

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

Urban Renewal Authorities," House Paper 555, Legislative Document 811, tabled on May 6 by the gentleman from Lubec, Mr. Pike, pending further consideration. This bill was engrossed in the House and engrossed as amended by Senate Amendment "A" in non-concurrence; and the Chair recognizes that gentleman.

Mr. PIKE: Mr. Speaker, I had intended to introduce an amendment at this time, but as further information came in, it seemed unnecessary and ill timed, so I will not do it. Whatever the motion required is, and I can't make it out from here, to send this bill merrily on its way, I would be glad to make it.

The SPEAKER: The Chair would advise the gentleman that the motion to accomplish what he desires would be to recede and concur.

Mr. PIKE: I so move.

The SPEAKER: The gentleman from Lubec, Mr. Pike, moves that the House now recede and concur. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: Would the gentleman from Rumford, Miss Cormier, and the gentleman from Auburn, Mr. Wade, please meet with the Speaker at the rostrum. The House may be at ease.

(Conference at rostrum)

The SPEAKER: The Chair now lays before the House, Bill "An Act Establishing a Minimum Wage," L. D. 92, the New Draft number being L. D. 1337, which was tabled earlier in today's session and assigned for later in today's session. The pending question before the House is the acceptance of either Report.

The Chair recognizes the gentleman from Auburn, Mr. Wade.

Mr. WADE: Mr. Speaker, I now move that the House accept the Minority "Ought to pass" Report in the New Draft L. D. 1337.

The SPEAKER: Does the gentleman wish to speak to his motion?

Mr. WADE: Only at this time to state that I believe it should have its first two readings and be ready for amendment.

The SPEAKER: The question before the House now is the motion of the gentleman from Auburn, Mr.

Wade, that the House accept the Minority "Ought to pass" Report. Is the House ready for the question?

Will all those who favor the acceptance of the Minority "Ought to pass" Report please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The Bill was then given its two several readings.

The SPEAKER: The Chair recognizes the gentleman from Verona, Mr. Walsh.

Mr. WALSH: Mr. Speaker, I offer House Amendment "A" and move its adoption, under filing number 319.

Thereupon, House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to S. P. 472, L. D. 1337, Bill, "An Act Establishing a Minimum Wage."

Amend said Bill in that part designated "**Sec. 132-C**" by striking out in the last line the underlined figure "\$80" and inserting in place thereof the underlined figure '\$1'

The SPEAKER: The question before the House is the motion of the gentleman from Verona, Mr. Walsh, that the House now adopt House Amendment "A".

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: We are delighted with this amendment. It is immaterial to us whether the bill carries a Democratic name or a Republican name. The thing that we are interested in is to get a dollar minimum wage with not too many exceptions for the welfare of the working man of this State. Above party politics, we believe, is the benefit to be derived from this bill. We feel that a dollar in this day and age is very little to give to the working man, and consequently we are very glad to support this amendment. And when the vote is taken I would ask for a roll call.

The SPEAKER: The gentleman requests a roll call.

Is the House ready for the question? The question before the House is the motion of the gentleman from Verona, Mr. Walsh, that the House adopt House Amendment "A" to Bill "An Act Establishing a Mini-

mum Wage," Senate Paper 472, Legislative Document 1337. If you favor the adoption of House Amendment "A" you will say "yes" when your name is called; if you oppose the adoption of House Amendment "A" you will say "no".

The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Just for a matter of information, Mr. Speaker, did you ask if the required number wanted a roll call?

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, the Chair must have the expression of a desire for a roll call from at least one-fifth of the members of the House. Will those who desire a roll call please rise —

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen a roll call is in order.

The Chair will restate the question. The question is on the motion of the gentleman from Verona, Mr. Walsh, that the House adopt House Amendment "A". If you favor the adoption of House Amendment "A" you will say "yes". If you oppose it you will say "no".

The Clerk will call the roll.

ROLL CALL

YEA — Aliberti, Bacon, Baker, Barnett, Baxter, Beane, Boone, Bragdon, Briggs, Brockway, Brown, Bangor; Brown, Cape Elizabeth; Brown, Ellsworth; Cahill, Call, Caron, Carter, Carville, Caswell, Chapman, Gardiner; Chapman, Norway; Choate, Christie, Clark, Cormier, Cousins, Couture, Cox, Coyne, Crockett, Cyr, Augusta; Cyr, Fort Kent; Davis, Westbrook; Dean, Dennison, Dodge, Dostie, Doyle, Dudley, Dufour, Dumaine, Dumais, Dunn, Earles, Edgerly, Edmunds, Edwards, Raymond; Edwards, Stockton Springs; Emmons, Ervin, Frazier, Gallant, Good, Graves, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Harris, Haughn, Heald, Healy, Hendricks, Hilton, Hobbs, Hodgkins, Hughes, Hutchinson, Jacques, Jalbert, Jewell, Johnson, Karkos, Kellam, Kilroy, Kinch, Knapp, Knight, Lancaster, Lane, Lantagne, Lebel, Lemelin, Letourneau, Lindsay, Lin-

nell, Lowery, Mathews, Mathieson, Maxwell, Mayo, Miller, Moore, Morse, Parsons, Perry, Easton; Perry, Hampden; Pert, Pike, Pitts, Plante, Porell, Prue, Rankin, Reed, Rollins, Rowe, Madawaska; Russell, Saunders, Shepard, Smith, Exeter; Smith, Falmouth; Stanley, Storm, Tardiff, Treworgy, Trumbull, Turner, Wade, Walls, Walsh, Warren, Weston, Wheaton, Whiting, Whitman, Winchenpaw, Young.

NAY — Kennedy, Philbrick, Williams.

ABSENT — Berman, Cote, Curtis, Danes, Davis, Calais; Dennett, Desmarais, Dow, Hendsbee, Jewett, Jones, Lacharite, Maddox, Monroe, Nadeau, Rowe, Limerick; Sanborn, Walter.

Yes 129, No 3, Absent 18.

The SPEAKER: One hundred twenty-nine having voted in the affirmative and three in the negative, with eighteen absentees, House Amendment "A" is adopted.

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

Miss CORMIER: Mr. Speaker, I now offer House Amendment "B" and move its adoption, and I would like to make a few remarks.

The SPEAKER: The gentlewoman from Rumford, Miss Cormier, offers House Amendment "B" and moves its adoption.

House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to S. P. 472, L. D. 1337, Bill, "An Act Establishing a Minimum Wage."

Amend said Bill by striking out paragraphs C, D and E subsection III of Section 132-B and inserting in place thereof the following:

'C. Any individual employed as an outside salesman on a commission basis, whose working time and mode of operation are not in any material manner regulated or prescribed by the employer;

D. Any individual engaged in the activities of a public-supported nonprofit organization or in a program controlled by an educational nonprofit organization;

E. Any individual employed as a counselor or junior counselor by

a summer camp for boys or girls under the age of 19 years;'

Further amend said Bill by striking out all of subsection V of section 132-B and inserting in place thereof the following:

V. "Wages" paid to any employee includes compensation paid to such employee in the form of legal tender of the United States, checks on banks convertible into cash on demand, and also includes the reasonable cost, which shall be consistent with rules and regulations as set forth by the Employment Security Commission, to the employer of furnishing such employee with board, lodging or other facilities if such board, lodging or other facilities are furnished by such employer to his employee and used by such employee. In any occupation in which gratuities have customarily and usually constituted and have been recognized as part of the remuneration for hiring purposes, wages shall also include an allowance for such gratuities in an amount not to exceed 30 cents per hour, provided the employee received in gratuities the amount claimed, and the commissioner may require each employer desiring an allowance for gratuities to provide substantial evidence that the amount claimed was received by the employee.'

Further amend said Bill in that part designated "**Sec. 132-C.**" by striking out the underlined figures "\$.80" and inserting in place thereof the underlined figure '\$1.'

The SPEAKER: The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: In brief explanation of this amendment I would say that in comparison of the two bills we now both exempt agriculture workers, we now both exempt domestic workers, we now both exempt salesmen on commission, we now both exempt public supported non-profit institutions, we now both exempt educational non-profit organizations, we now both exempt counselors working in summer camps where there are boys and girls under nineteen years of age, we both exempt persons in

commercial fishing and we both exempt public switchboard operators in systems of less than seven hundred and fifty stations.

Now in addition to that, this amendment would restore the following exemptions: it would restore waiters and waitresses, it would restore private nursing employees, it would restore students on all educational levels, it would restore part-time workers employed twenty-four hours a week or less. In other words, this amendment would now include the above people under the Ross bill.

We still feel very strongly that with two many exemptions, with the exemptions offered in the original Ross bill, that the bill would take care of so few people that it would almost be worthless. And consequently we are willing to go along with the dollar minimum wage with these exemptions restored and still the bill would be sponsored by a member of the majority party. When the vote on this amendment is taken, I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Good.

Mr. GOOD: Mr. Speaker, I would like to ask a question of the gentleman from Rumford, Miss Cormier, to clarify something that she said.

The SPEAKER: The gentleman may state his question through the Chair.

Mr. GOOD: The question would be this: Does she mean to say that if this amendment should be adopted that if you employ a student to work for you that he would not come under the minimum wage as set forth in the bill?

The SPEAKER: The gentleman from Sebago, Mr. Good, addresses a question through the Chair to the gentleman from Rumford, Miss Cormier, who may answer if she chooses.

Miss CORMIER: The student would come under the minimum wage.

The SPEAKER: Does the gentleman consider his question answered?

Mr. GOOD: I do.

The SPEAKER: The gentleman may proceed.

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: We now have two bills—I can't help smiling because I love you all. And they both have a minimum wage, that is we have one of a dollar. Now this amendment here would put a dollar minimum on 1337; well, we have already done that. We just had a previous amendment to put a dollar on 1337. And L. D. 154 as originally printed, of course had a dollar on it. Now that fact has been established, you have two bills with a dollar minimum on it. Now we don't need this amendment. Therefore I hope that this amendment is not adopted.

Now you have got two bills—this can be confusing. This takes part of the L. D. 154, which is the so-called MacDonald bill, and would put it into the bill that we are now discussing, into the so-called Ross bill. And you would have a Republican minimum wage law with Democratic provisions. (Laughter)

Now the gentlewoman from Rumford, Miss Corner, says that she doesn't care whether we have a Democratic bill or a Republican bill. So let's have a Republican bill and leave this amendment out. Democrats don't care. The floor leader of the Democratic party says she doesn't care. So that is fine, let's leave the amendment out. We don't care either, so let's go along with the Republican bill.

Now this amendment is lifted under the MacDonald bill and would put it into the Ross bill. Now here is what it would do, paragraph by paragraph.

Paragraph C of course is the present bill we are discussing now, would be changed. Waiters and waitresses would come under — if this was adopted waiters and waitresses would come under the minimum. You would have to pay them a dollar an hour excepting the employer could receive a credit of up to thirty cents an hour for his tips, for the waiters' tips. Well, under the so-called Ross bill the employer can credit the full amount of the tips. Why not? You know a lot of these waiters and waitresses earn a lot more than a dollar an hour in tips. Now if you are only

going to be able to credit thirty cents an hour and the employer has to pay the balance, that is not just.

Paragraph D would make employees of private nursing homes come under the bill. That is the same as in the MacDonald bill.

Paragraph E, if you adopt this amendment under paragraph E, you will have to pay students a dollar an hour. Now that is going to put a lot of students out of work. They won't be able to obtain employment during the summer, because as you know a lot of them are beginners and learners etc.

And, if you want to hire anyone to work for you for less than twenty-four hours in a week, they work twenty hours a week, they will also come under the minimum if you adopt this particular amendment. Now a lot of people like to hire a handyman around, they employ them for twenty, twenty-two hours a week, and they can't get work any place else; they are not worth, we will say, a dollar an hour, but if you adopt this bill here, this amendment, you will have to pay them a dollar an hour. However, after they have worked twenty-four hours during the week then they must be paid the minimum of one dollar an hour.

That long paragraph there, "Wages" — is lifted also entirely out of the MacDonald bill. There is one difference in it and I mentioned that before, and it only gives the credit to the employer of thirty cents in tips an hour regardless of the fact that she may earn or he may earn a dollar and a half or two dollars an hour.

Since it is agreeable with the Democratic party that they don't care which bill they have, I hope that this amendment will not be approved and that the bill that we have in its present form will be presented for adoption.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Wade.

Mr. WADE: Mr. Speaker and Members of the House: As the gentlewoman from Rumford has said, the important thing is not the name on the bill. The important thing in this bill as in other bills is the contents. Many of us feel that the exclusions in L. D. 1337 are the exclusions that we prefer.

I therefore move that House Amendment "B" be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Wade, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: I wish to thank the gentleman from Auburn, Mr. Wade, for clarifying my position. I said at the beginning I didn't care whose name was put on the bill as long as it carried a dollar minimum wage and not too many exceptions, and I still hold to that. I don't think that that is very unusual as I remember the fifteen million dollar bond issue was amended and reduced to thirteen, which was a Democratic proposal. So I don't think that this is unusual. Also, if the gentleman from Sebago, Mr. Good, wishes to place upon the label of the Democratic Party on the legislation that would benefit the working man, I don't mind in the least.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Good, the gentleman from Sebago, has objected to our not including students, and particularly college students, in the exemptions. Certainly these individuals, many of whom must work their way through college, certainly this is not a surprise for most of you here, particularly those of you who have attended Bowdoin College and the University of Maine, and at Bates, these students must supplement what assistance they receive from their homes or from scholarships, by working long and hard during the summer months. We feel that exempting them, these individuals who are in need, is not fair. And I wish to emphasize that we do care and the reason that we do care is why we are proposing this amendment.

I think we have been very fair, apparently both parties have now concurred that the dollar minimum should be enacted. The question

now lies in, should the bill have something substantial in it or watered down to where it will be of little use? This is why we have proposed this amendment. I think that in all fairness the Republican party in this House should go along with us. We are not being unreasonable. It is not unfair in this democratic way of life to compromise. To be sure, they may have been suggested by Democrats; and again the Republican minimum wage law may be enacted. But I think that in all fairness to the people of the State of Maine that we should not adopt the watered down bill, and this is why we have proposed this amendment with no ulterior motives. Our only interest is that of the working people in the State of Maine.

When the vote is taken I request that it be taken by roll call vote.

The SPEAKER: Is the House ready for the question? The gentleman from Old Orchard Beach, Mr. Plante, has requested a roll call. For the Chair to order a roll call the Chair must have the expression of the desire for a roll call from at least one-fifth of the members of the House. Will those who favor a roll call please rise and remain standing.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen a roll call is ordered. The Chair will state the question. The question before the House is the motion of the gentleman from Auburn, Mr. Wade that the House indefinitely postpone House Amendment "B" to Senate Paper 472, Legislative Document 1337, Bill "An Act Establishing a Minimum Wage". If you favor the indefinitely postponement of House Amendment "B" you will say "yes" when your name is called, and if you oppose the indefinite postponement you will say "no".

The Clerk will call the roll.

ROLL CALL

YEA — Bacon, Baker, Baxter, Bragdon, Brockway, Brown, Bangor; Brown, Cape Elizabeth; Brown, Ellsworth; Call, Carter, Carville, Caswell, Chapman, Gardiner; Chapman, Norway; Choate, Christie, Clark, Cousins, Cox, Crockett, Dean, Dennett, Dennison,

Dodge, Dumaine, Edmunds, Edwards, Stockton Springs; Emmons, Ervin, Frazier, Good, Graves, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Haughn, Hobbs, Hodgkins, Hutchinson, Jewell, Kennedy, Knapp, Knight, Lindsay, Linnell, Mathews, Mathieson, Mayo, Moore, Morse, Parsons, Perry, Easton; Perry, Hampden; Philbrick, Rankin, Rollins, Shepard, Smith, Exeter; Smith, Falmouth; Stanley, Storm, Treworgy, Trumbull, Turner, Wade, Weston, Wheaton, Whiting, Whitman, Williams, Winchenpaw.

NAY — Aliberti, Barnett, Beane, Boone, Briggs, Cahill, Caron, Cormier, Couture, Coyne, Cyr, Augusta; Cyr, Fort Kent; Davis, Westbrook; Dostie, Doyle, Dudley, Dufour, Dumais, Dunn, Earles, Edgerly, Edwards, Raymond; Gallant, Harris, Healy, Hendricks, Hilton, Hughes, Jacques, Jalbert, Johnson, Karkos, Kellam, Kilroy, Kinch, Lancaster, Lane, Lantagne, Lebel, Lemelin, Letourneau, Lowery, Maxwell, Miller, Pert, Pitts, Plante, Porell, Prue, Reed, Rowe, Madawaska; Russell, Saunders, Tardiff, Walls, Walsh, Warren, Young.

ABSENT — Berman, Cote, Curtis, Danes, Davis, Calais; Desmarais, Dow, Heald, Hendsbee, Jewett, Jones, Lacharite, Maddox, Monroe, Nadeau, Pike, Rowe, Limerick; Sanborn, Walter.

Yes 73, No 58, Absent 19.

The SPEAKER: Seventy-three having voted in the affirmative and fifty-eight in the negative, with nineteen absentees, the motion to indefinitely postpone House Amendment "B" does prevail.

The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I have an amendment, I believe it is being distributed now, if we could recess just a moment until they have been distributed.

The SPEAKER: The gentleman from St. Albans, Mr. Hughes, wishes to offer an amendment which is now being distributed. The House may be at ease for just a moment but please do not leave the hall. The gentleman from Rumford, Miss Cormier, may approach the rostrum.

(Conference at rostrum)

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

Miss CORMIER: Mr. Speaker, I would now move that we recess for ten minutes for us to look at this new amendment. I promise it won't be longer than ten minutes.

The SPEAKER: The gentlewoman from Rumford, Miss Cormier, now moves that the House recess for ten minutes.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair now recognizes the gentleman from St. Albans, Mr. Hughes.

Thereupon, Mr. Hughes of St. Albans presented House Amendment "C" and moved its adoption.

House Amendment "C" was read by the Clerk as follows:

HOUSE AMENDMENT "C" to S. P. 472, L. D. 1337, Bill, "An Act Establishing a Minimum Wage."

Amend said Bill in that part designated "Sec. 132-B" by adding at the end of subsection III the following underlined blocked paragraph:

'H. Any home worker who is not subject to any supervision or control by any person whomsoever, and who buys raw material and makes and completes any article and sells the same to any person, even though it is made according to specifications and the requirements of some single purchaser.'

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HUGHES: Mr. Speaker, this amendment in brief would exempt the home workers, the workers, some of them are elderly women, some of them are women that are taking care of a husband that is, — or other member of the family that is unable to work, and they do earn considerable money by knitting and crocheting and so forth.

I have been down to the Attorney General's office and from their view of the bill, I didn't try out 1337 but on 154 they couldn't see where they were exempt. And on the federal wage bill there were some of these women that were hired or let this work out to other workers that got in quite a mess with the federal

government. Finally I think they had a ruling on it but the Attorney General's office figured that the safe way and the way not to have any complications arise from this would be to have an amendment put on. So I offer this amendment.

The SPEAKER: The question before the House is the motion of the gentleman from St. Albans, Mr. Hughes, that the House adopt House Amendment "C". Is the House ready for the question?

Will those who favor the adoption of House Amendment "C" please say aye; those opposed, no.

A viva voce vote being taken, House Amendment "C" was adopted.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, now that the amendments — I assume that the amendments have all been presented, I would move that we adjourn until tomorrow morning.

The SPEAKER: Would the gentleman defer for just a moment. Would the gentleman approach the rostrum.

(Conference at rostrum)

The SPEAKER: The gentleman from Rumford, Miss Cormier, now moves that the House adjourn. Will all those in favor of the House adjourning please say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

The SPEAKER: Seventy having voted in the affirmative and fifty-four in the negative, the motion does prevail, but the Chair will point out to the House that since no time was specified, under an order adopted earlier in the session, the time of reconvening tomorrow morning is ten o'clock.

The House stands adjourned until ten o'clock tomorrow morning.