

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

"Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Berry, Clifford, Danton, Graham, Harding, Hoffses, Johnson, Kellam, Martin, Minkowsky, Schulten, Tanous, Violette, and Wyman.

NAYS: Senators Anderson, Carswell, Chick, Conley, Dunn, Fortier, Greeley, Hichens, Katz, Marcotte, Moore, Peabody, Quinn, Sewall, Shute, and President MacLeod.

ABSENT: Senator Levine.

A roll call was had. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Bill as Amended was passed to be engrossed in concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 187) (L. D. 244)

Tabled — May 5, 1971 by Senator Wyman of Washington.

Pending — ENACTMENT.

On motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the third tabled and specially assigned matter:

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

Tabled — May 5, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: You know, when I got up yesterday morning I looked at the newspaper that had been published in Portland the night before and I thought I was dreaming, so I went back to bed again and then got up, and I wasn't. I mean, it was a beautiful article that came out in the paper which said that the minimum wage goes to Curtis,

and the content of it was that this was my bill and it increased the minimum wage from \$1.60 to \$1.80, starting in October of this year, and then to \$2.00 in October of '72. I had been here the day before and I hadn't recalled it, but I was mighty pleased to see this.

That sort of started off my day pretty well, but later on that morning I went jogging and got all wet, and came back and had difficulty shaving, and then came in here and really lost some close battles with my good friend from Cumberland, Senator Berry. Everything I proposed, I guess, went down the drain. We had some public hearings in Judiciary yesterday that lasted until about 8:30, and in between I found some more bad news, but when we ended the evening last night, there was one speaker who spoke about 8:30, I guess it was, and it sort of brightened up the day, and I would like to read it to you. It was something that appeared in the Rockland Courier Gazette on Saturday, May 1, 1971. We had hearings there yesterday concerning a raise for judges and also a bill removing intoxication from the law. In our public advertisement for Judiciary this is the way it came out: "An Act Relating to Public Intoxication of the Supreme Judicial Court and the Superior Court and Judges of the District Court." This sort of lightened up the evening somewhat. Well, I guess we have got to get to the matter at hand.

In all seriousness, when I started school, we were told we had to go to school to learn about reading, riting and rithmetic. I was a poor reader, my writing has n't improved since the first grade, but you know, my arithmetic is pretty good, and it always has been. And when I get up to 16, and I can't seem to get over that, I know when I have got to throw the towel in. So, in view of this, I move that under suspension of the rules we reconsider engrossment so that I may offer Senate Amendment "C" to L.D. 44.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, under suspension of the rules, moves that the Senate reconsider its action whereby Legislative Document 44 was passed to be

engrossed. Is this the pleasure of the Senate?

The motion prevailed.

The same Senator then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-144, was Read.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "C"?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, would the Senator from Penobscot, Senator Tanous, perhaps explain how this changes the bill which is now before us?

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: The proposed amendment raises the minimum wage from \$1.60 to \$1.80 ninety days after the Legislature adjourns, which will be in October, I assume. After that it goes to \$2.00 per hour at such times as the federal minimum wage standards rise to that level, so that when the federal minimum wage goes to \$2.00, under this particular bill ours would rise at the same time, under this proposal.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Sometimes in the legislative process the public is confused by our use of the word "compromise", and this morning I would like to compliment the Senator from Penobscot, Senator Tanous, for his evaluation of the situation and the very effective compromise he has offered.

Senator Tanous has struggled almost all alone on this, and his influence on this legislation has remained the dominant influence from start to finish. I think this is a meaningful compromise which will accomplish essentially that which he wants. I want to compliment him again, and say that I am particularly proud to say in this particular case it was a Republican Senator who from start

to finish has identified the problem and pursued it, I hope, to its ultimate conclusion.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This is Senator Tanous's bill and I guess I respect his wishes on this, but I must say that I probably would have hoped that he would have stayed with the original bill.

I know that our party didn't initiate this bill, but I think that when there is legislation introduced to improve the working conditions of our working people, I know my party normally looks at it very, very well. We agreed to support this bill the way it was, and it sailed along in the Legislature here without ruffling too many feathers until it almost got to the enactment point, and then some people started objecting to it. Now we have this compromise here.

I guess a lot of people have had problems or have had considerations about this bill, perhaps it was too drastic. I know in our caucus in considering whether we should support this bill we gave consideration to the situation of our working people and also certainly the situations that our business people were faced with. I think the determining factor in going along with the bill as it was undoubtedly was that when wage increases do go into effect they do affect some businesses, some businesses more than others, and there is always some disruption of the businesses and it creates problems for them. I personally take no pleasure in that.

But I thought this legislation was good because it raises the minimum wage to \$1.80 and to \$2.00. And I am not always terribly impressed with some of the price raises that are going on in many industries regarding wages, and also the price wages carried on by industry with regard to increasing the price of their product. Now, we see where the major steel companies are announcing significant increases in the price of their products. We see this in the paper this morning. As I say, I am not

always that impressed about the spiralling battles that have gone on with regards to wage increases action taken by our federal government to try to slow that up. I have never noticed any significant work at the federal level to try to stop the spiralling increases on either side. But I do notice this morning it is indicated that President Nixon would undoubtedly veto a bill increasing the minimum wage to \$2.00 if it was passed by the Senate. So, I don't know how good this bill is here this morning, in view of that, as to people saying they are willing to go along with the \$2.00 minimum wage when it becomes effective at the federal level if the President will in fact veto it.

But my real concern is that the people who are at the low range of our salary scales generally are not represented by labor unions, and so they don't have a binding power to speak for them. Another element which certainly influenced me to go along with the original bill was the minimum wage of \$1.60, and taking into account the spiralling inflation which has gone on for the last three or four years, and what effect this has had on the purchasing power of our people who must support families at these low wage scales, and what this has done to affect even what they can buy for their families at \$1.60. So, as I say, these are all considerations which have to be given, and I felt that if I was going to pass my vote here this morning I was going to pass it in favor of that worker on the low rung of the wage scale who has nobody to talk for him. I wish I could have voted for it, but I certainly see that it will not be enacted here.

As I say, we didn't initiate this, but looking at it very, very carefully, I thought this was a good thing for many of our people, particularly because those people are the ones who are so badly hurt by inflation and they are the ones with nobody to speak for them, and who have such low earning power that I don't see how they can live and get along at \$1.60, or even the \$1.80 for that matter, with the tremendous increases in prices we have seen in the last few years. This

person has nobody to speak for him in stopping the spiralling cost of goods, and he has got nobody to speak for him in keeping his earning power up to meet the spiralling costs of what he has to buy. I guess I will just leave it at that.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to express my disappointment that what we will be voting on today is this bill as amended only to the \$1.80 per hour.

I would like to compliment my good friend whom I admire so very much, the Senator from Kennebec, Senator Katz, for his diplomacy. I recall when the Chiropractor bill was enacted, which my good friend voted against, he went promptly over and congratulated the Chiropractors. They were all so deeply moved, and they said "Thank you, Senator", and afterwards they told me how much they appreciated Senator Katz's help, and I was unable to convince them that he had voted in the contrary. And I was much struck by his complimenting the good Senator from Penobscot, Senator Tanous. I would say this: I know that my good friend is Republican, but if my good friend, Senator Tanous had had the same percentage of support among the Republican Party that he had among the Democratic Party for this particular measure we would not be considering \$1.80 an hour, we would be enacting a \$2.00 an hour wage.

I am also disappointed that we missed an opportunity by this amendment. We could have, instead of saying "not less than \$2.00 an hour at such time as the minimum level wage standards rise to \$2.00 an hour later," at least we could have tied it in with the minimum wage at the federal level, so that if the federal level rose to above \$2.00 an hour that it would automatically go to that figure, but we didn't. So, this is an immense disappointment to me, and I am sure that it is an immense disappointment to the overwhelming number of Democrats here, and I regret very much

that this is all we are going to do here today.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous. I don't want to belabor this labor bill. In response to Senator Harding from Aroostook, the way the amendment reads, and perhaps I should have said it when I spoke earlier, that if the federal level goes to greater than \$2.00 an hour, of course, under this amendment we would also go along with the greater amount. If you will read the latter part of the amendment, it says "\$2.00 per hour or greater", so we will escalate with the federal government if they do go higher than \$2.00 per hour. But that isn't the purpose for which I got up here to speak

I do want to thank Senator Violette from Aroostook for his able support that he has given me on this particular bill, he and the members of his party, and those Republicans who did support me. I certainly did appreciate the support that they have given me, their confidence and their help, and also those Republicans who attempted to guide me in not raising the minimum wage away out of hand where we would have caused problems. My sentiments are those of Senator Violette from Aroostook. I mentioned that when I originally spoke on this bill, and his sentiments that he expressed here today have been my sentiments and I highly concur with his statement. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I hope that the good Senator from Penobscot, Senator Tanous, has noticed that without any debate whatsoever the Minority Party did allow the good Senator to reconsider this bill in the engrossment stage.

I am opposed to the amendment that is before us today because I think really that it is a sell-out on the little people throughout our state who earn less than \$1.60 an hour now. This morning as I was getting prepared to come down to the Senate Chamber I was listening

to the television where one of our major steel companies has gone up to 6 percent on the cost of steel. We know that any time the steel industry takes an increase in their cost of production that the little fellow right down the line from top to bottom is affected by it. Yet our people who are earning under our present minimum wage are going to feel really the strongest blunt of this.

In Portland, for example, our rents continue to climb daily. Rents that used to be \$50 a month now are somewhere in the neighborhood of \$90 to \$125 a month. Yet the little guy who is not working at a skilled trade is making what we consider today our minimum wage in the state.

So I am going to vote against the amendment that is before us. Perhaps the feeling is that we allowed reconsideration of the bill because perhaps it was just being sensible because apparently we don't have the votes to pass a \$2.00 minimum wage here today. But at least I am willing to hang around and stick it out to see if perhaps between now and next week we could get those votes. So I would ask for a roll call on the adoption of the amendment.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I had intended fully to keep quiet on this matter because it was being handled very much on a non-partisan basis, but when I see the three big guns of the Democratic Party get up and let go, of course, I cannot back down.

I was quite amazed when Senator Tanous of Penobscot called attention to the fact that Senator Harding of Aroostook has missed one of the very important points in the proposed amendment. By permitting the \$2.00 wage to go above \$2.00, of course, he is exceeding the original bill as presented, so that we are doing more this way for the people in the low wage brackets than the original bill provided.

This also refutes the statement of Senator Conley from Cumberland that we weren't doing what we should by the low paid people.

I would like to point out that we are at this point because there has been good compromise on everybody's part, and I regret very much that Senator Conley is going to find it necessary to vote against the proposal. I would point out that Brunswick had a bill in, and part of the features of that bill are incorporated in this, tying the \$2.00 to the federal standards. Representative McTeague's bill would have tied both to the federal standards. We are going beyond that. We are saying it will go to \$1.80 ninety days after we adjourn. Representative McTeague's bill might not have gone to \$1.80 for the foreseeable future if the federal government did not act. So in this way I think we have a very good compromise here.

Now, I am the first one to admit that a \$2.00 minimum right now is starvation wages. For some time now the federal minimum for qualifying for assistance has been \$4,000. I am sure by the time we get to the \$2.00 minimum wage, which is tantamount to a \$4,000 yearly scale, that the \$4,000 will be increased.

We certainly cannot try to break this inflationary spiral by taking the people at the lower end of the wage scale and saying that you are going to be the ones that are going to break it.

I would be far more interested if some of the gentlemen down at Wiscasset who are out on strike now, I would be quite happy if they were the ones to break the spiral, but certainly we shouldn't ask the people we are talking about today, who are away, way, way down at the bottom of the scale, to do it. I hope we do accept this amendment, and I urge everybody here on a non-partisan basis to do it. I think we have banged out a very good arrangement and everybody, Democrats and Republicans alike, has contributed to the progress which has been made, and we find ourselves at the point now where we can move ahead.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: Last week, or sometime within the last two weeks, when this bill came before us in the enactment stage or the engrossment stage, the good Senator from Penobscot, Senator Tanous, did mention in debate the extreme or tremendous pressure that was being put on the members of this Senate in relationship to the present minimum wage bill before us. I honestly at the time thought that the good Senator was having hallucinations because honestly, and it is no discredit to the Senator, no one had spoken to me at all about being in opposition to this bill. I can honestly say that only last Monday—and it was strange to me because I am one of the little fellows around Portland, and I have never got involved in what they call today a conference telephone call—and I had three or four people on different phones around the state who were all talking to me at once in opposition to the present bill before us. That was the first time that anyone had contacted me in regard to this. And mainly it affects a certain industry in the state, the shoe industry. But it is my understanding really that these people who do work in these factories make more than the minimum wage now, so what it boils down to really is that the apprentice stage is where this bill apparently affects the industry.

But I noticed that the bill got here to us in the enactment stage, and then on a roll call vote in the other body is passed tremendously, and there was never an utterance or certainly any organized effort to defeat that bill over there, and it is now before us. Now, I am sorry to see that all of a sudden today, after it has been tabled from day to day over the last week and a half, I just think it is really unfortunate that we can't enact it in its present form. I think that we can if we sit back and try to consider the guy who has got a large family and doesn't have that skilled trade,

and really needs not even \$2.00 or \$1.80 a week, but anything we can consider a living wage.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I do not feel that I can support this amendment this morning. All the newspaper releases out of Washington this week are to the effect that the administration is not in favor of increasing the minimum wage on the federal basis. The minimum wage on the federal basis right now is \$1.60 an hour, the same as it is here in the state.

Many of my constituents have written to me and want to know what is wrong with us here in this Legislature, are we trying to beat the federal government in raising the minimum wage.

Now, many of our activities here in Maine are going to be greatly hurt if we increase the minimum wage before the federal government does, so I cannot support the amendment.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: My interpretation of this amendment is just like I said, that this goes to two dollars an hour when the federal minimum wage rises to two dollars an hour or greater. I think this could have been made very clear. If it is the intention that we will match the federal minimum wage when it rises to two dollars an hour or greater, then those who so contend I hope will table this so that they can rewrite this amendment so it will be very clear that you intend to tie it in, because it does not do so now, I believe.

I would hope that everyone here would vote against this amendment, if you would like to have a vote on the two dollar minimum. That is the only way we are going to get a chance to see how many here would vote for the two dollar minimum. I hope that you would vote against it, and then we will have a chance to vote for the two dollar minimum.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I want to apologize and retract a statement that I made a moment ago about going to two dollars or greater if the federal does. This amendment doesn't do that, and I have just found out the reason that we can't do it is because it has been termed unconstitutional or illegal. We can tie in for a definite amount, but we can't tie in for an indefinite amount. So that whenever the federal government does go to a two dollars an hour ours will escalate along with the federal government. But if the federal government should go higher than two, of course, ours wouldn't because we can't tie in on an indefinite amount. It has got to be a definite figure stipulated in our laws when we try to tie in with the federal government.

I would hope also that my support in the Democratic Party would stick with me on this amendment. Really I don't have the support for the two dollars in the original form of the bill, and it is my sincere interest and attempt to do something for the man at the bottom of the ladder. I fear if I lose my support from my Democratic friends at this time that we may end up losing the whole thing, and I don't want that to happen. I wish you would join in a non-partisan manner this morning and support this amendment, and give a raise to \$1.80 per hour where it is really needed and very desperately needed. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I reluctantly rise to debate labor issues.

Over the past week I have been contacted by quite a number of people in this matter. Now, first of all, let me point out that I come from a low income area. We do not have many industries that are unionized. I was approached by one

company union and they urged the support of the two dollar minimum wage. I had a nice discussion with their leader. And we pointed out some of the circumstances surrounding this bill in relation to the low income people who are not unionized. This gentleman said, "I hope that you could vote for the two dollar minimum but I fully realize that you have to represent all of the people as well as those of us who are in the labor unions."

Incidentally, I might say that we discussed the possibility of an amendment to tie this minimum in with the federal minimum, and this gentleman said, "I do realize this situation and I know that you will vote for the best interest of all of the people of this area which you represent." And the reason for his saying that was the fact that I had pointed out to him that we do have in the coastal area a great deal of low income industries, people that are receiving only the minimum wage.

There have been a number of those people that have approached me and they are concerned about their individual jobs if the minimum wage is raised to two dollars an hour. They feel this way: that their employer is going to reappraise his business practices and his employment, and that it could and would undoubtedly mean that some of these minimum wage people will lose their jobs and they will be required to go onto relief. I can honestly say that a lot of these people, even though they are earning the minimum wage, and it is not enough, I know it, we all know it, they are proud people and they do not want to go onto relief and won't go on relief unless they are forced to by elimination of their jobs. They have approached me and have raised the question that if this minimum wage should go to two dollars is it ultimately going to work in the reverse and hurt them rather than to help them. I pointed out the possibility of this proposed amendment by the distinguished Senator from Penobscot, and they seemed to be quite happy and they felt that a compromise would be acceptable to their employers and they

themselves would be quite happy with such a proposal. I would hope that you would go along with this amendment offered by Senator Tanous.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "C" to Bill, "An Act Increasing Minimum Wages."

A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the Adoption of Senate Amendment "C" to Bill, "An Act Increasing Minimum Wages". A "Yes" vote will be in favor of the adoption of Senate Amendment "C"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Fortier, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Graham, Harding, Kellam, Marcotte, Martin, Minkowsky, Quinn, and Violette.

ABSENT: Senator Levine.

Mr. Johnson of Somerset was granted permission to change his vote from "No" to "Yes".

A roll call was had. Eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, Senate Amendment "C" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I move reconsideration of our action and hope you vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry,

now moves that the Senate reconsider its action whereby Bill, "An Act Increasing Minimum Wages", was Passed to be Engrossed.

As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion to reconsider did not prevail.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 1 o'clock tomorrow afternoon.