

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

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

ROLL CALL

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

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

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

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

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

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

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

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

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

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

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

I urge the committee to reconsider and take

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

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

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

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

The Chair recognizes that gentlewoman.

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

Mrs. Martin of Brunswick requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that House Amendment "D" be adopted. All those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL

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

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

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

PAIRED — Garsoe-Jalbert.

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

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

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

The Chair laid before the House the sixth

item of Unfinished Business:

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

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

Pending—Reference.

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

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

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

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

Pending — Reference.

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

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

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

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

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

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

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

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

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

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

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

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

the governor.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise very briefly and only for a mild correction to the gentlelady's remarks. I don't think it would be proper to characterize the actions of the Senate as withholding agreement. They were powerless to act.

The SPEAKER: The Chair would answer that the gentleman from Cumberland is correct in the sense that they had no rule upon which to proceed.

The pending question is, shall this Bill become law notwithstanding the objections of the Governor? According to the Constitution, this requires a two-thirds vote of all the members present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Barry, Berube, Birt, Blodgett, Bowden, Brodeur, Brown, D.; Carrier, Carter, D.; Carter, F.; Canary, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Elias, Fillmore, Gavett, Gray, Gwadosky, Hanson, Higgins, Hobbins, Hughes, Hutchings, Immonen, Jackson, Jacques, P.; Kany, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lund, MacBride, Marshall, Martin, A.; Masterman, Matthews, McMahon, McPherson, Morton, Nelson, M.; Norris, Payne, Pearson, Post, Prescott, Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Simon, Small, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Vincent, Wentworth, Wood.

NAY—Aloupis, Austin, Benoit, Berry, Bordeaux, Brannigan, Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Call, Carroll, Chonko, Cloutier, Connolly, Drinkwater, Dutremble, D.; Dutremble L.; Fenlason, Fowle, Garsoe, Gillis, Gould, Gowen, Hall, Hickey, Howe, Huber, Jacques, E.; Joyce, Kane, Kelleher, LaPlante, Lizotte, Lowe, MacEachern, Mahany, Masterton, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Paradis, Paul, Peltier, Peterson, Reeves, J.; Silsby, Smith, Sprowl, Strout, Theriault, Tierney, Tozier, Tuttle, Violette, Vose, Whittemore, Wyman, The Speaker.

ABSENT—Beaulieu, Brown, A.; Boudreau, Churchill, Dow, Dudley, Hunter, Jalbert, Maxwell, Soulas.

Yes, 77; No, 64; Absent, 10.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-four in the negative, with ten being absent, the Governor's veto is sustained.

On motion of Mr. Hughes of Auburn, the House reconsidered its action of yesterday whereby it voted to recede and concur with the Senate on Bill "An Act to Increase Salaries of County Officers," House Paper 201, L. D. 227.

On motion of the same gentleman, the House receded from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "B", "C", and "D" thereto.

On further motion of the same gentleman, the House receded from its action whereby Committee Amendment "A" was adopted.

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

House Amendment "E" to Committee Amendment "A" (H-95) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendments "B", "C", "D" and "E" was adopted.

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

The Chair laid before the House the first

tabled and today assigned matter:

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

— In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-54) on March 7, 1979 — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-54) as Amended by Senate Amendment "A" (S-34) thereto in non-concurrence.

Tabled—March 13, 1979 (Pursuant to House Rule 1)

Pending—Ruling of the Chair Relative to Senate Amendment "A" (S-34)

The SPEAKER: The Chair would rule that Senate Amendment "A" is in violation of the rules, both House and Senate, and as a result, Senate Amendment "A" is no longer before this body.

Thereupon, the House voted to adhere.

(Off Record Remarks)

On motion of Miss Gavett of Orono,
Adjourned until nine-thirty o'clock tomorrow morning.