

# 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

**Ought to Pass  
Printed Bills**

Mr. Brawn from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Permits for Carrying Concealed Weapons" (H. P. 495) (L. D. 636)

Mr. Cote from same Committee reported same on Bill "An Act Repealing the New England Welfare Compact" (H. P. 603) (L. D. 805)

Mr. Collins from the Committee on Taxation reported same on Bill "An Act relating to Unorganized Territory Working Capital Fund" (H. P. 659) (L. D. 889)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

**Ought to Pass with  
Committee Amendment**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act to Allocate Moneys for Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (H. P. 289) (L. D. 389) reported "Ought to pass" as amended by Committee Amendment "A" (H-204) submitted therewith.

Mr. Gill from same Committee on Bill "An Act Appropriating Moneys to Supplement Loans by Maine School Building Authority" (H. P. 1008) (L. D. 1387) reported "Ought to pass" as amended by Committee Amendment "A" (H-205) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and the Bills assigned for third reading the next legislative day.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Election Laws on Bill "An Act relating to Alternative Methods of Nominating Candidates" (H. P. 934) (L. D. 1288) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MARTIN of Piscataquis  
SHUTE of Franklin

MOORE of Cumberland  
— of the Senate.

Messrs. ROSS of Bath  
HANCOCK of Casco  
BINNETTE of Old Town

Mrs. WOOD of Castine  
Mrs. BOUDREAU of Portland

Mr. BUNKER of Gouldsboro  
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. VINCENT of Portland  
MARSTALLER

— of Freeport  
Mrs. BROWN of York

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report.

Whereupon, on motion of Mrs. Brown of York, tabled pending the motion of Mr. Ross of Bath that the House accept the Majority "Ought to pass" Report and specially assigned for Monday, May 3.

**Report on Initiated Bill**

Mr. Ross from the Committee on Taxation on Bill "An Act Repealing the 'Maine Income Tax Law'" (I. B. 1) (L. D. 1536) reported that the Committee recommends that no action be taken by the Legislature with reference to passing the accompanying Bill and that no competing measure be submitted; that the Initiated Bill be submitted to the electors of this State in accordance with the Constitution; that a certified copy of this Report be transmitted to the Governor.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: No one in this Legislature has ever seen a committee report like this, because none of us have been here that long. Quite a lot of research went into the proper committee report. For initiated bills have not been very many. The latest one was on a Right to Work situation. We couldn't use that

wording because competing bills did go out at the same time.

However, in 1927, we found that the people had initiated a bill relative to primary elections. It had no competing measure and the wording of the committee was as ours is today. Again, in 1933, a bill was initiated to raise the excise tax on power companies. Again, the same wording was in the committee report.

Then going over these reports very carefully, I found a grammatical error. Both reports said that the initiated bill to be submitted to the 'election' of the State. Of course this didn't make any sense. They meant that it should be referred to the electorate or the electors of the State. We chose to use the new word 'electors'. It has been checked out with the Constitution and found to be constitutional, and now with this explanation I move that the House accept the committee report.

Thereupon, the Report was accepted and sent up for concurrence.

#### Passed to Be Engrossed

Bill "An Act to Adopt a State of Maine Code of Military Justice" (S. P. 441) (L. D. 1279)

Bill "An Act relating to Bail or Personal Recognizance for Misdemeanors" (S. P. 555) (L. D. 1692)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

#### Third Reader

##### Tabled and Assigned

Bill "An Act Providing Professional Immunity to Certain Persons in Emergency Cases" (H. P. 149) (L. D. 204)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Haskell of Houlton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-199) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HASKELL: Mr. Speaker and Members of the House: Very briefly, the effect of this amendment is

to reduce this bill, which was quite comprehensive in extending immunity against civil action, people involved in emergency first aid care, to a single category. The bill now is a bill to provide immunity to nurses, who provide emergency first aid care outside of a health facility.

The whole bill got caught up in the controversy between the two opposing viewpoints of indemnity versus immunity, but I think if you reflect a minute you will see that a nurse ordinarily is employed as a professional and is not employed by a municipality or the public generally. So it is difficult to apply the principle of indemnity.

We do at the present time, as I understand it, provide immunity to physicians, we provide it for ski patrol members, and we have passed a bill in this House which has not yet been signed by the Governor but which does provide immunity for ambulance personnel. The situation as far as a nurse is concerned basically is this. A nurse normally does carry malpractice insurance. This provides protection for her against suits for malpractice acts which she might perform while employed in a hospital, but it does not give coverage if a nurse volunteers to give gratuitous first aid in an emergency scene, for example in a highway accident.

The reason for my interest in this basically is that among the recommendations of the Federal Highway Administration in setting up a highway safety program is this, I will read from their recommendation, "Properly constituted Good Samaritan laws should be considered to protect persons giving first aid against unwarranted law suits. This should be done in concert with public education, emphasizing the value of Good Samaritan actions."

It seems to me that the only course that the Legislature can take to encourage nurses to provide very valuable first aid assistance at the scene of an accident is to give them the same immunity which we have given to physicians. Certainly they would be, in my view, the most expert people in the citizenry to give emergency first aid treatment. I