

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth*

*Legislature*

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, April 6, 1971

Senate called to order by the President.

Prayer by the Rev. Herbert Reid of Fairfield.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Retirement Benefits for Forest Rangers Under State Retirement System." (H. P. 318) (L. D. 418)

In the Senate March 26, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-60) as Amended by House Amendment "A" (H-71) Thereto, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto and House Amendment "A" (H-99) in non-concurrence.

On motion by Mr. Anderson of Hancock, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Providing for Mandatory Retirement for Teachers." (S. P. 305) (L. D. 899)

In the Senate March 31, 1971, the Majority Ought to Pass As Amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-49).

Comes from the House, the reports and Bill Indefinitely Postponed, in non-concurrence.

On motion by Mr. Minkowsky of Androscoggin, the Senate voted to Insist and request a Committee of Conference.

The President appointed the following conferees on the part of the Senate:

Senators:

KATZ of Kennebec  
CHICK of Kennebec  
MINKOWSKY  
of Androscoggin

**Communications**

State of Maine  
Senate Chamber  
Augusta, Maine 04330

April 2, 1971

Honorable Kenneth P. MacLeod  
Senate President  
Senate Office  
Augusta, Maine 04330

Re:

Report of the Conference  
on Legislative Security in  
State Legislatures held in  
Washington, D.C.,  
March 26-28, 1971.

Dear Senator MacLeod:

The following report is a brief on information received at this Conference. The problems are real: On April 26, 1969, the Louisiana Senate Chamber was bombed, causing \$300,000 damage. In 1967, a group marched into the California State Capitol carrying rifles, shotguns and pistols. In New York, draperies were burned in the Assembly parlor.

Thirty-one states were represented at the Conference. Attending were state senators and representatives, security personnel, police officers and lawyers. Instructors were Albert J. Abrams, Secretary of the Senate of New York; David Justus, New York State Senate Security Officer; Roy Speckhard, Assistant Professor of Political Science at New York State University; Congressman John Terry of New York; Dr. Jerome Barron, National Law Center, George Washington University; James S. Campbell, former co-director of Task Force, Eisenhower Commission on Violence; Arnold J. Lau, Director of Training, U.S. Secret Service; Chief James Powell, Chief of Capitol Police, Washington, D.C.

Recommendations for improvement of internal security for the Capitol Building:

1. A strengthened and better-equipped Capitol security force. Our State Capitol has two men - the chief of security and one man plus the temporary state trooper assigned to the Senate.

2. A system of voice communication for the Capitol. Evacuation orders in case of bomb threats must be made by telephone or word of mouth or by use of the fire alarm. A voice system would be able to advise what was taking place, which exits to use in getting out and which exits were blocked. This would prevent mass confusion if fires or explosions should occur at one or more of the building's exits.

3. Increased security for the House and Senate Chambers. There are several degrees of security that can be provided:

(a) Bulletproof glass enclosure for galleries. This would be the best; also the most costly.

(b) An enclosure of the gallery composed of a transparent "shatterproof" plastic. This offers less protection but would stop thrown objects and a .22 calibre bullet.

(c) A system to detect metal objects placed at the entrances of the galleries and chambers.

Any of these chosen should be reinforced by an adequate number of security guard.

This writer's recommendations for the Maine Senate are as follows:

Senate Chamber:

No one should be allowed on the Senate floor with the exception of V.I.P.'s, retired senators or immediate family, and these persons should have passes issued by the Secretary of the Senate and checked by the security guard.  
Senate Gallery:

(1) No packages or boxes allowed in the gallery.

(2) A security officer should be present. (This could be a male guide. However, he should have the authority to evict a person or persons on order of the President of the Senate.)

Miscellaneous:

(1) Sergeant - at - Arms and security officers should be able to stop and frisk suspicious persons.

(2) A stethoscope would be useful in checking packages, boxes, briefcases, etc., for ticking noises indicating a bomb.

(3) A bomb containment device. Bombs seem to be the most common devices used for destruction of buildings. The problem now arises about what to do if a bomb is found. We have a bomb disposal squad located at the Brunswick Naval Air Station. It would take an hour or more to get them here. There are several devices available on the market today to contain bombs. Pinkerton, Inc., the detective agency, has developed a bomb blanket in use since December. This blanket will stop 90 per cent of the destructive fragmentation of most homemade bombs. This blanket costs about \$150.00. It is about four feet square and is made of the same material used in bullet-proof vests.

It is recommended that one of these blankets be purchased. Regulation of the Use of the Capitol Building and Grounds:

A Capitol Building and Grounds Statute. There should be a statute forbidding the display of signs or other forms of advertisement, the carrying of firearms, dangerous weapons, explosives or incendiary devices into the grounds or buildings.

Sincerely,  
ROGER E. DRAKE  
Senate Security

RED-dr

(S. P. 537)

Which was Read and Ordered  
Placed on File.

Sent down for concurrence.

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

April 2, 1971

Hon. Harry N. Starbranch  
Secretary of the Senate  
105th Legislature

Sir:

The House today voted to Adhere to its action whereby Bill "An Act relating to Use of Lights While Locating or Taking Raccoon Found by a Dog" (H. P. 527) (L. D. 689) was indefinitely postponed.

Respectfully,  
s BERTHA W. JOHNSON  
Clerk of the House  
Which was Read and Ordered  
Placed on File.

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

April 2, 1971

Hon. Harry N. Starbranch  
Secretary of the Senate  
105th Legislature

Sir:

The Speaker appointed Committees of Conference on the disagreeing action of the two branches of the Legislature on the following Bills:

Bill "An Act Increasing Minimum Salaries for Teachers (S. P. 162) (L. D. 484) — Majority Report reporting "Ought to pass" in new Draft (S. P. 516) (L. D. 1401) under title of "An Act Concerning Minimum Salaries for Teachers" and Minority Report reporting "Ought to pass" in new draft (S. P. 517) (L. D. 1402) under title of "An Act relating to Salaries of Substitute Teachers and Adjusting State Subsidy to an Administrative Unit" Messrs. BITHER of Houlton

TYNDALE

of Kennebunkport  
LUCAS of Portland

Bill "An Act relating to Membership of Board of Trustees for Accident and Health Insurance Program for State Employees" (H. P. 543) (L. D. 715)

Messrs. DONAGHY of Lubec  
HODGDON of Kittery  
MARSTALLER of  
Freeport

Bill "An Act Providing for Scholarships for North American Indians Residing in Maine (H. P. 260) (L. D. 342)

Messrs. HASKELL of Houlton  
WOODBURY of Gray  
LAWRY of Fairfield

Respectfully,  
s BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

### Senate Papers

#### Legal Affairs

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Maine Department, The American Legion." (S. P. 536) (L. D. 1616)

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

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 Rule 17-A of the Joint Rules:

Bill, "An Act Providing for a High - level Bridge Between Bath and Phippsburg." (H. P. 216) (L. D. 283)

Bill, "An Act Repealing the Exemption of Doctors, Psychologists and Certain Classes of Social Workers from the State Personnel Law." (H. P. 504) (L. D. 650)

Bill, "An Act Relating to Fee for Filing Financing Statement under Uniform Commercial Code." (H. P. 637) (L. D. 867)

Bill, "An Act Increasing Penalties for Operating a Motor Vehicle While under the Influence of Intoxicating Drugs." (H. P. 742) (L. D. 1004)

Bill, "An Act to Repeal the Prohibition against Combined Licensing under the Maine Insurance Code." (H. P. 759) (L. D. 1025)

Bill, "An Act Exempting Health Insurance Premiums from Premium Tax." (H. P. 760) (L. D. 1026)

Bill, "An Act Relating to Jurisdiction for Divorce." (H. P. 769) (L. D. 1035)

Bill, An Act Providing for the Confidentiality of Information Gathered in Response to Surveys on Drug Abuse." (H. P. 912) (L. D. 1258)

### Leave to Withdraw

The Committee on Transportation on, Resolve, Directing the State Highway Commission to Complete State Highway No. 105. (H. P. 315) (L. D. 415)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Resolve, Appropriating Funds for Reconstructing Section of State Highway No. 105. (H. P. 316) (L. D. 416)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Relating to Definition of Public Employee under Municipal Public Employees Labor Relations Law." (H. P. 393) (L. D. 508)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Excluding Non-Teaching Principals and Assistant Principals from Municipal Public Employees Labor Relations Law." (H. P. 493) (L. D. 634)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Relating to Waiving Motor Vehicle License Examinations." (H. P. 621) (L. D. 831)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### **Ought to Pass**

The Committee on Judiciary on, Bill, "An Act Creating the Interstate Compact on Detainers." (H. P. 531) (L. D. 721)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Revising the Laws Relating to Probation and Parole." (H. P. 568) (L. D. 744)

Reported that the same Ought to Pass.

The Committee on Election Laws on, Bill, "An Act to Improve the Protection of Certain Confidential Records." (H. P. 875) (L. D. 1196)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Jackman Sewer District." (H. P. 947) (L. D. 1306)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

#### **Ought to pass - As Amended**

The Committee on Judiciary on, Bill, An Act Increasing the Cover-

age and Entry Fee of Small Claims Law and Defining Certain Procedures." (H. P. 221) (L. D. 303)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-91).

The Committee on Election Laws on, Bill, "An Act to Set the Rate for Voting Lists Based upon the Cost of Preparing the Lists." (H. P. 877) (L. D. 1198)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-90).

The Committee on Election Laws on, Bill, "An Act Improving the Control of Absentee Ballots Issued." (H. P. 878) (L. D. 1199)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-89).

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

#### **Ought to Pass in New Draft**

The Committee on State Government on, Bill, "An Act Clarifying Duties of Treasurer of State Relating to Securities." (H. P. 7) (L. D. 7)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1247) (L. D. 1556)

The Committee on Liquor Control on, Bill, "An Act Relating to the Sale of Alcoholic Beverages at the Bangor International Airport." (H. P. 818) (L. D. 1091)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to the Sale of Alcoholic Beverages at International Air Terminals." (H. P. 1245) (L. D. 1554).

The Committee on Judiciary on, Bill, "An Act Relating to the Reporting of Traffic Accidents." (H. P. 298) (L. D. 398)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1243) (L. D. 1552).

Come from the House, the reports Read and Accepted and the Bills in New Draft Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to Teachers' Conventions and Reimbursements for Professional Credits." (H. P. 670) (L. D. 907)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Reimbursements for Professional Credits of Teachers." (H. P. 1220) (L. D. 1411)

Signed:

Senators:

KATZ of Kennebec  
CHICK of Kennebec  
MINKOWSKY of

Androscoggin

Representatives:

MILLETT of Dixmont  
HASKELL of Houlton  
TYNDAL of  
Kennebunkport  
WOODBURY of Gray  
LYNCH

of Livermore Falls  
SIMPSON of Standish  
LAWRY of Fairfield  
BITHER of Houlton  
MURRAY of Bangor

The Minority of the same Committee on the same subject matter reported that the same Ought Not To Pass.

Signed:

Representative:

LUCAS of Portland

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill in New Draft Indefinitely Postponed.

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like very briefly to tell the Senate what this bill does and make a comment on the fate

of a bill that had a very strong twelve to one Ought to Pass report.

Years ago, when we felt it was a good idea for teachers to continue improving our professionalism, we required the teachers to get a minimum number of credits over a period of years. And to encourage them we said that the state would reimburse them for up to \$100 for their additional training. Over the years we have withdrawn the state money, but we still require the local communities to reimburse it. The local communities very properly feel that if the state is not going to put the money up the state should not require the local communities to reimburse it.

Now, I am not suggesting that we take reimbursement away from teachers, but in every contract negotiation that I am aware of the question of reimbursement is a negotiable item, and I feel that it should now be a negotiable item as between the teachers and the board of education.

I am a little distressed because the Education Committee on several occasions this session so far has attempted in a conservative manner to bring some kind of sense out of some pretty open-handed practices, and we seem to be getting slapped down very, very regularly.

I call the Senate's attention to another article on the calendar today regarding retirement of teachers. Again it looks like the attitude of the overwhelming membership of the Education Committee is going to not prevail.

In this particular case though, I think the twelve to one report is so overwhelming that I move the Senate accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the Majority Ought to Pass in New Draft report of the Committee. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, the Bill in New Draft was Read Once and Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to

the Constitution Providing for the Appointment of the Secretary of State by the Governor. (H. P. 436) (L. D. 570)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset  
WYMAN of Washington

Representatives:

HODGDON of Kittery  
CURTIS of Orono  
STILLINGS of Berwick  
HANSON of Gardiner  
MARSTALLER of  
Freeport  
DONAGHY of Lubec

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

CLIFFORD  
of Androscoggin

Representatives:

COONEY of Webster  
FARRINGTON  
of Old Orchard Beach  
GOODWIN of Bath  
STARBIRD  
of Kingman Township

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Trespass on Certain Land Surrounding Lakes and Other Bodies of Water." (H. P. 459) (L. D. 614)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot  
QUINN of Penobscot  
HARDING of Aroostook

Representatives:

LUND of Augusta  
WHITE of Guilford  
BAKER of Orrington  
PAGE of Fryeburg  
HEWES  
of Cape Elizabeth

WHEELER of Portland

KELLEY of Caribou  
ORESTIS of Lewiston  
HENLEY of Norway

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

CARRIER of Westbrook

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

#### Divided Report

The Majority of the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 438) (L. D. 573)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset  
WYMAN of Washington

Representatives:

HODGDON of Kittery  
CURTIS of Orono  
STILLINGS of Berwick  
HANSON of Gardiner  
MARSTALLER  
of Freeport

DONAGHY of Lubec

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

COONEY of Webster  
FARRINGTON  
of Old Orchard Beach  
GOODWIN of Bath  
STARBIRD  
of Kingman Township

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read.

On motion by Mr. Violette of Aroostook, tabled and specially assigned for April 8, 1971, pending Acceptance of Either Report.



**Divided Report**

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Decision of Commissioner of Inland Fisheries and Game after Hearing for Construction and Repair of Fishways." (H. P. 739) (L. D. 1001)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HOFFSES of Knox

ANDERSON of Hancock

Representatives:

LEWIN of Augusta

PARKS of Presque Isle

MANCHESTER

of Mechanic Falls

KELLEY of Machias

BUNKER of Gouldsboro

KELLEY of Southport

LEWIS of Bristol

PORTER of Lincoln

CALL of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

B E R N A R D of

Androscoggin

Representative:

BOURGOIN of Fort Kent

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in Concurrence.

**Senate**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Retirement of Penal and Correctional Institution Heads." (S. P. 290) (L. D. 844)

Sent to the House.

**Ought to Pass-As Amended**

Mr. Johnson for the Committee on State Government on, Bill, "An Act Increasing Compensation of Members of the Maine Insurance Advisory Board." (S. P. 131) (L. D. 343)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-64)

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Ought to Pass in New Draft**

Mr. Hoffses for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Open Season on Sable (Marten) and Fisher." (S. P. 220) (L. D. 666) Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Open Season on Fisher." (S. P. 535) (L. D. 1579)

Which report was Read and Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Liquor Control, on, Bill, "An Act Relating to Special Agency Stores under Liquor Laws." (S. P. 362) (L. D. 1058)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin

HOFFSES of Knox

FORTIER of Oxford

Representatives:

BAILEY of Woolwich

IMMONEN of West Paris

HAWKENS of Farmington

MADDOX of Vinalhaven

GAGNON of Scarboro

LIZOTTE of Biddeford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

FAUCHER of Solon

SLANE of Portland

TANGUAY of Lewiston

STILLINGS of Berwick

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted.

Sent down for concurrence.

### Second Readers

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

#### House

Bill, "An Act Relating to a Transfer of Municipalities from One School Administrative District to Another." (H. P. 1235) (L. D. 1521)

Bill, "An Act Relating to Approval of Schools Enrolling Out-of-State Students." (H. P. 1236) (L. D. 1522)

Bill, "An Act Authorizing Emergency Closing of Financial Institutions." (H. P. 1239) (L. D. 1525)

(On motion by Mr. Schulten of Sagadahoc, tabled and specially assigned for April 8, 1971, pending Passage to be Engrossed.)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed in concurrence.

#### House — As Amended

Bill, "An Act Relating to Reimbursement Rates for Transportation and Special Educational Expenditures." (H. P. 587) (L. D. 782)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

#### Senate

Bill, "An Act Relating to Proof of Financial Responsibility under Financial Responsibility Law." (S. P. 402) (L. D. 1176)

Bill, "An Act Relating to Return of Deposit for Security under Financial Responsibility Law." (S. P. 403) (L. D. 1177)

Bill, "An Act Relating to Criminal Trespass in Buildings and on Premises." (S. P. 532) (L. D. 1568)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Relating to Age Limit for Motor Vehicle Operator Licenses." (S. P. 4) (L. D. 18)

Bill, "An Act to Create the Maine Historic Preservation Commission." (S. P. 159) (L. D. 428)

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

Sent down for concurrence.

Bill, "An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission." (S. P. 20) (L. D. 48)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I present an amendment to L. D. 48, and I would like just to briefly tell you that the purpose is to assure a more orderly disposition of fees and to set an effective date.

Thereupon, Senate Amendment "A", Filing No. S-55, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

#### Enactors

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

An Act Relating to Compensation Payments under Workmen's Compensation Law. (S. P. 522) (L. D. 1420)

An Act Relating to the Requirement That the Boundary Lines of Voting Districts in Municipal Elections Follow Streets. (H. P. 765) (L. D. 1031)

An Act Relating to Retirement of Police Officers and Fire Fighters. (H. P. 1226) (L. D. 1432)

An Act Permitting Maine Port Authority to Operate Certain Charter Service in Addition to Maine State Ferry Service. (H. P. 1227) (L. D. 1433)

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

#### Emergency

An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1971. (H. P. 1217) (L. D. 1408)

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is a \$2 million appropriation bill out of surplus, and in it there are a couple of essentially new programs. I wanted to call the Senate's attention to them.

One, I will just mention very briefly, the Insurance Advisory Board, an appropriation of a million dollars to establish a reserve fund for self-insurance for the state, which is a new program brought to our attention because of the rising rates of insurance.

But the thing that disturbs me about this bill is an appropriation to the University of Maine in the amount of \$75,000 for a health-science education program. The appropriation says that it provides funds for medical education planning to develop implementing details of an innovative program related to the state's health manpower needs and limited financial resources.

It is not easy for me to get up to speak on this, but I am disturbed by it. As I see it, these funds are going to be used to evaluate the possibility of a medical school or medical education without walls, and it is an innovative program. Yet I have personal misgivings about the timeliness of the appropriation.

In the current services budget, which we will be considering later today, or later this week, there is an appropriation of some sizable amount for the New England Compact, and this appropriation goes to underwrite the cost of sending designated Maine students to the University of Vermont Medical School on a space guaranteed basis. It also involves an appropriation of funds to guarantee spaces and underwrite the cost of Maine youngsters going to Tufts Dental School. In both cases the programs are functioning programs and seem to be working reasonably well. Medical and dental education are probably as expensive a type of education as you run into, but with this appropriation of \$75,000, we are saying, in

effect, let's see whether or not we can establish our own unique medical school in the State of Maine, a different kind of a medical school, a medical school without buildings.

I have tried very hard to love this program, as you can imagine, and I have not succeeded. So this morning I raise the question of the advisability of making this appropriation. I realize that it is an emergency measure and there are important things in it, but with this \$75,000 appropriation in there I am going to find it very difficult to support it.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I rise on this matter somewhat cold on debating the issue, and I rise strictly as a Senator from District 24.

I can share the concerns of my good friend, Senator Katz from Kennebec, regarding this. They say this is an innovative program. I have not studied this perhaps as much in depth as he has, but I think this item, as I have always understood it, is something which is not aimed solely and strictly at originating a medical school program to graduate doctors in the medical profession. I wish maybe that it were so, that we had the money available to initiate such a program because there is such a drastic need for doctors today.

As we see throughout the nation, there has been actually a reduction in the number of medical schools that are graduating doctors, while our population has been expanding, and this is a fantastic problem for our nation, not only in Maine but over-all, throughout the nation. And people have been trying to do everything they can to cope with being able to provide additional medical services for the people of our state.

I look upon this program as perhaps something that I don't know how successful it will be, but perhaps as a developing educational program to help us cope with the problem of providing medical assistance to our people. I see the possibility of training people be-

low the medical school or doctor's level, training people in working with doctors to provide a type of medical care that a doctor does not necessarily have to provide. I think of what the services have done in the training of para-medics in actually providing trained medical personnel to really release our doctors to do the actual medical practicing, and training additional people to render more medical services. I see this program as something in that light. Unless there are efforts made at all levels, at our state and at the federal level, the ability of our medical profession and our hospitals to keep rendering the medical services to our people is going to continue declining.

I watched a couple of films on national programs, and we saw last summer where a city of either eight or ten thousand people somewhere out in the midwest had actually no doctor at all, had been trying to secure a doctor for over a year, and they finally secured one, and what they were doing to cope with their problems.

I know in my own small community we don't have enough doctors, and it is becoming increasingly hard for the remaining doctors that we have to render the medical assistance to our people.

So I would hope that this modest appropriation would go through to see what happens to it. I don't think it is opening the door on a whole new commitment on the state to come up with a medical school, but I think it might well allow us to develop programs that will really enable us to meet the medical needs of our people. And I hope that the whole bill would survive along with this part.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This bill, when it was heard in committee, had many doctors from different areas of the state, Dr. Hanley, and Dr. Stitham from up Dover-Foxcroft way, who I believe is President of the Maine Medical Association, all speaking for it, both from the standpoint that there was such a shortage of

doctors that anything that we could do would be helpful, and also from the standpoint that if they were trained to a good degree in their own area that there was a tendency to stay in that area. And they hoped that there would be many locate and stay in the State of Maine.

I do have a copy of a letter from Dr. Chatterjee here, and their understanding is that the money being asked for, that there is matching funds to go with this, and the matching funds are coming from 1971 funds. In other words, they are funds that would expire at the close of the year on June 30th. And they do state in the last line of the letter that if by some quirk of fate the matching funds are not available then this money would be returned to the state.

It was difficult for me, and I am sure for the rest of the Committee, when you heard doctors as well known as these doctors were come and testify to the need of this, it was difficult for us to come to any other conclusion than to go along with this funding.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: The good Senator from Aroostook, Senator Violette, has spoken on the merits of this program, and my co-committee member from Oxford, Senator Dunn, has certainly established the merits on the basis of the \$75,000 in seed money.

I think we should be aware of the fact this morning that there is an additional \$80,000 in federal funds to match this \$75,000, plus the fact that there are private contributions also awaiting the action taken by the legislature, which would also go in with the seed money. On top of that, it is my understanding from the Bureau of Health Manpower, there is an additional seventy-five to one hundred thousand dollars that would also go into this one pot.

So, if we have some hope of getting some of our students in Maine into the medical field, I think the best way to start is to get this program moving.

The PRESIDENT: The Chair recognizes; he Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: There was a recommendation included in the Baumgarten Report that we make greater use of our universities to serve and meet the needs of our state hospitals.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I just wanted to make a slight observation, and it might surprise some that I am in considerable agreement with my good friend, Senator Katz from Kennebec County, relative to this particular item.

That does not concern itself with the fact that we ought to spend some money to further medical education in the State of Maine, but just whether there are ramifications to this particular appropriation relative to a medical school for the State of Maine.

I feel, and I believe the best judgment of the state is, that we should not have a medical school in the State of Maine under any circumstances. We do have a very good proven program now relative to medical education, which has been devised and helped by virtue of the New England Board of Higher Education, with the Vermont Medical School.

If the \$75,000 is meant to lay the basis for a medical school as such in the State of Maine, then I think we should be opposed to it. But I don't feel that that is the nature of the appropriation. If the University of Maine wishes to study how it can assist existing programs in the training of doctors, and possibly check into the medical school without walls type of thing we have talked about, which I think is just one of these expressions that come along that grab people's attention, I would have no objection to that.

I believe that there is a possibility that the University could co-ordinate its undergraduate training with existing medical facilities, medical schools, and possibly cut

down the amount of time it takes for the state to produce a doctor and, consequently, save considerable money all the way around. As we all know, now it takes four years of under-graduate and four of medical training. I see no reason, and there is considerable backing for the view, why the training of a doctor can't be accomplished in a six-year program of education.

I feel, myself, that the direction the state should move in is, as I say, to co-ordinate the University of Maine undergraduate program, and possibly have a transfer privilege after three years to an existing medical school in which, after another three years, a combined degree could be received. This would save two years of education. I feel this is the area to which the State University should be directing its attention. I have personally discussed this with people who are affiliated with medical schools and I know it is very, very feasible. I feel it is probably the most fruitful direction for us to move in.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I hate to belabor this point, but I did want to quiet some of the reservations of my good friend, Senator Kellam. I think many of his questions are basically answered in the reason for this \$75,000 appropriation.

This money, which will be matched by at least as much money from the federal level, is to study the feasibility of establishing a school here in Maine which would utilize presently existing facilities in the way of hospitals and classrooms.

This state obviously, is seriously hampered for lack of money in many directions, and this idea, which is apparently a totally new one in the entire country, would be to use these already established facilities, in the way of hospitals and classroom facilities, and not involve a tremendous building program such as they are undergoing now in Massachusetts, I am told, in the amount of well over a hundred million dollars to build a

medical school, and this is brick and mortar.

This program had tremendously wide backing before the Appropriations Committee. We listened for probably two hours one afternoon to the merits of this program. It is supported universally by every medical group and osteopathic group throughout the state, as well as the educational community, as a means whereby we might find ways to stop the outflow of our own young people who want to be doctors, and particularly the general practitioner which we need so badly throughout rural Maine.

This money is for a study. I know everyone is sick of the word "study", but they are necessary, especially before one launches a long-range and technical program such as this might be. I think this suggestion has much merit and I hope that it would be enacted this morning. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I think I am getting an idea of what it used to be like being a Democrat in the good old days when there was only one or two around here.

I call the Senate's attention to the current services budget, on page 11, where there is an appropriation for the New England Higher Education Compact amounting to something approaching \$300,000. This \$300,000 appropriation is for health education. It is through the New England Board of Higher Education where Maine youngsters now in increasing numbers are going to become doctors at the University of Vermont Medical School and become dentists at Tufts University Dental School. It is costing us, I believe, a flat figure of \$5,000 per student per year. And we hope we are establishing an attitude on the part of the recipient students that they are under a moral obligation to come back to Maine to practice. I understand the program is working rather well and it has a great future.

I plead with you not to consider that my remarks today are opposed to education, which is in-

conceivable, or medical education. But several years ago we had a \$50,000 study, which we called the Truslow Report, that pointed out some of the needs of higher education, and it said that a medical school was just about the last thing in the state that we need. Perhaps my opposition this morning is the fact that I believe this, and I don't want Maine sliding, even in a halting fashion, into the trap of trying to establish a medical school. It is the most expensive toy you could possibly buy.

I think that we have present facilities, present plans and present programs that should be expanded. In September the University of Maine in Augusta will start the first year of a two-year associate degree program for registered nurses. In the fall I think Eastern Maine Vocational Technical Institute is going to start a program in conjunction with one of the Waterville hospitals for medical lab. technicians. We have in the current services budget a substantial amount of money for pursuing courses of practical nursing in Waterville and in Portland. I think you will find that we really are concentrating on health education. I was instrumental last session in getting for the first time in the State Department of Education a health education officer, the first time we have had one.

I have a feeling I have taken up enough of your time. I wish I could love this appropriation; I don't, and I shall vote against it.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative vote of 18 members of the Senate, with 14 Senators having voted in the negative, and 18 being less than two-thirds of the entire elected membership of the Senate, the Bill Failed of Enactment.

#### Orders of the Day

Mr. Wyman of Washington moved that the Senate Reconsider its action of yesterday whereby Bill, "An Act to Eliminate Moose River from the Maine Forestry District,"

(H. P. 141) (L. D. 196), was Passed to be Engrossed.

The same Senator then moved that the matter to be tabled and specially assigned for April 8, 1971, pending the Reconsideration Motion.

On motion by Mr. Shute of Franklin, a division was had. Twenty-one Senators having voted in the affirmative, and eleven Senators having voted in the negative, the tabling motion prevailed.

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

HOUSE REPORTS — from Committee on Judiciary on Bill, "An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases." (H. P. 130) (L. D. 185) Majority Report, Ought Not to Pass, Minority Report, Ought to Pass.

Tabled — March 31, 1971 by Senator Moore of Cumberland.

Pending — Motion by Senator Quinn of Penobscot to Accept the Majority Ought Not to Pass Report.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I was very disappointed when I read this committee report, although I can't say I was surprised because I am never surprised at what the lawyers do to me on a bill that I think is a good one.

Under this particular bill here, L.D. 185, it offers immunity to licensed rescue workers and ambulance drivers. Without these rescue units I don't know what we would do in the rural areas.

In my area, which takes in Cumberland County and two in York County, there are 15 of these rescue units. In the Town of Windham last year the Windham Rescue Unit answered 170 calls. In Gorham they answered 185 calls. Now these men contribute their time; there is no cost to anyone. They are the most outstanding group of men that I have seen, dedicated men, they help their neighbors. And under this bill here,

185, they would be immune. Now, of course, they are called to every accident by the State Police immediately and, of course, they are the first ones there. A lot of these accidents are where people are trapped in a car from a collision, or they are thrown out in a ditch, and they have to pick them up and get them to a hospital. Of course, there is a danger in handling a person of this type, especially when you are trying to extricate him from a car, and what they are asking for is immunity from malpractice, not immunity from carelessness or anything of that kind.

I can't begin to tell you the service they are performing for the people in the rural areas. Can you imagine what it would be in the country, in northern Cumberland, Oxford or York, if you had to go and call one of the major cities for an ambulance to come out. To begin with, they couldn't find the place after you called them.

These men are serving a purpose that is beyond description, and I hope that you will not accept this Majority Ought Not to Pass report so that we can accept the Minority Ought to Pass report the same as they have in the other branch, because I think it is a tremendously good bill, and I think we should do something for these people. I will request a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I rise hesitantly on this little bill, but after reading over the L. D., and after being in a position for some past months reviewing in my town and county some of the provisions and requirements of being an ambulance attendant and administering first aid, I find that the requirements are very simple.

You simply enroll in an American Red Cross First Aid Course, you graduate, and then you apply for either a position, a job or voluntary service as an ambulance attendant or operator.

Now, in my county Red Cross has a reputation of being very fair and also very competent in their method of teaching first aid, all aspects of first aid. However, it has come to my attention that in some cities where there are two or more commercial ambulance services available there apparently is a little air of competition and, in order to set the standards at the highest level, certain requirements must be met by these people before they can proudly wear their certified Red Cross First Aid Badge.

I know in my area there has been in the past preference by the police department as to who they shall call. I know it is unofficial, but it is very apparent that if there is an accident in a certain municipality that only one ambulance service is called upon. And having received a complaint in this matter, and checking it out, I find that the attendants operating this particular service go all the way to Augusta to become certified under the Red Cross Plan. When this was brought out, a task force was appointed in Auburn through our Civil Defense Director, and an evaluation made as to just what the requirements are. It was pointed out that perhaps after a person receives his basic training under a certified Red Cross instructor, he should then go to a county where a disinterested individual shall provide one of five written examinations to see if the person truly is competent. This has created some static.

Now, in skindiving we have the same type of liability, and I have an insurance policy for each and every one of my instructors. In order to become an instructor it involves a fee of about \$600, and seven days out of state at a college where the entire facet of diving is brought to the attention of the would-be instructor. We are still liable for carelessness. So I certainly would go along with Senator Quinn on this to accept the Majority Ought Not to Pass report. Taking the American Red Cross First Aid Course doesn't involve that much, and I certainly think that these attendants shouldn't necessarily receive this immunity.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in support of the motion which my good friend from Penobscot, Senator Quinn, has made to accept the Ought Not to Pass Report of the Committee.

You know, we have heard bills like this for many, many years down here of granting immunity to certain classes of people, which means that they are not accountable for their actions as the rest of us are. Now, in all the times we have heard these bills there hasn't been one single instance brought out of a person who has rendered firstaid emergency care that has ever been sued. So that the first thing you have to have, it seems to me, to require some kind of legislation is some need for it, and it has not been shown before the Committee, in the three years that I have served on it, that there was a single case of this nature.

But one of the things here is: where do you stop? Doctors, for example, do have a high degree of training, not just the incidental training which an ambulance driver has, and they are held to a duty of care. Lawyers are. Engineers are. Most every phase of human endeavor are held to a reasonable duty of care to their fellow man. Now, when you start saying that this person does not owe a duty to his fellow man, where do you stop? I mean, is that going to be the society that we live in, that we say to heck with our fellow man; I don't owe any duty of care to him, I don't care what I do to him because I am not going to be responsible? This, to me, sets a very, very dangerous precedent and I would hope that we would not get into that area.

Now, as far as ambulance drivers, they can do exactly what all the rest of us do. If they want to be protected, they can buy insurance. That is what all the rest of us do. It seems to me that the public deserves that from these ambulance drivers. In fact, the bill provides that they will use due care in driving the vehicle. I mean, why should they be under a re-



quirement to use due care in driving the vehicle and not use due care when they are rendering emergency first aid? It seems to me this is highly inconsistent, and for all these reasons I hope that you would support the good Senator from Penobscot, Senator Quinn.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I agree with the good Senator from Aroostook, Senator Harding, that there hasn't been any case yet. That was brought to my attention this weekend. But I am in disagreement with taking just this so-called Red Cross Course.

These men in the area I am talking about, these fifteen units, take their training at the Maine Medical Center, and then they have refresher courses that they have to take. They have to be licensed now in order to do this under Health and Welfare.

I haven't a list of the requirements that Health and Welfare has set up, but I have read them, and I can tell you that these are well-trained men before they are licensed and before they are accepted by the unit.

It is asking quite a lot of these men who give freely of their time. Whether it is in the daytime, at night, during a snow storm or whatever, when no one else can get there these men go out and do this. There is no compensation to this, and when you ask them to carry an insurance policy to protect them against this, I feel that we are asking too much of a man who has given so freely of his time to carry a policy, which could be very expensive.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think that the problem we are discussing here this morning is primarily a problem of the smaller communities in the state.

I can see where Bangor, Portland, Lewiston and some of these

other major centers don't have the problem. These areas are covered by professional ambulance services, the people are taken care of, and certainly the problem does not exist. However, in our smaller communities, as a result of the action which the legislature took in its wisdom, we have thrown a serious roadblock in the way of provision of ambulance service to the smaller communities. And in an attempt to solve this problem, there has arisen a considerable increase in the volunteer ambulance service, which is what we are discussing here today. We are not talking about the professional services where people get paid for what they are doing.

The fact that the problem hasn't arisen is wonderful, and I hope that it continues to stay not risen. We don't want to make it more difficult, perhaps impossible in some areas, for people to volunteer for this ambulance service.

Now, we drive all around the state, and those of us from the bigger communities drive in the sparsely settled areas, and I think probably each of us had had the misfortune to see ambulance situations where an accident has taken place and you wonder where anybody is going to come from to take the injured people to a hospital. It seems to me these are the questions that we should be discussing this morning. I think that we are talking about health service in the rural areas of the state, and this will go in some small measure to alleviate the problem.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: In looking over the bill, I can't see where this bill specifically is drawn up for the small, rural communities. I do agree that there definitely must be some problems in these areas. If that is the case, maybe the bill needs slight amendment.

As to the phenomenal fee for insurance rates, in my particular area, which is certainly as vulnerable as any, my instructors pay \$25 a year for \$300,000 coverage.

And I would think that anyone in a position such as my career would be absolutely stupid not to have that kind of coverage for such a small fee.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have been listening to the debate very intently on this, and I am very pleased with my good friend, Senator Harding from Aroostook, who spoke in defense of the committee report on this matter. I would like to add my support for the Majority Ought Not to Pass Report. We had one or two speakers in favor of this at the committee hearing, but no one appeared at the hearing to tell us the need for this bill.

Senator Berry from Cumberland points out an apparent problem, and I don't see the problem. The problem was not presented to us, if there is one. As Senator Harding from Aroostook explained to you, there wasn't one reported case of any ambulance driver having been sued for malpractice, so to speak. I don't see the need for this legislation to begin with. We are putting all kinds of legislation on the books and we should be a little more cautious. And I think this is an area where we ought to start. We are clogging up our books with legislation that we don't need, and this is definitely one that we don't need. We are going away from this immunity bit, we are concerned with the public generally, and I don't think that we should seek to immunize any particular group from their actions.

One of the biggest arguments that was given to us in the committee hearing was that the ambulance drivers were scared that they are going to get sued. This bill doesn't stop them from getting sued. It doesn't prevent anybody from suing an ambulance driver for negligence. If this is their fear, of being sued, this bill does not prevent them from being sued. They can still be sued. Now, whether the person suing an ambulance driver would win his case is another question, but the ambulance driver would still be forced to appear in court and

defend, regardless of whether this bill goes through or not. So, he is not going to have immunity from being sued. He is seeking immunity from the work which he is doing, immunity from any damage that may result from the work that he is doing. Now, you and I don't have immunity from what we are doing here. We don't have immunity from our daily work, so why should we give it to an ambulance driver.

Coming back to the point where he thinks he can't get sued, this is important, he can get sued and also could lose the case, because it is all up to the court to decide whether the negligence of the ambulance driver was willful, wanton or gross negligence, so that the matter would still end up in court. And we would be doing the ambulance driver a disservice by enacting this bill.

I think his avenue of protection is to buy liability insurance, and this is very, very inexpensive. You can pick up a liability policy in this area for perhaps twenty or twenty-five dollars a year, so this is the area he should be seeking. Not only is he buying a liability policy in case that he should lose the case, he is also getting free legal services by the purchase of this policy. So they should be educated in this area, rather than seeking immunity where it doesn't serve the purpose for which they seek. I ask you to support the Majority Ought Not to Pass Report of the Committee. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: After listening to the words of Senator Tanous of Penobscot, I reread the bill just now and I find that the bill, of course, has a misleading title on the subsection. The subsection is entitled, "Immunity to Licensed Ambulance Service Personnel," and the word "immunity" appears nowhere in the law, nowhere in the L.D. So, we are not talking about immunity at all.

The bill would provide that any licensed person in ambulance service who voluntarily, without the expectation of monetary compen-

sation, shall not be liable for damages unless it is established that such injuries were caused by willfully, wantonly or by gross negligence. It seems to me that this takes care of the problem. This is what we are talking about.

As Senator Tanous says, the ambulance driver can be sued, but he can be found liable only if he was willfully, wantonly or grossly negligent. There is no immunity here. I think this is a good bill and should be passed.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Majority Ought Not to Pass report of the Committee on Bill, "An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases".

A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had, Ten Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-granting Institutions." (H. P. 706) (L. D. 949)

Tabled — April 1, 1971 by Senator Harding of Aroostook.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Sen-

ate: I rise to speak on this bill because I think that it is setting a very dangerous precedent. This provides that no institution may apply to the legislature for authority to grant degrees until it has received a certificate from the Board of Education.

I think that we should never place ourselves in a position in this legislature of being secondary to any department. That is, when you come to this legislature I think that you ought to be able to introduce a piece of legislation affecting any department in this state, and you should not have to, first of all, get the approval of that department before you do so. It is on this basis that I think that this is a very dangerous precedent. I can see that a lot of departments would like to do that. They would like to dictate to the legislature under what conditions certain bills can be passed, but I don't think that this is the area that we want to go into.

Now, where we do have Rule 17-A, if a bill has no merit before the committee, and it has a unanimous ought not to pass report, then that goes into the legislative files and that takes care of the matter. It seems to me that this is a very adequate protection, and we don't need to get into this very dangerous area which this bill would lead us to. Therefore, I move that the bill be indefinitely postponed.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that L. D. 949, Bill, "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-granting Institutions", be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to correct any misconceptions the Senate may have. Existing state law now in the statutes, Title 20, very clearly spells out the procedures that an institution should go through prior to getting degree-granting authority. The ability to grant degrees is completely the legislatures. No

one else can give that authority, although existing law says that if the legislature is not meeting there can be a temporary approval or permission to use the phrase "college" until it is authorized by the legislature.

What this legislative document does, and it is not a very sweeping change from existing law, is that it clarifies the procedure a new institution shall go through.

Now, the granting of degrees is something quite apart from just giving courses. And all over the United States the academic world will review the ability of an institution prior to degree-granting. The legislature is not qualified to evaluate the academic standing or potential of an institution, so in the State of Maine, through the Board of Education, we appoint a scholarly committee to review the institution requesting the degree-granting, and based upon the recommendation of the scholarly committee, and subsequently a recommendation of the State Board of Education, the legislature has complete authority to give or not give a degree.

You will recall that presently we are considering granting degrees to John F. Kennedy College, an institution that has only seven students. The right of the legislature to grant degrees to remain intact whether this bill is passed or not, but it does give a very, very clear procedure to be followed. Any subsequent legislature that wants to give degree-granting authority to "Oshgosh" College, which has three students, can under this statute just say, irrespective of the provisions of Title 20 Section so and so, "Oshgosh" College is given the right to grant degrees. So this isn't a very dangerous bill at all. If a division hasn't been asked for, I ask for a division on the indefinite postponement motion.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The bill has a certain philosophy behind it that I find

somewhat alarming. It sets up a barrier between the people of the State and the legislature, and I think that this is a precedent that should not be enacted. I know of no other similar prohibition.

A bill was introduced at this session of the legislature which would have removed from the people certain of their rights of petition, notably to change the procedure for initiative petition on tax legislation, for instance. While those of us in the legislature who worked to pass taxes might find it convenient not to have it renewed by the electorate, certainly we must all admit it is a very nice step for removing one of the most important democratic principles that we value so highly today.

I do not see the need for a department to rule on what may or what may not be received by this legislature. I do read in here, contrary of what Senator Katz of Kennebec says, that future legislatures will be prohibited from reviewing this because the language in the bill very simply says that no institution may apply to the legislature until it has received a certificate of temporary approval from the State Board of Education. I think that is pretty plain language.

I am familiar with the difficulties of John F. Kennedy College and I, for the moment, am not debating that. I do cite to you, members of the Senate, that practically all of our small institutions started just that way. A few people got together and felt that there was a need in the education field for some institution. Accordingly, from the little acorn grew the great big oak tree. I would hate to see this come about. I hope we are not voting on the John F. Kennedy issue here. I think we are voting just on the right of the people to apply to their legislature for action.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am a little confused at the turn of the debate. Irrespective of what this bill says, if I wish to

introduce a bill next session of the legislature, under joint rules of the legislature, covering just about any subject, I can do so. I am not sure what the outcome of the bill will be, but to say to this legislature that if you pass this you are going to take your rights away next session it just is not so.

I would like to say a word, not about the institution, but about the public. All over the United States we have had repeated cases of students left hanging by their thumbs. They attend an institution and presume that it is a scholarly institution, and they presume attendance at the institution means something and are diploma mills. In our deliberations here today let's pay a little less attention to the rights of the institution and pay a little bit more attention to the rights of the student who attends an institution that has the right to grant degrees and presumes the degree-granting authority means something, and not just a political muscle in some state legislature to give the opportunity.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I rise in opposition to the motion of the good Senator from Aroostook, Senator Harding. I think that this bill is not only beneficial to the students that attend a university trying to get the right to establish degrees, but I also think that it can be very helpful for that institution if they have a committee come in and go over the whole curriculum that they are offering and their whole financial set-up. Many times that school can acquire information from the committee which will enable them to change the program so that they could meet the state requirements for degree-granting privileges.

I think it has been pointed out by the good Senator from Kennebec, Senator Katz, that there is nothing in the passage of this bill that will prevent a later legislature from considering a piece of legislation, even though the State Board might not give their approval.

I hope this bill will eventually have passage.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I think that my good friend, the Senator from Kennebec, Senator Katz, has made it very clear that, of course, some other legislature may repeal this law if we pass it; there is no question about that. But the point is: should we pass a law here which would prohibit another legislature from acting? This is what this law does. If it doesn't do that, it has no purpose, and it is very clear that it does do so.

I agree with my good friend, Senator Chick, that we should, of course, check with the Department of Education for their evaluation and their help in legislation in this area, no question about it. But I don't believe that we ought to have to check with the Department of Education, with the State Highway Department, with the Department of Health and Welfare, or any other department before we can introduce a bill. This is what this bill provides, and this is why I oppose it.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Once again, I read the legislation again, and I would read to you what the present law does. If we don't change it, we leave the law just the way it is now; this is what the procedure is: "Any educational institution seeking authority to grant any educational, literary or academic degree," and so forth, "shall make application to the Secretary of State in a manner prescribed by him not later than May 1st immediately preceding the legislative session.

"Upon notification by the Secretary of State it shall be the duty of the State Board of Education to obtain full information regarding the merit of the institution to confer the degree or grant the associate degree.

"The report with recommendations of the state board shall be delivered to the Secretary of State at least ten days before the opening of the regular legislative session."

Now, this seems to provide a pretty good review procedure before they come to the legislature. And the legislature in possession of this report is in ample control of the information it needs to grant such a requested degree-granting status.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that Bill, "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-granting Institutions," be indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion of the Senator from Aroostook, Senator Harding, that this bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty-two Senators having voted in the affirmative, and eight Senator having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

#### Reconsidered Matter

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Making Additional Appropriations for Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1971" (H. P. 1217) (L. D. 1408), failed of enactment.

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and specially assigned for April 8, 1971, pending Enactment.

The President laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act Relating to Switch Targets Under Railroad Law." (H. P. 347) (L. D. 456)

Tabled—April 1, 1971 by Senator Levine of Kennebec.

Pending—Motion by Senator Tanous of Penobscot to Indefinitely Postpone.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I think we have a good piece of legislation and both sides are agreed. There is an amendment here pending. I think Senator Tanous is going to vote with us on it and he will present the amendment.

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

Mr. Tanous of Penobscot was granted leave to withdraw his motion to Indefinitely Postpone the Bill.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-66, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on State Government on Bill, "An Act Appropriating Funds for Overtime in State Employment and Establishing Hours for a Work Day and a Work Week for Certain Employees." (H. P. 278) (L. D. 367) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—April 1, 1971 by Senator Johnson of Somers.

Pending — Acceptance of Either Report.

On motion by Mr. Harding of Aroostook, retabled and specially assigned for April 8, 1971, pending Acceptance of Either Report.

The President laid before the Senate the fifth tabled and specially assigned matter:

SENATE REPORT — Ought to Pass in New Draft under same title from the Committee on Appropriations and Financial Affairs on Bill,

"An Act to Appropriately Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." (S. P. 102) (L. D. 230)

Tabled—April 2, 1971 by Senator Violette of Aroostook.

Pending—Acceptance of Report.

On motion by Mr. Violette of Aroostook, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the sixth tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Labor on Bill, "An Act Increasing Minimum Wages." (S. P. 16) (L. D. 44) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — April 2, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

The Majority Ought to Pass Report of the Committee was then Accepted and the Bill Read Once.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Before this bill gets away from us this morning, I would like to call the Senate's attention to one feature of it which I think is extremely objectionable, a feature that will cause an extraordinary dislocation. Presently minimum wages are \$1.60 an hour, and this bill would push it up to \$2.00 an hour, starting in October of 1971, in one jump.

Ladies and Gentlemen, I would suggest that no matter how pure your hearts are, you just don't know what dislocation is if you

pass this bill in its present form without putting some kind of a step feature in it such as the federal government always does. I would hope that those who like the bill would attempt to review it before giving its second reading tomorrow from the viewpoint of giving us the opportunity to approach from \$1.60 to \$2.00 on more than a crash basis.

Thereupon the Bill was Tomorrow Assigned for Second Reading.

The President laid before the Senate the seventh tabled and specially assigned matter:

Bill, "An Act Increasing Fees of Witnesses in the Courts." (S. P. 228) (L. D. 674)

Tabled — April 2, 1971 by Senator Johnson of Somerset.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the eighth tabled and specially assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution Raising the Municipal Debt Limit from Seven and One-half to Fifteen Percent. (H. P. 83) (L. D. 123)

Tabled — April 2, 1971 by Senator Johnson of Somerset.

Pending — Motion by Senator Johnson of Somerset to Refer to Legal Affairs.

Thereupon, the Bill was Referred to the Committee on Legal Affairs in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.