

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND REGULAR SESSION
24th Legislative Day
Tuesday, March 3, 1998

The House met according to adjournment and was called to order by the Speaker.

Prayer by Dr. Michael Stotts, United Parish Church, Fort Fairfield.

Pledge of Allegiance.

Doctor of the day, Chris Bartlett, M.D., Portland.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act to Enter into the Emergency Management Assistance Compact"

(S.P. 836) (L.D. 2242)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act to Encourage Accountability and Return on Investment for Maine Taxpayers from Economic Development Initiatives"

(S.P. 837) (L.D. 2243)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1606) (L.D. 2233)

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in the House on February 26, 1998.

Came from the Senate, **REFERRED** to the Committee on **NATURAL RESOURCES** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (S.C. 577)

THE SENATE OF MAINE
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333

March 2, 1998

The Honorable Elizabeth H. Mitchell

Speaker of the House
118th Maine Legislature
2 State House Station
Augusta, Maine 04333
Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs the nominations of James W. Donovan of Cape Elizabeth, Jana LaPoint of Falmouth, Stephen Graebert of Holden, and Elizabeth O. Shorr of Portland for reappointment as Members of the Maine Technical College System Board of Trustees.

Thank you for your attention to this matter.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committee, ordered printed and sent up for Concurrence:

STATE AND LOCAL GOVERNMENT

Bill "An Act to Encourage Intergovernmental Cooperation"

(H.P. 1617) (L.D. 2244)

Presented by Representative SAXL of Bangor. (GOVERNOR'S BILL)

Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: SANBORN of Alton, SPEAR of Nobleboro, TRIPP of Topsham, Senators: FERGUSON of Oxford, NUTTING of Androscoggin.

Bill "An Act Requiring Notification of Option to Request Judicial Review" (EMERGENCY)

(H.P. 1618) (L.D. 2245)

Presented by Representative WHEELER of Bridgewater.

Cosponsored by Senator MICHAUD of Penobscot and Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, DONNELLY of Presque Isle, KNEELAND of Easton, O'NEAL of Limestone, TUTTLE of Sanford, Senators: CAREY of Kennebec, KIEFFER of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Pursuant to Resolve

Maine Commission on Outstanding Citizens

Representative LEMKE for the **Maine Commission on Outstanding Citizens** pursuant to Resolve 1997, chapter 64 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Maine Commission on Outstanding Citizens"

(H.P. 1620) (L.D. 2250)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Report was **READ and ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Appropriations and Financial Affairs pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4

Representative VIGUE from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Promote Sustained Economic Growth and to Implement Recommendations Regarding the Department of Economic and Community Development"

(H.P. 1619) (L.D. 2249)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent up for concurrence.

Divided Reports

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-829)** on Bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage"

(H.P. 418) (L.D. 568)

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec
MILLS of Somerset

Representatives:

HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
CLARK of Millinocket
RINES of Wiscasset
STANLEY of Medway

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

PENDLETON of Scarborough
JOYCE of Biddeford
TREADWELL of Carmel

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report**.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. Please excuse me. I am coming down with a cold and I will do the very best that I can here. That seems to be going around. This particular bill would increase the minimum wage by a quarter on January 1, 1999. As you can see, if this was a political maneuver, we would have increased it by September 1st. It is not. It is what is good for the working people of the state. The fiscal note on this particular bill includes the printing of a poster to send out to all the businesses in the state. That cost would be \$11,259. In the State of Maine we have, as a Legislature, not endorsed a minimum wage increase since 1991. The last minimum wage increase was with the federal government in 1996. It was 90 cents and it was a political maneuver. There are states that do have a higher minimum wage than us, including Connecticut, Massachusetts and Vermont. Alaska also has a higher minimum wage, which is \$5.65. Oregon is at \$6. The other New England states I am not sure about. Their Legislatures are still in session and I have no idea whether they have minimum wage proposals before them.

This increase for the average worker who was working a 40 hour week would be \$10 a week. That \$10 would be spent locally on things that a family needs. Over 70 percent of the workers who earn this, 17 percent are teenagers and the rest are adults. There are a lot of people out there, groups and so forth that backs this minimum wage increase. The time is due. In an

economy such as ours, which is finally recovering from a five year recession, it is about time, as a state, that we increase the minimum wage for the very poorest of the poor. You will receive on your desk this morning a couple of handouts in regard to the minimum wage. I know it is late, but if you take the time to read them maybe you will understand some of the points that we will make in the debate this morning.

On a personal note, I can tell you about one instance where a minimum wage increase will help. As Labor Chair I would be delinquent if I did not stand up and talk for all the working people in the state and the very poorest of the poor. We talk about welfare to work. Well, if you can't earn a decent wage, then what happens? In the case of a young woman about one year ago who found herself in a situation supporting one child with no other income but minimum wage moved in with her parents. There was no money for daycare. Everyone in the family took turns watching the child while the young woman worked in minimum wage jobs. Fine and dandy, except now instead of living a half a mile from her job, she had to move 20 miles away. She had no credit established so her dad co-signed for a loan so she could get a car to get back and forth to work. It was a very inexpensive car about \$5,500. By the time she paid her insurance, her taxes and made her car payment, at the end of the week there was little left to support her and the child. She didn't apply for government food stamps. She didn't apply for any type of benefits. Her parents helped her out.

There are many of those cases in this state. That young woman had worked at the same business for over a year and a half and is still earning minimum wage. Would she like to change her job? Probably. Would she like more education? Yes. Can she do it? You try being a full-time mom and you work eight hours a day including weekends, mostly at night until 10 or 11 o'clock and you find the time to go and get more education. How do I know all this? I have lived it. I am talking about my daughter. She is doing the very best she can and maybe it is not quite enough. She stood on her own two feet and she is not asking for any help from any one of us, except that we acknowledge that there is a lot more of them in the state. I thank you for your time. I ask that you vote for this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I probably have had the worst affect of anyone in the state when dealing with adverse effects in the last couple of years. My unemployment rate just about doubled. Right now I am hearing from small businesses in the area and they are telling me that because of the loss of wages, they are on the verge of closing down. I attended a meeting last night at the Winslow Fire Station. One fella got up and spoke. He was trying to refinance his home. The bank told him to find him when he got a new job. This guy has got pain. You can feel it. Right now I have probably 50 small businesses that depend on the income that was generated by Kimberly Clark. These people are on the verge of going down because they were barely making it before. Now what happens is by increasing the minimum wage is that you are pressing up the cost of doing business. I have nothing against minimum wage. I wouldn't expect anybody to ever work for minimum wage. If you go to the New Hampshire border, what business will start on the New Hampshire corridor, anywhere near New Hampshire. If we increase the wages and New Hampshire does not, I would start a business in New Hampshire because you would have a higher cost. We have to look at all we are doing when we ask for increases. If we want to send a sentiment to Washington and raise everybody's minimum wage, I would jump on it in a heart beat because I wouldn't be harming my people here in the State of Maine. You question, am I right?

I moved to Winslow because of the cost of taxes in Waterville. That was 12 years ago. I sold my business and moved to Winslow because Kimberly Clark was paying a good share of the taxes. Now Kimberly Clark is gone and I will probably have to move back to Waterville. We are asking to increase and cause problems to additional people. I am going to harm my people more than they have been harmed. Ladies and gentlemen, there is no way that I can support this. I pain for the people who work in minimum wage, but these are entry level jobs. None of us should ever have to work for entry level jobs except when you are young and you are starting out and you are learning how to work. When you know how to work, you leave these entry level jobs. These entry level jobs provide jobs for some of the people that are just entering the workforce. Ladies and gentlemen, I am going to oppose it and I am asking you to do the same. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Madam Speaker, Men and Women of the House. The bill that we have before us, although it is well intended I am sure by the sponsors and the proponents, it is going to have a very serious effect on small businesses as the Representative from Winslow just told us. There is a ladder effect involved in this that will cause all wages above minimum wage to also rise. This is going to be a very, very bad situation for our small businesses here in the state. We just went through a two step federal minimum wage increase. The last one was effective last fall, which raised the minimum wage to \$5.15 an hour. Now we are asking to go to \$5.40 an hour. If we do that, we will have the highest minimum wage in New England at \$5.40 an hour, according to the statistics that were provided to us when this bill was heard by the Department of Labor. I think we are sending the wrong message at the wrong time. As we have already seen, our businesses in the state are suffering. All we are going to do is compound the misery. Our intentions are good. We are trying to help the workers, but I think we are going to have the opposite effect if we pass this bill.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Madam Speaker, Men and Women of the House. I was at that same meeting Representative Vigue was talking about last night on the closure of Kimberly Clark. It has been devastating. One of the things that we learned through that whole process is the value that employers get from Maine workers, the amount of work that they get from these workers. We are looking at another business that is interested into coming into Waterville. I am glad to hear that Representative Vigue might be coming back to Waterville. You are welcome. The value that workers provide employers is not going to diminish. It is probably going to increase. That is really our competitive advantage. I serve on the Tax Committee and my wife calls me a tax geek because I have enjoyed it so much. One of the things that you have heard a lot about is the taxes as percentage of income in the State of Maine and how taxes are as percentage of Maine income. At the same time, we don't really take in a lot of money. We are basically at the average of all the 50 states. The part of the equation that we are not hearing a lot about is income. The reason why taxes are such a high percentage of income is that we are not taking in as much as both states is because we are poor. We have poor people in this state. They don't make a lot of money. Obviously the taxes that they pay are going to be a higher percentage of taxes. The other side of the equation is earnings and what people make in this state. This is the other side of the equation. We should give it as much attention. I encourage a positive vote on this. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. I am not really against the minimum wage being increased, but I would like to say one thing. I am from an area where nobody really pays a minimum wage except in a few industries because of the lack of help. Our unemployment rate is somewhere around 2 percent. What this will do and it has an effect of doing, in my area, because everybody is paying more than minimum wage and their salaries are set as a percentage above minimum wage, it will create a ladder effect and bump everybody up even higher. What happens then is we have a tremendous number of people working in the Maine Mall that are part-time employees. Most of them currently do not reach the threshold level of the \$7,000 that is the tax rate for unemployment insurance. Ladies and gentlemen, during this session we are going to be raising that rate even higher. This is going to be an additional expense for the tax on employers. It doesn't seem like much, but if we raise somebody as Representative Hatch said, \$10 a week and that person happens to work 52 weeks, that is \$520 a year. If they have a 5 or 6 percent tax, that means a lot to the employer. This also will increase what these employers are going to be paying in workers' comp rates even though workers' comp has been working its way down over the past few years. I see this increase being mandated by us as wrong. We should not be increasing the minimum wage other than what has been happening because so many of the people that are in this are young people. I am afraid if we increase the minimum wage and increase the cost to employers, these young people will not have an opportunity to work part-time, after school evenings and weekends and summers. I don't believe that it will cause people to become unemployed, but I do think it is going to interfere with the people moving into the job market and learning the trades that we need to have within this state on a part-time basis. For that reason, I will be voting against the minimum wage increase.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bolduc.

Representative BOLDUC: Madam Speaker, Men and Women of the House. I rise today in very strong support of this bill. Minimum wage standards are a reflection of a society's respect for the dignity of all its citizens, in my opinion. Wage standards make a significant statement as to how we, as a society, view the value of human energy and life. We often discuss the ramifications to the economy of an increase, but we must assess the context in which we are talking about an increase. An increase of 25 cents, 50 cents or \$1 an hour can mean as much as several hundred dollars a year in the pockets of working families. This, as a percentage of income, is a large amount of money. It can mean the difference between poverty and making ends meet. A little known statistic is that 62 percent of the individuals making the minimum wage or less are women. Many of these women are supporting families or are single parents. We must do everything in our power as a society to encourage these women and to give them the tools to raise healthy families. An increase to the minimum wage would have a profound effect upon hundreds of thousands of women's lives.

Another misunderstanding about the minimum wage is the prevailing myth that only young people get paid at this level. A large number of teenagers do earn the minimum wage. Sixty-nine percent of minimum wage earners are 20 years and older. One thing is certain. Our debate should not be about the minimum wage, but rather what is a livable wage. A livable wage is often defined as 185 percent of the poverty level. The exact wage would, of course, depend on the size of the family. However, the specifics of an increase cannot be discussed

without an examination of some of the underlying criticisms of the minimum wage increase. An increase will cost jobs and cause an economic crisis. The argument that an increase would shut down businesses and put people out of work does not stand up to quantitative research. The University of Maine's Bureau of Labor Education released a study in 1995 that predicted the possible effects of a higher minimum wage. Among them, a reduction in the poverty rate among families, a reduction in welfare benefits and government subsidies and increased family formation and stability as well as a decreased rate of out of wedlock pregnancy.

Finally, I would make this point that state government is a breeding ground for different experiments within the country. I think that coming from a small state as we do and having an opportunity for individuals to have a profound effect on the role of government within our own state, I think that this is an exciting place to be and I think we could set a trend in the country for this kind of minimum wage increase. I think that would be a positive step not only for the State of Maine, but also for the United States as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. Once again I stand to support raising the minimum wage. I guess I will do so until the minimum wage approaches a living wage in this state. I also support the work of the commission to study poverty among working parents. I think they did a fine job. The minimum wage, currently, is too low. The minimum wage that was enacted decades ago, if it would have kept up with inflation, it would be closer to \$7 or \$8 an hour. It is now \$5.15 and that is not enough earnings to take care of yourself, let alone a family. You have to understand that 71 percent of the people today that earn a minimum wage are adults and 46 percent of those people work full time and 58 percent of those are women. I disagree with some that have spoken already that this is not good for business. In fact, I think it is very good for business. The workers around my business earn a wage so that they can spend some of their hard earned dollars buying my products. For that reason, I support minimum wage.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Madam Speaker, Men and Women of the House. As more and more of us regress, we occasionally find ourselves back in the Maine Legislature. Hopefully, we can bring to you what we see as long term patterns of spending, mandating and taxes. Historically the Maine Legislatures have had a very excellent record of spending other people's money. The minimum wage comes up. We raise it. We feel warm and fuzzy. We tell ourselves that now the Maine economy will move forward and then like the ostrich, we put our heads in the sand. When it comes to those conditions and spending and taxing policies that will create an environment that will raise everyone's wages and expand the job opportunities within this state, we take a walk. We do those kinds of things on the cheek.

If we are serious about expanding jobs in the state, if we are serious about raising wages, we will invest in research and technology. We are 50th in this nation for investing in research and technology. If we are serious, we will invest in our technical colleges. We have waiting lists of young people and Maine workers who want to be retrained who aren't content with the minimum wage or have been displaced. If we can say that we are investing in their future with what this Legislature passed in the first session and that is a commitment to expanding jobs and opportunities, what we did was on the cheek. If we are serious about raising wages, we are going to take economic

development dollars and we are going to target them to the rural areas. We are going to take those dollars and we are going to put it into those areas where economic opportunity doesn't exist. If we are serious about helping Maine's working poor, then we will vote for, and I plan on doing so, an insurance program for Maine's working poor. We will make that investment.

If we are serious, we will repeal the regressive 20 percent sales tax hike that was enacted in the early 1990s. It is a regressive tax that hits Maine's working poor. On one hand we have the proponents arguing that we have to raise the minimum wage. On the other hand, the majority will not even allow a bill in to even talk about reducing that 20 percent hit on Maine's working poor. If that isn't corrected, that 20 percent over-collection on Maine's working poor will continue. If we are serious, we have got to move beyond the symbols of this vote and we have got to begin to do some real investing. We have to go with the conditions. We have got to spend the money. We have got to make the difficult decisions to go after improving the conditions that will create more jobs and will raise everyone's wages. If we are serious, we will invest and repeal. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Madam Speaker, Men and Women of the House. In 1983, I made about \$5 an hour. In 1998, I make \$7.50 an hour. That is 15 years and \$2.50 difference. The difference really is that in 1983 I could mostly pay for a college education on \$5 an hour and now at \$7.50 an hour I am beholden to work two jobs to make a living. That is a pretty big difference for Maine's working families. In these robust times we talk an awful lot about tax relief. We talk about funding education. We talk about giving people a hand up versus a hand out. I maintain that they don't want a hand out. They don't really want even a hand up. They want to be able to sail under their own power. They want to have a working wage that they can make a difference in their own lives not having to worry about various government policies on tax relief or education policy. They don't want to have their entire faith dependent on the decisions that we make in this chamber here on their taxes. They want to be able to make their own living. They want to make their own decisions. They want to be able to stand on their own two feet. I maintain that this so-called minimum wage is barely even an insult to them. If they are going to have dreams, let's let them live their dreams and not just simply keep them as dreams. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Men and Women of the House. The proposal before us now is not just the warm and fuzzy response to a single legislators wish list. It is the product of a commission that has studied poverty. We look at what we are voting on, recommendations to study poverty of working parents and minimum wage. It is a logical conclusion of a year long thoughtful and analytical process of poverty and the ways to respond to it. So often lawmakers are in a position of having to pay now or pay later. Such is the case here. We are talking about investing \$40 million into the Maine Youth Center and hundreds of millions more into new corrections facilities. We know that there is a cause and affect relationship between poverty and crime. Let us fight poverty now and let us pay less now in order to save more later. Let us strengthen family stability and let's keep kids out of corrections facilities. We can't talk the talk without walking the walk. Voting in support of the proposal before us is walking the walk. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. The problem here is the Legislature is not paying the minimum wage. This is not a bill that is before the Legislature, a bill for payment. It is the employers of the State of Maine who pay this bill. I want to tell you about a family who called me who run their own family business and they laid off their part-time employee because they run a redemption center. There is no way to get more money per bottle without coming here and asking us if we will let them get more money per bottle as redeemed. They figured that they needed to collect 500 more bottles a week in order to meet the last minimum wage requirement. That is 500. They couldn't count on that so they laid the young man off. There is one lay off. How many other big companies, big companies are not paying minimum wage. Big companies need to attract. You are not taking a swipe at the rich profitable companies. They are not paying minimum wage. They are training people. They are looking to keep people. They are looking for long-term productivity. You are hitting mom-and-pop stores. The ones you go into when you are campaigning and buy a cup of coffee and a paper. The ones that you tell that you are on their side. Everybody there is working at or close to minimum wage.

Some people work for minimum wage. A lot of the moms in my district work for minimum wage so they can work in the kitchen at the school and be home when the kids get home or they can work at McDonalds and be home when the kids get home. Until I came to the Legislature, I worked for minimum wage for 6 weeks in my whole life. However, I am not sure what I make. I am sure that it is less than minimum wage. Six weeks in my whole life. I worked at McDonalds, famous for paying minimum wage. I didn't stay at minimum wage for more than a couple of weeks. There is a way to move beyond minimum wage. If you choose to work for a convenience store or if you choose to work at McDonalds for your own personal reasons and it is a minimum wage job, then some of these figures are skewed. I want to point out two things. One, the Legislature doesn't have to pay a penny of this minimum wage. When you pay now or you pay later, the pay now doesn't come off the skin off your nose, believe me. The second, we need to bear the brunt of the fact that all we have done to encourage economic growth in the State of Maine in these last few years is to create minimum wage jobs and to discourage the exodus of high paying jobs. If the buck stops anywhere, it stops here and in the 117th, 116th and 115th because that is the policy that we have, hopefully, inadvertently taken or shortsightedly taken, but that is the policy that we have developed. Giving somebody \$10 a week after taxes is a slap in the face. If I offered one of my employees 25 cents an hour raise for what they do, I would be looking for another employee because somebody will pay them more than that.

Don't forget that some minimum wage people make the choice to be where they are, but not all of them. I am not a college graduate. I didn't have anything special. I took typing in high school. That is what I brought into my last job before I came here. I made over \$10 an hour plus full benefits and that is with no special training. That is just common sense of taking what your talents are and moving on. Don't penalize the mom-and-pop. These are the people you are hitting. You are not going to hit Bath Iron Works. You are not going to hit a shoe company where people work piecemeal. You are not taking swipes at the big ugly profitable corporations who just feed off the carcasses of their workers. You are talking about people who are paying minimum wage so they can keep the lights on at the store, pay their hazard insurance because they have gas out front. These are the kinds of people you are working with. I think Representative Murphy has the best suggestion. Recognize that

we have done this to the people of the State of Maine and make it so there are jobs that pay above minimum wage. That is the only thing you can do to get people off minimum wage. Give them a choice.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative JABAR: Madam Speaker, Men and Women of the House. I rise to support this legislation because I think it is only fair. I went to the meeting last night in Winslow as well. What I came away with was a lot of people feeling that we allow corporate greed and corporate welfare and do nothing for the worker. We have, in the last few years, done everything we can to assist business, including small business. That seems to be the rallying cry whenever there is any attempt to reform workers' compensation. Don't touch it. It will increase the cost of business. I think the Legislature listened to that and despite the pleas for reform in workers' compensation, we left the reforms in place, which are saving a great deal of money for small businessmen as well as big business. We have approved over a few years, TIFS, business inventory and business equipment tax relief, we have actually given money to Bath Iron Works to help them out. We are spending a great deal of money on tourism to help small business to attract people to come into the State of Maine. From the national level, we have tried to limit welfare by putting people back to work. A lot of these people are having to go back to work and are doing so at minimum wage. If you look at the statistics, we are not talking about students here, we are talking about young single parents. We are talking about women. We are talking about men and full-time workers. Seventy-one percent of minimum wage workers are adults. They are not school children. Fifty-eight percent are women. Fifty-eight percent are in the bottom 40 percent of the income scale. We have done a great deal and continue to do a great deal to get quality jobs in Maine and I am sure we will continue to do that. We continue to give relief and help small business, but along the way we are forgetting the Maine worker. What have we done for the Maine worker? We are talking about the Maine worker at the bottom of the scale. They are being left behind and it is not right.

Finally, I want to conclude by saying that we are not giving them anything. They have earned it. To expect anyone, whether it is a young woman who has a child or a man that is working two jobs trying to support his family, the minimum wage is not even a livable wage. Everybody knows that. If we think so much of our Maine workers and our Maine people, then we should be supporting them, including them at the bottom of the scale. If the other states in New England haven't done it, then it is time they do it and maybe we should show some leadership and show the way to do it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Colleagues of the House. I feel moved as a small business owner in the State of Maine to respond to a couple of comments that have been raised here this morning. I contend quite strongly that there are not negative impacts to small businesses in our state. As a business owner, I pay myself a meager salary. Were I to look at the number of hours I work in my small business, I pay myself well below the minimum wage. In my business, I hire entry level employees to do chores like housekeeping and food preparation at a small Inn in Hallowell. Quite frankly, I would be embarrassed to pay the current minimum wage. As a matter of fact, I start all my employees above what the minimum wage is being proposed in this bill. I urge your support of this bill. This is not a burden on small business. It is certainly a step towards a minimum livable wage.

Representative PENDLETON of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. It is very interesting to hear people helping the working poor or helping the working man and all of that, I dare say that I have worked all my life. I started at 14 years old working on the farm picking squash and stuff like that making 75 cents an hour. I worked construction digging ditches. I have done everything. The only way I ever thought of increasing my salary was to show for my boss, the person I was working for, that I was worth that extra money. I worked hard to do that. Sometimes you get some setbacks when you change jobs and you lose some pay and you got to start a little bit from where you came from.

It amazes me that we think we can sit up here and say that we are going to give somebody a raise. Representative Plowman was exactly right. It is not our money. It is the person who employs people. It is their money. It is also the employees money. I see it happen time and again, every time we try to do something for people by putting more burdens on business, I see more people losing their jobs. I have seen it in my district. I saw it when we increased workers' comp and all kinds of other requirements, licensing, regulations and I have seen people all through my towns and around my district sitting home saying that we wouldn't have lost our jobs if it wasn't so expensive to employ people. Other comments were made that the small businesses that are borderline paying their bills and meeting all these requirements for these licenses and regulations and fees and so on and so on. You are putting them out of business. You are not touching the people that can afford to pay this stuff. They are going to go along, swallow it and pass it onto the consumer. The funny thing is when you raise the minimum wage, you either cost somebody or lay somebody off or they don't get more money in benefits. This isn't helping anybody. The only way you can raise somebody's salary is through productivity. When you increase productivity, you get some raises or you move onto another job.

I left one job one time and years and years ago I went to these two contractors and I said that I wanted so much an hour. They said that they really couldn't afford to pay you that, but I will tell you what. If you work for us for a week at this much an hour and if we think you are worth it at the end of the week, we will give you what you ask for. This was on a Friday. I will never forget it. I said to myself while I was working, fine, I will go out Saturday and see if I can find what I want per hour. By noontime, that person had come up to me and said that they were going to give you what you want. We see that you are a good worker and you are worth it. Through the years and whatever job I had, I tried to increase my productivity by buying tools. I used to buy tools my bosses didn't have. They would go out and buy the same tools because it increased my productivity. Folks, you are not helping anybody. By doing this, you are hurting them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. Some of these arguments that I have heard on the floor today just don't hold water. They just don't hold water ladies and gentlemen. We have changed the economy in Maine. Are there more jobs in Maine than there were a couple years ago? They are right. There is more jobs. How are we putting people out of work? The only people that we

are putting out of work are good paying people. We are allowing some of these corporations, these big employers, to just get rid of their good, highly paid benefited people and what do we got. We have a service industry replacing them with more jobs at minimum wage, entry level with no benefits. We are forcing our working families to work two and three jobs a week. I can remember my parents having to do that when they were young. We started to come out of that and then we are seeing people at the same age today going back to the same thing that my parents went through when they were younger, having to go out and pick up that extra job and that second and third job. If you are going to go out and have to do that, when you combine these two jobs together, maybe we might get them to the poverty level. It is just crazy to say that you are putting people out of work. We are putting more people to work in Maine at lower paying jobs every day. We have done that historically in the last few years. These arguments don't hold water. If you got too many bottles to sort and you can't sort enough, that is just common sense that that person is going to lose their job because there is just not enough work for that small organization to support a paying job at minimum wage. Minimum wage wasn't driving that person out of work. I think it is crazy and a lot of these arguments just aren't holding water.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I don't usually rise to debate an issue such as this, but I feel compelled to because of a visit I had with a very nice lady from Manchester on my way back to my place last week. This woman had a dream and that was to run a bakery called the Upper Crust. I would invite any of you to stop in and talk with this nice lady. Unfortunately, she hired a few people and had a nice business going, but then what happened? First of all, workers' comp put her \$20,000 in the hole, which she has never recovered from. Secondly, she has had to let all of her employees go and she works 60 to 70 hours a week herself. She asked me specifically whatever you do, do not vote in the bill regarding minimum wage because it will put me out of business forever. We forget that this is a mandate on the mom-and-pop stores and the businesses. The state has no business putting a mandate on small business. We have unions that can fight for their wages. We have unions that can fight for membership. That is where it should stay. It needs to be not mandated by the state and never, in my opinion, should have been mandated by the federal government in the first place. There are places that government has no business being in business in and that is one of them. By the way, this very nice lady who runs the Upper Crust Bakery in Manchester is a Democrat. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Madam Speaker, Colleagues of the House. Henry Thoreau one time said that, "If somebody came to my door to do me good, I would probably run for my life." I kind of feel like this is one of those situations where we are trying to do good for people. I know when I was young starting my way up working, I am glad nobody was out there doing me a whole lot of good with things like this. I guess the minimum wage existed at that time, but I certainly never gave it any consideration that the government was telling anybody that I worked for to pay me more for picking beans, potatoes, strawberries, janitor at the bank in my town for four years for \$5 a week, including mowing lawns and shoveling snow in the winter. I never gave it a thought that the government might be having anything to do with us getting paid. I am glad they didn't. People talk about whether it is going to hurt or help business. Go out and talk with your people. It sounds like we are debating in a

vacuum. Maybe my district is different. If you go out and talk with people with small business and ask them how they are doing. If they say they are on the edge or they are hurting this way or that way, ask them why. Ask them what kind of things they need. Do they ever say they need government to tell them the people need to get more wages? The flip side of that, go out and ask the workers. I have done it, except for maybe McDonalds, it is just barely out of my district. I believe some of the people in there maybe get close to minimum wage, except for McDonalds. I have asked people in all of the businesses in my district that I have visited. They all get above minimum wage except for the temporaries that have been in there for two or three months. I submit to you that this is government trying to help people. They had better run for their lives.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Madam Speaker, Men and Women of the House. Perhaps if the nice lady had not called her bakery, the Upper Crust, but had instead called it the Common Man, she would still be in business. I would like to give you just a little bit of history on the minimum wage. The minimum wage has grown from 25 cents an hour in 1938 to \$5.15 an hour today. It was raised 20 percent in 1939. It was raised 33.3 percent in 1945 and 88 percent in 1950 with smaller increases in recent years. If we raised the minimum wage 88 percent today, it would be going to \$9.66 an hour right now. We aren't asking for raises like those of the 1940s and 1950s when America was strong and rich and compassionate and one wage earner could support a family. We are only asking for a quarter. That is less than a 5 percent increase. The equivalent of raising the minimum wage a penny in 1939.

Looking back at 1939, after each rise in the minimum wage, inflation kicked in to drive real wages downward each succeeding year until we had to negotiate a new minimum wage, legislate it and sign it into law. Wage increases nearly equaled inflation during the 1940s then exceeded inflation under the benevolent administrations of Eisenhower, Kennedy and Johnson who recognized that a strong economy and a strong social fabric depend on a partnership between business, labor and government with none of the three getting the upper hand. This was an error when it was recognized that prosperity for this country can only occur when the wage earners take home enough pay to buy the products they produce and enough income to support their families with food, shelter, transportation, health care and a degree of security for their future. Starting in 1969, this philosophy of partnership broke down. Congress and a succession of Presidents with a less than benevolent agenda, failed to maintain the buying power of the minimum wage, which began to slip through the 70s and dropped precipitously in the 1980s. Maine attempted to soften the blow of reduced buying power for minimum wage earners by enacting a higher wage than the federal minimum from 1971 to '74 and again from 1985 to 1991. These were some of the worst years for minimum wage earners. Years when wages reached low points. Maine's increase has enabled workers to hold on until federal policy caught up.

It has been suggested that raising the minimum wage will send a negative message to businesses. Businesses won't move to Maine if they have to pay more than the federal minimum wage. I ask you, what kind of businesses do we want to attract to Maine that pays minimum wage. Is this the third world or is this a state where citizens can afford to live? We raised the minimum wage in worse economic times than this and businesses are still growing. If we can't raise the minimum now when the economy is growing, when can we? We have created an environment where investment has raised income, but it is a

raise mainly for those at the top. Some statistics are disturbing. While CEOs saw their income jump from an average of 60 times their workers' average pay in 1978 to 173 times their average workers pay in 1995, lower end workers saw a decline. The bottom two-thirds of women in the workforce saw their wages decline between 1989 and 1995. Sixty percent of minimum wage earners are women.

Finally, are there any reasons to vote against this bill? There are none. There are none. There are none. There are no reasons.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Madam Speaker, Men and Women of the House. I just have to respond to a couple of points that were made. My support traditionally for business through the many years that I have been here in the Legislature has been unwavering. The reason is not because of my support for business, but that I support what business does. Namely, it creates jobs for my people. This is the reason that I support businesses. This is how they provide food and they provide money for people to live and provide for their families.

I have a restaurant that is quite well known in Winslow. I understand that right now they are really, really looking at the possibility of not being able to stay in business. The reason being is that all the business that was done because of its proximity to the mill came from Kimberly Clark. These people right now have lost a great deal of business. Everybody in the area has lost business. This is something that is very, very painful to the area. I am not going with what the philosophical approach is taken by many areas. I live this right now. If there was any way of bringing a business in town that would give us 100 or 200 jobs, I would do everything possible to bring it in. They are also hurting from the ice storm. We provided money for benefits for people. They are saying that it will take them a year to make up for losses caused by the ice storm. We are only adding more fuel to the fire and hurt them again. I don't think this is that time to do it. Ladies and gentlemen, I ask you to oppose the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Fisk.

Representative FISK: Madam Speaker, Men and Women of the House. I just want to respond on a couple of points that were made here. The good Representative from Waterville indicates that this is a poor state. I am sure he is right, but we also need to consider the fact that Maine is not a state of UNUMS and LL Beans and Bath Iron Works. We are a state where 95 percent of our jobs come from small business. As Representative Plowman indicates, these are mom-and-pop stores. I would suggest that it does make a difference to these businesses. They are not lucrative money making businesses. They are creating jobs for five, eight, 10, 15 people. The second point is I own my own business. Representative Pendleton indicated that there is a bump up effect. I can attest to that fact. That does happen. The third point mentioned was that very few people that I know of work minimum wage and a full-time job. I have 100 employees at my place of business and one-third of them either work at minimum wage or \$6 or \$6.50 an hour. They are front desk people. They are fitness instructors. They are nursery attendants. For them, they are all entry level jobs. They are fun second jobs. Nobody is making a full-time living off any of those jobs. Fourth and lastly, the point that I think is most important is the good Representative from Topsfield indicates that this is a bogus argument. People do not lose their jobs. Proponents will indicate that, but I will tell you that that is not the case. In my situation, the business I have is labor driven, the industry standard is that 37 percent of our costs go to payroll. My

percentage is 43 percent. I can tell you that there is a threshold at a certain point when you begin to eliminate positions. You combine programs and you combine positions. Ultimately, that does eliminate jobs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. First I would like to respond to the good Representative from Penobscot when he quoted Henry David Thoreau and I am reminded of another quotation when Thoreau was sitting at his breakfast table looking out the window he said, "The hardest job in the world was to convince his wife that he was working." I don't know what it has to do with this debate, but I have always wanted to use that quotation on the floor. We talked a lot today about regretting the fact that we have a service economy and regretting the fact that we do indeed participate in corporate welfare. I would agree with everyone on that side of the aisle on those two issues. I think it is a shame that we have to do that. I think we have to ask ourselves why is it we have to provide corporate welfare? I think the reason is pretty obvious. If you look at the cost of business in Maine, it is very difficult to convince Maine employers to expand their business. It is very difficult to find businesses out of state to move into Maine when you look at the tax burden that we, this Legislature, is responsible for. If we compare the tax burden with our neighbor, we find that our tax burden as a percent of income is 12.3 percent. In New Hampshire it is 9.4 percent. If we look at the median household income in Maine as \$32,000 a year and in New Hampshire it is a little bit over \$48,000 a year. There is a reason for that. The reason is that you find jobs in New Hampshire because businesses can afford to move there. Businesses can afford to pay those people a decent wage. We can adopt this minimum wage if that is the desire of this House. What we are doing is we are artificially increasing that level of wage for the existing businesses that are in Maine. It does absolutely nothing toward stimulating this economy so that we can provide real jobs that pay above the minimum wage. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Madam Speaker, Colleagues of the House. I am very pleased there is a great cadre of Thoreau historians in here. I guess the true literary historians would cringe at both of our remarks, but from what I have read, if Thoreau had a wife, he didn't talk about her much and he certainly didn't bring her to Maine when he went up through the Allagash. I did want to say though, now that I am on my feet, I would like to ask just a question in general. What business does government have of telling small business what to do anyway, in these regards? I am just philosophically, historically think about it. Where do we get this idea that we have anything to say about what business does in regards to wages? I submit that it has to do with the history of business being unfair to its laborers. Business getting married to government, getting too much clout and power in keeping people in business from having a fair life.

I also submit that we are getting things confused here. That is big business. If this bill in front of us would exempt businesses say with 10 or fewer employees, I would be all for it. Maybe not all for it, but I would certainly consider it because what is the difference between big business and small business? It is a huge difference. The bigger the business, the less private it is. The bigger the business, the more tax breaks the company gets. Some of these huge corporations with four or five different tax breaks, they are more like, in my opinion, more like a utility than they are a private company. Therefore, I think the government probably does have something to say about wages because the

difference between a big company and government is very skinny. You can hardly tell the difference after a while. The bigger they get, the less you can tell the difference. The employer in a small company has none of the clout that the big company does and what are these usually? The differential in bargaining power. If a big company in an area seeks employees, they have so much clout because quite often the employee doesn't have a whole lot of alternatives. That doesn't pertain in a small business. They don't have this kind of clout. The difference between one mom-and-pop store and another is very small. No bargaining power by having a small business like there is in big business. I would just like to remind people, don't get confused here. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. As you all know, I am not on the Labor Committee anymore, but I am sure that if I went back and dug into my notes, that the notes that were taken for testimony would be exactly the same as I have heard for the last five years. One of the things that we seldom think of down here is if you are going to try to give somebody an increase in the minimum wage, you shouldn't already have that handout to take out more than that minimum wage that you are giving them. If we look at our tax structure, as my good seat mate has mentioned already, we should consider just exactly how difficult this body makes it for anybody on any wage level to try to make ends meet. During the last biennium, we have passed a budget that requires a tax increase to the General Fund of about \$800 million. There was \$242 million that was a one time expenditure that was slid forth into this budget cycle. There was an increase of \$305 million to keep the government running. We now have a surplus of \$305 million.

Ladies and gentlemen, that money that you and I have jointly worked together on taking out of their pockets. No wonder that somebody on the minimum wage can't try to even begin to make ends meet. As long as this body continues its policy of tax structures of this nature, all you are going to do is to keep putting these workers farther and farther behind. At the end of the last session, I did a little research on fee increases. Most of you in this body have heard me indicate that a fee is a fee is a tax. I repeat it again. Fifty-five different bills involved fee increases at the end of the last session, 55 bills. Most of these directed at small businesses. Here we are now, trying to hit small businesses with another increase. Are we going to reduce the taxes on these people that are going to be getting this increase so that they can hang onto more of their money? No. What is happening now is there is a scramble from everybody that has a hand out trying to get some of this so-called surplus that is nothing more than an over-collection of taxes. If we add to this, the increases that have taken place and dedicated revenues over the last four or five years, ladies and gentlemen, it is no wonder that our workers are continually going farther and farther behind. I think that looking at an increase in the minimum wage is looking at the wrong end of this picture. I urge you to defeat this and let's take some positive steps forward to reduce the tax burden on our citizens. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Morgan.

Representative MORGAN: Madam Speaker, Ladies and Gentlemen of the House. I see nothing positive about a \$6 an hour a week job. It pays you \$240 a week. If the husband and wife earned that in my community, our economy would collapse with a \$240 a week pay. Our economy would collapse. How can these people afford to buy their insurance? They can't even

afford to put themselves in a decent rent in my area on that type of money. That is all I have to say.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 421

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vedral, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Etnier, Fisk, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Jones KW, Ott, Stevens.

Yes, 77; No, 71; Absent, 3; Excused, 0.

77 having voted in the affirmative and 71 voted in the negative, with 3 being absent, the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-829)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 4, 1998.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-828)** on Bill "An Act to Provide a Cost-of-living Adjustment to Minimum Wage Earners"

(H.P. 462) (L.D. 633)

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec
MILLS of Somerset

Representatives:

HATCH of Skowhegan
BOLDUC of Auburn
CLARK of Millinocket
STANLEY of Medway

Minority Report of the same Committee reporting **Ought to Not Pass** on same Bill.

Signed:

Representatives:

RINES of Wiscasset
PENDLETON of Scarborough
JOYCE of Biddeford
TREADWELL of Carmel
LAYTON of Cherryfield

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report**.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended Report** and specially assigned for Thursday, March 5, 1998.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Not Pass** on Bill "An Act to Standardize Poll Opening Times"

(H.P. 1387) (L.D. 1940)

Signed:

Senators:

DAGGETT of Kennebec
FERGUSON of Oxford
CAREY of Kennebec

Representatives:

LABRECQUE of Gorham
BIGL of Bucksport
GAGNE of Buckfield
BELANGER of Wallagrass
TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
GAMACHE of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-827)** on same Bill.

Signed:

Representatives:

TESSIER of Fairfield
TRUE of Fryeburg

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass Report**.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Men and Women of the House. I ask this body to vote to defeat this motion and go on to support the minority vote. Madam Speaker, when the vote is taken, I ask for a roll call and I wish to speak to my motion.

This report came from the task force that met many times this summer. First of all, I would like to mention to you some people that were on that task force. First of all, Representative Tessier from Fairfield and myself represented part of the legislators. Secondly, we had members who were clerks and the president of that municipal association. It also had a representative from the voters and the women voters and several people that were interested in voting in Maine. There has been questions about the fact that the title is misleading. "An Act to Standardize Poll Opening Times." I offer to you that standardization does not mean that everything must be equal. When we discussed this standardization to us meant that we would discuss the merits of the different populations in Maine in order to standardize those particular groupings. I have heard many times from the floor of this House that we should stop trying to micromanage the actions of the citizens of our state. Part of the reason that I supported this on the minority is the fact that a majority of the clerks in this state voted in favor of this. This was reported by the clerk from South Portland. I believe her name was Miss Cohen. She said that her group supported this as written.

Why would so many people on our committee vote to oppose this? In my opinion, again, because it sort of makes some changes. People in Maine don't like changes. Certainly they felt

like the standardization caused a problem. I say to you that part of the reason was the fact that, I am sure, that some of the clerks called the legislators and said that I oppose it. I can see that. I would like for you to take a look as to perhaps why this is so. If you think about it, it makes it easier for the clerks if we do nothing. Yet, one of the reasons this was a major topic for the task force was for the many calls that came into the Secretary of State's Office and to many of the clerks as to why the polls could not be opened earlier primarily because of people that were working early in the morning. I don't need to remind you that we have set quite a record in the last 10 years as far as people voting in the State of Maine. Certainly we hope that this would improve it. I have been around long enough to say that it will, but it is my hope that it will.

Another reason was the fact that many people felt that we could take care of this with absentee ballots. Ladies and gentlemen, what part of our voting have we had the most problems with in the past? I contend absentee ballots and I further emphasize this ladies and gentlemen because of the fact that the citizens asked us to pass a vote not too long ago which prohibited those of us in the legislature for having so many absentee ballots. I sincerely hope you will think about this situation. Again, I ask you to support the Minority vote. I thank you.

Representative TRUE of Fryeburg **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Pinkham.

Representative PINKHAM: Madam Speaker, Men and Women of the House. I originally signed onto this bill, but after a conversation with my town clerk, she showed me the error of my ways. In Brunswick, we currently have our polls open from 8 to 8. I think that is more than adequate. I think someone should get to vote in a 12 hour period. Also, the people at the polls, they get in there are 5:30 and if they move it ahead to 7, they are going to have to get in there at 4:30. A lot of these people have said they will not do the job anymore. In some communities, it is hard to get people to work at the polls. Brunswick seems to be one of those places. The people do need to have some training. For those reasons, I would ask you to support the Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. Representative Pinkham is speaking on behalf of the larger towns. I would like to speak on behalf of small towns in supporting the Majority Ought Not to Pass Report. This, to me, is just another mandate on small towns. Small towns is an example of big government telling small government just what to do. These small towns have a limited budget. They have a hard time finding poll workers. They have a hard time finding poll workers now when they open at 9:00. Imagine what it will be finding ones to come in at 7:00. Town officials know their own towns and we should let them make their own decisions on the time to open. I would strongly encourage you to support the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Men and Women of the House. I would also encourage you to support the Ought Not to Pass. It is not often that the good Representative from Fryeburg and I disagree, but I think we disagree to a minor degree on this bill. Current law requires that polls must be open on election day in larger communities at 9:00 a.m. with

municipalities with populations of 4,000 or less must open polls no later than 10 a.m. This bill changes the time that polls must open on election day in larger communities from 9 a.m. to 7 a.m. and smaller communities with populations of 6,000 or less must open no later than 10. As you have heard from the testimony today, the proponents, the Secretary of State's Office believes this bill will help in the increase in voter turnout. Apparently there is some confusion among people regarding what time polls are open. An example was given at the public hearing. If you are in Portland or Cape Elizabeth, some people who read and listen to media may be confused. It also mentioned that many people work outside of their community and would find the extended hours more convenient.

The Opponents of the bill, many municipal clerks have contacted me, my home town in particular, feel that they are the best judges of the needs of their citizens. They feel that this bill requires unnecessary long polling times, particularly in the case of special elections. Misinterpretation of media information, in their opinion, is not a good reason to support this bill. People who want to attend the polls will take it upon themselves the information to know when those poll times occur. Maine Municipal did speak on this bill, neither for nor against. It stated that it supported the bill in essence because it allowed municipalities the flexibility. It said it would oppose this bill if the bill is an unfunded mandate because municipalities will incur costs if required to open two hours earlier. Municipalities would open buildings for a longer period of time increasing electricity and heating costs. Also, clerks would need to be paid for a longer period of time to the extended poll hours that this bill would mandate.

Secondly, this bill removes local authority from the municipalities. In my opinion and in the opinion of the majority, they are the best judge of how long and at what times the polling places should be open and closed. For that reason, I would hope that you would support the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. We don't seem to be getting quite as much humor as we had in the last vote. Therefore, I do want to say that I hope that all of you people voted for minimum wage, because I think we do pay the poll takers that help us minimum wage.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 422

YEA - Ahearne, Bagley, Baker, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Snowe-Mello,

Spear, Stanley, Stedman, Taylor, Thompson, Townsend, Treadwell, Tripp, Tuttle, Underwood, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Barth, Campbell, Desmond, Gagnon, McElroy, Sirois, Tessier, Tobin, True, Winn.

ABSENT - Jones KW, Ott, Stevens.

Yes, 138; No, 10; Absent, 3; Excused, 0.

138 having voted in the affirmative and 10 voted in the negative, with 3 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1445) (L.D. 2036) Bill "An Act to Amend the Act to Implement the Maine Indian Claims Settlement" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1563) (L.D. 2194) Bill "An Act to Change the Name of the Knox Agricultural Society" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 1608) (L.D. 2235) Resolve, Regarding Legislative Review of Chapter 2.10: Aquaculture Lease Regulations, Lease Categories and Environmental Baseline, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(S.P. 683) (L.D. 1908) Bill "An Act to Conform the Maine Tax Laws for 1997 with the United States Internal Revenue Code" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-469)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 699) (L.D. 1933) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (C. "A" S-467)

(H.P. 1406) (L.D. 1970) Bill "An Act to Protect and Maintain Opportunities for Students by Funding Jobs for Maine Graduates"

(H.P. 1409) (L.D. 1973) Bill "An Act Regarding the Energy Testing Laboratory of Maine" (C. "A" H-824)

(H.P. 1425) (L.D. 1989) Bill "An Act to Amend the Charter of the Houlton Water Company" (C. "A" H-826)

(H.P. 1449) (L.D. 2040) Bill "An Act to Amend the Law Relating to Special Education Out-of-district Placements" (C. "A" H-823)

(H.P. 1459) (L.D. 2050) Bill "An Act to Amend the Laws Concerning Life and Health Insurance" (C. "A" H-819)

(H.P. 1487) (L.D. 2086) Bill "An Act to Continue the Membership of the Maine Legislature in the Council of State Governments"

(H.P. 1490) (L.D. 2089) Bill "An Act to Establish Reasonable Fees for Reports and Other Items From the Office of Chief Medical Examiner" (C. "A" H-825)

(H.P. 1555) (L.D. 2184) Bill "An Act to Appropriate Funds to the Battleship USS Maine Centennial Committee to Restore and

Maintain the Monument to the USS Maine in Davenport Park" (EMERGENCY)

(H.P. 1577) (L.D. 2210) Resolve, Regarding Legislative Review of Chapter 890: Consumer Complaint Ratios, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence.

(H.P. 1468) (L.D. 2059) Bill "An Act to Repeal Certain Archaic and Unenforced Laws"

On motion of Representative MACK of Standish, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 4, 1998.

BILLS IN THE SECOND READING

House As Amended

Bill "An Act to Create the Managed Care Ombudsman Program" (EMERGENCY)

(H.P. 1305) (L.D. 1848)

(C. "A" H-820)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence.

ENACTORS

Emergency Measure

Resolve, to Ensure that Services for the Deaf and Hard of Hearing Are Provided in an Efficient, Accessible and Cost-effective Manner

(S.P. 721) (L.D. 1964)

(C. "A" S-460)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative KONTOS of Windham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act to Amend Review Criteria Used by the Public Utilities Commission

(H.P. 1423) (L.D. 1987)

(C. "A" H-803)

An Act to Amend the Nonresident Municipal Shellfish License Fee

(H.P. 1505) (L.D. 2127)

(C. "A" H-800)

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.

LEGISLATIVE RECORD - HOUSE, March 3, 1998

On motion of Representative SANBORN of Alton, the House adjourned at 10:59 a.m., until 9:00 a.m., Wednesday, March 4, 1998.