

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

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the purpose of deceiving the state as to ownership of such island, or to otherwise deceive, deprive, obtain or misrepresent ownership of such island shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than six months.

This does not apply to island claimants who make an error in good faith. We have the same penalty in the statutes for the comparable misdemeanor of executing fraudulent conveyances on assignments. It is possible that a false island registration could be used in the future as evidence of ownership against the legitimate owner. The fraudulent registration section of the Coastal Island Registry Law will afford to island owners the same protection as all property owners are afforded under the present fraudulent conveyance statute.

I do have in my office some correspondence from a fellow from New Jersey who has knowingly tried to claim ownership to an island, even though he has not had any legal documents or any papers to back up his claim. He still insists that it is his island, and it is the second largest island in the bay. So it does happen and we do need this.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: I think that maybe since we have had some discussion on stealing islands that perhaps people might be laboring under the impression that we are talking about islands of a hundred or 200 acres. What has actually happened with this legislation and what the department has done with it after it has passed, is that in many cases the department heads classified as islands rocks or ledges which are under water 10 or 20 feet even at low tide. There has been a great deal of disagreement between property owners along the coast and the department as to exactly what does consist of an island.

So what may happen is, even though an island owner has a deed for a particular island and assumed that the ledges, and there may be a few rocks sticking out a couple of feet off shore, what the department is saying now is that that is a different island and of course that wouldn't necessarily have been included in any particular deed.

The issue is a very confusing one. And while I think there needs to be a proper punishment on here to truly give a department some strength when cases of fraud do indeed occur. I think that the amendment proposed by Mr. Cooney is excessive, and I ask you to vote against it.

The SPEAKER: The pending question is on the adoption of House Amendment "A". All in favor of adopting House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

10 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Post of Owls Head, tabled pending passage to be engrossed and specially assigned for Friday, May 16.

Passed to Be Enacted

An Act Relating to the Osteopathic Student Loan Fund (S. P. 342) (L. D. 1144)

An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers (H. P. 480) (L. D. 599)

An Act to Amend the Site Location of

Development Statute (H. P. 619) (L. D. 765)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Innkeepers, Victualers and Lodging Houses (H. P. 1115) (L. D. 1406)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. SPENCER: Mr. Speaker and Members of the House: In looking through the proposed criminal code, I notice that in Section 357, which is in Theft of Services, there is a section which includes the theft through fraud of services of a hotel, motel, tourist cabin, rooming house or like accommodations and there is a provision that says where compensation for services ordinarily paid immediately upon the rendering of such service, as in the case of hotels, restaurants and garages, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception. Theft of services in an amount of less than \$500 is defined as a Class E crime, which has a penalty of not more than six months and a fine of up to \$500, I believe, under the proposed criminal code. I just question the necessity of this act in view of the fact that it is covered in the provisions of the proposed criminal code.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker and Members of the House: It was my understanding that the House accepted Committee Amendment "A". Was that Indefinitely Postponed in the Senate?

The SPEAKER: The Chair would advise the gentleman from Stockton Springs that Committee Amendment "A" has been adopted in both bodies and is attached to the bill.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, on this matter, this was debated at some length the other day and just for clarification, perhaps the gentleman from Bar Harbor or someone on the committee could explain to us the extent of the fines. I'm really confused at this point and I know we are talking about \$3,000 fine and a year and a day in jail and so forth, and I would hope that someone would clear that up for me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, has posed a question to the gentleman from Bar Harbor who may answer if he so desires.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: I am trying to shed a little light, I guess I am a little confused myself with the remarks of Mr. Spencer. This bill, just for information, had come out of the, in a sort of re-write from the Attorney General's Department and I suppose it was in good form. After the debate the other day in which I had tried to raise the maximum fine to \$3,000 and have it called a felony, I understood that was defeated and we were now in a position with the bill classed as a misdemeanor with a top fine of a \$1,000, I believe. So I can't shed any more light on it, at this particular point, unless some of the legal

fraternity in the House can take it further, and I guess Mr. Spencer still has doubts.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide for Reimbursement of Court Appointed Attorneys for Reasonable Disbursements made on Behalf of Their Clients (H. P. 1265) (L. D. 1631)

An Act to Exempt Nonprofit Historical Societies and Museums from Payment of Sales Tax (H. P. 1326) (L. D. 1627)

An Act to Increase the Minimum Wage to \$2.30 an Hour (H. P. 1521) (L. D. 1834)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk Mr. MacMahon in reference to Item 8.

Mr. MacMAHON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I do not more than rise to ask you to grant me the courtesy of a roll call vote on this. I am certainly for it, but I find myself in the not unusual position of being recorded on this subject only in one other vote and that was a vote against the \$2.50 minimum wage. Naturally, politics being what it is, I expect someone in the absence of a roll call "for" a \$2.30, I expect someone to pop up right before the next election and say "Mr. MacMahon is against labor" and of course, I am not, so I respectfully request a roll call on this.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I move we reconsider our action whereby this bill was passed to be engrossed.

Thereupon, on motion of Mr. Tierney of Durham, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-316) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: One sure thing, I won't debate against the young gentleman who presented this amendment but I was a little worried and I would like to have the Chair answer me this question. In this bill, the Senate, the other Body at the other end of the Hall, I apologize, they adhered to the former motion and I, for one, would very much like to see the \$2.30 stand and I am wondering if the young gentleman would tell us, and I know he's capable of doing it, if this amendment would have any effect, or if the Chair would answer me, if this amendment would have any effect. They adhered to the former motion, therefore, they won't change.

The SPEAKER: The Chair would advise the gentleman that what the other Body adhered to, was adhering to its original position of accepting, I think it was Committee Report "B" or whatever it was at the time, and as a result of that, what this is, is simply the suspension of the rules to put on an amendment which is proper and would not reflect on either report whether it be A, B, or C, whatever it might be.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: It would be my understanding that once the Senate has adhered to its position, if we change our position at all from what they have, that the bill will be dead. In effect, the passage of an emergency preamble on an amendment would, in effect, leave the law the way it is.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and although I make a parliamentary statement with some trepidation, especially in the face of the former Speaker of the House, as I recall, when the Senate adhered to its acceptance of Report B, we then only had one motion left before the House, and that was the motion to recede and concur. The gentleman from Cape Elizabeth is quite correct. However, since that time, the bill was passed to be engrossed and has come back now for enactment and under the suspension of the rules, the amendment is in order.

As for the substance of the amendment, I think it is clear that we are in a position now, if it's going to be a \$2.30 minimum wage, the only question is whether its going to be in January, whether it's going to be in October or whether it's going to be in June. I, for one, feel it should be in June, as soon as possible, which is why the emergency preamble is put on the bill. The bill would now go down to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I certainly have no objection to the content of the amendment which the gentleman from Durham is putting on. I do, though, however, have a serious reservation about the parliamentary maneuver, it does seem to me and I have been told by others that, actually, what the other Body did, pass a positive motion and adhere to that motion, that it was its final act and I would certainly not like to see this bill go back and die and perhaps have the effective date January rather than October as it would be, if it passed in its present form without the amendment. So, in view of those things, I have nothing to say except, I guess, each individual has to vote his own conscience but it seems to me there is perhaps a disagreement on whether or not this is a proper motion.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker and Members of the House: I would have to stand in opposition to this amendment for several reasons, that coming from a resort area and knowing that there are many in this state, I suspect that by now all of the brochures and all of the advertisements that are going out to the non-residents of this state, now vacationers, that all rates have been posted as to the type of accommodations that are going to be offered. Now, if this goes into effect immediately, this might, I'm not sure that it would, but it's just an assumption on my part, it might create some hardship on the owners and operators of these accommodations. Therefore, I would ask you to defeat the motion to pass this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Members of the House: I urge you to vote against this amendment. I thought we had this thing

settled pretty well but I underestimated Mr. Tierney, and I don't mean that in any derogatory manner. He's a very bright young man, but when we came out with this Committee Report "B", I was going to put September date on that because we weren't sure when we might adjourn and I think perhaps, when I talked this over, and Mr. Tierney thought perhaps that wouldn't be necessary. Now, I don't really know, I know that all this parliamentary procedure and you can do this and you can adhere and you can recede and you can concur, but I'll tell you, if you keep on fooling around, you are going to kill the whole thing and I urge you to vote against that amendment, and I think if we adhere with the Senate, that we should keep that position.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I support the amendment. I support the amendment because its "now", right now, is when people need more money in their take-home pay and I don't care if these summer resorts have advertised their prices or not, they're still going to make money. People that are in business are very intelligent people. I don't mean myself. I would like to rephrase that, I'm sorry, I apologize. Businessmen know the different costs that are involved for doing business. However, I am a great believer that the take-home pay for the working people is the most important thing and we need it "now." We don't need it next January or the year after, they need the money now and the working people of this state are entitled to that and I certainly hope the members of this Body will support Mr. Tierney's amendment.

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

Mr. MCKERNAN: Mr. Speaker and Ladies and Gentlemen of the House: As we found out earlier this morning that different bodies can differ on questions of procedure, for instance, like germaneness of amendments and the like, I think that's one thing we should keep in mind here and regardless of whether or not the Speaker is correct in his decision on parliamentary procedure, the question is whether the other body will agree with him, so I just think we should all keep that in mind and I would assume, hopefully anyway, that if this amendment passed and it were defeated in the other body, that at least it would come back to us. There is that chance, however, that they will take a different view of procedure and that rule since they have it here, that they would just file it and we won't even get \$2.30 in October. Now, that's my procedural argument. The argument on the amendment itself, as I think most of you know, some members of Republican leadership came out in favor of \$2.30 immediate. A lot of other people, including members of our own party, decided that it ought to be in October. That's fine, but I would, basically, favor the amendment of the gentleman from Durham except for one problem and that is that when we originally came out with \$2.30, immediately, we set a date so that it would begin on a Monday and, at that time, when that release went out, it was in April and we said we figured that this would go through with some haste, at least, and so we set an effective date of May 5. This

amendment, as is proposed, has no effective date except the general emergency clause, which means that the day after the Governor signs it, the bill will take effect. I would suggest that if the gentleman from Durham is serious on this amendment or whether he is just trying to get the rest of us on record as opposing it or especially the other body, that perhaps another amendment could be drafted that would have an effective date of June 5th or something to give some lead-in time to let the employers in this State get used to the idea of having to change their whole wage scale.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I'll be very brief, but Representative Doak, in his speaking of this, this morning, I have had several telephone calls from my constituents and they have all said the same thing. I have one that runs a motel there and he said all his literature is out and the prices are on it and that under this, if this bill should go through now, if this amendment should go through, he would have to lay off two or three of the people that he keeps through the summer to offset this increase in his cost and I think we should keep this in mind. Rather than laying off, I think that if we hold the way we are until October that it would be a lot better all around.

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

Mr. MCKERNAN: Mr. Speaker, I would like to pose a question through the Chair to anyone who would like to answer and that is whether or not an emergency measure will, in fact, take effect, the day after signing or when it takes effect with this Emergency Preamble.

The SPEAKER: The gentleman that the emergency has presented, means that the bill takes effect when signed, as all other emergencies.

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

Mr. MCKERNAN: Thank you Mr. Speaker. For that reason, I would oppose this amendment. However, if somebody would like to put an amendment in which would have an effective date of whatever the first Monday in June is, I would support that but I don't think it's fair to say that if the Governor happens to sign this on a Wednesday or a Thursday, that immediately, we are going to change our wage schedule.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: Just inadvertently yesterday afternoon, as I was walking down the street, a local contractor stopped me and told me that, because of this increase, it was going to be impossible for him to hire four people this summer. He was just going to have to cut his crew back that much. I cannot vote to keep people from getting jobs this summer, so I oppose this amendment.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen: First, I would like to say that I'm glad the gentleman, Mr. Tierney, has asked for a roll call, because I certainly would have, if he had not. I would like to pose a question to that gentleman. If

this bill ends up completely dead because of the parliamentary question that might be perceived by the other Body, would the gentleman from Durham prefer that there be no increase in the minimum wage at all, realizing, of course, if that happens, that all of us who voted against the \$2.50 might become the fall-guys in this Body, when, in fact, the gentleman himself, would be responsible? I am, therefore, glad that the roll call was asked for because that will indicate responsibility.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Members of the House: I have yet to speak on a minimum wage issue but I guess the time has finally come, because I, for one, don't believe that we ought to play games with people's lives and I, for one, am not looking to make anybody the fall-guy and I'm not looking for any means or any system of trying to put people on record about an election which is two years from now. Worry about the people — I'm worried about the people that we're trying to give a few dollars for a little earlier so that maybe we can pass this fantastically radical amendment of giving them an extra \$5 or \$6 dollars a week this summer so that maybe they can afford to take their family to the beach. My good friend from Bangor asked such a tricky parliamentary question as to whether emergency measures come into law on the date they are signed. He knows, he did his honor thesis in law school on parliamentary procedure of this House.

People are sick and tired of having these games played with the minimum wage. The other Body has told us they will not accept anything but \$2.30 but the joint Republican leadership has told us in screaming headlines that they want the \$2.30 emergency and that's exactly what this bill does. It sends it right back to them and the decision is very clear and it is theirs.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Thank you Mr. Speaker, ladies and gentlemen, again I am glad to hear the gentleman's speech but I wish the gentleman would address the question that I asked, and for his benefit, I will repeat it. Is the gentleman willing to assume the responsibility on behalf of Maine's working people if this bill is lost entirely?

The SPEAKER: The Chair would advise the gentleman from Kennebunk, Mr. McMahon, that the rules are quite clear, that this Body may suspend any rule it so desires and then it goes to the other Body in the fashion if left here. There is absolutely no way, if the rule is suspended here on this measure or any other measure, that the other Body can kill it without coming back here for final enactment.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finmore.

Mr. FINMORE: Mr. Speaker, I would like to pose a question to the Chair. Isn't it true that the only method they can do would be in non-concurrence anyway?

The SPEAKER: The Chair would advise the gentleman from Bridgewater in the affirmative. If the other Body wishes not to accept the amendment, they could move to insist or even to adhere, which then this Body could recede and concur again if it so desires.

The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have sat in this Body for 10 years. I have heard this minimum wage discussed for 10 years, and there is no reason why we can't pass \$2.30 without any quibbling and qualms because I voted for them and gone back and campaigned that I did and I keep coming back here. That is the thing you want to think of, is what are you going to do for the people that has got to have some money to live on?

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to say anything on this, but I would feel remiss if I didn't. The emergency part, if we look at it in practical terms, and it is not necessarily the people that will receive the \$2.30 this summer who will be able to take their kids to the beach or whatever, the point of the matter is that if you don't give the employers time to program this \$2.30 into their rate schedule or whatever you want to call it, then it is a good chance that maybe that fellow that wanted to go to the beach and have the money to go to the beach will be there all summer long because he won't have any employer.

Now, let's be reasonable on both ends. I have been on both sides. I have been the person receiving minimum wage, as has probably everybody here, and now I am an employer and it won't affect me a bit. I do feel sorry for those who it will affect because you are not giving them any bit of consideration at all, none. Let's give them until the end of the summer. Let's be considerate of both sides.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose this amendment, because coming from an area where there is much seasonal employment and much recreational employment, I certainly am sure that it will impose a hardship on those businesses and those proprietors that have to operate.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that we will support Representative Tierney this morning. The members of this House, certain members, are using scare tactics and I don't believe that this is going to hurt the employer one bit. I am an employer and it is not going to hurt me and these summer people that claim that it is going to hurt their business, I don't believe it is going to hurt them one bit either. I think this is just a way to get away from the minimum wage that certain members like to do once in awhile, but I feel we have an obligation and I certainly would urge the members of this House that you wouldn't want to be taking home \$2.10 an hour and to use the scare tactics that it will die and go back, I don't buy that one bit. I will have to go along with the Speaker of the House because I want to.

I would urge you all to be very serious about this because it is important and I feel that the working people really deserve it, they are working hard and it is the lowest class of people that we have in the working people field. We are not talking about paper machine attendants, we are not talking about coder men and beater men who are all making over \$4 an hour, this is not for them, we are talking about the persons, the young people, the men and

the women who make \$2.10 an hour and I am telling you, with all you school teachers in this room, you wouldn't want to be teaching school for \$2.10 an hour and I am sure I wouldn't either. I urge the support of Mr. Tierney's amendment.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief because I know we have had quite a bit of debate on this, but I think in answer to a couple of questions, in answer to the gentleman from Kennebunk, if he was so very interested in the working class people of this state, he would make sure that we don't lose this bill and the working class of people of this state don't lose what we are trying to do for them.

I think it is kind of hard for me to believe and I know for you to believe that the Senate is now passing a bill (I am talking about the Federal Senate or should I say Congress) that the President has asked for \$405 million for refugees and we are arguing for a 30 cent raise. I don't know how many of you but I know that I meet and see and talk to people every day in my travels that will never ever get out of the rut they are in because they don't make enough money. They will struggle for the rest of their lives, making a minimum wage and they will never ever get out of that rut. That is a pretty deplorable and depressing situation to be in.

We have a chance to do something about this and I would suggest to you today that most of you here have had a free ride up to now, now we are down to the nitty-gritty, now it is time for you to do the job or not do the job and I suggest that you stand up and vote for the amendment of Mr. Tierney.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I am not opposed to a man getting an increase in wages. I am an employer at the moment and my men that work with me will not be affected by this because they already are receiving more than the minimum and more than the minimum will be, so I don't have anything personal in this except for the fact that I am representing an area where people will be affected, both the cottage owners and contractors and such. We are in a low income area and I guess the whole state could be classified as that and I realize that and I realize also that if a man is laboring, he is worth that \$2.30 an hour and worth more than that and if we could afford to charge that much more for our services, then perhaps we could give him more and I am sure that everybody would be willing to do so. I don't believe that any of us want to keep our fellow man down to the lowest level of subsistence. I have never been in that position and I don't expect that any of you gentlemen or ladies here are in that position now.

I am pleading for time to adjust to this for those that are operating businesses at a minimal markup or profit-making venture, trying to stay competitive and trying to stay in the business of supplying accommodations and also jobs for the people that would not have a job otherwise if those were not operating.

The fact is that there are many people who have put up their price, I realize that it doesn't affect the factories nor the grocery stores nor any of these type of people, but it does affect the resort owner people and, therefore, I would make one last plea, but I would like to be put on record as not opposing the increase in the

minimum wage. In fact, I was willing to go along with the \$2.50 and I certainly would still be willing to go along with that but I would plead for time.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: My friend Mr. Doak from Rangeley has urged that we give the businessmen of the state a little bit of time to adjust to the raising of the minimum wage. I ask him and the other members of this House whether we ask the citizens or the taxpayers the people that work in the state, whether the businessmen of the state have given us the time to adjust to raises in their prices?

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I know quite a few elderly people in Sanford who have taken small jobs and they don't need it at the end of the summer, they need this increase at the present time. These people have a home of their own, they work two or three days a week in order to supplement their Social Security in order to buy clothing, to buy food. In fact, my wife is working at the present time three days a week. There is one of these women who fell sick and was crying, afraid that she would lose her job and my wife went out and took her place in order for her to recuperate. She had an operation. I am telling you they are too proud to go and get food stamps and these are the people that need some help.

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

Mr. DYER: Mr. Speaker, Ladies and Gentlemen of the House: Before I start, can I assume that we are discussing 1834?

The SPEAKER: The Chair would answer in the affirmative.

Mr. DYER: Mr. Speaker, Ladies and Gentlemen of the House: I certainly am not opposed to the \$2.50 an hour. I am not opposed in any way to labor. I just question the timing of it, that is all. And having received many telephone calls from many of my constituents, I am not one to say whether they will have to lay off one or two men or I don't believe anybody is in a position to say whether or not they will lay off one or two men, or whether they are using this as just an excuse. I would like to go on record as opposing the timing of the raise of the minimum wage scale of \$2.50.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just believe that I ought to answer just one statement made by the gentleman from Durham, Mr. Tierney, about the screaming headlines, in his impassioned plea to the House.

I want to tell you that as far as we are concerned in this corner, when we made that our position, which was back several months ago, we felt it to be an adequate and proper vehicle. We supported it, we did our best to support it.

Now, we arrive at this position today, though, where all of a sudden now we put an amendment on, which makes it immediately after the Governor signs and I maintain that it is irresponsible to the business community of this state. We will be perfectly happy to have this bill tabled and put on another date, which gives

business a chance to adjust but to put this bill through now, with this amendment, and expect the Governor to sign it, and expect businesses, which are not prepared for it, to immediately begin to pay this extra, I think is totally irresponsible.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House I move that this item lay on the table one legislative day.

The gentleman from Durham, Mr. Tierney requested a roll call.

The SPEAKER: In order for the Chair to order a roll call, it must have the expressed desire of one fifth of its members present and voting. Those in favor of 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 before the House is the motion of the gentleman from Bangor, Mr. McKernan, that the House table for one legislative day. If you are in favor of tabling, you will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Ault, Bagley, Berry, G.W.; Birt, Bowie, Byers, Carey, Carpenter, Churchill, Conners, Curtis, Doak, Dudley, Durgin, Dyer, Faucher, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Kauffman, Kelleher, Kelley, Laverty, Leonard, Lewin, Lewis, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McBrearty, McKernan, Miskavage, Morin, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Pierce, Shute, Silverman, Snowe, Sprowl, Strout, Susi, Teague, Torrey, Tyndale, Walker and Webber.

NAYS: Albert, Bachrach, Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Call, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, hall, Henderson, Hennessey, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kennedy, Laffin, LaPointe, LeBlanc, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; McMahon, Mills, Mitchell, Mulhern, Nadeau, Najarian, Peakes, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Spencer, Stubbs, Talbot, Tarr, Theriault, Tierney, Tozier, Truman, Twitchell, Usher, Wagner, WILFONG, Winship and The Speaker.

ABSENT: Bennett, arroll, Hobbins, Littlefield, Lunt and Peterson, P.

Yes, 58; No, 86; Absent, 6.
The SPEAKER: Fifty-eight having voted in the affirmative and eighty-six in the negative, with six being absent, the motion does not prevail.

The SPEAKER: Just for the record, the Chair would simply read for you the provisions from Reed's and Hughes' American Parliamentary Guide and Reed's Rule of Order: The motion to suspend the rules is decided affirmatively waives and suspends all requirements and provisions of the rules and brings the House to immediate action on such matter.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I support the adoption of the emergency preamble on this bill today. We have heard discussion in this House ranging from the needs of business people in the community to summer and recreational employees, the elderly, and the workingmen and women of the State of Maine but what we are really addressing today is a small sum of money.

The current minimum wage is \$2.10 an hour, times the average 40 hours a week, equals a total take-home gross pay of \$84. Should this emergency measure prevail this morning, we are talking about a minimum wage of \$2.30 an hour times 40 hours a week, equals \$92 a week, a difference of \$8 a week. Should the measure pass in the other Body, we are talking about a time span of about four months — \$8.00 a week times the four weeks, in the average month, equals \$32 times four months, June, July, August and September, equals a total of \$128. It would seem to me that \$128 for the citizens of the State of Maine does not warrant the debate we have heard in this House. I would say that \$128 is not reflective nor at all comparable to the double digit inflation that all Maine citizens and consumers are experiencing right now.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: There is one aspect here that I haven't heard mentioned and that is the law that requires time and a half for over 40 hour. A lot of the employers provide overtime and I am sure they are going to take a second look at \$3.45 an hour.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have sat and listened this morning about businessmen assuming this extra cost of minimum wage. We all know that is wrong. Hopefully, all of us here expect, because we are all consumers, to absorb the cost of this extra wage. We are not asking the businessman to take \$30 or \$40 extra out of his pocket; hopefully, he is going to pass that on to all of us. Hopefully, these people can enjoy some of the benefits that all of us here have.

I urge the adoption of this amendment.
The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, if the gentleman from Saco, Mr. Hobbins were here, he would vote yes and I would vote no, and I would pair with Mr. Hobbins.

The SPEAKER: The gentleman from Wayne, Mr. Ault, pairs with the gentleman from Saco, Mr. Hobbins. If the gentleman from Saco, Mr. Hobbins were present, he would be voting yes; if the gentleman from Wayne, Mr. Ault, were voting, he would be voting no.

A roll call has been ordered. The pending question before the House is on the adoption of House Amendment "A". If you are in favor, you will vote yes; those opposed will vote no.

Mr. Ault of Wayne paired with Mr. Hobbins of Saco. If Mr. Hobbins were here he would be voting yes and if Mr. Ault were voting he would be voting no.

ROLL CALL

YEA — Albert, Bachrach, Berry, G.W.; Berry, P.P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Carey,

Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Durgin, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hewes, Hinds, Hughes, Hutchings, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lewis, Lizotte, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Strout, Stubbs, Talbot, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Bagley, Bowie, Byers, Call, Connors, Curtis, Doak, Dudley, Dyer, Farnham, Garsoe, Gould, Gray, Higgins, Hunter, Immonen, Jackson, Kelley, Laverty, Leonard, Lewin, Lovell, Mackel, MacLeod, McKernan, Morton, Palmer, Perkins, S.; Perkins, T.; Rollins, Snow, Sprowl, Susi, Tarr, Torrey, Webber.

ABSENT — Bennett, Carroll, Littlefield, Lunt, Peterson, P.;

PAIRED — Ault, Hobbins.

Yes, 107; No, 36; Absent, 5; Paired, 2.

The **SPEAKER**: One hundred and seven having voted in the affirmative and thirty-six in the negative, five absent and 2 paired, the motion does prevail.

Thereupon, the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

At this point, the Speaker suspended the rules and the members were allowed to take off their coats.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Extend the Hours for Sale of Liquor During the Tourist Season." (H. P. 1358) (L. D. 1660)

In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-242). In Senate, Indefinitely Postponed, in Non-concurrence.

Tabled — May 9, by Mr. Jensen of Portland.

Pending — Motion of Mr. Dyer of South Portland to Recede and Concur.

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

Mr. **JENSEN**: Mr. Speaker, Ladies and gentlemen of the House: This is my bill. It originally came out of committee eight to five "Ought to Pass". It was passed in this Body twice, went over to the other Body, was passed, and then finally killed.

I would ask the members of the House to vote against the pending motion to recede and concur inasmuch as that would kill the bill.

This bill, if passed, would allow the sale of liquor to be extended during the tourist season defined as the summer. That is the time of the year when people tend to be out late anyway, tend to be out enjoying themselves. Also, the tourists are there and we can get a little bit more money from them. I would ask the people to vote against the pending motion.

The **SPEAKER**: The pending question is on the motion of the gentleman from South

Portland, Mr. Dyer, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 43 having voted in the negative, the motion to recede and concur did not prevail.

Mr. Jensen of Portland moved the House insist.

Mr. Dyer of South Portland requested a Division.

Mr. Jensen of Portland requested a roll call vote.

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 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 Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. **BYERS**: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to anyone that might answer. What is the tourist season in Maine? Does that include the skiing season in the winter, the boating season in the summer, and the hunting season in the fall?

The **SPEAKER**: The gentlewoman from Newcastle, Mrs. Byers, poses a question through the Chair to anyone who cares to answer.

The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. **JENSEN**: Mr. Speaker, Ladies and Gentlemen of the House: The tourist season is defined in the bill from May to September. I think it is the first of May to the first of September. I believe that is it.

The **SPEAKER**: The pending question is on the motion of the gentleman from Portland, Mr. Jensen, that the House insist on Bill, "An Act to Extend the Hours for Sale of Liquor During the Tourist Season" House Paper 1358, L. D. 1660. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Berube, Boudreau, Bustin, Carter, Connors, Connolly, Cooney, Cote, Curran, P.; Curran, R.; Curtis, Dam, Dow, Farley, Faucher, Flanagan, Fraser, Goodwin, H.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lynch, MacEachern, MacLeod, Martin, A.; Martin, R.; McKernan, McMahon, Mitchell, Mulkern, Nadeau, Najarian, Pakes, Pelosi, Perkins, T.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Snowe, Talbot, Tarr, Theriault, Tozier, Truman, Tyndale, Waner, Walker, Webber.

NAY — Ault, Bagley, Berry, G. W.; Berry, P. P.; irt, Blodgett, Burns, Byers, Call, Carey, Clark, Cox, Davies, DeVane, Doak, Dudley, Durgin, Dyer, Fenlason, Finemore, Goodwin, K.; Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kelley, Lewin, Lewis, Lizotte, Mackel, Maxwell, McBreairty, Morin, Morton, Perkins, S.; Post, Rollins, Shute, Silverman, Smith, Spencer, Sprowl, Stubbs, Susi, Tierney, Twitchell, Usher, Wilfong, Winship.

ABSENT — Bennett, Bowie, Carpenter, Carrol, Chonko, Churchill, Drigotas, Farnham, Garsoe, Gauthier, Gould, Hobbins, Kennedy, Littlefield, Lovell, Lunt, Mahany, Mills, Miskavage, Norris, Palmer, Peterson, P.; Snow, Strout, Teague, Torrey.

Yes, 70; No, 53; Absent, 27.

The **SPEAKER**: Seventy having voted in the affirmative and fifty-three in the negative, with 27 being absent, the motion did prevail.

The Chair laid before the House the second item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-276) — Committee on Fisheries and Wildlife on Bill "An Act to Permit Hunting with Muzzle-loading Rifle." (H. P. 311) (L. D. 374)

Tabled — May 9, by Mr. Mills of Eastport.

Pending — Acceptance of Either Report.

The **SPEAKER**: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. **KAUFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House: I move we accept the Majority "Ought not to Pass" Report.

The **SPEAKER**: The Chair recognizes the gentleman from Westbrook, Mr. Usher.

Mr. **USHER**: Mr. Speaker and Members of the House: I oppose this motion. I urge the House to accept the Minority Report. This bill has been endorsed by many fish and game clubs in the state and also the Maine Fish and Game Association. It really hasn't been long ago that our great-grandfathers, perhaps or grandfathers, depended on black powder, and muzzle-loading rifle for food, war and sport.

To open one week of this specialized kind of hunting will give men a chance and a challenge to hunt the very same way their forefather's did. Because of the type of hunting it is, close one-shot or nothing, there will not be a vast deer kill, only a slightly more than the bow hunters. Last year the bow hunters had a total of 63 deer shot in the state. It will also open a new avenue of revenue for the Department of Inland Fisheries and Game. This is a safe and accurate sport. Also it will create a new business for sporting goods stores and hardware stores. I would ask that you oppose the motion on the floor to accept the Majority Report.

The **SPEAKER**: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. **KAUFFMAN**: Mr. Speaker, and Members of the House: I would agree with some of the comments of my good friend from Westbrook. However, he said it right when it would open up a lot of business for the sporting goods people. That is just the people that want this bill. As a matter of fact, it was stated at committee hearings that one gentleman, who runs a sporting goods store, was waiting to order 50 muzzle-loading rifles. I oppose this bill, it is opening up an avenue. Next year, someone will come in and they will want a special season for hand-gun shooters and today you can buy a hand-gun just as powerful as any rifle. I say that this bill is no good. The majority of the committee