

# 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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 110 voted in favor of same and 12 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Finally Passed Constitutional Amendment**

Resolve Providing for the Date when the Amendment to the Constitution to Provide Continuity of Government in Case of Enemy Attack shall be Voted Upon (S. P. 511)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a proposed Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 130 voted in favor of same and 2 voted against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted Enactor Requiring Two-Thirds Vote**

An Act to Provide for the Date in Nineteen Hundred and Fifty-nine when the Bond Issues Proposed by the Legislature shall be Voted Upon (S. P. 509)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a division was had. 126 voted in favor of the same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

An Act Increasing Salaries of Various Department Heads and Commissions (S. P. 468) (L. D. 1331)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of this bill as "Ought not to pass," I feel that this Legislature should not put this law on the books just for the sake of having a law on the books, and with all the amendments on this law this law will cause more trouble than it will do good, and I for one have been over to the Department of Labor and Industry and we have asked them several questions and they say they cannot answer those questions, so I think the wisest thing to do would not be to put this law on the books so at this time I move indefinite postponement of L. D. 1337.

The SPEAKER: The question before the House now is the motion of the gentleman from Friendship, Mr. Winchenpaw, that Bill "An Act Establishing a Minimum Wage" and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: We have debated this many times. It has come to us. It is true we have placed many amendments on it, but nevertheless we have established the principle that there should be a minimum wage law in the State, that it should be one dollar and even with all of its amendments, I think that we certainly at this late date after all of the discussion that we have had that we certainly should not go along with this motion to indefinitely postpone, and I would request a division.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: At the very beginning and inception of this bill I opposed it because I did not think that we needed such legislation in Maine. We have a federal bill of a dollar an hour which covers just about every working person. Those who are not

working in interstate commerce are receiving a dollar an hour because of the competition of these plants and various industries which pay anywhere from a dollar to a dollar and a quarter or more.

It was my feeling at that time that this would only be an expense to the taxpayers in Maine. There is an administration cost, of course, to every bill that is passed by the Legislature. It seems to me that this was poorly conceived legislation in the beginning because we were already under a federal minimum wage law. I still don't see the need of a State minimum wage. As it is now with the various amendments, it is a minimum wage for few, but exemptions for many. I personally am not handicapped by this bill. I have three establishments, and by having three establishments I am able to employ three in each one and still not come under this bill. Now if you ladies and gentlemen of the House in all honesty believe this is true and honest legislation, I can't see how you feel that way because if one should come under it so should all. What is good for one is good for all.

There are a few elderly women that work in we'll say Grants or Freese's in Bangor, some of the places that are not laboring perhaps too strenuously, who are paid less than a dollar an hour. They choose this mode of work because they can take it easy. They are not driven every hour of the eight hours a day or the forty hours a week. I am disturbed too about the hodgepodge language in the amendment covering the waitresses in the hotels, motels, restaurants, and so on. As I recall this amendment, it says that the major portion of the salary or gratuities, — whichever is the major portion, now does that mean the lesser half or the greater amount of the half? Just what is the interpretation of this amendment?

Several weeks ago I was on a committee in Augusta and the department head of Labor and Industry was at that meeting. At that time she did not know that I was a legislator. I can't substantiate this statement but believe me this is what she said at that time. She was discussing it with some of her local

friends and she made the statement: "I respect most heartily those people who opposed the bill at its inception. I respect them more than I do those who have put on these various amendments." Now I believe she was very sincere in this statement because — what do these amendments do? It exempts just about everyone in the State of Maine. Now, if this is good legislation, can you say it is good legislation in all honesty? Who is covered by this legislation? As I remember one amendment that did not pass in this House was presented by the gentleman from Auburn, Mr. Turner. His amendment would be to exempt people working in laundries and dry cleaning plants. That is the only amendment that I know of that did not pass in this House, so evidently all we are legislating against are the people that run laundries and dry cleaning plants.

The administration cost of this bill so Miss Martin stated, was \$6,700. Now that was at the very beginning without the exemptions. What is the cost going to be with all of these exemptions, the clerical work entailed in the next biennium? Does anyone have that answer? If they have this answer in the debate, I would like to hear some real good figures of how much this is going to cost. If they hire one inspector, they must pay him anywhere from \$3,000 to \$4,000 a year and probably \$6,000 to do the State of Maine. Now he is going to be a superman, it seems to me, to be able to chase down all these exemptions, file and then do the clerical work and so on for \$6,700. Now, I do believe that once this man is employed, and I doubt very much in my own mind if one man can do this job, but once all this is done it must because of the nature of this bill and its structure with all of its amendments when it comes back into the Department of Labor and Industry, there must be some clerical work go on there too, so that must be a cost to the taxpayers. I have been speaking here since I came here about cost to the taxpayers, and I think this is going to be a tremendous cost to the taxpayers.

Now some would argue that this bill is better than no bill at all.

Well, I believe it is just cluttering up the statutes with another bill that has no benefit actually to the working people of the State of Maine. It is going to be a handicap too to those people who are under the exemptions, the employers. It is going to mean clerical work for them too, but don't forget it is going to be a tax burden added to your citizens.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, I spoke on this before. I stated at that time in debate that if the thing could not be killed in one fell swoop, the next step was to amend it to death. I think now the attempt is to debate it to death. I will not become a part of that attempt to kill this minimum wage by debate. All I will say is that I supported the minimum wage previously. I urge all to support it now and when the vote is taken, I would ask for a roll call.

The SPEAKER: Is the House ready for the question? A roll call has been requested. The pending question is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the House indefinitely postpone Bill "An Act Establishing a Minimum Wage."

For the Chair to order a roll call, the Chair must have an expression of the desire for a roll call on the part of at least one-fifth of the members of the House. Will all who desire a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen, a roll call is ordered. The pending question is the motion of the gentleman from Friendship, Mr. Winchenpaw, that Bill "An Act Establishing a Minimum Wage" Senate Paper 472, Legislative Document 1337, be indefinitely postponed. If you favor the motion to indefinitely postpone this bill you will say "yes" when your name is called, if you oppose the motion to indefinitely postpone, you will say "no." The Clerk will call the roll.

## ROLL CALL

YES — Bacon, Baker, Bragdon, Brockway, Brown, Bangor; Brown, Ellsworth; Carter, Carville, Caswell, Chapman, Gardiner; Chapman, Norway; Choate, Christie, Danes, Dennison, Dumaine, Dunn, Edmunds, Edwards, Stockton Springs; Ervin, Graves, Hancock, Hanson, Bradford; Hardy, Harrington, Hobbs, Hodgkins, Hutchinson, Jewell, Jewett, Kennedy, Knapp, Lindsay, Linnell, Monroe, Morse, Perry, Easton; Philbrick, Smith, Falmouth; Stanley, Whitman, Williams, Winchenpaw.

NO — Aliberti, Barnett, Baxter, Beane, Berman, Boone, Briggs, Brown, Cape Elizabeth; Cahill, Call, Caron, Clark, Cormier, Cote, Couture, Cox, Coyne, Crockett, Curtis, Cyr, Augusta; Cyr, Fort Kent, Davis, Westbrook; Dean, Dennett, Desmarais, Dodge, Dostie, Dudley, Dufour, Dumais, Earles, Edgerly, Edwards, Raymond; Emmons, Frazier, Gallant, Good, Hanson, Lebanon; Haughn, Heald, Healy, Hendricks, Hendsbee, Hilton, Hughes, Jacques, Jalbert, Johnson, Karkos, Kellam, Kilroy, Kinch, Knight, Lacharite, Lancaster, Lane, Lantagne, Lebel, Lemelin, Letourneau, Lowery, Mathews, Mathieson, Maxwell, Miller, Moore, Nadeau, Perry, Hampden; Pert, Pike, Pitts, Plante, Prue, Rankin, Reed, Rollins, Rowe, Limerick; Rowe, Madawaska; Russell, Saunders, Smith, Exeter; Storm, Tardiff, Trumbull, Turner, Wade, Walsh, Walter, Warren, Weston, Wheaton, Whiting, Young.

ABSENT — Cousins, Davis, Calais; Dow, Doyle, Harris, Maddox, Mayo, Parsons, Porell, Sanborn, Treworgy, Walls.

Yes: 43, No: 93, Absent: 12.

The SPEAKER: Forty-three having voted in the affirmative, ninety-three in the negative, with twelve absentees, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Restating and Revising the Law Governing Insurance Companies, Agents, Brokers and Fees (H. P. 928) (L. D. 1312)