

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1959  
and  
SPECIAL SESSION  
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**ERRATA:**

**The header on page 1949**

**in the Regular Session**

**should read**

**“SENATE, MAY 21, 1959”**

**instead of**

**“SENATE, MAY 20, 1959”**

## SENATE

Thursday, May 21, 1959

Senate called to order by the President.

Prayer by Rev. John Brett Fort of Bangor.

On motion by Mr. Dow of Lincoln,

Journal of yesterday read and approved.

The PRESIDENT: At this time it is the Chair's pleasure to invite another distinguished member of the Maine Senate to act as President pro tem during a portion of today's session and the Chair would ask the Sergeant-at-Arms to escort the Senator from Washington, Senator Wyman to the rostrum.

This was done amidst the applause of the Senate, and Mr. Wyman assumed the Chair, the President retiring.

### Papers from the House

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

In Senate on May 14, passed to be engrossed as amended by House Amendments: A (Filing No. 319) C (Filing No. 338) and Senate Amendments: B (Filing No. 379) C (Filing No. 380) D (Filing No. 381) F (Filing No. 382) in non-concurrence.

Comes from the House, passed to be engrossed as amended by House Amendments A, C, G (Filing No. 383) and Senate Amendments B, C, D, F, in non-concurrence.

In the Senate:

The Secretary read House Amendment G.

Mr. ROSS of Sagadahoc: Mr. President, I move that the Senate recede and concur with the House.

Mr. LESSARD of Androscoggin: I would like to call your attention to this House Amendment G which was the same amendment presented, practically the same as presented here in the Senate, which the Senate voted against when the bill was before the Senate on the last occasion. At that time I stated that this amendment practically took the insides right out of the law because this amendment provides that in regard to any viola-

tion of Section 136D which is the proviso that you shall pay a dollar an hour, it would have to be upon a written complaint setting forth the violation by the employee.

Now if that is required then that means that any employee who is not receiving a dollar per hour and is entitled to it, that nothing could be done unless he filed with the Commissioner of Labor a written complaint. Immediately he goes upon record and immediately he loses his job. I am going to point this thing out because I want it on the record. However, the purpose was establishing the one dollar an hour minimum wage law in the State of Maine and give them something on the books and in spite of these amendments which have practically torn the thing down, I would hope that maybe some day we can make it workable and more effective.

I am not going to object to the motion of the Senator from Sagadahoc, Senator Ross. However, I just wanted to point out that this amendment actually would compel the employee to reduce his complaint to writing before it could be considered as a violation of the law.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, since the good Senator Lessard of Androscoggin, has been so kind as to let this go notwithstanding his objections, we probably should not even explain it, but this amendment does not do what he says. He has made the statement that it takes the teeth out of the law.

I wish you would please turn to L. D. 1337, you who have it. Page 3, Section 132 A and see what this amendment does do. In prior years, the biggest complaints of those who said they "would not mind a minimum wage but —" were these: They said they didn't like wage board set ups; they didn't like record keeping; they said they didn't like blanket authority to be given to the Commissioner of Labor and Industry so in the original bill, both the Democratic sponsored bill and the Republican sponsored bill, this whole section was deleted but as we thought it over in committee, and when this redraft which was a committee redraft, was prepared, this was included to make the bill

workable. Now the first part of this amendment. Let me read the first part of that sentence. "The Commissioner or his authorized representative shall have the authority to enter any place of business and inspect the books, registers, pay-rolls" and so forth. Now this just says, so that you won't be giving carte blanche and so that the Commissioner won't helter skelter run around and go into any place, that they can only go in and inspect those records if a complaint has been made, and it says a complaint in writing, and of course that is obvious that you couldn't just have somebody calling up on the telephone at any time they so desired. It doesn't say that this complaint even has to be signed. That's all the first part of that does.

Then the next section. Section 2. As it is right now it says that the Commission may promulgate any rules and regulations that they so desire. That is pretty broad coverage. The second part of this amendment just says that they can promulgate these rules and regulations after they have had a public hearing where both employee and employer may be present to see that the rules and regulations are in conformity with what both of them desire, both the employer and the employee. So I fail to see how this amendment takes the teeth out of any part of the law.

Mr. LESSARD of Androscoggin: Mr. President, I find no fault with the second part of the amendment. I am merely referring to the first part of the amendment and what it does. The amendment reads that the Commissioner or his authorized representative upon written complaint setting forth the violation shall have the right to enter upon the premises and investigate the so-called complaint.

In effect, if that were true in the enforcement of all our laws, our police officer would have to wait in the police station until he got a written complaint from somebody before he went out to see if there was any violation of the law. That is what I am objecting to. I think that this accusation that the Commissioner of Labor would go helter skelter around the state is truly unfortunate. I don't think that is

what the Commissioner of Labor would do in any case. I have confidence in the Commissioner and our Labor Department that they wouldn't go helter skelter around the state trying to find violations. However, it would give them the power to look over certain industries from time to time to find out whether or not they were in compliance with the law.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Ross, that the Senate recede and concur.

Thereupon, the motion to recede and concur prevailed.

**Majority — OTP as amended "A"  
Minority A — OTP as amended "B"  
Minority B — ONTP**

The Majority of the Committee on Labor on Bill, "An Act Relating to Compensation for Injuries Under Workmen's Compensation Law." (H. P. 649) (L. D. 940) reported that the same Ought to pass with Committee Amendment A (Filing No. 391)

(Signed)

Senators:

BATES of Penobscot  
ROSS of Sagadahoc  
MacDONALD of Oxford

Representatives:

HANCOCK of Nobleboro  
WINCHENPAW  
of Friendship  
TREWORGY of Orono  
LETOURNEAU of Sanford  
MILLER of Portland

One member of the same Committee on the same subject matter, reported (Report A) that the bill Ought to pass with Committee Amendment B (Filing No. 392)

(Signed)

Representative

KARKOS of Lisbon

One member of the same Committee on the same subject matter, reported (Report B) that the bill Ought not to pass.

(Signed)

Representative

HARDY of Hope

In House, Majority Report accepted; subsequently, the bill was indefinitely postponed.