

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

Wednesday, April 7, 1971

Senate called to order by the President.

Prayer by the Rev. Allen T. Short of Augusta.

Reading of the Journal of yesterday.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Authorize a Food Stamp Program for Piscataquis County." (H. P. 1142) (L. D. 1583)

Comes from the Hose, referred to the Committee on County Government and Ordered Printed.

On motion by Mr. Minkowsky of Androscoggin, referred to the Committee on Health and Institutional Services and Ordered Printed in non-concurrence.

Sent down for concurrence.

Orders

On motion by Mr. Violette of Aroostook,

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act to Allow Electric Utilities to Participate in the Construction of Certain Utility Facilities." (S. P. 518) (L. D. 1403) (S. P. 539)

Which was Read.

The **PRESIDENT**: The Senator has the floor.

Mr. **VIOLETTE**: Mr. President and Members of the Senate: Just by way of brief explanation on this, it was discovered that an important amendment had been inadvertently omitted from the bill, and it was felt that it should not be signed without that amendment. That is the reason for recalling it.

Thereupon, the Order received Passage and, under suspension of the rules, sent down forthwith for concurrence.

The **PRESIDENT**: The Chair at this time would like to ask the Senator from Aroostook, Senator Violette, if he would escort to the rostrum a guest of his who is in the chamber today for any re-

marks the guest may care to make. I would like to introduce the guest to the Senate, his son, Dennis Violette. (Applause)

Mr. Violette of Aroostook then escorted his son, Dennis Violette, to the rostrum where he addressed the Senate as follows:

Mr. **DENNIS VIOLETTE**: Mr. President and Members of the Senate: I tell you, it is really good to be here in Maine and to have my two feet back in the State of Maine.

I was in Vietnam for a while, not that long actually, just four months, and had a little misfortune so now I am back. But it sure is good to be back where there is a little peace and tranquility.

One thing that really struck me while I was in Vietnam — you see a lot of what is going on in Vietnam on television, the destruction and the fighting that is going on there — but it never struck me so much as when I was over there, especially the South Vietnamese people themselves. We just don't realize, I think, completely how much this war really affects them and is really a part of their life because, I mean, here we are back in the United States where we read about it and see it on television, but we are not actually right in it as these people are. They really face quite a bit and it is hard on these people. I used to see every day the scars of war on these people both physically, because they had been wounded themselves, and also just by living in it, and it really impressed itself on me.

I used to ask myself frequently was it worth it all, and were these people actually better off for our being there when you see them constantly living in war. That is just one little aspect which I thought I would relate to you.

However tedious your deliberations over here might be, day in and day out, believe me, it is worth it all. The State of Maine is worth it and the United States is worth it, just to be able to discuss and deliberate in an atmosphere of peace and tranquility. It is a tremendous thing when you see that other people don't have it.

Thank you very much for the honor of being able to be here this morning and just speak a few words. Thank you very much.

Thereupon, Mr. Violette of Aroostook escorted Dennis Violette from the rostrum to a seat in the rear of the chamber, amid the applause of the Senate, the members rising.

The PRESIDENT: Dennis has his Degree in Political Science, and the little misfortune he spoke of was that as point man for his squad he and a land mine came into contact with each other.

Committee Reports House

Leave to Withdraw

The Committee on State Government on, Bill, "An Act to Increase Compensation of the Boxing Commission." (H. P. 948) (L. D. 1307)

Reported that the same be granted Leave to Withdraw.

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for April 13, 1971, pending Acceptance of the Committee Report.)

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Disability Retirement Under Maine Retirement System." (H. P. 144) (L. D. 199)

Reported that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Age of Retirement under State Retirement System." (H. P. 284) (L. D. 373)

Reported that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Service Retirement of Teachers under State Retirement Law." (H. P. 285) (L. D. 374)

Reported that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on, Bill, "An Act Relating to the State Police Retirement System." (H. P. 1065) (L. D. 1455)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and, except for the tabled matter, Accepted in concurrence.

Ought to Pass

The Committee on State Government on, Bill, "An Act Relating to Injury or Incapacity of Certain State Employees." (H. P. 506) (L. D. 652)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Relating to Condonation as a Defense to an Action for Divorce." (H. P. 809) (L. D. 1082)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Relating to Recrimination as a Defense in an Action for Divorce." (H. P. 810) (L. D. 1083)

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 Labor on, Bill, "An Act Prohibiting Discrimination for Testifying or Asserting Claim Under Workmen's Compensation Law." (H. P. 234) (L. D. 316)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-95).

The Committee on State Government on, Bill, "An Act Relating to Maintenance of Paupers by Certain Plantations." (H. P. 399) (L. D. 511)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-96).

The Committee on State Government on, Bill, "An Act Relating to Stating Purposes of Bond Issues Referred to the People." (H. P. 788) (L. D. 1064)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-97).

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 Relating to Meals and Housing Expense for Members of the Legislature." (H. P. 400) (L. D. 512)

Reported that the same Ought to Pass in New Draft Under New Title: "Bill, An Act Relating to Meals and Housing Expense for Members of the Legislature and Compensation at Special Sessions." (H. P. 1251) (L. D. 1572).

Comes from the House, the report Read and Accepted, and the Bill in New Draft Passed to be Engrossed.

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

The Committee on State Government on, Bill, "An Act Relating to Staffing the Joint Standing Committees of the Legislature." (H. P. 432) (L. D. 567)

Reported that the same Ought to Pass in New Draft Under New Title: "Bill, An Act Relating to Staffing Committees of the Legislature." (H. P. 1250) (L. D. 1571)

Comes from the House, the report Read and Accepted, and the Bill in New Draft Passed to be Engrossed.

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This sets up a \$50,000 program for the establishment of student interns to assist legislative committees. Golly, I am strongly in favor of helping student interns and I am strongly in favor of assistance to legislative committees, but I am perplexed by the combination of these two and the price tag on the bill. I hope as the bill goes along that somebody will attempt to explain the intent of it.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I am looking at L.D. 1571, and it says, "Committees of the legislature shall employ students and be staffed by qualified undergraduate students from Maine colleges and universities and qualified Maine residents who are students at other colleges and universities."

It seems to me that this would upset the clerk system and the whole works here, and it doesn't sound right. It doesn't sound as though it is anything that we should do.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: The Committee heard this bill and, of course, I think everyone here will agree that all we have heard for the last several years is complaints about understaffing problems, getting professional people in here to do work.

In one area where I think we should have done something years ago, which we did not do, is that of the Legislative Research office. We should have two or three attorneys in there, at least for a three-months period prior to or at the beginning of the biennial sessions. They need the help there. And we can use these people in any one of these committees. They could be students in law school or in any area.

The price tag actually on this bill is peanuts compared to the people we have been talking about if the job was done in a first-class manner. This is perhaps an optional way and perhaps a good start at a very reasonable expense. And it gives some of these young people in college that are taking courses perhaps in state government, or majoring in state government and politics, a chance to come in here and find out how this situation works, and at the same time it is giving all of us a lift.

We have a gentleman down in our committee who is certainly giving us a lift. I don't know if he is a student in college at the

present time, but I think he is attending the U. of M. now in the evenings.

So this is a start in the right direction, as near as I can figure out, and it does set up that the librarian, research and so forth can all have these people that are available. Of course, the appropriation is \$50,000, and maybe it won't get off the ground with that price tag, but I can see another one for about \$700,000 or \$800,000, and this is probably just as effective, but there is a big difference.

I hope I have answered the question. I felt it was a good bill, the committee felt it was a good bill, and I see no reason why we should attempt to defeat it.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, tabled and specially assigned for April 9, 1971, pending acceptance of the Committee Report.

The Committee on Education on, Bill, "An Act Providing Funds for Certain High School Equivalency Examinations." (H. P. 933) (L. D. 1287)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1248) (L. D. 1569)

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed.

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

The Committee on Education on, Bill, "An Act Relating to School Administrative District Elections." (H. P. 647) (L. D. 878)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1237) (L. D. 1523)

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "B" (H-104).

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "B" was Read and Adopted in concurrence and

the Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Natural Resources on, Bill, "An Act Relating to the Conduct of Hearings Required by the State's Environmental Laws." (H. P. 359) (L. D. 467)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1246) (L. D. 1555)

Comes from the House, the report and Bill Recommended to the Committee on Natural Resources.

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Revise Eligibility Requirements for Unemployment Compensation Benefits." (H. P. 423) (L. D. 557)

Reported that the same Ought Not to Pass.

Signed:
Senator:

TANOUS of Penobscot
Representatives:

GOOD of Westfield
LEE of Albion
ROLLINS of Dixfield
LINCOLN of Bethel
KELLEY of Machias
SIMPSON of Millinocket

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

Signed:
Senators:

MARCOTTE of York
LEVINE of Kennebec

Representatives:

McTEAGUE of Brunswick
BEDARD of Saco
GENEST of Waterville
BUSTIN of Augusta

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 Education on, Bill, "An Act to

Create a School Administrative District in the Town of Madawaska." (H. P. 641) (L. D. 871)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
CHICK of Kennebec
MINKOWSKY
of Androscoggin

Representatives:

MILLETT of Dixmont
HASKELL of Houlton
TYNDALE
of Kennebunkport
WOODBURY of Gray
SIMPSON of Standish
LAWRY of Fairfield
LUCAS of Portland
LYNCH

of Livermore Falls

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

Signed:

Representatives:

BITHER of Houlton
MURRAY of Bangor

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

On motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Length of Combination of Motor Vehicles and Semitrailers Transporting Motor Vehicles." (H. P. 372) (L. D. 478)

Reported that the same Ought to Pass.

Signed:

Senators:

GREELEY of Waldo
KELLAM of Cumberland
JOHNSON of Somerset

Representatives:

WOOD of Brooks
CROSBY of Kennebunk
HALL of Windham
LEE of Albion
DUDLEY of Enfield
LEBEL of Van Buren
KEYTE of Dexter

FRASER of Mexico

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-98).

Signed:

Representatives:

BARNES of Alton
McNALLY of Ellsworth

Comes from the House, the Majority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read, and the Majority Ought to Pass Report of the Committee Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Repealing the Farm Machinery Tax Exemption." (H. P. 613) (L. D. 824)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

CYR of Madawaska
ROSS of Bath
COTTRELL of Portland
DRIGOTAS of Auburn
DAM of Skowhegan
FINEMORE

of Bridgewater
TRASK of Milo

McCLOSKEY of Bangor

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

Signed:

Representatives:

MORRELL of Brunswick
COLLINS of Caribou

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill,

"An Act Relating to a Game Warden for the Penobscot Indian Reservation." (S. P. 349) (L. D. 1049)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ANDERSON of Hancock

HOFFSES of Knox

Representatives:

MANCHESTER of

Mechanic Falls

KELLEY of Southport

LEWIN of Augusta

LEWIS of Bristol

PARKS of Presque Isle

BOURGOIN of

Fort Kent

PORTER of Lincoln

CALL of Lewiston

BUNKER of Gouldsboro

KELLEY of Machias

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

Signed:

Senator: BERNARD of

Androscoggin

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Use of Duck Blinds on Penobscot Reservation Lands." (S. P. 350) (L. D. 1050)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HOFFSES of Knox

ANDERSON of Hancock

Representatives:

MANCHESTER of

Mechanic Falls

KELLEY of Southport

LEWIS of Bristol

PARKS of Presque Isle

BOURGOIN of

Fort Kent

PORTER of Lincoln

CALL of Lewiston

BUNKER of Gouldsboro

KELLEY of Machias

LEWIN of Augusta

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

Signed:

Senator: BERNARD of

Androscoggin

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law." (S. P. 65) (L. D. 130)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 538) (L. D. 1615)

Signed:

Senators:

TANOUS of York

MARCOTTE of York

Representatives:

KELLEY of Machias

McTEAGUE of Brunswick

BUSTIN of Augusta

GENEST of Waterville

BEDARD of Saco

SIMPSON of

Millinocket

ROLLINS of

East Dixfield

GOOD of Westfield

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

Signed:

Senator: LEVINE of Kennebec

Representatives:

LINCOLN of Bethel

LEE of Albion

Which reports were Read.

On motion by Mr. Levine of Kennebec, tabled and specially Assigned for April 13, 1971, pending Acceptance of Either Report.

Second Readers

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

House

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

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

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

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

Bill, "An Act Clarifying Duties of Treasurer of State Relating to Securities." (H. P. 1247) (L. D. 1556)

Bill, "An Act Relating to the Sale of Alcoholic Beverages at International Air Terminals." (H. P. 1245) (L. D. 1554)

Bill, "An Act Relating to the Reporting of Traffic Accidents." (H. P. 1243) (L. D. 1552)

Bill, "An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases." (H. P. 130) (L. D. 185)

(See action later in today's session.)

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

Bill, "An Act Relating to Reimbursements for Professional Credits of Teachers." (H. P. 1220) (L. D. 1411)

Which was Read a Second Time and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act Increasing the Coverage and Entry Fee of Small Claims Law and Defining Certain Procedures." (H. P. 221) (L. D. 303)

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

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

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

Senate

Bill, "An Act Relating to Open Season on Fisher." (S. P. 535) (L. D. 1579)

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

Sent down for concurrence.

Bill, "An Act Increasing Minimum Wages." (S. P. 16) (L. D. 44)

Which was Read a Second Time.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have been quite concerned with this minimum wage bill that we accepted the report on yesterday and gave it its first reading.

Yesterday there was placed on our desks a list of the minimum wage in all the states in the nation. If you paid any attention to that, you would see that there are only three states in the nation, New York, California and Alaska, that are higher than us at the present time. In fact, many states don't have any, and a lot of them have a lot less than us. Even in the highly industrialized states, such as Michigan, Ohio and Pennsylvania, they are away down the line from what we are here. In the New England states, all the New England states are the same as us, except New Hampshire which only has a \$1 minimum wage.

Under this bill which we accepted the report on yesterday we are increasing the wages 25 percent. Now, that is some increase. I don't know whether we stopped to think about what impact that would have on industry and the people in the State of Maine. 25 percent, or 40 cents an hour, that is a tremendous increase. And when you are talking about 40 cents an hour you are talking about a 5 percent increase which you have got to add for your social security, 3 percent for your unemployment, plus whatever the rate happened to be on your workmen's compensation, so it runs this up to probably, as a safe estimate, 55 cents an hour that it is going to cost.

Now, at this particular time when we have a high unemployment rate, this would only exaggerate it. It would hurt us, because as sure if this becomes law we are going to throw the marginal worker out of employment. There is no question about it, the average person who is a marginal worker, and a lot of them who are receiving \$1.60 an hour, they are marginal workers and they are going to be out of a job.

I talked with them in the Health and Welfare Department yesterday on this, and they said if this should pass that undoubtedly it would cost

the Department of Health and Welfare \$2 million. I don't mean this would all be in additional case load on account of it, but, but there would be a number. It always worked out that way, I was informed.

But you are going to increase your nursing homes and your boarding homes, and this was an estimate of \$2 million. Now, that isn't \$2 million of state money. About one - third of that would be state money and two - thirds of it federal.

I think, that unless something can be done about this bill so it is watered down, this is ridiculous in my way of thinking. I move for indefinite postponement, and I would request a division.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Bill, "An Act Increasing Minimum Wages" be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I certainly hope that you won't go along with the motion of my good friend from Cumberland, Senator Moore. I was in hopes yesterday after we accepted the Majority Ought to Pass Report, and I repeat "Majority Ought to Pass Report", of the Committee, which was ten to three, that you had made my day for me, needless to say, as sort of a reward for the hard work that a member of the legislature performs. I was hoping that you might at least let this go to the other branch to have it debated over there and see what the feelings of those members were on this bill.

I listened to Senator Moore's argument, and you know, there is no question about it, fellow Senators and Madam Senator, that many of the arguments against a \$2 minimum wage are certainly worthwhile considering. But in weighing the arguments against a bill of this type, one ought to also weigh the arguments in favor of such a bill.

You know, as we grow up during our life we form philosophies, and as you get older these philosophies

become part of you. So there are those, for instance - perhaps the word "educated" is not the word to use - but they are not among the laboring field, so to speak, and they don't understand the problems of labor. And there are those who are among the laboring group that don't see the other side of the picture as well. So that one can't dislike a person for his philosophies because these have become part of him during his growing up and the formation of his character and personality. But when it comes times to vote on a particular issue, and your in - bred feelings might interfere with your vote on a particular bill, then one ought perhaps to look at it in an objective way.

I realize that many of you have made up your mind on this particular bill and probably no argument will change your opinion on it, that you feel it is a bad bill and you are going to stick to it. Or some of you may feel that it is going to affect your own personal economy and you may vote against it for that reason. There are many reasons why you can vote against this bill, no question about it. I mean, you may say, like Senator Moore from Cumberland said, that you are going to hurt the economy, that it is bad for the economy or that you are going to raise the base, or we ought not to go ahead of the federal government, you have got a lot of valid arguments against this bill. But there are also a lot of valid arguments for the bill itself.

Now, you say we ought not to go ahead of the federal government, but I can give you one good reason why we should, because the federal government, technically speaking, and in every way, should not interfere with the duties, rights and obligations of the states. Now, they do, and why is the federal government legally able to do this, to interfere with the states' own obligations? Maybe many of you have never thought of this. The federal government only comes into the picture on matters which are strictly matters of the state when the state fails to provide for its people, just as we do here in the legislature. We interfere with

the municipal operations of any town in the state when we feel that town is not providing what it ought to for its people. And this is the only time the legislature should be permitted to interfere in municipal matters. And this is the only time that the federal government is permitted to interfere in state matters, when the states fail to provide for the needs of their people. This is how originally the federal government came out with a federal minimum wage and laws and so forth, because the states failed to provide guide lines and minimum wages for their people. So they interfered and stepped into it. And they will again if we don't provide it.

So why should we wait for the federal government to tell us what we ought to do when we are as capable of doing it ourselves? The federal government is considering a \$2 minimum wage. My guess would be that this will be approved sometime this year. And why should the people of the State of Maine wait for the federal government to tell us what we ought to do?

You know, I am not as concerned about organized labor in this particular instance because, as I have said time and time again as Chairman of the Labor Committee, that organized labor in the State of Maine takes care of its own. They really don't need legislation to provide for them because they are organized and unionized and they can provide for themselves. But I ask each and every one of you who is going to represent the one that is not organized, the individual who is a laborer and isn't organized? Who does he look to for representing his interests as a laborer in the State of Maine? He has no union officials, he can't bargain, and he is at the mercy of his employer, in a sense, and he has no one bargaining for him. He has no one looking out for higher wages for him. Who does he look to? I mean, we are the ones who are supposed to be representing this unrepresented individual. This is up to us.

You know, you give me a working man, a guy who is really out there in the mud, in the woods and so forth, the working man and

most of these people who are subject to this minimum wage of \$1.60 an hour, and the guy who goes to the polls every year, year in and year out, and votes for you and I to get us elected, the individual who respects law and order and respects the representative and the senator from his district, this is the guy who is looking to us for help. He is looking to us because he recognizes that we are his senator and the one that ought to look out for his needs.

Now, you talk about the raise in the minimum wage affecting the economy of the state. Do you know right now that the present poverty level in this country as recognized by the Nixon Administration is higher than what the minimum wage provides for in the State of Maine? We have a minimum wage of \$1.60 an hour, so in a 40-hour week you will gross \$64 a week. Now there are many thousands of people in the State of Maine who are only grossing \$64 a week or less. Would you imagine, as an educated person, that these people take home \$55 a week or maybe \$50 a week, some of them, or \$56, in that area. Now, what do they do after they buy groceries? What is left after they buy the groceries? What are they supposed to do? So what we are doing actually, by keeping the minimum wage as low as it is, we are enticing people to go on welfare, believe it or not. We are enticing people to go on welfare, because a person who is only earning the minimum wage in the State of Maine can do much better by going on welfare. A man with a wife and two children can stay at home and get a monthly check from welfare. He can get food orders that they have every week. They have hot lunches at school, and all their medical cares are taken care of by the Department of Health and Welfare, so that he can do better by staying home. So this is no incentive for an individual, earning a minimum wage of \$1.60 an hour, to go out and work.

So who are we actually penalizing? We are penalizing the individual who works for \$1.60 an hour, the proud individual, the guy again that I referred to who is out there in the mud, in the woods, working

for \$1.60 an hour and who is too proud to accept welfare. We are penalizing him when we retain the minimum wage as low as this.

So these are things to consider. Even at a \$2 minimum wage, you are only increasing his gross pay to \$80 a week, from which on the average he would be taking home something in the area of \$68 a week. Again I say what does \$68 a week amount to as take-home? You have to feed yourself, your wife and your two children. Now, at \$68 a week, I grant you, he will buy the groceries and perhaps pay the rent, but what does he do after that? These are things that I have got to consider and rationalize in my own mind when I say that we should increase the minimum wage. There are many, many arguments and, as I say, when you tip the scale in favor of increasing the minimum wage, then I think we should. I think you should weigh these arguments very carefully, and if the scale tips toward increasing the minimum wage then I think we should go along with increasing it. I don't think we ought to wait until we are forced to by the federal government.

You know, if we don't provide for our people with minimums of this type, how can we really as legislators expect children in our state to aspire to be normal, productive Maine citizens when they see their parents working but still not earning enough money to meet the minimum family needs? Certainly a minimum wage must be set that allows a worker some dignity in this world and in this life of ours, a wage that shows his children that it is worthwhile to work, a wage that is a real alternative to idleness and delinquency. I ask each and every one of you to consider this, and to permit this bill to go along to the other branch to see what they will do with it over there. I ask each and every one of you, and I really deeply request your support on this bill. Thank you.

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

Mr. LEVINE of K e n n e b e c : Mr. President and Members of the

Senate: I feel this is a very good piece of legislation the way the good Senator from Penobscot, Senator Tanous, brought it out, but there is one problem which some people might object to. That is that we might be higher than the federal minimum wage now.

Instead of killing this legislation, I feel that we should table it because there is another bill before the Labor Committee now that would keep our minimum wage at the same standard as the federal, and we should keep this one alive to see what happens to the other one and what will happen in congress. There is a bill in congress to raise the minimum wage to \$2, and I have a feeling that they might compromise and raise it to \$1.80 or \$1.90. So by tabling this one until we have a chance to hear the other bill, we will come out with one piece of legislation that is definitely needed. So I would ask somebody to table this item unassigned.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I can't help but express a feeling of tenseness with the Senator from Penobscot, Senator Tanous, because since the 101st Legislature I have voted for every minimum wage bill that has approached this legislature, and he is going to spoil my perfect record if he persists in attempting to pass this bill in its present form.

The arguments he made are splendid and can't be questioned. I think the purchasing power of Maine workers would probably be even better at \$3 an hour. But the dislocation that his bill would cause by creating a 25 percent increase in the minimum wage is not practical, and I don't think he is actually going to help the people he is trying to help.

I support him completely in the concept of raising the minimum wage. Frankly, I am not terribly impressed with the desire to see what the other body is going to do. I have a feeling that our responsibilities are quite specific, that we should make judgments here. And if the bill does persist in its present

form, I shall reluctantly have to vote against it.

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

Mr. Graham of Cumberland moved that the bill be tabled unassigned.

Mr. Tanous of Penobscot then requested a division.

The PRESIDENT: For what purpose does the Senator rise?

Mr. KATZ of Kennebec: To debate the timing of the tabling motion.

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

Mr. KATZ: Mr. President, I would resist an unassigned tabling. I think this is a matter that could be disposed of and, although I am in favor of delaying the bill some, I would oppose a motion to table unassigned.

Through the Chair, I would like to ask the Senator from Cumberland, Senator Graham, whether he might assign a time perhaps a week hence from now.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Graham, that Bill, "An Act Increasing Minimum Wages" be placed on the table will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Five Senators having voted in the affirmative, and twenty-six Senators having voted in the negative, the motion did not prevail.

Mr. Katz of Kennebec then moved that the Bill be tabled and specially assigned for April 13, 1971, pending the motion by Mr. Moore of Cumberland that the Bill be Indefinitely Postponed.

On motion by Mr. Tanous of Penobscot, a division was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the tabling motion prevailed.

The vote by division being in doubt, on further motion by Mr. Tanous of Penobscot, another division was had. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted

in the negative, the tabling motion did not prevail.

The PRESIDENT: The Chair would inform the Senator from Penobscot, Senator Tanous, that on the original vote the Chair voted in the affirmative to table, but the vote changed obviously.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Moore of Cumberland that the Bill be Indefinitely Postponed.

Senate - As Amended

Bill, "An Act Increasing Compensation of Members of the Maine Insurance Advisory Board." (S. P. 131) (L. D. 343)

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

Sent down for concurrence.

Enactors

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

An Act Permitting the State Park and Recreation Commission to Sell Snowmobiles Trail Marking Signs and Charts. (S. P. 219) (L. D. 665)

An Act Relating to Changes of Fishing Regulations by the Legislature. (S. P. 321) (L. D. 935)

(On motion by Mr. Hoffses of Knox, tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to the Control of Dogs. (H. P. 270) (L. D. 359)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for April 9, 1971, pending Enactment.)

An Act Increasing Tax on Commercial Fertilizers. (H. P. 279) (L. D. 368)

An Act Relating to Definition of Dental Hygienist and Dental Auxiliaries. (H. P. 563) (L. D. 739)

An Act to Remove Remarriage Restriction on Survivor Benefit Payments under State Retirement System. (H. P. 624) (L. D. 834)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act to Enable the Town of Cape Elizabeth to Establish Sewer

Service Charges. (H. P. 632) (L. D. 862)

An Act Relating to Cancellation, Nonrenewal and Certain Changes of Automobile Insurance Because of Age. (H. P. 664) (L. D. 893)

An Act Authorizing Savings Banks to Issue Mortgage-backed Securities Guaranteed by the United States. (H. P. 733) (L. D. 995)

An Act Relating to Compensation of Trustees of the Rumford Water District. (H. P. 750) (L. D. 1019)

An Act Relating to Trespass on Certain State Institutions. (H. P. 1084) (L. D. 1150)

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

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (H. P. 89) (L. D. 133)

(On motion by Mr. Berry of Cumberland tabled and specially assigned for April 9, 1971, pending Final Passage.)

Emergency

An Act Relating to Out-of-state Ambulance Services and Eliminating Fees for Ambulance Personnel. (H. P. 592) (L. D. 787)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Authorize a Food Stamp Program in Kennebec County. (H. P. 767) (L. D. 1033)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Relating to School Construction Aid." (S. P. 152) (L. D. 421)

Tabled — March 31, 1971 by Senator Dunn of Oxford.

Pending — Passage to be Engrossed.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I tabled this in order to get some figures from the department on the schools affected. As you will notice, and most of you know, the school construction aid varies from eighteen percent on the low side to sixty-six percent aid at the top. This bill would change those figures to fifteen percent on the low side and eighty-five percent at the top.

There are a few towns in the State that probably don't need any assistance from the state in this area, but you can probably count them on your fingers of one hand. The eighty-five percent, I think is extreme, so I asked for figures from the department and as yet have not received them. I would hope that someone would table this for a couple more days, and perhaps I can get them by that time.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Thereupon, on motion by Mr. Anderson of Hancock, tabled and specially assigned for April 9, 1971, pending Passage to be Engrossed.

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

Bill, "An Act Increasing Indebtedness of Boothbay Harbor Sewer District." (H. P. 1214) (L. D. 1332)

Tabled — March 31, 1971 by Senator Schulten of Sagadahoc.

Pending — Enactment.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I tabled this matter feeling that there was some clarification of the bill that was necessary. However, upon review, I find that the bill as printed does the job

perfectly well, and I would now move for the enactment of the bill.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act Relating to Age for Compulsory Education." (H. P. 1219) (L. D. 1410)

Tabled — April 1, 1971 by Senator Minkowsky of Androscoggin.

Pending — Motion by Senator Shute of Franklin to Indefinitely Postpone.

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

Mr. KATZ of Kennebec: Mr. President, I rise to oppose the motion for indefinite postponement. And might I ask if the Secretary would give the committee report on this bill to refresh my memory.

The SECRETARY: The Committee Report that the bill Ought to Pass in New Draft under title "An Act Relating to Age for Compulsory Education", (H. P. 1219) (L. D. 1410), was a unanimous report.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: This was a thirteen to nothing report that we considered long and thoughtfully. Presently the state law requires that seventeen - year olds, up to age seventeen, must remain in school.

All around the State of Maine the law is being blinked at; it is not being well enforced. Youngsters who are seventeen and do not go to school are truants. District courts, with more pressing things to do, have shown a great disinclination to get involved with the truancy around the state.

This bill, which is a permissive bill, attempts at least to attempt something. What it does is say that in those areas of the state or in those school districts where there are some viable alternatives, perhaps a work study program, perhaps an on-the-job program with

the youngster even attending night school, perhaps even adult education classes, and if there are these alternatives, and if they are approved by the parents of the youngsters, if they are approved by the principal of the school and the board of education, which is a triple safeguard, so let's try this and see whether we can't get an alternative for these kids who are really being put in a dreadful situation by being forced to remain in programs that they don't consider relevant.

Consequently, Mr. President, I would ask for a division and hope that you would vote against the motion to indefinitely postpone.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: The other day, as you will recall, I did express some misgivings about this legislative document. I still am a bit uneasy about the age that specifies sixteen. I would feel more comfortable if it were seventeen. However, the good Senator from Kennebec has explained the background on this document as its redraft has come out of the committee, and I now move to withdraw my motion to indefinitely postpone, since I am satisfied that this is an attempt to right a wrong and to make a step in the right direction.

The PRESIDENT: The Senator from Franklin, Senator Shute, withdraws his motion of indefinite postponement. Is it now the pleasure of the Senate that this bill be passed to be engrossed in concurrence?

Thereupon, the Bill was Passed to be Engrossed in concurrence.

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

SENATE REPORTS — From the Committee on Judiciary on Bill, "An Act Relating to Charitable Organizations' Immunity in Civil Actions." (S. P. 224) (L. D. 670) Majority Report, Ought Not to Pass; Minority Report Ought to Pass.

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

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

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: This is another immunity bill. Perhaps you are all aware that presently in the State of Maine your charitable organizations are immune to law suits for their negligence.

Most of your reputable charitable organizations, so to speak, most of those that are really sound and are concerned with the public generally have liability insurance to protect them against their negligent acts. So this removal of this immunity is only aimed at those particular organizations that do not consider a responsibility towards the general public and who would not take out liability insurance, so to speak, to protect them against their negligent acts.

Now we did pass some legislation which provides that a charitable organization is responsible for their negligent acts to the extent of whatever liability insurance coverage that they have. If a charitable organization chooses not to buy liability insurance, then their negligent acts are shielded by this immunity which presently exists in the State of Maine. This is the reason that I say that all we are doing with this immunity is shielding those charitable organizations who would not recognize their duty or responsibility towards the general public.

This is the only area that this immunity exists, incidentally, the area of negligence, and by giving them this shield if anybody is hurt as a result of their negligent acts, then who undertakes the burden of expense? This is what you have got to consider. Upon who does the burden of expense fall when a charitable organization fails to provide for its obligations? It falls upon the individual personally, and if the individual person is unable to provide for his immediate needs

as far as medical care, income and so forth, then it falls upon the taxpayers of the State of Maine. And again you are enhancing and increasing the rolls of the Health and Welfare. So if we are concerned about the increasing rolls of Health and Welfare, then here is an area to act positively by helping to relieve these rolls, by removing this immunity and providing that these charitable organizations who are not cognizant of their obligations to the general public to buy insurance so that they can be protected in this area. So I ask for your support on this bill.

In a little while I am going to ask to reconsider the ambulance bill, because I think there are a couple of other arguments that should be brought out before that particular bill leaves us, but for the moment my argument on this particular bill, as I say, probably will be somewhat similar to the next bill coming up. Thank you.

Mr. President, I ask for a division.

The PRESIDENT: A division has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I regret having once again to assume my roll in opposition to Senator Tanous. I would urge you to support the motion of Senator Quinn from Penobscot that this bill be defeated. I see up here in my terms in the legislature the gradual erosion of institutions such as hospitals through the application of the removal of charitable immunity. Coupled with this has been, particularly in the 102nd Legislature, the action on the part of the trial lawyers to get in their contingency fee proposal. It makes quite a combination, and in quite the opposite spirit, as Senator Tanous of Penobscot has said, it is the public that pays for these changes.

I think we have here what could be basically called a consumer protection issue. We are going to discourage, and we are going to increase the cost of these charitable institutions in doing their business, and it is the public that pays them.

The public pays through increased cost of operations and through the increased cost of legal fees which are obtained in the prosecution of these suits. Later on you will see a bill, I hope, out of the Judiciary Committee, which I was instrumental in submitting, which prohibits contingency fees in actions against charitable institutions, in an attempt to cut down the cost of these operations to Maine people. I think this bill is not earth-shattering, but I think it should be defeated.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am sure that the good Senator from Cumberland was speaking only in his individual capacity, and not in his position as Floor Leader in the opposition to this bill.

I would say that in this hearing there was not a single institution or person in the entire State of Maine who appeared at this hearing to oppose this bill. This bill would only affect a very, very few charitable institutions in this state. It would represent no increase in cost to the State or to the charities. Almost all responsible charities in this state now carry liability insurance. This would make it uniform so that all charities would do what all charities ought to do, and that is: charity begins at home, and you look out for your own first. It would only be that each charity in the State of Maine would carry liability insurance which all of us practically now do. So this would affect very, very few charities, and it would make the effect of the law uniform across the state. So I would hope that you would support this bill which no one in the state opposed at the hearing.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: There was plenty of opposition to this bill in the committee. The majority report of the committee was against the bill. I was one of those that supported it, for the following reasons: L. D. 670, "An Act Relating to Charitable Organi-

zations' Immunity in Civil Actions", the purpose of this bill is to abolish charitable immunity in civil actions.

There are many small charitable organizations, benevolent organizations, small church organizations, that really have no wealth, own no property, don't have much money, that are organized to do good and be helpful in their communities. Frequently they are not incorporated. They are a group of willful citizens who by their joint action want to render a service to their community. They raise money by small enterprises such as food, rummage, candy sales, bridge parties and such. They raise small sums of money to aid the poor and underprivileged with clothing, glasses, shoes, dental care for underprivileged children and so forth. They do quite a lot of good. They have substantial shortages of funds to do the work that they are organized to do. I can't resolve myself to the removing of totally the immunities from this type of organization which is serving such an important purpose in their communities.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I know one very important point that ought to be mentioned when you are talking about immunity, and particularly in this instance, is that the individual is always personally liable. Now even though the charitable organization may not be, the individual has no such immunity. So that by keeping the immunity there we are shielding these not so responsible charitable groups, and yet we are adding an added liability upon the individual who may not be aware of this. He may feel that because he is acting in this capacity of doing something for the charitable organization that he is protected from a suit, and this is not so.

Many an individual can be hurt and hurt very badly by personal suits against him because of the immunity that he thinks he has, which he doesn't have as an individual. And further, the expense of an insurance policy in this area

is really negligible compared to what an organization or individual may be subject to for payment of legal fees in defense of an action and perhaps an ultimate judgment against him. We ought to be concerned with that particular individual as well as the public generally when we are thinking about this. Thank you.

The PRESIDENT: 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 Relating to Charitable Organizations' Immunity in Civil Actions."

A division has been requested. As many Senators as are in favor of the Senators motion to Accept 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. Nineteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

SENATE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Governmental Immunity in Civil Actions." (S. P. 225) (L. D. 671) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

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

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

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

Bill, "An Act Relating to Geographically Isolated Small High Schools." (S. P. 257) (L. D. 763)

Tabled — April 2, 1971 by Senator Katz of Kennebec.

Pending — Enactment.

On motion by Mr. Dunn of Oxford, retabled and specially assigned for April 14, 1971, pending Enactment.

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

HOUSE REPORTS — from the Committee on Transportation on Bill, "An Act Removing Tolls from Bangor-Brewer Bridge." (H. P. 16) (L. D. 25) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

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

Pending — Motion by Senator Quinn of Penobscot to Accept the Majority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I would just like to say a few words pertaining to this legislation. Not that it makes too much difference, but it was twenty years ago next month that I made the motion to remove from the table and move for enactment of the Bangor-Brewer Bridge. Little did I realize at that time that I would have anything more to do with this matter.

To give you some reason why I signed the Ought to Pass Report, I will go back a little further. As a member of the Ways and Bridges Committee in 1949, I remember we had a constitutional amendment before our Committee which had to do with the construction of a bridge in Portland. It was called the Fore River Bridge and involved a \$7,000,000 bond issue. This was approved by the legislature and also by the people. Soon after the people approved this constitutional amendment there was quite a lot of controversy over the state as to why there wasn't tolls on the Fore River Bridge. In 1951, as a member of the Highway Committee, I remember we had a referendum come before us, which was passed by the legislature and went to the people, and the people of Portland turned down the

referendum to put tolls on the Fore River Bridge. I will say in honesty that the people in Portland did a good job in getting out the vote.

Since that time I think we have taken tolls off of the Richmond-Dresden Bridge, the Sedgwick-Deer Isle Bridge, the Jonesport-Beals Bridge, and later the Kennebec Bridge. But what convinced me most to sign this Ought to Pass Report was what is taking place in Lewiston-Auburn. You remember a few years ago we had a bill in the legislature for the construction of a bridge at Lewiston-Auburn. It went to the people and it was defeated. In 1968, in the special session, another proposal came before the legislature. I talked with the sponsor and asked him if he would go along with a toll bridge, and he said he would rather go without the bridge than have a toll bridge. Now, I thought at the time that the four and one-half million dollars would construct that bridge, but at this session of the legislature we have before us an appropriation involving \$2,000,000 to build the approaches on this bridge; \$600,000 to build the approach on the Auburn side and \$1,400,000 on the Lewiston side. So I don't call it fair that we are appropriating this money to build these approaches and still ask the people of the Bangor area to keep on paying tolls.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Majority Ought to Pass Report of the Committee?

Thereupon, the Majority 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 eighth 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 Appropriate 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 6, 1971 by Senator Violette of Aroostook.

Pending — Acceptance of Report. On motion by Mr. Sewall of Penobscot, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Reconsidered Matter

Mr. Tanous of Penobscot moved that the Senate reconsider its action of earlier in today's session whereby Bill, "An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases", (H. P. 130) (L. D. 185), was Passed to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In the interest of some sort of progress in the legislative field, I would oppose the motion for reconsideration.

We had a very good debate on this yesterday, and I think some of the comments today on another bill apply to it. I think the sentiment of this body has been expressed by a significant margin. I see no gain to be obtained by further delay. The matter will be back for enactment and if the good Senator from Penobscot, Senator Tanous, wishes to attack this later he can. I would hope that you would vote against the motion for reconsideration.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I am not going to withdraw my motion for reconsideration, but I might add I do ask for a division on it, and I want to say a few words. If this body agrees with me perhaps they might vote with me for reconsideration.

I was at the Judiciary hearing in another instance, as Chairman of that Committee, and we had somebody from the coast that appeared before our committee telling us that he had been found guilty in a civil suit and was forced to pay a judgment of \$25,000. Now Senator Quinn from Penobscot and Senator Harding of Aroostook also on the Judiciary Committee, if I

recall, were present when this individual told us this.

This individual is on one of the school district boards on the coast somewhere, I forget what his name was, but he felt he was immune. He felt that he had the protection of the immunity as well, but was sued and went to court and lost and had a judgment rendered against him for \$25,000. He thought he had immunity.

So don't give a shield to somebody, a false shield, is what I am trying to tell you. And this is precisely what this bill does. This ambulance driver bill gives a false shield to the ambulance drivers. It doesn't matter to me. I have no personal interest but, as Chairman of the Judiciary Committee, I am concerned as to whether I did a good job explaining this to you yesterday. Don't give a false shield to these individuals, because they still can be sued, and they still have to go to court, and they still can lose even though this bill is passed. This is what I am trying to impress upon you. You are going to give these ambulance drivers a false sense of security where they don't have it. They are going to think that they have immunity, and they certainly don't have immunity, which most of you perhaps are concerned that they will have if you pass this bill.

So I ask you to support me in my motion for reconsideration. Maybe you can table it and check into what I am telling you now. Ask some friendly lawyers of yours to see if I am right or not. Have them read that bill very carefully, and ask them as to whether an ambulance driver can be sued if this bill becomes law. I am sure that answer would be yes he can be sued. And can he be forced to pay a judgment, and I am sure that under the willful, wantonness and gross negligence, he can be forced to pay a judgment rendered against him. This is important. I ask of you to support me on my motion for reconsideration, and then table this for a few days to give each and every one of you an opportunity to consult your friendly lawyer to see if my argument isn't sound. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I am not an attorney but I would agree with Senator Tanous on one point. I can go and sue Senator Tanous for \$20,000,000, whether he owes it to me or not. So, I don't think that it is relevant to this bill. He can sue me tomorrow morning for \$50,000,000; it doesn't make any difference whether I owe it to him.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: A year ago in special session we passed here an immunity law for ski patrols which everyone loves and they think that without it they couldn't do anything. I would like to inquire from the good Senator from Penobscot, Senator Tanous, if this is also just a false shield, that we have granted ski patrols immunity when they are picking up people with broken legs or broken arms on the ski trails?

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: In answer to the question of Senator Moore from Cumberland, I don't have the bill before me at this time so I can't give an opinion. I think I would be a poor lawyer if I gave an opinion without looking at the bill itself. I won't send him a bill for that information either.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby Bill, "An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases", was Passed to be Engrossed.

A division has been requested. As many Senators as are in favor of the motion to reconsider will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to reconsider did not prevail.

Mr. Tanous of Penobscot was granted unanimous consent to address the Senate:

Mr. TANOUS: Mr. President and Members of the Senate: Earlier today in debate on the \$2.00 minimum wage I think I may have offended the Chair by questioning your count, and I wish to apologize publicly to the Chair. I certainly didn't for one moment question the integrity of the Chair. The vote

was so close that I was confused myself, and I just wanted another count on it. Thank you.

The PRESIDENT: The Chair would like to inform the Senator from Penobscot that the Chair is not certain of the ruling he made that a roll call can not be requested after the vote has been announced on a division, but I will have that research done so I can let you know tomorrow.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.