

# MAINE STATE LEGISLATURE

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Legislature*

OF THE

STATE OF MAINE

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The SPEAKER: The gentleman from Bath, Mr. Brewer, has posed a question to the gentleman from Manchester, Mr. Gifford, and the gentleman from Manchester, Mr. Gifford, may answer if he so desires.

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the question of the gentleman from Bath, Mr. Brewer, it is the intention of Section 16 of L. D. 1557, appearing on page 6 of the printed document, to provide that a worker's disqualification for benefits due to a strike shall terminate upon termination of the strike. It is intended that a worker on the day following the last day of the strike, finding no work available to him, shall be eligible to file a claim for benefits, next wait out a one week waiting period and then draw benefits in the usual manner. It is not intended that he shall be able retroactively to draw benefits for the period of the strike or that any part of the strike period shall serve as his one week waiting period. Its intention is rather to insure that the strike disqualification shall not continue beyond the time at which the strike ends. And now, Mr. Speaker, hopefully, in fitting climax to a four year struggle, to effect the desirable revisions in the Employment Security Law embodied in this document, I move that it be finally enacted.

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

#### Finally Passed

Resolve in favor of Francis J. Boudreau, Jr., of Carmel for Damage by Highway Construction and to Reimburse Delmont R. Hawkes, of Standish, for Well Damage (H. P. 39) (L. D. 51)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and, by unanimous consent, sent forthwith to the Senate.

On motion of Mr. Levesque of Madawaska,

Recessed until two o'clock in the afternoon.

#### After Recess 2:00 P.M.

The House was called to order by the Speaker.

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act Revising the Minimum Wage Law." (S. P. 526) (L. D. 1504) (S. "B" S-191) (H "B" to S. "B" H-397)

Tabled—June 1, by Mr. Levesque of Madawaska.

Pending — Passage to be Engrossed. (Assigned for later in Tuesday's session)

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to offer House Amendment "C" under Filing No. H-422 this afternoon as I have promised yesterday in my remarks to help alleviate the problems incurred by summer students who wish to get summer employment to carry them through either high school or to help them enter into college after they graduate from high school. Although I have found in a lot of areas that some of this summer help of the high school students or under age nineteen in some areas have been abused to an extremely high degree here in the State of Maine and in other areas have been used extremely well by the different hospitality industries or any other industries in the state. I have also found that in different areas of small industries or hospitality industries that these summer students have been exploited to their fullest.

I hope that by introducing this amendment that the employers in the state will see fit to use this to their advantage without exploitation or any harsh hardship created on these youngsters. We would like to see them get the work. We would like the employers to see that the work gets done. And this amendment here, it not only eliminates them from the time and a half provision for these summer students under nineteen, it also eliminates them from any provision of

the minimum wage law of which I had quite a long discussion with different people throughout the state last night as far as this provision. So, I now move, Mr. Speaker, ladies and gentlemen of the House, that we adopt House Amendment "C" under filing No. H-422 and move its passage.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now offers House Amendment "C" and moves it be adopted. The Clerk will read the amendment.

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

HOUSE AMENDMENT "C" to S. P. 526, L. D. 1504, Bill, "An Act Revising the Minimum Wage Law."

Amend said Bill by inserting after section 2, a new section, as follows:

"Sec. 2-A. R. S., T. 26, §663, sub-§3, ¶ F-1, additional. Subsection 3 of section 663 of Title 26 of the Revised Statutes is amended by adding a new paragraph F-1, to read as follows:

'F-1. Any individuals who do not replace regular employees of any business and who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom;'

Further amend said Bill by adding at the end, a new section, as follows:

'Sec. 10. Appropriation. There is appropriated from the General Fund to the Department of Labor and Industry the sum of \$7,754 for the fiscal year ending June 30, 1966 and the sum of \$9,212 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act. The breakdown shall be as follows:

Department	1965-66	1966-67
LABOR AND INDUSTRY		
Personal		
Services (1½)	\$4,772 (1½)	\$5,967
All Other	2,745	3,245
Capital		
Expenditures	237	—
	<hr/>	<hr/>
	\$7,754	\$9,212'

The SPEAKER: The question now before the House is on the adoption of House Amendment "C."

The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Madawaska, Mr. Levesque, as to the new appropriation found on the bottom of this amendment. It has a total in the 65-66 biennium of \$7,754 and in the 66-67 \$9,212. I would merely like to know the purpose of this.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, poses a question to the gentleman from Madawaska, Mr. Levesque, who may answer if he so desires.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I want to thank the gentleman from Southwest Harbor, Mr. Benson, to recall this. This is an appropriation that was tacked on to another bill earlier in the session, although it was felt that it was not necessary because at that time there were relatively very little changes in the department for them to be enforcing. The department now feels that they have been short of help for a good many years and in some circuits in the state have been unable to go there once every other year or once every year and a half to enforce some of the laws that are now on the books. With this additional burden of the department, it was felt that this extra help was an absolute necessity to at least police some of these areas that are now covered under our statutes.

The SPEAKER: The question before the House now is on the motion of the gentleman from Madawaska, Mr. Levesque, that we adopt House Amendment "C."

Thereupon, House Amendment "C" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, Members of the House: I offer House Amendment "C" to Senate Amendment "B" under Filing No. H-415 and move its adoption.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, now moves that we reconsider our action whereby we adopted Senate Amendment "B." Is this the pleasure of the House?

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division on the reconsideration motion. The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, as the Senate Amendment "B" now stands, all the charitable hospitals in the state are included in this minimum wage law. And you have seen the information which has been distributed, the escalating effect that this will have on these charitable hospitals. This can mean only one thing. It can mean that these hospital drives will be made more often. They have to ask for more money to operate these charitable institutions and on top of that the charges to you and to me and to the rest of the people of the state for the hospital care that we must have will have to be increased. These hospitals operate in the red. They have to go to the people of the communities which are being served as a matter of necessity, and ask for these deficits to be made up.

And in order to protect themselves, they will have to increase their charges to their patients for care; and if we persist in this course of action, I think we are forcing the hospitals to do only one thing, that is intensify their requests for charitable funds, and also to increase the amount of money they charge for their services at the present time. I would hope that you would vote for the motion to reconsider Senate Amendment "B" so that we might exempt the charitable hospitals of which I speak from this act.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Sullivan.

Mr. SULLIVAN: Mr. Speaker, Members of the House: I know what happens in the hospitals in

Portland. And when they infer that either one of the two Maine hospitals there, the Maine General and the Mercy Hospital are charitable institutions, that is absolutely not true. And the cause, in my opinion, my considered opinion, of the high costs in the hospitals, and particularly those two that I referred to, are due to the medical profession, the doctors. And those doctors, now I am not speaking of those doctors who are charitably inclined, I am speaking of those doctors that under Blue Cross and Blue Shield and other forms of insurance, if you have anything the matter with you and they know you have insurance of any kind they shoot you right into the hospital. And then what happens? Well, I'll tell you what happens in a number of cases, including my own family, and many of my friends. And if they, the average patients of those doctors that do that, maybe they should be in there for ten days and many of them will keep you in there three or four weeks. Why? Well, here is about the way that some of them operate. They come in and they say good morning and then they say a few other words and then they set a stethoscope up to your heart and then they will tell you how well you are doing and etc. etc. and then they go out. And they repeat the performance the next morning and so on.

Now, when you get your bill, you'll find for them coming in and spending a minute or two with you, it is at least five dollars. And when they have individuals that are protected by insurance with their concerns, and when I was in there last November, one of the gentlemen, his bills were being paid by the concern he works for and he said and I quote, and he said: "I'll probably be in here for another couple of weeks" and I asked him why. And of course, the reason was that the doctors could come around and see him for another ten days or two weeks, or the doctor, and charge up to his insurance company those calls which in my opinion and his were absolutely unnecessary. That's

what you have and the real cost, the increased cost in those hospitals in those two I referred to. I am not referring now to the city hospital. So, all of this talk that the patient go in the hospital or their employees make mistakes or errors, that that will increase the cost of insurance, it may increase the cost slightly. But isn't the patient entitled to some protection and this camouflage that those large hospitals are charitable institutions, that's a big joke. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: Having unsuccessfully fought this battle with respect to charitable institutions, particularly hospitals once before, I know very possibly I will go down in defeat again with my good friend from Southwest Harbor, Mr. Benson. However, I believe that you know very well that the hospitals in this state which are charitable institutions are in serious financial straits and although I have adopted a personal policy of not quoting editorials I would like to quote to you from a news article appearing in the Bangor Daily News of May 28, 1965. The headline is "Down East Hospital Needs \$100,000 or Must Close." The Article says: "Unless someone comes up with a lot of cash in a hurry, the new million dollar Down East Community Hospital in Machias may have to close its doors. There is a good and just reason for making an exemption to the minimum wage bill in favor of charitable institutions.

You may suggest to yourself now, I am committed on this bill and I would ask you, committed to whom? There is no reason, logic or experience why you should impose a minimum wage on hospitals. They are charitable institutions. They deserve the exemption.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I know that over the many years many of you have been here and

heard me comment it was not my intent to get in on this discussion, and it was not until the last two speakers after listening to them. Now insofar as hospitals closing their doors, I can recall a few years ago sitting very quietly one afternoon in the Appropriations room and a hearing on hospitals was held and three different directors of three different hospitals made the same comment: Unless we get some financial help and we get it quick, we are going to close our doors. It so happened at that session the money was a little tight and the subsidies to the hospitals was not anywhere near what they expected. But ironically two of the three hospitals built additions that very next year. One to the tune of two million and one to the tune of three million. Now, fortunately or unfortunately, fortunately for me and unfortunately for my enemies I am still standing here after quite a little sojourn in the hospital, and I can guarantee you one thing, after I get to the Cashier's office and being presented with my bill I came to the grave conclusion that I was in any where but a charity ward.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker, Ladies and Gentlemen of the House: Last session we were asked to go to a meeting of the Board of Directors in one of the hospitals in my locality and they wanted more money. And after listening to them and asking for more money, one of the directors got up and this is the statement he made. He says, whether we get the money or we don't get the money, he says, doesn't make much difference. But he says if we get the money we'll buy equipment, we'll increase the nurses pay and the patient that can pay will pay five dollars more a day. Now, if you are asking for charity, the guy that pays the bill is the guy that pays the charity. The hospital, the same hospital is now doing a million and a half dollar job. So, I don't think that the charity, we should consider that too much. The hospitals are getting what they are asking for.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Boissonneau.

Mr. BOISSONNEAU: Mr. Speaker, Members of the House: I sat and listened to money about hospitals. I want to put this in your minds, please don't forget this. The Maine Association of Blue Cross I am talking about, possibly ninety percent of the people of Maine belong to this Association. Do you know what they pay the hospitals? You see the bills, one hundred percent. You do not pay the hundred percent. Blue Cross gets a cut off the top, whether it is ten or fifteen percent, I can't quite remember, but this came up in Legal Affairs Committee two years ago. So this is where the hospitals have been losing money for years. They are not getting their total expenses from Blue Cross.

The SPEAKER: The question before the House is on the motion of the gentleman from Southwest Harbor, Mr. Benson, that we reconsider our action whereby we adopted Senate Amendment "B". The gentleman from Madawaska, Mr. Levesque, has requested that when the vote is taken that it be taken by a division. All those in favor of reconsidering our action whereby we adopted Senate Amendment "B" to Bill "An Act Revising the Minimum Wage Law," Senate Paper 526, L. D. 1504, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-six having voted in the affirmative and seventy-two having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair would like to recognize at this time in the rear of the House, Airman First Class, Terry Underwood, who has just returned from serving twelve months duty in Viet Nam. He is the guest of the gentleman from Van Buren, Mr. Lebel and he is a resident of Van Buren, Maine. On behalf of the House, the Chair welcomes you and we hope that you will enjoy your visit with us. (Applause, the members rising)

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Members of the House: I offer House Amendment "F" to Senate Amendment "B" L. D. 1504 under Filing No. H-419 and move its adoption.

The SPEAKER: The Chair understands that the gentleman from China, Mr. Farrington, moves that we reconsider our action whereby we adopted Senate Amendment "B".

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division. The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: There has been much said about employees working in retail stores. Representative Katz gave a very fine summary of this matter yesterday, I believe. I won't belabor this session by any further comments. I am greatly concerned however about the bus drivers, the relatively few bus drivers who work in the relatively few communities in the State of Maine. I hope that the House is aware that the employees of passenger bus companies are now exempt from time and hourly provisions of the federal wage and hour act. Because of the scheduling of some of these bus drivers, they do have to work sometimes forty-eight hours per week. And I hope you realize that the bus service is a very important public service to these various communities and that bus services now are very often operated at a loss and this additional burden of time and a half might well reduce further service of this type, and again, impair the public interest. I hope that you will consider this when you vote.

The SPEAKER: The question before the House now is that we reconsider our action whereby we adopted Senate Amendment "B" and in order to reconsider our action whereby we adopted Senate Amendment "B" at this time a two-thirds vote is necessary. All

those in favor of reconsidering our action whereby we adopted Senate Amendment "B" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-three having voted in the affirmative and sixty-eight having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "B", Senate Amendment "B" as amended by House Amendment "B" thereto, and House Amendment "C" in non-concurrence, and by unanimous consent sent forthwith to the Senate.

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act Revising Laws Relating to Search and Seizure." (H. P. 1151) (L. D. 1583) (H. "A" L. D. 1591)

Tabled — June 1, by Mr. Kennedy of Milbridge.

Pending — Adoption of House Amendment "A." (Assigned for later in Tuesday's session)

On motion of Mr. Danton of Old Orchard Beach, House Amendment "A" was adopted, the Bill passed to be engrossed as amended and by unanimous consent sent forthwith to the Senate.

The Chair laid before the House the first tabled and today assigned matter:

An Act to Authorize Bond Issue in Amount of Five Hundred Thousand Dollars for Construction and Renovations at Boys Training Center, Maine State Prison and Stevens Training Center. (S. P. 576) (L. D. 1588) (H. "A" H-409)

Tabled — June 1, by Mr. Jalbert of Lewiston.

Pending — Motion of Mr. Birt of East Millinocket to Indefinitely Postpone House Amendment "A."

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I now withdraw my motion for indefinite postponement.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, now withdraws his motion that House Amendment "A" be indefinitely postponed. The question before the House now is the adoption of House Amendment "A".

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, thanking the gentleman from East Millinocket, Mr. Birt for his motion, briefly the first part of the Anderson amendment means that the State would be authorized to invest the proceeds of the sale of bonds during the period when the proceeds are not needed for the purposes set forth in this act. This is being done anyway. This would be done as a common procedure. The last part of the amendment, however, becomes very important as word gets to me from the Finance Officer, it reads: Any unencumbered balances remaining at the completion of the projects listed in section 6 shall lapse to the debt service account established for the retirement of these bonds." This means that now we can invest or lapse the funds that are left over in bond issues. Heretofore, if the bond issue is not — if they don't utilize all of the funds, the money stays there and cannot be lapsed. This now would make that possible and makes this in my opinion a good amendment, and with the gentleman from East Millinocket, Mr. Birt withdrawing his motion I now move the adoption of this amendment.

The SPEAKER: The question before the House now is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be adopted. Is this the pleasure of the House?

The motion prevailed, the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and by unanimous consent, sent forthwith to the Senate.

The Chair laid before the House the second tabled and today assigned matter: