

MAINE STATE LEGISLATURE

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of the car involved in the accident carries insurance, and the hospital wishes to secure some protection for the services which they render.

As I explained in previous debate, in these accident cases, when the insurance company gets ready to settle with the accident victim, of course that settlement includes money to either reimburse the accident victim for anything he has already paid to a hospital or it includes money with which he can pay the bill. It would seem in equity and good conscience, that if a person has been in a hospital as a result of an accident and if an insurance company has paid him money which he has represented to the company is a part of his damages, the hospital bill, then the hospital should be entitled to get that money.

Now the Senator from Aroostook, Senator Barnes, the other day pointed out that of course this bill applies to hospitals only and that it does not include the services of the doctor and it does not include the services of nurses.

I would simply say that in connection with nurses, the average accident victim goes into the hospital under these circumstances, is taken care of by the regular nurses in the hospital and their services are in the hospital bill. In those cases where a patient has special nurses who come in from outside, I would say that that accident victim in most cases, at least, would be a person who could well afford to pay those nurses. Otherwise, the nurses would not accept the employment.

So, I do not believe that we would have to be concerned too much about special nurses losing money in these cases. So far as doctors are concerned, at the hearing, Mr. Mayo Payson of Portland who represents the Maine Medical Association, appeared on behalf of that Association told the Committee that the doctors had no objection to this bill and were hopeful that it would receive passage.

I would like to point out to the Senate that in the event this accident developed to be a fatal accident and the patient died, of course if he left a solvent estate, everybody would be paid anyway.

In the event the estate proved to be insolvent as you will notice by the last part of the bill, in the settlement of that estate, the first items which would be taken care of would be the funeral expenses and the expenses of the administration.

The next item that would be disposed of if the victim was survived by a husband or wife would be the payment of such widow's or widower's allowance if the Probate Court saw fit to allow them, and then in the event that there were any more dollars left in that estate, then the expenses of the last illness would be paid and the hospital bill would then come in and they would receive their proportionate share, along with any other expenses of last illness.

Of course, in that event, the expenses of the last illness would not only include the hospital but it would include the doctors and the nurses, if any.

I am very hopeful that now that you have had an opportunity to examine this new draft and see that it is confined solely to those casualty insurance policies, that you will see fit to go along with the motion of the Senator from Hancock and reconsider this matter.

The PRESIDENT pro tem: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, that the Senate reconsider its former action whereby it failed to accept Report A. Is the Senate ready for the question?

A viva voce vote being had, the motion prevailed.

Thereupon, on motion by Mr. Ward of Penobscot, the Senate voted to accept Report A (Ought to Pass in a second New Draft S. P. 584) and under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table Resolve Proposing an Amendment to the Constitution to Clarify the Provisions that Relate to the State's Borrowing Power (H. P. 1782) (L. D. 1320) tabled by that Senator on May 16 pend-

ing motion by Senator Haskell of Penobscot to adopt Senate Amendment A.

The PRESIDENT pro tem: The pending question is on the motion of Senator Haskell of Penobscot to adopt Senate Amendment A.

Mr. HASKELL of Penobscot: Mr. President, having moved the adoption of Senate Amendment and having been asked by the distinguished jurist just what that is, it simply cuts that ten million down to two million, and leaves the Constitution exactly as it is now, but does a splendid job to clarify that section.

The Secretary read Senate Amendment A to L. D. 18: "Amend said resolve by striking out the underlined word ten in the sixth line of that part designated Section 14 and inserting in place thereof the underlined word two.

Which amendment was adopted and the resolve read once.

Thereupon, under suspension of the rules, the bill was read a second time; House Amendment A was indefinitely postponed and the resolve as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Legal Affairs on bill, An Act Repealing Running Horse Racing (S. P. 134) (L. D. 242) tabled by that Senator on March 20 pending acceptance of the report; and on motion by Senator Haskell of Penobscot, the Ought Not to Pass report was accepted.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Joint Order, re Study of Manufacturing, etc. of Liquors in State, by Legislative Research Committee (S. P. 593) tabled by that Senator on May 16 pending passage.

Mr. HASKELL of Penobscot: When I tabled this thing I had the firm conviction, as I have now, that there is plenty of statutory authority for the legislative research committee to make a study of any

function of state government it wants to, including the Governor's office and the Judiciary Committee.

However, I know that the Senator from Kennebec, Senator Tabb, has a deep feeling and deep conviction on this matter, and far be it from me to do anything else other than to urge the adoption of the order, and I am pleased to see the Senator smile.

Thereupon, the Order received a passage.

Sent down for concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the table House Report from Committee on Agriculture on Bill, "An Act Relating to Indemnities in Bang's Disease Law," (H. P. 1465) (L. D. 1081). Majority Report, Ought to pass with Committee Amendment "A," Minority Report, Ought Not to Pass, tabled by that same Senator on May 10, 1951 pending acceptance of either report.

Mr. GREELEY of Waldo: Mr. President and members of the Senate, I believe if this legislation passes, that we will be taking a step backward. After we once started to stop paying indemnities four years ago, the Commissioner of Agriculture went before the Appropriations Committee and said that he wouldn't be back to ask for any more appropriations to pay indemnities. Two years ago, the Committee on Agriculture came out with a bill Unanimous Ought to Pass to stop paying some indemnities. They also came out with a bill to allow technicians or laymen to take blood samples. The veterinarians opposed this kind of legislation for many years and I for one was criticized severely for proposing a bill to stop paying indemnities.

They told us that we would lose the ground that we had gained. But I find after coming back here to this legislature that the State of Maine has qualified itself as a modified, accredited area, it being the third state in the Union to do so, the other states being North Carolina and New Hampshire.

I think that we gave the farmers a fair shake. This bill to stop paying indemnities didn't go into effect until July 1st, 1950. The