

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

The President laid before the Senate the fourth tabled and Specially Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

Tabled — April 28, 1975 by Senator Curtis of Penobscot.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

Mr. Curtis of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-94, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President and Members of the Senate: The issue before us here is one of annual sessions, and before we are through this afternoon you will have an opportunity to see either two or three amendments.

The first amendment Senate Amendment "A", under Filing No. S-94, provides that if we adopt and recommend to the people, and the people finally approve, a constitutional amendment providing for annual sessions, that every eight years there would be an opportunity for the people of the state to take a look again at the concept of annual sessions. This amendment is offered because in the presentations at the public hearing a gentleman named Charles F. Adams from Auburn suggested this kind of amendment as a final fail-safe procedure for the people of the state to change the constitution if, as might be the case, the legislature in the future would decide that they would never want to go back to biennial sessions, even though the people might so desire.

As you know there is no popular initiative for changing the Maine Constitution. The only way the constitution can be changed is either by recommendation of two-thirds of each house of the legislature, or through a constitutional convention. So, although I think probably this amendment does not have a great chance of passage, I offer it because I think it ought to be considered by the full legislature.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The motion prevailed.

Senate Amendment "B", Filing No. S-95, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: Senate Amendment "B", I think, is an amendment which is quite important to the annual session idea, and what it does is limit the number of days which the legislature can be in session, both in what is now called the regular session and in what would be the second off-year regular session. It limits it to 100 legislative days in the first session and 50 legislative days in the second session. So that would be 20 full five-day weeks and ten full five-day weeks.

Mr. President, I believe in reform and have voted for annual sessions before, and have voted to reduce the size of the legislature and have sponsored a bill for a unicameral system. I think the legislature has to reform itself for several reasons. But it seems to me that one of the most important reasons that the legislature has to reform itself is to maintain the

availability of the legislature for the citizen legislator.

It seems to me that as the legislature gets more complex and as the time increases that we are running a grave risk of losing in the legislature the working man or woman, the businessman or woman, and the professional man or woman who are in the mainstream of life, who know the problems that the people of the state face. And it seems to me that this rather moderate limitation on the time in which the legislature would be in session would force the legislature to internally structure its operations so that those people who are in the mainstream of life could afford the time to be here.

I think that the legislature, if we went to annual sessions with no prohibition on time, with no prohibition on the type of matters to be considered in the off-year session, would quickly develop into a full-time legislature, and I think that would be disastrous for the State of Maine. I would hope we could adopt this limited prohibition on the number of days in which a legislature is in session.

I might point out that 31 of the 50 states have a limitation, most of them are quite a bit shorter than this, quite a bit more restrictive, some of them run calendar days, some of them run legislative days. This is legislative days so that the legislature could control the time in which it was in session, and wouldn't have to be on a calendar days situation where the Saturdays and Sundays would count.

So, I would hope that we could adopt this to guarantee that legislatures in Maine's future would be well represented by working, business and professional people, people in the mainstream of life. Thank you, Mr. President. I would request that when the vote is taken that it be taken by the "Yeas" and "Nays."

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I certainly share the feelings of the good Senator from Androscoggin, Senator Clifford, as to the need to limit any second regular session that may be voted upon and accepted by the people of the state, and which would be held, of course, every second year in the biennium. I do oppose, however, the method by which this particular amendment proposes to so limit that session, and that is by specifying the number of days which the legislature may under the constitution meet.

There is an additional amendment that is to be offered, as I understand, which would limit the subject matter which could be considered in the second session much as this particular amendment does as well, but without the specific number of days which this amendment does contain.

The good Senator from Androscoggin, Senator Clifford, mentioned that several other states do have such a provision. I would like to invite you to see what kinds of problems have been created in many of those states because of this constitutional provision. In many of this states the legislature, because it simply cannot responsibly dispense with all of the business before it within the constitutionally numbered number of days, simply cover up the clock and ignore the calendar and participate in a charade which says that the last day is simply one day, even though it may last several weeks or even a month or so. I don't think that we

really wish to get into that kind of a situation here in the State of Maine.

I think there are a number of things that could be done in regard to legislative reform, and really in the last session of the legislature it was actually only the first session which we seriously undertook to provide some legislative reform. We accomplished a great deal in that session and we are accomplishing a great deal more even in this session. I would hope that this would be a trend which would continue in the future. And certainly I am very much interested in finding ways to shorten the session, and I think that there certainly can be ways in which to shorten the session, specifically with regards to how the bills are introduced and what time they are introduced, and this sort of thing.

But again I feel that placing in the constitution a specific number of days on which the legislature may meet is unduly restrictive and creates more problems than it corrects. I would therefore move the indefinite postponement of this amendment.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: May I ask through the Chair of the Senator from Androscoggin, Senator Clifford, whether if his amendment were adopted there would be any problem about the calling of special sessions of the legislature in the manner presently available?

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to the Senator from Androscoggin, Senator Clifford, who may answer if he so desires.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: It is my understanding that this would not prohibit the calling of special legislative sessions, but I think what it would do is eliminate the need for special sessions because as you go into the annual session situation I think you severely reduce the need for the calling of a special session.

I think I agree with the good Senator from Kennebec, Senator Speers, that perhaps in some states there have been charades. I think that some of the states really have a rather restrictive limitation, for example, 60 calendar days is rather restrictive because it is two months. But it seems to me the 100 legislative days really is a very reasonable type of restriction, and 50 legislative days in the off-year is a very reasonable restriction. It is my belief that if no restriction is put on that the legislature will not tend to reform itself to make its session in a businesslike manner, and therefore will quickly resolve into a full-time legislature. I think that is the worst thing we could have, because by going into a full-time legislature we are eliminating the citizen legislature and we are going into professional politicians as legislators. And I would hope that we could maintain a citizen legislature because I think it is in the best interests of Maine people. Thank you, Mr. President.

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

Mr. HUBER: Mr. President and Members of the Senate: I am in the process of drafting a proposed rule which would limit the number of bills that each legislator could introduce without permission of the Reference of Bills

Committee. This is an alternative to the Senator Amendment "B" which is before you, but this would allow each legislator to set his own priorities. It would limit the number of bills and would allow each legislator to establish his own priorities without undue concentration of power in the Reference of Bills Committee or any other body that might screen bills. I would hope that somebody would move to table this bill two legislative days so I can gather some statistical information to support this alternative.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Specially Assigned for May 1, 1975, pending the motion by Mr. Speers of Kennebec to Indefinitely Postpone Senate Amendment "B"

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

Mr. MERRILL: Mr. President and Members of the Senate: As I have sat in this body over the past few months, from time to time at the end of the session somebody has taken just a moment to point out a commemorative day, sometimes it is in verse, and sometimes it is a very light thing and sometimes it is a serious thing.

Today I think for all of us, and maybe especially for someone in my generation, this is a day that can't go by without some small mention being made of it, because this is the day in which, as we have heard on the news this morning, the Americans are finally leaving the country of Vietnam. It is no secret to any of us in this chamber that this is something that has touched all Americans very closely. It is something that has come up in this Senate from time to time and, as a matter of fact, it was mentioned by the good Senator from Kennebec, Senator Speers, yesterday in a reference to some problems we have that I think were most accurate and correct, and something that has been debated here from time to time. I would just like to make one comment about it. As America leaves and as the last Americans come home, it is not with the usual happiness and pride that we have come home from other wars. I hope that lessons will be learned and I hope that we can go on from here.

One more comment I think seems appropriate. There has been a lot of talk here this morning about the roll of the parties and about partisan activities, and I think it can be truthfully said that in regards to the matter of Vietnam that neither party has covered itself with honor, that the members by and large of both parties haven't taken the necessary leadership and haven't provided the necessary strength of character to prevent what has been a tragedy for this nation.

So in a very tragic way we stand together in non-partisan trouble and in non-partisan introspection about where we have made our mistakes. I think it might be further said that while the parties haven't provided leadership that we can look back upon the occasion of Vietnam with pride that a few individuals among us had the courage to stand up and point out some of the problems of our activity when it was a very unpopular thing to do. One of those few gentlemen that had that sort of courage is a member of this Senate, the Senator from Cumberland, Senator David Graham, and many members of my

generation will always remember the courage and the wisdom that he and people like him showed in this matter, and as we look back upon this awful experience we gain at least some pride in that there are people like him among us.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

House Paper

Bill, "An Act Extending the Time for Apportionment of County Taxes from April to May in the Year 1975." (H. P. 1552)

Comes from the House, Passed to be Engrossed without Printing or Reference to Committee.

Thereupon, under suspension of the rules, the Bill was given its First and Second Readings and Passed to be Engrossed in concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriations Table the following matter:

Resolve, Authorizing Sherman Collins, Francis Fitzmaurice, the Estate of Durward G. Turner, Durward G. Turner, Jr., David G. Turner and Ellen S. Turner to Bring Civil Action Against the State of Maine. (H. P. 318) (L. D. 387)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, the Resolve was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Mr. Roberts of York was granted unanimous consent to address the Senate.

Mr. ROBERTS: Mr. President and Members of the Senate: I want to state my appreciation for the lovely bouquet I received and the many calls and the many people that called on me when I was recently ill in the hospital. Although I know none of us want to have that experience, I wish to state that if any of you find yourself there, as I did, without really much of a chance to do anything about it except to go there, that you will find that it is one of the nicest, most well equipped and most well run, and the people that work in the hospital are as lovely as any I have ever encountered, and I unfortunately have been in several hospitals. Although none of us want that, I am sure, it is nice to know that if it should happen that that is the situation at Augusta General Hospital. Thank you.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.