senator Carey, the Senator from Kennebec, has just indicated that, I guess, the reason behind this is to be certain that people don't take their wine out into the vehicle and drink it on the way home. I'll tell you what bothers me about the bill. It promotes drinking the whole bottle of wine right there in the restaurant and downing the whole thing and then getting into your vehicle and going home. It seems to me, I would rather promote this, a couple are going out for a special occasion, you see a particular wine on the list, you haven't seen that wine for some time. This is a real special time. You buy the bottle, and without the thinking, you've got to down the whole bottle right there before you leave and you're able to take some home. It seems to me that we are starting to micromanage a whole lot and not giving our citizens some measure of respect for their responsibility. So I see just the opposite effect, I guess, as Senator Carey, the Senator from Kennebec, sees. I would much rather take the bottle out, put it in the vehicle and go home, rather than have to down the whole thing before I get in the car. Thank you Mr. President.

The Bill **READ ONCE**.

Committee Amendment "A" (H-308) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended, **TOMORROW ASSIGNED FOR SECOND READING**.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/9/97) Assigned matter:

Bill "An Act to Provide That the Operator of a Limousine Is Not Responsible for Securing in a Seat Belt a Passenger Transported for a Fee"
H.P. 303 L.D. 367
(C "A" H-334)

Tabled - May 9, 1997, by Senator **PINGREE** of Knox.

Pending - motion by Senator **LIBBY** of York to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**, in concurrence

(In House, May 7, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**.)

(In Senate, May 8, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**, in concurrence. Subsequently, Senator **LIBBY** of York moved to **RECONSIDER**.)

On motion by Senator **LIBBY** of York, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**, in concurrence.

On further motion by same Senator, Senate Amendment "C" (S-218) **READ**.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. First of all, let me thank you for allowing me to reconsider this motion so that I can present Senate amendment "C" and let me explain this amendment in detail to you. I think it's a very important amendment or I wouldn't have spent the time to present it to you here today. Senate amendment "C" takes care of a problem that was the original intent of the Committee on Transportation.

The original intent of the bill that appeared in front of the Committee on Transportation was to take care of a situation that occurs when a limousine driver is in the process of their work transporting passengers. When that happens there is a seat belt issue with the limousine drivers and taxi cab drivers that initially arises where there's concern about the passengers being seat belted. So what the committee heard and what that was a bill that exempted those limousine drivers from being responsible for the passengers in their automobile from being buckled up. I discussed this issue with the Department of Transportation because I had some real concerns about coming through with a whole bunch of exemptions for those who transport people publicly and I felt that if it should be an exemption for limousine drivers it actually should be true across the board. And sure enough, in other states if you're a passenger in an automobile and you buckle up, you're buckling up for yourself. The responsibility is on you to buckle up. In other words, as a driver, I'm not saying to you, "You must buckle up." The passengers are taking personal responsibility for themselves to buckle their seat belt. This amendment actually brings us into compliance with a federal law. It's a good amendment because it promotes personal responsibility. It is a situation that will result in no further exemptions being examined by the committee because this will take care of the problem.

There's no fiscal note on the bill and no other problem that arises from this bill. One of the problems that did arise though, in formulation of the bill was, "Well, if they're not wearing their seat belt, who is fined?" Because currently the police officers, when they do pull you over for another reason and you're not buckled up, they're going to fine the driver for everybody in the automobile. So, if you've got three people that are passengers and none of them are buckled up it's up to \$50, I believe, per person. What this bill would do is just shift that to personal responsibility which, I believe, and the legislative liaison for the Department of Transportation also now believes, is a good policy and that is, if you don't have your seat belt on, you're responsible. They may write you a ticket for not having that seat belt on but that's fine. It's been a difficult issue for me. I never voted for seat belts, nor do I believe in telling people to do that, but I've come to accept it because it was voted on by the people but what I don't really accept is the situation where the driver's responsible for everybody in the automobile and you're seeing what the result of that is now.

You're seeing new legislation because we've just enacted a seat belt law recently that would exempt, first taxi cab drivers were exempted, now limousine drivers, and I think you're going to see a bunch of other exemptions. If we take care of this problem now and I'm hoping that you'll vote in favor of this motion. A-you'll have personal responsibility and B-no more people coming to the legislature for exemptions because people will be responsible for themselves. You're still required, no matter what, to wear your seat belt. I just wanted to make that known. The other provision here is that this bill applies to those 18 years and over and that's a very important thing. So, for adults the provision is, you're responsible for buckling up. I think, actually, in terms of a policy makers tool for those who are in favor of seat belts, I think there's going to be less excuses from passengers. No longer is the driver responsible for them. They're responsible for not buckling up, that's the law. It's not going to be the driver's fault so I think it's going to be a real positive. For those people who are under the age of 18, the driver's still responsible and I think that's fair. These are minors. They're in the custody of the driver and the driver's responsible for making sure they buckle up. This is a law that's tried and tested in other states. It makes sense and I hope you'll join me in voting for amendment "C". Thank you very much for your time.

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

Senator **CASSIDY:** Thank you Mr. President, men and women of the Senate. During our debate this year on this particular issue in our Committee on Transportation we discussed the original bill, not this particular motion, although we discussed parts of this motion. Last year when we adopted and sent the referendum out for a seat belt, two things happened. Number 1, our current law is that seat belts is a secondary offense. In other words, you'd have to be stopped for some other reason and then you could be charged for that as well. Secondly, we realized the problems that we would create last year with taxi cab drivers. In other words, how would they force folks to do that? Some folks they may have in their cab, if they pick them up, in the bar later with a half a bottle of wine or something. There could be some problems. We decided we'd exempt taxi cab drivers and we had the same discussion on this bill. We recently passed a law that maybe will go into effect in a few

months where, if you don't have your headlights on in a rain storm or something, you could get stopped for that.

A limousine driver could be charged for not allowing these folks to have seat belts. And, the thing is that you realize that the most traditional, most common use of a limousine, traditionally is for weddings and wedding parties and we just felt it would be very inconvenient to ask folks, especially brides in their lovely gowns and all that, to have to try and get seat belts on and all of these kinds of things. We just felt that this was a practical exemption to have limousines along with taxi cabs and I hope that you won't support this motion for this amendment.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. Just a brief response to that. I think it's important to note that there are a whole bunch, a lot, of companies out there now with limousine services and actually there are limousine services that are now for airport services and so they're not for parties. In fact, I drove by one just the other day thinking about this bill. There were approximately four passengers in this limousine service and it said right on the side, "Limousine." You might call it a taxi, but they're actually classified as a limousine service and by passing this amendment you'll be able to, number one, achieve the exemption for all of those limousine services whether they be for parties or for general transportation back and forth to airports, whatever it might be, for taxis and anyone else that ever comes up in front of us and you'll be taking that responsibility away from the driver and you'll be saying, look, passenger, you're responsible for yourself for buckling your seat belt.

As I said, I've discussed it with the committee chairman. I've discussed this bill with the Department of Transportation. It's the department's position that this is an excellent amendment. In fact, a quote from the department liaison, "This is the way it should be." That's exactly what the department liaison said to me. So, I hope you will join me in voting for this amendment. I thank you very much.

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

Senator **O'GARA:** Thank you Mr. President, members of the Senate. I felt that I should get up and discuss what Senator Cassidy has pointed out is accurate but in the mean time, I've discussed this with the Department of Motor Vehicles and the Senator from York is correct. I'm supporting this amendment and I would urge the members to do it. It is only as with all seat belt bills unless the vehicle is stopped for some other reason people just aren't going to be stopping and I really can't imagine. I understand the example of the bridal party, but there are those who feel that our law enforcement officers sometimes aren't very flexible, but I really can't imagine in that one example that anybody's going to be hauled into court on their wedding day for not wearing a seat belt. But, I believe the amendment is well taken and the Senator from York is correct. Representatives of the Department of Motor Vehicles have supported this amendment in conversation and I would urge the Senate to support it.

At the request of Senator **MURRAY** of Penobscot a Division was had. 16 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **LIBBY** of York to **ADOPT** Senate Amendment "C" (S-218), **PREVAILED**.

Which was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT (H-334) AND SENATE AMENDMENT "C" (S-218)** in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Tuesday, May 13, 1997, at 9:00 in the morning.