

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

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DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Tuesday, June 2, 1959

Senate called to order by the President.

Prayer by Rev. Victor P. Musk of Augusta.

On motion by Mr. Pierce of Hancock,

Journal of yesterday read and approved.

**Paper from the House
Bond Authorization Act**

Bill, "An Act Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island." (H. P. 145) L. D. 201)

In Senate on May 27, failed of enactment.

(Failed to receive the necessary two-thirds affirmative vote.)

Comes from the House, that body having insisted upon its previous action whereby the bill was passed to be enacted.

In the Senate, on motion by Mr. Parker of Piscataquis, tabled pending consideration and especially assigned for tomorrow.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills.

Bill, "An Act Relating to Parking in Municipalities." (H. P. 860) (L. D. 1228)

Bill, "An Act to Construct a Bridge Between Lubec and Campobello Island." (H. P. 970) (L. D. 1379)

Which bills were passed to be enacted.

Orders of the Day

Mr. ROGERSON of Aroostook: Mr. President, it is unusual to take a bill off the Special Appropriations Table, but for the purpose of offering an amendment, I move that L. D. 1337 be removed from the Special Appropriations Table.

The motion prevailed and the Senate voted to take from the Special Appropriations Table, bill, "An Act Establishing a Minimum Wage". (S. P. 472) (L. D. 1337) tabled pre-

viously by the Senator from Aroostook, Senator Rogerson, and that Senator yielded to the Senator from Sagadahoc, Senator Ross.

Mr. ROSS of Sagadahoc: Mr. President, in order that I may present an amendment and so that the amendment will be before us properly I would like to move that the Senate reconsider its action whereby this bill was passed to be enacted.

The motion prevailed and under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be enacted and to further reconsider its action whereby the bill was passed to be engrossed.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: The amendment that I have to offer deals with Section E of the bill, which is an exemption. And here we go again, because this was the part that I had the little hassle on the comma-semicolon deal. Paragraph E in that new draft had three exemptions. It exempted councillors. The intention was to exempt those attending schools and part-time workers. Two weeks ago when this was passed to be engrossed Senator Lessard presented an amendment which covered the part time workers. I agreed to cut out those part-time workers if we still could have those attending schools exempt, but, even though we were allowed to have the semicolon it has been the legal opinion of several persons in the Attorney General's office that that would not apply to those attending schools in all instances but just in summer camps. So that those who are attending schools will be exempt in all instances, I now offer Senate Amendment A to Senate Amendment F.

Senate Amendment A to Senate Amendment F was read by the Secretary.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: This is another one of the amendments to reduce the number of people who will be entitled to the one-dollar minimum, thus making another exemption, another exception.

Now the bill read before that those boys and girls who were attending schools, secondary schools or colleges, and working for summer camps would be exempt. This amendment now says that all students attending high schools, attending colleges and prep schools are exempt. It is just another opportunity given for employers to exploit our children, another opportunity to hire these children during their vacation period and pay them anything they want to pay them, thirty cents an hour, forty cents an hour, whatever they feel like paying. I maintain that a boy or girl attending college nowadays, with the cost of attending college, surely is entitled to a dollar an hour in order to implement the money which he needs to attend his school. I think this is just another exemption, another class being cut down, so I am very serious when I say that with all the amendments, the way the law is now written, I don't know who is going to get that dollar an hour with the exemptions in it. I am against the motion of the Senator from Sagadahoc, Senator Ross, and when the vote is taken I ask for a division.

Mr. ROSS of Sagadahoc: Mr. President, I would like to point out to the Senator from Androscoggin, Senator Lessard, that in L. D. 92, which was the original bill, in Paragraph E. it states "Any individual who is regularly enrolled in an educational institution or on vacation therefrom."

Before I continue my remarks, I would like to inquire of the Senator from Oxford, Senator MacDonald, what the number of his bill was.

The PRESIDENT: The Senator from Sagadahoc, Senator Ross, proposes a question of the Senator from Oxford; Senator MacDonald. The Senator may answer if he chooses.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I forget the number of my bill, but this bill has now developed into such a monstrosity that I do not care what they do with it. They can do as they please, and what is the good of me objecting anyway?

Mr. ROSS of Sagadahoc: Mr. President, my question has been answered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Ross, that the Senate adopt Senate Amendment A to Senate Amendment F; and a division has been requested.

A division of the Senate was had. Thirteen having voted in the affirmative and sixteen opposed, the motion did not prevail.

Thereupon the bill was passed to be engrossed.

On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending enactment.

Mr. Charles of Cumberland was granted unanimous consent to address the Senate.

Mr. CHARLES: Mr. President, I have been waiting for somebody to mention something about this poultry that is on our desks this morning, but apparently nobody has been delegated to make the preliminary remarks. There is a piece of literature on your desks relative to this product, and I am sure that we are all very proud of this industry and the type of poultry that we raise. However, my purpose in rising is that it bothers me a little bit to see this poultry lying around unrefrigerated. Therefore, to those of you who desire to keep it cool, I would suggest that you take it at recess or after adjournment to the cafeteria refrigerator and see George Constantine and I am sure that he will take care of you very well. Keeping it cool is sufficient, and I would probably recommend that it not be refrozen. If it is kept cool it will keep in good condition for at least two or three days.

The PRESIDENT: The Chair thanks the Senator from Cumberland, Senator Charles, for noting the fact of the distribution of this poultry. I know that the entire membership of the Senate and the Chair are very grateful for this fine contribution. I trust that we will take Senator Charles' advice and see that it is kept on ice, because we do not want to lose any of these tasty bits of poultry.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber a group of students presently in the Senate Gallery, members of the 7th and 8th grade of Winslow School accompanied by their Principals Mr. Stevenson and Mrs. Erskine. It is a pleasure to welcome you young people and your instructors to the Senate this morning. We trust you will find it a very pleasant and educational visit. A very cordial and hearty welcome to all of you. (Applause)

On motion by Mr. Woodcock of Penobscot

Recessed until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

On motion by Mr. Pierce of Hancock, the Senate voted to take from the table the 19th tabled item being "Resolve, Relating to Non-Lapsing Moneys for Construction of Eastport - Perry Causeway - Dam" (H. P. 884) (L. D. 1258) tabled by that Senator on May 22 pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 27th tabled item being Joint Order Relative to Free Telephone Service for Legislators after Final Adjournment (H. P. 974) tabled by that Senator on May 29 pending passage; and on further motion by the same Senator, the Joint Order received a passage in concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 1st tabled item being bill, "An Act Relating to Investment of Certain State Funds." (H. P. 407) (L. D. 591) tabled by that Senator on March 13 pending enactment, and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 21st tabled item, being Senate Report from

the Committee on Appropriations and Financial Affairs: Ought not to pass, on "Resolve Appropriating Moneys for a Library at Washington State Teachers' College." (S. P. 289) (L. D. 813) tabled by that Senator on May 27 pending acceptance of the report, and on further motion by the same Senator, the ought not to pass report of the committee was accepted.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 22nd tabled item being, Senate Report from the Committee on Appropriations and Financial Affairs: Ought not to pass, on "Resolve in Favor of a Lunchroom in the Administration Building at Washington State Teachers' College." (S. P. 290) (L. D. 814) tabled by that Senator on May 27 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table the 13th tabled item being, Senate Report from the Committee on Appropriations and Financial Affairs: Ought not to pass, on "Resolve Providing Funds for Supervisors of Practical Nursing." (S. P. 69) (L. D. 119) tabled by that Senator on May 13 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 11th tabled item being bill, "An Act Restating and Revising the Law Governing Insurance Companies, Agents, Brokers, and Fees." (H. P. 928) (L. D. 1312) tabled by that Senator on May 7 pending assignment for second reading.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: After a few brief remarks, I will offer a Senate Amendment to L. D. 1312. This Senate Amendment would repeal Section 22 of the Public Laws of 1959, Chapter 53 passed by the legislature, repealing Section 61 of Chapter 60 of the Revised Statutes.

A few months ago L. D. 767 was passed here in the Senate. This was a bill which would require foreign insurance companies to advertise their financial statements in the papers. This, I believe, is not a good bill, and that is the reason I propose this amendment.

For the last thirty-five or forty years foreign insurance companies, together with domestic companies, have been required to publish their financial statements in our newspapers in the State of Maine at least three times during the month of April.

I believe that the public has a right to know. We passed a bill here some weeks ago, one of Senator Woodcock's, which I deem to be one of the finest bills to go through this legislature this year. The public has a right to know. I believe that the public has a right to know the financial status of these insurance companies doing business here, and the only way it can do it, other than by going to the Insurance Commissioner's office is to read the reports in the paper of these companies. Therefore, Mr. President, I present Senate Amendment "A" and move its adoption.

Senate Amendment A was read by the Secretary.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I rise in opposition to the proposal of the amendment. I dare say that if to a bill which has for its heading "An Act Restating and Revising the Law Governing Insurance Companies, Agents, and Brokers" I should introduce a new measure here today which said that the insurance companies will advertise their financial condition from time to time, someone might question whether or not this bill was a proper amendment to be added to that particular act. I therefore challenge this proposed amendment on the ground that it is not germane.

The PRESIDENT: With respect to Senate Amendment A, the Chair will rule that Senate Amendment A is germane to L. D. 1312.

Mr. WEEKS of Cumberland: Mr. President, I appeal from the decision of the Chair.

The PRESIDENT: The ruling of the Chair has been challenged with

respect to Senate Amendment A to L. D. 1312.

The question of germaneness has arisen and the Chair has ruled that the amendment is germane. As many of those who are in favor of the decision of the Chair will rise and remain standing until counted.

A division of the Senate was had. Twenty two having voted in the affirmative and six opposed, the ruling of the Chair was upheld.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: Referring to this act and this amendment, particularly, the issue now is on the adoption of the amendment.

Now this bill which now the amendment attempts to repeal was passed by this legislature some months ago. It was passed and signed in this session with no opposition. The fact of the matter is that those who are delegated with the responsibility of conveying to the great majority of the people of the State of Maine knowledge as to legislative affairs did not know about it either, so I assume that the people back home who had this right to know didn't profit much by it. In any event, it was passed by this same legislature and signed by the Governor.

Now these two acts which were repealed by our action have been on the books for some years, and what effective purpose they have served I would not know. I have had insurance since I was seventeen years old, but I have never asked anyone for a statement and I have never examined any financial statements in the newspapers. However, I did keep fairly well-informed about the affairs of the company with whom I was insured. I dare say I am not much different from the great majority of the people of the State of Maine.

Up to the present session, Maine was the only state in the Union that required the publishing of these statements by insurance companies.

Of course the cost of publishing runs into several thousand dollars. I have heard it estimated at fifty thousand dollars. I don't know whether that is true or not, but I dare say if you figure it up a little bit

about what the cost of publication may be and multiply it by the number of insurance companies you will come up to quite a substantial figure. Someone may say that only represents two or three cents on each premium. Maybe it does and maybe it does not, but it represents some money on every premium.

Now this amendment here is an aftermath of what we did — that is, an otherwise dignified and reputable press to hold captive through enactment of law that which would be easily obtainable through the course of ordinary business transaction.

I do not deny that the public is entitled to know the standing of insurance companies doing business in this state. The companies have printed statements which are available to the public either directly or through their agents, and if you want a copy of their report you can get it without any difficulty at all. The press has the right to publish them if they want to, but it only wants to do it when it has a profit motive. I do not know why we should at this time repeal a law which we have already repealed just for the benefit of the press. It is not going to do anybody any good. We are the only state which has it. I urge you not to vote in favor of the proposed amendment.

Mr. CARPENTER of Somerset: Mr. President, when the vote is taken I ask for a division.

Mr. WOODCOCK of Penobscot: Mr. President, I rise in support of the motion of the Senator from Somerset, Senator Carpenter.

This was one of those bills that went through the legislature in the usual manner through public notification and so forth, but it seemed to me that when it turned up a good many people did not realize what was going through. That was nobody's fault except those who didn't happen to see it, and I myself probably am in that category. Nevertheless, it did turn out to be sort of a sleeper, and I think it is certainly perfectly proper to awaken people, even if it is a little bit late in the session to do it. The fact that people would be able to profit by checking the newspapers and having the opportunity to do so, whether or not they did it, I think

is worth enough in itself to support this Carpenter amendment.

So far as the press itself goes, almost one hundred per cent of the time they do a very good job in reporting the news factually, and when it comes to the editorials they certainly can present their views as they see them. Thank heaven that they do have that right and we are here to protect it through the "Right to Know" bill and others that have gone through here at this session of the legislature. I am certainly happy, as one member in the Senate, to support the motion of the Senator from Somerset, Senator Carpenter.

The PRESIDENT: The pending question is on the motion of the Senator from Somerset, Senator Carpenter, that the Senate adopt Senate Amendment A; a division has been requested.

A division of the Senate was had.

Twenty-one having voted in the affirmative and six opposed, the motion prevailed; Senate Amendment A was adopted and under suspension of the rules, the bill as amended was given a second reading, passed to be engrossed in non-concurrence, and ordered sent forthwith to the House.

On motion by Mr. Pierce of Hancock, the Senate voted to take from the table the 5th tabled item, being Senate Report from the Committee on State Government: Ought to pass; on Consolidated Bill (pursuant to Joint Order S. P. 458) under title of Bill, "An Act Increasing Salaries of Various Department Heads and Commissions." (S. P. 468) (L. D. 1331) tabled by that Senator on April 24 pending acceptance of the report; and that Senator moved the pending question.

The motion prevailed and the ought to pass report was accepted and the bill read once.

Mr. Stilphen of Knox presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Mr. HILLMAN of Penobscot: Mr. President, I would like to ask a question through the Chair, of the Senator from Knox, Senator Stilphen. I would like to know if he

can tell me the present salary of the two commissioners?

The PRESIDENT: The Senator from Penobscot, Senator Hillman, proposes a question through the Chair to the Senator from Knox, Senator Stilphen. The Senator may answer if he chooses.

Mr. STILPHEN: Mr. President, the present salaries of the two commissioners which are mentioned here is \$4500 and this would increase them to \$5000.

I might say while I am on my feet that the reason these commissioners were not included in the over-all bill when it was put in was because of the fact that in the law now it says that the chairman of the Highway Commission shall be appointed by the Governor with confirmation of the Council and his salary shall be set by the Governor and Council, and the people who were making up this bill in the beginning and deciding what the advances in salaries should be thought that the entire commission was handled in the same way, so it was an oversight where they were not included in the \$500 increase in the beginning.

Mr. HILLMAN of Penobscot: Mr. President, I thank the Senator. Thereupon Senate Amendment A was adopted.

Mr. ROSS of Sagadahoc: Mr. President, I would like to present an amendment having to do with the members of the Employment Security Commission.

At the present time the Chairman is receiving \$9000 and the members \$8450. There has always been this differential of between \$500 and \$550 since the inception of the law, but under the redraft that is up for our consideration the differential would now be \$1000. The reason for that is because we would propose giving the Chairman a larger percentage increase.

Now I think we should remember three things: First of all, the State does not pay these salaries: industry does with the three-tenths of one per cent they pay to the federal government, and the state just sets the amount.

These are full-time jobs. I think they are the only jobs where the persons are prohibited by law from doing any other compensable work,

and so I think, if we are going to make increases at all, that in this particular case we should maintain this equitable spread which they have always had and which has worked out most satisfactorily in the past. And so I now present Senate Amendment B.

Thereupon, Senate Amendment B was read and adopted and under suspension of the rules, the bill as amended was given a second reading, passed to be engrossed and ordered sent forthwith to the House.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 25th tabled item, being House Report from the Committee on Appropriations and Financial Affairs: ought not to pass, on "Resolve in Favor of Improvements to the Women's Dormitory at Washington State Teachers' College." (H. P. 433) (L. D. 639) tabled by that Senator on May 28 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted in concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 26th tabled item, being House Report from the Committee on Appropriations and Financial Affairs: ought not to pass, on "Resolve in Favor of an Athletic Field at Washington State Teachers' College." (H. P. 434) (L. D. 640) tabled by that Senator on May 28 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted in concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table the 17th table item, being bill, "An Act Permitting Injured Employee under Workmen's Compensation Act to Choose Physician from Panel Named by Employer." (S. P. 346) (L. D. 973) tabled by that Senator on May 21 pending passage to be engrossed.

Mr. BATES of Penobscot: Mr. President, I now move that the Senate reconsider its action whereby this measure was passed to be engrossed.

The PRESIDENT: The Chair would inform the Senator that the bill has not yet been passed to be engrossed.

Mr. BATES: The Senator thanks the Chair. I now offer Senate Amendment B to L. D. 973.

The Secretary read Senate Amendment B.

Mr. HILLMAN of Penobscot: Mr. President, I rise in opposition to the motion made by the Senator from Penobscot, Senator Bates, due to the fact that in the last two sessions of the legislature, as a member of the Labor Committee, I have been opposed to this bill and any amendments.

This bill proposes to amend one of the most important provisions of our Workmen's Compensation Act, a provision that has stood the test of time since its enactment in 1915. This type of legislation has been repeatedly before the Legislature. The same bill was before us in 1957 and was indefinitely postponed; prior to that time bills allowing the employee to choose his own physician were repeatedly introduced into the Legislature and none was ever passed. This panel bill is merely a stop gap compromise to get something on our books which won't work and which will be a further argument in the next Legislature for the right of the employee to choose his own physician.

The amendment which has been put on the bill is no more than an attempt on the part of the sponsors to buy their peace with the industrial lobby and it covers about ten or perhaps fifteen employers within the State.

What need is there for this type of legislation? The Chairman of the Industrial Accident Commission reports that the Commission received but ten complaints from employees about the medical care offered by employers. Take this figure and compare it to the first reports of injuries, reports that must be made if the employee loses a day's time due to industrial injury or requires medical treatment. In 1958 there were 24,863 first reports and in 1957 there were 26,173 and yet there were only 10 complaints. These figures speak for themselves and show how well the present sys-

tem is working. The Commission is in a position to take care of complaints by employees where the employer or insurer is not furnishing proper medical care as required by present law. You must remember that the law says, "the employee shall be entitled to reasonable and proper medical, surgical hospital, nursing, medicines and mechanical surgical aids when they are needed." If the medical services offered are not proper or reasonable, then the Commission may act. If some of these people who complain to their legislators complained to the Commission, this matter would be more readily taken care of.

The Government is famous for its red tape and that is just what we are going to get out of this bill, if it becomes law. We have approximately 10,000 covered employers under our Act and if you take that as an absolute minimum, there will be a minimum of 10,000 medical panels. Where employers operate in many different communities there will have to be separate medical panels. The employer or insurer must select the panel and file the names and the Commission must set the number to be on the panel. It would appear to me that there would be constant dickering and bickering by members of the medical profession to be selected on a particular panel or if they were not selected, to have the panel expanded. The Industrial Accident Commission's time should be used in determining the rights of the employees and their compensation in a speedy manner, and its time should not be taken up with such foolishness.

I repeat, what good will be accomplished by this method that cannot now be accomplished by appropriate action by the Commission on proper complaint? It has been said to me that the Maine Medical Association is for this bill. Although I have been informed by their legislative agent that that is not necessarily so and they are opposed to it, but if they are for it, I say that they are merely trying to distribute the work arising out of industrial activity amongst the group that they represent and no more. They have a selfish interest in such

legislation which they may try to pass off under the guise of helping the injured employee, but I think you can see a different motive underlying their action.

I have had an interest in this type of legislation since I sat on the Labor Committee in 1957, and I have before me a statement by one of the leading writers in the field of Workmen's Compensation, Mr. William R. Schneider, who has this to say about choosing the physician. I quote "In a few states the employee is expressly given the right to select the physician, surgeon or hospital to treat him. Such provision is apt to add unnecessarily to the medical expense without corresponding benefit to the injured employee, who is generally not as well qualified by experience to select the best qualified physician to treat the particular injury as the employer. The employer-paid physician is also generally desirous of holding his position with the employer and may thus be expected to bend his best efforts to return the employee cured to his employment, rather than resolve all possible doubts in favor of further treatment or disability from work. Experience overwhelmingly favors the selection of the physician by the employer or insurer as being primarily in the best interest of both employer and employee."

I say that this would work a hardship on the small man. Of course in the big plants they certainly have fine facilities, but I am thinking of the man who employs more than four persons under the Workmen's Compensation Law, and I believe that it would be a hardship on him.

Mr. President, I move the indefinite postponement of the amendment.

THE PRESIDENT: The pending question is on the motion of the Senator from Penobscot, Senator Hillman, that Senate Amendment B to L. D. 973 be indefinitely postponed.

Mr. BATES of Penobscot: Mr. President and members of the Senate: I am one of those physicians who wholeheartedly believe in physician-patient relationship. I also wholeheartedly believe that a family physician naturally and under-

standably has a more personal interest in the injured employee than someone attending him who has much less knowledge as to the injured employee's family environment, background and a multitude of other ramifications with respect to that person's characteristics and make-up.

As you all know, there are two types of physicians in the State of Maine who are qualified under this act: those holding a degree of M.D. and those holding a degree of D.O. I point that out to show you that I have no particular selfish interest in this matter. I do treat injured employees, and in fact I will go so far as to say that some of my fellow osteopathic physicians and surgeons are the only physicians in certain small plants who are directed to attend injured employees. This might even adversely affect the existing circumstances where that osteopathic physician is in that category; but I do so firmly believe that in the long run — and this in contradistinction to my colleague, the Senator from Penobscot, Senator Hillman — I believe that in the long run it could well cause the insurance carrier or self-insurer considerably less loss to have the family physician attending an individual about whom he already knows a great deal.

I would like to point out to you that the American Osteopathic Association has gone on record in favor of freedom of choice of physicians. I would like to point out to you that the American Medical Association, on Page 4 of a booklet dated as recently as December, 1958, a booklet entitled "Medical Relations in Workmen's Compensation", states as follows:

"Disabled employees should have the right to accept physicians' services provided by employers or to select another attending physician from a register of all physicians in the community willing and qualified to perform the essential services."

I would like to point out to you also that the International Association of Industrial Accident Boards and Commissions, as recently as November, 1958, on Page 75, Item 4, has stated: "The injured employee should have a right to select

a competent physician." This then should not be restricted to a panel named by the employer. Truthfully and frankly, if I had my way I would have advocated freedom of choice of a physician rather than a panel.

Mr. President and members of the Senate: The reason for the introduction of the amendment—and I am not the sponsor of this bill — was not, as the Senator from Penobscot, Senator Hillman, has stated: "to appease," I believe was the language — to appease the industrial lobby; but because many of us do recognize worthwhile efforts in the way of safety precautions and in the way of valuable clinical facilities and in the way of full-time contracted-for physician's care in our plants in the State of Maine—and they should not be condemned because they are doing a most worthwhile job. Therefore we would like not to have included in this panel idea those who employ full-time plant physicians or those who have adequate clinical facilities for caring for injured employees.

Another class that we do not care to have involved under panel physicians are those employers who already exercise a degree of freedom of choice of physicians — as the Senator from Penobscot, Senator Hillman, has pointed out in his own particular business, whereby the injured employee has the privilege of going to the doctor of his own choice.

However, there still remains a large number of employers who try to exercise altogether too much authority in directing or even dictating to their injured employees the physician that the injured employee must see. To my profession, that is unethical and is untenable. This is not the major step that I would like to have accomplished, but it is a forward step. There are some nineteen states that either have freedom of choice of physicians or a panel.

I must remind each of you that this panel of physicians situation does not eliminate the employer's ability to choose the physician, since the employer may establish a panel of physicians under this particular set-up. If he agrees not to

do so, written into the bill itself is a provision whereby there then would be option on the part of the injured person, as found in L. D. 973, at the top of Page 2: "If the employer has knowledge of the injury and necessity for treatment and shall fail to maintain such panel or fails to permit the employee to make choice of his physician from such panel, the injured employee may select a physician to render service at the expense of the employer."

Mr. HILLMAN of Penobscot: Mr. President, in reply to the Senator from Penobscot, Senator Bates, I would like to say that the Chairman of the Industrial Accident Commission reported to me that there were only ten complaints that he received in his office, so apparently the present law is working very well, when you consider that the first reports amounted to 24,826 people who were injured.

Mr. ROSS of Sagadahoc: Mr. President, originally when I first came in contact with legislation such as this it was a bill whereby an injured employee could go to a physician of his own choice. I supported that four years ago in opposition to my colleague on the labor committee, the Senator from Penobscot, Senator Hillman, because I sincerely believe that a man for his best interest should be allowed a doctor of his own choice but many places do have excellent programs including clinical services and company doctors and I would not like to jeopardize these programs. With this amendment which excludes companies which have company physicians or adequate clinical facilities, I believe sincerely that if we accept this bill as amended we would be rendering genuine consideration to our injured workers and I certainly support the bill as amended.

Mr. HUNT of Kennebec: Mr. President, I want to go on record as supporting the amendment suggested by the good Senator from Penobscot, Senator Bates. The purpose of this amendment is to try to overcome some of the objections which have been raised to the bill itself and I know that the Senator from Penobscot has met with dif-

ferent ones who had originally opposed this, in an attempt to get an agreement or to work out a meeting of minds. The amendment as has been stated would relieve those plants which now have full time doctors or clinics from the operation of this act. Going back to the purpose of the act, as has already been stated, choice of physician by the injured worker is already permitted in Arizona, California, Massachusetts, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Oregon, Rhode Island, Tennessee, Washington, West Virginia, Wisconsin, Wyoming and Hawaii.

The purpose for this which act was passed, and this is perhaps important in the thinking of the amendment too, is to try to overcome the feeling on the part of many employees which is real and which I know from personal experience to exist, that the doctor representing the employer is not the doctor of the patient or the injured employee. The purpose of the bill is to try to bring back the doctor-patient relationship so that the injured employee will feel that this physician is his choice and that the usual patient-doctor relationship will be renewed. I think the insurance carriers themselves will benefit because where this feeling exists, and I think the recovery on the part of the patient would be more rapid.

I have had injured employees come to me who have stated perhaps in the line of complaint that they didn't feel that the doctor was representing them quite as much perhaps as he was the employer. If we have this panel of physicians and the employee can make his choice, then the doctor on the panel whom he chooses is his doctor and we will have a return to the usual doctor-patient relationship. So for this reason I feel it would be beneficial to the employers themselves, to the insurance carrier and to the injured employee. I want to support the opinion of the Senator from Penobscot, Senator Bates, that the motion for indefinite postponement will not prevail.

Mr. PIERCE of Hancock: Mr. President, if a division has not been asked, I so request.

Mr. WYMAN of Washington: Mr. President and members of the Senate, I rise in support of the Senator from Penobscot, Senator Hillman's viewpoint. It seems to me that if we have a law where we had only ten complaints where there were approximately twenty-five thousand cases, we can't get a law to work much better. Now the present law does provide that if the medical services are not proper or reasonable then the Commissioner may act, and I assume that in these ten cases it did act. Furthermore, I think the employer is just as anxious to have the employee get back to good health as is the employee. It is not only expensive for the employee but it is expensive for the employer if the employee does not get back to work at an early date. It seems to me that this just provides cumbersome machinery where there is need for none.

Mr. BATES of Penobscot: Mr. President and members of the Senate, both the good Senator from Washington, Senator Wyman, and my colleague from Penobscot, Senator Hillman, referred, in one case once, and in the other case twice, to the fact that there were ten complaints. I can answer that in two veins. One is that there should not be any such complaint, but more important to me, is the fact that you are dealing with the dignity of a man and the dignity of a physician, of all physicians, in that they are reluctant to bring about an onslaught of complaints. I can assure each member of the Senate that there are many more complaints than ten as stated by the Industrial Accident Commission.

The PRESIDENT: The pending question is on the motion of the Senator from Penobscot, Senator Hillman, to indefinitely postpone Senate Amendment B.

A division of the Senate was had. Eight having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Thereupon, Senate Amendment B was adopted and the bill as amended was passed to be engrossed, and ordered sent forthwith to the House.

On motion by Mr. Noyes of Franklin, the Senate voted to take from

the table the 6th tabled item, being House Report from the Committee on Appropriations and Financial Affairs: Ought not to pass as covered by other legislation, on "Resolve Appropriating Moneys to Provide for a Survey of Maine's Recreational Industry." (H. P. 267) (L. D. 399) tabled by that Senator on April 27 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted in concurrence.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 7th tabled item, being House Report from the Committee on Appropriations and Financial Affairs: Ought not to pass as covered by other legislation, on "Resolve Appropriating Moneys for Booklets Promoting Maine's Recreational Industry." (H. P. 340) (L. D. 500) tabled by that Senator on April 27 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted in concurrence.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 9th tabled item being House Report from item Committee on Appropriations and Financial Affairs: Ought not to pass as covered by other legislation, on "Resolve, Providing for a Study of Maine's Economy Structure." (H. P. 892) (L. D. 1261) tabled by that Senator on April 27 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted in concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table the 12th tabled item, being bill, "An Act Relating to Disqualification of Benefits Under Employment Security Law." (H. P. 957) (L. D. 1356) tabled by that Senator on May 8 pending passage to be engrossed; and that Senator yielded to the Senator from Androscoggin, Senator Lessard.

Mr. Lessard of Androscoggin presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Mr. LESSARD of Androscoggin: Mr. President, the purpose of this amendment — I shall read a short paragraph and perhaps that will be self-explanatory: "A separation shall not be considered voluntary when an employee is compelled to leave a job because of loss of transportation, if the location of the job is beyond reasonable walking distance and the loss of transportation is not due to a change in permanent or temporary residence by the individual if such individual has made every reasonable effort to secure transportation."

As the law now stands if a person is employed at some distance from his home and requires transportation, if for some reason or other, that transportation is lost to him — let's assume that he has an automobile and the car is burned up or smashed or stolen or he is riding with a neighbor and the neighbor changes his employment or perhaps the bus line stops. Now if he is then employed and loses transportation and is unable to report to work and has to quit the job, he is immediately disqualified because it is not caused by his own employment and as a result he is disqualified for some number of weeks. Now the funny part of this situation is that if you are unemployed and you go the employment office and they offer you a job which is some distance from your home and you say, "I can't take the job because I have no transportation," you are not disqualified. But if you do take the job and you work for a couple of weeks and then you lose your transportation you are then disqualified for benefits. Now I have before me an actual case which was decided by the Maine Employment Security Commission. Under Findings of Fact: "The claimant voluntarily quit his last job because he lost his truck in a fire. He no longer had a means of travel to his work." And the Decision says: "The Law provides for disqualification from 7 to 14 weeks for leaving work without good cause attributable to the employment. Although the claimant had good personal reason for leaving his work, the cause was

not attributable to his employment. The claimant voluntarily quit his job without good cause attributable to the employment and the above period of disqualification is imposed."

Now this amendment proposed to take out this inequity. As I said before, if you are offered a job and you say to the Unemployment Office that you don't have any means of transportation, you are not disqualified, but if you take a job and through no fault of your own you lose your transportation, then you are disqualified for seven to fourteen weeks.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, I was fearful that I could not go the entire afternoon in concurrence with my good friend, the Senator from Androscoggin, Senator Lessard.

The Employment Security program is a fine program and it has done a great deal for our workers in the State of Maine, but of course, there are certain abuses, and certain people take abuse of the law. Now, I believe that we should encourage incentive and we should not legislate more temptation. Now this transportation amendment, so-called, although it would appear to correct certain inequities, because I would admit that at certain times some of these might be justified, if we should open it up completely, I believe it would be very unsound procedure. If lack of transportation is allowed at any time, there are many examples of these abuses. For instance, a person might lose his license because of a motor vehicle violation. A person's car might break down and because of the time of year, he would like to take a few weeks off to go hunting or fishing, or whatever, and he would just apply for his employment check.

Now the proponents of this have been a little bit inflexible I think, because these same proponents were also the proponents who favored the automobile trade-in tax and in doing that, they said that the automobile was no longer a luxury and everybody had one, and for that reason it was quite equitable because it was spread through

all segments. Now I certainly believe that in these days of automobile financing, a man with a good job can certainly find transportation and I certainly do not believe that he should use this as an excuse to collect unemployment checks. I now move the indefinite postponement of this amendment.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I wish the Senator from Sagadahoc, Senator Ross could come into the city of Lewiston and convince some of those people that they can own an automobile. We have thousands of people who are employed in our twin cities of Lewiston-Auburn and surrounding towns who have to depend upon their neighbors for transportation. They cannot afford a car. Now you say they are making enough money to buy one and I'm sure they will be very glad to know it. There are some of them who have to get transportation down to the Hyde Windlass Company and they depend upon their neighbors to transport them. If by chance their neighbor changes his job or even changes shifts, then he has no means of transportation and some of them can't afford to go out and buy an automobile. Then they are penalized for seven to fourteen weeks. We had a situation in Lewiston last year when they notified us that the bus company was going to stop operating. They were going to continue and we were very fortunate that we could keep them for at least a short time until another bus service could be arranged. I don't know what would have happened then if that bus service had been stopped. On the other hand, the fellow who is unemployed and offered a job, say at the Hyde Windlass Company and he said, "I have no transportation. I can't get there." He is not disqualified at all, but keeps on getting his unemployment check. I surely think that is inequity. As for losing his license, that is a different situation and I am sure that the Commission would consider that voluntary, under the law, a voluntary separation rather than something over which he had no control.

Mr. ROSS of Sagadahoc: Mr. President, just a few brief re-

marks. I did not tell my good friend from Androscoggin, Senator Lessard that everybody could afford to have a car. He told me, last week when he said it was the most equitable tax in the world and I most certainly will say that people do have these car pools and they have them for two or three reasons, of course: — because they live far away, they want their wife to be able to use their car, they want to save money on gasoline, and they will continue to have them, but I maintain that if the person driving loses his job for some reason or other, he probably would find some other person to go in with because there are generally more than one or two of them in the car pools at the present time.

The PRESIDENT: The pending question is on the motion of the Senator from Sagadahoc, Senator Ross, that Senate Amendment A be indefinitely postponed.

Mr. LESSARD of Androscoggin: Mr. President, I ask for a division.

A division of the Senate was had. Fifteen having voted in the affirmative and thirteen opposed, the motion prevailed, and Senate Amendment A was indefinitely postponed.

Thereupon, the bill was passed to be engrossed.

Communication From The House
Out of Order

State of Maine
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

June 2, 1959

Honorable Chester T. Winslow
Secretary of the Senate
99th Legislature
Sir:

The Speaker today appointed the following Conferees on the part of the House on the disagreeing actions of the two branches of the Legislature on Bill, "An Act Directing a Study of Property Tax Administration." (S. P. 129) (L. D. 324)

Mr. EDWARDS of Raymond
Mrs. SMITH of Falmouth
Mr. KENNEDY of Milbridge

"Resolve, Proposing an Amendment to the Constitution for Appointment

of Attorney General by the Governor with Consent of the Senate." (S. P. 85) (L. D. 157)

Messrs. DENNETT of Kittery
SANBORN of Gorham
SMITH of Exeter

Respectfully,
(Signed) HARVEY R. PEASE.

Clerk of the House
Which was read and placed on file.

Mr. Rogerson of Aroostook presented the following Order and moved its passage:

ORDERED, that the Secretary of the Senate be directed to send a floral tribute from the members of the Senate to the funeral of its former member, Honorable Paul L. Crabtree of Island Falls.

Which Order received a passage.

Mr. Ross of Sagadahoc was granted unanimous consent to address the Senate:

Mr. ROSS: Mr. President, I would like to mention that last item we were talking about because a Senate Amendment was defeated here but the bill itself does something for the working man and we should have brought that out in our debate because disqualification now is at seven weeks, and this bill as presented and passed by the House decreases that to five weeks so we were not arguing against the workingman, we were arguing for him in that instance.

Mr. Lessard of Androscoggin was granted unanimous consent to address the Senate.

Mr. LESSARD: Mr. President, may I just say to the Senator from Sagadahoc, Senator Ross, methinks he protests too loudly. (Laughter)

Mr. MacDONALD of Oxford was granted unanimous consent to address the Senate.

Mr. MacDONALD: Mr. President and members of the Senate, in the dark and dim past when this Legislative Session opened, and we were holding these long and trying sessions, that lasted as much as seventeen minutes, after adjournment, I sat in my chair in this chamber listening to the cold winds and snow outside and enjoyed the

heat and warmth. The heat became very comfortable and I found myself walking down the beautiful brown (Brown) road in a magnificent valley, such as can be made only by the Lord (Lord). On each side of this valley there was a beautiful mountain range with a most beautiful river running down the middle of the valley. I stopped on a beautiful bridge that crossed the river near its source, and while standing on this bridge and admiring the beauty of the valley, the mountains, and the rivers, I heard a noise (Noyes) and turning around I saw approaching me a young man dressed in a flowing white robe.

I awaited his arrival at the bridge, and as he came up to me he said, "Are you a visitor here, admiring the beauties of our homeland?" I said, "I admire the river and the bridge and the marvelous work done in the building of this small bridge." I wondered how this work was done and he looked at me and said, "Why, man (Wyman) you can get a carpenter (Carpenter) to build a Reed (Reed) bridge like this any time. He asked me if I would like him to show me all over this beautiful valley and its villages and explain to me everything about the valley. I was very much pleased, and told him so.

He started to explain the River, telling me this was the source of the Charles (Charles) River which ran to the ocean. He told me that there were no smelts, white perch or two-inch clams. He also told me they had a harbor sufficient to accommodate sloops, Barkentine and brigs (Briggs). With this explanation he started down the road and pointed out places of interest as we went along.

Then he turned to me and said, "Let us go up this mountain to see the hill-man (Hillman). He warned me that the foot of the mountain was quite bushy (Boucher) and hard to pierce (Pierce). We had only gone a short distance when we met an old man dressed as a hunter and carrying a very peculiar rifle. My guide spoke to this man and I asked the hunter if he would let me look at his rifle. I looked at it and said to him "This rifle is of civil war vintage", and he replied, "I always use a steel-

pen (Stilphen) when I hunt (Hunt) martin (Martin) or woodcock (Woodcock)."

We conversed for a while and then continued on our way toward the mountain. When we reached the foot of the mountain we heard a noise as if someone was in great distress, and a few feet ahead we saw a man lying on the ground. My guide got to his knees, raised him up and said, "My good friend, Tun, I am glad I found you (Fournier). What has happened?" Then my guide reached for his canteen and said "Do you thirst, Tun?" (Thurston). After we gave him a drink, this man soon revived and started down the mountain and the guide said to him, "Don't lose (Lewis) your way."

Continuing on we finally reached the top of the mountain, and there I saw a man wearing a very old fashioned kilt and sporan. I said to this man "I see you are wearing part of a Scottish uniform. That must be of the type worn hundreds of years ago." He replied, "Aye, Laddie, that I am". I asked him then why he did not get a new one. His reply was, "I am one of those exempted under the minimum wage law and I cannot afford to buy one." Then I inquired of him if he came from the old country, he said, "No lad, but my folks are Fra Rosshire" (Ross). Then my guide turned to me and said, "Let's go back down into the valley and visit with my good friend Rogers who lives in the Village." When we reached Rogers' house I looked down the road and saw a beautiful automobile coming down the road. I asked my guard who was driving such a magnificent car, and his answer was "Rogers' son". (Rogerson) Not having seen a car like that, I said to my guide "Will he (Willey) stop if you ask him?" My guide stepped out in the road and raised his hand and the car came to a stop.

The young man inquired as to where he could leave the car and my guide answered, "Park her (Parker) any place." We stood there for a while enjoying the magnificent scenery. There were children playing in a playground and they were singing, "It is not the cough that carries you off, but the

Coffin (Coffin) they carry you off in." Then I inquired from my guide as to what the people in the valley worked at for a living. He informed me that farming was their primary source of income, but they also mined coal (Cole) for winter heating, and when that is done, they ice fish for eight weeks (Weeks) under a law passed without an emergency clause.

We enjoyed the scenery for some time but started for the bridge where I first met the guide, and at a bend in the road I saw an old man approaching and the guide said, "Oh here comes old fisherman Joe." After talking to him for a while, I asked him if he expected to get a good catch and he looked at me and answered, "Young fellow, I baits (Bates) my hook, chaw tobacco, and then it is up to the fish." As we neared the bridge, boys were playing in the field and as usual there was one bully among them. He went over to a small boy and wanted to fight. "Put up your dukes" he said. My guide said, "His fists are not big enough

to be called dukes, they should be called dukuetts" (Duquette).

We finally reached the bridge. My guide was about to take his departure and I said to him, "The people here must live forever, it is so beautiful. He said, "No, the day comes when we must all appear before St. Pierre! (St. Pierre)"

Then I awoke with a start, feeling fairly (Farley) good but wishing that St. Peter had made Les-sard change his name. As my guide departed I spoke to him in the language of my Scottish forbears, a phrase which translated means, "Mr. President, my story is done." (Dunn)

(Applause).

The PRESIDENT: I am sure that the applause is indicative of the amusement and appreciation with which this story told by Senator MacDonald, has been received in the Senate this afternoon.

On motion by Mr. Farley of York

Adjourned until tomorrow morning at nine-thirty o'clock.