

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

The Chair laid before the House the twenty-seventh tabled and today assigned matter:

MAJORITY REPORT (7)—Committee on Labor on Bill "An Act Revising the Minimum Wage Law" (H. P. 864) (L. D. 1106) — Ought to pass" in new draft (H. P. 1166) (L. D. 1487) under same title and MINORITY REPORT (3) reporting "Ought not to pass"

Tabled — May 9, by Mr. Huber of Rockland.

Pending — Motion of Mr. Good of Westfield to accept Majority Report.

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

Mr. HUBER: Mr. Speaker and Members of the House: At a time when other people around the country are trying to encourage the employment of teenagers, older people, and others who are outside the general area of what we consider the majority of the labor force, we here are now considering a law to make it a little more difficult for the small businessman particularly to be able to hire those potential full and part-time workers on both sides of the age scale. The combination in this document, L. D. 1487, the combination of an increase in the minimum wage plus the removal of some of the exemptions is bound, bound to have some adverse effect on potential jobs and certainly it is obvious that some of those potential jobs are in the area of summertime employment.

I am opposed to this legislative document as it stands right now. Under the minimum wage chapter, Title 26 of the Labor Laws, Section 663, now lists eleven exemptions. One of those exemptions is the first listed under Section 1 of Title 1497 and reads in the document in the Statutes right now. Exempted any individual "who is engaged in the activities of a public-supported nonprofit organization or in a program controlled by an educational nonprofit organization." Now the L. D. has inserted the qualifying phrase any individual "who is under the age of 19 and is regularly enrolled in an educational institution or is on

vacation therefrom." Now this covers the areas such as Y.M.C.A.s who traditionally hire younger people to do work for them. It does however begin to exempt people who may wish to work in the areas, conceivably possibly in the church areas, people who will work —secretarial work, and this is almost on a semi-voluntary basis in some areas. I question if we should remove this particular exemption.

The next one listed, L. D. 1487 is the one that covers summer camps, boys and girls camps in the State of Maine. As it stands in the law book today, it reads, and these are exemptions from the minimum wage law, it reads, "Those employees who are counsellors or junior counsellors at summer camps for boys and girls; and employees of said summer camps, other than counsellors or junior counsellors, who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom." Now the last three lines have been stricken from the document and it now reads, "Those employees who are counsellors or junior counsellors at summer camps for boys and girls" and no longer exempts those who are under the age of 19 and have traditionally been hired by our summer camps not only for work but also for the enjoyment that goes with the summer camp activity. I don't think that really needs too much explanation. It's not a dramatic number of people but it certainly is a dramatic instance of individual cases where boys and girls living in the areas of summer camps were able to do some work and also enjoy some of the benefits.

Then the minimum wage section, I personally question the wisdom of raising the minimum wage, per hour wage to \$1.60 at this time, though presently it reads \$1.50 in the Statutes and went into effect October of 1968. The requirements for overtime have been reduced from 48 hours to 44 hours and this section of the law contains some exemptions from the overtime provision. The present law includes at the end of the paragraph which lists overtime exemptions from the overtime provision, which are rath-

er obvious, but it includes at the present moment nursing homes, hospitals, hotels, motels, and restaurants.

Now it is my understanding that the hospitals and possibly even the nursing homes are no longer concerned with the state law as far as the overtime provision is concerned. However, I am sure that the hotel and motel people are—and particularly the restaurant people are concerned with the overtime provision. Now when we are talking overtime provisions in areas like the restaurant operators, you and I are not talking about the minimum wage plus time and a half. We are talking about considerably higher hourly wage rates than that because of the nature of the job in the kitchen particularly—the chefs you hire, the cooks you hire, and the people who work out back.

Now my personal reaction is that I would like to see some of those exemptions restored to this bill. As I said I am opposed to the document as it stands right now and I will vote against the pending motion.

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

Mr. LEVESQUE: Mr. Speaker, in view of the importance of this document and that we must maintain somewhat of a level with the rest of the country in supporting these workers of a minimum wage, I would request that when the vote is taken that it be taken by the yeas and nays.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

More than one fifth having expressed the desire for a roll call, a roll call was ordered.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I must agree with Representative Huber's thinking in regard to those under 19 that are working in hotels and motels, and girls and boys in summer camps. I think that anyone in that line of work or who has had experience in that line of work realize that these people should be exempted. The summer business is a very short business; it's a very risky business. Much money is invested in it. It depends upon the weather. The people working in a summer place like that are not always fully employed. On rainy days they may work harder than they do on fair days because people are checking out. It's a very mobile type of guest today. In the beginning of the season you are on duty but you are not working because your hotels don't fill up. I think that you get full occupancy in your hotels only for about six weeks out of the summer and yet they have got to be fully staffed. And then too, it supplies a great many jobs for the young people that are earning money to go to college. I would hope that this exemption could still stay in our minimum wage setup and if it doesn't, I will have to vote against this bill.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: I rise to support Representative Huber. I signed the Minority "Ought not to pass" on this bill for two reasons: Number one, I feel that almost nobody quarrels with the concept of minimum wages. However, if the minimum wage concept is extended too far, I feel it becomes self-defeating because of the fact that in our total labor force we do have people who are handicapped by reason of age or by physical or mental handicaps that must have opportunities for employment. We also find in our labor markets the teenagers who are entering the labor market for the first time and again in the exemptive areas they do find opportunities for employment. I think that we create more social problems than we solve if we extend the minimum wage coverage to try to blanket the whole labor market

area. There is an additional factor which has not been mentioned here today that I think does deserve some consideration. One of the most acute national problems that we have at the present moment—I believe everybody will agree, is inflation. Inflation feeds on two things: rising prices and rising wages. I consider it a little bit irresponsible on the part of the state government to pass a bill which would in effect create almost an automatic five percent wage increase by reason of the fact that the hours are reduced from 48 to 44, at which point the time-and-a-half provision takes effect. If this vote is favorable for the passage of this legislation, we are in effect adding fuel to the inflationary fires.

The SPEAKER: All who are in favor of accepting the Majority "Ought to pass" Report on Bill "An Act Revising the Minimum Wage Law," House Paper 864, L. D. 1106, will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bedard, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Bunker, Carey, Carter, Casey, Chandler, Coffey, Cote, Couture, Cox, Croteau, Curran, Cushing, Drigotas, Faucher, Fecteau, Fortier, M.; Fraser, Gilbert, Giroux, Good, Hewes, Hunter, Jalbert, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, LePage, L e v e s q u e, Martin, McTeague, Mitchell, Morgan, Nadeau, Noyes, Ouellette, Porter, Ross, Santoro, Sheltra, Starbird, Tanguay, Vincent, Watson, Waxman, Wheeler, Wood.

NAY — Allen, Baker, Barnes, Benson, Berman, Bragdon, Brown, Buckley, Burnham, Carrier, Chick, Cottrell, Crommett, Crosby, Cummings, Curtis, D'Alfonso, Dam, Clark, C. H.; Clark, H. G.; Corson, Dennett, Dudley, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Finemore, Fortier, A. J.; Gauthier, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Huber, Immonen, Jameson, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, Leibowitz, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, McNally, Meisner, Millett,

Mills, Moreshead, Mosher, Norris, Page, Payson, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Thompson, Trask, Tyndale, White, Wight, Williams.

ABSENT — Danton, Donaghy, Foster, Hichens, McKinnon, Soulas, Susi, Temple.

Yes, 56; No, 86; Absent, 8.

The SPEAKER: Fifty-six having voted in the affirmative and eighty-six in the negative, the motion does not prevail.

Thereupon, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

The Chair laid before the House the twenty-eighth tabled and today assigned matter:

An Act Revising the Maine Mining Law (H. P. 339) (L. D. 448) Tabled — May 9, by Mr. Rideout of Manchester.

Pending — Motion of Mr. Lund of Augusta to reconsider passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, may the House now take action on the pending motion.

The SPEAKER: Is it the pleasure of the House to reconsider its action whereby this bill was passed to be engrossed?

The motion prevailed.

The SPEAKER: The question now is passage to be engrossed.

Thereupon, on motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and specially assigned for Thursday, May 15.

The Chair laid before the House the twenty-ninth tabled and today assigned matter:

An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections (S. P. 412) (L. D. 1368)

Tabled — May 9, by Mr. Rideout of Manchester.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, retabled pending