

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

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