

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

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of Somerset pending motion by Senator Davis to indefinitely postpone; and on motion by Mr. Carpenter of Somerset, the bill was retabbed and especially assigned for Tuesday next.

The President laid before the Senate, the 13th tabled and today assigned item Senate Report, Ought not to Pass, from the Committee on State Government to which was referred Senate Order Relating to Amending Senate Rule No. 11A and Addition of No. 19A; tabled on April 25 by Senator Edgar of Hancock pending acceptance of the report.

Mr. EDGAR of Hancock: Mr. President, I now yield to the Senator from Penobscot, Senator Bates.

Mr. BATES of Penobscot: Mr. President and members of the Senate: I appreciate the courtesy of the Senate in holding this matter for twenty-four hours on the motion of the Senator from Hancock, Senator Edgar.

Actually, in order for this proposed change in Senate Rule No. 11-A and addition of No. 19-A to have been effective and useful for this session of the Legislature we would have had to have taken action on this much earlier. This is one of those items that came from your Joint Interim Committee on Legislative Procedures.

I move the acceptance of the "Ought not to pass" report.

The motion prevailed and the "Ought not to pass" report of the committee was accepted.

The President laid before the Senate the 14th tabled and today assigned item Senate Report, Ought not to Pass, from the Committee on State Government to which was referred Senate Order Relating to New Senate Rule No. 22A and Revised Senate Rule No. 33 tabled on April 25 by Senator Edgar of Hancock pending acceptance of the report, and that Senator yielded to Senator Bates of Penobscot.

On motion by Mr. Bates of Penobscot, the Ought not to pass report was accepted.

The PRESIDENT: The Chair notices three friends from Penob-

scot County and would like to take this opportunity to introduce to the Senate, Mrs. Ruth Dolley of Bangor, Mrs. Loren Thompson of Brewer and Mrs. Bert MacKenzie of Orono. It is certainly a pleasure to have you with us. (Applause)

The President laid before the Senate Item 6-20 House Reports from the Committee on Labor: Majority Report, Ought to pass in new draft, same title; Minority Report, Ought to pass in new draft, same title; Minority Report, Ought not to pass, on Bill, "An Act Revising Minimum Wage Law" (H. P. 320) (L. D. 1135) tabled earlier in today's session by Senator Boisvert of Androscoggin pending motion by Senator Mayo of Sagadahoc to accept the Majority Ought to Pass report.

Mr. BOISVERT of Androscoggin: Mr. President, I would like at this time to yield to the Senator from Androscoggin, Senator Couture.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: This is another strike at our minimum wage law.

I remember when this law went into effect. Since then they have cut it and sliced it thinner and thinner than it was before it became law. Here we are in another session and we are sharpening our knife a little sharper than it was before.

We have this minimum wage law in the State and certainly I am proud of it. I have supported it previously and I am in opposition to slicing it any thinner than it was sliced before. If in every session we are cutting it down, why don't we do away with it if we are going to keep slicing our minimum wage law in the State of Maine we might just as well have nothing on the books.

I hope that the Senators in this room will study carefully these amendments to this L. D. 1135 that I am now speaking about. It practically puts the minimum wage law completely out of the State. In some ways I would feel just as good to see any of the Senators get up and defeat it.

Do any of us in this State think that we are paying our employees too much? Do any of us think

that under our minimum wage law we are overpaying our working people in the State?

We in this session as well as in the last session have taken stand after stand to increase wages according to the cost of living, but when it comes time to see that the low-bracket workers in the State are getting a little fairer break under our minimum wage law today they are now trying to defeat it.

I always believed in paying people who work at least sufficient wages so they will be able to eat three meals a day, but if any person in this Senate here feels that anyone in this State can live on wages of less than a dollar an hour I would like to see it. Certainly we have legislation before us now to tax them further. How will we have the front to deprive them from earning a dollar an hour minimum wage and then turn around and tax them? How can that be done when they haven't got enough today to even live on? We stand here and we tax. They have got to pay it, because that is the law. Then we want to turn around and cut their wages so they haven't even got enough to live on.

As I said before, this minimum wage law has been cut and sliced in every way, shape and manner that is possible. They did it at the last session and now they are trying to do it again, and I am in opposition to it.

At this time, Mr. President, I will move the indefinite postponement of this bill and all its papers and I ask for a division.

Mr. MAYO of Sagadahoc: Mr. President, a point of order. I think the motion of the Senator from Androscoggin, Senator Couture, is out of order and that my motion has precedence.

The PRESIDENT: The Chair will have to inform the Senator from Sagadahoc, Senator Mayo, that the motion of the Senator from Androscoggin, Senator Couture has precedence. Your motion was to accept the "Ought to pass" report of the committee?

Mr. MAYO: That is right, Mr. President. We did not vote on it.

The PRESIDENT: The motion before the Senate at the present time is the motion of the Senator from Androscoggin, Senator Couture, that this bill and accompanying papers be indefinitely postponed.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I rise in opposition to the motion made by the Senator from Androscoggin, Senator Couture. I do not think I have to take up too much time this morning in the Senate Chambers to explain what this bill does regarding the minimum wage.

The remark that no one is to receive a dollar minimum wage should be taken very lightly. The minimum wage bill supports many categories of laborers at a minimum wage of one dollar. This bill as revised by the Labor Committee merely takes certain categories in the labor market, specifically service-type employees. These service-type employees receive very large amounts in tips, and because they do receive large amounts in tips it works a burden on the employer to pay the dollar an hour minimum wage on top of this large amount they receive in tips.

This revised bill, L. D. 1537, which was the revision of L. D. 1135, is a very workable piece of legislation. The Senator from Androscoggin signed the "Ought not to pass" report; he was one of the three minority signers.

I certainly hope the motion of the Senator from Androscoggin, Senator Couture, does not prevail, and when the vote is taken I ask for a division.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: I too rise in opposition to the motion of the Senator from Androscoggin, Senator Couture.

Contrary to Senator Couture's feeling that this revision of the minimum wage law slices the present law even thinner, I would like to point out to the Senate that under the present law—and this is just one example of how this proposal does not slice the present law any thinner—under the present law students enrolled in an educational institution or on vacation therefrom are exempted from the

provisions of the minimum wage law regardless of age. There is no age requirement in the present law. I would point out to the Senate and to Senator Couture that this proposal puts within the limits of the provisions of the minimum wage law students enrolled in educational institutions or on vacation therefrom who are over the age of 19. In that respect this revision does not thin out the present law; it does bring within the minimum wage law some who are not within it at the present time.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: The remarks made by our good Senator Mayo in speaking about hotels and restaurants and the fact that it makes a burden upon the operator of the business to pay a dollar an hour minimum wage because of tips—the tips are no burden on the hotels and restaurants; they come out of the persons that are served satisfactorily by the waitress. I am wondering at this time if they feel that the tips are just as good in every restaurant there is in the State of Maine? What are we going to do in our small restaurants that serve only hot dogs and sandwiches and light lunches? How many tips do they get in restaurants of that class? If some of you eat in hotels and high-class restaurants naturally you are going to tip, but the other class of people who do not eat in high-class restaurants and hotels are not tipping. If you are basing your dollar-an-hour minimum wage on tips, I am telling you there are no tips there. If a person can only afford to buy a sandwich he does not feel like tipping a waitress a quarter or half a dollar. We have all of these so-called restaurants with beer where the waitresses are not receiving any tips as a waitress would receive in the lounge of a hotel or a Class A restaurant.

One of the reasons I oppose this is because some people are taking advantage of the law because they are not covered and hiring people similar to those we have in the State House here in our own restaurant who are working for fifty cents an hour cleaning your table in your own cafeteria down here.

How many of you ever tipped anybody that cleans up the table in the cafeteria in our State House? I further understand that it is illegal to tip them, that the operator does not want that, but their wages are twenty dollars a week for forty hours. Are they covered? Are we taking care of these people? They are supposed to be covered.

I took this matter up with Miss Marion Martin, and she says, "The only way I can move forward would be to have a written complaint from the employee." Naturally if you walk in there with a written complaint by an employee to look the books over and find out what the wages are, that employee is fired. That is going on all over the State. I do believe that a person who is a waitress, a bell-boy, a waiter or whatever he does in this State, should be paid for what he is doing, leaving the tipping aside. How many people are working without being tipped every day? Sure, I have sat in restaurants and I have seen a tip of a nickel or a dime, and I have sat in other places where I have seen tips of half a dollar and a dollar. But my point is: they are not working in the same kind of place and you cannot classify these people and say they receive as much in tips in one place as in another. Certainly if a person becomes unemployed in the State today and refuses suitable employment they will be deprived of their unemployment benefits for the reason that we have the law, and they are forced to go in and work for fifty, or sixty cents an hour where there are no tips. We are turning around and making sure that workers in restaurants, waiters, door-keepers or anybody, will be deprived of their minimum wage. I do not believe it is right.

And as far as the other remark about our students at the age of 19, that is all right but I am not willing to sacrifice the rest of the bill for that one section for our students. Just because there is one such section in the bill we do not have to accept the entire bill to defeat our minimum wage law.

Again, I am strongly opposed to this bill, and that was my reason for moving indefinite postponement.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: I am very happy that Senator Couture accepts the one point that I did mention as an illustration, but there are two points which the Senator has just raised which I think could be cleared up if the Senator would read the language of the bill. Senator Couture used as an example the men and women downstairs in the cafeteria who clean off the tables. Now with all due regard to those ladies and gentlemen, I cannot recall ever seeing one of them who looked to me to be under the age of 19, and if the Senator will read this bill he will find that only those who are under 19 and who are regularly enrolled in an educational institution are exempt from the dollar an hour.

With regard to the small restaurants which, as the Senator described, are those serving hot dogs and sandwiches, I think, with a possible few exceptions, I believe I am in general correct in saying that that type of restaurant consists mainly of a counter with stools on which the patrons sit; and again, if the Senator will read the bill, he will find that included within the provisions of a dollar an hour are counter waiters and waitresses.

I sincerely hope his motion to indefinitely postpone does not prevail.

Mr. COUTURE of Androscoggin: Mr. President, if I am in order to answer the good Senator from Hancock, Senator Edgar, I was thinking of restaurants serving sandwiches and light lunches where there are waitresses on the floor. I am speaking about waitresses serving in a booth.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Couture to indefinitely postpone, and a division has been requested.

A division of the Senate was had.

Three having voted in the affirmative and 28 opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Mayo of Sagadahoc, the ought to pass report was accepted, the bill read once, House Amendment A to House Amendment A read and adopted, House Amendment A as amended by House Amendment A read and adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate Item 7-7, bill, An Act Relating to Statements of Ministers, Priests and Rabbis as Privileged Communications (S. P. 346) (L. D. 1079) tabled earlier in today's session by Senator Marden of Kennebec pending passage to be engrossed.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: As you may recall, this bill was reported out by the Judiciary Committee unanimously "Ought not to pass" and upon motion of the Senator from Sagadahoc, Senator Mayo, the bill was substituted for the report, in his words "in order that the Senate may either debate or know the issues involved."

I will speak for myself and based upon my recollection of the committee discussion, and if I am in error either Senator Boardman or Senator Erwin will correct me I know.

The matter of privileged communications has great historical basis in the law and they are extremely jealously regarded. One of the difficulties we had with this particular bill — and I hasten to point out the philosophy of the bill is excellent — but the real difficulty, I think, insofar as the Judiciary Committee was concerned, was the indefiniteness of the wording of this particular bill. For example, "a minister of the gospel." At first blush this is a plainly understood term, but if you stop to think about it a little bit there are as many ministers of the gospel as there are religions and we could run into a thousand different groups, some members of which are all called ministers of the gospel.

The word "forced" is probably a poor word to be used in this bill, because while generally you may say we can force a witness to