

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Ninth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

STATE OF MAINE
One Hundred and Ninth Legislature
Second Regular Session
JOURNAL OF THE SENATE

February 5, 1980

Senate called to order by the President.

Prayer by the Reverend Russell M. Chase of the United Church of Monmouth.

Reverend CHASE: Let us pray! O God our Heavenly Father, we thank you for the blessings you have bestowed upon us, both as a body and as individuals. We thank you for all of the families that are represented here.

Be with us and guide us and keep us steadfast. We pray thy blessings upon this body as they struggle with the things of the day. Help us and keep us steadfast, as we would look to you for guidance and help and strength.

Thank you for your love that gave to us your son; Help us that we ever may be mindful of him; Help us to remember our purpose for being; Help us to serve, and to love with that love which Christ taught us. Keep us our Father, and bless us. For we ask these things in his name, even Jesus Christ our Lord. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Reorganize the Department of Mental Health and Corrections." (H. P. 1786) (L. D. 1904)

In the House, January 25, 1980, referred to the Committee on State Government.

In the Senate, January 25, 1980, referred to the Committee on Health and Institutional Services, in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I move the Senate Recede and Concur, with the House.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

Joint Order

Expression of Legislative Sentiment recognizing that:

Michele A. Rollins of East Dixfield, senior co-captain of the University of Southern Maine Women's Basketball Team, who scored over 1,000 points in collegiate competition. (H. P. 1796)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

Bill, "An Act to Provide for Improved Information on Workers' Compensation and to Provide Funds for Full-time Workers' Compensation Commissioners." (H. P. 1795) (L. D. 1911)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

On Motion by Senator Sutton of Oxford, Tabled until later in today's session, pending Reference.

Bill, "An Act Concerning the Incorporation of the Mission Congregational Church." (H. P. 1791) (L. D. 1909)

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed.

Which was referred to the Committee on Legal Affairs and Ordered Printed in concurrence.

RESOLVE, to Honor James B. Longley (Emergency) (H. P. 1792) (L. D. 1910)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

Which was referred to the Committee on State Government and Ordered Printed in concurrence.

Study Report - Judiciary

The Committee on Judiciary to which was referred the study relative to Child Abuse, pursuant to Joint Order (H. P. 1462) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Establishing the Child and Family Services and Child Protection Act" (H. P. 1787) (L. D. 1906) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Judiciary.

Which Report was Read and Accepted in concurrence, and the Bill referred to the Committee on Judiciary, in concurrence.

**Communications
State of Maine
Department of State**

January 28, 1980

Speaker of the House and President of the Senate

Gentlemen:

Maine's Charitable Solicitations Act took effect January 1, 1978. Essentially, it requires all charitable organizations to register with our office. Certain types (churches, educational institutions, small charities) are "exempt" from annual filings and financial reports; they submit only an initial registration.

Charitable organizations pay no filing fees; however, professional fundraisers must pay a \$100 fee and post a \$10,000 bond. Organizations grossing more than \$30,000 annually must submit a financial report indicating how much was spent directly for the charity, for administration and for fundraising.

As indicated in the accompanying report, we have intensified our efforts to gain compliance with the Act. Registrations are 55% greater than in 1978. Administrative regulations were recently adopted to assist charities in submitting financial reports.

These efforts have, predictably, brought a degree of concern and resistance from those who are affected by the Act. If you have any constituents who are interested in the administration of this law or who need assistance, please feel free to have them contact my Deputy, Dr. James S. Henderson. He will be glad to accept any suggestions that would result in the fairest application of this law to all organizations while avoiding hardship on the smallest charitable groups.

We are currently studying the feasibility of transferring the responsibility for administering the Act to the Department of Business Regulation. That Department's regulation of auctioneers and itinerant vendors suggest efficiencies and convenience for the public. We will keep you informed of any proposals for change.

Very truly yours,
Rodney S. Quinn
Secretary of State

(H. P. 1790)

Comes from the House, Read, and with accompanying papers, Ordered Placed on File.

Which was Read and, with accompanying papers, Ordered Placed on File, in concurrence.

Senate Papers

Senator Najarian of Cumberland (Cosponsor: Senator Trafton of Androscoggin) presented, Bill, "An Act to Provide Low-interest Loans for Middle and Low Income Families for Residential Energy Conservation Improvements." (S. P. 743)

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Reference.

Orders

An Expression of Legislative Sentiment recognizing:

James L. Richards Jr. of Belfast, Waldo County YMCA Executive Director who was selected from Y-people around the world to work at the Lake Placid Winter Olympics. (S. P. 744) is presented by Senator Shute of Waldo (Cosponsored by Representative Drinkwater of Belfast.)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

House

The following Ought Not to Pass reports shall be placed in the Legislative Files without further action pursuant to Joint Rule 22 of the Joint Rules:

Bill, "An Act to Amend the Maine Consumer Credit Code to Apply to Arrangers of Credit and to Revise Provisions Relating to Agricultural Loans, Residences, Security and Fines." (H. P. 1657) (L. D. 1766)

Bill, "An Act to Prohibit Trapping by Game Wardens, except in the Line of Duty." (H. P. 1760) (L. D. 1885)

Bill, "An Act to Require Public Utilities Commission Review of Proposed Construction Plans by Telephone, Electric and Gas Utilities." (H. P. 1637) (L. D. 1746)

Bill, "An Act to Revise the Van Buren Light and Power District Charter." (H. P. 1608) (L. D. 1719)

Bill, "An Act to Amend Training Requirements for Corrections Officers." (H. P. 1693) (L. D. 1803)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act Mandating Risk-sharing Among Property Insurers." (H. P. 1673) (L. D. 1780)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act Relating to State Monitoring and Disclosure of Nuclear Power Radiation." (H. P. 1654) (L. D. 1763)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Education on, Bill, "An Act Relating to Maine Educational Advisory Organizations." (H. P. 1646) (L. D. 1756)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once, and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on State Government on, RESOLVE, Authorizing the Attorney General to Convey the State's Interest in a Certain Parcel of Land and Buildings in Augusta to the Community Shelters for Children, Inc. (H. P. 1606) (L. D. 1717)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H. 753).

Comes from the House, the Resolve Passed to be Engrossed, as amended by Committee Amendment "A".

Which Report was Read and Accepted in concurrence, and the Resolve Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the Resolve, as amended, Tomorrow Assigned for Second Reading.

Senate Leave to Withdraw

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act Relating to the Facilitation of the Collection of Child Support by Exempting Financial Records from Confidentiality Pursuant to the Law of Financial Institutions." (S. P. 713) (L. D. 1851)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator Emerson for the Committee on Transportation on, Bill, "An Act to Encourage Car pools and Van pools." (S. P. 683) (L. D. 1806)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Increase License and Examination Fees for Barbers." (S. P. 706) (L. D. 1842)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-405)

Senator Clark for the Committee on Business Legislation on, Bill, "An Act to Amend the Pay Schedule of Physicians to Include Actuaries." (S. P. 707) (L. D. 1843)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-406)

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act to Amend the Charter of the Harrison Water District." (H. P. 1596) (L. D. 1707)

Bill, "An Act Clarifying the Authority of Municipalities to Acquire and Operate Water Systems." (Emergency) (H. P. 1605) (L. D. 1716)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act to Provide for Per Diem Compensation for Active Retired Judges." (Emergency) (H. P. 1636) (L. D. 1745)

Which was Read a Second Time

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I present Senate Amendment "A" to L. D. 1745 under Filing Number S-407, and move it's adoption, and would speak to my motion.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 1745 and moves it's adoption.

Senate Amendment "A" (S-407) Read.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, yesterday I had a very sobering chat with the Chairman of the Appropriations Committee. As a result after discussing this with other Members of the Judiciary Committee, decided to offer an amendment to this bill, that would provide a Per Diem Stipend to Active Retired Judges, by cutting the cost of the bill down by more than 50%. This reduces the Per Diem Stipend down from \$75 to \$50, because it would not become operational until the next fiscal year, there is a considerable cost saving, accomplished by this amendment. I would move it's passage.

Senate Amendment "A" (S-407) Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers from the House Joint Order

An Expression of Legislative Sentiment recognizing:

Mina Rines, of Warren, who celebrated her 100th birthday on February 3, 1980. (H. P. 1800)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

(Off Record Remarks)

House Paper

Bill, "An Act to Reorganize the Sales and Use Tax Law and to Encourage Conversion to Coal through Treatment of Coal as Oil for Sales Tax Purposes." (H. P. 1793) (L. D. 1918)

Comes from the House, referred to the Committee on Taxation and Ordered Printed.

Which was referred to the Committee on Taxation, and Ordered Printed, in concurrence.

Senate

Bill, "An Act to Increase Real Estate Broker and Salesman License and Examination Fees." (S. P. 705) (L. D. 1841)

Bill, "An Act to Amend the Provisions of the Maine Certificate of Need Act Governing the Issuance of an Emergency Certificate of Need." (S. P. 697) (L. D. 1833)

Bill, "An Act Relating to Winter Closing of Town Ways." (S. P. 673) (L. D. 1777)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

AN ACT to Amend the Law Regarding the Issuance of Registration Permits under the Motor Vehicle Laws. (H. P. 1629) (L. D. 1739)

AN ACT Relating to Enforcement of the Truck Weight Requirements Under the Motor Vehicle Laws. (H. P. 1628) (L. D. 1738)

AN ACT to Make Corrections in the Law with Respect to Bridgton Academy, Gould Academy and North Yarmouth Academy. (H. P. 1597) (L. D. 1708)

Which were Passed to the Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

AN ACT Revising the Maine Capital Corporation. (H. P. 1616) (L. D. 1726)

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Enactment.

AN ACT Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders. (H. P. 1620) (L. D. 1730)

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Enactment.

Emergency

AN ACT to Increase the Amount which the District Court is Allowed to Deposit into the District Court Building Fund from \$3,000 per Month to \$120,000 per Year. (H. P. 1640) (L. D. 1749)

On Motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

Orders of the Day

The Chair laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act to Repeal the Marine Worm Tax." (H. P. 1632) (L. D. 1742)

Tabled—February 4, 1980 by Senator Huber of Cumberland.

Pending—Enactment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I move the pending question.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would like to pose a question through the Chair to the Chairman of the Appropriations Committee if I may. I would like to know how much the loss of revenue there will be to the State on this bill?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, and Members of the Senate, although the justification is fairly confusing, I understand the gist of this bill is that if the Legislature re-affirms the existing law by defeating the bill, the department feels that it will have to enforce the provisions of this law. The cost of enforcement will be more than the \$14,500 loss of revenue to the General Fund.

This being an emergency measure and having received the affirmative votes of 25 Members of the Senate, with No Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The Chair laid before the Senate the second tabled and specially assigned matter:

HOUSE REPORTS—from the Committee on Transportation—Bill "An Act to Require that Children who are under 15 Years of Age Wear Helmets when they are Passengers on Motorcycles." (H. P. 1590) (L. D. 1700) Majority Report—Ought Not to Pass; Minority Report—Ought to Pass.

Tabled—February 4, 1980 by Senator Perkins of Hancock.

Pending—Motion of Senator Emerson of Penobscot to accept the Majority (Ought Not to Pass) Report.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: I would suggest to the Members of the Senate, rather than to get into a lengthy debate on this article today, that we accept the Majority Report, Ought Not to Pass, let it go to the other branch, and I'm sure it will be back another day. Then we'll take just one whack at it one way or the other, and it will be done with very little debate.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President, I request a Division on the pending motion.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, and Members of the Senate, it would be very easy if we accepted the Majority Ought Not to Pass Report. We then would be putting the Chamber in the position of accepting a very negative report on a bill which does affect a large segment of our society, namely the young people.

I think it would be inconsistent with all the other statutory provisions, that provide, if you will, special protection for minors in the State of Maine. Many of you know, particularly those in leadership that I petitioned the Legislative Council at the beginning of this Second Regular Session to accept a bill which would have reinstated the entire Motorcycle Helmet Law, at the request of a number of constituents, and an organization called the Maine Chapter of the American College of Emergency Physicians.

I am thankful and appreciative of those Members of the body who tabled this bill when I was not present, so that we would have an opportunity to debate it. I would simply state that the National Highway Traffic Safety Associa-

tion clearly indicates that deaths from head injuries have doubled since the repeal of mandatory Motorcycle Helmet Laws, with concomitant and drastic increases in the numbers and severity of head injuries, following repeal.

If we're concerned about the minors in this State, with a little more emphasis on the minors, than those who have reached the age of majority, then perhaps we should be concerned about the injuries that they are sustaining, and the concomitant cost to society.

I would hope that we would vote against the pending motion this morning.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I would like to pose a question to some member of the committee, as to why the age 15 was chosen. If there is a danger to a 15 year old riding as a passenger, why not 16, 15½ and so on. Why is 15 so significant?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: In response to the good Senator from Penobscot, Senator Trotzky, I believe there was a bill in the last session that was for 18 years old and it was turned down and to enable the bill to reappear it had to be in different form. It also has a different sponsor.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, and Members of the Senate, in response also to the good Senator from Bangor, Senator Trotsky, I think if he looked at the Bangor Daily News of January 22, 1980 in their editorial "Kids and Helmets", part of the answer to his question was there. The 15 age limit is obviously an attempt to get part of a loaf. That's all it boils down to. What they are attempting to do is get part of a loaf, instead of sticking to the report we passed out the last session, not to have the helmet law implemented again.

In my estimation this is not any type of bill that is an emergency at the present time. More importantly than that, this would be a very expensive and difficult law to enforce in the State of Maine.

In speaking to a member of the lobby who represents the industry, I got the impression from him, he sounded like a good samaritan, who was really so well concerned about the welfare of the kids in the State of Maine. But in analyzing a little more closely what the gentleman was saying, he is more concerned with the industry, itself, than the welfare of the kids. It was my immediate question to him at the time, was "If you're that concerned about the 15 year olds, in the State of Maine, why doesn't your industry have educational programs?" There was no immediate answer to that particular question.

But apparently the industry is more interested in having something on the books so they can pass the cost on to the taxpayers and law enforcement in the State of Maine to pick up the people who might not be wearing a helmet. It almost appears to me that the kids under 15, or 15 and below will have to wear something on their back indicating that they're 15 years or under, and the ones who are over 15, another type of a decal of some type saying that they are 15 years or older, not mandated to wear a helmet.

If you really want to talk about safety, let's just make a quick correlation between kids riding in school buses, sitting in seats, coming to a quick stop, not wearing any type of a seat belt and see what happens to the head, bumps and injuries they get in that particular manner.

Education is more important, Mr. President, and Members of the Senate, than anything else in this particular matter. We're not going to solve this particular problem by regulation and over regulation of the people in the State of Maine. Granted, increasingly there has been numerous expansions in licensure in the State

of Maine, but in relationship the total amount of licensure for new operators, the death rate has not been that high. Another factor that we have to cope with here in the State of Maine, we have a very, very short driving season. These people do not have the experience. They get on these bicycles and instantaneously they are an expert.

So the whole thing boils down very simplistically, is to a more comprehensive educational program. Possibly, Mr. President, and Members of the Senate, an improved Motorcycle Licensing Examination is also very achievable.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I would like to, perhaps, more precisely address the issue as to why the age of 15 was selected by the sponsor of this measure. I find it interesting that those who would advocate the acceptance of an Ought Not to Pass Report do not understand that it is at age 15 and below where youngsters in the State of Maine ride as passengers, for it is illegal to ride as drivers.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President and Members of the Senate. It seems that a helmet bill is and perhaps always will be presented each and every year, emergency or not, to the Maine Legislature. I just wonder, Mr. President, that the council even allowed this bill in.

I will submit to you here today, that the proponents of this bill, at the public hearing, did not offer any facts, any statistics, nor any proof that this bill would accomplish anything.

I would like to take just a few moments of your time to refresh your memory of the Helmet Repeal Law passed, over the objections of our Governor. March 15, 1977, in this Senate it was on a 26 to 4 vote, and 112 to 29 vote in the other branch.

I will submit to you here today, that our Governor, James B. Longley was a man of his word, and in his veto message he said and I quote "If L. D. 9 should become law, we in the executive will closely monitor this situation and if there is any evidence of increase in serious injury due to the lack of helmets we will propose legislation to reinstate the helmet requirement."

Mr. President and Members of this Senate, the following year, according to the Maine State Police, there were 21 motorcycle deaths. Two more than the previous year, with an accompanying large increase in motorcycle registrations. They did not believe that the repeal of the helmet law did have any significant effect on these deaths. Our Governor did not propose reinstatement of the Helmet Law.

At the committee hearing one person from the Department of Human Services testified before our committee. I questioned him about the ad that the department was running on T.V. and I am sure that most of you have seen this, a man in a wheelchair advocating that cyclists wear helmets. Questioning brought out the fact that the man is really crippled, but it could not be stated that the man was in that wheelchair because he wasn't wearing a motorcycle helmet. It could not even be stated that the man's reason for being crippled was a motorcycle accident. Therefore I can only conclude that that person was injured in an automobile, snowmobile, boat, fell off a ladder or perhaps even fell downstairs. Mr. President sometimes I wonder about the credibility in state government. I am sure that some of our constituents perhaps feel the same way.

One person representing a group of insurance companies testified. No reports, no statistics, no lower insurance rates, only a broken promise. Three weeks and all I have is a letter from a group of lawyers representing a lot of insurance companies, no facts, no statistics, nothing.

Another person from the Maine State Highway Safety Committee, no reports, no statis-

tics, only a belief.

I will state very emphatically that helmets can and do kill. There is uncontested statements from doctors that a motorcyclist whose helmeted head strikes an object solidly, and the helmet is not removed immediately will die. The brain and skull would not be allowed to swell. The helmet is also the culprit when it comes to broken necks. The back edge of the helmet will almost always hit between the third and fourth vertebrae and break the neck. An interesting fact, the Pensacola Journal stated on Wednesday, August 23, 1973, "Two New York Motor Vehicle Department researchers compared the causes of motorcyclists in 1966, when helmets were not mandatory, with those of 1967 when they were.

The report pointed out that while broken necks were the cause of death in just 5.8% in 1966, they account for nearly 38% of the cycle deaths the following year when there was a helmet law, and while the number of accidents were down overall in 1967 there was a 75% increase in the proportion of serious neck injuries."

This is an amazing increase of over 600% in just one year just what is it that we are saying—if we pass this bill? Are we really saying—we don't want your father, or your brother—or your friend, who is the cycle operator to die of a broken neck—but we do really care about you? Perhaps we are doing today, just what I am afraid we would be doing, killing these youngsters.

Perhaps I should fault the media also. There isn't a one of us in this chamber today who isn't aware of how some news is reported. How the reporters will add to or delete from the news anything they desire, and sometimes I suspect—they do not care who or how it effects anyone. They seem to be hung up on the fact that the cyclist killed was not wearing a helmet, never a word about the fact when the cyclist was wearing a helmet, they never mention the fact. Although the Victim was not wearing a helmet—he died from massive internal or chest injuries or that he had a severed artery and bled to death. Nor do they say to the public that he was dragged a couple hundred feet under a car or a truck and no way could a helmet have saved his life.

Nearly all the motorcyclists killed on our highways is caused by a collision with an automobile or truck at high speed and there is not much a helmet can do for the cyclist in these type of accidents. The worst enemies of the motorcyclist are 1st the automobile, 2nd booze and 3rd the helmet—and in that order.

Mr. President and Members of this Senate. I will submit to you today that in the eyes of Law Enforcement Officials this bill is unenforceable. It just doesn't make much sense to me to just put words in our statutes that aren't worth a hoot.

As stated earlier there is no proven need for this Bill and I thought that when we pass Legislation it had to have a proven need. I'd like to give you a few more figures. And since this Bill deals with those who are under fifteen years of age, I'll confine my remarks to them. These are for the year 1979 and they are on record.

Number of injuries in hunting for those under fifteen, 8, number of fatalities 1; boating 2 injuries, 2 fatalities; snowmobiles no injuries, no fatalities; (we do not have a helmet law for snowmobiles); auto accident injuries in excess of 200, fatalities 26; motorcycles injuries for those under fifteen, none, fatalities 1.

Of course the auto is the worst offender, but this bill doesn't address that. What this bill is after is that one on the motorcycle. Well it just so happens that, that youngster was riding a trail bike and you can't make them wear helmets, that's off the road. He was riding across a highway when he was struck by a car and killed. The helmet was of no consequence in this accident. This bill does not pertain to those youngsters operating bikes off the highway.

I have a six year old grandson that likes to ride with me and he has been for the last two years. I set him up in front of me, and he holds on to the handlebars, and we go around town. I am sometimes scared as to what is going to happen if I am forced to put a helmet on him and a car backs out of a driveway and catches me sideways, broadside, is the fact that he has that helmet on him, going to snap his neck fast enough so that we are going to break his neck? I just will not ride my grandson.

We've also heard the argument made that a person not wearing a helmet may be so injured that he becomes a ward of the State, or a financial liability, that's true. But what is the ratio of in excess of 200 injuries to those in autos that become a liability to the State for last year when there was not even 1 injured on a motor-cycle?

Now I have a study here that was done in Sweden and I would like to read it in its entirety to you.

A Swedish research team has carried out a series of experiments on helmets and discovered they could provide inadequate protection in the types of impact usually sustained in road accidents.

The British Standards Institution, which issues British safety marks, said it was giving the matter serious consideration.

In the majority of crashes, helmets strike the road at an oblique angle and this can make the brain spin in various layers, resulting in untreatable brain damage. However, BSI safety tests, which all helmets sold in Britain must pass, subject the helmet only to right-angle blows.

About 720 of the 1200 people killed in motor-cycle accidents in 1977 died from head injuries even though they were wearing helmets.

I won't go through the rest of it, I think that I have got the thing that you should be interested in and it's the helmet. It was pointed out, the year that the helmet law was repealed that a helmet dropped from the height of your chest, if X-rayed afterwards would show all kinds of cracks. A true helmet would be 4 inches thick and weigh 14lbs.

Now I have a helmet here that was on a youngster, and I'd like you to look at it, it is a complete shambles now. This youngster and his dad, was just leaving their home, they were just putting their motorcycles into the second speed, a gust of wind and the boy did not have his helmet strap adjusted under his neck, and this helmet blew off his head and struck on the highway and that is it. That's the helmet.

You know, Mr. President and Members of the Senate, I was kind of sorry that I sponsored the Helmet Repeal Law because of the injuries of two persons in the next year, I was concerned and I wrestled with my conscience. I think that we ought to all feel good now, there was only four people other than that one youth killed on motorcycles in the State of Maine last year. Is there a need? I think that we did right when we repealed the helmet law. Do not make these youngsters wear them and kill them, please.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: I received a note, from a Senator with the initials of JC who clarified the question I asked about age 15. The note says "Age 15 was selected over age 18 because it is assumed that one's head is made of cement, at age 18 if it is not adorning a helmet."

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of accepting the Majority Ought Not To Pass Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

The Chair recognizes the Senator from An-

droscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the Motion by Senator Emerson of Penobscot, to Accept the Majority Ought Not To Pass Report of the Committee.

A Yes vote will be in favor of accepting the Majority Ought Not to pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Cote, Emerson, Lovell, McBreairty, Minkowsky, O'Leary, Pierce, Sutton, Teague.

NAY — Carpenter, Clark, Collins, Conley, Gill, Hichens, Huber, Katz, Najarian, Perkins, Pray, Redmond, Shute, Silverman, Trafton, Trozky, Usher.

ABSENT — Danton, Devoe, Farley, Martin. 11 Senators having voted in the affirmative, and 17 Senators in the negative, with 4 Senators being absent, the Motion to accept the Minority Ought Not To Pass Report does not prevail.

The Minority Ought to Pass Report of the Committee, Accepted in concurrence and the Bill Read Once.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move, under Suspension of the Rules, the Bill be given it's Second Reading at this time.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves the Rules be Suspended in order for this bill to be given it's Second Reading, by title only, at this time.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: I request a Division on that motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Suspending the Rules, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

12 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Suspend the Rules does not prevail.

The Bill, Tomorrow Assigned for Second Reading.

The Chair laid before the Senate: Bill, "An Act to Provide for Improved Information on Workers' Compensation and to Provide Funds for Full-time Workers' Compensation Commissioners." (H. P. 1795) (L. D. 1911), tabled earlier in today's session by Senator Sutton of Oxford, pending Reference.

Which was Referred to the Committee on Labor, and Ordered Printed, in concurrence.

The Chair laid before the Senate:

Bill, "An Act to Provide Low-interest Loans for Middle and Low Income Families for Residential Energy Conservation Improvements." (S. P. 743), tabled earlier in today's session by Senator Katz of Kennebec, pending Reference.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, and Members of the Senate, I believe this bill should properly go to the State Government Committee. There's a huge temptation to sit quietly and not say anything in a case like this,

but the State Government Committee considered the provisions of this bill, in the bill that they had before them last year, dealing with the Maine State Housing Authorities Bonding Limits. They took out the part that dealt with home improvement and energy loans because the major part of that bill was \$100,000,000 or more for residential housing, and they didn't want to mix up small energy loans with residential housing loans.

So I think that the State Government Committee is the more logical and appropriate committee. They are familiar with the Maine State Housing Authority, and their bonding operations. They have considered the major parts of this bill before. So they already have the background and can move on it expeditiously. Really the questions that the legislature and that committee has to consider are more ones of financial policy than energy policy. Therefore, I would move that it go to State Government Committee, and request a Division.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, immediately after I tabled it earlier in today's session, I read the bill. The Senator from Cumberland is right. There are some financial implications, but there are also some energy implications, and some judgements as to the appropriate use of this money. My judgement was that I agreed with those who suggested the Committee on Energy. I ask you to vote against the Motion on a Division, against the motion to send it to State Government, so we may let it continue on it's way to the Committee on Energy.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of referring (S. P. 743) to the Committee on State Government, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

8 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to refer (S. P. 743) to the Committee on State Government does not prevail.

Which was referred to the Committee on Energy and Natural Resources, and Ordered Printed.

Sent down for concurrence.

Senator Redmond of Somerset was granted unanimous consent to address the Senate, On the Record.

Senator REDMOND: Mr. President and Members of the Senate, As a member of the Maine Canadian Exchange Advisory Commission I would like to bring to your attention that the State of Maine through it's American Legion Members has joined in our National Salute to Canada for remaining a true friend and ally in time of crisis.

In the words of State Commander Anthony Jordan: "the entire membership of the Maine American Legion and Auxiliary salute the people and government of Canada for the gallant rescue of the six Americans from Iran. When America needed a friend our old ally, Canada stood by us."

The Statement was made in a telegram sent by the Legion to Canadian Prime Minister Joe Clark.

Senator Pierce of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

Senate at Ease

The Senate called to Order by the President.

On Motion by Senator Pierce of Kennebec, adjourned until 9:30 o'clock tomorrow morning.