

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

An Act relating to the Payment of Fines and Costs and the Salary of the Judge of the Municipal Court in the town of East Livermore, now Livermore Falls (H. P. 950) (L. D. 555)

An Act relating to the Salaries of Various Officers of Franklin County (H. P. 1698) (L. D. 1415)

Finally Passed

Resolve in favor of Bridgton Academy (S. P. 416) (L. D. 1202)

Resolve in favor of Portland Junior College (H. P. 414) (L. D. 244)

Resolve to Provide Funds for Construction and Improvement of Bangor Airport in Old Town (H. P. 1642) (L. D. 1328)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

Enactor

An Act Protecting the Right of Members and Non-members of Labor Organizations to the Opportunity to Work (H. P. 1652) (L. D. 1346)

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I move that Item 3, "An Act Protecting the Right of Members and Non-members of Labor Organizations to the Opportunity to Work" be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Tabb.

Mr. TABB: Mr. Speaker and Members of the House: I am not going to bore you with any speech. I have naturally got to get up to defend my own bill. I just want to say a few words with reference to the bill because you all have heard on the floor of this House, and also in the committee, what my reasons were in presenting this bill. I just want to mention one or two small things, and to bring to your attention the closed shop.

First, I want to say that you all know that the closed shop has brought misery to the people of our country, and if we had had some law on the books at Washington John L. Lewis would not have been able to do what he has done, defied the government of this country.

I want you to recall that I said that Communism begins in a closed shop. Those are the only things I am going to mention to you. I ask you to vote on the merits of the bill. It is a very simple bill. I make this statement to you again that I am not opposed to unions nor does this bill bar unions. It bars closed shops only. The opposition will tell you that they do not need such legislation. I will make my last remark as I said in the committee: the time to lock the door is now before the horse is stolen. Mr. Speaker, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Meloon.

Mr. MELOON: Mr. Speaker and Members of the House: As you probably all know by this time, I have a keen interest in labor legislation. I hope that the motion of the gentleman from Greenville does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Dostie.

Mr. DOSTIE: Mr. Speaker and Members of the House: As you all know, I am a laboring man. I have worked in the mills and the factories of Maine for many, many years. During the last ten years, we have had direct contact with the Textile Workers Union of America. The great majority of my fellow workers agree that the union has benefitted us and has fought for our rights to the end that we are now receiving a fair wage for our labor. I have been associated with this union directly because I believe in it and I can honestly say that the officers are good, American citizens, and I am not in any way associated or tainted with what my friend, Mr. Tabb, calls Communism. I stand to make my position clear and in defense of those who can not answer Mr. Tabb, merely because of a feeling that might lead to serious trouble.

Last month, a delegation of workers waited on our Congressional delegation in Washington. They all met in the office of Congresswoman Margaret Chase Smith and it was the unanimous opinion of our delegation that labor conditions in Maine were very satisfactory and if the same situation existed nationally there would be no need for restrictive labor legislation, whatever. At the present, labor and management are enjoying peaceful

relations. I beseech you, Members, to let well enough alone by voting for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cole.

Mr. COLE: Mr. Speaker, several times I have heard in this House reference made to a member of this Legislature who, being a member of the Portland city government, and the Public Works Department of the City of Portland being out on strike, had some labor difficulty. Well, I happen to be that gentleman.

The night before that happened, the Portland paper stated that I was the only member of the City Council in Portland who would even discuss with them terms of settlement of that strike. The next morning at seven o'clock, the dispatcher called me and said, "The boys won't go to work today; there is a picket line out front." I said: "Why?" "Well," he said, "they want to settle that Public Works Department strike and the quickest way for them to get you to vote them an increase in the Public Works Department is to picket your place of business so we are picketing your place of business and there is not any work today." If that is not labor trouble and if that is not attempting to strike at the root of government, in order to gain their ends, I do not know what is.

I received, yesterday, from my dad, who is in Washington, attending a National Labor Relations conference of the American Trucking Association, some information from that same American Trucking Association.

At the present time, nineteen states have passed some form of anti-closed shop bill. There were seventy-four bills proposed to prohibit the union shops introduced in the following State legislatures, I will not read all, I will only read those who passed it during this present session: Arizona, Arkansas, Georgia, Iowa, New Mexico, North Carolina, North Dakota, Ohio, South Dakota, Tennessee, Texas, Virginia. In addition Colorado and the South Dakota legislatures passed bills memorializing Congress to propose right-to-work amendments to the Federal Constitution.

I also would like to get into the record a report of what is being done in the unions that represent

the trucking companies all over the Atlantic Coast, the whole length of the Atlantic Coast. This is from an A.T.A. Labor Relations bulletin.

"Last month saw the development of a permanent federation of one hundred and thirty-five teamster locals in fifteen states stretching from Maine to South Carolina. According to union spokesmen the newly formed Atlantic Coast Conference of teamsters is an outgrowth of last year's New York City teamsters strike. It is primarily designed to provide permanent machinery for mutual aid in labor-management disputes. John O'Rourke of Local 282, New York City, temporary president of the body, declared that we could not have won the New York strike without combined effort and we want to make sure that any of the local members in the eastern states area can obtain the support of 300,000 teamster members on short notice. Dan Tobin spoke to that same meeting, and I will quote from what he says: "Such a body as this will be able to counteract the pressure on labor and soften the impact of pending legislation."

Now, what this means, gentlemen, is this: That when another union contract for truck drivers is negotiated we will not negotiate with anybody in the State of Maine, we will negotiate with the representatives of those locals, the whole length of the Atlantic Coast and when there is a strike called, gentlemen, there will be a strike called the whole length of the Atlantic Coast in order to enforce their demands. At the present time the truckmen in the State of Maine have no union contract. Our contract ran out the first day of April and because of the fact that this Legislature was in session we have been unable to effect any kind of a negotiation or settlement in this contract. I hope the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Brown.

Mr. BROWN: Mr. Speaker, when this bill was before this body before, as I recall it, there seemed about a two to one majority "Ought to pass." Since that time, I have not heard anything to cause the majority of this House to change their minds in regard to it. I do not believe that there are very many members in this House but what agree that the union shop

might be all right, but I think the majority is opposed to a closed shop. I hope the motion does not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I did not rise this afternoon to speak on this matter that is before you except for one reason: Ever since this legislation has been before this House, we have heard that all we wanted to do here was to outlaw the closed shop. All the people have been led to believe here that all this measure, in the new draft which has passed the House and has passed the Senate, does is to outlaw the closed shop.

Now, let us get it straight. This measure goes far beyond outlawing the closed shop. It hits right at the very heart of the most important industry that we have got in the State of Maine, the paper industry. It hits our union shop which you people, here, figure that under this bill is protected. It outlaws our union shop and it outlaws maintenance of membership. Now, let us recognize that fact. Had it only been the closed shop, I would have hesitated to speak on it but it goes far beyond that and you can take it from anyone who is familiar with the law and he will tell you that it goes way beyond the closed shop. For the life of me, I can not see why the Legislature of the State of Maine, during this whole session, has been so concerned with a matter that bothers the State of Maine so very little. And I only wish that every member of this House could have been with me during the past three or four weeks when we sat down to negotiate with our paper companies here in the State of Maine, and see the way that negotiations are carried on.

Only the day before yesterday, I had the pleasure of conducting negotiations with the St. Croix Paper Company, one of the finest industries that we have in the State of Maine, and I was asked by that management: "What are they trying to do to us who have held contracts for some thirty-five or thirty-eight years where there never has been one minute of lost time due to any labor dispute that has ever arisen?" Every case that

has arisen has been settled around the conference table. The same is true of every other paper company in the State. The same is true of our public utilities, the electrical industry here in the State. It has been over thirty years since anything has ever come up between the employees and the employers in that industry here in the State of Maine. And yet, if this bill becomes a law, what does it do? It destroys the relationship between that union and those companies in the electric industry.

There is one thing in this bill that I want to point out it is continually placing the employer on the spot because the first time that he refuses to hire a person under the law as it is today he is subject to the penalty of one thousand dollars and let me say that that is one thing that the employers are afraid of at this present time.

It is true there is a wave of this legislation coming into all the States over the United States, but there are a lot of them that are throwing that legislation out. In our sister State of New Hampshire only a week or so ago, they allowed the closed shop to come in if it can be negotiated by three-fourths of the employees of the union and the company. If three-fourths of the employees can agree that they want a closed shop and the company is willing to sit down and bargain with them, then the closed shop is recognized.

I hope that you people will decide here today that our labor relations between employees and employers in the State of Maine is the best and we want to maintain it that way. Let us, today say to the rest of the nation that labor and industry can travel along together in the State of Maine and we do not need any repressive legislation cluttering up our statute books here in the State of Maine. And I trust that you will sustain the motion of the gentleman from Greenville, Mr. Rollins, and put this legislation where it belongs—out the window.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Tabb.

Mr. TABB: Mr. Speaker, I would like to answer the gentleman on the question of New Hampshire. He says that they are to have a closed shop providing they can get sev-

enty-five per cent of the members. I agree that is all true but he goes no further. I would like to read you now the provisions of that: "Burdens on Unions. As the bill was passed, any union that qualified by the necessary two-thirds secret vote, secret vote (get that) for a closed shop would still have to meet other rigid requirements before such an agreement would be in effect. A union would have to file in detail a financial statement with the State Labor Department listing all income and all disbursements, salaries, and other expenditures and any donations made for non-union purposes. In addition, initiation fees would be limited to not more than twenty-five dollars and would be ordered at a lesser level at the discretion of the Labor Commissioner."

I think you will agree with me that New Hampshire has a more rigid closed shop bill than what I am trying to get this Legislature to accept. There it is, gentlemen, in black and white. You can decide for yourselves which is the better bill, the one in the State of Maine for labor or the one in New Hampshire.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker and Members of the House: I would like to have any of us answer the question that my colleague, Mr. Tabb, just stated, the secret ballot. We were all elected here by a secret ballot. That is why we have the booths.

Gentlemen, I have been associated with you since the first of the year. We have met two representatives of labor here, one a Democrat, Mr. Leavitt of Old Town, who also represents that district in the House, and Mr. Brown. I ask you, in fairness to the rest of the labor in Maine, if that is an example of what labor stands for, gentlemen, I also hope that all of you will move for the indefinite postponement of this measure.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Leavitt.

Mr. LEAVITT: Mr. Speaker and Members of the House: I want to speak very briefly because I believe that my colleague, Mr. Brown, over there, covered the conditions here in the State very aptly, the situation that we now face.

After sitting here for very many weeks, watching this House give consideration and reconsideration, I have come to the conclusion, somewhat, that a whole long speech does not make any particular difference as to how you state your position. However, I can see why the gentleman from Portland, my good friend, Mr. Cole, who has had difficulty with the union, can rise and speak against it because in stating his position perhaps he had justification for doing so. But I can not see why a man who claims that he is a farmer and a raiser of chickens could be so thoroughly set against the closed shop. That particular thing I have not yet resolved in my own mind satisfactorily to my own feelings as to why he should do it.

As I said a minute ago, my colleague has presented the case as to how we stand in the State of Maine. I believe that practically every man in this House, alone, realizes that fact, because our labor relations here in Maine are really outstanding.

Only two weeks ago, I attended a meeting where our newly appointed Labor Commissioner spoke before our group and she paid tribute to the fine relationship and the way that we conducted our relationship regarding labor and industry in this State. I am not going to say any more; I think that you people have a mind of your own; I know that you do and I believe that you are going to use a very fair division in your mind as to how you will settle this, and I only hope that you will decide to go along with the gentleman from Greenville to not vote for this measure.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Harris.

Mr. HARRIS: Mr. Speaker and Members of the House: I spoke for this measure when it came up before. I wondered what reaction I would get, not in my town but in the industrial towns around here. Just three people stopped me about it, no one of the three knew what the closed shop was, they thought we were voting against the union shop. Now, I have heard here, today, many employers quoted, but only one speech. If the laborers of Maine are so against this closed shop proposition, why haven't we been lobbied, why isn't there somebody here? And, if the employers

want it, are they so modest that, they hesitate to come here and tell us that they would like to have a closed shop and not have it barred?

Now, there is a misunderstanding over this bill. I heard the gentleman say that it prohibited maintenance of membership. Now the bill I have in front of me does not. The original bill did and that was taken out. I could not support the bill if it prohibited maintenance of membership and I think, as you are probably sick of hearing me say here, that I like to vote for a fair bill and I think this is a fair bill. Anyone, in this bill, can work where they have a union without joining it. There is nothing in this bill that prohibits the employer from taking out the union dues. Now, the only thing this is, in my understanding, it prohibits some union from saying who you or I can hire if we are running a place. That is the principal part of this bill. The union does not say who we hire but whoever works for us must join the union. Now, I do not know if I have made my understanding of this clear. As the gentleman, Mr. Brown, said here, it was upheld approximately two to one and I have not heard anything here, today, to make me change my mind and I wonder who has. Therefore, I hope that the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cole.

Mr. COLE: Mr. Speaker, there seems to be some confusion as to what a closed shop means. I told you, a few moments ago, that we have not any union contract at the present time although we are maintaining and paying our help and are continuing on the same basis that the old contract that ran out the first day of April provided.

Now that contract and all of the labor contracts that we have had in the trucking industry since I have been associated with it, provided for a closed shop and also allowed the union to maintain a closed membership. Now that means that a man comes to me and wants a job driving a truck. I say: "No, I can not hire you; there is no use for me to hire you. Under the provisions of the contract, you can work seven days but the union won't take you in. You go and get into the union and come back and I will put you to work." Now, it does not

make any difference how good the man is or how badly I need him.

I hired one man during the war, who was a very good workman, my men were perfectly willing to work with him, he got along with them well, he worked for me for seven months. At the end of seven months, they had continually tabled his application, at the end of seven months, they sent another man down to take his place who I had to hire and tell this man: "I am sorry but I can't keep you, they won't take you into the union."

Now, when you couple a closed shop to a closed membership, you have nothing but a union hiring hall. If I want a man, I call the union hall, they send a man down. I try him and if I don't like him, I fire him and they send another man down, I try him, until I find a man that is reasonably suitable to put onto my equipment. Now, this equipment that we are operating on the highways has been very hard to maintain and it is expensive. If you had an investment of \$10,000 in your passenger car and you had nothing to say about who was going to drive that passenger car, I wonder how many nights you would sleep. We have been in the position of having the union tell us who we will hire, when they will work, when they won't work, how long we can keep them, if they do not pay their dues they get fired. I say that we need some protection and I say that this bill is little enough.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bangor, Mr. Wight.

Mr. WIGHT: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Bangor, Mr. Wight, moves the previous question. In order for the Chair to entertain the motion for the previous question, the consent of one-third of the members present must be indicated. Those in favor of the motion for the previous question will rise and remain standing until counted and the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the motion for the previous question is entertained.

The question before the House now is: Shall the main question be

put now? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House is upon the motion of the gentleman from Greenville, Mr. Rollins, that "An Act Protecting the Right of Members and Non-members of Labor Organization to the Opportunity to Work (H. P. 1652) (L. D. 1346) be indefinitely postponed.

The gentleman from Gardiner, Mr. Tabb, has requested a division. Those in favor of the indefinite postponement of this bill will please rise and remain standing until counted and the monitors have made and returned the count.

The SPEAKER: Forty-eight having voted in the affirmative and eighty-two in the negative, the motion is lost.

Thereupon, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following paper from the Senate was taken up out of order under suspension of the rules:

Bill "An Act relating to Increasing the Maximum Payment in Old Age Assistance" (S. P. 487) (L. D. 1355) which was passed to be engrossed in the House earlier in the day as amended by Senate Amendments "A" and "C" in non-concurrence.

Came from the Senate with the Senate insisting on its former action whereby it was passed to be engrossed as amended by Senate Amendments "A", "B" and "C", and with the following Conferees appointed on its part:

Messrs. Haskell of Penobscot
Dunbar of Washington
Leavitt of Cumberland

In the House:

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Elliott.

Mr. Elliott: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Corinth, Mr. Elliott, moves that the House insist and join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will point on that committee: The gen-

tleman from Corinth, Mr. Elliott, the gentleman from Cape Elizabeth, Mr. Chase, and the gentleman from Bangor, Mr. Wight.

The SPEAKER: At this time, on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Construction, Installation, Repair, Use, Operation and Inspection of Elevators, Dump-Waiters and Escalators" (H. P. 1754) (L. D. 1501) the Chair will appoint as Conferees on the part of the House: The gentleman from Fairfield, Mr. Woodworth, the gentleman from New Sweden, Mr. Anderson and the gentleman from Greenville, Mr. Rollins.

On motion by Mr. Mills of Farmington,

Recessed until 7:45 E. S. T.

After Recess

7:45 P. M., E. S. T.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I would like to present a Conference Report.

The SPEAKER: The gentleman from Farmington, Mr. Mills, presents a Conference Committee Report. The Clerk will read the report.

The CLERK: (reading)

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Tax on Cigarettes" (H. P. 635) (L. D. 415) reporting that the House adopt House Amendment "A" to House Amendment "A" and pass the Bill to be engrossed; and that the Senate recede from its action whereby it adopted Senate Amendments "A" and "B" to House Amendment "A" and concur with the House in the adoption of House Amendment "A" to House Amendment "A" and pass the Bill to be engrossed.

(Signed)

Messrs. Sleeper of Rockland
Mills of Farmington
Marsans of Monmouth
—Committee on
part of House.
Ela of Somerset