

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

Mr. Mills of Farmington, tabled pending passage to be enacted)

An Act relating to Commitment of Children to the Custody of Certain Officers (H. P. 659) (L. D. 457)

An Act relating to the Licensing of Steam Engineers and Firemen (H. P. 1186) (L. D. 755)

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

Tabled

An Act to Regulate the Sale of Fireworks (H. P. 1189) (L. D. 756)

(Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, and on motion by Mr. Fowler of Augusta, tabled pending passage to be enacted)

An Act relating to Licensing of Institutions, Agencies and Boarding Homes (H. P. 1273) (L. D. 879)

An Act relating to Beano (H. P. 1284) (L. D. 884)

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

Tabled

An Act Creating the Town of Wales School District (H. P. 1447) (L. D. 1053)

(Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, and on motion by Mr. Mills of Farmington, tabled pending passage to be enacted)

Tabled

An Act to Create the Caribou School District (H. P. 1463) (L. D. 1067)

(Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, and on motion by Mr. Mills of Farmington, tabled pending passage to be enacted)

An Act relating to Qualifications of Ward Officials in the city of Lewiston (H. P. 1464) (L. D. 1068)

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

Tabled

An Act to Incorporate the Presque Isle School District (H. P. 1487) (L. D. 1088)

(Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, and on motion by Mr. Mills of Farmington, tabled pending passage to be enacted)

Finally Passed

Resolve to Repeal Certain Special Resolve Pensions (S. P. 264) (L. D. 726)

Resolve to Modify the Conditions of the Gift from B. C. Jordan to the State for the Purpose of Encouraging Cultivation of Forests (S. P. 399) (L. D. 1148)

Resolve Providing for an Addition for Maude E. Hamilton, of Saco (H. P. 69) (L. D. 1321)

Resolve Providing for an Additional State Pension for George H. Babb, of Augusta (H. P. 1449) (L. D. 1322)

Resolve, Providing for a State Pension for Charles Frost, of Augusta (H. P. 1450) (L. D. 1323)

Resolve, in Favor of the Town of Merrill (H. P. 1460) (L. D. 1064)

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

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first item of unfinished business being House Majority Report "Ought to Pass" in New Draft H. P. 1652, L. D. 1346, under a new title of Bill "An Act Protecting the Right of Members and Non-members of Labor Organizations to the Opportunity to Work" and House Minority Report "Ought not to pass" of the Committee on Labor on Bill "An Act Protecting the Right of Non-members of Labor Organizations to the Opportunity to Work" H. P. 448, L. D. 242, during consideration of which the House adjourned, the pending motion at the time of adjournment being the motion of the gentleman from Unity, Mr. Brown, to accept the Majority Report, "Ought to pass in New Draft".

The Chair recognizes the gentleman from Augusta, Mr. Peirce.

Mr. PEIRCE: Mr. Speaker, I rise to speak in opposition to the motion. I am opposed to this particu-

lar piece of legislation, and I shall oppose any other legislation which has as its purpose the infringement of union security contracts in the State of Maine.

I shall approach this subject, not from a legalistic viewpoint; I shall preach a sermon today. Now I don't claim to have seen visions nor to have heard voices from on high, but I have what I consider to be quite good authority to back up the thesis which I shall undertake this morning.

The text of my sermon this morning is these words: "Maine Labor has its Feet on the Ground." Those are not my words; they were words spoken by a legislative agent for a large utility before a committee hearing some time ago. The person who made that statement, in addition to being a legislative agent, formerly served in this Legislature, he was a member of the Governor's Council, and he has served with distinction and with great benefit to the State of Maine on the Maine Development Commission. That statement, "Maine Labor has its Feet on the Ground" excited my interest, and I asked him to elaborate upon it. He apparently was very glad to do so. He went ahead in some detail and said that Labor-Management relationships in this State were very harmonious. He complimented Maine Labor Leadership. He said it was unselfish; he said that the Maine Labor Leadership had at heart the best interests of Maine industrial welfare.

Labor, on the other hand, has paid high compliments to industrial leadership in the State. I think, Ladies and Gentlemen of the House, that we would be making a grave error if at this time we should enact any legislation which is a direct, harsh and cruel slap in the face to such an important and beneficial group of citizens, men and women, in the State of Maine, who comprise the Maine labor movement. That is not my opinion alone. Last week, at a meeting of a Bankers' Association at Poland Spring, the principal speaker was Richard L. Bowditch, President of the New England Council. According to an Associated Press despatch, Mr. Bowditch made a statement as follows: "Development of More Effective Ways for Labor-Management and the public to work together was termed today by Richard L. Bowditch, President of the New England Council, more important than Federal and

State labor legislation. Bowditch told the Sixth Annual Study Conference of the Maine bankers that if new labor legislation proved 'too vindictive,' we can expect a new wave of strikes." Government, Bowditch said, should take no side in labor-management controversies except the side of public interest. That is the opinion, Ladies and Gentlemen, of a man who is closely concerned, not only with labor-management issues in the State of Maine, but throughout the entire New England region.

You had on your desks yesterday morning a statement by an outstanding industrial leader in the State of Maine, Mr. W. S. Newell. His statement was very similar to the one I have just read, and I ask, Mr. Speaker, that the statement distributed yesterday be incorporated in the Record.

The SPEAKER: The gentleman from Augusta, Mr. Peirce, requests that the letter of W. S. Newell, which was on the desks of the members yesterday, be placed in the Record. Is there objection? The Chair hears none.

MEMORANDUM To All Employees

May 28, 1942.

From letters I have received from employees, and things that I have heard, it is evident to me that the so-called "Union Shop" is not entirely understood by everyone.

I hope the following statement will clear up any such misunderstandings.

I have watched and studied this question, its principles and its operation during the past few years, and I am now fully of the opinion that properly operated by both employees and management, it can be the finest thing for so-called "labor" and "capital" who combined have the work to perform. No single group ever does it. Successful work is the product of perfect cooperation and such, in my opinion, can never reach the degree of attainment that a strong, one hundred percent organization of employees, called a Union, Brotherhood or what you will, as representatives of the employed group, their so called Bargaining Agency, makes possible.

In the past men have been forced to bind themselves together on account of the selfish, exploiting tactics of some employers (not all) and they were also forced by the

arbitrary, unyielding and ruthless attitude of such employers, to use high handed methods themselves to enforce in some cases their justifiable requests, and in some cases their unjustifiable demands, largely in retaliation, and to get even with such employers. I can bring many such instances to mind, thus trade Unions have, in the eyes of the public, been looked upon as being bad actors, also.

I believe that all these clashes between the employer and the employed can be eliminated by the Union Shop, properly run, and that it is in the best interests of everyone connected with an enterprise, Stockholders, Management, Employees and the general public, that such be the procedure.

This corporation takes the stand that to make the foregoing possible it is necessary for everyone employed to, within a reasonable time after their going to work, join the organization that is the accredited Sole Bargaining Agency for this plant, no matter what its name is. The employees settle this by methods now established by our National Government. In order to make the Bargaining Agency 100% as it should be, it is necessary, of course, that every employee join it, and every employee then has an equal standing with every other employee, and differences of opinions between employees can be straightened out by themselves through their Union organization. To do this everyone must pay the Union dues, and the only way to make this effective is for the corporation to collect the dues for the employee group by the so-called payroll deduction method. Thus with 100% representation, the Union or Bargaining Agency will be in a position to assume its proper responsibility to the employer in controlling the actions of employees.

Not to proceed along the foregoing lines will, I believe be injurious to the corporation, to the well being of the employees themselves, and will tend to perpetuate the condition of wrangling, bickering, dissatisfactions and misunderstandings which without the setup as mentioned above, and which is now the policy of this corporation, has, in many instances, led to explosions that were harmful and in some cases disastrous to both the employer and the employed.

I realize full well that some people will not agree with my views

as expressed above, and that some will see in it an attempt to force them into doing what they think is not right, and that their freedom of action is imperiled, to them, and they will, I believe, be a small minority of our employees, I say the majority must prevail. The accredited bargaining agency in this plant represents this majority. Every employee has the right and privilege to vote and determine this, he should exercise this right, as the future prosperity of this plant and its employees demand a 100% bargaining agency membership. Such is not possible without the payroll deduction method of collecting dues.

I shall be glad at any convenient time to talk with any individuals, or groups, concerning the above, should any desire it.

(Signed)

W. S. NEWELL.

Mr. PEIRCE: (Continuing) Mr. Speaker, I have a feeling—I think others agree—that the anti-labor legislation hearing in this State and in other states at this time is a result of a temporary nation-wide anti-labor attitude on the part of the general public which has been created by unfortunate, and from the viewpoint of organized labor, undesirable labor leadership. The proponents of this anti-labor legislation in the State of Maine have failed utterly to show any need for such legislation in this State. They are depending wholly on the anti-labor sympathy, the anti-labor attitude which has been created on a nation-wide scale.

Going specifically to this problem of the closed shop issue, have you heard of any closed shop problem in this State? Do you know how many closed shop contracts there are in this State? I can give you a rough estimate; I do not claim these figures are exact, but I think they are fairly close. According to my information there are in this State about fourteen closed shop contracts. They involve four craft unions. The total number of union members is approximately fifteen hundred,—fifteen hundred citizens of the State of Maine are covered by closed shop contracts. Do you want to vent any anti-labor prejudice against certain undesirable national labor leaders on this mere handful of closed shop union leaders and industrialists in the State of Maine, I don't think you will want to do that. It is my under-

standing that the purpose of the re-draft reported from the committee is to outlaw the closed shop contracts. A closed shop contract is an industrial-labor contractual relationship. It is a legal relationship whereby union membership is a condition of employment. In other words, the applicant for employment must be a union member before he can be hired by an employer who is a party to a closed shop contract. This is classified as a union security contract.

Now why should labor or why should management want any type of union security contracts? Now it is a fact that both labor and management in certain industries do find the union security contract not only workable, but a very desirable means of operation.

In the first place, labor likes the union security contract because it affords job protection. The employer, under a union security contract, of course cannot discriminate between union and non-union members because all employees are union members.

In the second place, it enables labor, in carrying out its right of collective bargaining, to achieve and maintain fair standards of working conditions. Most important, from the labor standpoint, it prevents unfair labor competition by non-union employees. It is a democratic procedure; it is democratic because all members of the union, or a majority of the members of the union, must vote on such a contract before it comes into effect. There is no reason in the world why non-members of a union should enjoy the same privileges and advantages which union members enjoy, and which they have earned through a hard, bitter struggle.

Under the closed shop or union security procedure all members who benefit from the closed shop contract contribute equally to the cost of obtaining this advantage. The closed shop contract or the union security contract enables unions to concentrate on maintenance of smooth relationship between labor and management. There is no friction on such side issues as jurisdictional disputes. The most important advantage to employers—and they do appreciate it—is the fact that there is available at all times adequate skilled labor to fulfill their needs. It is my understanding that those industrialists in the State of

Maine who are parties to union security contracts do appreciate the harmonious conditions which have resulted from such contracts, and the statement from Mr. Newell which I have inserted in the Record is eloquent testimony to that fact.

Maine Labor has its Feet on the Ground! If there are defects, if there are small sores on the limb of labor-management relationship, let us not attempt to cure them by removing the entire limb. There are remedial measures. There is one in this Legislature, sponsored by the gentleman from Portland, Mr. Meloon. Both labor and industry appeared before the committee and supported the proposition wholeheartedly. On the hearing before the committee on the closed shop question, you did not see Maine industrial leaders appearing before the committee, citing the need and demanding the enactment of such legislation. No! But you did see them come before the committee and ask for the enactment of the Meloon Bill, which sets up a procedure whereby labor-management differences can be peacefully and legally adjudicated and settled.

As previously stated, it is my understanding that the majority of the committee intended, in this re-draft, to outlaw only the closed shop. I refer to a news story appearing in the papers last week, in which the Chairman of the Labor Committee stated that the committee had decided to amend the Tabb measure to favor outlawing the closed shop, and to strike out of the bill provisions banning the union shop. The Chairman of the Labor Committee, in that press release, said that the members of the committee were aware of the many satisfactory union contracts which were in existence in Maine, and predicted that practically none of these contracts would be affected if the recommendations of the committee in the amended Tabb Bill are accepted by the Legislature.

I do not question the good faith of the majority of the Labor Committee. I would like to point out, however, that union shop contracts which they approve, which they are sanctioning in sponsoring this re-draft, are in danger of being eliminated and outlawed. The first reason for this is that all union contracts are for a definite length of time; it

is necessary to renew them, to alter them. They may be an innovation. Certainly, it is arguable that the renewal, or alteration or innovation of such a contract would come under the proposed law.

Now just what is this union shop which the members of the Labor Committee like, and to which they have given their blessing? A union shop is defined as an industrial contract whereby the employer may hire, in the open labor market, anyone, whether he is a member of a union or not. The person hired goes to work for a certain probationary period, perhaps thirty days or sixty days or ninety days. At the end of that probationary period he must join the union shop. As I see it, the only distinction between the closed shop and the union shop is the time when the employee must join the union. In the case of the closed shop, he must join before he becomes an employee of the particular industry; in the case of the union shop, he must become a member of the union within a certain specified period after he goes to work for that company.

It is my contention that the re-draft not only outlaws the closed shop, but it goes even further, unintentionally probably, and in effect invalidates any union shop contract which the committee approves. Supposing, for example, we have an industry which has signed with its workers a union shop contract. The employer needs an electrician. He goes out into the open labor market and he hires an electrician who does not have to be a member of the particular union in the shop. He works during his probationary period, and is then told that he must join the union. If he doesn't want to, he loses his job. Certainly, he is being denied the opportunity of employment, in the language of this re-draft, if his membership in the union is a condition of his further employment in that particular shop.

Another example to illustrate why I contend that the re-draft outlaws the union shop: An employee who is a member of the union is expelled from union membership because of infractions of union rules. He loses his job in that particular industry. Some time later he wishes to go back to work in that same plant. In order for him to do so it will be necessary some time for

him to re-join the union from which he was expelled. Now if this violation of union rules was sufficiently flagrant, that union is not going to accept him back to membership, therefore you will find within the meaning of this re-draft that that employee has been denied the opportunity to obtain work.

I believe, from those two examples, that I have clearly shown you that the bill does not exclude what spokesmen for it say it excludes. We shall be glad to give them an opportunity to show their good faith on that problem.

The importance of labor legislation at this session was recognized when we requested the Law Court to give us its opinion as to the constitutionality of the provisions of the Barlow Bill, so-called, introduced by the Representative from New Gloucester, Mr. Woodbury. As you know, one of the provisions of the Barlow Bill has as its purpose the outlawing of the closed shop, just as does the Committee re-draft which we are now discussing. In answering the Legislature's question as to the constitutionality of the provisions of the Barlow Bill, I shall read the language of the court: "Under the federal and state constitutions and existing federal statutes, as heretofore interpreted by the courts of last resort, it is our opinion that the Legislature has power to enact Section 123 of the proposed bill, and power to enact Sections 122, 124 and 125 unless prohibited by the National Labor Relations Act which it is intimated in *American Federation of Labor vs. Watson*, as decided March 25th, 1946, may be construed by the Supreme Court of the United States as authorizing closed shop contracts negotiated through collective bargaining in industries engaged in interstate commerce. Such a construction would invalidate Sections 122, 124, 125, if enacted in their present form."

I would like to examine this case referred to in the Opinion of the Justices, *American Federation of Labor vs. Watson*. This case came to the Supreme Court and asked the court to construe various constitutional aspects of a Florida constitutional amendment. The plaintiffs argued that the Florida constitutional amendment outlawing the closed shops was a violation of the Federal Constitution. There had been no interpretation of that Flor-

ida constitutional amendment by Florida courts. The Supreme Court held that until there had been an interpretation by the Florida Courts, it did not want to rule on the merits of the case, that is, the question of the constitutionality of the Florida amendment. However, as courts often do, it intimated in very clear terms that provisions of the Florida amendment might very well be declared unconstitutional and that interpretation has been widely circulated; it has been adopted and recognized by the Law Court of the State of Maine in its answer to us on this particular question.

My point is, Members of the House, that the legality of any such legislation is extremely doubtful. It would appear to me to be most unwise to enact it, to take a chance on passing it, merely because there is at the present time certain anti-labor feeling in this country.

Maine Labor has its Feet on the Ground! However, you will notice in the committee re-draft that there is a criminal provision under which persons violating the law could be punished and fined up to a thousand dollars. You will notice that there is a very similar provision in the Barlow Bill, which was referred to our Law Court for interpretation. You will also notice from an examination of the questions framed to the Law Court that there was a studied omission of this penal section. We have no ruling on the constitutionality of the penal section of the Barlow Bill; of course we have no ruling on the penal section of the committee re-draft. Now this penal provision is a novel and drastic step in all labor legislation. It is true that the courts may declare certain types of contracts to be invalid because they are contrary to public policy, but there is certainly grave question as to the individual states' authority to make a criminal out of a person who knowingly or innocently enters into a contract which is contrary to public policy.

On the criminal aspect of this legislation I would like to point out that in the Supreme Court decision, to which I have referred, some discussion is devoted to criminal persecution under the Florida amendment, and the court strongly hinted, in referring to such criminal persecution, that there was a very grave question as to the constitutionality of such a conviction and punishment. This is a question, Members

of the House, which deserves careful study and reflection.

The Law Court of the State of Maine, on the question referred to it, took nearly two weeks in arriving at its opinion. This particular legislation was referred out of committee last Friday, and we are debating it with less than a week with which to study the re-draft.

Maine Labor has its Feet on the Ground! Do you want to penalize that group of Maine citizens, do you want to infringe upon their constitutional rights without very careful study of this legislation?

In connection with the constitutionality of this law I would like to point out that it is not a new question. The Wagner Act was passed by Congress in 1934. Since that time Congress has had numerous opportunities to amend the act so that states would clearly have the right to outlaw the closed shop but the record shows that Congress has made a studied omission of this issue and therefore, by its very inaction and silence, has given consent to the theory that it intended that the states should not have the right to outlaw the closed shop.

In summary, I would like to repeat again that healthy and harmonious labor-management conditions exist in the State of Maine. Absolutely no need in this State has been shown for such legislation. It is universally recognized that the closed shop is a legitimate technique and is a benefit to both the employer and the employee. Furthermore, this bill goes further than merely outlawing the closed shop; it also outlaws the union shop which the committee, in no uncertain terms, approves. If you can think of any valid reason why they should approve the union shop, and not approve the closed shop, I would like to know what it is. The difference between the two is merely a matter of time, and extremely short time, at that. I think I have shown to you that there is grave doubt as to the constitutionality of any such legislation, both in the outlawing of the procedure and the penalties provided. The record shows that Congress did not intend for the states to enact such legislation.

I am concluding this sermon with a prayer, that the Legislature will not disrupt the present harmonious industrial relations in Maine by enacting such a discriminatory.

Maine Labor has its Feet on the Ground! Amen.

Mr. Speaker, when the vote is taken, I move that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, the new draft which is before the House deals only with the closed shop. The gentleman has drawn certain inferences as to the attitude of the committee which may or may not be justified, but I know of no present basis for saying that the committee disapproves of the closed shop and approves of the union shop. It may or may not be so, but I know of no such declaration from the committee.

In regard to the gentleman's remarks upon the advantages of unions, I do not deny those advantages, and I think almost everyone here believes in unions, and I see no basis for any charge of vindictiveness involved in this legislation.

Mr. Newell's letter, which the gentleman referred to with approval and put into the record, deals with the union shop. The issue of the union shop is before us now only in the point which the gentleman made that this new draft which is intended to make the closed shop illegal can also be construed or maneuvered to make the union shop illegal. The point which he made to sustain that contention was that if a business establishment had a union shop contract and hired a man he would have to join the union within the period of time specified in the contract, and if the man did not join the union he would have to be fired. But, said the gentleman, he can come back and the employer can hire him over and over again.

I want to ask the members of this House this question: Can anyone believe that an employer, who has a union shop contract with his employees would be so silly as to violate the spirit of his contract by continuing to hire over and over a man who repeatedly refused to join the union? And can anyone suppose that an employee clinging to a job by such a precarious tenure and who is hired and fired every thirty days would for long endure the contempt of his fellow-workers? And even if you could conceive of an employer so silly as to continue

to hire an employee so hardened, is there anyone here who supposes that the union would not find a way to deal with it, either by changing the contract or by bringing adequate pressure to bear upon the employer?

The bill is as clear a statement as I believe can be made that it is opposed to the closed shop, and it does not raise any other issue that I can say.

As to the gentleman's contention of the legal phases of that matter, I am not a lawyer, but I suppose everyone knows that when Congress legislates in the field of interstate commerce the federal law does supersede and override the state law, but the power of Congress does not go everywhere, and even though we may not know exactly what are the limits of our power here to legislate, that does not relieve us from the opportunity to go as far as we can.

We have legislated here repeatedly this winter on matters which conceivably may some day be held to be in interstate commerce, with respect to registration of trucks, on reciprocity and on insurance. If we took no action on anything on the ground that conceivably some day Congress or the Supreme Court might rule that our action trespassed on interstate commerce as it then might be defined, there would be few things here which we could do. Now if we believe that the closed shop should be illegal and that the right of people to seek a job and for an employer to hire those men should be protected, I believe we should take such action and go as far as we can within the limits of our power to achieve that end by passing this bill.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker and Members of the House: I rise to speak on this bill this morning because I feel very strongly that its passage would be a mistake. In setting forth my views, I promise, however, to be very brief.

In introducing my remarks, I want to invoke again the State motto which has been invoked so many times on this floor at this session: "Dirigo"—"I lead." I want to urge that this House follow that motto in this spirit. Let us lead the country on the roadway from blind, repressive labor measures which are

mistakenly conceived of as the corrective for the industrial stalemate we find ourselves in today. We, and legislative bodies throughout the country, are searching for methods to promote industrial peace. In our zeal to achieve that goal, let us not instead adopt measures which will act to further disrupt the relations between labor and management.

My good friend, the sponsor of this bill, Mr. Tabb of Gardiner, yesterday gave us a wholesale denunciation of certain undesirable labor practices. I think with him that we all deplore the acts of certain individual labor leaders who have been dictatorial, unreasonable, and who have ignored the public welfare. We all deplore those labor racketeers who have done so much to retard our conversion from a war to a peacetime economy. However, we tend to get an emotional reaction from that situation against labor as a whole. By that I do not mean to imply we tend to become vindictive, but that we tend to permit our emotions to overcome our judgment as to the cause of the situation which we deplore.

It would be easy for us to say that the very existence of labor unions which permit these labor leaders to come into power is the cause of the situation and therefore should be outlawed, and yet I think there are few of us who would deny that labor unions have a legitimate and useful place in our American economy.

Going a step further, it would be easy for us to say that the right to strike which is used by these labor leaders is the cause of our present unrest and so that should be outlawed, and yet I think that few of us would seriously deny that the destruction of the right to strike would be to destroy the labor unions themselves. Going still a step further, it would be easy for us to say, as it has been said on this floor, that the closed shop is the cause of our unrest and therefore should be outlawed. Any of these three solutions would be the solution of a man looking for a goat.

When the New York Yankees a few years ago were running roughshod over the rest of the baseball world, there was much talk of legislation to cripple the Yankees so the rest of the teams would have a chance. At that time it did not appeal to me and I did not think that it was the most sporting thing to do. Last year the Boston Red Sox

proved that the best way to beat the Yankees was to build a stronger team.

In every industrial contest there are two parties, management and labor. Because labor temporarily has been focussed in our eyes as an all-powerful and unreasonable force, we say, "Let us cripple labor, let us take away those weapons, rather than focus our attention on such things as the Meloon bill which proposes to strengthen both parties in their bargaining position, let us cripple one of the parties."

I say that we are here to promote industrial peace, and now I want to say further that the adoption of this bill would be a further disruption of the labor-management relations for two reasons.

The gentleman from Augusta, Mr. Peirce, has given you already the history of labor-management relations in Maine. I think on the whole they have been good.

I do not want to dwell further on the point that adoption of this repressive legislation would be a slap in the face to Maine labor which would tend to create resentment and further disrupt the relations between labor and management. But my second point is that the closed shop, by the variation of it called the union shop, promotes industrial peace in and of itself.

As I said before, there are two parties in any industrial contest between labor and management. Let us look at management. Is there anyone here who would suggest that any corporation in the country is not a closed shop? In order to take part in the management of a business that is a corporation, we must pay our dues, we must buy stock. When we have bought stock we then vote for our board of directors. The board of directors represents the majority. Has there at any time been a suggestion that there should be two boards of directors for management, one representing the majority and one the minority? The majority rules, and the majority is represented by the board of directors which represents industry in the contest with labor. The stockholders would deplore and we would deplore on behalf of the stockholders any suggestion that management should be divided along majority and minority lines. In the same

way, labor has an economic interest in its position in industry.

In any given industry, labor in that industry has worked years to obtain for the men who work in that industry certain rights which are now considered indispensable. When a new man comes onto that job, is he to be allowed to be irresponsible and say, "I am going to take the benefits of union labor but I refuse to join the union which made those benefits possible"? When he goes onto that job he too should be required to purchase his interest in those benefits by paying his union dues. When he has become a member of that union, he, like the stockholder, can vote for his board of directors, the unions, or the management within that union, and that union representing the majority then is on an equal footing with the board of directors representing the majority of the stockholders. I say then we have two equal contestants in the industrial committees. Let us not now cripple one so that the other may gain the upper hand. And so I urge that the "Ought not to pass" report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker and Members of the House: I wish to say that I do not rise to take a slap at labor but to protect a few workers from the acts of labor today. I firmly believe a closed shop is just as detrimental to labor as to industry. I firmly believe that labor can secure all legitimate benefits from the union shop contract while avoiding the detrimental effects of the closed shop.

We heard a few weeks ago a very eloquent address in behalf of Labor, which seemed to claim that it was impossible to do anything about regulating the excesses of Labor, because anything you did would be unconstitutional.

Since he was not the Supreme Court, what he said could only be judged as his own opinion, and everyone has a right to that privilege. And so I have the same right to have the opinion that any law which permits Employers and Labor Unions to agree to a "Closed Shop" is unconstitutional, and I want to emphasize the fact that I do not mean "Union Shop"; I mean "Closed Shop".

Why? Because it is my conceived opinion that in a democracy no contract should be made without the consent of all parties concerned. And who are those parties? The Employer and the Union are naturally the two evident ones. But the Third Party interested contains the ranks of future employees, and therefore would be the Public. I think in a Democracy an individual should have the privilege of selection of employment he desires; and any contract taking away or narrowing that free choice, in my opinion, should be against Public Policy and therefore unconstitutional. A "Union Shop", as I understand it, does not forbid employment of any individual, and therefore does not prevent anyone from taking up the work he would like to do. But a "Closed Shop" does; because Labor by controlling its membership will control who can enter and therefore who can work at that trade.

It might be interesting to see the direction we are headed for if we accept the Closed Shop principle. I should like to describe to you the Labor regimentation in Russia, the Closed Shop carried to perfection.

A Russian who wants a job goes to a Labor Bureau, and after consultation it is decided what he shall be, and where he shall work. He is then given a Work Card describing his trade and place of employment.

He then goes to a Bureau for a place to live, and there he receives another card entitling him to so much space in a designated area.

And then, as he must eat, he goes to a third Bureau, and gets his food card which orders dealers in a designated area to sell him required food at Government prices.

Governmental income and expenses are in this way arranged so that the money he has for himself can be very closely figured.

Now there are no strikes in Russia, nor are there any leaving jobs for any other, whether better or not, except by permission of the Government. The laborers cannot do it because they are tied where they are by the necessity of existence. The prices they pay for room and food are not the prices charged to the buying public or on the Black Market. If they quit their job, they would have to exist on that Black Market as long as possible, because they could not buy on their

card in such a case; and no plant would employ them without an employment card. It is very evident that they would, of necessity, be obliged to return to the job assigned to them.

But, you say, the "Closed Shop" will not do that. This is America; it could not happen here. Russians have always been an enslaved people, driven by someone. So, as the Government provides them with more food, clothing and pleasure than they had ever been used to, this state of affairs seems like freedom to them.

But we are different. We have been used to individual initiative. So the only way we can be forced into a position where this system could be introduced is by getting us into a position whereby we could not use that initiative.

It would be foolish for me to say that one "Closed Shop" among the many industries of this country would bring this about. But let us suppose, in the course of time, Labor had succeeded in getting all industry to agree to a "Closed Shop."

It must be evident that the result would be that the Labor Unions would control the Labor Market and would be in a position to say who could work, and even where. Can't you see the work ticket coming into existence, or through a Governmental Bureau necessitated by the demands of those who were unemployed; unemployed because Labor Unions to protect high wages had of necessity to keep the number of Union members down?

Please do not tell me that if it was fully Closed Shop, or majority Closed Shop, this would not happen. It could not be otherwise.

Therefore, when the completed and perfected article is wrong from the point of view of Democracy, then its units are wrong, although not so harmful, and should not be allowed. "Closed Shops" are weeds in the garden of Democracy, and they should be spaded out.

I hope that the "Ought not to pass" report of the Committee will be accepted.

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

Mr. McCLURE: Mr. Speaker and Members of the House: We have had a sermon this morning, and I think it is about time for a poet:

"If you wish to foster fights,
'Tabulate' the votes against
This bill that 'Chases' all the
rights

To the 'Bar low'-type of men."

It is the opinion of many sincere and conscientious members of this Legislature, who will not speak today, and of employees of our State, that we, the members of this House, can better serve the taxpayers of our State by laboring with legislation that will lessen the burden of taxation than by trying through legislation to tear down what the laboring men of our State have taken a century to achieve.

It is a well-known fact that were we members of the National House of Representatives, we would be justified in trying to curb the leaders of some of our labor organizers, but because labor unions in some sections of our country have clouded the sun in spots, it is no excuse for us to paralyze the mass of union members in our great State of Maine.

We should be careful also of any labor legislation we foster and "Tabb" anything that the word 'Communism' is used to gain favor for such legislation.

We of the majority party of this House should think along the lines of two of our great past leaders, namely, Abraham Lincoln and Theodore Roosevelt, before voting to go on record for a piece of anti-labor legislation that saw birth in the unfruitful brain of a non-member of our great party, none other than that of 'Pass the Biscuits, Pappy Daniels'.

Ten years ago a delegation of Florida public officials and civic leaders, not really knowing any better excuse to secure publicity for themselves, called upon the Seminole Indian Chiefs, a century after the ending of conflict. "What can we do to help solve your problems?" they asked. An interpreter for these first Americans, who had a State record of peace for one hundred years, answered by saying: "Leave us alone."

It is my opinion that those three office boys of capital, that that rural Tory from the Imperial Kennebec, could better serve the workmen of Maine and all concerned had they learned to follow the answer of those first Americans.

I think that we should, for the best interests of all, vote "Ought not to pass."

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

Mr. HARRIS: Mr. Speaker and Members of the House: I do not want to make an oration on this question, but I am wondering how many know why we have this closed shop question here now and all over the country. I would like to give you what, in my opinion, is the cause.

After Pearl Harbor, the labor leaders in Washington made an agreement with the government that for the duration of the war, in the essential places like shipyards and munitions plants and so forth, there would be closed shops and maintenance of membership, which is dues deducted from payrolls. In my mind, at that time that would be a war measure. As I understand it now, and as it has worked out, this agreement was not kept on the part of the labor leaders, and they still now, after the war, want the things that were given them as a special favor during the war years.

Now I am going to make a funny statement. I am for Labor in Maine and I am also for this bill, and I will try to explain why.

I notice that the opponents of this bill have quoted from Mr. Newell's letter for a closed shop. I would just like to say that there never was a closed shop at the Bath Iron Works, of which Mr. Newell was President. They have there a union shop, and there is nothing in this bill—and I am not taking my authority but the authority of what I consider to be the leading labor attorney—there is nothing in this bill that prevents the set-up at the Bath Iron Works to continue as it is now and as it has been.

I think we will find, if we check the unions in the State of Maine, that all our independent unions like the Brotherhood of Shipyard Workers at Bath, are union shops, and a closed shop is the shop where the union has been formed in Maine by the big unions and the high pressure salesmen. They came in like that, they came into South Gardiner just a short time ago, and they took each employee as he or she came out, and they said, "We are going to unionize this job, and if you do not join you won't have any job." It scares most of them right into joining the closed shop.

I think this is a wise piece of legislation. I have always believed

in the old saying that an ounce of prevention is worth a pound of cure, and I think if we go along with this short bill as it is written right here we are going to help the labor of Maine rather than hurt them.

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

Mr. LEAVITT: Mr. Speaker and Ladies and Gentlemen of the House: I rise to speak against this legislation, this particular bill, and on anti-labor legislation that is being proposed to the House at the present time. I speak both as a representative of labor in the State of Maine and also as a former workman in the mills of Maine and as a State of Maine citizen. I represent about forty-four thousand workers in the State of Maine in the Pulp and Paper industry and the woodworking mills. We have at the present time nearly every mill in the paper industry in the State of Maine organized in our international union, and many woodworking mills as well. We have contracts, and with some of these companies we have negotiated on labor conditions for forty years. Now does it sound reasonable who are being asked to pass laws detrimental to these conditions, does it sound reasonable to you that a company would deal with a labor union in negotiating working conditions for a period of forty years if there was anything real detrimental to the welfare of the company? Do you think they would not have taken steps to abolish that before forty years had gone by. We even have at the present time many letters that we have not used publicly from the manufacturers which we deal with, telling us that they do not approve of any anti-labor legislation in this State, due to the fact that our record and our relationship with this management has been outstanding.

I would like for a minute to bring to you some of the thoughts and the questions that are being asked us from the people that we represent. They are asking us why, at this time, with our outstanding record in this state particularly, are people trying to abolish any possibilities in dealing with our management. They ask us: Do not these people remember, or have they forgotten that all during this war period we have gone along with management, working Sundays, holidays, many hours every week, in order to put out the imple-

ments of war, the necessities to conduct the war? And we not only furnished our own service men and women, but our record has gone down in the annals of history that we supplied nearly all of the nations in the world who were our allies.

I know it is true that many times we took up the headlines in the paper and read where a great strike was going on. I know it is also true that we know that we have bad boys who are mixed up in the labor unions. Every honest labor union man detests the word "strike" because strikes do not pay dividends to the workers, they do not pay dividends to the employers and they are a detriment to labor relations with management. But sometimes a strike is the only alternative to settle the problem, and it is the only weapon the labor unions have. If you attempt to outlaw such rights as that for the working people of this country and of this State, of which we know there is a doubt as to its constitutionality at the present time, you are, in my opinion, sending the working people back to the stages where they were not too many years ago.

Right in my own locality, I have letters in my files, photostat copies, in regard to girls who worked in some of these sweatshops five weeks and were paid two dollars and a half during a trial period. It was a great trick in those days to hire probably twenty-five girls and give them a trial period manufacturing goods, and they were told that they had to set up a standard in order to become a legitimate worker of the company. After five weeks they were given a large paycheck of \$2.50 and told they were not qualified to do the job, so they were discharged. Another group came in on another trial period and likewise went on the routine. Those employers were getting their work done by slavery. I say that we take the credit that our trade movement in the State of Maine has corrected those conditions.

Now we did not do that by standing up and throwing brickbats at anybody's window, neither did we cause any public commotion, but we corrected that by sitting across the table and showing management we were sincere in our dealings and that our people who were working for them were justified in receiving such conditions as we asked to be negotiated. As a re-

sult of that, today we have in the pulp and paper industry and in the woodworking mills some of the best working conditions and some of the highest-paid help of any of the industries in the country. That, I think, is a credit to the State of Maine, not only to labor unions but to the employers who understood those conditions and went along in that fashion. I say to you now: We should not destroy that program.

I am a new man in this House, as many of you know. I only bring this up as a passing instance. I have met many of you gentlemen down here and I have made many friends. I have watched many of your actions although I have not talked very much. I find, as a whole, that you are an honest, upright class of people who want to live and let live. It is my honest opinion — and I will voice this publicly — that the people in this Legislature try to do their utmost to give the people back home honest legislation. It does not always, perhaps, seem that way to the people whom you represent, but down here, looking it over, you see what is being done. You have to press these people to admit that.

So I say to you at this time: this is an important piece of legislation that is going to come from your honest opinions as to what should be the best policy at this time. I feel safe in saying in my own mind that you men and women are going to give it thorough consideration, because should we do something in this Legislature and it should become later unconstitutional, I do not think any one of us would like to go back home in our district and face the thousands of people who work by the day and tell them that we attempted to destroy what they have been trying to build up. So, Mr. Speaker and Members of the House, I hope this piece of legislation will not pass.

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

Mr. DOSTIE: Mr. Speaker and Members of the House: I rise to speak in opposition to this bill for one special reason: Who in the past would have ever believed that labor would have made the gains of having vacations with pay, seniority and insurance paid by the employers? The only thing that has given us these gains in Maine is

the closed and union shops. We do not have closed and union shops in the mills in Lewiston, but they are our weapon. Therefore, members, if you favor this bill you are taking our one and only weapon. So please take this into consideration and favor the "Ought not to pass" report of the committee.

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

Mr. BROWN: Mr. Speaker and Gentlemen and Ladies of the House: I rise to speak this morning in opposition to this piece of legislation which you have before you. I do not propose to bring you a long speech; I am no orator, in fact I hesitate to speak before a group of this kind. My parents told me one time that if you keep quiet, you get more in this world than you will if you run around shooting off all the time. I have tried to follow that principle all down through my life. I have tried to follow it in the House of Representatives; I have kept very quiet, but on a piece of legislation of this kind which we all know will destroy every semblance of organized labor in the State of Maine, and that is the purpose, Gentlemen and Ladies of this House, of this piece of legislation, let us not be kidded by the facts that have been brought out here in this House, because that is the full purpose of this piece of legislation.

This is not legislation which has just been introduced in the State of Maine, Members. This is legislation which has been introduced in every state in the United States of America and bear that in mind. It is nothing but a repetition of the same stuff that was brought forth at the close of the first World War. During that war they catered to labor; they wanted labor; they needed labor, and what was the result? Labor got nothing, and Industry made their millions, and that is a fact on record.

What happened before Pearl Harbor? When they held their hearings in Washington to establish a war policy, something that would be sound to carry us through the war period, what took place? When the National Defense Act was before Congress in 1939, Labor and the American Legion appeared there hand in hand to help establish a policy that would carry us through the war that we knew was inevita-

ble. And what was Labor's policy there? I think, if you get the record and read it, you will find out what Labor's policy was. It was this: That when we go into a war which we know we must do, let us freeze everything in America. Let's put every one on the same basis. Let's see that prices will not be inflated. Let's see that Labor's rates of pay will not be boosted up. Let's fight the war as one man, and then when we come out of the war we will be united; our wages and everything will be on the same keel that they were before we went in the war. But would that nice piece of legislation go by? No, because there were interests there who knew that they could not make their millions, and not only millions but billions.

Members, these are facts that are on record. Labor is not here today pleading for anything that will give them more power. We recognize what is taking place in America, and we want to go along with the kind of stuff that will straighten out this condition that does exist. As my colleague, my good brother from Old Town (Mr. Leavitt) told you, we recognize that there are those in labor who are uncouth, who are striving for power. We don't want to endure those people any more than the other people do, but like every other walk of life, these people are bound to get in. We have them in politics, don't we? Don't we have them in every society in this country—those who do not consider the rights of others but are just looking for power for themselves. We have those in the State of Maine who are not looking to develop the State of Maine, but they are looking for just what they can pull in for themselves, and, Members of this House, that is the reason today that Maine is about fifty years behind the rest of the states of this Union, and let's not kid ourselves.

There was reference made here this morning to Russia, and I am glad that you spoke of Russia. I only wish you had spoken of Germany; I only wish you had spoken of Italy, for what took place in Italy when they wanted to banish freedom, when they wanted to put on the throne a total dictator, one who had no idea of freedom whatsoever. What did they do? Even before they banished the churches and our fraternal societies, what did they do?

They banished labor organizations because they knew that as long as a free labor movement was in operation in that country, the dictators could not survive. Let us bear those things in mind. What has given us the representative government that we have in America today? Who was it who fought the first battles for freedom in America? Did you ever know that the only time we had a free school system in America was when a labor organization went to bat and produced free text books, produced free schools, so that every boy and girl, even from the lowest working man's son or daughter in America, could go to school. Up to that time only the select few could go to the schools in America, and those are facts laid right down in history, and no one in this House can deny it.

We have even heard it proposed on the floor of this House, in regard to the institution of the State of Maine, that every one of you taxpayers digs down in your pocket and pulls out money to make it grow and survive in the State of Maine: we have even heard it proposed here that registration in that university be restricted so only a few could go there. Now who would be the few that could go to the University of Maine? I sent two sons to the University of Maine and they are there now. And would I be able, if we had been living on the wages that we got in the past, to send those boys to the University of Maine? No! They would have had to go out and take a pick and shovel and go to work like the rest of the slaves that we had in America before unions came in, and tried to pick their living that way.

Now I don't want to take up much of your time, Gentlemen and Ladies of this House, but let us weigh this stuff. Let us go back in history and see what America was before labor organizations came in. Labor organizations came into this country way back before the Civil War, and what was the thought of a majority of the people in this country at that time? Slave Labor! We had it. We fought a war to free this country from slave labor, and even after that war was over we still had slaves in America, and we have slaves in America today. We have people right in the State of Maine today, Ladies and Gentlemen—and you may not believe it, who want a union organization, and they tell us

point blank that they do not dare to sign a card whereby they can go to the National Labor Relations Board and get their union organization or that organization which will protect them. Those are the conditions, Ladies and Gentlemen, that still exist in this fair State of Maine and our banner down here in front of us says: "Dirigo," and, if I remember my training that I got in school and my teachings, it comes from the Latin word "Dirigo" and it means "I Lead". Yes, we want to lead. We are going to see that Maine leads. There is one way that Maine can lead. Leave the labor movement alone in the State of Maine. Let's stand on the record that labor has stood on for the past forty years. I have my brief case here, and in that brief case is a contract with every paper mill in the State of Maine except two that has stood the test anywhere from ten to forty years. Are you, by passing this piece of legislation here today, going to destroy every contract we have with companies like the Great Northern Paper Company, the St. Croix Paper Company, the Seaboard Paper Company, your good paper company over here in Augusta which is expanding at the present time; they already have put in one brand new machine, and another machine will be put in when the time is right, and on my desk right at this time I have a letter from the general manager of that plant who says: "Leave labor alone in the State of Maine and they will solve their own problems. Members of the House, they will solve their own problems because they are men of that type who sit down with Industry; they recognize Industry's right; they recognize the fact that Industry has the right to sit down and bargain with them, and they recognize the fact that Industry has to make a profit so that they can go on and expand, so that they can carry on their industries in dull times. We recognized that even before the depression, and what was the story? Our companies with whom we had dealt were able to survive the depression, keep the plants running, and the workers happy.

Go down to the gate in plants in the State of Maine where we have union organization, and watch the people coming out. Do they come out like slaves? No, they come out like ladies and gentlemen, dressed

up; they are washed up; they look healthy because they have been fed properly; they have money enough so they can live and enjoy all the good things of this life.

The great Samuel Gompers was asked one time: "What does Labor want? You go out one year and you get an increase of ten cents an hour, and then you come back the next year and ask for fifteen cents." what did he say? Labor expects only its rightful percentage of the fruits of the things they produce."

That is all we do expect, Members. We do not expect to control the company; we do not expect to own the company. We are willing to cooperate with the company and see that they go on and expand and bring happiness and health and prosperity to the communities in which they live.

Members of the Legislature: That is our record in the State of Maine, and if anyone can stand up and deny that record, I want to see them do it right in this House, because our record is clear.

Go over to your State Labor Department, and ask them to produce the total number of hours that were lost in the State of Maine through strikes during the war period, and even during the depression.

What did a great leader of one of our armies, who was the Supreme Leader of the Allied Armies of the World, and who brought victory and freedom to us, say in an address at a labor convention in this country? He said: "The war would not have been won had it not been for the men in the factories, along with the men in the Armed Forces."

Now what was our record during the war, Members? We heard the newspapers publish from coast to coast the lost time that was brought about by strikes and labor disputes. What was that record? You can secure that record, Members, by writing to Washington. It is in the B.L.S. Statistics, where they keep such records. Less than one tenth of one percent of lost time was brought about by labor strikes and labor difficulties. Now, Members, is not that a record to be proud of?

Did you ever know there were more men killed in Maine in industry every year than there were killed on the battlefields? That is a matter of record, Ladies and Gentlemen of this House. That is our record we have set all through the war, and that is the record we have set all during the post-war period.

Those of you who follow the financial statements of companies, and those of you who think that all we do is to go out and squeeze out of industry the last drop of blood, I would like to have you read the story of your industries in the State of Maine last year. What was the story? Some of them made so much money they had to split up their stock; others doubled their returns on their money. That is the story, Members. Look at the record. How many banks failed up last year in the State of Maine? How many bankruptcies were reported in the State of Maine?

Here is one thing I want to say: Last year myself and my colleagues in negotiating with the companies in the State of Maine, brought in nearly five million dollars extra money and placed it in the pay envelopes of the workers of the State of Maine. Now if some other industry had come into the State of Maine that meant that much money to the State of Maine you would have seen it blasted in the headlines of the newspapers in the State of Maine. But did you see one word about it? No, you did not.

We are not looking for notoriety or anything; we are out to bring a little stability, a little decent living, a little pride to the people of the State of Maine, and, Ladies and Gentlemen of this House, that is what we have done.

Now you have got before you a serious piece of legislation. Do not be guided by the thought that it just destroys the closed shop.

I have dealt with labor for the past thirty years, and I think I understand the English language about as well as most people. I was at the hearing. You were told on the floor that the closed shop was never mentioned. I want to dispute that fact; it was mentioned, and it was pointed out definitely that this legislation only outlaws the closed shop, and they asked us to sign the majority report because of that fact. We could not sign that report because, gentlemen, it strikes at the very heart of organized labor in the State of Maine. If you wish to destroy every labor contract that means so much to the workers of the State of Maine and which means so much to the people of the State of Maine and so much to the industry in the State of Maine, pass this piece of legislation today and you have sounded the death-knell of labor and industry in the State

of Maine. I think if industry were right here today speaking on this legislation they would be standing side by side with labor and telling you, "Defeat this legislation."

You notice in this legislation, Ladies and Gentlemen of the House, that not one member of industry has introduced any of this legislation. Some of these people would have you believe that they have had a call from some source, I know not what, that we must put labor's house in order in the State of Maine. Had industry come in here and proposed legislation like that, I would have been disturbed, but industry is not behind any legislation of this kind, and letters have been produced and are in the hands of the committee showing that fact.

So let us weigh this thing in the balance, let us offset the good that labor has done on the one side with the damage that labor has done on the opposite side, and I think you will find that the benefits that organized labor has produced in the State of Maine are the benefits that will more than tip the scales in favor of that great group of people who are trying to do something for the State of Maine.

So, gentlemen, I ask you to seriously consider this. Let us not do anything that is going to impede or destroy the relations that exist between labor and management in Maine. I hope that you will vote "No" on the majority report on this bill and tell the rest of America that we do not believe in the type of legislation that passed in Florida, in Georgia and in some of those other states of the south, but we do believe that Maine can steer its own course and give to the people that semblance of Democracy that rightfully belongs to them.

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

Mr. MILLS: Mr. Speaker and Members of the House: There is just one element that has not been brought out in this debate which I wish to mention briefly and that is the feature that comes about by reason of the fact there is an initiated bill in the Legislature being considered now by the Judiciary Committee for the sufficiency of the signatures. I expect in the ordinary course of business that bill will come out and you will dispose of it in some other way, but if it is not

passed — and it is a good guess it will not be passed, since we have been told that certain parts of it are unconstitutional — if it is not passed in its entirety it, as all of you know, goes on to the people. Now we can leave it there, we can just send it on to the people in that fashion, or we can present on the same ballot, I think, or at least simultaneously at the same election, our alternative measure.

I would like to suggest that we consider our function here to be the concoction of our best opinion and putting it into an alternative measure. We have in the Barlow bill what we would call anti-labor provisions. I guess that most every anti-labor sentiment you can think of is expressed in the Barlow bill. Is it not only fair that we should present to the people a fair alternative, an alternative measure which would give them a choice?

Now, as I see it, the Labor Committee is contemplating loading both barrels and making both of these measures which go to the people what we would call anti-labor measures. I think the fair thing for us to do is say, "There is the Barlow bill which has wrapped up into it everything anti-labor that Portland can think of, and some other good people from Portland have thought up other measures and put them into the Meloon bill. Let us give them the choice of the two. Let us give them the choice of the two; let us not load both barrels with anti-labor legislation."

As I see it, this bill before us this morning is a trial bill from the Labor Committee, and if we accept this bill the Labor Committee is going to take it as an attempt to load both barrels, so that no matter what the people vote on, if they vote affirmatively it will be anti-labor legislation they are voting on. They can take their choice between the two or vote in the negative on both of them. I call for the defeat of this bill, and my position will be against this measure because I think it is only fair that the people should have a pro-labor bill and an anti-labor bill before them and make their choice between the two.

Also, we in the Republican Party have made official pronouncements in regard to labor over the past several years. We have not brought out of our Convention platforms

contending ideas such as those expressed here this morning, but rather we have been complimentary to labor and management in the handling of their affairs. We said at the last Republican Convention: "We commend both labor and management for the excellent labor relations that exist in the State of Maine."

Now it is true that we who are not particularly concerned with labor, those of management who are dealing with labor all the time, and those in the unions have many complaints to make on the national scale. Those of us who were in the service had plenty of complaints to make when John L. Lewis kept his miners out during the war. We used to say, coming back to the Atlantic coast that it would be necessary to establish a beachhead because the Atlantic Miners' Committee had taken over the Atlantic seaboard. We felt very strongly on the subject. But I do not think that should be carried into the State of Maine. After making these salutary and friendly announcements in our Convention, I do not think we should come here in the Legislature and unveil the Sunday punch and throw this on the labor organization of the State. I do not think conditions warrant it.

Is not this pretty much, like many of our problems, a Portland situation? They think up more things down there than you ever saw to conjure with. They have labor difficulties and they produce the anti-labor Barlow bill, and another group of citizens gets together and produces the Meloon bill. Let us tell Portland that we are tired of bothering with their internal difficulties. Let us present both of these measures to the people of the State of Maine and let them take their choice.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I would just like to register my opposition to the passage of this legislation, and, after hearing the debate, I would like to leave one thought with you.

As my friend, the gentleman from Farmington, Mr. Mills, says, this radiates from Portland. If you recall, in the short day yesterday I think we had quite a debate that radiated from Portland. It happened to be on the banking bill.

In that debate it was brought out, and this House sustained it two to one, that industry should handle their own affairs. Members, I believe you have that situation before you here. Industry should handle its own affairs. I hope you feel the same today. I trust that the motion before the House does not prevail.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I was a member of the Platform Committee at the Republican State Convention. I believe labor's record in the Legislature has been good, but I believe the true friends of labor do not believe in the closed shop. If you have to join a labor union to get a job, if that is freedom we have not any freedom left in this country. Not only that, but may I point out an example.

In the City of Portland, which has been ridiculed by the gentleman from Farmington (Mr. Mills)—there are, after all, some hundred thousand people, and we do pay some bills and do help operate the State of Maine. We may be apart from Maine, but we are proud to be Portland people, and we think that Portland people do all right.

I would like to consider the public. No one has mentioned the public this morning. I would like to show just one example of what has happened because of closed shop tactics in Portland and the Portland area. In Portland they need about 400 masons. The masons' union consists of about eighty men. Other union members and union officials in other building trades in the City of Portland have admitted to me that the masons have a closed shop which has put men out of work, prevented veterans and other men from building their homes, simply because we need four hundred masons and we have eighty. The other trades are very fair; they take in veterans, young people, and train them, but the masons say, "Nothing doing, we want it for ourselves."

I say the public is to be considered in this matter. Furthermore, I have talked with other labor leaders and I have found them all opposed to the Tabb bill, but I have talked with union members and they have been, most of them, in favor of such a bill provided the union is protected by a union shop.

Everyone believes in unions in this House, I am sure they do. I say the true friend of labor will vote along with the Tabb bill. When it is mandatory to join a union to get a job we might as well go back to Russia where they pay \$130 for a pair of shoes.

Members, I hope the motion of Mr. Tabb prevails by an overwhelming majority because I feel that we are going to help labor and the public in this State.

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

Mr. TABB: Mr. Speaker and Members of the House: I have been very amused at some of the things that labor has said. If they read the bill as they should read it and do not read between the lines, they would not be up here arguing the way they are.

We are not opposed to the union shop. We do not want sweatshops, as my colleague from Old Town says. The bill does not say you will have a sweatshop, the bill does not say you have to have a union, the bill simply says you cannot have a closed shop. If we had had this legislation fifteen or twenty years ago, the situation would be different today. As I read in the Bath paper that comes out from the Bath unions, as I understand it, they are not opposed to my bill. Only yesterday, right before one of the members of this Legislature at the Worsster House, a representative of labor from the Bath Iron Works came up and said, "Tabb, we are with your bill one hundred per cent because it does not give away union rights." That is the sentiment of a great many unions. The trouble is with the union leaders who do not want their power taken away from them. That is where the trouble is.

Now they stand up here and tell you that we are trying to ruin this State by doing away with unions. They tell you that if this bill passes it will do away with everything labor has worked for for fifty years. That is a very ridiculous thing for them to get up here and say. They tell you how much labor did during the war. Who was not patriotic during the war? They got paid double for it and we farmers got nothing. We supplied the food and we worked eighteen or twenty hours a day. Did we get double pay? We did not, but they got extra money for it.

I just want to read to you a few lines from Washington, by the Hon. Charles R. Robinson, Representative from North Dakota. They had this meeting down there and they invited labor. Here is what he said in the last of his speech:

"We are receiving no cooperation from the leadership of the large labor unions. They are indicating from the way things are now that it is good enough, and why take away everything that labor has won?"

Members, do not be fooled by that and believe that we are trying to destroy labor unions here in the State of Maine. We are not trying to destroy them.

At this hearing two young men from Biddeford that belonged to a union in Biddeford were here and they wanted to speak. I said, "Why don't you speak?" And they said, "We do not dare to because there is the man who represents us." Think of it, gentlemen! They did not dare to get up and say their soul was their own because they were afraid they would lose their job. In the House that very day two labor boys stopped me on the floor and said, "If you do not get rid of the closed shop you are going to destroy the unions." This is the biggest insurance labor ever had and you cannot deny it. We are not trying to destroy unions; we want unions. We do not want sweatshops. We want to see labor earn a good wage. I do not believe anyone in this room wants the unions to go, but that is the only alibi they have.

Mr. Speaker, I ask now that a yea and nay vote be taken on this issue.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker and Members of the House: You have been told this is a test case thrown out from your Labor Committee to get the reaction of this Legislature. You may wonder why I even stuck my head out. In Aroostook, in my vocation, we have no unions. I do not know that they object to unions, but I can say if you ask the average man there if he believes in the closed shop, ninety-nine out of a hundred will tell you they do not. Over and above that, I have been brought up to believe they were the worst things in the world. I do not know that I am convinced that

they are. In theory, I believe in them, but in practice I think that the bad outweighs any good that comes out of them.

When you speak of labor you think of four or five men who are leading the national organization. I do not have to mention their names: John L. Lewis, Joe Currier, Harry Bridges, and Walter Reuther. You have formed your opinions as to how valuable their leadership is and what they have done to each and every one of us. But when I think of the labor unions a little farther I think of the man in the overalls and the grease—and I happen to be one of those—and I think of his wife and his family, and I think of him in these closed trades when he has the ability and asks for a job and he is told that without a union card and certain dues he cannot work. They have the job and he cannot work. I say that is not right.

Theoretically, I have no objection to the closed shop if it is voluntary on the part of the employer and the employees, but I hope the day will never come when we have to have closed shops in Maine. I would be the last one to hurt labor. In fact, I have seen in my own community times of depression when I felt that labor was being exploited, but, as I say, even today you could not talk those fellows into a closed shop in my county.

As I see this bill, you have asked me if I believe in a closed shop. I can say to you that, taking everything into consideration, I do not. To me, that is the question.

There is one point I want every member in this Legislature to understand. I do not want them lulled into false security. That point is when they come to you and say it is unconstitutional. Members, that is what your Supreme Court is for. At the present time it has not been declared unconstitutional, and, until such a time, I will feel that it is constitutional. I will call to your attention the nearest thing to a test case. Florida passed such a law, as have other states, and, in the process of asking for a decision—and I stand to be corrected if this is not so—they bypassed the Florida Supreme Court and took it to the Federal Supreme Court, and the Federal Supreme Court, in their wisdom, due to the fact they had bypassed the Florida Supreme

Court, did not see fit to act on it. Now I say to you: Do not let anybody sell you out on the fact that this is unconstitutional until such a time as your courts declare it is. They may do so, but until they do I maintain it is constitutional.

Now I say to you there is not any way of legislating brains or fair play into anybody, either labor or management. I will say to you that I am proud of the men that came down and contacted me for labor in Maine. I will say that we have a record to be proud of here in the State of Maine as far as labor goes, but I think we should protect ourselves. The situation is similar to that of my own case, the potato industry. I have to spray so many times a year. I might take a chance on it and still produce a crop of potatoes. I do know if I can spray at the right time one spraying would do the job of the thirteen or fourteen I have to do to get the right time. Just because nothing has happened, I say to you that is no argument that at this time we should not lock the door before the horse is stolen. All I can say to you is this: Do not be sold down the river on the fact this is unconstitutional. You have been asked to say the way you feel. You may approve of contract shops—and that does not mean union shops—they are two entirely different things. They are so technical that I get befuddled when I go into them. You are asked to express your opinion on whether you approve of closed shops or not. You are asked to register your opinion on the closed shop or none, and that does not do away with the others.

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

Mr. DOUCETTE: Mr. Speaker and Members of the House: I rise in opposition in regard to this bill. The other speakers, from what I have observed this morning, have claimed that they are with the union. I am also for the union. I conduct a small business and I employ seven or eight men who work for me during the course of the summer months. Their duty, before they start to work for me in the spring, is to organize so that I, during the summer months, will know what they want, because of the fact that my work compels me to contract. Therefore, to start off with, I must have an agreement—

you can call it a closed shop, a union shop or whatever you want to, my friends. It is a fact that where you employ people you have to have some kind of a contract to protect yourself, therefore that is what I do the first thing in the spring.

Now I do not stand at this time to punish the laborers of the State of Maine because of the fact that one of the union leaders made a mistake. Members of the Legislature: my motive in life is to live and let live. If this piece of legislation today passes the House it means that many other bills which will affect our laborers here in the State of Maine will be introduced. Here in the State of Maine the labor condition is so far superior to what it is in the rest of the country that such legislation should never appear before this House. It is admitted by the manufacturer himself.

The other day we took it upon our shoulders to find out, four of us legislators, what the trouble seemed to be. We went up and asked them, and their answer to us was: "At the present time we do not see why these things are coming out. Things are prospering so well that we do not look forward to more trouble." Thereupon I answered them: "I do not think there will be any trouble with anyone; I think things will be smoothed out in the Legislature. I think the other members know what is going on as well as I do." And they told me I gave them a very good answer.

We went around the mills and we talked with the laboring people, and they seemed to be satisfied also. So therefore, Members of the Legislature, I say to you: Act wisely before you pass this sort of legislation. Do not punish the laborers of Maine for what one man in Florida or Washington has done. Stay with the laboring class in the State of Maine; respect them; work for them; keep what we have, and do not go back to what we had twenty or twenty-five years ago. Let us keep what we have already. I therefore oppose this bill.

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

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: I am not going to undertake to discuss this measure, but I find there are some members of this House who would

like to know where I stand. I am going to vote for the bill.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker and Members of the House: During this debate it has been inferred that the opponents of this measure are allowing their ambitions to kill their judgment. I do not believe that is true.

It has also been stated, during debate that forty-four thousand union members are now employed in certain industries in the State. I do not believe that forty-four thousand people are voluntary members of the unions in the State of Maine; I do not believe that twenty-four thousand people are voluntary members, and I do not believe that fourteen thousand people are members of the unions in this State. I believe that a large majority of union members are people who have had to join a union, been forced to join a union in order to get a job.

It has also been stated here in the debate that labor does not want any more power, and yet labor is here in a concerted effort to get more power.

I do not pretend to know all of the arguments pro and con on this measure and I do not pretend to know all of the arguments pro and con in regard to labor conditions as a whole, but I do know, and I believe it is obvious to the membership of this House, that it is the intent of labor that no man or woman shall retain the moral and inherent right to work for a living unless they join a union and get down on their knees to the rules of the union. I shall vote for the passage of the bill.

The SPEAKER: Is the House ready for the question? The question before the House is upon the motion of the gentleman from Unity, Mr. Brown, that the House accept the "Ought to pass in new draft" report of the committee. The gentleman from Augusta, Mr. Peirce, has requested a yea and nay vote. Under the Constitution, before the yeas and nays shall be in order, one-fifth of the members present must indicate their consent. All those in favor of the vote being taken by the yeas and nays will please rise.

A division of the House was had.

The SPEAKER: Obviously more than one-fifth of the members

having arisen, the yeas and nays are in order.

The question before the House is upon the motion of the gentleman from Unity, Mr. Brown, that the House accept the "Ought to pass in new draft" report of the committee. All those in favor, when their names are called, will say aye; those opposed will say no.

The Clerk will call the roll.

YEA—Adams, Allen, Anderson, Atherton, Benn, Berry, Bickford, Bird, Boulier, Brewer, Brown of Milford, Brown of Unity, Burgess, Byron, Campbell, Chase of Cape Elizabeth, Christensen, Clements, Cole, Collins, Cousins, Curtis, Day, Dean, Dicker, Elliott, Ellis, Emerson, Finnegan, Fitch, Fuller of Buckfield, Fuller of Hallowell, Gray, Hammond, Harris, Haskell, Hatch, Hayward, Heansler, Hobbs, Holt, Jennings, Johnston, Jordan of Saco, Jordan of South Portland, Laughton, Lee, Legard, Lombard, Longstaff, MacPherson, Marsans, Marshall, McGlauffin, McGown, McKeen, Meloon, Morison, Nichols, Palmer, Patterson, Perkins, Plummer, Randall, Rankin, Rich, Russell, Savage, Seeger, Sharpe, Silsby, Sleeper, Smart, Smith of Exeter, Snow, Stearns, Sterling, Sweetser, Tabb, Thomas, Torrey, Turner, Webber, Weeks, Williams of Auburn, Williams of Topsham, Woodbury.

NAY—Bell, Berryman, Bove, Broggi, Brown of Baileyville, Burton, Cadorette, Carey, Chase of Limington, Cormier, Daniels, DeSanctis, Dostie of Lewiston, Dostie of Winslow, Doucette, Foley, Fowler, Gallant, Hall, Hanson, House, Jalbert, Kelly, Labbe, Lacharite, Leavitt, Lessard, Lord, McClure, Mills, Moreau, Moulton, Muskie,

Nadeau, Payson, Peirce, Poulin, Prout, Robbins, Rollins, Ross, Sargent, Smith of Westbrook, Stetson, St. Pierre, Thompson, Tremblay, Violette, Woodworth.

ABSENT—Ames, Bowker, Brown of Wayne, Carville, Dorsey, Dufour, Judkins, Kent, Malenfant, Martin, Palmeto, Wight.

Yes 87, No 49, Absent 12.

The SPEAKER: Eighty-seven having voted in the affirmative and forty-nine in the negative, twelve being absent, the motion prevails.

This being a printed bill, is it now the pleasure of the House that the rules be suspended and the bill be given its first and second reading at this time?

The motion prevailed, and the bill was given its two several readings and tomorrow assigned for third reading.

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

Mr. MILLS: Mr. Speaker, I move that we adjourn.

The SPEAKER: The question before the House is on the motion of the gentleman from Farmington, Mr. Mills, that the House do now adjourn. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Clerk will read the notices.

On motion by Mr. Mills of Farmington,

Adjourned until ten o'clock tomorrow morning.