

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Senate called to order by the President.  
Prayer by The Honorable Alton E. Cianchette of Pittsfield:

Dear Lord, as another legislative week ends, I would like to share with you and my fellow Senators a thought which is excellently stated in an old and familiar poem entitled "The Man in the Glass":

When you get what you want in your struggle for self

And the world makes you king for a day,  
Just go to the mirror and look at yourself,

And see what that man has to say.  
For it isn't your father or mother or wife  
Whose judgment upon you must pass;  
The fellow whose verdict counts most in your life

Is the one staring back from the glass.  
You may be like Jack Horner and chisel a plum

And think you're a wonderful guy,  
But the man in the glass says you're only a bum

If you can't look him straight in the eye.  
He's the fellow to please, never mind all the rest,

For he's with you clear up to the end,  
And you've passed your most dangerous, difficult test

If the man in the glass is your friend.  
You may fool the whole world down the pathway of years

And get pats on the back as you pass,  
But your final reward will be heartaches and tears

If you've cheated the man in the glass.  
Amen.

Reading of the Journal of yesterday.

Mr. Speers of Kennebec was granted unanimous consent to address the Senate:

Mr. SPEERS: Mr. President and Members of the Senate: I rise today under this unusual procedure to bring up a matter of rather grave importance not only to the legislature but the people of the State of Maine. It is certainly no secret in these halls today that a rather grave problem has arisen, a very serious impasse between the two branches of this legislature. I am referring of course to the bill, L. D. 1834, An Act to Increase the Minimum Wage to \$2.30 an Hour.

Very briefly, I would like to review the history of this particular document. This bill came from the House originally passed to be engrossed as L. D. 1833, and the Senate passed to be engrossed L. D. 1834 with no amendments. The bill then went back down to the other body and they insisted, and it was returned to this body and the Senate, with full knowledge of the import of the motion that was made, and full understanding of the meaning of that motion, voted to adhere to its action whereby L. D. 1834 was passed to be engrossed with no amendments. The majority party of this body took a firm position and stated its firm position and sent a message of its firm position to the other body that it favored the passage of L. D. 1834 with no amendments on it, and that it stood ready to enact L. D. 1834, raising the minimum wage to \$2.30 an hour, ninety days after the adjournment of this legislature. That was the import of the motion to adhere, and that was the import of the majority after a constitutional and democratic vote of this branch of the legislature, and the message could not have been more clear.

Mr. President, the other branch saw fit to ignore that message, and they saw fit to

fail to enact that particular bill and to attempt to send it back to this body with an amendment on it, and this body, quite properly, has refused to accept that bill in return. And we have actually gotten down to the point, Mr. President, where the presiding officer of that other body came up and placed the bill on the desk of the presiding officer of this body, and the President of this Senate, quite wisely and quite maturely, did not give it back to him. But, Mr. President, the situation remains quite grave, and this body does not feel that it should undertake to again consider this matter once it has voted the will of the majority of the Senate to pass this bill as it stands without any amendments, and it would seem to me that it would be encumbent upon the other branch to take this bill and to accept the message that was very clearly sent to it from this body, and pass that bill to be enacted or to pass no bill whatever. That unmentionable body has not seen fit to undertake its responsibilities in that regard.

Now, we could simply ignore this situation and once again refuse to consider this matter, and the result would be, Mr. President, that this bill most unfortunately would fail to be enacted whatever. And the charges would be made, the press would be called in, and once again political games would be played with this particular matter, as they have been right from the very beginning with numerous amendments being offered, and now with another amendment being offered in the other body. And the charge would be made that the Senate of the State of Maine was responsible for not enacting a minimum wage bill, and believe me, Mr. President, the countercharge would be made that the House of Representatives was responsible for failing to enact a bill that this branch has stated it wants to enact and stands ready to enact. But I would submit that under those circumstances neither the Senate nor the House of Representatives could be regarded as winning or could even be regarded as being responsible. The only individuals who would stand to lose from that kind of a situation would be those individuals who are the citizens of this state and whose livelihoods and very lives are affected by this piece of legislation.

I believe that we have an obligation to look beyond these halls and to look at the effect of our actions, not stubbornly as to whether we feel that under parliamentary procedure we may be right or the other branch may be right, and for both branches to be so stubborn as to let a piece of major legislation as this fall between the two houses. So consequently, Mr. President, I would move that the rules be suspended at this point so that this body, unencumbered by the rules which I feel indicate we do not need to accept this piece of legislation at the present time, can indeed once again pick up this piece of legislation and can indeed again send a message to that other unmentionable branch as to what we would like to have done with this bill.

The Republican Party stands ready, as it has from the time that this bill came before us, to enact an increase in the minimum wage to \$2.30 effective ninety days after the end of the legislature. We are ready to do that, Mr. President, we want to do it, and we implore the other branch to enact the legislation so that we may then go ahead and do that. And if we do not in this session enact the \$2.30 minimum wage effective ninety days after

the end of the legislature, let it be very clear to all as to whose responsibility that failure will be.

So I do now move, Mr. President, that the rules be suspended so that we may take up this piece of legislation and once again send our own message.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the rules be suspended. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, out of order, the Senate voted to take up the following:

**Papers From The House  
House Paper  
Non-concurrent Matter**

Bill, "An Act to Increase the Minimum Wage to \$2.50 an Hour." (H. P. 148) (L. D. 173)

In the House April 23, 1975, Passed to be Engrossed in New Draft (H. P. 1520) (L. D. 1833).

In the Senate April 29, 1975, Passed to be Engrossed in New Draft (H. P. 1521) (L. D. 1834), in non-concurrence.

In the House May 7, 1975, the House having Insisted.

In the Senate May 8, 1975, the Senate having Adhered.

In the House May 9, 1975, the House Receded and Concurred.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-316) — (H. P. 1521) (L. D. 1834), in non-concurrence.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to say that I enjoyed the remarks of the majority floor leader here this afternoon of his very deep and sincere concern for the working men and women of this state. If I may be so presumptuous as to paraphrase Winston Churchill, when his opponents sought to silence him in the British House of Commons, and I quote: "If the Senate resists my claim, it will only add more importance to any words that I may use."

The majority floor leader is well aware of the fact that I, as the minority floor leader here this morning, was going to offer an order that this body consider the bill that is presently before us. And I submit that this order would have been entirely proper and in accordance with parliamentary procedure. According to Section 387-D of the Hughes American Parliamentary Guide, I quote: "when one house has adhered, it may reconsider its action and recede from its disagreement and agree to amendments from the other house with amendments."

I would also like to refer to Section 54 of Mason's Manual of Parliamentary Procedure. Again I quote: "The purpose of parliamentary law is to secure an orderly procedure in conducting the business of an organization and to eliminate confusion. Purely technical rules are to be applied only when they will aid in the deliberations of the body. They are not to be applied merely because they are available for the use in case of need."

Finally, a reference from the Sturgis Standard Code of Parliamentary Procedure, and again I quote: "Parliamentary Procedure is not to be used for dilatory purposes. Its aim is not to confuse, to mislead, or to thwart an honest expression of the majority's will."

All of these parliamentary quotations aside, what is really at stake here is this: Are we going to hide behind parliamentary

tactics to deny the working people of Maine a minimum wage which has been promised them by the legislative leadership of Maine's Republican Party, and in which my own party heartily concurs?

As you will note from the newspaper articles which I would herewith ask to have distributed among the members of this body, at the end of March the President and the majority leader called for enactment of a \$2.30 minimum wage in Maine as an emergency measure. This measure would have gone into effect on May 5th of this year. And let me remind you that today is May 16th. If the other party no longer believes in putting the increased minimum wage into effect as soon as possible, the people of Maine are owed an explanation. If we fail to recede and concur with the other body, the working people of this state will not have the opportunity for this explanation to be discussed on the floor of the Senate and within the legislative halls. They are entitled to a minimum wage now.

Mr. President, I would move that the Senate recede and concur with the House.

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

Mr. SPEERS: Mr. President and Members of the Senate: I want to assure every member here that I was not aware of an order to be placed before this branch before any such time as I determined upon the course of action which I have urged the Senate to take this morning.

I was very interested in the quotes that the minority floor leader was reading to the Senate and one which the presiding officer of the unmentionable body quoted numerous times in the last two days, "A parliamentary procedure is not to be used to thwart an honest expression of the majority's will." I would ask this Senate what is being done here today? What has been being done in the last two days by the House of Representatives sending this bill back if it is not to use parliamentary procedure to thwart an honest expression of the majority of this body's will? When we sent a message to the House that the Senate had adhered to its actions of passing the bill without any amendments, what was that if it was not an honest expression of the majority's will? And I would hope that we would express that very same expression of the majority's will here this afternoon, and if need be to keep this bill alive, to continue to send an honest expression of the majority's will of this body.

Mr. President, it is quite true, of course, the leadership of the Republican Party earlier this spring had suggested an increase in the minimum wage to be effective immediately. Now, I am not quite sure how the caucuses and the decisions are made in the minority part of this body, but I know how they are made in the majority party, and they are not made unilaterally by the leadership either of this Senate or the elected leadership of the party itself, but are rather arrived at by a democratic means, through discussion and an expression of the will of the party itself. And through this process the decision was made that the Republican Party would support an increase to \$2.30 an hour in the minimum wage to be effective ninety days after the end of the legislature. That has been the decision from the beginning when this bill came before these two bodies. That is the decision now. And I simply say again that

if this bill is not enacted the responsibility for its failure will not lie upon the Republican Party but upon that other branch. And by our action here this morning of suspending the rules and agreeing to again consider this matter, Mr. President and Members of this Senate, let us make no mistake about it, the Senate has saved this bill from extinction.

I would certainly oppose the suggestion of the minority leader of this body that we recede and concur so that we may once again send another message down to the House as to what the position of this body is.

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

Mr. MERRILL: Mr. President, there has been in the course of the debate about this bill partisan overtones, partisan suggestions, and I rise today as a Senator from Portland and as a Democrat, a person who is proud to be both. I stand here today not to praise my party but to admit its shortcomings. I am afraid that we stand exposed of many of our weaknesses, and I have to admit to them, because as we stand here today it is obvious to all, I think, that we are guilty of the failing of putting the welfare of the people ahead of petty procedural concerns. And I think as we stand here and debate this measure today we are obviously guilty of putting the concern of the working people ahead of saving a little time here for the Senate.

But we don't push this position today as the position of the Democratic Party. The position of the Democratic Party was for \$2.50. What we seek is to find a compromise, a compromise first suggested by the Republican leadership of this legislature.

Now, there have been references made as to how we work in our conferences and our caucuses and how the other party works. Well, I will tell you one thing about the way we work. After we have had the caucus and we have talked about our position, we all go out and vote our conscience. That is why the Democratic Party didn't stand united to amend when we voted on the \$2.50 minimum wage, because when we come out finally we voted the way we feel as individual Senators.

And I stand here today ready to tell the Republican leadership that in a spirit of non-partisanship I, as a Democrat, will stand with the position they put forth publicly, and together, the Republican leadership of this Senate, which has already spoken on the issue as being in favor of the emergency position, and we Democrats who are willing to compromise, can pass this bill so our working people can have the \$2.30 minimum wage right now. We will vote our conscience instead of some position that has been worked out in some party caucus. And there has been nothing said here today to suggest that those Republican leaders have changed their minds, so I think we may be willing here today to possibly put together an alliance that will work to the benefit of Maine's working people.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I request the vote be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must have the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, Senator Johnston from Aroostook had to leave, and just before he left he asked if there were an important vote coming up today that his vote be paired, and I wonder if there would be someone who would be voting against the motion to recede and concur who would volunteer to pair with Senator Johnston?

The PRESIDENT: The Senator from Somerset, Senator Cianchette, has posed a question through the Chair to any Senator who may care to answer.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators E. Berry, Cianchette, Clifford, Conley, Graham, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators Carbonneau, Collins, Corson, Cummings, Curtis, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senators R. Berry, Cyr, Danton, Johnston, Marcotte.

A roll call was had. Nine Senators having voted in the affirmative, and 18 Senators having voted in the negative, with five Senators being absent, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

On motion by Mr. Speers of Kennebec, and under suspension of the rules, sent forthwith to the House.

#### Papers from the House Non-concurrent Matter

Bill, "An Act Designating Family Day Care as a Priority Social Service." (H. P. 1207) (L. D. 1500)

In the House May 13, 1975, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

In the Senate May 14, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

Mr. Katz of Kennebec moved that the Senate Insist and Join in a Committee of Conference.

Mr. Graham of Cumberland then moved that the Senate Recede and Concur.

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

Mr. KATZ: Mr. President, I might ask my colleague on my committee if he might reconsider making that motion. I think that we have a meeting of the mind with the other body, that there is room to sit down and that a conference committee is the proper way to do it. I think that the matter is flexible and might be resolved.

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