

# 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

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be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

#### Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass" — Committee on Public Utilities on Bill "An Act relating to Complaints Against Public Utilities" (H. P. 1175) (L. D. 1633)

Tabled — May 14, by Mr. McCloskey of Bangor.

Pending — Motion of Mr. Williams of Hodgdon to accept Majority Report.

On motion of Mr. Susi of Pittsfield, retabled pending the motion of Mr. Williams of Hodgdon to accept the Majority Report and tomorrow assigned.

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

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

Tabled—May 14, by Mr. Scott of Wilton.

Pending—Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration and I would wish to speak to this.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the rules be suspended for the purpose of reconsideration. Is there objection? The Chair hears none, the rules are suspended.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I did not have much luck with my election laws situation, which doesn't particularly hurt my feelings; perhaps I will do a little better with this.

Let's briefly review the minimum wage situation as it has faced this legislature. The original bill was for \$2.00. However, we here in the House accepted Senate Amendments "A" and "C" whereby we increased the minimum wage from \$1.60 to \$1.80, with a stipulation that we would go to \$2.00 whenever

the federal government did. Now since we had no provisions in there for any amounts of money between \$1.80 and \$2.00, the gentleman from Brunswick, Mr. McTeague, questioned the constitutionality of this. So a lawyer from the Attorney General's staff drafted House Amendment "A" under filing 273. This satisfied both Mr. McTeague and me. But it started a real hassle within the legal profession. Another Deputy Attorney General said it was still unconstitutional.

I have dealt with lawyers all my life. I find them bright, intelligent, quick-witted gentlemen. Even though my own father was a member of the bar, I find some of them to be very strange birds indeed. They are so used to arguing that they seldom can even agree among themselves. However, I did not present House Amendment "A" and I sent it back to another member of the Attorney General's staff, and they were supposed to have it ready for me yesterday, but they didn't. I guess they were still arguing among themselves.

However, this morning I went to Mr. Erwin, the Attorney General himself, and there was another amendment that had a very little change from the original. The only difference in this is, the first amendment said we would go above \$1.80 whenever the federal government did, and this just adds, "or the effective date of this act, whichever comes later." I certainly think this seems picayune, but that seems consistent for them. However, Mr. Erwin himself has approved this, and in short, it would increase our minimum wage to \$1.80 and other increases as approved by the Congress, but in no case more than \$2.00.

Now for the parliamentary procedure. Yesterday the Speaker caught me with my rules down; perhaps I can do better today. I move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The Chair would advise the gentleman that the rules have already been suspended for the purpose of reconsideration.

Mr. ROSS: I now move that we reconsider our action whereby this bill was passed to be engrossed.

The SPEAKER: The Chair understands that the gentleman from Bath, Mr. Ross, moves that the House reconsider its action whereby it receded and concurred.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I think that perhaps we might be making an error in receding. The bill as it stands now, the posture that it is in, as I understand it, there was a question as to the constitutionality of the amendment that was put on in the Senate. I think this was referred to the Attorney General and my understanding is that his ruling is that the amendment that was put on in the Senate is constitutional.

Now if we do pursue the course that Mr. Ross has opened up, we could make this bill subject to other amendments. And at this stage, as I understand it, it will require a two-thirds vote to pursue the course that Mr. Ross is suggesting.

Obviously I have been opposed to this bill right along. I have been opposed to it because I think it is bad economics, I think it has bad social effects and I think that it will have a real inhibiting effect on efforts of the state to advance industrial development. However, I do also recognize that occasionally a compromise is necessary. I think we have achieved at this juncture the best compromise that we are going to come out with. For this reason I wouldn't oppose Mr. Ross's motion.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: The amendment which I understand that Mr. Ross intends to offer, assuming that the House goes along with the reconsideration, will, as Mr. Ross has stated, simply tie us penny for penny to any increases in the federal minimum wage, beginning at \$1.80 and with a cutoff at \$2.00. I think this is a responsible and yet progressive step. And I think frankly, from my conversations with individual members, it reflects a very substantial sentiment in this House.

I think, on the other hand, if the House does not choose to reconsider this morning, we are faced with being in a rather unusual position, that we say to the federal government what we say to our own people. "Yes, we will go along with the federal government when they go to \$2.00, but if the federal go to \$1.90 we won't go along with that; we will stay at \$1.80." That doesn't strike me as very good sense.

I hope therefore, Mr. Speaker, that those members who are in favor of being progressive and yet responsible on this legislation will go along with Mr. Ross's motion for reconsideration.

The SPEAKER: The Chair would advise the House that the endorsement on the bill shows that on May 7 a reconsideration of whereby we receded and concurred failed. Therefore this matter will either fail of enactment and go to the Senate or be enacted.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, may I approach the rostrum?

Whereupon, Mr. Martin of Eagle Lake and Mr. Susi of Pittsfield were granted permission to approach the rostrum.

(Conference at rostrum)

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: For one fleeting moment I understood what we were going to attempt here, and I am not sure but what it has left me. But as I can remember it now, if we should fail to enact this at this time, it would go back to the Senate, at which time they would have the opportunity to offer and adopt, if it is their desire, the amendment which is before us now, sponsored by the gentleman from Bath, Mr. Ross. If it were adopted over there then it would come to us in non-concurrence, at which time we could recede and concur and we would have accomplished what we might have accomplished here if it weren't for our reconsideration rule.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I would just like to pose a brief question to our Floor Leader. Did you say if we failed to enact it here it will go there in non-concurrence?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the gentleman from Pittsfield, Mr. Susi, and the Chair recognizes that the question has been satisfactorily answered.

The pending question is passage to be enacted. The Chair will order a vote. All in favor of this matter being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken, 14 having voted in the affirmative and 121 having voted in the negative, the motion did not prevail.

Sent to the Senate.

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

HOUSE REPORT — "Ought to pass in New Draft"—Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for the Constructions of a General Activities Building for Female Offenders on Property at Stevens School" (H. P. 869) (L. D. 1190)—New Draft (H. P. 1327) (L. D. 1741) under same title.

Tabled—May 17, by Mr. Dam of Skowhegan.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1741 has been reported out by the Committee on Appropriations and Financial Affairs. It involves construction of buildings in Hallowell which would take care of those people who are now housed in the Women's Correctional Center in Skowhegan. It also involves acquisition of land. The total price tag is three quarters of a million dollars.

It is the desire of the Committee on Health and Institutional Serv-

ices that it have an opportunity to go up this afternoon to look over the Skowhegan program and perhaps be in a position to report back to the House in a day or two. And we therefore would like to have someone table this bill for two legislative days please.

Thereupon, on motion of Mr. Bragdon of Perham, retabled pending acceptance of the Report and specially assigned for Thursday, May 20.

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

AN ACT relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities (S. P. 238) (L. D. 754)

Tabled—May 17, by Mr. Carey of Waterville.

Pending — Passage to be enacted.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of this being enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

119 having voted in the affirmative and 5 having voted in the negative, the motion did prevail.

The Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

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

AN ACT to Provide an Automatic Pay Increase to Classified State Employees Who Pass the Certified Professional Secretary Examination (H. P. 973) (L. D. 1334)

Tabled—May 17, by Mr. Susi of Pittsfield.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: First I would like to thank the gentleman from Pittsfield, Mr. Susi, for bailing me out yesterday when 101 votes were hard to come