

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

STATE OF MAINE
One Hundred and Ninth Legislature
JOURNAL OF THE SENATE
March 15, 1979
Senate called to Order by the President.

Prayer by Reverend Herbert Reid, Church of World Brotherhood, in Fairfield.

Reverend REID: Help us dear God, that we may not be the first to take on the new, nor the last to give up the old. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Increase Salaries of County Officers." (H. P. 201) (L. D. 227)

In the Senate, March 12, Passed to be Engrossed as amended by Committee Amendment "A" (H-44), as amended by House Amendments "B" (H-57), "C" (H-58) and "D" (H-75) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A", as amended by House Amendments "B", "C", "D" and "E" (H-95) thereto, and House Amendment "A" (H-46), in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: Mr. President, I move that the Senate Recede and Concur.

The PRESIDENT: The Senator from Androscoggin, Senator Cote, now moves that the Senate Recede and Concur.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President I ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: The reason, I moved to Recede and Concur, is that the Androscoggin County Delegation, at the last meeting that we had, with a Majority vote, passed to give a \$500 increase to the Sheriff of Androscoggin County, this is the new amendment that would add it onto the bill. That is the reason why I moved to Recede and Concur, as Chairman of the delegation.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: If we Recede and Concur, we then are accepting an amendment we removed from this Bill, here the last time this was before us, namely House Amendment (H-46).

I feel strongly we should not concur with this, thereby putting this back on, therefore I would urge the Senate to vote against Receding and Concurring.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the Motion by Senator Cote of Cumberland.

Non-concurrent Matter

Bill, "An Act to Increase the Minimum Wage to \$4 Per Hour." (H. P. 26) (L. D. 43)

In the Senate, March 9, Passed to be Engrossed as amended by Senate Amendment "A" (S-29), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "D" (H-89), in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move the Senate Adhere, and would like to speak to my motion. When the Maine Minimum Wage went to \$1.60 in October 1969 it increased 3 months ahead of the Federal

Minimum Wage increase.

Our experience indicated that there was mass confusion amongst the employers in the State. It cost some Maine Employers thousands in back wages, because they were unaware that they had to comply, with a little state gem, 3 months ahead of the Federal.

If we duplicate our error of 8 years ago, and for reason that completely escapes me, assume the position of the other body and put Maine in the unique position of anticipating the increase in the Federal Minimum Wage by 3 months again. It is going to cost us about \$3,500, just in mailing to send out the notices to Maine Employers. Our experience is that even after spending the \$3,500, in postage and envelopes and everything else, that most Maine Employers are not going to be aware of the fact or many Maine Employers are not going to be aware of the fact, that for a mysterious reason the Legislature has said that Maine uniquely must precede the Fed's by 90 days.

I hope that you will vote on a Division, Mr. Chairman to Adhere, to the previous position of the Senate, which says we will tie the minimum wage at the State level to the Federal level up to \$4.00, if and when it reaches \$4.00 at Federal level.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator PRAY.

Senator PRAY: Mr. President and Members of the Senate: Contrary to the beliefs of the good Senator from Kennebec, Senator Katz, in reference to the expense which Mr. Lovejoy, Deputy Director of the Bureau of Labor, has stated that it would be roughly a \$3,500, cost in mailing and printing of literature to advise the Maine Businesses that there is a minimum wage increase 3 months early.

As a business man myself, I've received mailing from the Bureau of Labor a number of times particularly after the Legislative Session advising me of law changes. I would suspect that this mailing is going to go out anyway, no matter what we do in relationship to other legislation which will pass this session, that first of all should defray the cost of the \$3,500. By voting to Adhere, we would not be defraying that cost, that cost is still going to be there.

The other day we got into the philosophical argument of trying to help those on the lower end or the lower spectrum of minimum wage, those with the lowest earning capabilities in this State, and this is an attempt, I believe, to assist those people and assist them in a meager way. Thus Mr. President I move that the Senate Recede and Concur.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President. I listened intently, but I just do not understand any logical reasons, other than to try to make some brownie points, in raising the Maine minimum wage an arbitrary 90 days ahead of the Federal. I wish that somebody would direct their remarks specifically to that question.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate. As I enter my fifth year in this body, I can call back to that brief history, by no measure comparing to that of the Senator from Kennebec, Senator Katz, in his longevity here, I can recall once before there we did this.

There was a time before that, that we did not and the time before that, that we exceeded the Federal Government for a number of years, on the Federal versus the State Minimum Wage.

The concern of the 3 months early and why at least the Majority of the Committee on Labor addressed this situation of requiring it, not only the fact that historically we have done it on several other occasions, but it is the fact that Federal Minimum Wage is a minimum wage which is established for the Nation, based upon what is believed to be a wage to assure the people of this country at least the meager, the very minimal amount of substances to survive.

As I addressed the other day, that the situation in Maine calls for additional expenses than those in other parts of the country. Being in the Northeast the furthest State up we have the fuel costs because of our severity of our winters. We have the transportation costs, because of the size of our state and the fact that we are a rural state.

The proposal that is before you, for an average individual working a 40 hour week, on minimum wage is an additional \$4. per week. Now that is not going to help them very much, but it will help them perhaps as much as this same body helped Pratt and Whitney, just a few months ago. It will help them as much as it did when we addressed a return on the income tax table to those who were on the higher pay scale and are paying a little bit more of the money. This will probably give them roughly the same amount of money or even less perhaps, than what we gave those people in the tax reform.

There is the other issue of a number of these people on minimum wage, as to the benefits of Government which they qualify for. We have a number of programs, Food Stamps, General Assistance, and a variety of programs to help these people here is an attempt to help those who are working, have a little bit more money. Maybe it will take them off General Assistance, maybe it will take them off from the Food Stamp Program, which will also defray costs of government.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. I would just like to very briefly remind the Senate of a couple of things. Notwithstanding the \$3,500 which is really peanuts, as far as this question of advising the employers, notwithstanding the fact that there is possibly large undetermined costs to the State through the Department of Human Services, for reimbursement to programs in hospitals and nursing homes.

I cannot emphasize enough the confusion that it is going to cause the hundreds and hundreds of small employers that we have in this State of Maine. The small business group of our state is the biggest business group of any that we have. They have already received a wall hanging that they must display in their plant showing the Federal Minimum Wage and to get something from the State, 3 months before the Federal changes again, as our good friend Senator Katz has already pointed out, is going to cause confusion. It is going to put them in a situation where they are going to inadvertently miss paying the minimum wage and it is going to cause problems that we just should not really put them in.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: Briefly, I think if this morning each individual Senator decides in his or her own mind, that they want to vote against increasing the minimum wage 3 months earlier that they ought to do so.

I don't really think that the argument of confusion, arguments of supposed costs to the State, as far as this mailing is concerned, ought to be legitimate arguments that we can hang our hat on.

I look at the notes that I received in the last days, most of which are concerned with this, and I would say that the business community, probably is quite well aware, at this point, what is being contemplated especially since the situation took place just a couple of years ago.

I wonder also about the credibility of this body, if I remember correctly there were 24 members of this Body that are on the record as favoring a \$4.00 minimum wage. If you want to talk about confusion, you go back and talk to your people who are working minimum wage and if \$3.10 three months early fails, they are going to say, now there are 33 members of the

Maine Senate and 24 of them favored a \$4.00 minimum wage, yet this Bill died in the Senate, now you try to explain that. I hope that Senator Pierce and Senator Clark can explain that particular situation when they meet with the club at lunch time.

I think perhaps there will be a bit of confusion. I submit to you, I think it is an interesting paradox since the Maine Legislature determines the minimum wage. I submit to you that there isn't a man, a woman, sitting in this chamber, who would be willing to work for \$2.90 per hour, yet we are the ones sitting down here determining.

Now I know the arguments about people being laid-off, I know the arguments about the business situation, and I do not say that the business situation is good. I happen to come from an area that is predominantly minimum wage. I am talking after 10, 12, 14 years of working at the same plant. The only reason the majority of these people are making \$2.90 per hour today is because the State and Federal Government have told the employers that they must pay it. We are not talking about big unions, we are not talking about big organized labor or anything else. So I submit to you this morning, when the vote is taken, I would request that it be taken by the Yeas and Nays, Mr. President. When the vote is taken this morning I would just ask you, to ask yourselves, if you were not sitting in this Chamber if you were back home working for \$2.90 per hour, how would you be regarding this?

The PRESIDENT: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of Receding and Concurring.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—Carpenter, Conley, Cote, Farley, Martin, Minkowsky, O'Leary, Pray, Shute, Usher.

NAY—Ault, Chapman, Clark, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Najarian, Perkins, Pierce, Redmond, Silverman, Sutton, Teague, Trafton, Trotzky.

ABSENT—Danton.

A Roll Call was had.

10 Senators having voted in the affirmative and 21 Senators in the negative, with 1 Senator being absent, the Motion to Recede and Concur does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Place Responsibility for Preparation and Implementation of Emergency Evacuation Plans in the Bureau of Civil Emergency Preparedness." (H. P. 352) (L. D. 449)

In the House, March 8, Passed to be En-grossed as amended by House Amendment "A" (H-68).

In the Senate, March 13, Passed to be En-grossed, in non-concurrence.

Comes from the House, that Body Insisted.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion prevailed.

Non-concurrent Matter

(1-4) Bill, "An Act to Revise the Service Charge for Local Vehicle Registration Agents." (H. P. 147) (L. D. 150)

In the House, March 7, Passed to be En-grossed as amended by Committee Amendment "A" (H-54).

In the Senate, March 12, Passed to be En-grossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" (S-34) thereon, in non-concurrence.

Comes from the House, that Body Having Adhered. (The Speaker Ruled Senate Amendment "A" Not Germane).

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion prevailed.

House Papers

Bill, "An Act to Relieve Local School Districts from the Impact of Social Services Institutions." (H. P. 902) (L. D. 1116)

Bill, "An Act Concerning the Governance of Vocational Centers." (H. P. 903) (L. D. 1119)

Bill, "An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events in Competition." (Emergency) (H. P. 901) (L. D. 1117)

Comes from the House, referred to the Committee on Education and Ordered Printed.

Which were referred to the Committee on Education and Ordered Printed, in concurrence.

Bill, "An Act to Facilitate Absentee Voting in Foreign Jurisdictions." (H. P. 905) (L. D. 1126)

Comes from the House, referred to the Committee on Election Laws and Ordered Printed.

Which was referred to the Committee on Election Laws and Ordered Printed, in concurrence.

Bill, "An Act to Provide for a 15% Excise Tax Exemption for any Motor Vehicle Exemption for any Motor Vehicle Manufactured in 1979 or Later which Achieves 25 Miles Per Gallon or Greater Gas Economy." (H. P. 907) (L. D. 1125)

Committee on Energy and Natural Resources suggested.

Comes from the House, referred to the Committee on Taxation and Ordered Printed.

Which was referred to the Committee on Taxation, and Ordered Printed, in concurrence.

Bill, "An Act Requiring Medicaid Recipients to Aid in the Payment of Medical Services." (H. P. 909) (L. D. 1122)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

Bill, "An Act to Provide for Service Fees for Nonmembers Represented by Collective Bargaining Agents." (H. P. 893) (L. D. 1115)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

Which was referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, "An Act Concerning the Adoption of Management Plans by the Commissioner of Marine Resources." (H. P. 912) (L. D. 1120)

Comes from the House, referred to the Committee on Marine Resources and Ordered Printed.

Which was referred to the Committee on Marine Resources and Ordered Printed, in con-

currence.

Bill, "An Act Concerning Setting of Electric Rates by the Public Utilities Commission." (H. P. 913) (L. D. 1118)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

Bill, "An Act Concerning Proof of Eligibility for Rebate Programs Under the Taxation Statutes." (H. P. 914) (L. D. 1124)

Bill, "An Act to Provide Elderly Persons More Time to Pay Their Property Tax Bills." (H. P. 915) (L. D. 1121)

Comes from the House, referred to the Committee on Taxation and Ordered Printed.

Which were referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act Concerning Rules and Regulations governing the Inspection of Motor Vehicles." (H. P. 918) (L. D. 1123)

Comes from the House, referred to the Committee on Transportation and Ordered Printed.

Which was referred to the Committee on Transportation and Ordered Printed, in concurrence.

Communications

House of Representatives

March 14, 1979

The Honorable May M. Ross

Secretary of the Senate

109th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

House Paper 5, Legislative Document 11, An Act to Prohibit Smoking at Public Meetings, having been returned by the Governor together with his objections to the same pursuant to the Provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Seventy-seven voted in favor and sixty-four against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on file.

Senate Papers

Senator Trotzky of Penobscot presented, Bill, "An Act to Amend the Statutes Governing Vocational Regions." (S. P. 402)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Senator Hichens of York presented, Bill, "An act to Establish an Office of Deafness and Communications Disorders." (S. P. 407)

Senator Gill of Cumberland presented, Bill, "An Act to Amend the Law with Regard to the Diagnostic Laboratory of the Department of Human Services." (S. P. 406)

Which were referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator Perkins of Hancock, Cosponsor: Senator Najarian of Cumberland presented, Bill, "An Act to Aid Recovery of Medicaid Funds." (S. P. 408)

Committee on Judiciary suggested.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator Minkowsky of Androscoggin pre-