

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

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and sanitary sewers, with accompanying pumping station which has been in operation nearly a year. This was major project number one for the district and will provide for the gravity flow of the waste from the area served to the proposed treatment plant when the remaining construction is completed, and they were given permission to dump this raw sewage into the Presumpscot River because they were working toward this disposal plant, and then the last section says: A site for a proposed treatment plant of approximately twenty-five acres was purchased in 1957 at the location shown in the Camp, Dresser and McKee Report as being the only suitable property for this purpose. And this property is located on the Presumpscot River in the area of Halidon Village so-called. If they are allowed to repeal this, it upsets all the work that has been done to take care of this very great problem which Falmouth is suffering from because of Westbrook Sewerage, but because of financial strain has been very patient. I would like a division when the vote is taken.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Davis.

Mr. DAVIS: Mr. Speaker, due to the absence of Mr. Porell, the gentleman from Westbrook, who called me this morning and said he was ill and would not be able to attend today, I ask that we lay this on the table until tomorrow.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Westbrook, Mr. Davis, that this matter be tabled and specially assigned for tomorrow. Is this the pleasure of the House?

(Cries of "No")

Will all those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being taken, the motion to table prevailed.

The SPEAKER pro tem: The Chair now lays before the House the third tabled and today assigned matter, Senate Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee

on Labor on Bill "An Act relating to Minimum Wages," Senate Paper 82, Legislative Document 154, tabled on May 4 by the gentleman from Orono, Mr. Treworgy, pending acceptance of either Report.

The Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: Today I rise to move that the Minority "Ought to pass" Report be accepted. I stand here today and urge your support of L. D. 154, An Act to establish a minimum wage scale in the State of Maine. This legislation has been presented on many occasions to this body, but the selfish forces who oppose such legislation seem to have sufficient power to win out. There seems to be a complete lack of understanding on the part of some legislators and employers of the principles of social justice.

It is difficult to understand how people can live on such low wages as are now being paid by many present day employers. They do not earn enough to provide them with the bare essentials of present day cost of living. These are the people who need to be protected from employers who pay just as little as they can get away with. These workers do not belong to unions and are at the mercy of their employers. Therefore the state, in my opinion, must protect them by enacting a minimum wage of at least \$1.00 per hour.

In the 98th session of the Maine State Legislature we came within a few votes of enacting a minimum wage.

It is about time that we stopped thinking of Maine as a vacationland and rather stress that it is a state where people can and are concerned with making a decent living. Does not the fact that people receive as little as \$12.00 per week demonstrate the urgent need for passage of such legislation? I hope the members of this Legislature will not oppose a minimum wage because they have permitted themselves to be blinded by vicious propaganda splashed around by greedy employers whose banner of profit quivers at the very thought of paying a decent living wage.

The passage of a minimum wage law would bolster the economy of the local communities. Workers would be making more money, and spending more money. Therefore more money would be in circulation to contribute to the economy of the state.

Apparently it all depends on how you think. As long as legislators continue to serve first the cause of big business, and as long as legislators continue to let themselves be pushed around by cleverly connived propaganda, then just as long will the ordinary every day man-on-the-street worker and his family be the victim of greed and selfishness.

Of course, there are a few employers, too few, who pay their workers everything they are able from the standpoint of investment and fair return. These employers recognize social justice not as a platitude but as a concrete fact, as a very necessary part of human relationship and trust.

Maine needs a minimum wage law of at least one dollar an hour. There can be no compromise. Business is screaming for tax relief, utility companies are constantly demanding higher rates, while all the little fellow wants is a living wage and he has been denied that time and time again.

This is not a matter of politics or partisanship. This is not a matter of profit and loss. This is a matter of justice, of christian living. It is a matter of right versus wrong.

Let me cite to you — I will come back to the other part later in the debate.

In closing I would like to say that your favorable consideration of such legislation as this will make many of our underpaid citizens very happy people.

Mr. Speaker, I rest my case, and I hope that the members of this Legislature will vote for the Minority Report "Ought to pass" on L. D. 154.

Mr. KARKOS of Lisbon Falls: I request a roll call, Mr. Speaker.

The SPEAKER pro tem: The question before the House is that of the gentleman from Portland, Mr. Miller, that the Minority "Ought to pass" Report be accepted. A roll call vote has been requested.

The Chair recognizes the gentleman from Orono, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, Ladies and Gentlemen of the House: These minimum wage proposals would regulate and impose a wage floor in all the small stores of Maine, such as clothing, drug, grocery and variety stores wherever located.

Not even the Federal Minimum Wage Law has ever regulated this type of business. Even in the heart of the depression when Franklin Delano Roosevelt proposed the idea of such wage control, he carefully avoided including what this law for Maine would include if the House passes this bill.

In 1949 when amendments to the Federal Act were proposed, Senator Robert A. Taft in the course of congressional debate again urged that retailing not be covered.

Right now in Congress, Senator John F. Kennedy has introduced certain AFL-CIO endorsed proposals which would, if enacted, include much of the retailing industry within the act. In presenting the administration suggestions, Secretary of Labor, James Mitchell, has urged that only the largest retail firms doing business in interstate commerce be covered by the act, doing at least \$1,000,000 worth of annual business. The Secretary of Labor has said many times regarding these proposals in justification of only covering the big fellows, if any, that the sought after gains cannot be achieved by any measure which would cause injury to the employers and employees in the small businesses of America; yet despite the Secretary of Labor's refusal to include such businesses, this bill before you today would do just that.

In retailing, no store can measure productivity and control the flow of customer traffic as manufacturers are able to control production in this situation. Let us remember the merchant is able to offer employment to many who cannot meet age and physical requirements of industry.

Consider who would be hit by this State Minimum Wage, not primarily or directly the big stores in the big cities but the thousands of small stores throughout the State, and especially those in smaller communi-

ties. What could happen? There are just so many sales dollars that can be used for salaries. If the rate is increased, the number of people employed must be decreased. Of necessity, personalized and better service would be impossible and the transfer of business away from the small and local storekeeper would be accentuated.

By the very terms of the bill with its apparatus and procedure for enforcement, there can only result an addition of another bureaucracy to the State Government, more powers of regulation and control to the Department of Labor and Industry, a considerable force of inspectors, check-ups and a new appropriation, and more expense to the taxpaying citizens of the State.

I now move that both Reports and all accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The motion before the House is now that of the gentleman from Orono, Mr. Treworgy, that the bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: I did not intend to participate in this debate this morning but since I am a small merchant, since I have a business which employs just three people, I feel that I would like to disagree with the gentleman who has just spoken. It has been our experience in my town that the small merchant is the one who is paying at least a dollar minimum wage, and that those who do not pay the dollar minimum wage are the chain stores who come into our town who hire our girls or young men, at very little money, who contribute very little to the economy of the town, who try to exempt themselves from as much tax as possible, they are the ones who are not meeting this requirement of a dollar minimum wage.

It has also been my experience, and I am sure the experience of many small merchants throughout Maine, that we get exactly the kind of help that we pay for. If we get a person that we pay a very small amount to, we cannot expect that

person to assume the responsibility that we would wish some of our clerks to assume. Consequently, just as in anything else, I think it is policy that you get exactly what you pay for. I sincerely believe that this dollar minimum wage will not be a hardship upon the small merchants and that it will force a great many of these chain stores who come into our communities to meet the current rate of the small businessman or woman who in fact is the life blood of that community, who contributes to its taxes and who contributes to its local economy, and I certainly would hope that this bill would not be indefinitely postponed.

The SPEAKER pro tem: The motion before the House is that of the gentleman from Orono, Mr. Treworgy, that the Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker and Members of the House: I am going to beg your indulgence and speak very briefly, and I am speaking this morning because I feel very strongly about this matter here. I would like to point out merely the two reasons why I believe that this bill is justified, and I say because number one, it is morally justified, and number two it is economically justified. Beginning, just to mention three great men of the western world, beginning with Thomas Aquinas who once said, and with him, that in order to practice virtue, a modicum of the living necessities are necessary for every man. Another man who walked on the earth nine hundred and fifty-eight years ago had this to say, that it is not by bread alone that man doth live, but it is indeed by bread that he does. That it is impossible for men and women to live a good moral life unless they are given the tools to do it with.

I would like to point out another thing here. It is interesting that some of the states, unlike our own here, have been seriously considered with just what is needed for men and women to live an adequate and decent life. For instance, the State of Washington, they have done a report there and they have

estimated that for a single, self-employed woman, self-supporting, in order to live a minimum, adequate, decent life, she should have a gross income of \$2,900 per year.

The bill that we are presently considering calls for one dollar per hour, based upon a forty-hour week would gross a single, self-supporting employed woman in Maine, \$2,080 as opposed to the \$2,900 that is mentioned there in the Washington State study.

Point number two, I would like to point out if I may the study that was done by the U. S. Labor Department stating that for an average city family there \$2.25 an hour is a fair minimum to provide the essentials of life.

In answer to the gentleman from Orono, Mr. Treworgy, the Roosevelt — Kennedy bill, yes, if passed, will cover 4,500,000 people in the retail trade, which are presently uncovered by the Federal Minimum Wage Law. This will leave 2,004,020 people still uncovered, and I would ask him, are not the people that are uncovered, are not the people that are represented by the over almost two and a half million figure, as equally as important as the people who are represented and who would be covered if the bill were passed here, the people who are in the four and a half million figure there?

I think that one of the great problems and great challenges before us, in this twentieth century to me, is the final elimination of poverty. I think this represents one of the small parts of our state where poverty does exist because of subsistence, sub-normal, sub-marginal wages.

I think this is our duty and our task to bring our minds to bear and our judgment and to move ahead in this area. I think that with the passage of a dollar minimum wage law in the State of Maine, it represents real progress in that area in the final possible elimination of this great vacuum of human waste. Thank you.

The SPEAKER pro tem: Is the House ready for the question?

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I think this

is a good bill and I hope it will not be indefinitely postponed. I can see where it would do no harm to the people who I have talked with and I support very much the conclusions of the gentlewoman from Rumford, that in my area the small businesses are paying, and if you take notice this is pretty well watered down, there's a lot of exclusions, and I can see where it would not do any harm, except I can see where it would do some good because I have checked with the chain stores, and I find they are the greatest offenders and just how they got out of it is more than I know. Now you take these chain stores like Woolworth's and Grants and all of those, and which have stores in a great many states, and how in the name of common sense they can get out of paying the minimum wage that is required by the Federal when little folks like we have in Bowdoinham, who sell a few chickens in Boston, and yet they have to pay the federal minimum wage. Now if anything can be done to straighten out this thing, I know how the big chain stores got out of it, they got out with the power of money. Now, I think it is only fair that they do the right thing as what is required of the rest of us who don't have any money. I hope the motion to indefinitely postpone does not prevail.

The SPEAKER pro tem: Is the House ready for the question?

The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: Since a roll call has been requested, I would like to make myself clear on this bill.

The SPEAKER pro tem: The Chair will advise the gentlewoman that the roll call is not requested on this motion.

Mrs. CHRISTIE: Oh, I see. Well, I want to make myself clear on this bill. I am not opposed to a dollar wage, and as I stated before, I pay it myself to a boy who shovels my walk. I even asked the man who works for me if he shouldn't have more because he was collecting less than a dollar, and I said "You ought to have a dollar,"

and he said "I'm not worth more than that." Well, this one thing that I think we should consider that there are people who could be employed for a lesser amount who are not worth perhaps the dollar, and there are those who would be deprived of work because people can employ, that is as someone else has said can pay just so much for labor and it would have to be on that basis that they would employ labor, and perhaps others would be prevented from working because of this bill. But the thing that I am more concerned about than anything else is the regimentation entailed in a bill like this, and for that reason, I shall vote against it even though I am in favor of a dollar wage for anyone who can earn it.

The SPEAKER pro tem: Is the House ready for the question?

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those small store operators. We have a small store. We have at the present time three people working. I would be ashamed, very much ashamed, if I couldn't pay a dollar as a minimum wage. I hope that the motion of the gentleman does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: When the vote is taken, I would request that it be taken by a roll call.

The SPEAKER pro tem: A roll call has been requested.

The Chair recognizes the gentleman from Madison, Mr. Hendsbee.

Mr. HENDBEE: Mr. Speaker, Ladies and Gentlemen of the House: I think one point that hasn't been brought out here in reference to this minimum wage law is that we are the only state in New England who does not have it. They have had it in Massachusetts since 1912. Now you know what the purchasing power of a dollar is today and then ask a man to work for less than a dollar, I think it's absurd because in all these smaller towns and particularly the one that I come from, we have quite a bit of employment there for people in stores and posi-

tions of that kind and they are forced to take it. I know in my town, right at the present day, there are women working fifty-four hours a week for \$25, and in gainful employment and people make a lot of money on the services of those people by paying them such a small amount, and I offer my full support to this dollar minimum wage. We should have had it years ago.

The SPEAKER pro tem: Is the House ready for the question?

The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker, Members of the House: Several years ago, I am sure you can remember it, the federal government came in and said we had to pay one dollar. At that time there were many, many small industries in our state. I happened to be one of those small industries employing a few people. I believe at that time we were paying 45 cent an hour minimum, and we ransacked our brains and tried to think of some way we could ever reach a dollar minimum. Many, many days later, we found there were several ways. It isn't just something that you find overnight. These people who were receiving 45 cents an hour at that time were not actually making a living wage, and in industry we believed that it was. True at that time the dollar was worth more; however, as time progressed and we were on the dollar minimum, we even went above the dollar minimum, and we found that by giving the dollar or dollar and a quarter we were getting better help. We were getting better production, and all through the plant the spirit of the workers improved so much that half of our problems were not present. Now, today these industries who are not paying a dollar, who are wholly within our own state; they are not doing interstate commerce business, I am sure that many of them could well afford to pay the dollar minimum. Their profits in many cases are as large as some in industry today, and I can quote you on my own personal business last year, we grossed 4% profit and thought we were doing well. I am sure many of the stores

and many of the people affected are certainly grossing more profit than that, but we believe in business that if you can give your workers a fair wage, the harmony in your group is much better, your work is much better, and all along the line people are happier and whole. I certainly hope the motion of indefinite postponement does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, I have to confess I am going to vote against this bill, but my reasons for it are quite different from those that have been brought up. I do not agree with the breadth of the exemptions included in this bill. I have been unable to understand why the person who can't get along if engaged in trade or in a business, can however be prosperous in being exempted, his employer can be exempted by this Legislature if he is engaged in agriculture, if he's engaged in domestic service, if he's in a public supported organization, if he's engaged in commercial fishing, or he or she is a switchboard operator. This to me represents class legislation, preference, and, I suspect, although I wouldn't want to accuse any committee of anything, that these exemptions have been given so as to get the votes of the people who represent those classes of employers. I think the exemptions are too wide, the same line of reasoning applies, they are the same sort of human beings no matter where they are working, and I completely disagree with the width of these exemptions.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am both amazed and pleased by the remarks of the gentleman from Lubec, Mr. Pike. We would welcome if this is adopted possibly amendments that would retail some of the exemptions which he objects to. As a point of information, I would advise the gentleman that L. D. 1337 has many more exemptions than L. D. 154. This is why we whole-

heartedly support L. D. 154. There are fewer exemptions.

The SPEAKER pro tem: Is the House ready for the question?

The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, Members of the House: For a great number of years, our nation has tried to legislate prosperity. I don't see the effect of it to this date. As we increase salaries, our products increase in price, but this is not a national issue, it's a Maine issue, and we have more small towns in Maine than we do large cities. I have heard many say that they have benefited their industries by hiring more productive labor, better people to work. Now, what has absorbed those — what industry has absorbed those that were layed off because they were not productive? Many of our small towns employ elderly women who don't work for entire support, but to supplement support from their meager incomes of deceased husbands or trust funds and such. What disturbs me as much as anything is how many of these people in small towns will be laid off from work, how much less service will be given to the communities because of stores closing earlier, and as Mr. Pike, the gentleman from Lubec mentioned, what about these exemptions? Now, if many of these other industries or occupations could be exempted, I would support probably a dollar an hour without question or a dollar and a quarter. I can't hire a man in my town for less than a dollar and a quarter an hour, but there are many elderly women; there are many young people working in the shops in the class towns that I represent which have less than 2,000 population. What's going to happen to those girls and boys, those elderly women, when they are layed off?

The SPEAKER pro tem: Is the House ready for the question?

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: I thought I wouldn't say any more on this subject this morning but there is one matter been brought up that I think perhaps needs a little explanation. There is much talk about these

large chain stores. Now, as I happen to be a member of that committee, and I don't remember of any of those people from those chain stores appearing before our committee, and I see sitting behind the railing several people who could take care of those chain stores if they wanted to. Those chain stores, I understand, are fairly well organized anyway and I doubt if this bill would bother them very much, and I'm inclined to go along with my friend from Milbridge, Mr. Kennedy and my friend from Lubec, Mr. Pike.

The SPEAKER pro tem: Is the House ready for the question? A roll call has been requested by the gentlewoman from Rumford, Miss Cormier.

In order for a roll call to be ordered, it must be desired by more than one-fifth of those present. Will all those who desire the yeas and nays to be taken, please rise and stand in their places until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously more than one-fifth of those present having expressed their desire, the yeas and nays are ordered.

The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Thereupon, Mr. Dennison of East Machias, who would have voted "yes" had he voted, was excused from voting as he paired his vote with Mr. Boone of Eastport, who was absent but would have voted "no" were he present.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Orono, Mr. Treworgy, that both Reports on Bill "An Act relating to Minimum Wages," Senate Paper 82, Legislative Document 154, be indefinitely postponed. If you favor the indefinite postponement, you will answer "yes" when your name is called. If you oppose indefinite postponement, you will answer "no" when your name is called.

The Clerk will call the roll.

ROLL CALL

YEA — Bacon, Baker, Baxter, Bragdon, Brockway, Brown, Ban-

gor; Brown, Cape Elizabeth; Brown, Ellsworth; Carter, Carville, Caswell, Chapman, Gardiner; Chapman, Norway; Choate, Christie, Clark, Danes, Dean, Dennett, Dodge, Dumaine, Dunn, Ederly, Edmunds, Edwards, Stockton Springs; Emmons, Ervin, Frazier, Graves, Hancock, Hanson, Lebanon; Hardy, Harrington, Harris, Heald, Hobbs, Hodgkins, Jewell, Kennedy, Knapp, Lindsay, Linnell, Maddox, Mathews, Mathieson, Mayo, Monroe, Morse, Perry, Easton; Philbrick, Pike, Rankin, Smith, Exeter; Smith, Falmouth; Stanley, Storm, Treworgy, Turner, Wade, Walter, Weston, Wheaton, Whitman, Williams, Winchenpaw.

NAY — Aliberti, Barnett, Beane, Berman, Briggs, Cahill, Call, Cormier, Cote, Couture, Cox, Coyne, Crockett, Curtis, Cyr, Augusta; Cyr, Fort Kent; Davis, Westbrook; Desmarais, Dostie, Doyle, Dudley, Dufour, Dumais, Edwards, Raymond; Gallant, Good, Haughn, Healy, Hendricks, Hendsbee, Hilton, Hughes, Jacques, Jalbert, Johnson, Karkos, Kellam, Kilroy, Kinch, Knight, Lacharite, Lancaster, Lane, Lantagne, Lebel, Lemelin, Letourneau, Lowery, Maxwell, Miller, Moore, Nadeau, Perry, Hampden; Pert, Pitts, Plante, Prue, Reed, Rowe, Limerick; Rowe, Madawaska; Saunders, Shepard, Tardiff, Trumbull, Walls, Walsh, Warren, Whiting, Young.

ABSENT — Boone, Caron, Davis, Calais; Dow, Edgar, Earles, Hanson, Bradford; Hutchinson, Jewett, Jones, Parsons, Porell, Rollins, Russell, Sanborn.

EXCUSED — Dennison.

Yes 65. No 69. Absent 15, Excused 1.

The SPEAKER pro tem: Sixty-five having voted in the affirmative and sixty-nine having voted in the negative, with fifteen absentees and one excused, the motion does not prevail.

The question now before the House is the motion of the gentleman from Portland, Mr. Miller, that the House accept the Minority "Ought to pass" Report. The gentleman from Lisbon, Mr. Karkos, requested a roll call vote.

The Chair recognizes the gentleman from Lisbon, Mr. Karkos.