

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 123**

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H. P. 114

House of Representatives, January 18, 1979

Referred to the Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Beaulieu of Portland.

Cosponsor: Mr. Diamond of Windham.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Require Motorcycle Operators and Passengers and Motor Driven  
Cycle Operators and Passengers to Wear Helmets if they are Minors.**

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

**29 MRSA § 1376** is enacted to read:

**§ 1376. Protective headgear for motorcycle riders and motor driven cycle riders who are minors**

**Every person under the age of 18 years who operates a motorcycle or motor driven cycle or who rides as a passenger on a motorcycle or motor driven cycle or in a sidecar attached to a motorcycle or motor driven cycle shall wear protective headgear conforming with those minimum standards of construction and performance which the Secretary of State may prescribe.**

STATEMENT OF FACT

This bill would require every motorcycle and motor driven cycle operator under the age of 18 and every motorcycle and motor driven cycle passenger under the age of 18 to wear protective headgear.

The previous motorcycle helmet law, which required headgear protection for all motorcycle operators and passengers, was repealed because it was felt that the statute infringed the right of a motorcycle operator or passenger to make his own choice as to whether he wanted to be protected or not.

However, in most cases minors do not understand the risks involved in riding a motorcycle or a motor driven cycle while going bareheaded and they cannot make an informed choice as to whether to wear a helmet or not.

This bill, while preserving an adult's right to take a conscious risk and not wear a helmet, would require a minor to wear a helmet and thus be protected.

Something must be done to cut down the large number of children and adolescents who are suffering grave head injuries when they are involved in motorcycle and motor driven cycle accidents. This bill provides a solution to this serious problem.