

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: You will notice that earlier in today's calendar, item 3 on page 2, we accepted an order to make sure that we get the study done and that we report to the next legislature. This, I think, meets the objective that I had in the introduction of this order when I introduced it the first day of March. Now I would move that we recede and concur with the other body.

Thereupon, on motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Increase the Minimum Wage" (H. P. 1801) (L. D. 2321) which was passed to be engrossed in the House as Amended by Committee Amendment "A" (H-744) and House Amendment "A" (H-765) on March 11.

Came from the Senate with that body adhering to their action whereby they passed the Bill to be engrossed as amended by Committee Amendment "B" (H-745) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Bangor, Mr. McKernan, moves that the House recede and concur with the Senate.

The gentleman may proceed.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is obvious from the communication we received from the Senate that the Maine Legislature, at least in the special session, is not going to increase the minimum wage any higher than \$2. Although I personally feel that an increase in the minimum wage to \$2 is the most responsible position that the legislature can take, I realize that a lot of you feel that we should go substantially higher.

I also realize that there has been a lot of politics played with this whole issue, and I accept that as part of the political process that we are all involved in. But I think a time comes when politics has to

be set aside and the welfare of the people of Maine has to be taken into consideration. I think that time has come right now. I also think that if you ask every man and woman working in the State of Maine how they feel about the minimum wage, I think each of them would say that \$2 is a darn sight better than \$1.90. So I hope that you support my motion to recede and concur.

Mr. Connolly of Portland requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I will take little exception with what my good friend from Bangor about a little politics being played with this measure.

I really believe, and I think a lot of you here believe the same as I do, that when we increased the compensation of our legislature, we didn't stop and think about the cost of living or other things connected with it. We were very, very generous. But when it comes to giving the laboring man a little bit of an increase, everybody seems to get up on their feet and object to it. I don't know why. The man who is going to benefit most by the increase of wages, the hourly wage, is going to be the man on the street, the man on the lower end of the totem pole. I really think that he is the one that is struggling the hardest to make both ends meet.

I know that in my line we don't pay as low a price as that for wages, and I know that many other classes have the same thing. They pay a very good, substantial sum. These plants pay a good price, but the man who hasn't any education, who earns his living by mowing lawns, shoveling snow, working out in the woods or doing menial tasks, he is not getting the proper compensation. He has a family nine times out of ten that needs his help, and in order to properly compensate him, we should, at least, do what we can to give him an increase in his hourly wage.

A lot has been said over here that well, it is a mite too early to start. I notice the federal government at the present time are working on a bill which will grant the laboring man \$2.20 an hour, and I almost

believe it will pass. I certainly hope it does. If it does, we will have to follow suit.

On our State flag we have a motto, *Dirigo*, which means, I lead. Why don't we lead the rest of the nation and give some of these people proper compensation. I think that \$2.20 an hour is not too much. I am glad we are going to have a roll call on this measure.

The SPEAKER: The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't recede and concur so we can insist and ask for a Committee of Conference.

I don't think we are playing politics with the people of Maine on this issue. Two dollars an hour just doesn't feed a family now. Let's get realistic; let's defend the people and let's insist so that we can have a Committee of Conference and work out a better figure than \$2 an hour, and I don't think this is playing politics. It is playing politics to quit.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think we are caught in a situation this morning where I don't particularly care to find myself. The other body having adhered, we have no choice but to back up and to go along with them. If we do anything else, it will kill the bill and we won't get anything at all during the special session. Under parliamentary procedure, unfortunately, this is where we are caught, in a situation with the other body having adhered to its position and this means very simply that they refuse to discuss this and that if we do anything but recede and concur, the minimum wage increase is dead. This, to me, is tantamount to blackmail by the other body, but we have no choice in the matter.

I certainly disagree with the remarks of the gentleman from Bangor, Mr. McKernan, because I feel strongly that the people who need the help will not be getting it, and we will now have to wait for the federal government, once again, for them to raise the minimum wage to assist people of this state.

You may be interested to know that the federal government is now in the

process of amending the minimum wage, and they think, according to most people in Washington, will go to \$2.20 in a year. It would also be covering state employees in the process and it will cover a number of other categories that prior to that had not been covered. Even though I resent the vote that I am going to have to make myself this morning, I am going to have to vote to recede and concur, because if I don't do that, Maine people will get nothing during the special session.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning you will listen to the minority leader. He is a very practical man. He sees the handwriting on the wall on this thing.

I personally feel we aren't too far behind the rest of the states in the United States on minimum wage. And while I have nothing against going higher, I think we are doing pretty well as it is.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there is one thing that the gentleman from Eagle Lake brought out that I guess I would disagree with, and that is the fact that the other body has adhered to a positive motion. As long as they have adhered to a positive motion, that bill is still very much alive. In fact, we can do just about anything we want to over here. Of course, we can recede and concur or we could stick to our position that we have been in and we could insist. We could, in fact, adhere ourselves. There is no doubt about it, if we adhered ourselves, for all practical purposes, the bill would be dead. But as far as we are concerned, this bill is alive, and if we wanted to insist or if we wanted to insist and ask for a Committee of Conference, we definitely could. That bill has to go back to them in non-concurrence and their adhering motion could then be overturned.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I get advice from my left and my right. My heart tells me to accept one thing; my head another. I won't mention my nose.

I would ask, Mr. Speaker, and I pose this as a parliamentary inquiry to the Chair, because we are dealing with something terribly important to those who have very little fat to spare. Ten cents an hour is a pittance and in a sense an insult at \$4 a week. Yet I expect, if you are earning \$1.90, the extra \$4 might buy an extra day's food. So it might be worthwhile.

I share the concern of my seatmate, the gentleman from Eagle Lake, about losing everything. So rather, Mr. Speaker, than rely on either the minority or the majority floor leader for their parliamentary interpretation, I would pose a question to the Chair and ask the Speaker to describe for me and this body what the possible motions available to this body are at this time and the consequence of following any particular motion. I would also ask, Mr. Speaker, respectfully, after those opinions are expressed, because of the fact that we have previously in this session had divergent rulings on certain parliamentary matters from the other body as opposed to this body, that in the event that it appears that there may be other action possible, that there be given consideration by some other member to tabling this during the day so we don't operate on guess work and so we know how the presiding officer of this body is going to rule after you have explained it to us so that we know with certainty how the presiding officer of the other body will rule.

Mr. Speaker, I would appreciate your explanation.

The SPEAKER: The Chair would state that the House may recede, which motion takes priority, which would allow us to offer an amendment, and was the case in this very bill a few days ago when an amendment to lower from \$2.20 to \$2.10 was offered.

Mr. McTEAGUE: Mr. Speaker, in addition to that, is the motion to insist and ask for a Committee of Conference in order?

The SPEAKER: The Chair would say

that after receding, next is to recede and concur, which motion is pending now, the motion of the gentleman from Bangor, Mr. McKernan, which would mean that we concur with the Senate on the \$2 minimum wage. Next in order would be the motion to insist and ask for a Committee of Conference, which motion is not in order at the present time, which would allow a Committee of Conference between the two bodies to perhaps try to work something out. Finally is the motion to adhere, by which this body would remain firm on its particular motion, which was passage of the bill at \$2.10 per hour.

The Chair recognizes the gentleman from Lewston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would like to ask a parliamentary inquiry. If we insisted and then we asked for a Committee of Conference, then, if the Committee of Conference could not agree, the bill would then come back with the \$2 on it, it would not be dead.

The SPEAKER: The Chair would state that if we recede and concur which is the pending motion, we would then have agreed with the Senate on the \$2 minimum wage.

Mr. JALBERT: Mr. Speaker, then if we insist and ask for a Committee of Conference, which means we want — laying it out as it is — we want \$2.10 versus the unmentionable body of \$2, then if we insisted and asked for a Committee of Conference and the Committee of Conference did not agree, the bill would still be alive at \$2. Is this correct?

The SPEAKER: The Chair would answer in the negative. The members of the Committee of Conference report to each body that they could not agree, and presumably the Houses would accept those reports and the bill would be dead.

Mr. JALBERT: Then on that basis, I think probably, in spite of the fact that I voted personally for \$2.20, and we tried \$2.10 and the unmentionable other body does not agree, and in view of the fact that I am also looking toward early adjournment, I think probably you had better take the leadership's advice and thank the Speaker for his counsel without tabling the bill.

The SPEAKER: The Chair recognizes

the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I certainly agree with the self-answered question posed by the gentleman from Lewiston, Mr. Jalbert. I must say that I am no longer confused as to which floor leader to follow, because although I certainly want a \$2.20 minimum wage, I know that in this case a third of the loaf is better than none.

I would like to express the dismay that other members of this House have expressed at the way, in a sense, the majority of those voting in the other House have, I think, put us in this box. I don't think it has been played square. I don't think there has been an opportunity for those of us who stand for \$2.20 and are willing to let the people to whom we are responsible know that, to clearly define our position. Mr. Speaker, I guess we are in all ways both Legislators during the Session and off the Session, I guess we are public servants and communicators to our people during the on and off Session. I am certain that many of us will describe the sequence which happened on the Minimum Wage Bill in the State of Maine. I guess perhaps those of us who have a deep concern for the working people should be at least proud that even if we are not the most skillful in the world, at least we have gotten the other side to a position where they are reduced to parliamentary stratagems, rather than debating the thing straight up on the merits.

Mr. Speaker, I would express my personal thanks and I know that my constituents will feel the same way. What I believe is, that every member of my party in this House, who felt strongly enough for the working people, to support the \$2.20 minimum wage, and in the interest of accuracy on record, I would like to thank those members of the other party of this House, I believe being approximately half of the Republican Party in this House, who have, not only on the final vote, when it was roll called, but when the going was tough at the beginning, fought for a \$2.20 wage. I do not mean to suggest in the coming election year every Republican member

should be castigated for the opposition to the \$2.20 minimum wage, because a significant number of the Republican members of this House, and I believe every Democratic member of this House, has gone along with and fought for a \$2.20 minimum wage.

Mr. Speaker, in regard to the other Body, unfortunately, that degree of cooperation across party lines in the interests of working people did not obtain. I guess experience is a maturation for me to learn that there was a so-called party line roll call in the other Body. Mr. Speaker, I urge concurrence with the motion to recede in order to save at least 10 cents for those who need it most.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote, no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Fecteau, Ferris, Finamore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally,

McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Palmer, Parks, Peterson, Pratt, Ricker, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Sproul, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Connolly, Goodwin, H.; O'Brien, Smith, S.

ABSENT — Carey, Crommett, Donaghy, Dyar, Farley, Huber, Kelleher, LaCharite, LaPointe, LeBlanc, Mulkern, Norris, Perkins, Wheeler, Ross, Santoro, Sheltra, Soulas, Stillings, Trask.

Yes, 124; No, 4; Absent, 21.

The SPEAKER: One hundred twenty-four having voted in the affirmative and four in the negative, with twenty-one being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense" (H. P. 1991) (L. D. 2535) which the House passed to be engrossed as amended by House Amendment "A" (H-729) and House Amendment "D" (H-763) on March 14.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-729) and House Amendment "D" (H-763) and Senate Amendment "C" (S-404) in non-concurrence.

In the House:

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

Mr. MARTIN: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House recede and concur.

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

Mr. CONNOLLY: Mr. Speaker, I would like to move that we recede. I would like to explain that.

Mr. SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the house recede, which motion does take

precedence, and the gentleman may proceed.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: The reason I move that we recede is that I would like to get us into a position where we can kill the Senate Amendment C. And I think it would be beneficial and to the edification of all the members of the House, if perhaps before we vote on the motion to recede, if the gentleman from Eagle Lake would explain exactly what Senate Amendment "C" does. Mr. Speaker, I would like to ask for a roll call.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, if the gentleman from Portland wishes to deal with Senate Amendment C and not have it on there, the proper motion would be to insist, because we never did adopt that position; not the motion to recede. Secondly, Senate Amendment C, which would be adopted if my motion to recede and concur were to be accepted by this Body, would mean that the rate of payment for the distributors, who handle the cigarette tax be changed from two and one quarter, to two and one-half per cent. You may remember that the bill that we had or the amendment that came from the other Body, specified that, Senate Amendment B, that it would be two and three-quarters and I moved for "Indefinite Postponement" to that amendment based on the fact that I thought that was excessive. Senate Amendment C calls for half of that amount and it means roughly the additional payment to the distributors of forty to forty-five thousand dollars.

Now the reason that they feel very strongly about this is the fact that since the last time that there has been an adjustment. As a matter of fact, they have been adjusted downward twice since 1965, once in 1965 and once in 1967, as I recall it. There has been a tremendous increase in the costs of handling the situation. And, of course, it means that they are, in effect, handling a tax for us. They are handling a twenty million dollars tax for us. And they have to buy the stamps and they have to pay the labor to put them on, open the cases