

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 856

7
8 H.P. 586

House of Representatives, February 28, 1985

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

11 On Motion of Representative Kane of S. Portland, referred to the
Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Kimball of Buxton.

12 Cosponsored by Representative Cahill of Woolwich, Representative
Racine of Biddeford and Senator Berube of Androscoggin.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT Concerning Reduction of Damages for
19 Persons not Wearing Safety Belts or Helmets.
20

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

23 14 MRSA §156, as amended by PL 1971, c. 8, is
24 further amended by adding at the end 2 new paragraphs
25 to read:

26 Any person, while operating or sitting as a pas-
27 senger in the front seat of a motor vehicle and who
28 does not have the available seat belt properly af-
29 fixed, shall have the total damages reduced by 20%.
30 This reduction applies in any case, including claims
31 against insurance carriers.

32 Any person, while operating a motorcycle or any
33 recreational vehicle or who is a passenger thereon,
34 who is not wearing a safety helmet, shall have the
35 total damages reduced by 20%. This reduction applies

1 in any case, including claims against insurance car-
2 riers.

3 STATEMENT OF FACT

4 It is recognized that the cost to society for
5 people who refuse to wear or use motor vehicle safety
6 belts or motorcycle helmets is high in terms of medi-
7 cal costs, liability and loss of productivity. It is
8 equally true that laws mandating the use of such de-
9 vices infringe on personal liberty and is governmen-
10 tal interference on personal choice. The intent of
11 this bill is to allow the freedom of choice and per-
12 sonal responsibility to control the decisions of
13 those people, who will no longer be able to pass on
14 the costs of their decisions to the extent of 20% to
15 society as a whole. This bill also applies to those
16 persons who are involved in a single motor vehicle or
17 recreational vehicle accident and who have a claim
18 against their own insurance company.

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