

MAINE STATE LEGISLATURE

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OF THE

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OF THE

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The motion prevailed and the resolve was finally passed.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 27th tabled item being "Resolve in Favor of Lena Freyer of Covington, Kentucky." (S. P. 366) (L. D. 1049) tabled by that Senator on April 14 pending final passage; and that Senator moved the pending question.

The motion prevailed and the resolve was finally passed.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 51st tabled item being, "Resolve in Favor of A. R. Palmer of Litchfield tabled by that Senator on April 27 pending final passage; and that Senator moved the pending question.

The motion prevailed and the resolve was finally passed.

On motion by Mr. Ross of Sagadahoc, the Senate voted to take from the table the 81st tabled item being bill, "An Act Establishing a Minimum Wage." (S. P. 472) (L. D. 1337) tabled by that Senator on May 12 pending consideration.

Mr. ROSS of Sagadahoc: Mr. President, I will now move the question and I would like to speak to the amendment.

The Secretary read House Amendment A.

Mr. ROSS of Sagadahoc: Mr. President, I suppose that our spectators shuddered here when the words eighty dollars were mentioned. Of course we have been talking about the dollar and the eighty cent bills. I have expressed time and time again my philosophy concerning minimum wages. I recently put in a bill calling for a dollar. I amended that to eighty cents, after careful consideration of our entire economic situation.

The hullabaloo that has been raised that the Republican Party is only willing to give a worker thirty-two dollars a week is absolutely ridiculous. We are not setting an arbitrary value on labor but we admit there is no state law at the present time and we are willing to shoulder our responsibility to correct the outstanding wage rates that a few employers

are giving, and we do not think it is advisable to go the whole way the first jump. Many of us certainly would never go along with any policy that "if I can't give the whole hog, I will give absolutely nothing." If the members of the other party honestly feel that way their minimum wage law should have been one dollar with no exceptions. I hope today that there will be no banner waving. The headlines have been won and in my opinion it was at the peril of sacrificing the principles of minimum wage.

What was not mentioned in debate before was that ninety per cent of these employees are not primary wage earners but secondary wage earners. Certainly we will admit it would be hard to support a family on thirty-two dollars a week but when we are talking about augmenting the primary income, we say that a person is worth at least eighty cents an hour and not the present wages that many of them are getting of fifty cents an hour.

Now, this morning, I am going to support this amendment raising it from eighty cents to a dollar because I hope that certain exemptions will be offered and accepted by this Body. I now move that the Senate adopt House Amendment A.

Mr. WOODCOCK of Penobscot: Mr. President, as one of the Senators who at one point in the legislative course of this bill endorsed the eighty cent minimum wage figure, I rise now to support this amendment. The original Senate action on the eighty cent figure was based in part upon a hope that concurrent action in the House thereby could be reached in inscribing upon our statute books some minimum wage law. Perhaps not one clothed in perfection but one nevertheless that would express legislative support for the minimum wage principle.

When the subsequent House comment was heard in favor of the one dollar figure it became evident that the eighty cent amount was not the amount they wanted and so it is that for one reason, that of possible concurrent action, I hope that the Senate will muster enough

strength for this amendment to be adopted here and now.

A more concerning reason, although one that is not any more essential from a practical viewpoint, in supporting this increased figure is found in the bedrock ground of human brotherhood; namely, that no man or woman should suffer the indignity of working by the sweat of his brow for a substandard wage. Even if this amendment is successful of adoption and subsequently if the bill is enacted by both branches of the legislature and signed by the Governor, those that would be covered and would receive the one dollar amount for an hour's work would I think be receiving little enough for their labor. I fully support this amendment and will evidence my belief in it concretely by my vote.

Mr. MacDONALD: Mr. President and members of the Senate, the other bill referred to was the bill that I introduced, L. D. 154, which called for originally, one dollar, went down to defeat at one dollar and was changed over to L. D. 1337 establishing a dollar. Now I don't care whose name is on that bill, I want the dollar and I'm going along with this amendment and I hope that the whole Senate goes along with the amendment. It is worth it. It is the money for those people that I'm interested in. I'm not interested in having my name on the bill.

Thereupon, the rules were suspended and the Senate voted to reconsider its former action where by the bill was passed to be engrossed; House Amendment A was adopted in concurrence.

The Secretary read House Amendment C.

Mr. ROSS of Sagadahoc: Mr. President, this is the amendment which covers primarily those women who do sewing and knitting in their homes. In the original bills, I thought that they would be covered under part time workers but a ruling has said that this would not be so, so I certainly move the adoption of this amendment.

Mr. MacDONALD of Oxford: When I agreed, and gladly agreed to the dollar minimum wage, I would like to see somebody get it, somebody who is not exempted

so that they will get that dollar. If we're going to pass them the bottle without the contents, the tree without the fruit, we might as well forget the whole thing. Now I understand that there are other exemptions coming in here. Let us be fair with the workers. Let us be fair and give them the dollar. Let's not give it to them in the beginning then take it away from them at the end.

The PRESIDENT: The question is on the motion of the Senator from Sagadahoc, Senator Ross, that House Amendment C be adopted.

Mr. MacDONALD: Mr. President, I ask for a roll call.

The PRESIDENT: In order for the Chair to order a roll call, there must be the affirmative vote of at least one-fifth the members present.

A division of the Senate was had. Obviously a sufficient number having risen, the roll call was ordered.

The Secretary called the roll, and the Senators answered as follows:

YEAS: Bates, Boucher, Briggs, Charles, Cole, Dow, Hillman, Lewis, Lord, Martin, Parker, Pierce, Rogerson, Ross, Stilphen, Weeks, Woodcock, Wyman — 18.

NAYS: Coffin, Dunn, Duquette, Farley, Fournier, Hunt, Lessard, MacDonald, St. Pierre, Thurston, — 10.

ABSENT: Brown, Carpenter, Noyes, Willey — 4.

Eighteen having voted in the affirmative and ten opposed, the motion prevailed.

The Secretary read House Amendment E.

Mr. ROSS of Sagadahoc: Mr. President, in my opinion, this is an amendment in an entirely different category. It was offered by a member of the other party. It is an exemption which would affect a small minority group, egg candlers. I say it is inequitable because it would be very difficult to administer. For instance on a farm, a person gathering the eggs, they would not be required to pay him a dollar, but then when he went in to the candling room to candle the eggs, they would have to pay him a dollar for that part of his work and so I say it would be most difficult to straighten this con-

dition out and how you would ever be able to establish the differential in rates because of his job, I do not know, and I oppose this amendment, and I will move its indefinite postponement.

The PRESIDENT: The question is on the motion of the Senator from Sagadahoc, Senator Ross, that House Amendment E be indefinitely postponed.

A viva voce vote being had, the motion prevailed and House Amendment E was indefinitely postponed in non-concurrence.

Mr. ROSS of Sagadahoc: Mr. President, I present an amendment and move its passage and request the Secretary to read it in its entirety.

The Secretary read Senate Amendment A.

Mr. ROSS of Sagadahoc: Mr. President, for the edification of the members of the Senate, this amendment changes two commas to two semicolons and that is all it does. When I told our esteemed director of legislative research Mr. Samuel Slosberg about it, he said that he thought we should have had this prepared before the mock session because all it does is to change two commas to two semicolons.

This may appear picayune but in reality that certainly is not a joke. In the original committee redraft, two semicolons were inserted. By typographical error they were changed to commas, and with the intended punctuation the exemption will include counsellors, persons going to an educational institution or on vacation therefrom and part time workers, but without the semicolons and with just the commas, it would just include counsellors and make three categories of them. I move that this amendment be adopted.

Mr. LESSARD of Androscoggin: Mr. President, I would like to pose a question, through the Chair, to the Senator from Sagadahoc, Senator Ross. You now say that the semicolon will make it that the part time worker does not refer back to summer camp employees nor refer to them no matter where they work?

The PRESIDENT: The Senator from Androscoggin, Senator Lessard poses a question to the Senator from Sagadahoc, Senator Ross, and

that Senator may answer if he so chooses.

Mr. ROSS of Sagadahoc: Mr. President, the esteemed attorney from Androscoggin County, Senator Lessard is absolutely correct in his assumption.

The PRESIDENT: The question is: Shall the Senate adopt Senate Amendment A in non-concurrence.

A viva voce vote being had, the motion prevailed and Senate Amendment A was adopted in non-concurrence.

Mr. CHARLES of Cumberland: Mr. President, I now present Senate Amendment B and move its adoption and would ask the Secretary to read the complete amendment.

The Secretary read Senate Amendment B.

Mr. CHARLES of Cumberland: Mr. President, during our discussion of recent date relative to this bill I made certain comments relative to small business. I brought forth certain facts that I thought were very important for the economy and stability of our small businesses that have three or less employees. I urge upon you to give this amendment serious consideration. If you do not give this consideration to these small merchants we are going to lose them definitely. They are not operating on a big margin of profit. They are in stiff competition with big business. The type of labor sometimes employed by them does not require essential skill and therefore in order to preserve small business in this state, I urgently request that you adopt this amendment.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, the opposition has been very magnanimous this morning in giving us one dollar. Now come the amendments to take everyone out from in under the one dollar.

We have taken out egg candler and now they are taking out those who work in stores or establishments with three or less. I don't know but what there are amendments to take out those with five or less, ten or less or a hundred or less. I think it is just a mockery to say to the laboring men and women of Maine, "We are going to give you a dollar" and then exempt

everything. I think this is terrible. Either we recognize the principle that a working man or woman is entitled to a dollar an hour or we don't and these kind of amendments which allow exemption after exemption after exemption, pages of them, — well we're not doing anything for anybody. We endorse the principle of a dollar an hour and then say no one can have it. I hope that this amendment will be defeated and I now move that we indefinitely postpone the amendment and I ask for a division.

Mr. HUNT of Kennebec: Mr. President and members of the Senate, I think with these amendments coming up it might be a good time to get one or two points straightened out.

I want to state my position here. I was for the MacDonald one dollar an hour bill; I am for the Ross one dollar an hour bill provided that is the chief point in the bill. It does not make any difference to me under what name the bill goes or who the sponsor is; I am for the dollar an hour and shall so vote. However, it is possible to kill a bill by amendments, and I think we may be facing such a situation here.

The position of some of those now in favor of a dollar an hour bill seems to me to require clarification. I have here before me the proofs of April 30th and May 1st. The MacDonald bill was argued at that time, and also the Ross bill. This record shows that repeatedly those in favor then of the eighty cents an hour bill stated that the economy of the State of Maine would not stand more than eighty cents. There were others of the opposition who said that we should try eighty cents an hour first at this session and then at some other session we could try the dollar. One of the good senators made the point that the poor elevator man at the Augusta House probably would be out of a job if we went to more than eighty cents an hour, and there were other examples of older people that we were told would not be able to work if we accepted more than eighty cents an hour. Reason after reason was then stated as to why the economy of the State of Maine — and it is all

in the proof of April 30th and May 1st — why the economy of the State of Maine would not stand more than eighty cents an hour at that time.

I would like to propose a question through the Chair for anyone to answer: What happened to the economy of the State of Maine in the last week which now makes it possible for certain of the senators to now back one dollar an hour who felt a week ago that eighty cents an hour was all that they could back? I am sure that it is not the fact that there is a different sponsor to the present dollar an hour bill that made this change. If the argument is going to be presented here however, that the change in the exemptions, that these new amendments which are being added to exempt certain classifications, is the thing that might have made the difference so that they are now able to support a one dollar an hour minimum wage with the exemptions whereas they could not do so previously, I raise this question: Why did not someone at the prior debate, if that was the only thing that was holding them up on the previous one dollar an hour bill, why didn't they then suggest some of these exemptions to us at that time? And if the change in exemptions makes it now possible, does that not mean that a great section of the working men of the State of Maine must be perhaps exempted and cut out from the benefits of the act?

It seems to me that those are things which should be clarified for the record. First, has the economy of the State of Maine been in any way changed since our prior debate? Secondly, does the addition of these exemptions affect such a large part of the working class that they now feel, what they felt would not a week ago be detrimental to the economy of the State of Maine could now be passed without affecting them.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I just wanted to place upon the record the fact that small businesses that employ three or less employees are now exempt under the Employment Security Act relative to contributions.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: I rise in opposition to this amendment. I think that everyone here realizes my position on the bill as a whole. I think if we keep adding these amendments we are going to have a barrel without a bottom. Thank you.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I heard it whispered in the corridors that the opposition is going to offer eight amendments to this bill for the purpose of killing it altogether. I really could not believe it because I think we are off to the races now, and I think that this is the time to stop them by defeating this amendment.

Mr. ROSS of Sagadahoc: Mr. President, in answer to the Senator from Kennebec, Senator Hunt, I believe he asked what has happened to our economy when one week later we support a dollar, and then we supported eighty cents. My feeling is exactly the same now as it was then. I favor a minimum wage law. I favored the eighty cents. I would not change that stand unless I was going to favor some exemptions under that. I have no intention of killing this bill by amendments, but I furthermore do not want to legislate people out of jobs, and if we did not have amendments such as some of these are, that is exactly what we would be doing, and in so doing we would certainly be defeating our purpose of wanting to help those persons who are getting substandard wages.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that Senate Amendment B be indefinitely postponed.

Mr. CHARLES of Cumberland: Mr. President, when the vote is taken I request a roll call.

The PRESIDENT: A roll call has been requested. To order a roll call, requires the affirmative vote of at least one-fifth the members present.

A division of the Senate was had.

Obviously a sufficient number having risen, the roll call was ordered.

The Secretary called the roll, and the Senators responded as follows:

YEAS: Boucher, Coffin, Dunn, Du-

quette, Farley, Fournier, Hunt, Lessard, Lewis, MacDonald, St. Pierre, Thurston, 12.

NAYS: Bates, Briggs, Charles, Cole, Dow, Hillman, Lord, Martin, Parker, Pierce, Rogerson, Ross, Stilphen, Weeks, Woodcock, Wyman, 16.

ABSENT: Brown, Carpenter, Noyes, Willey-4

Twelve having voted in the affirmative and sixteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Charles of Cumberland, Senate Amendment B was adopted in non-concurrence.

Mr. Parker of Piscataquis presented Senate Amendment C and moved its adoption.

The Secretary read Senate Amendment C.

Mr. PARKER of Piscataquis: I offer this amendment well aware that in the State of Maine we have many small private hospitals. Several of those have contacted me within the last few days and have indicated to me that if they are required to pay one dollar an hour minimum wage that they must of necessity close their doors. For that reason, I offer this amendment.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: Here is another amendment to do away with another class of people. There may be some small hospitals perhaps who will feel the pinch if they have to pay a dollar an hour, but there are a lot of privately-owned rest homes, and privately-owned hospitals that charge pretty good — if you don't think so, try to get into them — and I am sure they can afford to pay a dollar an hour to the people who work there — forty dollars a week on a forty-hour week. I am sure they can pay that. I remember the argument of the good Senator from Sagadahoc, Senator Ross, sometime last week when he said that possibly some of these who cannot operate and pay a living wage should look around and perhaps discontinue business, or something of that sort.

This is just another amendment, as I said before, to offer the workman a dollar, be very magnanimous and give him a dollar, and then bring in all these exemptions.

I don't know who is left. Probably it is the poor old fellow over at the Augusta House, the elevator man, and probably there is an amendment to take care of him. Let's not make him the only one out of a job. This simply bars everyone out by bringing in these amendments. If this be politics, believe me it has gone pretty low.

I ask for a division when the vote is taken.

Mr. MacDONALD of Oxford: Mr. President, I had an idea that I would file an amendment, have the bill tabled and file an amendment exempting everyone except those who had purple hair, but I do not think I will do it now. (Laughter)

Mr. BOUCHER of Androscoggin: Mr. President up to this point I have kept quiet. I had hoped that with the giving in on one amendment which I voted for to appease the Republican Party, that they would be satisfied. I notice by now that they are going to exempt everybody. I shall go out and have an amendment prepared to exempt the building trades so I will be able to pay whatever I want instead of paying \$1.50 or \$2.00, or \$3.50 for masons.

I have been here long enough to see the changes in the name on bills from Democrat to Republican. That is nothing new and I have no fight with that. You are the majority party and you want the credit for this bill, although I think we showed you the way a week ago. But you were wrong and the House decided to change it to one dollar. Now you are trying to kill this bill by kindness to everybody who is sick or infirm or young by exempting them under this bill. It is getting to be a farce, and I am ashamed of this legislature trying to do such a thing, trying to tell the working people of Maine that we are taking care of you, that we going to give you one dollar but are exempting 90 per cent of you so only 10 per cent will get the one dollar and the other 90 per cent will get whatever we agree on. I think this is a farce and I think we ought to be ashamed of ourselves, and I for one think that one dollar for everybody is low enough in the State of Maine.

Mr. ROSS of Sagadahoc: Mr. President, I am delighted that the

Senator from Androscoggin, Senator Boucher, admits that the Republican Party wants to be kind to the sick and the old people of the State of Maine. We certainly want to be kind to them. We do not, as I said, want to legislate them out of a job, and these amendments are certainly not affecting 90 per cent of the twenty-two, twenty-three or twenty-four thousand people that would have been covered in the first place. It is only a very small percentage of those people that we are going to exempt, and we want to exempt them rather than have them put out of their jobs when small business is forced to pay them one dollar which they really cannot afford to do.

Mr. HUNT of Kennebec: Mr. President, this is my first session here and I realize that I have many things to learn. I am wondering, if our good friends of the opposition were sincere, why some of these amendments were not suggested a week ago when the MacDonald bill was then being discussed. They certainly would have worked as well under that bill as under the present one.

In reply to a question that the good Senator from Sagadahoc, Senator Ross asked, I look at column 8 of the proof of April 30th, where the good senator said, "I favor the principle"—that is of one dollar an hour presumably — "but I believe that this amount of eighty cents is all our economy can stand."

Now I think we are entitled to know, because that seemed to be the sentiment of most of those who argued at that time for an eighty cents an hour bill, that our economy could not stand more; I still think we should know what has happened since then that our economy now can stand a dollar an hour when so many speakers a little over a week ago said that Maine's economy just could not stand more than eighty cents an hour. Also, I think it should be clarified for everyone here as to the effect that these exemptions have in connection with that statement. Do they feel that by putting on enough exemptions that it will make it cover so few that it will not seriously affect the State of Maine? Is that the purpose?

Mr. ROGERSON of Aroostook:

Mr. President and members of the Senate: I hesitate to speak on a subject which is in an area which I know too little about, however I would like to make it clear why I am supporting the amendments which have been offered.

First let me say that I have no illusions about the effects of the amendment or the exclusion to this bill, because in effect when you exclude certain workers you are subsidizing the consumer of goods and services at the expense of the workingman.

To illustrate that, let me point out that whenever you buy goods or services, incorporated in the price which you pay are all of the costs which are incurred in producing and delivering the goods to the consumer. In the case of the hospital service, you can see that the user of the hospital service is being subsidized at the expense of the working people if an exclusion or an exemption is made in that case, the same as in the case of grocery store people: if the people there are exempted then the consumer of the goods and services which they render are the ones who are getting the benefit.

Now in spite of the fact that we are subsidizing the consumers of goods and services at the expense of the working people, I am supporting these amendments because I am told that without these amendments the jobs of certain of them will be jeopardized. Now it is possibly true that if you do not exempt these people and it is necessary to mark the cost of the goods and services up enough so that the consumer can bear the extra load which would result from increasing the workers' salaries, it is true, possibly, that some of these businesses, being marginal, would go out of existence. So temporarily, at least, I feel we should support these exemptions which result in retaining jobs for certain people who might otherwise lose them, in spite of the fact that the true nature of these exemptions is to subsidize the consumer at the expense of the working people.

Mr. ROSS of Sagadahoc: Mr. President, I have just three points that at the present time I would like to make.

At the committee hearing when both of these bills were being heard, our good friend, the Senator from Oxford, Senator MacDonald, after due consideration, agreed to amend his bill down to eighty cents. At that time I certainly thought that we were going to get some bipartisan support and bring out a committee redraft. But they have changed their tactics, evidently, I know not why and I care not why.

The second point: It was said "Why didn't we offer these exemptions last week?" These exemptions would not have been necessary under the eighty cent bill. And remember, when we talk about the over-all economy, we are not talking about big business and industry where the people are now getting two dollars, two-fifty — and I even heard it mentioned by Senator Boucher that he was paying three dollars and a half — we are talking about the fringe economy, the economy that affects the secondary wage-earner not the primary wage-earner.

Mr. LESSARD of Androscoggin: Mr. President, we are not going to talk about the economy, we are not going to talk about what is involved. Let's talk about the poor employees who are employed in establishments of three or less employees; let's talk about employees working in private hospitals. What about them? You are asking them to live on less than forty dollars a week. Explain to me how they are going to do that. We are asking that they be given one dollar an hour, which, on a forty-hour week, would be forty dollars a week. Explain to me how you expect those people to get along. Perhaps they would be better off if they were out of a job than to have to work for fifty, sixty or seventy cents. Tell me: how are these people going to live on less than forty dollars a week?

Mr. BOUCHER of Androscoggin: Mr. President, according to Senator Ross of Sagadahoc we should go back to classes. He is going to have classes in workingmen; he is going to have a high-salaried working man and give him a good wage, and he is going to have an existence wage of one dollar for the ordinary man, and those who are old and sick and feeble will get what-

ever the employer wants to pay them. I do not call that progressive legislation; I call that going back to what I have already stated in the Senate several times, going back a hundred years to the civil war. People from other states call us backward, and they have reason to call us backward, because we are never up to the times. The motto of the State of Maine is "Dirigo," "I lead." Certainly we are far from leading on the question of a minimum wage.

We have spent an hour this morning and we spent several hours a week ago discussing this problem. Some of the Republican Party apparently have changed their minds and they are now willing to go to one dollar, but they want to exempt everybody or most everybody from the law. What is the use of the law if we are going to exempt everybody? A law, as I understand it, is for everybody in this state, not a few. If we are going to vote a one-dollar minimum wage let's vote a one-dollar minimum wage and let's not exempt anybody from that. They can pay more than a dollar if they want to, but let us not let them pay less than a dollar to the working person.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I would like to inform the Senator from Sagadahoc, my good friend Senator Ross, that he is absolutely mistaken in his statement that I, after due consideration, said I wanted to go back to eighty cents. I said the first time I spoke on this bill before, that the chairman of the committee quite readily asked each one of us to make a statement on our bill. He did not tell us how to make it or what to say. And at that time I said that I might, after consideration, go back to eighty cents. That is in the statement to the committee. It didn't take me long to change my mind, because one of the men who spoke against both bills represented the Merchants Association, and he said this, if I remember correctly: that for the last six years, with the exception of five months, the cost of living has gone up, therefore the thing to do is to reduce wages. Now if that is not an asinine statement I would like to know what is. But

all through the committee hearing this was the position, directly or indirectly, that they took. So it was at that time that I began to find out what they were paying and what the conditions were. And within twenty-five minutes after I made my statement I definitely decided that I was going to stay with the dollar, and I told some of the people sitting alongside of me what I was going to do.

Now yesterday we spent an hour and a half talking about white perch, and they were very solicitous about white perch and they stated that they would get stunted if they did not get enough to eat, but no one seems to care about the children that will get stunted if they do not get enough to eat. It is the most asinine exhibition of legislation that I have ever listened to in here today, and it makes one absolutely disgusted.

Mr. BATES of Penobscot: Mr. President and members of the Senate: I must refute the statement made by the Senator from Oxford, Senator MacDonald. He presented his bill on an eighty cents an hour basis. At no time during the public hearing within my memory did he change his opinion, and even after the public hearings were over the Labor Committee followed my suggestion that Senators Ross and MacDonald be themselves a sub-committee of the Committee on Labor to come up with a redraft on the eighty cents an hour basis at which each bill was heard, the Ross bill and the MacDonald bill, at the time of the public hearing before the Labor Committee.

Mr. MacDONALD of Oxford: Mr. President, the good senator from Penobscot, Senator Bates, did appoint Senator Ross and I as a committee to work out a redraft, and and at that time I was taken down with the flu and I was home sick for over a week and I haven't seen the redraft yet.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Senate adopt Senate Amendment C. As many of those as are in favor of the adoption of Senate Amendment C will rise and remain standing until counted, and those opposed.

A division was had.

Fifteen having voted in the affirmative and thirteen in the negative, the motion prevailed.

Mrs. LORD of Cumberland then presented Senate Amendment D and moved its adoption.

Mr. ROSS of Sagadahoc: Mr. President, I hope that our good friends from the opposite party will view this in a little different light, because here is something entirely different; here is something that opens it up a little bit, because the present bill which they have agreed to adopt says that all waitresses and all waiters will be exempted. That was done because in the larger, better-established restaurants those waiters and waitresses make a major portion of their remuneration in tips, and so they did not want to come under the minimum wage. But I felt sorry for those persons in the smaller establishments where they get few gratuities and I thought something should be done. This amendment says that they must receive the major portion of their remuneration from tips before they will be exempt.

Mrs. LORD of Cumberland: Mr. President and members of the Senate: I feel that this amendment does help the waiters. They get good tips in most places, and if you do not have this amendment then their tips would have to be reckoned into their salary and it would be to their detriment. So I move adoption of the amendment.

Mr. HUNT of Kennebec: Mr. President, it seems to me that if the members of the opposition were really interested in helping the laboring man they might do more by going back to their eighty-cent bill without exemptions than to have this one with so many exemptions.

Mr. LESSARD of Androscoggin: Mr. President, I would like to ask a question through the Chair of the Senator from Sagadahoc, Senator Ross, who seems to be directing these amendments.

The PRESIDENT: The Senator from Androscoggin, Senator Lessard proposes a question to the Senator from Sagadahoc, Senator Ross, and the Senator may answer if he chooses.

Mr. LESSARD: Section 5 of this

bill provides for wages. Does not that provide for the computation of wages including tips, gratuities and commissions of every kind, and wouldn't it take care of it if you took out the words "waiters and waitresses" from Section C?

Mr. ROSS of Sagadahoc: Mr. President, originally, in the original bill, this section concerning waiters and waitresses was not included because I thought that they would be included under Section 5, but if all waiters and waitresses were included under Section 5 they would all come under the bill and they would all have to do things like declaring tips and so forth, and it is my opinion that is not the thing that the waiters want to do in the larger establishments. This helps the waiters in the smaller establishments.

It was mentioned by the good Senator from Androscoggin, Senator Lessard, that I seem to be directing these things. It was only because I originally presented it. It was supposed to be a committee redraft. It is not my original bill. I had hoped that it would be a committee redraft. But if I am guiding this it is only because I am the whipping-boy today, Senator Lessard, and I hope I can take it gracefully enough. But if you will look at Section C, I didn't prepare this amendment and maybe they did not intend to do this, but they have also taken out another category that was exempt under the original bill, because they have not included outside salesmen on a commission basis. So there is another reason why I would hope that the opposition party would go along with it because this is loosening the situation up.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: I can buy part of this amendment but I cannot buy the whole deal, and that is the last sentence, "service employees" which I assume would mean chambermaids. Chambermaids in our hotels and our various establishments are working for slave wages. I know that because I occupy one of the rooms at one of our nearby hotels. They are working for two dollars a day, sometimes eight or ten hours each day, for a minimum of fourteen

dollars per week. You may say they get some tips, but they get mighty few tips. I contend that they do have a tendency to make up a certain part of that establishment, and from that reason I certainly definitely will oppose this amendment because I feel that that particular category should be struck out of the amendment.

Mr. LESSARD of Androscoggin: Mr. President, I want to thank the Senator from Somerset County Senator Carpenter, because he brought it to my attention. That is the bill that takes care of the elevator man over to the Augusta House. (Laughter) I knew that there was going to be one somewhere and I didn't know where it was, but this is it, and I am glad that the good Senator called it to my attention. That is going to take care of the service employees, which would be the elevator man and the chambermaids and what have you throughout all these establishments, and they will be exempt. I don't know how many tips he gets, except a few tips on the races perhaps. I don't think he gets any cash. And so far as the chambermaid in the room, I don't know how many tips she gets either. I am going to make the motion that this amendment be indefinitely postponed.

Mr. ROSS of Sagadahoc: Mr. President, this amendment is certainly not an amendment to take care of the elevator operator because at the end of it it says that the major portion of his remuneration has to be in tips. If you think he gets the major portion of his remuneration in tips, I certainly do not believe it nor do I believe that the chambermaids do either, so that is why I shall oppose the motion of the Senator from Androscoggin, Senator Lessard.

Mr. CARPENTER of Somerset: Mr. President, in answer to my good friend, the Senator from Sagadahoc, Senator Ross, our chambermaid states that the average tips she receives from home roomers there is fifty cents per week.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I certainly did not intend to speak today, but when we bring in certain phases of the economy of

the State of Maine I think it is time that I get on my feet. I am a little disgusted with this Senate. I do not see why we should single out any one industry or any one place when we discuss this matter. Just so we can cool ourselves off for a few moments, I would like to tell you how I feel about the whole matter.

In the progress of history we have had the Stone Age, the Iron Age and the Machine Age and we are now living in the age of conformity, the age in which the quest for security has displaced opportunity. The accent is on the group; the individual is of little concern; the mass is all that matters. This false doctrine is shot through our whole economy. The end result of this type of thinking is to worship the government, to believe that it can do everything except anything wrong; that the unfailing way to find right and truth and justice is to take a popularity vote. We act as if the State can feed us when we are hungry, heal us when we are ill, raise wages and lower prices at the same time, educate our children without cost, that we need only to pass a law and sit back and be overwhelmed by all the goodness that it does. It is the difference in people that counts. The object of education is to develop your own talents to the best of your ability; it is not to conform. It is time that we used our common sense. Hard work, not legislation, makes production; production, not legislation makes prosperity. This legislature cannot amend the laws of economics any more than it can amend the law of gravity, and that is just what we are trying to do here today.

Senate Amendment D was read by the Secretary.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Lessard to indefinitely postpone Senate Amendment D.

A division of the Senate was had. Twelve having voted in the affirmative and seventeen opposed, the motion did not prevail.

Thereupon, on motion by Mrs. Lord of Cumberland, Senate Amendment D was adopted.

Mr. Bates of Penobscot presented Senate Amendment E and moved its adoption.

Mr. BATES of Penobscot: On the assumption that there may or may not be any more exemptions, this is my attempt to express to the enforcement division charged with the responsibility of carrying through the provisions of this act, the proper working tools and I am reasonably certain that all of us would agree that public hearings and methods of procedure with respect to bringing matters to the attention of the enforcement division are perfectly proper.

Mr. LESSARD of Androscoggin: Mr. President, I would like to ask a question in regard to the amendment and just what it does. I will pose the question to Senator Bates. Does that propose that if there is a violation, the employee must file a written complaint before anything is done?

The PRESIDENT: The Senator from Androscoggin, Senator Lessard, has asked a question of the Senator from Penobscot, Senator Bates, and that Senator may answer if he desires.

Mr. BATES of Penobscot: Mr. President, this is the problem. A procedure whereby such a complaint in writing and brought to the attention of the department rather than a verbal complaint, a telephone complaint. It is something the department will be able to check on and find out the merits of the thing, it having been presented to the department in written form.

Mr. LESSARD of Androscoggin: Mr. President, according to the explanation that has been given to me by the Senator from Penobscot, Senator Bates, is that there will be no enforcement of this by the enforcement office except upon a written complaint by an employee. That is as I understand it. Now, if that is true, here is what is going to happen. You are going to have some person who is employed for less than the minimum. I don't know who that is going to be but there will be someone although a very few and unless he writes out a complaint and submits it to the Commissioner of Labor, then nothing will be done about it. If he feels that his job is insecure and that

he may lose his job then he's going to keep quiet about it and work for sub-standard wages. He is going to sit back and say nothing about it and nothing will be done. This really weakens the law up pretty good and believe me, the amendments are taking care and very good care of this so-called lost bill this morning. If it isn't dead now, it surely will be before things are over because first we exempt everybody and now we fix it so that the poor employee who perhaps would be entitled to it, unless he files a written complaint with the Commissioner of Labor, why then no case will be made, there will be no prosecution and everything will be kept quiet. That is putting the employee in a fine situation. I oppose this sort of law.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Bates, that the Senate adopt Senate Amendment E.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Ten having voted in the affirmative and nineteen opposed, the motion did not prevail.

Mr. LESSARD of Androscoggin: Mr. President, now I am going to offer an amendment which is going to open this up a little bit. I now offer Senate Amendment F and move its adoption.

The Secretary read Senate Amendment F.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, this amendment takes out the words "part-time worker working not more than 24 hours per week for any one employer." The reason why I want to urge that this be taken out of the law is because I can't see because a person works 24 hours or less he should be entitled to less money. A person who is employed and does an hour's labor should be just as much entitled to a dollar as a man who works more than 24 hours a week. I can't see why because he is unfortunate enough to be unable to be employed more than 24 hours that he should be penalized and be exempted and not come under the one dollar an hour wage. Now what

would happen? I know the purpose of this. The purpose is this: That they can put on two shifts. Some of these stores can take young people, young girls and young boys and work one shift for twenty hours a week and the other twenty hours a week, and pay them less than a dollar. That can be done very easily. That takes care of the high school boy and girl who have to work afternoons in a store. They are entitled to a dollar an hour. They are entitled to be paid for their work. They are entitled to live. Because a person is working less than twenty-four hours a week, he eats just much, he sleeps just as much. He has to pay the bills just the same. The electricity keeps on. Why should they be exempt? Why should they be paid less than a dollar an hour? I move that this amendment be adopted.

Mr. ROSS of Sagadahoc: Mr. President, in reply to my very good friend, the satirical rhetorician from Androscoggin, Senator Lessard, I would like to mention why it was put in in the first place. It was put in in the first place not to have another shift but, as I originally thought of it, it was put in to take care of people who were working in their homes on part time work. So, I would go along with your idea, my good friend, Senator Lessard, if you will do one more thing. You have bothered me on my comma-semicolon deal again. If you will put in a semicolon in place of that comma, I will be delighted to go along with it.

Mr. LESSARD of Androscoggin: Mr. President, I will agree to that.

Mr. WOODCOCK of Penobscot: Mr. President, after listening to both of these Senators, I certainly would go along with Senator Lessard's amendment. I just would like to ask a question whether or not it takes another amendment to amendment Amendment F to get that semicolon in.

Mr. LESSARD of Androscoggin: Mr. President, if the amendment is returned to me I will take care of the semicolon and the comma.

Thereupon, on motion by Mr. Ross of Sagadahoc,

Recessed for five minutes.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair is pleased to announce that we are being honored by a visit this morning by the Maine Mother of the Year, Mrs. Chessell A. Bryant Davis of Montville, accompanied by her daughter, the wife of the Senator from Waldo, Senator Cole and the Chair will ask the Sergeant-at-Arms to escort these two ladies to the rostrum.

This was done amidst the applause of the Senate, the members rising.

The PRESIDENT: On behalf of the entire membership of the Maine State Senate, it is a real pleasure to have Mrs. Davis here this morning and I would like to take this opportunity to read the citation from the American Mothers' Committee: "The American Mothers Committee, Inc.

"Devoted worker, who established on the solid foundation of motherly love a home and a life that are model in their every spiritual and material appointment;

"Who reared her children in reverence for God and in an atmosphere of love, sympathy and understanding;

Whose successful service to her own State and community have made her widely recognized for her self sacrificing efforts;

CHESELL A. BRYANT DAVIS
"Beloved by all who know her, is hereby honored by the American Mothers Committee, Inc., as the 1959 Mother of Maine

(Signed)

Lillian D Poling, President
American Mothers Committee,
Inc."

The PRESIDENT: The Chair is going to ask Mrs. Davis if she will say just a few words to the Senate.

Mrs. CHESELL DAVIS: I thank you very much for giving me this honor. I am honored this morning to be 1959 Mother of Maine, and I do not know any better state in the union than the State of Maine. I thank you again. (Applause)

Mr. CARPENTER of Somerset: Mr. President, In the Senate this morning is a young lady whom I

have known for many years. She was a roommate of my daughter at Oak Grove and she is the sister of our good President, Senator Reed. I would suggest that the President ask the Sergeant-at-Arms to escort Mr. and Mrs. Arthur Mraz to the rostrum, so that she may sit beside her brother and watch him preside over this Honorable Body.

The PRESIDENT: The Chair thanks the Senator and requests the Sergeant-at-Arms to escort Mr. and Mrs. Mraz to the rostrum.

This was done amidst the applause of the Senate, the members rising.

MR. MARTIN of Kennebec: Mr. President, may I inquire if L. D. 1339 is in possession of the Senate?

The PRESIDENT: The Chair would ask the Senator to defer since there is a pending motion before the Senate.

The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that the Senate adopt Senate Amendment F.

MR. LESSARD of Androscoggin: Mr. President and members of the Senate, I might state for the purpose of the record that in the amendment prepared by me was the semicolon which was discussed previously and it could have been changed to a comma at any time before presenting it. I do want to state for the record that I appreciate that a semicolon being where it is now and where it is on the amendment offered by Senator Ross had a great deal of significance because that exempted, by adding the semicolon, it exempted any children who attend school, whether it is high school or colleges and not referring back to if they went to summer camps and of course I am opposed and was opposed to that and opposed the amendment that was offered by Senator Ross of Sagadahoc. However his amendment was adopted and because of that I allowed the semicolon to go through. However, I just want it clear that I am opposed to exempting high school children, and college children who are employed on vacation time and I still feel that they should receive a dollar an hour like the rest of them. However, my amendment carries the semicolon.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, to adopt Senate Amendment F.

A viva voce vote being had, the motion prevailed.

MR. ROSS of Sagadahoc: Mr. President, I move that the Senate reconsider its action whereby the Senate adopted Senate Amendment A. Senate Amendment A was the counsellor-summer camp deal, and my good friend, Senator Lessard of Androscoggin has so graciously agreed to compromise and give me one of my semicolons in exchange for part-time workers, I now move that Senate Amendment A be indefinitely postponed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Ross to indefinitely postpone Senate Amendment A.

A viva voce vote being had, the motion prevailed.

Thereupon, the bill, L. D. 1337, was passed to be engrossed as amended by House Amendment A House Amendment C, Senate Amendment B, Senate Amendment C, Senate Amendment D and Senate Amendment F in non-concurrence.

Sent down for concurrence.

MR. MARTIN of Kennebec: Mr. President, I would inquire if L. D. 1339 is in the possession of the Senate?

The PRESIDENT: The Chair would state that it is, having been held at the request of the Senator from Kennebec, Senator Martin.

MR. MARTIN of Kennebec: Mr. President, I would move that the Senate reconsider its action whereby it passed this bill to be enacted. In support of such motion I would simply say this. First of all I wholeheartedly agree with the high aims and high principles and high resolves of the people who put this bill together. I have not objected to the redraft and if my amendment which I later shall speak about is defeated, I shall vote for the bill. However it has come to my attention that perhaps an amendment to include a grandfather clause might be desirable. It is for this reason I make the motion that I do. I do not think the matter needs