

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

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

Bill, "An Act to Clarify the Liability of Employers Under the Worker's Compensation Act" (S. P. 338) (L. D. 999) — In House, referred to Committee on Labor in concurrence on March 9, 1979.

Held at the request of Mr. Wyman of Pittsfield.

The SPEAKER: The chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, I move that this item be referred to the Joint Standing Committee on Judiciary.

The SPEAKER: Unfortunately, we have a problem. This is a matter that had been held and therefore technically should have been released by this body last night. It is not in a position to be reconsidered pursuant to House Rule 35 and House Rule 36. The matter, as a result of that, the Chair would have to rule that the bill is no longer in our possession and is in the Committee on Labor.

The Chair would also advise the gentleman and members of the Labor Committee that if they wish to refer this bill to the Committee on Judiciary, the only recourse now would be for that committee to refer the bill to the Judiciary Committee as they report from that committee.

The Chair laid before the House the fifth item of Unfinished Business.

Bill, "An Act to Increase the Minimum Wage to \$4 Per Hour" (H. P. 26) (L. D. 43) — In House, Passed to be Engrossed on March 7, 1979. — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-29) in non-concurrence.

Tabled — March 12, 1979 by Mr. Laffin of Westbrook.

Pending — Further Consideration.

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

Mr. WYMAN: Mr. Speaker, I move that the House recede from its previous action.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I anticipate that the motion indicates that the gentleman wishes to offer another amendment and I would be of a mind that we would be better served by the motion to recede and concur. Since I understand that he has the privileged motion, I guess I will just have to get into my discussion, won't I, Mr. Speaker?

The SPEAKER: The gentleman may proceed.

Mr. GARSOE: Mr. Speaker, Members of the House: I would like to point out to the members of this body that the present posture of this legislation, as I understand it, says that we will stay with the federal minimum wage and proceed up with that as it is presently published and known, but that the limit that the state minimum wage will go to will not exceed \$4, and I think that is an eminently sensible arrangement for us to maintain.

I would like to point out that about two years ago this state finally became synchronized with the federal minimum wage. For three years or four years prior to that, we had exceeded the federal minimum wage and I want you to know that I checked with the Bureau of Statistics in the Department of Manpower Affairs and they told me they could measure no significant economic impact in a favorable light, that our being over the federal minimum had been showing up in our wage earner's situation. I am offering that as, at least, a horse back guess that we aren't doing ourselves all that much good to exceed the federal, and I think it must be obvious that there are bad effects on our business and, yes, on our jobs, if we exceed it by any appreciable margin.

So I think some of us anticipated that at that point we would see a period of stability where

businesses would be able to anticipate that they would be with the federal wage for some period and, yet, every legislature we find politicians bound to do good coming in here and in behalf of the working people of this state proposing, in this case, a \$1.10 increase in the minimum wage, from \$2.90 to \$4.00 — at least that is what I am anticipating will be offered to us today. That has been the posture of those favoring this type of legislation.

The laws that we enact here are sometimes violated with immunity, but the laws of economics are not violated with immunity. When those laws are violated, the retribution or the justice is usually quite swift and quite severe; they can't be violated with immunity. But our resident economists, and I guess I am proving that this isn't a party issue because I am going to single out my good friend, Representative Laffin from Westbrook, certainly as we represent the two corners, we also are representing the same party. This is not a party issue that I am attempting to put forth but I am just pointing out to you that if we follow the advice of our resident economists, Representative Laffin, Representative Connolly, Representative Wyman, I want to give them some statistics. The first achievement that you can chalk up if you prevail here in your view today is three jobs lost in Harpswell.

I got a call yesterday from a small boat yard in Harpswell, who took the time out of his busy day to tell me that if this \$4 minimum wage were put on the books, there would be three jobs that he would not be putting into effect this summer. Three jobs that have been in effect every summer. The work would not be done by his yard; his family would work a little longer and do what they could but they would not hire three people.

What is three jobs? Small show. I just want you to start collecting and charting the results of actions such as this — three jobs gone.

I have a suggestion that would have an impact on the problem that we are talking about here today. That is for people such as the gentleman from Portland, who everytime we debate this measure asks the gentleman from Cumberland if he would take a job at the minimum wage. Every time, I am afraid that my answer is getting somewhat trite — I ask him if he is offering me a job and, of course, he isn't.

So, I would like to suggest that the gentleman from Westbrook, the gentleman from Pittsfield, and the gentleman from Portland, if they really want to have an impact on the area that we are discussing here today, other than what we can do with our largess in the matter of the minimum wage, to go out and start a business and start hiring people, providing jobs, that will have an impact on the problem which we are discussing here today. But I suggest that we not follow their lead today, that we recognize that you don't have a magic wand to wave here in Augusta and create instant good living, decent living for people. That is done in the market place. It is not done by government even, it is done in the private market place. What we are doing here today is interfering with the laws and the mechanics and the events that govern that market place and I think it is extremely unwise.

I am hoping that we will not vote to recede and if that motion fails, I will offer recede and concur, which will send it on its way in what I think is a reasonable posture.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Very gently, and I say that because I feel that Adam Smith's invisible hand is nearby today as we debate this issue.

I would only caution the gentleman and members of the House that all the gentleman procedurally has asked to do is have the opportunity to vote to recede so that we might offer amendments.

That boat builder in Harpswell has no idea

what Mr. Wyman's amendment is or what it is going to do, and I think many of the remarks of my good friend from Cumberland should have been reserved until we had the opportunity to see the proposed amendment from Mr. Wyman.

Remember, this is just the first step — the idea is to recede, see what the amendments are and if we like them, we can vote for them, but I think he jumped the gun just a bit and I would hope that you would vote with Mr. Wyman on the pending motion.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to oppose the motion that we have before us today and I certainly hope that my good friend in the other corner doesn't get shocked by that statement that I just made.

I am going to do so on good, basic reasons. I am going to do so and not have the Guy Gannett Newspapers of this state print the trash that they print on the minimum wage when they are not even qualified to judge on it. The editorials that the Guy Gannett Newspapers have been writing, the bunch of loony tunes that they are — they take home a good week's pay, the don't care about the \$4 minimum wage because they never worked for a \$4 minimum wage. They make a big salary, and probably their parents had to sacrifice to put them through school because they certainly write with a paper brain.

I want to read you this morning some of the articles and some of the statements that are in some of their articles. I am sure you will get really educated on what they have to say on the minimum wage.

First of all, they call it a great leap backwards. Isn't that a disgrace? A newspaper and I believe in freedom of the press — writing such trash as they are capable of writing? They say, certainly it would destroy existing jobs and prevent the creation of new ones. Well, I can answer that, we don't want minimum wage jobs in this state, we want decent living wages that people can make and get off welfare.

Furthermore, they state that the proposal is irresponsible, referring to my bill. The proposal is irresponsible and unworthy, not because higher wages in Maine are undesirable but because this particular bill would not exceed that goal. How do they know that people can live better by taking home \$160 than taking home \$116 minus their taxes, which would be under \$100 a week. It seems that when they got their degree in journalism, all of a sudden they are experts on the economy of this state. They are a bunch of screwballs and they don't know the economy of this state.

The other thing I would like to read from that great editorial department of the Guy Gannett Newspapers — "There is no reasonable justification for any state to establish a minimum wage that is grossly out of line with the rest of the nation" and they are using the same article that my very good friend in the other corner is using — to be in uniform. Do you know that it is cheaper to live in the South than it is Maine? Of course you do. It is certainly cheaper to live in the South. If they had zero weather down there, they would all freeze to death.

I want to go on to the Maine Sunday Telegram editorial, dated, March 11th, that pitiful newspaper they are. They say that the proposal to raise the state's minimum wage to \$4 an hour and this is what they are referring to — "The Maine House of Representatives should not endorse a 28 percent increase because it is irresponsible."

I don't have too much education but I do know what irresponsible means and if there is anyone that is irresponsible, it is that bunch of rotten heads in Portland. They are the irresponsible ones, they couldn't live on the minimum wage, they couldn't take home pay less than what they are getting, but they are well educated and they know all the economy of the

state. They know what people should make. But I will tell you something, until they have gone down that road to know what a dollar means, to scrape and dig, they will never know what the minimum wage is.

Another part I would speak about from this great newspaper that we are a captive audience of in Cumberland County—they further state that no one really believes that the minimum wage could be passed for \$4. Well, I agree to my very good friends in the Guy Gannett Newspapers, I am not much but I am one person, and I believe it. I am one person. Whether you all are opposed to it or not, I am still one person and I believe in it.

The other things that the editorial department of the Guy Gannett Newspapers—and I don't want anyone here today to think that I don't like them, they are human just like you and I. I wouldn't want to give the wrong impression but the things that they write sometimes really destroys the faith in journalism and they write "that kind of massive increase" and they are talking about \$1.10, that massive kind of increase would not only be inflationary but would tend to drive business and economists out of the state. You know, that is hard for me to believe, that educated people, and they must have gone to college, could make such a terrible misinterpretation of the freedom of the press. Irresponsible—you see, they don't know what it is like; they have never been down the path.

I have people in my community raising a family with three and four people making minimum wage—I tell them, you are foolish to work, you could give up your jobs, you could go on welfare, you could get benefits that you can't get under the minimum wage, and that is the thing they forget. If we had a minimum wage of \$4, they would come off welfare. We would save money. We would save all kinds of money, because people would go out and work. When people work, what happens? We get tax money out of them, they spend and then the economy is good. When people don't work, we have a decay in our society and that is what they advocate a lot of stupid things anyway, but I am just referring to the bill that is before us today.

The other thing that really bothers me about the trash that they write in there, and this really upsets me—they say "The only state in the union that has a higher minimum wage than what we all have is Alaska." Well, I don't care what the minimum wage is in Alaska, I don't want to live up there anyway, but I say to you, when we have the hard winters that we have just gone through and you should see the people in my city that owe oil bills that they will be paying for next year, and that is on the minimum wage, and that is the trash that they write.

I am telling you, ladies and gentlemen, when we can sit up here, and I don't care what the other body does, it is none of our business, there are going to be amendments put before you to say that we will give in, we will give in because they want us to do what they want to do and you have no guarantee that they are going to agree with us anyway. The trash that these newspapers write is because they themselves are irresponsible.

I am going to oppose the motion today of the chairman of the Labor Committee because he has given in. He is trying to make a deal. I believe in the \$4 minimum wage and if I didn't believe in it, I wouldn't be up here today to fight for it. I know that unless we get those people out of the depths of poverty, we are going to be a decayed nation, you don't have to go to college to know that. If we don't get our people off welfare, they are going to drag us right down with them.

I hope today the members of this House will stick with me. If we lose the bill—fifteen cents an hour is not going to matter. We have people all over this state objecting to a little 7 percent

raise because it is not justifiable, they can't live on it and everytime the lower class people of this state—they are the sufferers, they are the enslavers and we do absolutely nothing to help them because the Guy Gannett Newspapers say it is inflationary. I would like to know what some of those editorials writers make. I don't know what they make—I don't want to know because I would be even more upset. I am telling you, I will guarantee each and every one of you here today, they make more than the minimum wage.

I urge the members of this House today not to play games, stick to our convictions. You know, we all can't be winners, but if we stick to what we believe in, it is no disgrace but it is a disgrace when you bargain and lose. I have no assurance anyone in this House will vote the way I want them to, but when you bargain and you lose, you have lost faith. At least if I am going to go down and be a loser, and I have been a loser up here many times, then I want to go down with the respect and dignity that I came through the door with.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise very briefly to respond to the gentleman from Lisbon Falls.

I don't think I was premature. I count six amendments on my desk relating to this bill.

I just want to point out to those of you who are here for the first time that this is the standard strategy. Usually they are a nickel difference, but I see they are going fifteen and twenty cents difference this time.

I think I was making the right move to oppose the motion to recede. I will then make the motion to recede and concur and we can dispose of all six amendments with just two ballots.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the gentleman from Pittsfield's motion and give us a chance to recede and concur.

I know this is a very controversial bill and many of you may think I am not for the working man but I am for the working man, that is why I want to do this. If this minimum wage increases over the national or federal, I know it is going to mean jobs to people and you are going to build up your unemployment.

For instance, I have one employee, a maintenance man. He is an elderly gentleman, 74 years of age. I am paying him \$3 an hour. Anytime I have to go above that, he is going to lose a job. The gentleman is not healthy or strong enough to do the amount of work that is needed to be done, and if I have to pay him more, I can't afford it, I will have to get a younger man. It is going to put him out of a job and he is a tremendous fellow and I would hate to do that. I may have to take over the job myself.

I have been called by manufacturers and by stores—if this minimum wage goes above the federal, it is going to mean job losses.

I would like to see everyone get \$4 an hour, \$5 an hour or \$10 an hour, but if it is going to put everyone out of work, not everyone, but many out of work, I don't want to see it.

You could ask me if I would work for the minimum wage. If I was out of work, you are darned right I would. I have worked for much less and I would do it again if I was out of work and needed it. I would not rely on someone else to take care of me.

I would hope that you will give this very serious consideration and don't create less jobs; let's create more jobs.

If you stop and think, many of you in this House will have a man come in and do some work for you, and you are going to hire him at that wage. If you have to pay more, you will do it yourself. That may not seem like much but everyone that you don't hire is another person

unemployed. Over this entire state, it would mean quite a lot. I can assure that any industry, when the wages go up, they look for ways to cut down on help. I have been involved in the shoe industry and I am aware of this. I am aware of an industry in Skowhegan that found ways to automate and cut down on employees because of the increase in wages and that is what you stimulate every time. If you go above the federal, you are going to do a disservice to the people who want jobs, so I hope you give this very serious consideration.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I was impressed, as I always am, by the gentleman from Westbrook, Mr. Laffin's speech and I share much of his general philosophy, although I probably would not have chosen those specific terms to express my feelings on the issue.

The gentleman from Westbrook, Mr. Laffin, did nominate the gentleman from Portland, Mr. Connolly, his seatmate, to be the new Chairman of the Republican party, although I can only infer from Mr. Garsoe's remarks that Mr. Connolly has been fired from that position and, therefore, was probably the shortest lived political coalition in the history.

I hope that you will vote to recede and give me an opportunity to introduce for your consideration my amendment. I have not been denied an opportunity that I know of to introduce an amendment, and I think if you decide to reject the amendment, that is certainly within your prerogative and you may choose to do so, but I would appreciate very much if you would give me the opportunity to present it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would support Mr. Wyman's motion to recede. The arguments that were presented by the gentleman from Skowhegan, Mr. Whittemore are the same arguments all of us who have been supporting the minimum wage have heard over the many years. I don't believe that any one of us in this House honestly believes, including my good friend from Westbrook, Mr. Laffin, that we thought we could pass a minimum wage of \$4. I applaud his efforts and I support his efforts on the floor of the House, but there comes a point in time in every man's life that we have to face the realities of where we are, at least in terms of the posture in dealing with this particular bill.

I don't believe that the gentleman from Pittsfield or the members on the committee that supported the \$4 wage are selling anybody out. They made a noble effort, as well as you have. Mr. Laffin, in attempting to raise the minimum wage to \$4, but if we support the arguments presented by my former seatmate, now the floor leader in the other party, to recede and concur, I think we would be doing a disservice for any one of us in this House who honestly believes that they want to support a minimum wage.

Don't be frightened by the arguments that were presented about the fellow who owns the boathouse down in Harpswell or the arguments presented by Mr. Whittemore, because, to be quite honest with you, his arguments to me sound something like the Chamber of Commerce back in Bangor.

If you sincerely want to do something for the minimum wage in this House, then I would suggest that you support the good gentleman's motion to recede. You may not be in agreement with his amendment or the other amendments there but at least you would give them an opportunity, not them, they are not that important, it is the people in Maine who are on the minimum wage, the opportunity to see exactly where we stand as a group of individuals in this House.

Mr. Tierney of Lisbon Falls requested a roll

call.

The SPEAKER: For the chair to order a roll call, it must have the expressed desire of one fifth of the 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 Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: One short note. Do not be misled or taken by the soft and dulcet tones of the gentleman in the corner down here. His idea of receding alone is just an opportunity to delay this matter, possibly to get a different figure on the bill, but I think the gentleman from Bangor expressed it very well and I think this is the time you ought to express yourself.

If you are in favor of getting away from the federals on October the 10th or some other date this year prior to the federal law coming into effect, then vote to recede. If you are in favor of sticking with the federals, and I haven't heard one good reason for not doing that yet, unless you just want to raise wages, then stay in complete agreement with the gentleman from Cumberland, Mr. Garsoe, and vote against this motion to recede.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is very apparent that I speak up here but I guess some people don't listen, but I thought I gave some pretty good reasons, Mr. Morton, why we should have a \$4 minimum wage. I think when we live in a society that is always preaching to keep the poor people down, the uneducated, when we live in a climate that is much colder than the rest of the nation, it costs more for us for fuel, to clothe and feed our children, I think those are pretty good reasons to increase the minimum wage. I think they are very good reasons, and if those aren't good enough, maybe we all ought to agree with the Press Herald editorial writer. He gave you all the good reasons why we shouldn't have the minimum wage but he couldn't give one good reason why we should.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the House recede from its action whereby the Bill was passed to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Barry, Berube, Blodgett, Boudreau, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Lancaster, LaPlante, Lizotte, MacEachern, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Reeves, P.; Rolde, Simon, Soulas, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman. The Speaker

NAY—Aloupis, Austin, Benoit, Berry, Birt, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McPheron, Morton, Nelson, A.; Norris, Payne, Peltier, Peterson, Prescott, Reeves, J.; Rollins,

Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Tarbell, Torrey, Wentworth, Whittemore

ABSENT — Beaulieu, Dow, Dudley, Maxwell, McMahon

Yes, 76; No, 70; Absent, 5.

The SPEAKER: Seventy-six having voted in the affirmative and seventy in the negative with five being absent, the motion to recede does prevail.

Thereupon, Senate Amendment "A" (S-29) was read by the Clerk.

On motion of Mr. Wyman of Pittsfield, Senate Amendment "A" was indefinitely postponed.

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

House Amendment "D" (H-89) was read by the Clerk.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a lot of emotional argument made in favor of raising the minimum wage this morning and in other previous debates.

This particular amendment that I offer for your consideration will raise the state minimum wage from \$2.90, which it presently is, to \$3.10 an hour to be effective October 1st. The federal minimum wage increase will take effect on January 1st. The effect of this particular amendment, simply stated, will give the working men and women of this state and opportunity to collect a slight increase in their paychecks from October 1st through January 1st, when the federal will go into effect and we will then be on target with the federal minimum wage.

I feel this morning duly chastised by the gentleman from Westbrook, Mr. Laffin, as only he can chastise in his own inimitable style, but I would like to take this opportunity to crystallize for you as briefly as I can, because I know the lunch hour is approaching, my reasons why I believe this particular amendment is realistic, is reasonable and is fair.

I think my philosophy can be best summed up on this particular issue by saying that it is my firm belief that if we cannot help the many who are poor, then we will not be able to save the few who are rich.

I would like to share with you some statistics which I think will very clearly indicate the need for this particular amendment and the need to increase our state's minimum wage.

The adjusted consumer price index for 1978 showed a 9 percent increase. These increases in what we regard as the necessities of life are as follows: Food, 11.6 percent and that includes a remarkable increase in the price of hamburger to the point that perhaps before long we will not be able to afford to eat at MacDonald's; housing, 9.9 percent; medical care, 8.8 percent; energy, 7.7 percent and transportation, 7.7 percent.

I would also like to share with you statistics which deal with the poverty level wages in 1978 and they are as follows: For a family of four, the poverty level wage is \$6200 a year, and that figures out to be \$3.10 an hour, that is the poverty level. For a family of five, it is \$7,220 or \$3.61 an hour, and for a family of six, it is \$8,240 or \$4.12 an hour, those are poverty wages. Gasoline last weekend in Maine went up approximately 9 to 12 percent, which averages out to be about 6 cents a gallon. These statistics may appear staid and dry and rather academic, but to me they paint a picture in very vivid colors, and the picture is one of the working men and women of our state while working for minimum wage or perhaps slightly above minimum wage who are falling further and further behind in their fight against inflation.

It seems to be a very cruel irony when opponents of the minimum wage will stand up here on the floor of this House and say the reason that it is inflationary to raise the wages of those who are the most tragic victims of inflation, and those are the people who are at the

bottom of our economic scale and the gentleman from Cumberland, Mr. Garsoe, would suggest to us that it is really not going to make any difference if we increase the state minimum wage at all, but I say to him, let him say that to the people who are working on minimum wage in this state. Let him say to them that it is not going to make any difference. I believe that it is. We all know that inflation impacts in its cruelest way on those who are working for minimum wage.

The Bangor Daily News, which is not noted for its radical and liberal positions, said in an editorial, on of its lead editorials dated March 12th, that raising the minimum wage to around \$3.10, which is what our amendment would do, would have kept Maine in conformity with President Carter's inflationary wage guidelines. You know inflationary arguments, and as far as I am concerned, that is an endorsement of \$3.10 an hour, have always been used against minimum wage. Inflationary arguments were used when we first established a minimum wage, and I don't know what year that was but Mr. Tierney knows—some time ago. I am sure the people who opposed instituting a minimum wage said that it would be inflationary and that it would put all businesses under and they wouldn't be able to exist. Everytime we have come in for an increase in the minimum wage, no matter how minimal that increase may have been or how large, the same arguments are always offered, it is inflationary, we can't afford to do that.

I realize that raising the minimum wage is going to be inflationary, I think we all know that. I am not going to try to refute that argument, but it seems to me that we must balance that with our real need and responsibility to try to offer a little hope for our working people.

I happen to believe in the philosophy that the economic tree is watered at its roots. I also believe that we must build our economy from the bottom up and not from the top down. There is a philosophy that if we create enough millionaires, then we will be able to hire enough chauffeurs to give everybody work. I happen to believe that we must strengthen our economy at its foundations, at its roots, and that means placing a little bit of faith and a little bit of hope in those who are at the very bottom of our economic pyramid. They are the people who are at the foundation.

All of us are here, I am sure, because we can afford to be here and those of us who cannot afford to be here won't be here for very long.

When I think of the life of the working person, I am reminded of a story that was told about John Kennedy when he was campaigning for President in 1960. He was campaigning in the West Virginia primary and he was running against Senator Humphrey in that primary and Senator Humphrey was using the argument that Senator Kennedy couldn't appreciate the life of the working person because he had never worked in his life and was born with a silver spoon in his mouth and never had to work. So, Senator Kennedy was visiting a coal mine and one of the miners came out and his face was covered with soot and his hands were covered with soot and he asked Senator Kennedy—it has been said that you never worked a day in your life, is that true? Senator Kennedy said, yes, I am afraid that is true. The miner said, let me tell you, you haven't missed a thing.

When the tide comes in, all the boats are lifted a little bit and it is true that we will not be able to have a sound, prosperous economy. It is true that we will never be able to help people off from welfare until we start providing an incentive to work. The people who work for minimum wage, they didn't come up and testify before our committee on Mr. Laffin's bill and I will tell you why, because they were working. Many of them can't come up and afford to serve in the legislature, so they trust us to represent them. They can't afford high

paid fancy lobbyists to lobby their cause in either this body or the other body. They have to rely on us, our best judgment, and they have to rely on our compassion.

This amendment is going to put a few dollars in the pockets of the working men and women on October 1st. You may not believe this but I believe it because I know the people in my district, and I know many of them this Christmas are not going to be able to afford the kind of Christmas gifts for members of their family that they would like to because of their low wages. Am I pulling at your heart strings? You bet your life I am. That is right, I am because I happen to believe this body is capable of compassion. I have seen it on many occasions even though I have only been here two years. I have heard speeches that have been given by members of this body, compassionate speeches and they are just asking for a little bit of consideration. But you know, it is easy to talk about economic theories and economic principles don't fall from the heavens, if you will excuse me for saying that. They are not cut in stone and can never be moved—we form our economic principles. We establish our economic laws and they are constantly changing, and it is about time that we started to realize our responsibility to help those who need the help the most, and those are the people who are working for minimum wage. This isn't Michigan, this isn't Illinois, this isn't California. Sure, big unions have contributed to inflation, so has big business.

No one raises a hassle when CMP comes in and says, we have got a 41 percent increase in profits in one year and we are doing pretty well. Nobody says that is inflationary. Nobody says it is inflationary when insurance carriers come in and ask for a 21 percent increase in their workers' compensation rates in February and then they are back this fall asking for a 39 percent increase. What about the inflationary impact of that? Why is it that it is always inflationary to help the people who need help but it is never inflationary for the people at the top.

Someone once said that there is no medicine like hope, no incentive so great or tonic so powerful as the expectation of something better tomorrow, and that is what we are asking you, to give the working people a hope for something better tomorrow. It may not be a lot. Mr. Laffin isn't going to support it, says it is not enough, well, it probably isn't but it is a step, it is a small step.

I am going to close with a quote from Pope Pius the XII. He said this: "If a worker is deprived of hope to acquire some personal property, what other natural stimulus can be offered him that will inspire him to hard work, labor, savings and sobriety today, when so many nations and men have lost everything and all they have left is their capacity for work?"

Our people work hard. They deserve our consideration, and I hope, ladies and gentlemen, I plead with you to support this amendment, and when the vote is taken, Mr. Speaker, I would ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would gladly accept the gentleman's challenge to go talk to some working people, the gentleman from Pittsfield, Mr. Wyman, and it would be my job, I think, to explain to those working people that regrettable as it seems, the gentleman doesn't seem to make the connection between the cost of hamburger and the cost of bread and the cost of production.

I would also point out to those of us here who haven't heard it before, this is another replay of the same arguments. Now, admittedly, I haven't thought of anything new in the last few years, but neither have the proponents of this measure. They have been in here every year promising utopian satisfaction if we will just follow their compassionate viewpoint. I suggest the gentleman's remarks are more fitted

to the pulpit than they are this floor, because when we start following compassion in here, who knows where we are going to go? I don't believe we do enact the laws of economics in here. They have been put in play by, I guess, the ghost of Adam Smith, or someone who came long before us.

I move the indefinite postponement of this amendment, Mr. Speaker, and would ask for a roll call.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves the indefinite postponement of House Amendment "D".

The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if this amendment is properly before this body. It seems to me it is identical to Report A of the committee which was rejected, was not accepted by this body, and then another point is that there isn't any fiscal note on it. Obviously, it is going to be an increase to the state, so I would ask the Chair to rule whether or not it is properly before this body.

The SPEAKER: In reference to the first point as to whether or not it requires a fiscal note, the Chair would advise the gentleman that it does not, since it is obvious, as a matter of fact, as a result of negotiations now pending between the state and state employees, the state employees have been exempted over the years from the state's minimum wage. Of course, that has been one of their arguments in negotiations; therefore, this does not apply to state employees and never has.

The chair would advise the gentleman in reference to her second point, in reference to Report A, there was never a vote taken in this body as to Report A.

The gentleman may proceed.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wonder whether anybody in this body is aware of a memo that the Department of Manpower Affairs has written but which was withheld from the members of the Labor Committee which I have been trying to get. I called the Department of Manpower Affairs and asked if I could have their review since they review most pieces of legislation that come before the Labor Committee. I was told it had been issued but that it had been withheld from the members of the Labor Committee, but if I would speak to John Kerry, the Governor's assistant, I could probably have a copy. I spoke to John Kerry and he said, yes, I could. He said he would get it for me Monday. I didn't get it, I didn't get it yesterday, I didn't get it today. I have been down to the Governor's Office and asked if I could have it—oh yes, Mrs. Lewis, you can have it, but I haven't had it yet.

I have talked to the people in the department and they told me more or less what the memo says, and that is a description of how damaging this particular piece of legislation, and I am speaking of the \$3.10 pre-empting the federal government by three months, would be. So, I would hope that possibly this could be tabled another day until I can get hold of that memo. I think everybody here ought to have an opportunity to see what the department's view is on this.

The SPEAKER: A roll call has been requested on the indefinite postponement of House Amendment "D". 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 Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, I would like to table this matter for one day.

Thereupon, Mr. Tierney of Lisbon Falls requested a roll call.

The SPEAKER: 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 Milo, Mr. Masterman, that this matter be tabled pending the motion of Mr. Garsoe of Cumberland to indefinitely postpone House Amendment "D" and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Berube, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Lenoard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore

NAY—Bachrach, Baker, Barry, Benoit, Berry, Brannigan, Brenerman, Brodeur, Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gromen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker

ABSENT — Beaulieu, Blodgett, Brown, A.; Dow, Dudley, Kany, Maxwell, Soulas
Yes, 71; No, 72; Absent, 8.

The SPEAKER: Seventy-one having voted in the affirmative and seventy-two in the negative, with eight being absent, the motion does not prevail.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I find that sometimes it is very hard to get up here and have what you believe in persuaded one way or the other, and then sometimes after you have thought the situation over, a lot that has been said here on this amendment, in my opinion, is a lot of fantasy, because I don't believe and I don't trust anyone in politics, and if you do, you are very mistaken. If you think for one minute that we have got the guarantee in this body that this is going to become law, you are very sadly mistaken. I would rather lose on my conviction than lose on a fairy tale, because I don't have any faith and trust outside of anyone in this body and what we do up on this machine will tell, and what the other body does is their business and not ours.

I want to tell you what position this bill is in right now. If we defeat this motion, which I am going to try to kill, the bill is right back where I presented it, and then send it down and then let them make the decision, because we have got them now right where we want them, but if we give in and we send it down and we lose, we have sold our soul for three months.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that

House Amendment "D" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Birt, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McPherson, Morton, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore

NAY—Bachrach, Baker, Barry, Berry, Berube, Boudreau, Brannigan, Brennerman, Brodeur, Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Lewis, Lizotte, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker

ABSENT — Beaulieu, Benoit, Blodgett, Brown, A.; Churchill, Dow, Dudley, Maxwell, Soulas

Yes, 66; No, 76; Absent, 9.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-six in the negative, with nine being absent, the motion does not prevail.

The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have an opportunity to read the memo. I haven't read it myself yet, so if people will bear with me, I will read the whole thing.

L. D. 71 and L. D. 305 increase from \$3 to \$4 to which the state minimum wage raise in response to increasing the federal minimum wage.

Committee Amendment "A" will also raise the ceiling to \$4 per hour but will make the effect date of the increase of \$3.10 on October 1, 1979. As you know, this would increase the Maine minimum wage three months ahead of the federal increase, which becomes effective January 1, 1980. I can see serious consequences that would result unless the Maine minimum wage rate is allowed to continue with the increase on the same effective date as the federal, as it has for the past several years.

When Maine minimum wage went to \$1.60 in October of 1969, it increased three months ahead of the federal. This created mass confusion to employer and employee alike. It cost Maine employers thousands of dollars in back wages because they were unaware that they had to comply with the Maine law rather than the federal law at that time.

Whereas Maine minimum wage has increased on the same dates at the same level as the federal minimum wage for the past several years, I strongly urge that it continue to do so. Another reason is that numerous bulletins originating in Washington concerning minimum wage would apply to all employers and employees in Maine as they do now. Otherwise, it would be costly for the Maine employer and also for the Maine taxpayer. The printing and mailing of the last minimum wage summaries and bulletins cost the Bureau of Labor a total of \$3,594.01 to cover the cost of 20,000 envelopes, 45,000 minimum wage posters, 2,000 minimum wage guides, plus postage.

I urge the committee to reconsider and take

any action necessary to eliminate the October 1, 1979 effective date for an increase and allow the minimum wage for Maine to increase on January 1, 1980, which would be the same date and level as the federal.

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

Mr. TARBELL: Mr. Speaker, I would pose a question through the Chair to the gentlelady from Auburn and ask her who and from what department that memo came from.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to the gentlewoman from Auburn, Mrs. Lewis, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. LEWIS: Mr. Speaker, I would be happy to respond. A Paul K. Lovejoy, Deputy Director of the Bureau of Labor.

Mrs. Martin of Brunswick requested a roll call vote.

The SPEAKER: 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 Pittsfield, Mr. Wyman, that House Amendment "D" be adopted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, I would request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If Mr. Jalbert were here, he would be voting yes, and if I were voting, I would be voting no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Berry, Berube, Boudreau, Brannigan, Brennerman, Brodeur, Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dutremble, D.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jacques, P.; Joyce, Kane, Kany, Kelleher, LaPlante, Lizotte, MacEachern, Mahany, Martin, A.; McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Birt, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Drinkwater, Fenlason, Fillmore, Gavett, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McPherson, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Beaulieu, Benoit, Blodgett, Brown, A.; Bunker, Churchill, Dexter, Dow, Dudley, Dutremble, L.; Jacques, E.; Maxwell, Morton, Soulas.

PAIRED — Garsoe-Jalbert.

Yes, 70; No, 65; Absent 14; Paired, 2.

The SPEAKER: Seventy having voted in the affirmative and sixty-five in the negative, with fourteen being absent and two paired, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the sixth

item of Unfinished Business:

Bill, "An Act to Create the Bruce McCrea Game Sanctuary in Fort Fairfield" (H. P. 933) (Committee on Fisheries and Wildlife suggested)

Tabled—March 12, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Reference.

On motion of Mr. Mahany of Easton, the Bill was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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

Bill, "An Act to Exempt Teacher Certification Records from the Freedom of Access Statutes" (H. P. 953)

Tabled — March 13, 1979 (Till Later Today) by Mr. Diamond of Windham.

Pending — Reference.

On motion of Mr. Diamond of Windham, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, is the House in possession of L. D. 11?

The SPEAKER: The Chair would answer in the affirmative, An Act to Prohibit Smoking at Public Meeting, House Paper 5, L. D. 11, is in the possession of the House, having been held at the request of the gentleman from Lisbon Falls, Mr. Tierney.

Thereupon, on motion of Mrs. Prescott of Hampden, the House reconsidered its action whereby the Bill was recommitted to the Committee on Health and Institutional Services.

On further motion of the same gentlewoman, the House reconsidered its action whereby the Governor's veto was sustained.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I think that we need an explanation at this point and I would like to proceed to do that.

Yesterday, I asked this House to approve the Governor's veto, believing that we could recommit the bill back to committee if the veto was sustained. I now find that I have given you the wrong advice, and you gave me your support so I would like to give you another opportunity to vote on this veto.

What has taken place is the fact that I was led to believe that there was a rule in the other body that would allow them to recommit the bill to committee. I found that there was no such rule, that we were acting just under the House rules. I looked and hoped there was a joint rule and there was not. The other body did not agree to put this item on their calendar; therefore, we cannot recommit the bill to the committee. It is only fair that you have another opportunity to vote on this measure now, so I am presenting that to you and I hope that you vote your conscience.

The SPEAKER: The Chair would further advise the members of the House that a result of that investigation has created a situation where House Rule 51 is a meaningless House rule. At the next revision or in the very near future, that rule should be removed and expunged from our records, since there is no corresponding Senate rule to deal with a similar situation. As a result of that and as a result of the fact that there is no Joint Rule pursuant to that, it makes House Rule 51 null and void. In the future, also as a result of that ruling from the Chair, the matter will not longer be in a position to be recommitted to anything, because either before or after we can recommit something that the other body has no rule to deal with it.

The only question that will be allowed will be the question as to whether or not a bill can become a law notwithstanding the objections of