

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

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be spent in their department if that candidate wins.

Now, if this is what the legislature wants, then I will subside quickly. I have been trying to put together an amendment that would at least restore in part some of these prohibitions. It is not completed yet, so I do not have anything to offer. And if there is no support for my reasoning, then the matter will end here. If there is support for it, I would hope that someone might table the matter so that further work could be done.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Specially Assigned for June 6, 1975, pending Passage to be Engrossed.

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

Bill, "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools." (S. P. 476) (L. D. 1609)

Tabled — June 3, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed. (In the Senate — Passed to be Engrossed.)

(In the House — Indefinitely Postponed, in non-concurrence.)

(In the Senate — the Senate Receded from Passage to be Engrossed; Senate Amendment "A" (S-252), Adopted.)

Thereupon, the Bill was Passed to be Engrossed, as Amended, in non-concurrence.

Sent down for concurrence.

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

House Reports — from the Committee on Agriculture — Bill, "An Act to Repeal Milk Control Prices at the Retail Level." (H. P. 208) (L. D. 267); Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-471); Minority Report — Ought to Pass.

Tabled — June 3, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report. (In the House — Passed to be Engrossed.)

Thereupon, the Majority Ought to Pass, as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

House Reports — from the Committee on Education — Bill, "An Act Relating to School Dropouts and to Potential School Dropouts." (H. P. 1442) (L. D. 1702); Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — June 3, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Katz of Kennebec to Accept the Minority Ought Not to Pass Report.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-571).)

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I stand in opposition to the pending motion and, if I may speak briefly on the subject, I would like to explain to the Senate why.

The bill before us, 1702, is an act relating to dropouts and potential dropouts. The bill requires each school district in the state to establish a positive action committee to study the dropout problem in that district. The committee is to develop a plan to deal with the district's dropout problem. By December 31, 1976 the plan is to be presented to the district school board for adoption as part of the policy of that district.

The bill was introduced as a result of two studies of the dropout problem. The first study was a report of Children's Defense Fund, Washington, Children out of School in America, issued in October, 1974. The second study was a report of the former Governor Curtis' statewide dropout project, completed in June, 1974. Both studies present inescapable conclusions that a large number of Maine youths are dropping out of school or being pushed out of the conventional educational system. Dropouts and pushouts come almost exclusively from low income families.

Conclusion of the Curtis dropout study: no one, except for a few scattered projects, is successfully working with dropouts. Neither the state nor the local school districts have any policy or plan that recognizes there is a dropout problem or attempts to find a solution.

Kids who drop out of school are those who fill the unskilled labor market, the ones who are forced to work for the lowest wages, the ones who leave the state in the largest numbers, the ones who will have the least opportunity to make something of their lives.

This bill establishes a committee of the following: school board members, teachers, students, school administrators, parents, and the dropouts themselves. It will have them sit down together on the local level to find out the extent of the dropout problem in their community and ask them to find a solution to the problem. School boards will have the ultimate control of the cost because it has a right for final adoption or rejection of the plan.

If I may just for a moment, on the amendment that has been put onto the bill, the amendment makes four changes in the original bill. It provides that instead of two teachers being represented on the committee there will be one teacher and one guidance counselor. It deletes the requirement that there be two junior and two senior high school students on the committee from every junior and senior high school of that unit. It provides that the local school board or the school committee shall have the right of final review before the plan becomes a school policy. And it corrects typographical errors that are contained in the original bill.

I would urge the Senate to defeat the Ought Not to Pass motion and to accept the Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, so that the Senate will not in any way think that the good Senator from Androscoggin is taking advantage on this particular bill because

the good Senator from Kennebec, Senator Katz, is missing, I would like to state and make it clear that Senator Katz spoke with me yesterday relative to this matter and he told me it was perfectly all right to move this piece of legislation along. Now, he didn't say in which manner, but he said it was obvious it was all right to take it off the table. I told him I was a supporter of the bill and opposed to accepting the Minority Ought Not to Pass Report.

I think that there is a great deal to be gained by this piece of legislation. It is primarily permissive, enabling legislation, and it quite clearly spells out that these reports must be made at a given time and expires beyond that period of time that the report is not made.

So I would support the position of the good Senator from Androscoggin, Senator Berry, and would hope that the Senate would vote against accepting the Minority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President, I apologize to the President and Members of the Senate. I had heard Senator Katz and seen him earlier this morning and assumed he was in the area. When the vote is taken I would request a division.

The PRESIDENT: A division has been requested. All those Senators in favor of the acceptance of the Minority Ought Not to Pass Report will please rise in their places until counted.

A division was had. Four having voted in the affirmative, and 23 having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the sixth 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 — June 3, 1975 by Senator Conley of Cumberland.

Pending — Final Passage.

(In the House — Finally Passed.)

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I am going to move that under suspension of the rules the Senate reconsider its action whereby this resolution was passed to be engrossed, and I would like to explain the reason for my motion.

Procedurally the motion was not made before because, as I understand the procedure, when a conference committee report comes into a body and is accepted no such motions can be made and that the conference committee motion is the only one which can be acted upon.

The purpose of my moving to reconsider this bill is to allow the good Senator from York, Senator Hichens, to offer an amendment which will limit the second regular session to certain items specified. It is essentially the same amendment that many members of this body said they were in favor of when this was initially debated, but was never offered because that

limitation was included in the amendment which the Senate did adopt and, of course, which was changed at the committee of conference level.

I think, Mr. President and Members of the Senate, that I am in favor of annual sessions of the legislature for the purpose really of getting the legislature to convene on an annual basis and to avoid what has become a routine matter anyway, and that is a special session in every off year. We did debate the issues of whether or not there should be some limits to annual sessions, and I think the Senate fairly strongly indicated that there should be some kind of limit placed on legislative sessions to insure the continuance of citizen participation in the legislative process.

Now, the amendment which will be offered, it is my understanding, is a fairly simple amendment and it is a very limited amendment. It does not deal with the first regular session but does deal with the second regular session, and does not put time limits on that session but does place limits on the types of items that can be considered. So I would hope that we could reconsider this action and discuss the amendment to be offered on its merits, and then vote on the amendment on its merits as to either for or against. And I do think that what we are talking about here is some kind of reasonable limits relative to subject matter which will guarantee that the legislature will not be in session on a year-round basis every year, which I think would result in the loss of citizen legislators, and I think that would be a great loss to the State of Maine. Thank you, Mr. President.

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

Mr. BERRY: Mr. President, I am in opposition to the concept of putting restrictions on the type of legislation that could be introduced at either session. I have historically been opposed to this type of restriction. As we said earlier in the debate, I think a time restriction has a lot of merit because it will force, I think, both houses to adopt new procedures and streamline the matter.

I use the old analogy of being forced under the gun to do something. But I do feel that putting a straightjacket on the second session is just that; that there may well be matters that should be considered other than those that would be stipulated in the subject matter that could be brought up. For instance, a favorite restriction for the second session is confining it, say, to budgetary matters or financial matters. There well could be social matters, all sorts of things that should be considered, and I do not believe it advisable to shackle either session of the legislature by a type of legislation, so I certainly shall oppose suspension of the rules for reconsideration.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would like to support the motion for reconsideration. It seems to me that before we take action on this really important constitutional amendment we ought to have an opportunity to look carefully at all of the proposals for governing the second annual session, if such a session is to occur.

I have looked at the proposed amendment which the Senator from York is considering and would like to offer, and it seems to me it is a sensible amendment

and one that at least ought to be looked at and analyzed in great depth.

My primary argument in support of this is that we spend close to six months reviewing almost 2,000 bills, and if we have unlimited opportunity to introduce any new legislation in the second regular session, I really think that we are likely to end up reviewing almost all of those 2,000 bills all over again in the second year, even though the same people are in the legislature and even though they are likely to make the same usually negative decisions on legislation. I think there is a certain amount of value in a gestation period of two years for some of this legislation.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: In answer to the good Senator from Cumberland, Senator Berry, I do think that the amendment to be offered is flexible enough so that items of importance would be able to be admitted, studied items would be allowed to be admitted, and of course any emergency items would be admitted. But it would prevent the situation of all the same bills in the first regular session of a non-emergency nature being reintroduced in the second regular session and making that session into a six or seven months situation, which would, I think, result in a substantial decrease in the number of citizens who would be willing and able to run for the state legislature.

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

Mr. BERRY: Mr. President and Members of the Senate: I would like to point out to the good Senator from Androscoggin, Senator Clifford, that he has got a very good piece of legislation in a very delicate posture at the moment, and I think we should be pretty careful what we do here.

One of the procedures that has been used to a greater extent this session than in any session I recall previously has been this "leave to withdraw" mechanism by which a sponsor of bills seeks a "leave to withdraw" report instead of an unfavorable one so he can introduce it at the special session. Now, this will be precluded if we adopt this amendment, and I think this would get a lot of votes against the bill. So I think we are perhaps at the crossroads on this, and I am afraid this amendment might well end up killing this whole proposal.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I have been asked many times why I have not supported annual sessions, and I told them that the only reason I would support annual sessions was the provision that we wouldn't have to rehash year after year what we have to rehash every two years at the present time. And with this amendment, I believe that it will take care of that situation. If the amendment is not accepted, I will have to stick with my original position and vote against the bill when it comes up for final enactment.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I don't think we need this legislation at all. We have two ways to call special sessions: one is by the

Governor, and the other is by the legislative leadership. In essence, we are having annual sessions. I think the Reference of Bills Committee is doing a terrific job in screening bills, and maybe we should give them some further rules to go by, but I think it can all be handled by the Committee on Reference of Bills, and I don't think we need to put this in the Constitution.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, that the Senate reconsider its action whereby this bill was passed to be engrossed. In order to reconsider, it will require a two-thirds vote of those members present and voting.

The Chair will order a division. Will all those Senators in favor of reconsideration rise in their places until counted.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, would you explain to me why we need the two-thirds to reconsider?

The PRESIDENT: The Chair would reply that it has been over one day since this matter was passed to be engrossed and, therefore, it needs a two-thirds vote.

All those Senators opposed to reconsideration will please rise in their places until counted.

Obviously less than two-thirds having voted in the affirmative, the motion to reconsider does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Thereupon, on motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.

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

Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 418) (L. D. 1375)

Tabled — June 3, 1975 by Senator Cummings of Penobscot.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-196) and Senate Amendments "A" (S-232) and "B" (S-238), Adopted.)

On motion by Mr. Speers of Kennebec, retabled pending Passage to be Engrossed.

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

Bill, "An Act Relating to the Dredging, Filling or otherwise Altering Coastal Wetlands." (H. P. 590) (L. D. 730)

Tabled — June 3, 1975 by Senator Corson of Somerset.

Pending — Motion of Senator Speers of Kennebec to Reconsider Action whereby House Amendment "B" (H-554) to Committee Amendment "A" (H-354) was Indefinitely Postponed, in non-concurrence.)

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-354) as amended by House Amendment "B" Thereto (H-554).)

(In the Senate — House Amendment "B" to Committee Amendment "A" Indefinitely Postponed, in non-concurrence; Committee Amendment