

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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STATE OF MAINE  
One Hundred and Eleventh Legislature  
Second Regular Session  
JOURNAL OF THE SENATE

In Senate Chamber  
Wednesday  
February 15, 1984

Senate called to Order by the President.

Prayer by The Honorable Charlotte Sewall of Lincoln

SENATOR SEWALL: Dear Lord. In life we realize the only entitlement we have is Your love and in that light of love, let us claim our dominions.

Reading of the Journal of Yesterday.

Off Record Remarks

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

**PAPERS FROM THE HOUSE**  
**House Papers**

Bill "An Act to Amend the Delay in Employers' Filing Deadlines under the Chemical Substance Identification Law" (Emergency) H. P. 1574 L. D. 2084

Committee on ENERGY AND NATURAL RESOURCES suggested.

Comes from the House Under Suspension of the Rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules that the Bill be given its First Reading at this time without reference to Committee?

It is a vote.

Under suspension of the rules, the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to committee and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to Eligibility for Interscholastic Secondary School Athletics" (Emergency) H. P. 1573 L. D. 2083

Committee on EDUCATION suggested.

Comes from the House Under Suspension of the Rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the Bill be given its First Reading at this time without reference to Committee?

It is a vote.

Under suspension of the rules, the Bill READ TWICE.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President, and Members of the Senate, in having a very brief amount of time in which to read the Bill I wish somebody on the Committee for Education, possibly, could explain the rationale as to the emergency predicated upon what is on the second page of the Bill which states "Whereas the Legislature finds this section of the Maine Secondary School Principals' Association to be Unfair and Unnecessary." Now, if the State Principals' Association has found it to be "unfair and unnecessary", I'd like to know from their perspective, through somebody or through one of the sponsors of the Bill, how they came to that particular conclusion?

I think it is of significant value to place on a Legislative Record what we are doing, and based upon the assessment and the evaluation by the State Principals' Association in making that determination.

THE PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to any member of the Senate who may respond if they so desire.

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Thank you Mr. President. Mr. President and Ladies and Gentlemen of the Senate, if one would read the second page of the Bill, in which it deals not with the emergency preamble, but the actuality of what the law change will be, we will find that what we are going to do is change the law which would affect, as a statement of fact says, the eligibility of a student in high school who has reached his 20th birthday and would allow him to finish out this season in the interscholastic programs.

There is one such situation that was brought to my attention of one child that would be affected in the Kennebec County area, I believe, I'm not sure as to how many throughout the rest of the State this would affect as well, but there was one situation that was brought to my attention. It's an individual who up except for perhaps the last two or three games of the season has been eligible to play.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President. I appreciate the information presented by the Majority Floor Leader, but he still has not answered the question. I have read the Bill and I know exactly what they are doing irregardless to this person who has reached the age of twenty. But apparently there is a conflict between the assessment rendered by the State Principals' Association and those who have sponsored the Bill in behalf of the student and I think it is of significant value to put their remarks on the Record as to why they said it is unnecessary and unfair.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President, Ladies and Gentlemen of the Senate, it would be my conclusion not based upon any fact but just upon a basic understanding of the situation, if you take the existing statutes, the State Principals' Association would have to rule on what the existing law is. I am sure that taking that, the State Principals' Association have basically said that they cannot alter the law and allow this student in this particular situation to play unless there is a statutory change. This Bill would make that statutory change.

My concern about what's in the emergency preamble, while it is a basic statement, it's kind of sometimes a wholesale statement, I'm more concerned about what the actual statutory language is going to be. I have no problems with changing it, that a pupil who's participating in an interscholastic program, who is in the school system, be allowed to continue even though he turns to the age of twenty. That's basically what we are being asked to deal with today, that's what the statutory changes are, and I think, whether or not if the State Principals' Association deals with it, I'm not here to represent the State Principals' Association, I'm here to evaluate the Legislation and my perception on as to whether or not it's good for the people of the State of Maine, in this situation I believe it is.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President and members of the Senate, neither am I here to represent the State Principals' Association, but also to represent the people of the State of Maine, but on the other hand, if this has been an existing rule or regulation by the State Principals' Association over the years, they must have found it to be of some significant value to maintain that particular regulation.

I'm in full concurrence with the fact maybe an alteration should be made, but I believe that alteration should not be a statutory requirement for one individual but a regulation made by the State Principals' Association in behalf of that one individual.

THE PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pearson.

SENATOR PEARSON: Mr. President, Men and Women of the Senate, I would just like to submit to your mind a fact, as I see it anyway, many, many more parents nowadays are holding off, on their boys anyway, from registering them in school until they are six years of age because it has been generally excepted in educational circles that boys don't have the same motor ability that girls do at a young age and that's reflected in handwriting of males and females later on, and that the maturity is not always as great as girls are at the age of five and so they enter them in school at the age of six. If for some reason or other, that boy, in the process of his education has a hard time and is, as we used to say, kept back a year by a concerned parent, they could very well end up graduating from high school when they are twenty years of age. Right now it is usual for seniors who graduate from high school to be eighteen. If they are entered when they are six they would be nineteen. If they are kept back for one thing or another, sickness or because they need more help, they could very easily be twenty. If you were a boy who was in that situation playing on a basketball team and your team made the tournament and you were told you couldn't play, how would you feel?

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: Members of the State Senate. I would like to provide you additional information about the specific case involved in this Bill. This Bill is directed to a specific student, but as the good Senator from Penobscot, Senator Pearson, notes it may have broader ramifications.

For this particular student, he was moved to Winthrop following grade one and the enactment of special education programs resulted in this student being identified as a learning disabled student. He was retained in both grade one and grade seven for learning disabilities. It was through basketball that this student suddenly began to develop into a successful learning participant in the school system. In his second year of grade seven he tried out for and was selected to the school team. Grade eight found him playing a great deal. He has since that time developed into a very good basketball player and I might point out to you, a very successful student.

If this student had had access to services for learning disabilities, which are now available, in all likelihood, he would have completed high school prior to his 20th birthday. By being retained for two grades he now has gone beyond the period of eligibility and the specific request for this piece of legislation is to provide for an opportunity for this child who did not have these special services, to now be able to participate in the tournament play at the end of his high school career, and I really urge the support for this Bill.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky, who has spoken three times already on this particular item, it is now the pleasure of the Senate to give the Senator leave to speak a fourth time?

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President, thank you very much for the opportunity of speaking a fourth time. It's in the area of clarity.

Over the years, I'm quite sure everybody that's been here, have been firm advocates of public hearings, otherwise, we didn't go through the public hearing process, then we might as well dispense with everything we are doing.

I understand very clearly the necessity of this particular one individual. I am not disputing his eminent abilities, his diversified talents, his skills in the school system. That is not the question. All I'm asking directly is: if the State

Principals' Association have been consulted relevant to this, can they make an internal change without going through making a special statutory provision for one individual, and if they have decided what has been their decision? That is the advantage of public hearings, at least, we're getting the other side, or the other point of view and that's all I'm trying to do this morning is to project the other side or the other point of view in behalf of the State Principals' Association. Let me reiterate one more time, I have no interest in the State Principals' Association, all I'm interested in is equity and fair play, how we are handling statutory laws.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Dutremble.

**SENATOR DUTREMBLE:** Mr. President and Members of the Senate, I also have a question. Apparently this Bill is introduced for a particular student. I guess my question is, as I read this Bill, it will not affect just this one particular student but any particular students in the future who may be affected by the same rules that the S.P.A. has and I'm really concerned about that because I would think that the S.P.A. and schools around the State have rules for certain reasons and I'm just wondering whether or not this rule will affect other people in the future?

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Dow.

**SENATOR DOW:** Mr. President and Members of the Senate, I am on this Bill and it is in this case for this one student but everything that Senator Hayes has said is true about this particular student and it is, also, true that it will affect other students as they go along. But the Bill itself says that if they have played, (they any student) had played for the total school year and turn twenty, (everything else being equal) turn twenty in that last year, it allows them to play in the playoff games. It is my understanding that the Principals' Association could not make that change, that's why we had to do it this way and then it will happen throughout the whole time from now on, unless we change it again. It is needed at this time. Thank you.

The Bill was PASSED TO BE ENGROSSED without reference to a committee and ORDERED PRINTED, in concurrence.

There being no objections all matters previously acted upon were sent forthwith to the Engrossing Department.

Senator HITCHENS was granted unanimous consent to address the Senate on the Record.

**SENATOR HICHENS:** Thank you Mr. President. February seems to be a month of birthdays here within the Senate Chambers—I hope you'll lend an ear to what I have to say to you in Honoring one today who's been with us for quite a while—has come a long, long way in serving those he represents—in District 28 and for the Senate session I've ne're know him to be late. On Appropriations he expresses himself well and his honest opinions—he never fails to tell. You often see him with coat off—and his sleeves rolled up busy with the State affairs—though he is no spring pup. Maybe as a druggist—he knows how to keep fit for he is seldom missing—with each task keeps up with it. Although with the Minority—he never feels suppressed. But is determined at all times to give his very best so on this February day—let's all stand up and give best wishes to Tom Perkins—as long as he shall live.

#### PAPERS FROM THE HOUSE House Papers

Resolve, to Provide a Retirement Benefit to Mrs. Bernice B. Martel of Sanford. H. P. 1568 L. D. 2078

Comes from the House referred to the Committee on AGING, RETIREMENT and VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT and VETERANS and ORDERED PRINTED, in concurrence.

#### COMMUNICATIONS

The Following Communication  
COMMITTEE ON JUDICIARY  
11th Legislature

February 14, 1984

The Honorable Gerard P. Conley  
President of the Senate of Maine  
State House  
Augusta, Maine 04333  
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 11th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Ronald A. Daigle of Fort Kent, as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
	Representatives	9
		0

ABSENT: 1 (Rep. Benoit of South Portland)

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ronald A. Daigle of Fort Kent, as a District Court Judge be confirmed.

Sincerely,  
S/Senator Richard Trafton  
Senate Chair  
S/Rep. Barry Hobbs  
House Chair

Which was READ and ORDERED PLACED ON FILE.

**THE PRESIDENT:** The Joint Standing Committee on JUDICIARY has recommended that the nomination of Ronald A. Daigle be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on JUDICIARY be overridden; In accordance with 3 M.R.S.A., chapter 6, section 151 and with Joint Rule 38 of the 11th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

#### ROLL CALL

YEAS: None.

NAYS: Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Diamond, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Twitchell, Usher, Wood, The President—Gerard P. Conley.  
ABSENT: Danton, Dow, McBreairty, Trafton, Violette.

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 5 Senators being absent, and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be Accepted.

The nomination of Ronald A. Daigle was Confirmed.

The Secretary has so informed the Speaker of the House.

The Following Communication  
Bureau of Public Administration  
University of Maine at Orono

January 10, 1984

Ms. Joy O'Brien  
Secretary of the Senate  
State House Station #3  
Augusta, Maine 04333

Dear Ms. O'Brien

We are mailing to you under separate cover 40 copies of the annual report on the administration of the State Government Internship Program as required by the Maine State Statutes, Chapter 14, paragraph 294, for distribution to the Senate.

Sincerely,  
S/Kathryn H. Godwin, Director  
Bureau of Public  
Administration

Which was READ and with accompanying papers ORDERED PLACED ON FILE, in concurrence.

#### COMMITTEE REPORTS House

##### Leave to Withdraw

The following LEAVE TO WITHDRAW report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Concerning Supplemental Dividend Reimbursement Distribution" (Emergency) H. P. 1489 L. D. 1964

##### Ought to Pass

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Remove the Retirement Age Restriction for Trustees of the University of Maine" (Emergency) H. P. 1538 L. D. 2023

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill "An Act Relating to Conferring Degrees by Thomas College" (Emergency) H. P. 1393 L. D. 1816

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Clarify That Notaries Public who do not Maintain a Seal of Office may Take Acknowledgements" H. P. 1395 L. D. 1818

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED AND THE BILL PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-467).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-467) was READ and ADOPTED in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE GOVERNMENT on "Resolve, Adopting a Permanent Plan for Federal Surplus Property" (Emergency) H. P. 1455 L. D. 1907

Reported that the same Ought to Pass

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

##### Ought to Pass As Amended

The Committee on STATE GOVERNMENT on

Bill "An Act to Require the State of Maine to Pay Late Fees on Overdue Payments" H. P. 1411 L. D. 1833

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-468).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-468) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

#### SECOND READERS

The Committee on BILLS IN THE SECOND READING reported the following:

##### House

Bill "An Act to Clarify the Fair Apportionment of the Cost of Canceled Generating Facilities" H. P. 1408 L. D. 1830

Bill "An Act to Amend the Statutes Governing the Licensing of Children's Homes" H. P. 1557 L. D. 2056

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

##### Senate As Amended

Bill "An Act Relating to Conferring of Degrees by the Yacht Design Institute Schools" S. P. 706 L. D. 1953 (C "A" S-288)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

#### ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

AN ACT to Grandfather Certain Existing Part-time Law Enforcement Officers from the Requirement to be Trained by the Maine Criminal Justice Academy S. P. 672 L. D. 1856 (C "A" S-284)

AN ACT to Conform the Safety Jurisdiction of the Public Utilities Commission over Gas Utilities to Federal Requirements H. P. 1457 L. D. 1909

AN ACT to Eliminate the Requirement for a Separate Application for Lands within the Settlement Corridor to be Entered into the Spruce-Fir Forest Protection District H. P. 1480 L. D. 1943

AN ACT Concerning the Possession of Firearms by Felons S. P. 697 L. D. 1937

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

AN ACT to Revise Provisions of the Medical Eye Care Program S. P. 711 L. D. 1957

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE pending ENACTMENT.

#### Emergency

AN ACT to Amend the Adult Protective Services Act H. P. 1426 L. D. 1871 (H "A" (H-463) to C "A" (H-462)

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

#### SENATE PAPERS

Bill "An Act Concerning the Teaching of Certain Subjects" S. P. 769

Presented by Senator HAYES of Penobscot. Cosponsored by Representative McCOLLISTER of Canton

Approved for introduction by the Legislative Council pursuant to Joint Rule 26

Committee on EDUCATION suggested. Which was referred to the Committee on EDUCATION and ORDERED PRINTED.

Sent down for concurrence.

Senator BROWN of Washington was granted unanimous consent to address the Senate, On the Record.

SENATOR BROWN: Mr. President and Ladies and Gentlemen, I rise today with considerable amount of at first thought that it was anger, but I guess that it is frustration after I try to analyze the emotion a little more carefully.

I look at the *Bangor Daily* Newspaper today and one of the headlines says: "Lawmakers give up fight to block the Fish and Game Layoffs". I guess that it is frustration that I am feeling with that particular issue, because one of the Commissioner's part of his plan in addition to these layoffs is to close the office in Machias. Sometime ago we lost the Warden Service down there when we moved the office to the Bangor area and we should probably never have allowed that to happen but it has already happened. Now we are talking about closing the office that houses the biologists.

You know I remember the last session in here when we spent a fair amount of time on a Rivers Bill and we set aside the rivers of Washington County and said that these rivers deserve some kind of special attention that they are a valuable resource that ought to be kept and set aside for the citizens of this State. Naturally occurring salmon runs in those rivers! Now here we are closing the office that houses the biologists that not only works with the salmon but also works with the other wildlife in the area.

I guess that there is just a lot of frustration that exists on my part in that it seems that we have a Commissioner who has been, at least in my view, almost pleading for some kind of guidance, for some time I might add, of what to do. I know that there are frustrations on our part in the Appropriations Committee because we do not have an opportunity to do much with that budget, because they do not get the General Funds. There is a feeling on some people's part to undedicate the Fisheries and Wildlife. There are other feelings that maybe we should have an emergency piece of legislation that would increase the fees in some fashion.

To this date all we get from the Governor's Office, downstairs, is simply the statement that they have solved the problem in the past and they'll solve it again this time. Well, they are not solving it this time, they are closing the office in Machias, they are laying off a number of people in this State. Yesterday when some of the people tried to negotiate with the Governor's Office to do something about it, no way, is this some kind of a Governor's revenge in some fashion? Why in the world can't we get some guidance out of that office on how we are going to deal with the Inland Fisheries and Wildlife problem that we have got? It seems rather ridiculous to me to that we go ahead and take the hands off attitude instead of going ahead and coming forth with some kind of a measure that is going to help out in this instance.

I guess that it is frustration, Mr. President and Ladies and Gentlemen, that I feel this morning as I stand here not knowing what to do to stop an action that is ridiculous. Thank you very much.

Senator COLLINS of Knox was granted unanimous consent to address the Senate, On the Record.

SENATOR COLLINS: Mr. President, I don't claim to have answers to the frustrations of the good Senator from Washington, Senator Brown. I know a lot of us have similar feelings

about what is going on with our Department. I would like to make a couple of suggestions that I hope will receive attention from the Executive Branch of Government and, perhaps also, from the Committee on Audit and Program Review.

I understand that in recent years, that from time to time, the Department of Fish and Wildlife has been called upon to help with a number of things that are outside the usual scope of its budget, outside the purpose of its dedicated revenues. For example, such things as assistance with forest fire suppression, with the emergency rescue work that sometimes comes along for people who have no connection with hunting and fishing. The amounts that might be reimbursed to that Department from other Departments and functions of Government, is probably a matter of debate and further examination, but I would hope that if there is an area there that would produce more funds to that Department, that this is an opportune time to examine that consideration in budgeting process and perhaps, to redress to that Department those funds that have been expended for those purposes. Thank you Mr. President.

#### SENATE AT EASE

The Senate called to order by the President.

On motion by Senator PRAY of Penobscot, Recessed until the sound of the bell.

#### RECESS

#### AFTER RECESS

The Senate called to order by the President.

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

#### ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

#### Emergency

AN ACT to Amend the Delay in Employers' Filing Deadlines under the Chemical Substance Identification Law H. P. 1574 L. D. 2084

This being an emergency measure and having received the affirmative vote of 25 members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

#### Emergency

AN ACT Relating to Eligibility for Interscholastic Secondary School Athletics H. P. 1573 L. D. 2083

THE PRESIDENT: the Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President and Members of the Senate, I thought that this Bill should not be allowed to go by without saying a few words about it.

First, let me say that I am concerned that we're passing a Bill like this today without a public hearing. I think that the language in the Bill is a lot more sweeping than people are being lead to believe. This will not just affect one young person but could affect a lot of other people in the future.

I suppose a Bill shouldn't be here anyway if the S.P.A. would have had the compassion to allow this young person to play then we wouldn't have had to deal with this Bill today. I've read the information about the case and I do say that the S.P.A. should have allowed a waiver in his case. Unfortunately, they didn't. For that reason we have this Bill.

I am going to support the Bill today, but I have been made well assured that this issue will be studied within the next few weeks by the Education Committee, inviting members of the S.P.A. to go over this very section of the law.

Just let me tell you what could happen in a case like this. You know, I listened to the debate in the other Body and I talked to other people

around here. It doesn't only affect this person, what could happen is that parents in the future who are more concerned with athletics than they are with academics, could hold their kids back in seventh and eighth grade so they could mature physically, so that when they get into high school, these kids are older than the other kids. I've seen it done, it's being done right now in this State, I've seen it personally done in two cases this year. Fortunately, these kids will be under twenty. But I can see situations in the future where maybe parents will hold their kids back, maybe one or maybe two years.

And also, lets not forget the situation where a kid is old by the time he or he's close to twenty by the time he gets to his senior year because he did not do the work he was supposed to, not because of physical handicaps but because he decided he didn't want to do the work. In that case, you are going to be rewarding these people and that the purpose of the rule was there for many reasons. I think I just stated two of them. You are opening them up by passing this law and I want you to be aware of that so that we all make sure that we do study this situation in the next few weeks and not allow this Bill to pass and then forget about it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President and Members of the Senate, having served for five terms on the Education Committee, I came across a very simple laymans explanation on what is education. A definition was given to me quite a few years back: "Education is a series of experiences in a positive manner that people, boys and girls, have been exposed to." That is our primary reason for being in school. The secondary reason is the extra curricular activities.

I'm not going to rehash some of the points that I discussed earlier this morning but in looking at the manner in which this Bill was drafted, I brought out two words that concern me and that was unnecessary and unfair, and this was directed at the Principals' Association, but I also look at two other words which are meaningful but really unwarranted and unjustified in this piece of legislation. For many people in the State Principals' Association that donate hundreds and hundreds of hours in coordinating the activities of our youth, those two words are "arbitrarily and capriciously" denied the opportunity to participate in post-season play. Arbitrarily and capriciously, those are cutting words in my estimation. For a group of people, in good conscience, made a decision that this person not be allowed to play, granted that this person may have excelled in the curriculum in the school, predicated upon his activities in sports and everybody is in full concurrence that might have kept this young man in the school system so that he could attain his lot in life by being a productive citizen.

There was discussion that it will be resolved by some sort of a study by the Education Committee but I'd like to just carry this one more point. Were not the sponsors and cosponsors cognizant that this was a situation that did exist? Why was this not brought in in the earlier part of the session so that it would have a proper hearing, that both sides could be heard in a fair manner, and I'm quite sure it would have been resolved.

To use this particular route, we are not a judicial body, we are a policy-making Body, and we are being asked, in this particular instance, to use our judicial influence over the S.P.A. in allowing this particular youngster to play. I think we are making a very drastic mistake. And again, please understand, I have nothing, I am in full accord with the youngster, what his ambitions are, what his desires are, his aim, the school behind it, their goals, their objectives, but, Ladies and Gentlemen of the Senate, this is the wrong approach to use, and I intend to vote

against it on that particular basis.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

SENATOR PEARSON: Mr. President, Men and Women of the Senate, the Senator from Biddeford, Senator Dutremble, (York) has given me lots of things to think about that, frankly, I had not thought about before and I think that some of the points that he had made are very, very good.

I would like to say that I am going to vote for this Bill however, but I think that his concerns should be addressed. I think the State Principals' Association, while they do deserve a lot of credit for all of the volunteer work that they do, also are capable of making some mistakes. The Senator from Androscoggin, Senator Minkowsky says why wasn't this brought in the beginning of the session and I think it's probably, the reason was that nobody knew that Winthrop was going to make the tournament. Their representative, of course, now is faced with that situation which is coming up eminently and wants to try to address that. I do think that the State Principals' Association should have been aware of the fact that there are expanding programs for exceptional children in this State that take longer for people to graduate from high school than normal.

I have a niece who is eighteen years old now and she's a sophomore in high school. She is in special educational classes and it is not her fault but I think that the State Principals' Association should have in its deliberations taking into account those sorts of situations before it reached this point.

This being an emergency measure and having received the affirmative vote of 22 Members of the Senate, with 4 Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

THE PRESIDENT: The Chair is delighted to recognize in the rear of the Chamber a staff member of the Majority Floor Leader's Office, Ms. Carol Carothers.

Carol has been a very distinguished and hardworking employee of the Majority Floor Leader's Office all through last year and this year, and we're extremely sorry to say today that she will no longer be with us. She will be the Executive Secretary of the Consumer Advocacy Board of the Department of Mental Health and I know as she leaves the Majority Floor Leader's Office today she goes with all our best wishes and I'd like Carol to please rise and to accept the greetings and the departure ... (Prolonged applause—the members rising)

On motion by Senator CARPENTER of Aroostook, Adjourned until 10 o'clock tomorrow morning.