

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third  
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL  
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pass" on Bill "An Act relating to State Aid and Third Class Road Bridges" (S. P. 451) (L. D. 1131)

Report of the Committee on Labor reporting same on Bill "An Act Concerning Collective Bargaining by Municipalities" (S. P. 408) (L. D. 1073)

Report of the Committee on Natural Resources reporting same on Bill "An Act relating to Disposal of Income of Organized Townships Fund" (S. P. 130) (L. D. 265)

Came from the Senate read and accepted.

In the House, Reports were read and accepted in concurrence.

#### Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act to Share Costs in School Administrative Districts on a Basis other than State Valuation" (S. P. 223) (L. D. 549) reporting same in a new draft (S. P. 621) (L. D. 1617) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read twice and assigned the next legislative day.

#### Ought to Pass with Committee Amendment

Report of the Committee on Election Laws on Bill "An Act Authorizing Use of Electronic Voting Systems in Elections and Granting Rule-Making Authority" (S. P. 425) (L. D. 1079) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" was read by the Clerk and adopted in concurrence, and assigned for third reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Labor on Bill "An Act Increasing Minimum Wages" (S. P. 48) (L. D. 38) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. JOHNSON of Somerset  
GOOD of Cumberland  
NORRIS of Oxford

—of the Senate.

Messrs. EWER of Bangor  
HOOVER of Philips  
DRUMMOND of Sidney  
DURGIN of Raymond  
BEDARD of Saco  
COUTURE of Lewiston

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. HUBER of Rockland

—of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker and Members of the House: I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Bangor, Mr. Ewer, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker and Members of the House: This was the first of many obviously controversial bills to be voted on in the Labor Committee, and I guess an explanation for the Minority vote is in order so that there will be no misunderstanding regarding my personal feelings about this specific bill.

I think everyone has their own particular philosophy regarding the presentation of legislation. I

think the Labor Committee could have made a better effort to present you with a composite bill for consideration. This represents a rather piecemeal approach that to me is a bit disturbing and in this instance one reason for the one-man rebellion. There are, incidentally, two more L. D.'s waiting in the wings that cover the same general law as does L. D. 38.

L. D. 38, that I think is lacking some reasonable provisions, deals with Title 26, Labor and Industry, Chapter 7, sub-chapter III, Section No. 664, entitled "Compliance required." This is the section that was amended by the 102nd Legislature to effect the present \$1.25 minimum wage which became law last October.

The Legislature also made some changes in the hours worked, spelling out the time and a half over 48 hours provision and then exempting certain job categories from the overtime feature.

The immediately preceding section, Section No. 663, is also important to the minimum wage consideration. 663 contains a dozen specific categories that are exempted from the whole Chapter. This, of course, includes the minimum wage and the overtime provision.

Our Labor Committee was presented with six bills with proposed changes in Section 664, two with minimum wage increases and four with additions or changes in the overtime provisions, which also clarify some work classifications. We could have incorporated all the related bills suggesting changes in both sections 663 and 664 and given you a much more realistic piece of legislation to consider.

L. D. 38 will grant a 12 percent increase in the minimum hourly rate to \$1.40 within the year, and the increase to \$1.50 after twelve months will be the fourth increase in four years.

I have not heard, nor have I expressed any opposition to a minimum wage rate increase and I am not doing any such thing right now. What I do object to is the reluctance to add reasonable

exemptions. Objectively speaking, minimum wage is after all only a relative figure or rate at best, a sort of comparative level from which labor figures its income and business figures its expense. \$1.40 as you know is now the Federal minimum wage rate that will go to \$1.60 next February. This was probably the intention of the bill, to emulate the Federal program, but whether or not, there are other provisions of the Federal law that we should consider for L. D. 38 before we actually print this into the Maine laws.

Let's take a quick look at some of the exemptions from the Minimum Wage found in the Federal law as amended in 1966. Some, incidentally some of these are included in the Maine law. Executive, administrative and professional employees — these are exemptions. Employees of certain seasonal amusement or recreational establishments, of motion picture theaters; of certain small newspapers; switchboard operators of telephone companies which have fewer than 750 telephones. Seamen employed on vessels other than American vessels; fish farmers and fishermen; certain farm workers; employees engaged in certain operations relating to specified agricultural or horticultural commodities; and employees in small forestry and logging operations.

And, employees of a retail or service establishment that makes most of its sales within the state and has less than \$250,000 annual sales. This one makes sense, and for a state like Maine with relatively small population pockets in a large land area with our many small retail outlets, this would seem to be a practical addition to this law, and there may be other possible exemptions, additional from the overtime provisions and/or the minimum wage coverage to be considered.

Now, if you're going home this weekend, you can do me a great big favor if you will check with the small businessman on Main Street, check him and check his employees regarding this particular piece of legislation that we are

talking about. These people represent a very big part of the strength and the character of this state.

Two more objections. Many municipalities, a good many businesses, of course budget for the calendar year, and because of new additional coverage to some municipal employees under the minimum wage law enacted two years ago, we really should change the effective date of this bill to January 1st.

One other thing; in our haste to add the Committee amendment I think we slipped — the amendment says "motels, hotels and restaurants." I could be wrong but I think it also should include Class "A" restaurants.

In the next few days you and I are going to see if we can't improve on this proposed legislation!

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read twice. Committee Amendment "A" was read by the Clerk and adopted in Concurrence and the Bill assigned for third reading the next legislative day.

#### Non-Concurrent Matter

Bill "An Act Establishing the Policemen's Arbitration Law" (S. P. 342) (L. D. 926) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on April 28.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed without Amendment, and asking for a Committee of Conference.

In the House: On motion of Mr. Huber of Rockland, the House voted to insist and join in the Committee of Conference.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Taxation of Television Sets" (H. P. 287) (L. D. 407) on which the House accepted the Majority "Ought to pass" Report of the Committee on Taxation and passed the Bill to be engrossed on April 28.

Came from the Senate with the Minority "Ought not to pass" Report accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker, the person that sponsored this bill is not in the House at present I would suggest that someone table it to the next legislative day.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending further consideration and specially assigned for Tuesday, May 9.

#### Non-Concurrent Matter

Bill "An Act to Relieve Elderly Persons from Increases in the Property Tax" (H. P. 953) (L. D. 1384) which was passed to be engrossed as amended by House Amendment "A" in the House on April 21.

Came from the Senate passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Philbrook of South Portland, the House voted to insist and ask for a Committee of Conference.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 9, at ten o'clock in the morning. (S. P. 634)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

#### House Reports of Committees Ought Not to Pass

Mr. Quimby from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse Barbara W. Smart of Kennebunkport for Property and Well Damage by Highway Construction (H. P. 477) (L. D. 690)

Report was read and accepted and sent up for concurrence.