

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
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AND BE IT FURTHER ORDERED, that the Clerk of the House is hereby directed to send Miss Lee-man an attested copy of this Order.

(Applause)

On motion of Mrs. Smith of Fal-mouth, it was

ORDERED, that Mr. Frazier of Lee be excused from attendance Monday, Tuesday and Wednesday because of business.

Passed to Be Engrossed

Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators" (H. P. 950) (L. D. 1346)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Weekly Benefit for Partial Unemployment" (S. P. 72) (L. D. 122)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, with regard to item two, investigating the background of this bill, I find that the level set is definitely out of line with national practice. It is considerably higher than the majority of the other states use. For this reason it seems to me that it very likely would have a substantial impact on the unemployment security fund, and I would like to investigate the extent of this, and therefore I would like to request permission to table this bill until Thursday next.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, moves that this item be tabled pending passage to be engrossed and be specially assigned for Thursday, May 14.

The Chair recognizes the gentleman from Friendship, Mr. Winchen-paw, who may not debate the motion.

Mr. WINCHENPAW: I request a division.

The SPEAKER: A division has been requested. Will those who favor the tabling motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-four having voted in the affirmative and fifty-eight having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Resolve Providing for Purchase of History of the Town of Unity (S. P. 152) (L. D. 373)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Resolve for the Purchase of Fifty Copies of "The Story of Houlton" (S. P. 108) (L. D. 258)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" and sent to the Senate.

Bill "An Act Establishing a Minimum Wage" (S. P. 472) (L. D. 1337)

Was reported by the Committee on Bills in the Third Reading, and read the third time.

Mr. Walsh of Verona offered House Amendment "D" and moved its adoption.

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

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

Amend said Bill by striking out all of the underlined paragraph E of subsection III of section 132-B and inserting in place thereof the following:

'E. Those employees of summer camps for boys or girls under the age of 19 who are counselors or junior counselors; employees regularly enrolled in an educational institution, or are on vacation therefrom; or part-time worker work-

ing no more than 24 hours per week for any one employer;'

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker, may I ask a question with reference to this amendment, through the Chair to anybody that can answer, the last two lines that say a part-time worker working not more than 24 hours per week for any one employer. Could that mean people working in chain stores for instance could work twenty-four hours for one chain store and then go into another chain store and work twenty-four and go to another one and still come under the exemption as specified on this particular one, House Amendment "D"?

The SPEAKER: The gentleman from Rumford, Mr. Aliberti, has addressed a question through the Chair to anyone who may answer if he chooses. The Chair recognizes the gentleman from Verona, Mr. Walsh.

Mr. WALSH: This amendment doesn't change the original wording in the bill as it now is. The only thing this amendment does is insert two semi-colons and strikes out two words and inserts 'employees'. What the original intent here is I do not know.

The SPEAKER: Does the gentleman consider his question answered?

Mr. ALIBERTI: Yes, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I would like to direct a question on this amendment because of that semi-colon, it seems to me it changes the intent of the former paragraph E considerably. I would like to ask if that would now, if this amendment is adopted, if that would exclude all employees of any educational institution, during the whole year, I mean.

The SPEAKER: The gentleman from Kennebunk, Mr. Emmons, has addressed a question through the Chair to anyone who may answer if he chooses.

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

Mr. ROWE: As I understand it, the bill which is affected by this amendment here exempts students, number one, and number two, anyone who is working twenty-four hours a week or less this amendment therefore would include students and anyone who is working any length of hours per week.

The SPEAKER: Does the gentleman consider his question answered?

Mr. EMMONS: No, Mr. Speaker.

The SPEAKER: Would the gentleman restate his question?

Mr. EMMONS: Does Amendment "D", if adopted, exclude all employees of any educational institution no matter during what time of the year they are employed?

The SPEAKER: The gentleman from Kennebunk, Mr. Emmons, addresses a question through the Chair to anyone who may answer if he chooses.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: My interpretation, I think the key word there is enrolled, and it would exclude or exempt all individuals of any educational facility that is enrolled.

I don't think it would exclude teachers. Thank God for that!

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Brunswick, Mr. Lowery.

Mr. LOWERY: I request a division.

The SPEAKER: A division has been requested. Will those who favor the adoption of House Amendment "D" to Bill "An Act Establishing a Minimum Wage," please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-seven having voted in the affirmative and sixty-three having voted in the negative, House Amendment "D" was not adopted.

The gentleman from Madawaska, Mr. Rowe, was granted unanimous consent to address the House.

Mr. ROWE: Mr. Speaker and Members of the House: I will have to correct my interpretation of this

amendment here. My heart sort of skipped a beat here when I first looked at it, and I was thrilled and delighted because I thought we were excluding many of the exemptions which I had objected to in the minimum wage bill, and I find out there are just a few minor changes here and that we are still voting against counselors in summer camps, students, and also those who are working twenty-four hours a week or less to be included by the minimum wage, and my remarks there I misinterpreted it.

Mr. Lane of Waterville offered House Amendment "E" and moved its adoption.

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

HOUSE AMENDMENT "E" 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 paragraph A of subsection III the following underlined words and punctuation: 'or individuals employed in candling eggs;'

The SPEAKER: The question before the House is the motion of the gentleman from Waterville, Mr. Lane, that the House adopt House Amendment "E". The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker and Members of the House: I would just like to explain what this amendment will do. The farmers, when they sell the eggs to the city people and beef houses and they have to candle the eggs, and under this bill they would have to pay \$1.00 minimum wage. If we don't adopt this amendment the farmers could go to work and candle their own eggs and hire the women for fifty cents an hour, they don't come under the minimum wage, and I don't believe that is fair competition, and a farmer can do the same work, do the same thing today, hire the women for fifty cents an hour and the people in the cities would have to be punished and have to pay \$1.00 an hour.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Waterville, Mr. Lane. What is the hourly pay of egg candlers now?

The SPEAKER: The gentleman from Southport, Mr. Rankin, has addressed a question through the Chair of the gentleman from Waterville, Mr. Lane, who may answer if he chooses.

Mr. LANE: I would say between fifty and sixty cents an hour.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: I come from an area where there are thousands of laying hens and that is the living of several farmers, and I hope you will adopt the amendment of the gentleman from Waterville because most of the time they hire young boys after school to do this for between sixty and seventy-five cents an hour.

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

Mr. GOOD: Mr. Speaker, I do not wish to take sides at this particular time on this amendment, but I would like to point out that students already are excluded from the minimum wage under this bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Waterville, Mr. Lane, that House Amendment "E" shall be adopted. A division has been requested.

Will those who favor the adoption of House Amendment "E" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty having voted in the affirmative and eighteen having voted in the negative, House Amendment "E" was adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "C" and "E" in non-concurrence and sent up for concurrence.