

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

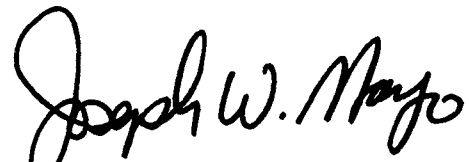
No. 2002

H.P. 1397

House of Representatives, March 23, 1999

An Act to Repeal the Mandatory Seat Belt Law if Approved at Referendum.

Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MENDROS of Lewiston.
Cosponsored by Senator BENOIT of Franklin and
Representatives: GILLIS of Danforth, PERKINS of Penobscot, TRACY of Rome, TRAHAN
of Waldoboro, Senator: CASSIDY of Washington.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 29-A MRSA §2081, sub-§3-A, as amended by PL 1997, c. 450, §2, is repealed.

Sec. 2. 29-A MRSA §2081, sub-§4, as amended by PL 1997, c. 737, §7, is further amended to read:

4. Enforcement. The following provisions apply to subsections 2, and 3 ~~and 3-A~~.

A. Unless the vehicle is operated by a person under 21 years of age, the requirements do not apply to a passenger over one year of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

~~A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for 5 years.~~

B. A person against whom enforcement action has been taken may not be adjudicated to have committed a subsequent violation of subsection 2 until 24 hours have elapsed from the date and time of the first violation indicated on the Violation Summons and Complaint.

C. A violation of subsection 2 is a traffic infraction. The court shall waive the fine for a first violation of subsection 2 by a parent or legal guardian if the parent or legal guardian provides the court with satisfactory evidence that the parent or legal guardian has acquired a child safety seat for continuous use by the child within 30 days of the violation.

D. A violation of subsection 3 ~~or 3-A~~ is a traffic infraction. The fine for a violation of subsection 3 ~~or 3-A~~ may not be less than \$25 nor more than \$50.

~~E. Subsection 3-A may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another law.~~

Sec. 3. 29-A MRSA §2081, sub-§6, as amended by PL 1997, c. 450, §4, is repealed.

Sec. 4. Referendum for ratification; submission at general election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at the next general election held in November 2000. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor repealing the requirement that all persons 18 years of age or older use safety belts in motor vehicles?"

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim that fact without delay, and the Act takes effect 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

SUMMARY

This bill repeals, if approved at referendum, the law that requires a person 18 years of age or older to wear a seat belt while a passenger in or operator of a motor vehicle.