

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE

February 20, 1981

Senate called to order by the President.

Prayer by the Reverend Lawrence E. Merckens of the Vassalboro Congregational Church.

Reverend MERCKENS: Let us pray. Eternal and Holy Spirit of the Living God, fervently and confidently, in these moments together, we acknowledge Thee and Thy loving ways which always are in our midst. We acknowledge as well, O Lord, our need humbly and obediently to do Thy love. So help us to remember thankfully those countless blessings which Thou hast so faithfully entrusted to us, those of life in this abundant land, the privileges and challenges and responsibilities constantly in need of wise but humble, committed yet compassionate decisions, those many talents entrusted to us. Empower us, O Lord, with the courage and the vision and the hope and the faith and the love we need for living in these times. Disturb us with Thy judgement when we ignore our responsibilities. Unite us with a zeal to testify to Thy love, by giving the best of ourselves. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Orders

Expressions of Legislative Sentiment recognizing:

Mrs. Adaline Flewelling of Gardiner, who is celebrating the 100th anniversary of her birth. (S. P. 338) presented by Senator AULT of Kennebec, (Cosponsor: Representative KILCOYNE of Gardiner)

Westbrook High School Girls' Field Hockey Team, coached by Roxanne Mailman, which has won the State Class A Championship for 1980. (S. P. 339) presented by Senator USHER of Cumberland (Cosponsors: Representative CARRIER of Westbrook, Representative DAY of Westbrook and Representative BROWN of Gorham.

Which were Read and Passed.

Sent down forthwith for concurrence.

Papers from the House House Papers

Bill, "An Act to Require Legislative Confirmation of Harness Racing Commission Members." (H. P. 734) (L. D. 872)

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

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

Bill, "An Act Relating to the Regulation of Business Practices between Motor Vehicle Manufacturers, Distributors and Dealers." (H. P. 735) (L. D. 873)

Bill, "An Act to Require that Retailers who Make More than 200% Profit Notify the Purchaser." (H. P. 736) (L. D. 874)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

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

Bill, "An Act to Require that Energy Conservation Courses be Taught in Public Schools." (H. P. 737) (L. D. 875)

Bill, "An Act Permitting School Administrative Districts to Dissolve and Municipalities to Detach Including those Having Outstanding Indebtedness." (H. P. 703) (L. D. 858)

Come 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 Prohibit Petition Drives at the Polls on Election Day." (H. P. 738) (L. D. 876)

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 Remove the Provision Exempting Certain Areas of the State from the Air Quality Laws." (H. P. 739) (L. D. 877)

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

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act Relating to Granting Witness Immunity in Criminal Proceedings." (H. P. 743) (L. D. 881)

Bill, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances." (H. P. 742) (L. D. 880)

Bill, "An Act Concerning Sums Due for Rent and Damages." (H. P. 741) (L. D. 879)

Bill, "An Act Concerning the Limitation on Damages for Loss of Comfort, Society and Companionship in Wrongful Death Actions." (H. P. 740) (L. D. 878)

Bill, "An Act Concerning Minimum Limits Required under the Financial Responsibility Law." (H. P. 745) (L. D. 883)

Bill, "An Act to Provide a 2-year Statute of Limitation for Attorney Malpractice." (H. P. 744) (L. D. 882)

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

Which were referred to the Committee on Judiciary and Ordered Printed.

Bill, "An Act to Amend the Voluntary Quit Provision of the Employment Security Law." (H. P. 727) (L. D. 859)

Bill, "An Act to Adjust the Weekly Benefit Amount for Dependents of Unemployment Compensation Claimants." (H. P. 748) (L. D. 885)

Bill, "An Act to Improve the Financing and Administration of the Second Injury Fund under the Workers' Compensation Act." (H. P. 747) (L. D. 884)

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

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

Bill, "An Act Relating to the Labeling of Alcoholic Beverage Containers." (H. P. 750) (L. D. 887)

Bill, "An Act to Require all Editorials Printed in Maine Newspapers to Include the Name of the Person who Wrote the Article." (H. P. 749) (L. D. 886)

Come from the House, referred to the Committee on Legal Affairs and Ordered Printed.

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

Bill, "An Act to Exempt Certain Services Provided Counties from Bid Requirements." (H. P. 752) (L. D. 889)

Bill, "An Act to Authorize the Town of West Bath to Regulate Ice Racing on New Meadows Lake." (H. P. 751) (L. D. 888)

Come from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on

Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act Concerning the Method of Decommissioning Nuclear Power Plants." (H. P. 728) (L. D. 861)

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 Relating to Powers of the Maine State Housing Authority." (H. P. 730) (L. D. 863)

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

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

Bill, "An Act to Extend the Manager's Position at Popham Beach State Park in Phippsburg from a 9-month Part-time to a 12-month Full-time Position." (H. P. 729) (L. D. 862)

Reference to the Committee on State Government suggested.

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Senate Papers

Sensor TROTZKY of Penobscot presented, Bill, "An Act to Remove the Political Sign Restrictions from the Billboard Law." (S. P. 328)

Sensor PRAY of Penobscot (Cosponsors: Senator HICHENS of York, Representative GWADOSKY of Fairfield and Representative HIGGINS of Scarborough) presented, Bill, "An Act to Include Services Performed by Chiropractors Under All Health Insurance Policies and Health Care Contracts which Pay Benefits for Those Procedures if Performed by a Physician." (S. P. 329)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Sensor TROTZKY of Penobscot (Cosponsor: Representative THOMPSON of South Portland) presented, Bill, "An Act Relating to the Calculation of State Average Per Pupil Operating Costs and the Basic Education Allocation for Operating Costs." (S. P. 330)

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

Sent down for concurrence.

Sensor CONLEY of Cumberland (Cosponsors: Representative CONNOLLY of Portland, Representative BAKER of Portland and Representative BENOIT of South Portland) presented, Bill, "An Act to Include the Term "Sexual or Affectional Orientation" in the Maine Human Rights Act." (S. P. 331)

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

Sent down for concurrence.

Sensor WOOD of York presented, Bill, "An Act to Require that Certain Town Reports List all Property Owners and their Taxes." (S. P. 332)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Joint Resolution

Sensor SEWALL of Lincoln (Cosponsors: Senator HICHENS of York, Representative LEIGHTON of Harrison and Representative JACKSON of Yarmouth) presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED
AND EIGHTY-ONE

JOINT RESOLUTION IN SUPPORT OF
A NEW AND GREATER DIRECTION
FOR THE ECONOMY OF THE
UNITED STATES OF AMERICA

WHEREAS, on Wednesday, the 18th day of February, 1981, the President of the United States, Ronald Reagan, unveiled details of an economic program to the Congress of the United States; and

WHEREAS, Members of the Legislature, cognizant of the economic crisis in which this great Nation finds itself, applaud the courageous action of President Reagan in taking bold cost-cutting and tax-cutting steps; and

WHEREAS, these steps are designed to bring our Nation's budget more nearly in balance, and to free up a larger share of this Nation's gross national product to express the productive genius of our people; now, therefore, be it

RESOLVED: That we, the Members of the 110th Maine Legislature take this opportunity to endorse these new initiatives which are designed to revitalize our economy and call upon all Maine citizens to join with us in supporting President Reagan's initiatives for a new and greater direction for our great Nation.

(S. P. 333)

Which was Read.

On Motion by Senator Conley of Cumberland, Tabled until Later in Today's Session, pending Adoption.

Committee Reports
House
Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Repeal the Law Concerning the Legitimacy of Children of Certain Marriages." (H. P. 321) (L. D. 350)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act Removing the Authority of Justices to Retain Certain Publications as their Own." (H. P. 349) (L. D. 397)

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

Bill, "An Act to Repeal Archaic Provisions Restricting the Right to Marry." (H. P. 318) (L. D. 347)

Which was Read a Second Time.

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President, and Members of the Senate, I move that this Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, now moves that L. D. 347 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of LD 347 please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

The Chair recognizes the Senator from Pe-

nobscot, Senator Devoe.

Senator DEVOE: Mr. President, I request a Roll Call.

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 Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I wonder if the good Chairman of the Judiciary Committee might share with us his reasons for wanting to kill this poor little innocent lovers' Bill.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, and Members of the Senate, this Bill has a title, and it refers to the Archaic Provisions Restricting the Right to Marry. I checked in the Law Library today and this statute went on the books, February 3, 1821. So, I have to agree that from the point of view of how long it has been law, it may have the appearance of being an archaic provision.

Now, we have heard a lot of debate in the Legislature the last several years about people's rights, we have also heard a lot of debate and a lot of concern expressed including expressions of concern by members of this Body, that the Legislature wants to be on Record as promoting and preserving the rights of the family unit.

Now, all of us recognizes that a man and a woman initially are the start of a new family unit. When they have children, then the size of the family unit is increased. Now you take one of the provisions that is sought to be eliminated and that is the present restriction, that no man shall marry his stepmother, or no man shall marry his son's wife. Now you think a minute, let us assume that this law passes. Let us assume that in a year or two, a man is very much attracted to his son's wife. So, the man's son gets divorced from his wife, because his wife is now attracted to her husband's father. Okay you can laugh, but it is a possibility. Now what have you done to further and strengthen the family unit? Granted, you may have given somebody a right that they presently do not have. Okay I grant you that. But, in so doing, in giving that individual a right that he does not now have and enjoy, have you tampered with something that has long been held sacred? Have you done something that is enabling people to weaken and diminish the strength of the family unit?

Now, carry it a step further. This man's son and his wife have children. Now, the grandfather is also the stepfather of his son's children. Granted, the natural father will likely have some visitation rights. Isn't it going to be rather awkward for the son to go into his former wife's home, who is now married to his father? What if he has concerns about the discipline of his children? His father is now a stepfather to his children. Maybe his father has some rights, has some interest, in the discipline of the children that may not coincide with the natural father's view, as to how the children should be disciplined and cared for.

What effect does this have on the right of inheritance? If you look at Title 36, Section 3462, you see that a stepchild becomes a Class A relative. So you have a person who is a grandchild also going to be a stepchild of his grandfather.

These are some of the concerns, I think, that were on the minds of the Committee. It's very difficult to stand here and express all of these concerns, but I think, it was the view of 12 members of the Committee, that just because this Bill, this present law, is extremely old, is in and of itself, no sign that it is a bad law. If

we're going to go on Record as doing something to preserve and strengthen the family unit, I think, that this Bill will do just the opposite. Thank you very much, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate, I have just received a note from a member of the renowned Senate Women's Caucus, which suggests that some of us are a wee tad kinky. Perhaps I don't agree with that allegation. Neither do I agree in substance, with the general theme of the remarks as delivered by the good Senator from Penobscot, Senator Devoe, the honorable Chairman of the Joint Standing Committee on Judiciary.

I would like to react to the example which he shared with us this afternoon, and suggest to him, that if indeed a father became attracted to his daughter-in-law, that we cannot legislate against attraction. That if in fact, there is a law currently on the books, and I don't really care at all whether it was passed in 1980, or 1821, that forbids a marriage between those two people who have in and of themselves created an attraction, which might, for example, result in a divorce of the son and daughter-in-law's marriage. Those two people, the now ex-father-in-law, and the ex-daughter-in-law should be forbidden under State law to marry.

We cannot legislate morality, and I would suggest in 1981, as in 1921, and all those years in between, there may have been instances when father-in-laws were attracted to their daughter-in-laws. Maybe even the reverse occurred. We should not prevent awkwardness, as suggested by the good Senator Devoe, by legislating against it. The Bill as presented to the Committee on Judiciary, continues to forbid marriage between blood relatives. If awkwardness exists, then I believe that it is a personal and private matter. If it has reflections and carryover to the difficulties or the problems that may result as people die and estates are formed, and assets are disbursed, then we have a truly expensive, incompetent court system to address those issues that are extraordinary. The extraordinary issues may result by, if you will, the marriage between a former father-in-law and his former daughter-in-law. I would submit to you that there are examples today where attraction did indeed exist between non-blood relatives which resulted in the dissolution of family units in this State. That dissolution was a result of a former legal divorce. The attraction is still so strong today in 1981, that the two people who were so attracted, are now living together, without the benefit of marriage, and who seek marriage, but are, under state law, forbidden to marry. That does something for the strength of the family unit.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Collins of Knox, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

The PRESIDENT: The Senate is involved in debate on LD 347. The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Devoe that this Legislation be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate,

as I was saying before the House Republicans began streaming into this Chamber in great numbers, and I knew enough to know that something was going on, and thought that I'd better stop speaking, in fact, shut up and sit down, and find out what was going on. I would like to continue my remarks.

I would submit, ever so gently here, that the good Senate Chairman, Senator Devoe, is defending the 12 to 1 almost unanimous Ought Not to Pass Report from the Joint Standing Committee on Judiciary, in order to preserve, if you will, maybe even the credibility of that Committee, who might have not given quite as much attention to this silly little measure as they do some of their other Bills. I'm not suggesting, that should the very obvious Minority Ought to Pass Report prevail, which it probably won't in this Chamber today, that the credibility of that prestigious Committee is diminished in even one single, single millimeter.

I am suggesting, that we perhaps should address the issue in the light of the sociological issues of 1981, where people of divergent ages and family relations are more mobile than they used to be, where the State law does allow first cousins to marry, and yet prohibits, in our example, that we were discussing earlier, an older man, who used to be the father-in-law, to marry a younger woman, who used to be his daughter-in-law. That is inconsistent with sociological mores today. I am not suggesting that we encourage those kinds of actions, for I know no one in this Chamber, who would challenge the integrity of the family unit. As I had mentioned earlier, we can not legislate morality. We obviously can not legislate attraction between members of the opposite sex.

I am suggesting that living together, POSSLQ's, I guess that it was the U. S. Census Bureau that coined that acronym, people of opposite sex sharing living quarters, does occur in great numbers today. If people of opposite sex sharing living quarters today, happen to be a former father-in-law living with a former daughter-in-law, regardless of issue, that we should encourage their marriage, a legal union, a new family formed, under the laws of Maine. I would hope that we would defeat the pending motion on the floor, which I understand to be a motion of Indefinite Postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, and Members of the Senate, I had made up my mind yesterday how to vote on this issue and you know how I did vote. As I listened to the good Senator from Penobscot, Senator Devoe, I started to think of some of the issues. I think he brought out some good points that I hadn't considered. I had, in my own mind, considered that a father-in-law would be marrying his deceased son's wife, and not wanting to marry his living son's wife, and cause a breakup. Maybe I am still naive enough to believe in family makeup, so that that wouldn't be going on. But we are reminded, long before 1821, long before the birth of Christ, in the Old Testament, that people married, a wife who lost her husband, could marry her husband's brother. That question was asked of Christ, in that same theme, what would happen if a wife's husband died, and she married his brother, and went on down the line, as was the custom in those days, who would be her husband up in heaven? Well, that is not the issue we are faced with today.

We are faced with the issue as to whether it is perfectly all right for a wife to marry her deceased husband's brother, or his father, or anyone else who is in a blood relation to her. I think that that is the issue which we face today, and that is the reason why I am going to vote in favor of this Bill.

The PRESIDENT: The pending question before the Senate is Indefinite Postponement of

L. D. 347.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Collins, Conley, Devoe, Dutremble, Emerson, Kerry, Shute, Sutton, Teague, Trafton, Trotzky, Wood.

NAY — Ault, Charette, Clark, Gill, Hichens, Huber, McBreadly, Minkowsky, Najarian, Pierce, Pray, Redmond, Sewall, C.; Usher, Violette.

ABSENT — O'Leary, Perkins.

A Roll Call was had.

Senator Bustin of Kennebec was granted permission to change her vote from Yea to Nay.

14 Senators having voted in the affirmative and 16 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone does not prevail.

Which was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act Concerning the Acceptance of Gifts by State Officials or Members of any Branch of State Government." (H. P. 333) (L. D. 372)

Bill, "An Act to Establish Statutory Compliance with Modern Technology and Procedure for Scoring Examinations." (H. P. 203) (L. D. 248)

Bill, "An Act to Phase out County Payments for the Support of the Judiciary." (H. P. 352) (L. D. 400)

Bill, "An Act to Retain the Motor Vehicle Operator License and Examinations Fees and Motor Vehicle Title Fees Currently in Effect." (Emergency) (H. P. 510) (L. D. 561)

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

Bill, "An Act Pertaining to Employment of Minors in Hotels and Motels." (H. P. 28) (L. D. 32)

Which was Read a Second Time.

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

Senator CONLEY: Mr. President, I'd like to offer Senate Amendment "A" to LD 32.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now offers Senate Amendment "A" to LD 32, and moves its Adoption.

Senate Amendment "A" (S-16) Read.

The PRESIDENT: The Senator has the floor.

Senator CONLEY: Mr. President, the purpose of this Amendment is to establish equal pay for equal work, as provided other people who would be working at these establishments.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, as you already know, this is the first of several amendments that have been, will be proposed, for this Bill. I would like to respectfully suggest that they are all a smokescreen to try and kill a Bill that's going to help the young people of our State, and the innkeepers of our State.

I would like to remind you what this Bill is about. The Federal law says that 14 and 15 year olds can work, with permission, under rules as far as the total number of hours is concerned, also being allowed to be paid 75 percent of the minimum wage, although I'm not sure that the federal doesn't say 85 percent, but they allow the State of Maine to pay 75 percent of the minimum wage, and/or whatever the owner feels the job is worth, if it should be more. The Federal law does it, and as far as the sponsor knows, there is no other state that doesn't also.

The State of Maine prohibits 14 and 15 year olds from working in restaurants that are associated with hotels and motels only, all right?

So, the same people we're talking about can work in a Howard Johnson's if it's not associated with a hotel or a motel, or they can work in Bean's Restaurant in South Paris. They are only disqualified from working in restaurants that are associated with hotels or motels. This law would bring the State law in conformance with the Federal law, and as far as we know, the other laws in the State of Maine.

This particular Amendment, that talks about equal pay, is not relevant in my opinion, to this Bill. We are not talking about changing any of the pay requirements for young people whatsoever. We are not changing any of the law, or asking that any of the law be changed, that would pertain to young people whatsoever. The current law says that they can be paid as little as 75 percent of the minimum wage, or whatever the job is worth, or the employer thinks the job is worth.

There was a study made just recently. The U. S. Department of Labor Employment Standards Administration provided a grant to the Maine Department of Manpower Affairs for a study on child labor practices in Maine. The study was entitled "The Child Labor Project". This study is still in the Department of Labor. One of its recommendations is that this very thing that this Bill addresses be done. Nothing more, nothing less. We don't need to address equal pay at this time. The hours are already spelled out in law, hours of employment for minors. Also in the law, there is also a form that has to be filled out by the superintendent and signed by the parents. We're not changing any of these things. They are all covered by law. All we are asking is that young people be allowed to work in restaurants that are associated with motels and hotels. They can now outside, but they can't work inside.

One of the arguments given the other day for why this shouldn't pass is that if someone's already doing the job, we'd be putting them out of work. Also, that there is unemployment among young people and that this would further the unemployment. I'd like to respond to both of those, having done a little research on it since then.

There is very little, if any, unemployment in the summer. These jobs are being filled, but most of them by out-of-state students, not by Maine students. There's not enough of them to go around. So we're not going to be putting Maine students or Maine workers out of work. This is to allow young people in the summer to work in restaurants associated with hotels and motels, nothing more, nothing less. If you really think that we shouldn't do this, please vote against the Bill. Don't try to put these Amendments on because they're all separate subjects. If you think they are germane, they should be taken up as separate LD's, and discussed and have public hearings on them, because you're changing other paragraphs of the law entirely. If you don't want to let the young people work, kill the Bill, but don't amend it.

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

Senator CONLEY: Mr. President, and Members of the Senate, I asked the good Senator from Oxford, Senator Sutton, and the good Senator from Lincoln, Senator Sewall, on two different occasions yesterday, on the floor of the Senate, please spell out exactly what these 14 and 15 year old children would be paid. Up to this very moment, I have yet to hear what they're going to be paid. I understand dollars, and I understand cents. I don't want 14 and 15 year old children being exploited in the labor market within the State. I'll again pose that question and hope that I can get a dollar and cent figure, as to what they're talking about.

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

Senator SUTTON: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I am a little surprised that the good Senator from Cumberland, Senator Conley, doesn't know the

answer to that question. Senator Sewall and I have told him three times, or is it four. The least they can be paid is 75 percent of the current minimum wage. If the current minimum wage is \$3.00, or whatever it is, \$3.10, I'm not sure what the current minimum wage is, \$3.35. If he will take his pencil and paper and put down 3.35, and underneath it, times .75 and work it out, he will have the exact dollars and cents, which is the minimum that the person can be paid. He can be paid more if his employer thinks that the job he's doing is worth more. We are not exploiting this, we are already allowing 14 and 15 year olds to work in restaurants all over the state, and doing all kinds of non-hazardous work under these same circumstances. All we are saying is, for heaven's sake, let them do it, if the restaurant happens to be part of a motel or a hotel. I would hope that that would answer the good Senator's question.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Men and Women of the Senate, I can understand where Senator Sutton is coming from, but there is one point I want to make clear to him and other members of the Senate. Is that 75 percent of the minimum wage is about \$2.51. Those jobs now currently held by people over 16 years old, these employers will not be able to fill them at \$2.51 an hour, and they have to pay more for them. If you open those two classes, they're going to be offering these jobs to 14 and 15 year olds at \$2.51, because they are going to be finding people who want to work at that level. What you're saying is that the type of work that 14 and 15 year olds do, the same type of work by the 16 and 17 year olds, the 14 and 15 year olds are worth less money. That's pure exploitation, and I don't believe in it, and I don't think it's right.

Second, you brought the fact that, Senator Sutton brought out the fact that a lot of these jobs are held by college students or students from out-of-state. I would like to see those facts in print. What percentage, because I'm sure that there are a lot of Maine students who work in other states, too. I'm sure that's reciprocal. I don't see any great deluge of people coming into Maine from out-of-state, and taking jobs away from our students. I'm sure it's done, but not to the extent that the good Senator from Oxford is saying. So, I would hope that we would accept, at least, the Amendment that Senator Conley has offered, and therefore we would have equal pay for equal work.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President. I would like to pose a question through the Chair, to the good Senator from York, Senator Dutremble. Does the Senator believe, that as the law is written now, that a 16 year old would be paid under this, that it is possible to be paid the full minimum wage under the law the way it is now? Does he think that this Bill is making a difference between the pay salary between a 15 year old and that of a 16 year old?

The PRESIDENT: The Senator from Lincoln has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, Men and Women of the Senate, the obvious answer to that is No. That isn't something we're addressing that these 15 year olds be paid less than 16 year olds. I object to the inference because we're not trying to do anything of this sort. I certainly hope we kill this Amendment, which deals with a much broader issue than the one we're trying to do here, which deals with just 14 and 15 year olds. Thank you.

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

Senator SUTTON: Mr. President, just very briefly, I might point out to the Senate that stu-

dents up to 19 years old, that are still in school, are subject to the 75 percent minimum wage. I would move the Indefinite Postponement of this Amendment ask for the Yeas and Nays.

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 Indefinite Postponement of Senate Amendment "A".

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Brown, Charette, Clark, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairey, Minkowsky, Pierce, Redmond, Sewall, C.; Shute, Sutton, Trafton, Trotzky, Wood.

NAY — Bustin, Carpenter, Conley, Dutremble, Kerry, Najarian, Pray, Teague, Usher, Violette.

ABSENT — O'Leary, Perkins.

A Roll Call was had.

20 Senators having voted in the affirmative and 10 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone Senate Amendment "A" does prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I offer Senate Amendment "B" under filing number S-17, and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "B" to LD 32, and moves its Adoption. Senate Amendment "B" (S-17) Read.

The PRESIDENT: The Senator has the floor.

Senator PRAY: Thank you, Mr. President, Mr. President, and Members of the Senate, first of all, I'd like to respond to a few of the comments that were made in the debate on the last Amendment by the Senator from Oxford, Senator Sutton, as to the fact that these series of amendments which we're going to be offering, were a smokescreen to weaken the bill. First of all, I would like to point out to you, to look at what the other Body has done, and you would see that we are not only trying to strengthen the Bill, but to put it in a position perhaps where we could come to an agreement.

The reason that I offer the Amendment separately, is so that we could address each individual issue dealing with children that work in the hotel/motel employment. I would also point out to the Senator from Oxford, Senator Sutton, who constantly said restaurant, restaurant, restaurant, restaurant as connected to hotel, restaurant as connected to motel, we're not talking about restaurants. We're talking about the employment in hotels and motels. That's the title of the Bill, and that's basically what our major concern is. If he was concerned about children working in restaurants which were attached to a hotel/motel, then I would suggest that he put a Bill in that dealt with that subject matter, instead of taking this approach here.

The existing law, which was established to protect younger people from working inside of hotels and motels, because the existing law now allows them to work for hotels or motels as long as they do not work inside of the facility. They would be allowed to do the gardening work, taking care of the lawns, and so forth. The purpose of this Amendment at this time is to one, to lower, excuse me, I got the wrong Amendment, is to correct the hours for those

individuals that we are talking about, the 14 and 15 year olds, for hours of employment. The present law, reads: they can not work from 9 p.m. until 7 a.m. I think the obvious attempt is so they do not work through the night time hours where perhaps those things people are fearful that happen to minors in hotels and motels may happen. The only attempt that we make here, is to change those hours from 7 p.m. at night until 7 a.m. in the morning, and I clearly believe that 14 and 15 years olds, in those hours, at least 12 hours of the day, should be kept out of those facilities. I would hope the Senate would go along with the adoption of this Amendment.

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

Senator SUTTON: Mr. President, I, point of order to start with, I thought the Amendment "D" as in dog, was introduced because we started talking about wages and what have you and then I understand that we switched to hours. Are we talking about Amendment "B" or Amendment "D", sir?

The PRESIDENT: The Chair would advise the good Senator that we are talking about Amendment "B" as in baker, filing S-17.

Senator SUTTON: Thank you, Mr. President. Very quickly, I am not going to belabor this. We've already done it all. I would suggest to you that this is not the time to address the wages, the hours, or the working conditions, or anything else. All we want to do is change the time.

I would also like to suggest to the good Senator from Penobscot, the reason we're talking about restaurants is because, with the Amendment on the Bill, there is no place in a motel or a hotel that a young person can work anyway, except outside. We've already amended this Bill in the other Body, to not allow them in rooms. So the only place they would be allowed in a motel, would be what, in the hall? I don't know, in the lobby? The obvious place we're talking about is a restaurant connected with a motel or a hotel. That's why I discuss the restaurant business. That's what the statement of fact is alluding to. I would move the Indefinite Postponement of this Bill, and will ditto the last half hour, Amendment, excuse me. Senate Amendment "Baker".

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

Senator PRAY: Mr. President, and Members of the Senate, I will only point out that this Amendment, which I offered as Senate Amendment "B", which the Secretary read as Senate Amendment "B", filing S-17, which I also read, not to confuse the Senator from Oxford, was the one that we are talking about. That deals with the hours in which these individuals are going to work. The question at this time is not the restaurant, the motel/hotel, what have you. It is just whether or not we believe that our 14 and 15 year olds should be working from the hours of 9 p.m. at night, between 7 p.m. and 9 p.m. at night, in addition to the other hours that they are presently employed. I back the hours up from 9 p.m. to 7 p.m. and that is the question at this time.

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

Senator SUTTON: Thank you, Mr. President. I would like to suggest to the good Senator from Penobscot, in the same manner that he did to the good Senator from Oxford, that if he would like to address the hours, that he put in an LD, and I'd ask for a Division on the Indefinite Postponement.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of Senate Amendment "B", please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

16 Senators having voted in the affirmative, and 14 Senators having voted in the negative,

the motion to Indefinitely Postpone, Senate Amendment "B" does prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I offer Senate Amendment "C", as in Charlie, filing number S-18, and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "C", and moves its Adoption.

Senate Amendment "C" (S-18) Read.

The PRESIDENT: The Senator has the floor.

Senator PRAY: Mr. President, Members of the Senate, to steal the words of the good Senator from Oxford, Senator Sutton, the purpose of this Amendment is to help our young people. The Senator also stated, in his comments on the first Amendment, that work permits required a signature by parents. I would suggest that he read the statutes, because it doesn't. The first part of this Amendment, which includes that, that it would require a parent's written consent, under the work permit law, to stay in line with what he had already told you is in the law.

The second part of the Amendment, is if we are going to open up and increase the labor market for younger people, then I think we should also take into the fact the archaic effect of the penalties for those who violate the Child Labor Laws. The present penalties under this subsection of the law is not less than \$25, nor more than \$200. This Amendment is going to say, for those of us who are concerned, that there may be potential or possible violations in exploration of younger children who are going to now be in the labor market if this Bill goes through, that we increase the penalties for those who may violate the law. I can not see how this Chamber can go along against this Amendment, which would only add in parents, and for those who violate the law, for those who are found guilty of violating the law, that we charge them more than \$25 for abusing the young men and women of this State.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, members of the Senate, I would hope you would not Adopt this Amendment. To address the first section, the written parent's consent. I am holding in my hand a part-time and vacation permit that would be filled out and one section of it signed in duplicate, one signed by the superintendent of schools, one by signature of parent or guardian, and signature of minors, signature of employer, address of employer, industry employer, so this has been handled quite well by regulation. I have the form here if the Senator is interested in seeing it. Again, neither of these sections is anything we're dealing with in the Bill. They really don't have too much to do with it. If the Senator is concerned on these issues, I would hope he would put in his own separate legislation. Thank you, I'd ask for a Division on the Acceptance of this Amendment.

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

Senator PRAY: Mr. President, Members of the Senate, I would only point out as the Senator stated was that the present requirement for parents to take part is a regulation which could be changed on the new administration, a new director of the Bureau of Labor, or what have you, through the Administrative Procedures Act. I can't see where anybody would object to putting the requirement that parents sign a work permit into the statutes. We have the rest of those individuals in the statutes, the superintendent of schools is in the statute already, so is the employer in the statute already. To this we would just add the parent, at that point. I request the Yeas and Nays on this one.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the af-

firmative 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 Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, there is more to this Amendment than the parent's written consent, I just happened to notice. Papers have been flying too fast here for me to keep up with, I'm awfully sorry. There is another part of this Amendment, if you'll notice, that has to do with changing of the penalties, which is a very delicate subject. We spent days and days, and hours in Committee last Session, in the Labor Committee, discussing penalties of all sorts, on all areas. To get into making any changes in penalties right now, is not the proper way to run a railroad. I'd certainly ask that you carefully consider your vote on this thing and suggest that the things we're trying to do here on this Amendment are not really going to be helpful or hurt what we want to do on our Bill. I would ask you to vote against this Amendment, and again, we have the parent's signature already on this thing. We don't want to get into penalties, and to do either one now by, you're going to take them both on this bill, I would certainly urge you to vote against this Amendment.

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

Senator CONLEY: Mr. President and Members of the Senate, what the good Senator from Oxford, Senator Sutton, did two years ago is of no concern to me today. What we have before us right now is an entirely new area within the Child Labor Laws. Are we going to protect those youngsters? That's what we're asking. Apparently, the Senate doesn't want to pay them what they feel that a 16, 17, 18 year old is worth. I'm saying now, and I think the good Senator from Penobscot, Senator Pray, has offered an Amendment that is going to at least protect them as far as the employment is concerned. Why shouldn't a parent be in the statutes, he's under the regulations. Let's put him in the statutes and make sure that all compliance is there. There's nothing wrong with this Bill at all, this Amendment.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President. Senator Conley seems to have forgotten one thing. We are not paying these people less than we are paying 16 and 17 year olds. We are not changing that section in the law. This must be, I don't know how many times we've told him this one thing, and we're not trying to change the law in any other way but to bring it into conformity with the rest of the nation, with the rest of the Child Labor Laws. This is what everyone else is doing. In fact, I think, that he might be familiar with a study that was done in Manpower Affairs, otherwise he might ask someone close to him. Thank you.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "C".

A Yes vote will be in favor of Adoption of Senate Amendment "C".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Hichens, Kerry, Najarian, Pray, Teague, Trafton, Usher, Violette, Wood.

NAY — Ault, Brown, Collins, Devoe, Emerson, Gill, Huber, McBreairty, Minkowsky, Pierce, Redmond, Sewall, C.; Shute, Sutton, Trotzky, The President.

ABSENT — O'Leary, Perkins.

A Roll Call was had.

15 Senators having voted in the affirmative

and 16 Senators in the negative, with 2 Senators being absent, Senate Amendment "C" Failed of Adoption.

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

Senator CHARETTE: I'd like to move Reconsideration for Senate Amendment "B".

The PRESIDENT: The Senator from Androscoggin, Senator Charette, now moves that the Senate Reconsiders its action, whereby it Indefinitely Postponed Senate Amendment "B" under filing S-17.

Will all those Senators in favor of Reconsideration, please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I'd like to offer Senate Amendment "D", as in dog, filing number S-19.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "D" to LD 32 and moves its Adoption.

Senate Amendment "D" (S-19) Read.

The PRESIDENT: The Senator has the floor.

Senator PRAY: Thank you, Mr. President. Mr. President, and Members of the Senate, the last debate on this issue had come around to the question of minimum wage, in the testimony or the debate of this Bill yesterday. We also had debated the minimum wage. The Senator of Lincoln, Senator Sewall, keeps saying that this has nothing to do with minimum wage. Well, in fact, it really does have something to do with minimum wage. We're talking about increasing the labor market for individuals competing in a job, which presently, during the summer months the tourist industry opens up and there is a large number of jobs available. Supposedly, from what I'm hearing, there is not enough labor force to take these jobs. So business owners are kind of forced to pay the minimum wage, even though they could pay them 75 percent of minimum wage, because there's not enough people to go around. So they want a larger job market to pull from. By having that larger market, they'll be able to offer more work to younger people at a lesser rate, than what minimum wage is. In this State, minimum wage is \$3.35 and 75 percent of that is \$2.51. We heard testimony by one member of the Committee that was given at the hearing, that it dealt with profit margin. It was an attempt to increase the already narrow profit margin in this industry, which had, in the last few years, been rather marginal because of the weather conditions, because of the gasoline price increases, and at this time of the year, because again of the weather conditions, because of the lack of snow. The tourist industry has really been hard hit. When you talk about the tourist industry, you do talk about the hotel/motel industry.

The proposal and the amendment that we have before us at this time says, that basically my philosophy is that if we are going to increase the job market availability for people to pull from that labor pool out there, and if we are going to pay them less, it is a question of 75 percent really fair. My proposal raises it to 80 percent for minimum wage, which I hope that you won't really object to because that is 9¢ an hour, making it \$2.60 for these individuals.

I kind of accept the fact that this Bill is going to go through this Body because of the numerical numbers that are supporting it. I would just hope at the same time that they would have good conscience to give these individuals even you have already given the business owner a break hiring at a lesser wage, that you would to some degree make that wage a little bit more equitable, a little bit more fair. So I would hope that you would endorse this and I would ask for the Yeas and Nays.

The PRESIDENT: The Chair recognizes the

Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, Members of the Senate, this is a major change in the Labor Law, a major change. A change which may be justifiable, but really should have a hearing because this doesn't even affect 14 and 15 year olds, this changes the age of the student from 19 to 18 under the student rate, and that makes a big difference. It changes the 75 percent to 80 percent. While this might be a good idea if it were in a Bill, it certainly is a major change, and at least deserves to be its own Bill and not attached to something like this, that might be a big surprise to a number of people in the State of Maine. So, I am glad that the Senator has asked for a Roll Call.

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

Senator PRAY: Mr. President and Members of the Senate, I in a way perhaps could agree with the Senator that this does deal with a little bit different topic than just children working in the hotel/motel industry.

The question is the employment of minors. That is the major question that we are dealing with here today. This amendment deals with that same topic, as to what we are going to pay these individuals for the work that they are going to contribute to our labor market.

Now, if you are going to vote against this Bill, based upon the fact that you feel that it should go to public hearing, then there are a number of other bills that have already gone through this Session, that did not go to public hearing, and yet, everybody in this Chamber voted for it. So, I think that that is kind of a poor thing to hang your hat on.

What you are really talking about as the good Senator from Oxford, Senator Sutton said, something has got to be wrong when I keep quoting him, I kind of feel, is that this amendment helps young people. The other day he stated; that it isn't the college kids that are taking these jobs, because it doesn't pay enough. He wants to help young people. I can't see the consistency.

This amendment still allows for a break to these younger individuals. I would hope that each and every one of us, you know it started off this morning, it was raining those of us who got up early and you look out now and it is starting to clear, it would be a good way to finish the day off, to really help the young people of this State from the ages of 14 up through the ages of 18 while they are in school, to give them a 9¢ an hour raise. 9¢! I hope that it will not hurt anybody.

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

Senator SUTTON: Mr. President, just one word, the good Senator from close by here, Senator Sewall, really made an understatement when she talked about this being a major change. I would like to suggest that you all think very very seriously on how you are going to explain to the innkeepers of the State of Maine, how in one clean swoop in about 10 seconds, you changed the minimum wage for every person, every student that they hire, everyone, virtually.

This is a vacationland the minimum wage is a very delicate subject. The good Senator from Penobscot, said: the tourist industry was hard hit. You bet that it is hard hit, and you want to give them a real hit in the stomach. You had better be prepared to tell them why you did it, because this is going to do it. I certainly would urge you not to Pass this Amendment.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Mr. President, and Ladies and Gentlemen of the Senate, first of all the gestation of this particular piece of legislation has gone from 14 to 15 year olds to the 18 and 19 year olds and the amount of money that people should receive for gainful employment.

I am an employer, and we have employees in

our business which happens to be associated with a restaurant. I happen to own a tourist business in the summer. I happen to employ people who work on the grounds, not in my particular business. I usually use the Child Welfare Laws to put my wife and my children to work inside the building.

I think that what it comes down to on this particular piece of Legislation specifically this amendment, and I think that the crux of the problem is that what we as businessmen and employers, as well as, those of us who happen to be employees it is dollars and cents.

Today with the inflationary rate reaching 10, 20 and 30 percent in various businesses and the interest rates for businesses, many of which happen to be hotels, motels, and restaurants may reach as high as 20 to 25 percent I grant the good Senator from Lincoln and the good Senator from Oxford, that businesses especially here in the State of Maine are faced with some very difficult circumstances and at times businesses are failing, especially in this specific area.

Businesses do not fail because they do not pay their help a living and good wage. Businesses do not fail, because they hire 14 and 15 year olds to do a job that a married man or a unmarried person who has to support himself or herself or a family. Businesses fail because they do not manage their overall businesses properly. Businesses do not make profits or higher profits and even the restaurant business throughout the country is enjoying about a 7 percent net profit today in 1981.

I am sure that the good Senator from Oxford, and the gentlelady from Lincoln, would say if they were like myself having to look at our business the personnel records each week and paying out the FICA, paying out all the bills to different people, giving people wages if you said; well I am not going to pay them that 8 or 9 or 10¢ an hour more, I am going to go out of business. That is just not the case. I think that the reason why people have to be paid a living wage and a good wage, even if it is 80 percent of the minimum wage, for someone who is doing a job, if he is doing the same job as a person who is 35 or 40 it does not make a bit of difference. In fact, they may do it better. I think, that 14 or 15 year olds should work, but I think that 14 or 15 year olds should be paid the same wages, as someone else who is doing the job. Under our current statutes you can pay that person that amount of money if you so want to.

Several Senators here indicated that it was brought up at the public hearing, which I did not attend, I think if you look at the record that it will show that they testified that they were going to circumvent the current statutes by hiring these 14 or 15 year olds for the purpose of not paying \$3.35 but for paying \$2.75. If that is the case in reality I think that that is wrong.

Secondly, de facto that is the case then it may be the case, because when you are in business you may want to keep your personnel cost down, but the difference is that if you hire a 14 or 15 year old, or a 16 or 17 or even an 18 year old to do a job that a 20 or 25 year old or a 35 year old may do, especially in light of my particular county where there may be as many as 20 percent of the people in a certain area unemployed or 15 percent in other areas.

The area that we are talking about right now specifically relates to one thing and one thing alone that an employer would have an opportunity to get the same job done for less money. I think, that we should not try to gloss that over. I think that we should address it directly and not be ashamed if that is what you want to vote for, but admit that that is what you are doing.

You are not trying to help out 14 or 15 year olds, because I want to help out 14 or 15 year olds as well — I am sure that the rest of the Senators do as well, the difference is in bucks. If it represents \$80 per week, in your cost of operating your business and you multiply that by

52 weeks and it cost a lot of money. The percentages are very slim, but the difference is that you must run your business in a manner that you are going to gain your net profit, not off your personnel, but off the quality of your product, the organization of your business and the proper management of the same.

So the good Senator from Oxford, who has opposed these various measures, I think should address that very point. My own personal opinion is that I think that this amendment is a sound amendment and as a businessman with many people who own motels and hotels in my area I would recommend that if they are going to hire kids to do the job that they should be paid equal and equitable wages.

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate, I've listened to this Bill be called a lot of different things, from major changes in the labor laws, to a vacationland bill, to a kids bill, I don't often have a chance to stand here and enjoyably disagree with my assistant floorleader the good Senator from Penobscot, Senator Pray, but when he talks about this being kids bill, this should be retitled somehow the kids opportunity bill, as the good Senator from Somerset, Senator Redmond, suggested the other day.

What we are talking about is a vacationland bill. We are talking about creating any new jobs, not one. Not one for any 14 or 15 year old, who needs a summer job, you are talking about giving a vacation to somebody who has a job, today, or would have a job when the summer industry starts up. You are talking about either giving an adult, making the minimum wage, giving them a vacation from their job and replacing them at \$2.51 with a 14 or 15 year old or you are talking about replacing a college student who we have been told on several occasions by the good Senator from Oxford, and the good Senator from Lincoln, Senator Sewall, we have been told college students don't take these kinds of jobs, quite often.

We are talking replacing somebody with a 14 or 15 year old at \$2.51. I think that it is about time that we followed the advice of the good Senator from York, Senator Kerry and cut through all the smoke and all the fog that was with us yesterday, and even though it doesn't look like it outside it is still in this Chamber. That is the bottom line, we are talking about the good Senator from Lincoln, Senator Sewall, talked about one of these amendments and giving somebody a real hit in the stomach. Well you take an adult who is doing this job right now today, and you go home and tell them that they are going to be replaced by a 14 or 15 year old and if you don't think that that is a hit in the stomach. That is nothing compared to 9¢ an hour, which the good Senator from Penobscot, Senator Pray is talking about, that is all that we are talking about here. We are talking about, as the good Senator from Penobscot, Senator Pray has pointed out expanding the job force. Expanding the number of people available to take these jobs. We are talking about junior high school kids in some instances at \$2.51 an hour. I'll say it we have had the people pushing this bill, to come out and say it, but that is the name of the game, \$2.51 per hour. You are not talking about creating a job, you are not creating one job with this Bill. It is strictly one for one. Every 14 year old, every 15 year old that goes to work this summer, if this Bill passes, next summer, if this Bill passes every 14 or 15 year old that goes to work at \$2.51 an hour in this industry, will replace somebody else. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President. I believe that we were discussing the amendment not the Bill at this time, and I'll try to keep my remarks limited to the amendment.

We are now voting on the amendment, I be-

lieve, and the amendment changes the minimum wage without a public hearing and that is exactly what we are doing.

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 Adoption of Senate Amendment "D".

A Yes vote will be in favor of Adoption.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Bustin, Carpenter, Conley, Dutremble, Kerry, Najarian, Pray, Usher, Violette, Wood.

NAY—Ault, Brown, Charette, Clark, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairty, Minkowsky, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trozky.

ABSENT—O'Leary, Perkins.

A Roll Call was had.

10 Senators having voted in the affirmative and 20 Senators in the negative, with 2 Senators being absent, Senate Amendment "D" Failed of Adoption.

The Bill, as amended, Passed to be Engrossed in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, having voted on the prevailing side, I move Reconsideration of the previous vote.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Collins that the Senate Reconsider Passage to be Engrossed, on LD 32.

Will all those Senators in favor of Reconsideration please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote being had, the motion to Reconsider does not prevail. Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT Relating to Appeals by Taxpayers from Municipal Assessment. (H. P. 81) (L. D. 120)

AN ACT to Require Certain Notification in the Case of Tax Liens and Mortgages. (S. P. 69) (L. D. 106)

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

Orders of the Day

The Chair laid before the Senate; a Joint Resolution in Support of a New and Greater Direction for the Economy of the United States of America, (S. P. 333) tabled earlier in today's session, by Senator Conley of Cumberland, pending Adoption.

The PRESIDENT: The Senator has the floor.

Senator CONLEY: Mr. President, and Members of the Senate, last November this country elected Ronald Reagan to serve as the President of the United States for the next four years. I think everyone in this country wishes him well. It has always been the tradition of the American public to support its President, once elected, and sworn into office. The Resolution today before the Senate, has left me a little bit stymied. It has left me stymied because it's extremely vague. I wonder if the good Senator, one of those who are co-sponsoring this Joint Resolution, as I read the Joint

Resolution, it goes nowhere but in this Senate Chamber and down at the House. It certainly does not go beyond the Halls of the House, or the other end of the Hall. I would like them to sort of speak of the initiatives that they relate to in this Joint Resolution.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President. The main idea of this Resolution is to simply say we're trying to turn the economy around. We understand there are going to be some cuts. We understand it's going to be a tough time for the country, but we want our country to be great again, and we want the President to know that in every way we possibly can, we'll be supporting him.

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

Senator CONLEY: Mr. President, I appreciate the remarks made by the good Senator from Lincoln, Senator Sewall. The strange thing about it, this morning, right after I had tabled until later in today's Session, this Joint Resolution, the good Senator from Cumberland, who sits in front of me, a man I have a greatest respect for, Senator Huber, turned to me and said, "What did you just table?" I said, "What are you talking about, Senator?" He says, "Well, what was the item you just tabled?" I say, "That was the Joint Resolution on my calendar." "Well," he says, "it's not on mine." Now isn't that strange, that the great Majority Party of this Senate is praising the President of the United States to turn the economy around, but we have got to turn the economy around right here. Isn't it strange that we would have an entire Senate Calendar reprinted, because this little message that is going nowhere than down the other end of the Hall, and in this Body, had to reprint this entire Calendar? Let's not be hypocrites.

Last week we all spoke in Leadership with respect to the cost of running the Legislature. We have some very energetic Senators in this Body. I have the highest regard for them. They like to stay in touch with their constituents, and they like them to know what's going on here. They like to notify them through the mail. Nobody in here is crying at Congressman Emery, Congresswomen Snowe, Senator Mitchell, or Senator Cohen for trying to stay in touch with their constituents, but we can do it here. We want to set all kinds of examples in the Senate. Well this is a great illustration of how to start.

I would just say, that the good President of the United States has my blessings. He has a difficult task ahead of him, and the Congress along with it. I'm going to tell you, there are a lot of citizens in this country are going to be suffering extremely over the next four years because as a result of the economic conditions in this country. We all hope that those Resolutions will take place, that those many people will not be harmed.

I think, honestly, when I read this Resolution today, it's almost meaningless, almost meaningless. The fact that we've reprinted the Senate Calendar here, just to incorporate this thing, has a lot to be desired.

The PRESIDENT: The Chair would advise the good Senator from Cumberland, Senator Conley, that the error was in the part of the Kennebec Journal the printers, and that they reprinted the Journal at no expense to the Maine Senate, or the taxpayers of the State of Maine.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I thank you for that explanation to the good Senator from Cumberland. I think that this is an important Resolution. I don't think that it just stays within the Halls of the State House, because I think the press are going to be fair enough to let the people of the State of Maine know that the Legislators in the State are very much con-

cerned with what the President's program is. I think that we should go on Record as supporting his efforts to change the course of the economy in our Nation. That is why he was elected. I don't know how successful he's going to be. I pray every day that he is going to be successful. Even though some of us are going to be hurt by some of the cuts he is making, we have to be hurt many times, in order to have what's best for us. I think that this Resolution is a good indication to the people of the State of Maine that we support him in his efforts, in whatever Congress does with his recommendations remains to be in the future. I think we should pass this Resolution today, and let the people of the State of Maine know how we stand.

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

Senator VIOLETTE: Mr. President, over the years, I've supported many Resolutions which I thought were quite frankly, unnecessary, cost money to produce, and were time-consuming, and, quite frankly, reflected positions that either I did not support, or my constituents did not support. I do not approve this Resolution today. I have as yet to see specifically what great wonders this supposed courageous Presidents cuts and reductions will mean to this State. I am in opposition to a tax cut program that will do absolutely nothing for my wage earners the average middle income person in Aroostook County, vis-a-vis the upper income levels. I am opposed to closing my eyes, and paying lip service to a Resolution that states a position of massive cuts in northern Aroostook County, one of the nation's poorest areas, when the good sponsors of this Resolution, can show to this Senate, the true cost included in these cuts, and reductions, and what tremendous benefits they will bring to this State, item by item, then and only then will I agree to entertain this issue. Mr. President, I would appreciate that we have a Roll Call on this matter.

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 Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate, I would just like to point out for those of you who have short memories, roughly a month ago, a new President was sworn in, and that day, this Body passed a Resolution wishing him the best of luck in the new Administration, and the fact, basically what is said in this Joint Resolution here. I think we've already gone on Record in wishing him luck and that he be able to solve the national problems that we have. I do have to, at this time, join with my colleagues in the concern that we have a blank endorsement, a blank check, of saying what was delivered the other night when I understand at this time there is only one copy of the Federal Budget, in the State at this time, without realizing exactly what those cuts are. I would hope that we would at this time defeat it. We've already passed one Resolution wishing him luck in his Administration.

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

Senator CONLEY: Mr. President, just to get the Record straight as well, you know, when you read this Joint Resolution, it's a Joint Resolution for whom? It doesn't say as a traditional Joint Resolution, memorializing the President of the United States, memorializing the House of Congress, or the Congress of the United States, and all of those who serve as Cabinet members. I don't want to be memorialized again. I've had it. We're tired of it. I think that we ought to get on with the business of the

day and start thinking of the problems that we have right here in the State House. We have a gas package that's tabled here. It's my understanding that the Joint Caucus almost threw us all out of here. We were lucky to come back in here and escape any physical harm. Let's stop the nonsense. Let's stop this type of nonsense, wish the President well, he has all our blessings, all of our blessings, but let's get down to business.

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

Senator TRAFTON: Mr. President, Men and Women of the Senate, it's always been my feeling that the majority of our time here should be directed towards State matters. In that regard, and with regard to both cost cutting and tax cutting steps, I would turn your attention to a hearing that will be held on Monday, before the Finance and Appropriations Committee, which will deal with the bold cost cutting and tax cutting steps that the Governor of this State, in the form of L. D. 708, An Act Making the Appropriations from a General Fund for Teachers' Retirement, and Eliminating Certain Programs Funded from the General Fund. I hope we will see the same enthusiasm from the Majority members of this Senate with regard to that L. D.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, we now have in the Oval Office in Washington, a man who was once an actor, and who has now become the President of the United States. Apparently we have a man in the Senate, who is a politician and wants to become an actor. I wish him well, but I would ask him to read the title of this Resolution. It does not wish our President luck or anything else. It says a Joint Resolution in Support of a New and Greater Direction for the Economy of the United States of America. I think that's what we're voting on this afternoon.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, Members of the Senate, I'll be very brief. If I thought all this was going to do was go down to the other end of this floor, I wouldn't mind, but Senator Hichens indicated that the press was going to pick it up, and it would be all over the State. So I want to be on the Record why I don't support this particular Resolution. The reason is, a few years ago, in the House, when the Cambodians captured one of our ships, and President Ford sent in the Marines, or the Armed Services, or something or other, and we had a big Resolution commemorating him on his bold action. I could hardly keep up, as Senator Conley said, with what was going on in the State House, I didn't know how everybody in the Senate knew what was happening way across in the South China Seas, or wherever. Anyhow, the flags are waving, we passed that Resolution, and it turns out that at the time when President Ford had sent in the American troops, that the Cambodians had already released the crew, and eight Americans were killed needlessly. I don't know what President Reagan's great budget initiatives are going to eventually mean to the people of this State. That's the reason why I'm reluctant to endorse it at this point.

The PRESIDENT: The pending question before the Senate is Adoption of the Joint Resolution (S. P. 333).

A Yes vote will be in favor of Adoption.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairey, Pierce, Redmond, Sewall, C., Shute, Sutton, Teague, Trotsky, The President.

NAY — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky,

Najarian, Pray, Trafton, Usher, Violette, Wood.

ABSENT — O'Leary, Perkins.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators being absent, the Motion to Adopt Joint Resolution, (S. P. 333) does prevail.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, there being no objections all items previously acted upon were sent forthwith.

On motion by Senator Pierce of Kennebec, Adjourned until Monday, February 23, 1981 at 5 o'clock in the afternoon.