

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 30, 1959

Senate called to order by the President.

Prayer by Rev. Harvey F. Ammerman of Augusta.

On motion by Mr Fournier of York, Journal of yesterday read and approved.

The PRESIDENT: At this time the Chair is pleased to note in the Senate Chamber this morning, the presence of a very attractive, gracious and charming wife of one of our members. And although she has declined, because of recent illness, to be seated at the rostrum, the Chair would like, on behalf of the Senate, to extend a cordial welcome to her this morning. The Chair will request Mrs. MacDonald, the wife of Senator Peter MacDonald of Oxford, to stand and be recognized.

(Applause, members rising.)

Paper from the House

Bill, "An Act Repealing the Tax on Quahogs." (S. P. 298) (L. D. 822)

In Senate on April 28, passed to be engrossed as amended by Senate Amendment A (Filing No. 271)

Comes from the House, indefinitely postponed.

In the Senate:

Mr. ROSS of Sagadahoc: Mr. President, as much as I dislike to make this motion, but since I feel that I have talked about quahogs enough, I shall now move that the Senate recede and concur with the House in indefinite postponement.

The motion prevailed and the bill was indefinitely postponed in concurrence.

Ought to pass — N.D.

The Committee on Judiciary on Bill, "An Act Relating to Cancellation of Automobile Physical Damage Insurance." (H. P. 689) (L. D. 989) reported same in New Draft (H. P. 930) (L. D. 1316) under same title and that it Ought to pass.

In House, report accepted and bill passed to be engrossed as amended by House Amendment A

(Filing No. 238) and House Amendment B (Filing No. 276)

In the Senate, the ought to pass in new draft report was accepted and the bill read once; House Amendment A and House Amendment B were read and adopted in concurrence; the same Senator presented Senate Amendment A and move its adoption.

The Secretary read Senate Amendment A.

Mr. CARPENTER of Somerset: Mr. President, in support of my motion I will simply state that this places the burden of proof upon the insured for notifying anyone that has a mortgage on the property rather than making it mandatory for the insurance agent or the insurance company to so notify.

Thereupon, Senate Amendment A was adopted and the bill as amended was tomorrow assigned for second reading.

Ought to Pass — as amended

The Committee on Natural Resources on Bill, "An Act Relating to Cutting of Christmas Trees." (H. P. 794) (L. D. 1126) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 260)

Which report was read and accepted in concurrence and the bill read once. Committee Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Moneys for Construction of Patient Building at Western Maine Sanatorium." (H. P. 599) (L. D. 859) reported that the same Ought not to pass.

(Signed)

Senators:

ROGERSON of Aroostook
PIERCE of Hancock
DUQUETTE of York

Representatives:

STANLEY of Bangor
BRAGDON of Perham
DAVIS of Calais
BROWN of Ellsworth

EDWARDS of Raymond
SMITH of Falmouth

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass.
(Signed)

Representative:
JACQUES of Lewiston

In House, reports and bill indefinitely Postponed.

In the Senate, on motion by Mr. Rogerson of Aroostook, the Majority "Ought not to pass" report was accepted.

Majority — ONTP
Minority — OTP

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Providing for Open Season on Moose." (H. P. 714) (L. D. 1019) reported that the same Ought not to pass.

(Signed)

Senators:
BRIGGS of Aroostook
HILLMAN of Penobscot
CARPENTER of Somerset

Representatives:
WHEATON of Princeton
DODGE of Guilford
MOORE of Casco
MONROE of Monroe

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass.
(Signed)

Representatives:
CARVILLE of Eustis
HARRIS of Greenville
DUDLEY of Enfield

In House, reports and bill indefinitely Postponed.

In the Senate, on motion by Mr. Carpenter of Somerset, the Majority "Ought not to pass" report was accepted.

Majority — OTP as amended
Minority — ONTP

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Local Option for Sale of Malt Liquor in Part - time Hotels." (H. P. 424) (L. D. 608) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 254)

(Signed)

Senators:
WILLEY of Hancock

CARPENTER of Somerset
BOUCHER of Androscoggin

Representatives:
MAYO of Bath
BROWN of Bangor
CHAPMAN of Norway
DOSTIE of Winslow
COUTURE of Lewiston
LACHARITE of Brunswick

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass.

(Signed)

Representative:
CHRISTIE of Presque Isle

In House, Majority Report accepted and the bill passed to be engrossed as amended by Committee Amendment A.

In the Senate, on motion by Mr. Boucher of Androscoggin, the Majority "Ought to pass" report was accepted in concurrence, the bill read once and Committee Amendment A read.

Thereupon, on further motion by the same Senator, the bill was laid upon the table pending adoption of Committee Amendment A.

Majority — OTP
Minority — ONTP

The Majority of the Committee on Public Utilities on Bill, "An Act to Permit the Eastern Maine Electric Cooperative to Exercise Eminent Domain." (H. P. 818) (L. D. 1156) reported that the same Ought to pass.

(Signed)

Senators:
MARTIN of Kennebec
NOYES of Franklin
HUNT of Kennebec

Representatives:
HAUGHN of Bridgton
WALTER of Waldoboro
PIKE of Lubec
DOW of Eliot
KILROY of Portland

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass.

(Signed)

Representatives:
PHILBRICK of Bangor
CYR of Fort Kent

In House, Majority Report accepted and the bill passed to be engrossed.

In the Senate, on motion by Mr. Martin of Kennebec, the Majority "Ought to pass" report was accepted in concurrence and the bill read once; on further motion by the same Senator, the bill was laid upon the table pending assignment for second reading.

Majority — ONTP
Minority — OTP — N.D.

The Majority of the Committee on Taxation on Bill, "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operations." (H. P. 701) (L. D. 1001) reported that the same Ought not to pass. (Signed)

Senators:

WILLEY of Hancock
 WYMAN of Washington

Representatives:

ROLLINS of Belfast
 PARSONS of Hartford
 MAXWELL of Jay
 BAXTER of Pittsfield

The Minority of the same Committee on the same subject matter, reported bill in New Draft (H. P. 950) (L. D. 1346) under the same title, and that it Ought to pass. (Signed)

Senator:

FOURNIER of York

Representatives:

CYR of Augusta
 COUSINS of Bangor
 WALSH of Verona

In House, recommitted to the Committee on Taxation.

In the Senate, on motion by Mr. Willey of Hancock, the Senate voted to concur with the House and the bill was recommitted to the Committee on Taxation.

Joint Order

On motion by Mrs. Lord of Cumberland

ORDERED, the House concurring, that the Joint Standing Committee on Public Health be instructed to originate a Bill, creating a Committee to study the need and desirability of relocating the State School for Boys. (S. P. 479)

Which was read and passed.
 Sent down for concurrence.

Senate Committee Reports
Ought Not to Pass

Mr. Carpenter from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Deer in Towns of Deer Isle and Stonington." (S. P. 162) (L. D. 382) reported that the same Ought not to pass. Covered by Other Legislation.

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Relating to Rulings on Admissibility of Evidence by Public Hearing Examiners." (S. P. 377) (L. D. 1276) reported that the same Ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

Ought to Pass — as amended

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Amending the Interpleader Compact." (S. P. 256) (L. D. 669) reported that the same Ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once. Committee Amendment A was read and adopted, and the bill as so amended was tomorrow assigned for second reading.

Ought to Pass — N. D.

Mr. Bates from the Committee on Education on Bill, "An Act Revising the Law Relating to Education of Physically Handicapped or Exceptional Children." (S. P. 158) (L. D. 379) reported same in New Draft (S. P. 480) (L. D. 1350) Under Same Title, and that it Ought to pass.

Which report was read and accepted, the bill in New Draft read once and tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following bills and resolves:

House

Bill, "An Act Relating to Use of Draggers in Part of Penobscot Bay." (H. P. 916) (L. D. 1294)

"Resolve Authorizing Survey and Plans for a Maine-Quebec Highway." (H. P. 945) (L. D. 1340)

Which were read a second time and passed to be engrossed in concurrence.

House — as amended

Bill, "An Act Amending the Charter of the City of Augusta." (H. P. 936) (L. D. 1323)

(On motion by Mr. Martin of Kennebec, tabled pending second reading.)

"Resolve Proposing an Amendment to the Constitution Providing for Annual Legislation Sessions." (H. P. 849) (L. D. 1212)

Which were read a second time and passed to be engrossed as amended, in concurrence.

House — Non-Concurrent

Bill, "An Act Relating to Settlements or Releases from Injured Persons Confined in Hospitals." (H. P. 56) (L. D. 78)

Which was read a second time and passed to be engrossed as amended by Senate Amendment A in non-concurrence.

Sent down for concurrence.

"Resolve to Reimburse the City of Portland for Support of Joseph A. and Madelon E. Glidden." (H. P. 788) (L. D. 1120) (In House, Indefinitely Postponed.)

Which was read a second time and passed to be engrossed, in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act Relating to Artificial Aids for Employees for Injuries Under Workmen's Compensation Law." (S. P. 477) (L. D. 1348)

Bill, "An Act Relating to St. Mary's Hospital of Lewiston." (S. P. 478) (L. D. 1349)

Which was read a second time and passed to be engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolves:

Bill, "An Act Relating to Permits for Outdoor Advertising." (H. P. 84) (L. D. 131)

Bill, "An Act Relating to Protection of Weirs." (H. P. 366) (L. D. 535)

(On motion by Mr. Wyman of Washington, tabled pending passage to be enacted.)

Bill, "An Act to Prohibit Excessive Noise from Mufflers on Motor Vehicles." (H. P. 417) (L. D. 601)

Bill, "An Act Relating to Fishing in Waters of Piscataquis County." (H. P. 491) (L. D. 704)

Bill, "An Act Relating to Free Hunting, Trapping and Fishing Licenses for Indians." (H. P. 639) (L. D. 930)

(On motion by Mr. Carpenter of Somerset, tabled pending passage to be enacted.)

Bill "An Act to Incorporate the Jay Village Water District." (H. P. 667) (L. D. 959)

Bill, "An Act Creating the Lewiston-Auburn Transit Authority." (H. P. 881) (L. D. 1255)

Bill, "An Act Relating to Extension of Water Service in Town of Falmouth." (H. P. 932) (L. D. 1328)

Bill, "An Act Regulating Commercial Fishing for Smelts." (H. P. 934) (L. D. 1320)

Bill, "An Act Relating to Lands Needed by the State." (S. P. 280) (L. D. 742)

Bill, "An Act to Incorporate the East Boothbay Water District." (S. P. 319) (L. D. 881)

Bill, "An Act Relating to Duties of the Clerk of the House of Representatives." (S. P. 419) (L. D. 1203)

Bill, "An Act Relating to Investment of Certain Charitable Trust Funds." (S. P. 462) (L. D. 1315)

(On motion by Mr. Wyman of Washington, tabled pending passage to be enacted.)

Bill, "An Act Relating to Covered Bridges." (S. P. 463) (L. D. 1322)

Which were severally passed to be enacted.

"Resolve Closing Long Cove Brook, Moxie Cove Brook, and Monroe Brook, Lincoln County, to Smelt Fishing." (H. P. 933) (L. D. 1319)

"Resolve Opening Waters in Lincoln County to Taking of Salt

Water Smelts." (S. P. 311) (L. D. 857)

Which were finally passed.

Emergency

Bill, "An Act to Incorporate the Town of Wiscasset School District." (H. P. 918) (L. D. 1296)

Which bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Orders of the Day

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Pierce.

Mr. PIERCE: Mr. President, and members of the Senate: I have recently been informed that one of our Senators for the first time, and within a matter of hours, has become a grandfather. I yield to the Senator from Kennebec, Senator Hunt.

Mr. HUNT of Kennebec: Mr. President, it is indeed a new status and I hope it adds dignity and wisdom to any previous action that has been taken. Thank you.

The PRESIDENT: I think the Senate joins the Chair in thanking the Senator from Hancock, Senator Pierce, for calling the Chair's attention to this momentous occasion, and I think a round of applause is in order for Senator Hunt. (Applause)

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table (S. P. 82) (L. D. 154) Senate Reports from the Committee on Labor on Bill, "An Act Relating to Minimum Wages." Majority Report "Ought not to pass." Minority Report "Ought to pass," which was tabled on April 27th by that Senator pending acceptance of either report.

Mr. BATES of Penobscot: Mr. President and members of the Senate: Minimum wage laws are designed to establish a floor. The bill now before this body establishes a floor of one dollar with exceptions spelled out as the document was originally presented. However, I must point out that the document was presented at the time of public hearing on the basis of

consideration at a level of eighty cents per hour. Therefore the Labor Committee heard evidence from all parties interested, consuming a matter of several hours, on the basis of eighty cents.

We recognize that there is no single magic formula; the Legislature must take into consideration all of the effects upon our economy and our people.

The purpose of establishing a state law is not to determine the precise rate the employer pays but to establish a floor, ostensibly to be an instrument to help the worker meet standards commensurate with well-being, health, adequate maintenance, and indirectly to assist in protecting the employer who does pay a fair wage for unfair competition as well as the upgrading of purchasing power on the part of the worker.

I must oppose the passage of this document because of the fact the hearing was held on a basis of consideration of eighty cents; and, even more important, because no attempt has been made to rewrite portions of this document in an attempt to correct language in the original document, as has been attempted in the redraft which I may identify as L. D. 1337 under same title.

I move acceptance of the majority "Ought not to pass" report.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: Years ago a great Scottish poet, Bobby Burns, wrote these words:

"O would some power the giftie gie us

To see ourselves as others see us. It would from many a trouble free us,

and foolish notion."

See ourselves as others see us! I feel quite sure that during our lifetimes we have at some time wondered, in the conduct of our personal business, our public business and our business with our friends, our neighbors and business associates, how they were looking at us. And I am wondering how the opponents of this bill are looking at the position that I take. I wonder if they say, "Why give them a dollar an hour? Why give them an

average of forty dollars a week? They are starving anyway, so why prolong the agony? Let them die now; let them starve to death now and get it over with." Others may take a different point of view. They may say, "Let's keep the women on a permanent diet and they will never need a new Playtex."

Now I am not criticising the motive or the purpose of those who oppose the bill, because I cannot, for the life of me figure out what their opposition or their intentions could be to oppose this bill. As a matter of fact, I cannot see why anyone would have any objection to paying forty dollars a week. Oh, foolish notion!

Now let us look at the bill, L. D. 154, the one that I personally introduced in the legislature. This calls for a dollar an hour, and there are numerous exceptions in that bill to which it does not apply. I thought that I got in everywhere that it might injure in any way; but I did not know what the exceptions really were until I came to read the new draft in L. D. 1337. All that did for the poor people of the State of Maine who must depend on us for aid — they do not come under Federal law, they do not belong to any union, and there is no other place they can go but to the legislature to get aid — and what do we give them? We simply give them an apple.

I have a list from a survey of wages paid in the City of Portland. Now the City of Portland is considered to be the highest-paying city in the State for those who do not come under the Federal law. Here are some of the figures:

Male baker's helper, \$35 a week; laundry workers, 70 cents an hour; hospital nurses' aid, 90 cents an hour; female sales persons, 80 cents an hour; male ticket-taker in theaters, 75 cents an hour; cashier in theaters, 75 cents an hour; elevator operators \$27 a week; female factory workers, 80 cents an hour.

I wonder how those people support their families? Is there anyone in this chamber who can support their family properly on forty dollars a week? I assure you I can't. I would like to have some of the members or anybody to explain to me how

they can succeed in supporting a family, with groceries, rent, clothing and fuel. It just can't be done.

The other bill, L. D. 1337, which we will have to talk about later, provides for thirty two dollars a week or eighty cents an hour.

I am going to say to you this: If we accept the motion now before the chamber, when we go home tonight and we have our supper — they call it dinner in recent days, but we old fellows still call it supper — and we sit down and enjoy life, I wonder how we are going to shake off that feeling for the children whom we know we are depriving of proper food and clothing. Are we going to sit there and shake our heads and simply say, "I am not my brother's keeper." Is that what we want to do? We are going to decide it here: we have to decide it here, because it is the only place that a decision can be made.

I had a letter from a lady in Portland which was given to me by another Senator, and I think parts of it are rather amusing. She said, "The pay that has been given to those who" — I can't remember the exact wording — "to those who do not belong to organizations is grossly insufficient." This is the part that I wanted to come to. She says, "The pay we get is going to drive those people into the union or some other UnAmerican organization." I do not believe the real union is an un-American organization. But I will tell you what it will do: It will drive all of those people into the unions like District 50 with John Lewis, or the catchbasis of the Truckers' Union. You are going to drive men into it because there is nothing else they can do if we do not help them.

Now one day this week I opened the paper and on the front page I read this: The heading says, "Scribner advises GOP woo Labor. It is dated 'Portland,' and it reads: "Undersecretary of the Treasury Fred C. Scribner Jr. said Monday night the Republican Party should 'make labor make welcome' and do the same with eggheads."

Now if my good Republican friends wish to woo labor this is the time to start wooing and keep right on wooing until this bill is

passed and becomes a law and we give some aid to some nineteen thousand people in the State of Maine.

Mr. President, when the vote is taken I ask that it be taken by roll-call, by the yeas and nays.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: The good Senator from Penobscot, Senator Bates, has said—I cannot exactly quote it because I couldn't write that fast and if I misquoted him I am sure he will correct me—but I thought I understood him to say that the minimum wage is to establish a standard of living for working men and women. Now does the good Senator mean that the proposed eighty cents an hour is to be that which is to be used for a standard of living for the working men and women of Maine? Is that proposed eighty cents an hour, which amounts to thirty-two dollars a week on a forty-hour week, is that the standard of living which he proposes? If that is true, I cannot agree with that situation. You and I and everyone know that no one can possibly meet the cost of living today on \$32 a week, and God knows how they can do it on a \$40 a week. I think that anything less than a dollar minimum is a direct insult to the working men and women of Maine. If you believe in minimum wages, then you must believe in at least a dollar an hour, at least forty dollars a week. Anything less than that and I do not see how you can say to the working men and women of Maine that you believe in minimum wages.

Too long have we here in Maine been neglecting the needs of working men and our working women, and, believe me, there are many of them. Too long have we passed the buck, and now is the time and here is the opportunity for each and every one of us to do something for them to meet their needs, recognize their needs, and say to them, "Yes, we appreciate the situation you find yourselves in and we want to help you. Yes, we say you should receive at least a dollar an hour minimum wage or at least forty dollars a week." The Lord knows I do not go all along

on that, but anyway it will be a start. Anything less than that I think is a direct insult to them.

Mr. ROSS of Sagadahoc: Mr. President, as some of you know, I favor an equitable minimum wage law and I will speak at some length later on another bill; but I do not believe that this particular piece of legislation before us now is equitable.

The Federal minimum wage law in interstate commerce is now one dollar. That is for all of our larger business and industries, and to me it does not make sense to have our small business have to pay the same as the larger ones are doing now.

When Senator MacDonald says that we are not worried about the poor working man, many of us certainly are very worried about him; but I am more worried about the person who is getting the sub-standard wage of thirty cents or forty cents an hour than I am about those who are getting close to a dollar.

There are two other changes that we are hearing now. One is under the exemption section and the other is a section that should set up some rules and regulations. For these reasons I favor the motion of the Senator from Penobscot, Senator Bates.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I suppose that as an employer I should favor the motion of Senator Bates of Penobscot, but I could not bring myself to have a man working for me at a starvation wage. In the construction field I have to pay masons \$3.50 an hour; I have to pay carpenters \$2.60 an hour and that will rise very soon; I have to pay painters \$2.05 an hour and plumbers—well that I don't know because I have sublet my contract but I do know that I paid them \$2.00 or better an hour.

I hire journeymen who do odds and ends, and the least that I feel in conscience I can pay them is \$1.25 an hour. This bill is ridiculous to me when it talks of 80 cents an hour. I know that we all know that no married man can support a family on 80 cents an hour working forty hours a week which is \$32. We all know that cannot be

done. I think any citizen of Maine is entitled to a living wage. So therefore I oppose the motion of Senator Bates of Penobscot.

Mr. BATES of Penobscot: Mr. President, if it be necessary, to clarify, I wish to make it certain in the minds of the members of the Senate as to the situation the Committee on Labor found itself. Two documents were presented dealing with minimum wage. Each document in its original printed form, called for one dollar an hour. Each sponsor as he appeared to present his bill before committee voluntarily at that moment at least, reduced the dollar figure to 80 cents. Since then, in committee the 80 cents figure was revised upward to one dollar by the bill now before us.

I think each member of this Senate would recognize that it is much more fair to the proponents and opponents at the hearing to allow themselves to justify themselves individually and collectively on their positions with respect to the matter before the committee at that moment which was on the basis of eighty cents.

Many of the statements that have been presented to this Body as opposition to the motion now prevailing are certainly justified but more overpowering to me is the fact that if we are to take a step toward minimum wage, there should certainly be a period of gradual adjustment to the eighty cent an hour possibility that will be provided in document 1337, primarily to see how that will work out rather than going ahead too rapidly. I must point out that each party has stated in different language that they are in favor of measures of this nature. To me the Republican statement was more flexible whereas the Democrat statement was pinpointed at a dollar an hour.

The Republican statement in general, without quoting it word for word, stated that we should do our utmost to prevent unfair exploitation of skilled and unskilled labor.

Mr. MacDONALD of Oxford: Mr. President, the Senator from Penobscot, Senator Bates when he conducted the labor committee meeting has been very fair. He is our chairman and I was a member of the Labor Committee. When I in-

troduced my bill I put in a dollar an hour, with some exceptions, people that didn't become subject to it at all. Then talking with some people, they advised that I change that to eighty cents an hour and at the request of the Chairman I made a statement at the opening of the hearing that I thought I would go along with the eighty cents an hour.

Then, I investigated the cost of living as based on thirty-two dollars a week and I just could not change it. If I were going to do anything I felt that I had to give them something. Thirty-two dollars a week doesn't give them anything. It is not going to help them. They might as well be hungry on fifteen dollars a week as to be hungry on thirty-two. With that they're going to be hungry anyway.

Mr. BATES of Penobscot: Mr. President, I hesitate to do this, but I have to refute a statement that I believe was just made by the Senator from Oxford, Senator MacDonald and I hope he will agree with me because our committee has worked diligently to present to the legislature, documents on which they could work. I don't recall, Senator MacDonald, any instance whereby I requested you to change the figure from one dollar to eighty cents. If my mind is clear on the matter, the chairman, myself, did not know until Senator Ross spoke on his bill and you spoke on your bill that either of you had any intention of changing your bill.

Mr. MacDONALD: Mr. President, I did not say he suggested it. No, I didn't say that or I didn't mean to say it, and if I did it was an error. I said it myself. Mr. Bates did not ask me to do that at all. He just asked if we'd make a statement of our positions, which we did.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Bates, that the Senate accept the Majority "Ought not to pass" report. A roll call has been requested.

A division of the Senate was had. Obviously a sufficient number having risen, the roll call was ordered.

The Secretary called the roll, and the Senators answered as follows:

YEAS: Bates, Charles, Coffin, Cole, Dow, Hillman, Martin, Noyes, Parker, Rogerson, Ross, Stilphen, Weeks, Woodcock, Wyman — 15.

NAYS: Boucher, Carpenter, Dunn, Duquette, Farley, Fournier, Hunt, Lessard, Lewis, Lord, MacDonald, Pierce, St. Pierre, Thurston, Willey — 15.

ABSENT: Briggs, Brown — 2.

The PRESIDENT: The Secretary will call the name of the President.

The President answered: YEA.

Sixteen having voted in the affirmative and fifteen opposed, the motion prevailed.

Sent down for concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table the 97th tabled item being Senate Reports from the Committee on Labor: Majority Report, ought not to pass; Minority Report, ought to pass, on bill, "An Act Establishing a Minimum Wage." (S. P. 59) (L. D. 92) tabled by that Senator on April 27 pending acceptance of either report.

Mr. BATES of Penobscot: Mr. President there probably is no need for me to repeat myself. I think my position is clear to all members of the Senate. I therefore move acceptance of the Minority Report "Ought to pass in new draft, L. D. 1337."

Mr. ROSS of Sagadahoc: Mr. President, one of our partisan policies was that we pledge honest, efficient government with a minimum of cost and interference in the lives of our citizens.

Several citizens have asked me how I could sponsor such a bill and still keep faith with our basic principles. Part of the answer lies in another partisan thought. We favor legislation to prevent the unfair exploitation of skilled and unskilled labor but furthermore, if it is inconsistent to attempt to secure a barely adequate living wage to promote the welfare, health and efficiency of several thousand persons, I repeat, if that is inconsistent, then I plead guilty. We must remember that this would only affect a small proportion of the employers in the state who are now paying substandard wages. The purpose of such a law is to tidy up the ragged,

lower edge of our Maine structure. If the only way some of these businesses can meet competition is to pay these unreasonably low wages which I have mentioned before—thirty, forty and fifty cents an hour—then I maintain that this is a most unfortunate situation and basically a moral one. We have been told that such a law would effect undue hardship, that it would force lay offs and force people to close their places of business. I certainly do not believe this is so and I feel that this is a defeatist attitude. If their business is so poor; if they can't pay eighty cents an hour, they certainly should do something to correct the situation other than cut wages.

Now we certainly don't want to legislate any hardships. It is really the other way around but we will admit there must be exceptions to all rules, and in the original bill certain exemptions were included, to wit: agriculture, domestics, persons working in non-profit institutions, students, part-time workers and commercial fishermen. At the public hearing I said that I had an open mind and was willing to revise that list. I revised it to include two categories that I think the sponsor of the other bill doesn't agree on—waiters and waitresses. The way the original bill was written, waiters and waitresses would have to declare their tips. That is a very difficult situation and in talking with many of these persons throughout the state, they told me they would like to be exempt from such a law.

I have also exempted councillors and persons working in nursing homes because I believe they are just like hospital workers. I have deleted something too. Under the previous bill under agriculture, anyone working in a commercial greenhouse would have been exempt. To me that did not make sense, so I changed that so persons working in a greenhouse would be included under this.

Now, we are not placing an arbitrary market value on labor just a bare minimum living wage. Of course we would like to see everybody get over thirty-two dollars a week, and of course we would favor paying at least a dollar an hour if

our economy could stand it, but certain segments of our economy probably can't stand the dollar but should be made to pay more than forty or fifty cents.

Now the philosophy of minimum wage is well established and I believe that it is sound. Under interstate commerce I have heard of no company going bankrupt because they were forced to pay a dollar an hour, but for those who say it is poor in the State of Maine to have a minimum wage law on our statutes I wish they would look at Chapter 30 Section 133 to 147 whereby it says that a fair wage must now be paid to women and minors in the fish packing industry. And then if they would look further in the chapter it says that a minimum wage would be paid to laborers on public works. Now I maintain it is already a law for two segments of our economy and it certainly is fair for all. But I am not in favor of wage boards with arbitrary powers and excessive record keeping because I think that is fundamental interference in the lives of our citizens. Those who say that this is going to hurt their business, many of those persons are now selling the necessities of life such as food and clothing, and I say that a minimum wage law would stimulate those businesses because it would increase the purchasing of the lowest paid group in our economy.

Secondly, I say it would stabilize business because it would curtail those who now cut their prices only by paying a substandard wage. Thirdly, it would increase the worker's efficiency by giving him better food and providing him with better morale. Fourthly, which I think is most important of all, it would encourage management efficiency. I reiterate that I believe a person is entitled to a living wage. I will admit that thirty-two dollars a week is not the wage I would like to see but I think it is the wage that our economy must face up to at some time and to this end alone have I sponsored this legislation and I certainly move the acceptance of the minority report.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate: For the fifth time since I

have been a member of the State of Maine Legislature I shall vote to support a minimum wage bill. It seems to me that if this Legislature can go home with the eighty cent principle enacted upon their books they will have done a pretty good job as a start to bring up from any level below that the workingman of the State of Maine. After all, we would be doing four-fifths as much minimum-wagewise as the Federal government, which is a much larger governmental organization.

I want to say here too that I hope that opposition to the eighty-cent bill does not develop here in the Senate, in view of the fact of what has happened a little bit earlier this morning in the acceptance of the "Ought not to pass" report on the one-dollar minimum wage proposition, for we have a chance here to stand up for the principle of minimum wages to the extent of eighty cents and to thereby call to the attention of anybody who cares to read it that the State of Maine stands for at least that much minimum wage. I certainly do not think that one dollar is any magic number either. What may happen in days to come I cannot predict, but I do want to emphasize my support of this eighty-cent bill as a recognition to people who work by the sweat of their brows and who should be able to turn to the laws of the State of Maine and say, "I have something to at least bring me up to an eighty cents an hour wage, low though it may be."

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I wish that the able and distinguished Senator from Sagadahoc, Senator Ross, had made his speech before the last vote, because much of his speech was in favor of the arguments for the previous bill, and I am sure it was worth the extra four dollars a week to be given to the working men and women of Maine.

I for one am not going back to my city and county and tell the working men and women of Maine that thirty-two dollars a week is what I think their standard of living should be. I said that anything less than one dollar was an insult to the working men and women of

Maine, and I still feel the same way and I am not going to be compromised in such a situation. You have got to give the working man a decent standard of living, and God knows forty dollars a week is not enough. I therefore oppose the motion, and when the vote is taken I request a roll-call.

Mr. HUNT of Kennebec: Mr. President, apparently everyone here this morning wants to be known as a friend of labor, but I want to definitely go on record as a friend of labor on the one dollar an hour basis.

I refrained from speaking on the other bill. I think if we want to be known as friends of labor we certainly want to be known as friends on a wage scale which will allow them to live and support their families. I voted against the previous motion because it was my feeling that one dollar an hour is the least we should do for laboring men here, and I shall oppose the present motion on the basis that I do not feel that eighty cents is going to give them an adequate or living wage. If we want to be known as the friends of labor here let us give them at least some substantial help and not just a pittance. For that reason I will oppose the present motion.

Mr. MacDONALD of Oxford: Mr. President, I am certainly not going back to my county and tell the people there that all they are worth is eighty cents an hour or thirty dollars a week. I am not going to, by any act or word, directly or by influence, try to fool the people of the State of Maine with a sop of eighty cents an hour. I am not a candidate for Governor, I am not a candidate for anything any more, but, nevertheless, that is the position I take, and if the proponents of the eighty cents an hour want to shoulder that burden that is up to them.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: Two years ago I supported a minimum wage of seventy-five cents an hour and I was in the minority. I believe in the principles that were expressed in the debates at that time. We are discussing an eighty cents an hour wage, which

is five cents more than was fought for two years ago.

My concern with the one dollar minimum is that it is going to affect our small businesses. I know several of what we call "mama and papa" stores, and we have two or three thousand of them in our State which employ two or three people in their stores, and I know what a hardship it is for these people to maintain high wages. I know the type of people they employ, a certain type of people who cannot receive employment elsewhere. They are not probably as educated as they should be but they are able to do the work in some of the grocery stores, drug stores and retail stores which employ them. The manual work is not what I consider a highly educational type. If we are to impose a higher minimum wage than the eighty cents I am afraid we are going to be in a very difficult economic situation so far as small businesses are concerned. The terrific competition that these fellows are facing right now is something you should be aware of. Big business is able to meet this kind of competition because they have the capital to meet it, but when the small business man tries to meet these prices on things which are sold below cost by the bigger stores, I can tell you right now that if we continue to increase prices to these small businesses we are going to lose them. We are losing them at the rate of about ten or fifteen per cent a year right now. I have records to prove that. Less than five years ago we had four thousand individually-owned retail stores; today we have less than three thousand. That is a serious situation. If we let this continue we are going to be in trouble. I am going along with the eighty cents an hour.

Mr. BOUCHER of Androscoggin: Mr. President, if a seventy-five cents minimum wage was supposed to be the right thing two years ago, eighty cents is not the proper minimum today. You do not even give the working man or woman enough to pay the increases in taxes in these two years, let alone the increase in the cost of living. An eighty cents an hour wage will mean that the person who is employed is getting about what the person who

is unemployed gets weekly. Nobody wants to be unemployed that I know of except some rare exceptions, possibly one in a thousand, but the incentive to work at a minimum wage of eighty cents an hour would be destroyed. If a person who is unemployed gets the same as a person who is employed, I would say that is an incentive for him not to seek employment at a minimum wage of eighty cents an hour.

They say that corporations have no conscience, but I say that the State of Maine should have one. I say to you, Mr. President and members of the Senate, that no married person can raise a family on eighty cents an hour, thirty-two dollars a week. They can hardly support themselves, let alone their family. Therefore I shall oppose the motion for the eighty-cents an hour minimum wage.

Mr. ROSS of Sagadahoc: Mr. President, as I mentioned previously, I favor the principle but I believe this amount of eighty cents is all our economy can stand. Certainly nobody has mentioned here as a proponent of this bill that the eighty cents an hour is all a person is worth, and when people talk about wanting to go home and tell their laboring friends, remember our industrial laboring friends are already getting much more than eighty cents or one dollar an hour.

I hate to get personal, but I work in a small company where the present minimum wage is \$1.91 and we were not forced into that and we were not legislated into that. That is my business, and when we legislate for other businesses in the state we certainly must take into consideration their individual economy. I am terribly sorry that some of my friends today are not willing to admit that something is better than nothing, because when they go home and tell their friends they can't go home and tell them they wouldn't vote for anything for anything less than a living wage, they must go home and tell them they voted against putting on the statutes of the State of Maine a minimum wage law, because we have none there now.

Mr. ROGERSON of Aroostook: Mr. President, it just occurs to me that somebody should probably point out that it is a splendid thing to stand on principle, but to stand on principle at the expense of the working man, as we would be doing in this case if we vote against this bill, does not seem to me to be the desirable thing to do. Eighty cents an hour would correct some of the evils which now exist and would be a step in the right direction, and to deny the working people who would be benefitted under this law those benefits for the sake of principle seems to me to be questionable.

Mrs. LORD of Cumberland: Mr. President and members of the Senate. Two years ago I introduced a bill that started with a dollar an hour, but I was advised by many people that the bill could never be passed at that price so I changed it to seventy-five cents. Well, I found it could not be passed at that price either. So I will go along with the one dollar an hour. I think that is the minimum.

Mr. PARKER of Piscataquis: Mr. President, I wish to make very clear to the members of the Senate my reasons for not only opposing the one dollar an hour minimum wage but also this one for eighty cents.

Now I may be the only one who believes that we will be hurting hundreds of elderly people and citizens in our State who will be out of employment if we attempt to establish even this minimum wage of eighty cents. I know that there are certain jobs, certain positions that are now being filled by wage-earners in the State of Maine that if they are required to pay even on the basis of eighty cents an hour they are going to be forced to either ask others to increase their labors or the jobs will have to be filled by the owners or in some other way.

I just want to make my position clear. I voted against the other bill and I shall have to vote against this one.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Bates, that the Senate accept the minority "Ought to pass" report. A roll call has been requested.

Thereupon, a division of the Senate was had.

Obviously more than one-fifth the members having risen, the roll call was ordered.

The Secretary called the roll, and the Senators answered as follows:

YEAS: Bates, Charles, Cole, Dow, Martin, Noyes, Reed, Rogerson, Ross, Stilphen, Weeks, Willey, Woodcock—13.

NAYS: Boucher, Carpenter, Coffin, Dunn, Duquette, Farley, Fournier, Hillman, Hunt, Lessard, Lewis, Lord, MacDonald, Parker, Pierce, St. Pierre, Thurston, Wyman—18.

ABSENT: Briggs, Brown.

Thirteen having voted in the affirmative and eighteen opposed, the motion did not prevail.

Thereupon, the Majority "Ought not to pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table House Report from the Committee on Judiciary: Ought to pass, on bill, "An Act Relating to Discrimination at Places of Public Resort or Amusement." (H. P. 560) (L. D. 846) tabled by that Senator on April 22 pending motion by Senator Thurston of Oxford for Acceptance of the report in concurrence.

Mr. DOW of Lincoln: Mr. President and members of the Senate, many times when a bill gets tabled

there are those who think it is done for the purpose of creating opposition or animosity. I want to state for the record that I have no animosity or prejudices toward any man regardless of race, creed or color. I tabled this bill because I was requested to do so by those who were not fully aware of the results and the consequences of this act. Most of these people now find that their fears are unfounded. If I were to oppose this bill it would be entirely on the premise that I have never liked legislation that dictates how any person shall operate his own private business except when it endangers the health and safety of the public. Today I am not even going to do this.

I once read a quotation above the portals of a famous New England institution, which expresses my feeling on this measure. It goes something like this:

"Any good that I may do or any kindness I can show to any human being, let me do it now for I shall not pass this way again."

With that philosophy, Mr. President, I move the pending question.

The motion prevailed and the ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Farley of York.

Adjourned until tomorrow morning at nine-thirty o'clock.