

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

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

Bill, "An Act Establishing the Legislative Compensation Commission." (H. P. 2023) (L. D. 2566)

Bill, "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Persons." (H. P. 2015) (L. D. 2556)

(See Action later in today's session.)

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

Sent down for concurrence.

House — As Amended

Bill, "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1974, Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, and the State Lottery Commission and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government." (H. P. 2028) (L. D. 2569)

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

Bill, "An Act Advancing the Effective Date of a Pay Adjustment for State, Maine Maritime Academy and Classified and Unclassified University of Maine Employees." (H. P. 2022) (L. D. 2565)

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

Sent down for concurrence.

Bill, "An Act to Increase the Minimum Wage." (H. P. 1801) (L. D. 2321)

Which was Read a Second Time.

Mr. Conley of Cumberland then moved that the Senate reconsider its prior action whereby it Adopted Committee Amendment "B".

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

Mr. BERRY: Mr. President, I wonder if the Senator from Cumberland, Senator Conley, would explain the purport of his proposed amendment before we get involved in a lot of parliamentary changes here.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Berry, poses a question through the Chair to the Senator from Cumberland, Senator Conley, who may answer if he so wishes.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I think Report "B" was the report with a \$2 minimum wage, and the proposed amendment I am submitting changes that to \$2.10 an hour.

Now I would like to speak to the motion to reconsider our action whereby Committee Amendment "B" was adopted. The proposed amendment that I would like to offer sometime this morning is what I believe to be a fair compromise between Committee Amendment "A", which was on our calendar yesterday and which was the \$2.20 an hour minimum wage, and Report "B", which was the report accepted by the Senate yesterday with the \$2 an hour minimum wage. The amendment which I would like to offer calls for a \$2.10 an hour minimum wage.

Mr. President, I have very strong feelings on this. I particularly feel that with the inflationary costs today, for people trying to exist, that it is extremely difficult under the current circumstances. And I think the irony of the entire bill that is before the Senate is that, if you read the small print in the L.D., it states quite clearly that when the Congress takes an affirmative action on the minimum wage, whether it is \$2.20 or up to a \$3 an hour minimum wage, that once Congress passes that and it is signed into law, the State of Maine is going to go along with whatever minimum wage Congress decides upon.

The amendment that I have, as I say, is what I consider to be a compromise between the \$2.20 and \$2 an hour minimum wage, and I hope the Senate would reconsider its action whereby Committee Amendment "B" was adopted yesterday and then would entertain the proposed amendment to \$2.10 an hour. When the vote is taken, Mr. President, I would ask that it be taken by the "Yeas" and the "Nays".

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, I am opposed to the reconsideration motion. I think yesterday the Senate took correct action when it voted to increase the minimum wage to \$2 an hour.

I did not speak on this matter yesterday because it was very carefully covered by those who were supporting increasing the minimum wage. I am opposed to reconsideration of that action now because I think we are going to open up the whole problem again and go around and round and risk losing the progress that was made.

The minimum wage as a concept is really just that, a minimum wage. It doesn't provide a living wage, it doesn't provide the necessary income to permit people to live by standards which we would like to see all of them achieve. The reason for the minimum wage is to protect those people who are most in need of protection. It provides a minimal wage level. In doing that, we have to recognize the realities of the economic system in which we live. If we in Maine take a position that puts us away in advance of other states, particularly contiguous states, we are damaging our chances to provide the kind of business and labor climate in Maine that will produce a living wage as opposed to what I call a minimal legal wage.

Now, I think we ought to stay with \$2. I think it makes sense, and I don't think we ought to get back into reconsideration of this and risk losing the progress we have already made. And I support the request for a roll call.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: Again I am baffled by the remarks of the good Senator from Cumberland, Senator Richardson, in regard to progress.

As I understand it, the minimum wage in 1967 was \$1.60. Just to keep those people at the same level, we would have to pass one at \$2.21. And I think the attempt of the good Senator from Cumberland, Senator Conley, is to try to compromise it and do it at \$2.10, which would still leave the lowest rung wage earner 10 or 11 cents behind where he

was in 1967. I don't call that progress, but if we could do this much we would at least accomplish something for those on the lowest rung of the scale.

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

Mr. CONLEY: Mr. President, I would say I agree with some of the remarks made by the good Senator from Cumberland, Senator Richardson, that actually the minimum wage is to protect those who mostly need it. Perhaps his legal secretary is one of those people who need it, I don't know, but they tell me that legal secretaries aren't paid too much these days. I don't know, maybe the Senator from Cumberland, Senator Richardson, is a liberal payer. I haven't checked his books recently. But there are certainly a number of people in this state who don't make \$2 an hour. While they are making \$1.90, when you are paying \$1.64 a gallon for that cow's milk that Senator Cyr likes to speak about, I think it is impossible for these people to try to get by. I think that \$2.10 an hour is a fair compromise, and I hope that the Senate would reconsider its action of yesterday.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: You might as well hear from another Senator from Cumberland. I think that the move from \$1.90 to \$2 was reasonable. My understanding is that we move up as the federal government goes beyond that limit, and the federal government is contemplating at the present time a substantial increase in the federal minimum. It seems to me that in this special session the responsible action that was taken the other day to go to the \$2 is something we ought to stick with.

As the Senator from Cumberland, Senator Richardson, said, the minimum wage is a concept. God help us if many people are at that minimum. I hope as few as possible are. But why don't we stick with what we did and go on to other things.

The PRESIDENT pro tem: The pending motion before the Senate is reconsideration of the adoption of

Committee Amendment "B". A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of at least one-fifth of the members present and voting. Will those Senators 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 motion before the Senate is the motion of the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby Committee Amendment "B" was adopted.

The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD: Mr. President, I have been listening to part of the debate in my office and I just think before we vote on this reconsideration motion, where we are discussing minimum wages, I think we should discuss just for a moment the highest minimum wage in the State of Maine today, which is enjoyed by the attorneys of this state with their 35, 40, or 45 dollars per hour. So I was really pleased to see that the Senator from Cumberland, Senator Brennan, and others who happen to be in that category, are so worried about these people who are now making \$1.90.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I am glad to see my very good friend, the distinguished Senator from Penobscot, Senator MacLeod, down on the floor talking again. But what we are concerned with here again are the people at the lowest rung in the scale. We are just trying to get them up 10 cents or 20 cents, not a great deal, just to try to help them defray some of the expenses that all of us have, trying to work them toward a minimum standard of living. They are not getting that now.

I am not saying that this is a complete answer. It is not. But it is a step in that direction to help those who need the most help. In fact, I sort of think that is what government is about, to help those who can't help themselves. So we have a chance now, if we vote for that

reconsideration motion, to do something about that.

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

Mr. CONLEY: Mr. President, the thought just occurred to me that I haven't seen any insurance salesmen going through bankruptcy lately, and I think they are making a pretty good living themselves. As I look around the Senate, it seems to me that you are all doing pretty good for yourselves. You too, Mr. President, and I hope you would also vote for reconsideration.

The PRESIDENT pro tem: The Chair recognizes the Senator for Cumberland, Senator Berry.

Mr. BERRY: Mr. President, may I suggest the return to a little decorum in the Senate.

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

Mr. TANOUS: Mr. President and Members of the Senate: I just want to remind the members of this body that yesterday we debated many issues and we also debated the minimum wage, and I don't know if you people at that point were turned off when we debated the minimum wage, but I do want to remind the members of the minority party that the \$2 minimum wage was requested by the Governor of the State of Maine, who just happens to be a member of the minority party. Certainly I would assume that the Governor knew what he was doing when he made this request, understood the problems of the small businessman in Maine, and what adverse effect it would have if he asked for more than this.

In fact, yesterday after we voted on the minimum wage, Senator Brennan, Senator Danton and myself spoke with a businessman who told me that this literally, if it went up to \$2.20, would cause him to relieve two of his employees from their work. I hope you don't mind, Senator Danton, my mentioning this, but Senator Danton said that he had nine employees and, if the \$2.20 went through, he would relieve two of his employees as well. So gentlemen, let's not fool ourselves. I mean, we know that an increase in the minimum wage is

not wanted by many of you who are supporting this measure, you know it isn't going through, and it is sort of a political move on the part of the minority party — and I suppose it is sort of a political move on the part of the minority party — and I suppose that this is part of the game — but we have to be responsible in legislation, your Governor is a responsible man in this particular request, so let's support his request. Thank you.

The PRESIDENT pro tem: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby Committee Amendment "B" was adopted to L. D. 2321. A roll call has been ordered.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Kelley, Marcotte.

NAYS: Senators Anderson, Berry, Cox, Cummings, Graffam, Greeley, Haskell, Henley, Hichens, Joly, Katz, Minkowsky, Morrell, Olfene, Richardson, Roberts, Sewall, Shute, Speers, Tanous, Wyman, MacLeod.

ABSENT: Senators Huber, Schulten.

A roll call was had. Nine Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion to reconsider did not prevail.

Thereupon, the Bill was Passed to be Engrossed, as Amended, in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court." (S. P. 825) (L. D. 2352)

Which was Read a Second Time.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

Enactors

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

An Act to Correct Errors and

Inconsistencies in the Fish and Game Laws. (S. P. 765) (L. D. 2196)

An Act to Provide for the Use of Building Code Standards in the Design of State Buildings. (H. P. 2016) (L. D. 2557)

An Act Revising Certain Laws Relating to Passamaquoddy Indians. (H. P. 2017) (L. D. 2559)

An Act Relating to Certain Dedicated Funds. (H. P. 1895) (L. D. 2406)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act Providing Minimum Retirement Benefits for Certain Teachers. (S. P. 787) (L. D. 2267)

(On motion by Mr. Morrell of Cumberland, placed on the Special Appropriations Table.)

Emergency

An Act Relating to Reimbursement of Providers of Care and Treatment other than the State. (H. P. 1962) (L. D. 2502)

This being an emergency measure and having received the affirmative votes of 23 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President pro tem laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act Relating to School Buses." (S. P. 722) (L. D. 2134).

Tabled—March 12, 1974 by Senator Berry of Cumberland.

Pending—Consideration.

(In Senate—Passed to be Engrossed as amended by Committee Amendment "A" (S-349) and Senate Amendment "B" (S-366)

(In House—Passed to be Engrossed as amended by Committee Amendment "A" (S-349) and House Amendment "A" (H-741) in non-concurrence.)

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending further Consideration.

The President pro tem laid before the