

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

Bill, "An Act Clarifying Duties of Treasurer of State Relating to Securities." (H. P. 1247) (L. D. 1556)

Bill, "An Act Relating to the Sale of Alcoholic Beverages at International Air Terminals." (H. P. 1245) (L. D. 1554)

Bill, "An Act Relating to the Reporting of Traffic Accidents." (H. P. 1243) (L. D. 1552)

Bill, "An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases." (H. P. 130) (L. D. 185)

(See action later in today's session.)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

Bill, "An Act Relating to Reimbursements for Professional Credits of Teachers." (H. P. 1220) (L. D. 1411)

Which was Read a Second Time and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act Increasing the Coverage and Entry Fee of Small Claims Law and Defining Certain Procedures." (H. P. 221) (L. D. 303)

Bill, "An Act to Set the Rate for Voting Lists Based upon the Cost of Preparing the Lists." (H. P. 877) (L. D. 1198)

Bill, "An Act Improving the Control of Absentee Ballots Issued." (H. P. 878) (L. D. 1199)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act Relating to Open Season on Fisher." (S. P. 535) (L. D. 1579)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act Increasing Minimum Wages." (S. P. 16) (L. D. 44)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have been quite concerned with this minimum wage bill that we accepted the report on yesterday and gave it its first reading.

Yesterday there was placed on our desks a list of the minimum wage in all the states in the nation. If you paid any attention to that, you would see that there are only three states in the nation, New York, California and Alaska, that are higher than us at the present time. In fact, many states don't have any, and a lot of them have a lot less than us. Even in the highly industrialized states, such as Michigan, Ohio and Pennsylvania, they are away down the line from what we are here. In the New England states, all the New England states are the same as us, except New Hampshire which only has a \$1 minimum wage.

Under this bill which we accepted the report on yesterday we are increasing the wages 25 percent. Now, that is some increase. I don't know whether we stopped to think about what impact that would have on industry and the people in the State of Maine. 25 percent, or 40 cents an hour, that is a tremendous increase. And when you are talking about 40 cents an hour you are talking about a 5 percent increase which you have got to add for your social security, 3 percent for your unemployment, plus whatever the rate happened to be on your workmen's compensation, so it runs this up to probably, as a safe estimate, 55 cents an hour that it is going to cost.

Now, at this particular time when we have a high unemployment rate, this would only exaggerate it. It would hurt us, because as sure if this becomes law we are going to throw the marginal worker out of employment. There is no question about it, the average person who is a marginal worker, and a lot of them who are receiving \$1.60 an hour, they are marginal workers and they are going to be out of a job.

I talked with them in the Health and Welfare Department yesterday on this, and they said if this should pass that undoubtedly it would cost

the Department of Health and Welfare \$2 million. I don't mean this would all be in additional case load on account of it, but, but there would be a number. It always worked out that way, I was informed.

But you are going to increase your nursing homes and your boarding homes, and this was an estimate of \$2 million. Now, that isn't \$2 million of state money. About one - third of that would be state money and two - thirds of it federal.

I think, that unless something can be done about this bill so it is watered down, this is ridiculous in my way of thinking. I move for indefinite postponement, and I would request a division.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Bill, "An Act Increasing Minimum Wages" be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I certainly hope that you won't go along with the motion of my good friend from Cumberland, Senator Moore. I was in hopes yesterday after we accepted the Majority Ought to Pass Report, and I repeat "Majority Ought to Pass Report", of the Committee, which was ten to three, that you had made my day for me, needless to say, as sort of a reward for the hard work that a member of the legislature performs. I was hoping that you might at least let this go to the other branch to have it debated over there and see what the feelings of those members were on this bill.

I listened to Senator Moore's argument, and you know, there is no question about it, fellow Senators and Madam Senator, that many of the arguments against a \$2 minimum wage are certainly worthwhile considering. But in weighing the arguments against a bill of this type, one ought to also weigh the arguments in favor of such a bill.

You know, as we grow up during our life we form philosophies, and as you get older these philosophies

become part of you. So there are those, for instance - perhaps the word "educated" is not the word to use - but they are not among the laboring field, so to speak, and they don't understand the problems of labor. And there are those who are among the laboring group that don't see the other side of the picture as well. So that one can't dislike a person for his philosophies because these have become part of him during his growing up and the formation of his character and personality. But when it comes times to vote on a particular issue, and your in - bred feelings might interfere with your vote on a particular bill, then one ought perhaps to look at it in an objective way.

I realize that many of you have made up your mind on this particular bill and probably no argument will change your opinion on it, that you feel it is a bad bill and you are going to stick to it. Or some of you may feel that it is going to affect your own personal economy and you may vote against it for that reason. There are many reasons why you can vote against this bill, no question about it. I mean, you may say, like Senator Moore from Cumberland said, that you are going to hurt the economy, that it is bad for the economy or that you are going to raise the base, or we ought not to go ahead of the federal government, you have got a lot of valid arguments against this bill. But there are also a lot of valid arguments for the bill itself.

Now, you say we ought not to go ahead of the federal government, but I can give you one good reason why we should, because the federal government, technically speaking, and in every way, should not interfere with the duties, rights and obligations of the states. Now, they do, and why is the federal government legally able to do this, to interfere with the states' own obligations? Maybe many of you have never thought of this. The federal government only comes into the picture on matters which are strictly matters of the state when the state fails to provide for its people, just as we do here in the legislature. We interfere with

the municipal operations of any town in the state when we feel that town is not providing what it ought to for its people. And this is the only time the legislature should be permitted to interfere in municipal matters. And this is the only time that the federal government is permitted to interfere in state matters, when the states fail to provide for the needs of their people. This is how originally the federal government came out with a federal minimum wage and laws and so forth, because the states failed to provide guide lines and minimum wages for their people. So they interfered and stepped into it. And they will again if we don't provide it.

So why should we wait for the federal government to tell us what we ought to do when we are as capable of doing it ourselves? The federal government is considering a \$2 minimum wage. My guess would be that this will be approved sometime this year. And why should the people of the State of Maine wait for the federal government to tell us what we ought to do?

You know, I am not as concerned about organized labor in this particular instance because, as I have said time and time again as Chairman of the Labor Committee, that organized labor in the State of Maine takes care of its own. They really don't need legislation to provide for them because they are organized and unionized and they can provide for themselves. But I ask each and every one of you who is going to represent the one that is not organized, the individual who is a laborer and isn't organized? Who does he look to for representing his interests as a laborer in the State of Maine? He has no union officials, he can't bargain, and he is at the mercy of his employer, in a sense, and he has no one bargaining for him. He has no one looking out for higher wages for him. Who does he look to? I mean, we are the ones who are supposed to be representing this unrepresented individual. This is up to us.

You know, you give me a working man, a guy who is really out there in the mud, in the woods and so forth, the working man and

most of these people who are subject to this minimum wage of \$1.60 an hour, and the guy who goes to the polls every year, year in and year out, and votes for you and I to get us elected, the individual who respects law and order and respects the representative and the senator from his district, this is the guy who is looking to us for help. He is looking to us because he recognizes that we are his senator and the one that ought to look out for his needs.

Now, you talk about the raise in the minimum wage affecting the economy of the state. Do you know right now that the present poverty level in this country as recognized by the Nixon Administration is higher than what the minimum wage provides for in the State of Maine? We have a minimum wage of \$1.60 an hour, so in a 40-hour week you will gross \$64 a week. Now there are many thousands of people in the State of Maine who are only grossing \$64 a week or less. Would you imagine, as an educated person, that these people take home \$55 a week or maybe \$50 a week, some of them, or \$56, in that area. Now, what do they do after they buy groceries? What is left after they buy the groceries? What are they supposed to do? So what we are doing actually, by keeping the minimum wage as low as it is, we are enticing people to go on welfare, believe it or not. We are enticing people to go on welfare, because a person who is only earning the minimum wage in the State of Maine can do much better by going on welfare. A man with a wife and two children can stay at home and get a monthly check from welfare. He can get food orders that they have every week. They have hot lunches at school, and all their medical cares are taken care of by the Department of Health and Welfare, so that he can do better by staying home. So this is no incentive for an individual, earning a minimum wage of \$1.60 an hour, to go out and work.

So who are we actually penalizing? We are penalizing the individual who works for \$1.60 an hour, the proud individual, the guy again that I referred to who is out there in the mud, in the woods, working

for \$1.60 an hour and who is too proud to accept welfare. We are penalizing him when we retain the minimum wage as low as this.

So these are things to consider. Even at a \$2 minimum wage, you are only increasing his gross pay to \$80 a week, from which on the average he would be taking home something in the area of \$68 a week. Again I say what does \$68 a week amount to as take-home? You have to feed yourself, your wife and your two children. Now, at \$68 a week, I grant you, he will buy the groceries and perhaps pay the rent, but what does he do after that? These are things that I have got to consider and rationalize in my own mind when I say that we should increase the minimum wage. There are many, many arguments and, as I say, when you tip the scale in favor of increasing the minimum wage, then I think we should. I think you should weigh these arguments very carefully, and if the scale tips toward increasing the minimum wage then I think we should go along with increasing it. I don't think we ought to wait until we are forced to by the federal government.

You know, if we don't provide for our people with minimums of this type, how can we really as legislators expect children in our state to aspire to be normal, productive Maine citizens when they see their parents working but still not earning enough money to meet the minimum family needs? Certainly a minimum wage must be set that allows a worker some dignity in this world and in this life of ours, a wage that shows his children that it is worthwhile to work, a wage that is a real alternative to idleness and delinquency. I ask each and every one of you to consider this, and to permit this bill to go along to the other branch to see what they will do with it over there. I ask each and every one of you, and I really deeply request your support on this bill. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the

Senate: I feel this is a very good piece of legislation the way the good Senator from Penobscot, Senator Tanous, brought it out, but there is one problem which some people might object to. That is that we might be higher than the federal minimum wage now.

Instead of killing this legislation, I feel that we should table it because there is another bill before the Labor Committee now that would keep our minimum wage at the same standard as the federal, and we should keep this one alive to see what happens to the other one and what will happen in congress. There is a bill in congress to raise the minimum wage to \$2, and I have a feeling that they might compromise and raise it to \$1.80 or \$1.90. So by tabling this one until we have a chance to hear the other bill, we will come out with one piece of legislation that is definitely needed. So I would ask somebody to table this item unassigned.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I can't help but express a feeling of tenseness with the Senator from Penobscot, Senator Tanous, because since the 101st Legislature I have voted for every minimum wage bill that has approached this legislature, and he is going to spoil my perfect record if he persists in attempting to pass this bill in its present form.

The arguments he made are splendid and can't be questioned. I think the purchasing power of Maine workers would probably be even better at \$3 an hour. But the dislocation that his bill would cause by creating a 25 percent increase in the minimum wage is not practical, and I don't think he is actually going to help the people he is trying to help.

I support him completely in the concept of raising the minimum wage. Frankly, I am not terribly impressed with the desire to see what the other body is going to do. I have a feeling that our responsibilities are quite specific, that we should make judgments here. And if the bill does persist in its present

form, I shall reluctantly have to vote against it.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. Graham of Cumberland moved that the bill be tabled unassigned.

Mr. Tanous of Penobscot then requested a division.

The PRESIDENT: For what purpose does the Senator rise?

Mr. KATZ of Kennebec: To debate the timing of the tabling motion.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I would resist an unassigned tabling. I think this is a matter that could be disposed of and, although I am in favor of delaying the bill some, I would oppose a motion to table unassigned.

Through the Chair, I would like to ask the Senator from Cumberland, Senator Graham, whether he might assign a time perhaps a week hence from now.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Graham, that Bill, "An Act Increasing Minimum Wages" be placed on the table will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Five Senators having voted in the affirmative, and twenty-six Senators having voted in the negative, the motion did not prevail.

Mr. Katz of Kennebec then moved that the Bill be tabled and specially assigned for April 13, 1971, pending the motion by Mr. Moore of Cumberland that the Bill be Indefinitely Postponed.

On motion by Mr. Tanous of Penobscot, a division was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the tabling motion prevailed.

The vote by division being in doubt, on further motion by Mr. Tanous of Penobscot, another division was had. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted

in the negative, the tabling motion did not prevail.

The PRESIDENT: The Chair would inform the Senator from Penobscot, Senator Tanous, that on the original vote the Chair voted in the affirmative to table, but the vote changed obviously.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Moore of Cumberland that the Bill be Indefinitely Postponed.

Senate - As Amended

Bill, "An Act Increasing Compensation of Members of the Maine Insurance Advisory Board." (S. P. 131) (L. D. 343)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Permitting the State Park and Recreation Commission to Sell Snowmobiles Trail Marking Signs and Charts. (S. P. 219) (L. D. 665)

An Act Relating to Changes of Fishing Regulations by the Legislature. (S. P. 321) (L. D. 935)

(On motion by Mr. Hoffses of Knox, tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to the Control of Dogs. (H. P. 270) (L. D. 359)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for April 9, 1971, pending Enactment.)

An Act Increasing Tax on Commercial Fertilizers. (H. P. 279) (L. D. 368)

An Act Relating to Definition of Dental Hygienist and Dental Auxiliaries. (H. P. 563) (L. D. 739)

An Act to Remove Remarriage Restriction on Survivor Benefit Payments under State Retirement System. (H. P. 624) (L. D. 834)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act to Enable the Town of Cape Elizabeth to Establish Sewer