

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

MARCH 7, 1974 TO MARCH 29, 1974

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**Legislative Ethics Committee Report**

Fortier, Kelley, Marcotte, Minkowsky, Roberts, Speers, Wyman, MacLeod.

ABSENT: Senator Schulten.

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senator having voted in the negative, with one Senator being absent, the Bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

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

Mr. BERRY: Mr. President, having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

#### Divided Report

Six members of the Committee on Labor on, Bill, "An Act to Increase the Minimum Wage." (H. P. 1801) (L. D. 2321)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-744).

Signed:

Senator:

KELLEY of Aroostook

Representatives:

BINETTE of Old Town

HOBBINS of Saco

McHENRY of Madawaska

CHONKO of Topsham

FARLEY of Biddeford

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (H-745).

Signed:

Senator:

TANOUS of Penobscot

Representatives:

McNALLY of Ellsworth

FLYNN of So. Portland

ROLLINS of Dixfield

Three members of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Senator:

HUBER of Knox

Representatives:

GARSOE of Cumberland

BROWN of Augusta

Comes from the House, Report "A" Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-744).

Which reports were Read.

Mr. Tanous of Penobscot moved that the Senate Accept the Ought to Pass Report "B" of the Committee.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I rise in opposition to the acceptance of Report "B", and after that is hopefully defeated the Senate can accept Report "A". Report "A" calls for a \$2.20 minimum wage, and really, in essence, all this represents is a catchup on inflation.

In 1967 the federal minimum wage was \$1.60. Increases in the cost of living, as reflected in the consumer price index compiled by the U.S. Department of Labor, the Bureau of Labor Statistics, indicate that \$2.21 an hour is needed today to have the same purchasing power as \$1.60 did in 1967. In other words, anything less than \$2.20 means the minimum wage worker is working for less than he did in 1967. He is a poorer man today. Even at \$2.20 an hour, I don't have to tell this Senate no one is going to get rich. \$2.20 an hour means \$88. a week, \$4,576 a year for 52 weeks. That \$4,576 is not much of an improvement over the \$4,300 currently established as the poverty line for a non-farm family of four in Maine.

The economic arguments for the increase are compelling. Not only is this amount necessary to keep Maine's working families above the poverty level, it is also necessary to improve Maine's economy. More purchasing power means more spending in Maine's economy. The lowest paid are the least likely to make purchases out of state. Instead, they pump their earnings back into the Maine economy.

Economics aside, we have a moral obligation to our poorest, least represented class of workers. I appreciate those in the building trades and many other people who work hard for a living do far better than \$2.20 an

hour. These men that this would affect, these men and women, are putting in 40 or more hours a week at some of the hardest and, frankly, the least pleasant jobs in Maine. They are trying to support their families and they make a real contribution to society and this economy. They deserve at least to maintain the standard of living that they had in 1967. It would be a cruel tragedy if these working families were driven further into poverty.

This bill is nothing more than a catch-up for inflation. Again, if it passes, the person that benefits by it is not as far ahead as he was in 1967. So I would ask for a roll call on the motion of the good Senator from Penobscot, Senator Tanous, to accept the Report "B", and after that I hope that this Senate would accept Report "A" and provide a reasonable minimum wage for the lowest earning class in this state.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I certainly hate to monopolize the debate here this morning, but apparently these bills do involve subject matters close to my heart as well as this being a committee bill out of the Labor Committee.

I am sure that many of you are surprised here this morning that I did not subscribe to the \$2.20 minimum wage per hour here in Maine. Frankly, the \$2.00 minimum wage was my original bill. If you will recall, I introduced the original \$2.00 minimum wage bill in this legislature a couple of years ago. My feeling relative to income certainly is similar to that of Senator Brennan of Cumberland. In fact, when you address yourself to \$2.20 an hour as being a livable wage in the State of Maine, or any state for that matter, this is sheer hypocrisy because \$2.20 would never be sufficient to support a family, believe me.

If we are truly interested in a minimum wage that is going to provide even minimum income for a family to live on, to exist really, you would have to go to at least \$3.00 an hour on a 40 hour a week, which would still only give you a gross of \$120, and you perhaps take home \$100. I can't visualize any single family with two children being able to even

exist on \$100 a week under the economy that we presently have.

So why is it that the Labor Committee didn't come out and subscribe to a \$3.00 minimum wage or make it somewhere in the vicinity where a family could live on? First of all, I would like to mention to you that at \$1.90 an hour Maine is the third highest minimum wage in the country. Out of 50 states, we are third in the country at \$1.90. At \$2.00, we will have the second highest minimum wage. At \$2.20, we will be number one in the country as far as minimum wage is concerned.

Two, the minimum wage is the starting salary in Maine. It is not the peak of a salary that an individual reaches. Granted, there are some employers that, after many years of service by their employees, they just still pay the minimum wage, and I am familiar with these cases. Certainly this is exploiting the labor industry in Maine; there is no question about that. But you see, the culprit is not the State of Maine or the various 49 other states that refuse to increase the minimum wage. The culprit here is the federal government. The federal government ought to increase the minimum wage at that level, because we are not competitive with other states when we increase our minimum wage. In effect, we are driving away much industry from Maine because of the inability to compete with other states. This is what we are doing. So if the federal government would only get off their duff and increase the minimum wage where we could be competitive with other states, I would sanction a minimum wage of up to \$3.00 an hour in the State of Maine, if only the federal government would reach that plateau.

You know, this is the philosophy I had last year and the year before that, and our minimum wage law in Maine does provide for this. If the federal government increases its minimum wage from \$1.60 up to \$3.00, we are tied in with the federal government under our minimum wage law, so whenever the federal government exceeds our minimum wage, up to \$3.00 an hour, the Maine minimum wage will increase accordingly. So we are tied in with the federal government in that respect. This is truly the item, I think, that all of Maine industry was concerned with,

both the laboring factor and industry as well. They don't deny the fact that if the federal government will be competitive by increasing the federal minimum wage for all states then we will follow suit. I think this is the only way to do it, and I hope that you would vote to accept report "B", the \$2.00 report, from the Committee. Thank you.

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

Mr. CYR: Mr. President and Members of the Senate: I am sure that my Minority Leader will be happy today to find out that I support his stand. I support his stand so that the wage earner can raise his income so that he can pay the higher milk prices. In my debate on milk I showed you, I quoted statistics, where in the 50's it took the wage earner ten minutes of his time to earn his quart of milk; in the 1960's it took seven and a half minutes; in the early 1970's it took five and a half minutes. Now, by subscribing to this increased minimum wage, I hope that we can make it an even five minutes for the wage earner to earn his quart of milk. And those that cannot earn, or cannot pay out of their wages five minutes of their time, I hope that they can draw dry milk from the surplus commodity.

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

Mr. CONLEY: Mr. President and Members of the Senate: It sort of amuses me to see the Chairman of the Labor Committee speaking for a \$2.00 an hour minimum wage. It is amusing in a sense because two years ago the very same bill that the good Senator from Penobscot has signed was what was before this Senate in the enactment stage, which was placed on the table and laid there for several days, and the Senate then reconsidered its action by putting on one of those phony amendments that we speak about that the \$2.00 minimum wage would take effect at the time the Congress passed a \$2.00 an hour minimum wage.

So two years have passed and inflation has grown, and continues to grow daily, while people who are being used by various employers throughout the state are still compelled to get by on a measly \$1.90 an hour, that apparently Senator

Tanous thinks is a very healthy payment rate. I wonder how many people picked up the paper this week and read the Gallup Poll that was taken. For those of you who haven't, I think I would like to make you aware of what it is. It was in Monday's Press Herald, released from Princeton, New Jersey. It says "Americans surveyed in the latest Gallup Poll believe a non-farm family of four needs at least \$152 a week to pay for basic necessities. Gallup interviewed 1444 persons during two periods in mid-February and asked them what is the smallest amount of money a family of four needs for each week to get along in the community. The poll found that living costs are considered lower in the south and midwest than in the east or far west. The east was considered the most expensive section in the country. A Gallup spokesman said a \$152 figure was more than five times the \$30 estimate of 1937, and 50 percent more than the \$101 average given in 1967. It represents only a \$3 increase over last year's average minimum. However, the spokesman said, a better way to view the reaction to inflation was in figures indicating an increase from 35 to 47 percent in those Americans who said more than \$150 a week was needed to purchase necessities. He said the \$3 increase did not fully reflect the recent impact on inflation because of the variables in the averaging process."

Mr. President and Members of the Senate: I support the position of the Minority Floor Leader, and can hardly see how any member in this Senate could even entertain the thought of staying at a \$2 an hour minimum wage. I wonder how many in this great chamber here could survive on a gross income of \$80 a week for 40 hours. That is gross, before taxes. It just disturbs me when it comes to the little guy on the street that we always seem to take a dim view and have to keep everything in checks and balances.

I would like you to know that over the past several weeks the Appropriations Committee has been indulging in considerable debate, and what I honestly feel was good honest debate, over the AFDC recipients of this state. And I think one of the big problems we have in this state today is that we are making it even a little bit more attractive to be on AFDC than it is to be working. And when we look at the standards of need that

were established back in 1969 under the federal formula, there is no question that people can get \$168 a month on AFDC, but when you start comparing the present \$1.90 an hour, really there isn't much incentive for anyone to get off AFDC. This troubled a lot of us. The fact of the matter is that we honestly believed that there would be many people who would be working if they felt that it was worthwhile to have a job.

We all know what is going to happen if we pass a \$2.20 an hour minimum wage. It is going to be passed on to the consumer. That doesn't disturb me one bit. This is something that I think we all equally share in, and the fact of the matter is that some child or some family is going to be better fed and perhaps better housed, even at \$2.20 an hour, which certainly doesn't correct the injustice or the problem.

With inflation just surging throughout the country, when we talk about fuel costs in our communities — and I know that my fuel cost at home has doubled this year over what it was a year ago, and I am sure it is the same with every one of you. And I am not self-employed; I live on what I consider to be fixed income every week — well, I just wonder about these other people who are down there in our great stores, who advertise weekly and don't mind running a full-page ad, again, I just think that the employees of those outfits are exploited, continue to be exploited, and yet have to somehow or other manage to get by. I think the \$2.20 an hour minimum wage is the only thing that can be acceptable to these people.

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

Mr. TANOUS: Mr. President and Members of the Senate: I would remind the Senator from Cumberland that \$2.20 is the absolute highest, that the nearest state that has anything over \$2.00 is the \$2.05 minimum wage. Certainly the other 50 states must see the wisdom also the inability of people to exist on anything less than that.

Now, it isn't Maine or the 49 other states that are the culprit, it is the federal government. I feel that the federal government ought to increase their minimum wage so that we could remain competitive with the other states. And your Governor saw the

wisdom of this, because you can see that in his call to the special session he did ask for a \$2.00 minimum wage. Thank you.

Mr. BRENNAN: Mr. President and Members of the Senate: I am really befuddled by the good Senator from Penobscot, Senator Tanous, with his terrible concern about Maine being first in something. I think it is rather a good thing if we could be first in some social legislation, and I think that is exactly what this is about. He is concerned and he says they need \$3.00 an hour, but he is only willing to give them a dime. We are only talking about an additional 30 cents, or \$12 a week, or a net of \$8 or \$9 a week, and again, I can't understand why he is concerned with Maine being first in some reasonable, humane, decent social legislation.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept Report "B", Ought to Pass as amended by Committee Amendment "B", on Bill, "An Act to Increase the Minimum Wage." A roll call has been requested. 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 Senator 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 motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept Report "B", Ought to Pass as amended by Committee Amendment "B", on Bill, "An Act to Increase the Minimum Wage", L. D. 2321. A "Yes" vote will be in favor of accepting Report "B"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Clifford, Cox, Cummings, Graffam, Greeley, Haskell, Henley, Hichens, Huber, Joly, Katz, Minkowsky, Morrell, Olfene, Richardson, Roberts, Sewall, Shute, Speers, Tanous, Wyman and MacLeod.

NAYS: Senators Brennan, Cianchette, Cyr, Danton, Fortier, Kelley and Marcotte.

ABSENT: Senator Schulten.

A roll call was had. 24 Senators having

voted in the affirmative, and eight Senators having voted in the negative, with one Senator absent, the Ought to Pass as Amended Report "B" of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "B" was Read and Adopted in non-concurrence and the Bill, as Amended, tomorrow Assigned for Second Reading.

**Senate**  
**Leave to Withdraw,**  
**Covered by Other Legislation**

Mr. Joly for the Committee on Election Laws on, Bill, "An Act Relating to Receipts and Expenditures for Candidates for Office of Governor." (S. P. 736) (L. D. 2148)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Mr. Cianchette for the Committee on Election Laws on, Bill, "An Act to Prohibit Corporate Contributions for Candidates, Political Parties and Referenda." (S. P. 785) (L. D. 2265)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which reports were Read and Accepted.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, recessed until 3:00 o'clock this afternoon.

**After Recess**

Called to order by the President.

**Reconsidered Matter**

On motion by Mr. Shute of Franklin, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities," (S. P. 737) (L. D. 2149), was Passed to be Engrossed.

On further motion by the same Senator, tabled and Tomorrow Assigned, pending passage to be Engrossed.

There being no objection under suspension of the rules, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

**Refer to 107th Legislature**

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Payment of Patients at Certain State Institutions as Employees under Fair Labor Standards Act." (S. P. 774) (L. D. 2221)

Reported that the same be referred to the 107th Legislature.

Which report was Read and Accepted and the Bill referred to the 107th Legislature.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

**Divided Report**

The Majority of the Committee on Election Laws, Bill, "An Act Limiting the Amount of Money Spent on Promoting or Opposing Referendum Questions." (S. P. 749) (L. D. 2178)

Reported that the same Ought to Pass.

Signed:

Senators:

SHUTE of Franklin  
CIANCHETTE of Somerset

Representatives:

ROSS of Bath  
KELLEY of Machias  
KAUFFMAN of Kittery  
SNOWE of Auburn  
TALBOT of Portland  
HANCOCK of Casco  
BOUDREAU of Portland  
BINNETTE of Old Town

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

JOLY of Kennebec

Representatives:

WILLARD of Bethel  
DUDLEY of W. Enfield

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: The Committee on Election Laws completed its business yesterday, and in the rush of things we made an error on L.D. 2178. I have already talked with Senator Kelley, the sponsor of the original bill. This was the intent of the committee to come out with a new draft, and something happened betixt cup and lip, so we are preparing an amendment for this L.D., and I would