

MAINE STATE LEGISLATURE

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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
25th Legislative Day
Thursday, March 4, 1998

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

Prayer by Father Gilbert Patenaude, Augusta (retired).
National Anthem by Cape Elizabeth Middle School Band.
Pledge of Allegiance.
Doctor of the day, Steven Weisberger, D.O., Jonesport.
The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 846)

**JOINT RESOLUTION RECOGNIZING
THE 150TH ANNIVERSARY OF THE WOMEN'S RIGHTS
MOVEMENT**

WHEREAS, 1998 marks the 150th Anniversary of the Women's Rights Movement in the United States, a courageous civil rights movement that began at the first Women's Rights Convention in 1848 in Seneca Falls, New York and that has changed this nation and the hopes of its women and girls irrevocably; and

WHEREAS, the Women's Rights Movement has had a profound impact on all aspects of American life and has offered new and well-deserved opportunities for women in all endeavors, including medicine, commerce, athletics, business, education, religion, the arts, scientific exploration and politics; and

WHEREAS, the girls and boys of today lead richer lives as a direct result of the Women's Rights Movement, yet they have scant opportunity to know the heroes and lessons of this vital movement through the textbooks in most classrooms; and

WHEREAS, the 21st century will find an ever-increasing need for women and men to share in the fundamental responsibilities for our nation and the resulting rewards of full participation in society; and

WHEREAS, there still remain substantial barriers to the full equality of America's women before our freedom as a nation can be called complete; and

WHEREAS, this month of March 1998 is National Women's History Month, celebrated with the theme "Living the Legacy"; and

WHEREAS, on March 3, 1998, we recognize Maine girls, our future leaders, who are learning about political participation through the Second Annual Girls' Day at the State House, sponsored by the Women's Development Institute; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this occasion to celebrate the 150th Anniversary of the Women's Rights Movement under the national theme "Living the Legacy: Women's Rights Movement 1848-1998" and call on educators, government officials, businesses and all citizens to mark this year of celebration with appropriate activities to remember with gratitude those who have contributed to equality, fairness, justice and freedom in our State and in our nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of Maine, to the Maine Human Rights Commission and to each member of the Maine Congressional Delegation.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

Bill "An Act to Require Expeditious Action in Child Protection Cases"

(S.P. 838) (L.D. 2246)

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

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

Bill "An Act Relating to Dam Abandonment" (EMERGENCY)

(S.P. 843) (L.D. 2247)

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

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

COMMUNICATIONS

The Following Communication: (S.P. 839)

118TH MAINE LEGISLATURE

March 2, 1998

Senator Susan Longley
Representative Richard Thompson
Chairpersons
Joint Standing Committee on Judiciary
118th Legislature
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Ronald A. Daigle of Fort Kent for reappointment as Maine District Court Judge designated as fulfilling the residency requirements for the First District, the Honorable Courtland D. Perry of Augusta for reappointment as Maine District Court Judge fulfilling the residency requirements for the Seventh District, the Honorable Douglas A. Clapp of Skowhegan for reappointment as Maine District Court Judge fulfilling the residency requirements for the Twelfth District, and the Honorable Michael N. Westcott of Damariscotta for reappointment as Maine District Court Judge fulfilling the residency requirements for the Seventh District established in 4 M.R.S.A. §157.

As provided by 4 M.R.S.A. §157, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/Elizabeth H. Mitchell
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 840)

118TH MAINE LEGISLATURE

March 2, 1998

Senator Susan Longley
Representative Richard Thompson
Chairpersons
Joint Standing Committee on Judiciary
118th Legislature

Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Arthur G. Brennan of York for reappointment as Superior Court Justice.

Pursuant to Article V, Part 1, Section 8 of the Maine Constitution, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate
S/Elizabeth H. Mitchell
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 841)

118TH MAINE LEGISLATURE

March 2, 1998

Senator John Nutting
Representative Douglas Ahearne
Chairpersons
Joint Standing Committee on State and Local Government
118th Legislature
Augusta, Maine 04333

Dear Senator Nutting and Representative Ahearne:

Please be advised that Governor Angus S. King, Jr. has nominated Frederick T. Hayes of Old Orchard Beach and David M. Gauvin of Brewer for reappointment as members of the Workers' Compensation Board.

Pursuant to Title 39-A, M.R.S.A., §151, these nominations will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate
S/Elizabeth H. Mitchell
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

The Following Communication: (S.P. 842)

118TH MAINE LEGISLATURE

March 2, 1998

Senator William O'Gara
Representative Joseph Driscoll
Chairpersons
Joint Standing Committee on Transportation
118th Legislature
Augusta, Maine 04333

Dear Senator O'Gara and Representative Driscoll:

Please be advised that Governor Angus S. King, Jr. has nominated Lucien B. Gosselin of Lewiston for appointment as a member of the Maine Turnpike Authority.

Pursuant to Title 23, M.R.S.A., §1965, this nomination will require review by the Joint Standing Committee on Transportation and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate
S/Elizabeth H. Mitchell
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **TRANSPORTATION**.

READ and **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

The Following Communication: (S.P. 845)

118TH MAINE LEGISLATURE

March 2, 1998

Senator Jill Goldthwait
Representative David Etnier
Chairpersons
Joint Standing Committee on Marine Resources
118th Legislature
Augusta, Maine 04333

Dear Senator Goldthwait and Representative Etnier:

Please be advised that Governor Angus S. King, Jr. has nominated Lori Armbrust Howell of Eliot for appointment as a member of the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A., §6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate
S/Elizabeth H. Mitchell
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **MARINE RESOURCES**.

READ and **REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

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 Committees, ordered printed and sent up for Concurrence:

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Implement the Recommendations of the Governor's Commission on School Facilities"

(H.P. 1622) (L.D. 2252)

Presented by Representative RICHARD of Madison.
(GOVERNOR'S BILL)

Cosponsored by Senator PENDLETON of Cumberland and Representatives: BRENNAN of Portland, McELROY of Unity, MURPHY of Kennebunk, Senators: CASSIDY of Washington, SMALL of Sagadahoc, TREAT of Kennebec.

HEALTH AND HUMAN SERVICES

Bill "An Act to Permit Direct Contracting with State Governmental Entities for the Provision of Services to Eligible Participants in Government Health Programs" (EMERGENCY)

(H.P. 1621) (L.D. 2251)

Presented by Representative DAVIDSON of Brunswick.
(GOVERNOR'S BILL)

By unanimous consent, all reference matters requiring Senate concurrence having been acted upon were **ORDERED SENT FORTHWITH**.

ORDERS

On motion of Speaker MITCHELL of Vassalboro, the following Joint Resolution: (H.P. 1623) (Cosponsored by President LAWRENCE of York and Representatives: CAMPBELL of Holden, DONNELLY of Presque Isle, KONTOS of Windham, SAXL of Portland, Senators: AMERO of Cumberland, KIEFFER of Aroostook, PINGREE of Knox, RAND of Cumberland)

JOINT RESOLUTION RECOGNIZING GERALD L. THIBAUT

WHEREAS, Gerald L. Thibault, of the Information Systems Office, is moving with his family to Clearwater, Florida after almost 15 years of dedicated service to the State of Maine; and

WHEREAS, Gerry was first hired in December 1984, just before the beginning of the First Regular Session of the 112th Legislature, as one of the first 3 people hired to support a separate legislative computer system and immediately showed talent and skill for complicated and difficult work; and

WHEREAS, Gerry was promoted to the position of Information Systems Manager in September 1989 and has been one of the system's primary architects, directly responsible for creating most of the programs that support the bill status system; and

WHEREAS, for the past 14 years, Gerry has been one of the few people who has "traveled" each mile of computer cable that traverses the State House; and

WHEREAS, his exceptional abilities and his commitment to his work leave us a legacy for which the State is deeply indebted; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize Gerald L. Thibault and to express formally our deep appreciation to him for his many years of commitment to the Legislature and the State and to extend our very best wishes to him and his family as they begin a new life in Florida; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Gerald L. Thibault.

READ.

On motion of Representative SAXL of Portland, **TABLED** pending **ADOPTION** and later today assigned.

On motion of Representative BUCK of Yarmouth, the following Joint Order: (H.P. 1624)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall report out to the House legislation amending the Maine Revised Statutes, Title 36, chapter 919, Shipbuilding Facility Credit.

READ.

On motion of Representative SAXL of Portland, **TABLED** pending **PASSAGE** and later today assigned.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

the Augusta National Guard Babe Ruth Baseball All-Star Team, who won 4th place in the Nation in the 1997 Babe Ruth World Series in Longview, Washington. The team was undefeated in tournament play, winning regional, state and district championships in 11 consecutive wins to reach the World Series. We extend our congratulations and very best wishes to the following on this achievement: Team Members Eric Blais, Scott Brawn, Sean Brawn, Kevin Brunelle, Lance Brunelle, Michael Caggiano, Jake Castonguay, Eric Cummings, Jared Cushman, Bobby Lee Lippert, Nathan Miller, Brandon Royce, John Whitman, Jr., Jacob Wildes and Justin Wing; Manager Bob Lippert; Coaches Steve Brawn and Kevin Golden and League President Albert Cloutier;

(HLS 837)

Presented by Representative MADORE of Augusta. Cosponsored by Speaker MITCHELL of Vassalboro, Senator DAGGETT of Kennebec, Representative O'BRIEN of Augusta.

On **OBJECTION** of Representative O'BRIEN of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

Clifton H. Deringer, Jr., Chair of the Battleship USS Maine Centennial Committee, for his untiring efforts in pursuing the inclusion of the bow shield and scrolls of the USS Maine at Davenport Park on the National Register of Historical Sites and for his efforts to restore this national treasure to its original glory and preserve it for future generations. We applaud Mr. Deringer's efforts and offer our gratitude for his dedication and commitment to this worthwhile endeavor;

(HLS 1167)

Presented by Representative BAKER of Bangor. Cosponsored by Senator MURRAY of Penobscot, Senator CATHCART of Penobscot, Representative SAXL of Bangor.

On **OBJECTION** of Representative BAKER of Bangor, was **REMOVED** from the Special Sentiment Calendar.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative BAKER: Madam Speaker, Men and Women of the House. Today I want to recognize a remarkable man, Lt. Colonel of the US Army, Clifton Deringer, Jr. Some of you will recognize the name for its association with the recent centennial celebration of the battleship, USS Maine. Clifton Deringer stands tall, not just in his remarkable leadership of the effort the restore and maintain the monument from the Spanish/American War in Bangor's Davenport Park, but in his life. Having entered the US Army in 1949, he served in Korea with the 45th Infantry Division. He served two tours of duty in Vietnam. One with the First Calvary Division and one as an advisor with the 25th Arvin Division. For that service, he was awarded three purple hearts and numerous commendations for valor. It is for his commitment to the celebration and restoration of the USS Maine that we honor Cliff Deringer today. That commitment began two and a half years ago following the commissioning of the USS Maine Submarine. Why such energetic commitment at a time when most of us would be content merely to retire? Cliff Deringer considers the magnificent bow, shield and scrolls of the USS Maine at Davenport Part to be a national treasure of tremendous importance, at least on a par with the Maine mast at Arlington Cemetery in it historical significance. To that end, he is actively pursuing the inclusion of the monument on the national register of historical sights. Something too long neglected. He considers the restoration of the bow and scrolls to their original glory in red,

white, blue and gold guild of utmost importance. Further, he is devoted to the establishment of a substantial trust fund to preserve the monuments preservation for future generations. He has asked the State of Maine for a modest contribution, but he believes the majority of the money should be given by the people and businesses of Maine in order to ensure their close relationship with the monument. Cliff Deringer, we salute you for raising the awareness of the people of Maine about this invaluable piece of American history and for reminding us during this centennial year of the Spanish/American War to in our deed as well as our word to remember the Maine. Thank you.

READ and **PASSED** and sent up for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Report of the Committees on **LABOR** and **TAXATION** on Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security"

(S.P. 542) (L.D. 1661)

Reporting that it be **REFERRED** to the Committee on **TAXATION**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** in concurrence.

Representative MITCHELL from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Rules Governing the Implementation of Hypodermic Apparatus Exchange Programs, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1607) (L.D. 2234)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **JUDICIARY**.

Sent up for concurrence.

Refer to the Committee on CRIMINAL JUSTICE Pursuant to Joint Order (S.P. 825)

Report of the Committee on **CRIMINAL JUSTICE** on Bill "An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail"

(S.P. 844) (L.D. 2248)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE** pursuant to Joint Order (S.P. 825).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 195) (L.D. 623) Bill "An Act to Provide Opportunities for Choice within the Public School System" Committee on

EDUCATION AND CULTURAL AFFAIRS reporting **Ought to Pass as Amended by Committee Amendment "A" (S-472)**

(H.P. 882) (L.D. 1199) Bill "An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by**

Committee Amendment "A" (H-833)

(H.P. 1303) (L.D. 1846) Bill "An Act to Prohibit the Opening of Liquor Stores on the Maine Turnpike" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-830)**

(H.P. 1321) (L.D. 1870) Bill "An Act to Amend Criminal OUI Penalties Concerning Suspension of a Motor Vehicle Driver's License" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-831)**

(S.P. 730) (L.D. 2008) Bill "An Act to Clarify Mileage Reimbursement for Employees of Community Action Agencies" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-474)**

(S.P. 751) (L.D. 2029) Bill "An Act to Amend the Charter of the Van Buren Light and Power District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-470)**

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. 683) (L.D. 1908) Bill "An Act to Conform the Maine Tax Laws for 1997 with the United States Internal Revenue Code" (EMERGENCY) (C. "A" S-469)

(H.P. 1445) (L.D. 2036) Bill "An Act to Amend the Act to Implement the Maine Indian Claims Settlement"

(H.P. 1563) (L.D. 2194) Bill "An Act to Change the Name of the Knox Agricultural Society" (EMERGENCY)

(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)

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** and sent up for concurrence.

BILLS IN THE SECOND READING

House

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

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative MACK of Standish, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-832)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I applaud my colleagues who came up with the idea to repeal old and unenforced archaic laws. It is a great idea. I have thought of one more old archaic unenforced law that should be repealed as well. Currently there is a law that requires a sign on the top of every gas pump that is 64 square inches in size to show the cash price of the gas. This law was put into effect back when cash and credit were different prices for gas. Now that cash and credit are the same price, you have a large sign on the side of the road, you have the price of the gas on the pump mechanism itself. Having a third sign on top is unnecessary because consumers already have the information and it is extremely costly to pay for the signs and to maintain them and to have them go out and flip them and change the price all the time. I urge you to support my motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. There was a process by which members were to add laws on to this bill. I believe that those members who participated in that worked long and hard in looking through all the statutes to look at what bills were archaic and unenforceable. I believe they came up with those. This amendment before us, I believe, did not go through that process. I think it should not be adopted to this bill. It is my opinion that a policy change, in and of itself, deserves almost a public hearing by itself. If C.N. Brown and Company has a problem with the blow, most certainly they can have the bill introduced next year. I think that, at this point in time, it is far too late to put this type of an amendment on. I ask you to support my motion. Madam Speaker, I request a division.

Representative AHEARNE of Madawaska moved that **House Amendment "A" (H-832)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-832)**.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Men and Women of the House. I really appreciate that Representative Mack has gone to efforts to find more archaic laws. I would like to let you know that we looked at some 20 laws and came up with seven that were carefully and fully researched. We had a public hearing on all of those. We considered other potential amendments and made a decision not to go with those amendments because we had not had the time and the process to go through them. While there is a level of amusement to them, things like taking dueling off the books and not having to register shopping carts and Representative Mack's amendment may be perfectly appropriate. It has not gone through the process. I encourage you to support the Indefinite Postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I have heard arguments about the process with this amendment. With talking to the local gas stations in my district and other people and asking around about this, I have never heard one good reason why this law should stay on the books.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. Most likely you are going to introduce the bill and have it at a public hearing.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-832)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-832). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 423

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Etnier, Farnsworth, Fisher, Frechette, Gagnon, Gamache, Gerry, Hatch, Jones KW, Jones SL, Kane, Kerr, Kontos, Lemaire, Mailhot, McKee, Meres, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Skoglund, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

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

ABSENT - Bolduc, Dutremble, Green, Jabar, LaVerdiere, Ott, Shiah, Stevens.

Yes, 65; No, 78; Absent, 8; Excused, 0.

65 having voted in the affirmative and 78 voted in the negative, with 8 being absent, the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-832)** was **NOT ACCEPTED**.

Subsequently, **House Amendment "A" (H-832)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-832)** and sent up for concurrence.

House As Amended

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)

(C. "A" H-829)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative PERKINS of Penobscot, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-829)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-834)** to **Committee Amendment "A" (H-829)**, which was **READ** by the Clerk.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. This amendment merely exempts small business

from the minimum wage bill that we passed through the House yesterday. It would exempt businesses with 10 or fewer employees from this increase. This idea was floated in both caucuses. I honestly think it was met with mixed reaction. One of the criticisms that I heard was that it might be confusing. I am still not certain to whom. It seems to me like one of the most clear cut amendments to come before us. It just merely exempts small business from this increase. Someone asked why the number of 10 was picked out of the air. I tried to think of the small businesses in my district. We are always talking about small business being the engine of our economy and I try to think of the small businesses in my district and quite often they are mom-and-pop stores with a pizza oven and so forth. I would say that 10 would cover most of them. I also heard there was some criticism to the idea that this would exempt most of our minimum wage workers. If that is indeed the case, I think we should consider that.

I asked the question yesterday, what is the government's role in telling businesses how much to pay? I still maintain it is based on two fundamental ideas that the government has to step in when companies get too big. They get big enough so they have differential bargaining power when somebody knocks on the door for employment. If that is the only employer in the area, a big company can own all the property in the area. They can own the transportation of goods in the area. These are the types of reasons that government was ever asked in the first place to get involved in wages. The other main idea is that companies get benefits. I maintain that big companies get a lot of benefits, as I mentioned yesterday. Quite often they get tax breaks. They get intangible benefits in an area and that is another recognized reason why government steps in when it comes to wages and other concerns. Small businesses, ask yourselves what do small businesses get from government that would put them into that category? Small businesses basically get nothing from government but a hassle. I think small businesses should be exempt from this bill. I would like a roll call Madam Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-834) to Committee Amendment "A" (H-829)**.

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

Representative KONTOS of Windham moved that **House Amendment "A" (H-834) to Committee Amendment "A" (H-829)** be **INDEFINITELY POSTPONED**.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-834) to Committee Amendment "A" (H-829)**.

Representative PERKINS of Penobscot **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-834) to Committee Amendment "A" (H-829)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-834) to Committee Amendment "A" (H-829). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 424

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bryant, Bull, Bumps, Bunker, Chartrand, Chick, Chizmar, Clark, Clukey, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Hatch, Jones KW, Jones SL, Kane, Kerr, Kontos, Labrecque, Lemaire, Lemke, Mailhot, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Neal,

O'Neil, Paul, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Spear, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Underwood, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winn, Wright, Madam Speaker.

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

ABSENT - Bolduc, Colwell, Dutremble, Green, Jabar, LaVerdiere, Ott, Shiah, Stevens.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, **House Amendment "A" (H-834) to Committee Amendment "A" (H-829)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-829)** was **ADOPTED**.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. As a person who teaches and writes history, there are lessons of history. One of those is that as we near the end of one century and begin to look at another, things begin to change very dramatically. It is not an automatic pilot that creates that change, but its positive votes of courage and vision. I don't mean this to be negative, but I think too often, as elected officials, our vision extends only to November of even numbered years. We, the policy makers, control change. We control its acceleration. I think what this bill and some of the other issues coming before us, you have a choice to use a buzz phrase of this decade, to think in the box or out of the box. If you think in the box, change doesn't occur. This bill, we are thinking in the box, if you vote for this bill, you are voting for the early 1900s, the progressive era. If you vote for this bill, you are voting with a new deal, great depression mentality. Change will not occur.

If you want to think outside the box and accelerate change and make the next century better for Maine's citizens than this century, if you really want to pass the torch to another generation, think outside the box. Begin to look at those conditions that lock Mainers, not in a temporary minimum wage job, but locks them there for life. Infrastructure, education, research, those are the areas that we need to be addressing. I am asking you to think outside the box and look beyond November. We can take some very positive votes for investment and I just for the life of me cannot understand the rhetoric I heard yesterday talking about pennies when the majority is unwilling to address \$106 million over-collection with a temporary tax. That is a 20 percent increase on a regressive tax that is nickel, diming and dollaring to death Maine's working people. It is a complete contradiction from the rhetoric we heard on the floor the other day. Are we really going to open the door of opportunity to this next century or are we going to think like the early 1900s and think like the great depression? Thank you.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. This bill is sending the wrong message at the wrong time to the people of the State of Maine and the

employers in the State of Maine. All it is going to do is guarantee that we are going to have more people earning minimum wage in the businesses in our state. We are taking away the ability or the willingness of the employers to grant merit pay raises and to continue to give their employees pay raises because we are taking that prerogative away from them by elevating the minimum wage. We heard arguments yesterday that this bill would add to the economic development and employment in the State of Maine. I disagree with that. I think that we are taking that prerogative away from the employers and it is going to do nothing but hurt the employees eventually in the State of Maine.

Madam Speaker, I request a roll call.

Representative TREADWELL of Carmel **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED AS AMENDED**.

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 Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. Yesterday I heard that we need to walk the walk. I am going to challenge you. I walked the walk. I pay payroll. I pay taxes. I have over 100 employees. Let me tell you what a 25 cent increase is going to cost. Twenty-five cents an hour, it is only \$10 a week. When you have over 100 employees, that is \$50,000 a year. You just increased my workers' comp rate by \$500. Then, my Maine unemployment tax went up by \$1,000. Then, my federal unemployment tax went up by \$300. Then, my match on FICA went up by \$3,500. That translates to over \$55,000 that you just passed on to me as an employer.

Ladies and gentlemen, that is at least two employees that I would hire because I don't pay the minimum wage. I pay much higher than minimum wage, but when I determine salary levels, it is based upon what the bottom rate is. Then I factor in benefits. Someone is going to need to eat that \$55,000. Who do you think it is going to be? It is going to be the employees because my budget has already been fixed for the next three years. I determined way ahead of time, unlike state government, what my budget is five years from now. A \$55,000 increase a year determines either less employees or no salary increases. Remember that when you vote on this bill. Do you want people to work or do you want less people to work? I think it is a real easy thing. For those of us that truly walk the walk and employ people and pay benefits and pay good wages, you are just costing me \$55,000 and my employees have not increased their skill level at all. I can put that money towards sending people back to school, which I do. This body is forcing me to make a decision that I don't want to make. Think about that when you vote on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I would like to reply to some remarks made by the good Representative from Kennebunkport. As someone who has been known to think outside the box in this chamber and whose vision certainly doesn't end in 1998 and also as a historian, I would respectfully disagree with Representative Murphy's remarks. I think that really doesn't serve a useful historic, at least, purpose. I would not feel uncomfortable in voting for this legislation on those grounds.

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

Representative SAMSON: Madam Speaker, Men and Women of the House. Some say this bill sends a message. It doesn't send a message. What this bill does is it gives a very tiny raise to the lowest workers we have here in the state. People that earn a minimum wage. It is a very tiny step towards

these people earning a living wage. Minimum wage workers often have to have extra income through food stamps or public assistance. I think employers that hire people should hire them at a wage where they can earn a living and take care of themselves and their families. As I said, this is a tiny step towards earning a living wage.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative STANLEY: Madam Speaker, Men and Women of the House. The other day I went to my local mom-and-pop store. I tripped over a Pepsi 12 pack laying in front of the aisle that cost \$3.00 for a 12 pack. I walked down and bought a soda out of the cooler. It cost 75 or 80 cents. I got a little hungry so I went to my local fast food place and I walked in and they have 2 or \$2. You couldn't even buy one for \$2. I feel that if we can sit there and do things like that, that we can afford to pay an employee a little bit more per hour. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Lemaire.

Representative LEMAIRE: Madam Speaker, Men and Women of the House. All of the debate that I have been hearing on both sides is the debate I heard two years ago. All of the arguments in opposing minimum wage, there has been no cataclysmic event that has occurred because of it. I guess I would like to say that this is not a warm and fuzzy bill. It is right. It is fair and it is just. I would like to remind all of you that most of the people we are talking about are your constituents. They live in your areas. They are working two and three jobs to support their families and 53 percent of them are women bringing up families on their own with very little help from husbands or fathers. I think this is an important bill. I think we are in an economic situation where we certainly can afford to pay 25 cents more. I appreciate Representative Bruno's comments. I am very pleased to hear that he is paying his people more than minimum wage and that he is paying them benefits. Wouldn't it be nice if we all did? Thank you Madam Speaker.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. As an employer, this bill won't cost me anything because I don't pay my people minimum wage. They are highly skilled, trained individuals. I also pay them benefits. I will tell you about a hotel chain I worked for that paid minimum wage, but it offered health benefits. It still pays minimum wage, but it doesn't offer health benefits anymore. They cut that out. Businesses who are on the edge will find a way to try to make ends meet so you can mandate more and more increases in minimum wage for what are minimum wage jobs. An employer who is living on the edge and about to lose, whether it is a corner store or whether it is a hotel chain, will do what they have to do so the last minimum wage that didn't cause any changes, go out and ask what it costs. Ask the corner store if the owner now works 20 more hours a week because they laid off somebody. Go ask the bottle redemption center if they laid somebody off because they can't possibly with five redemption centers in town, scramble for that extra 500 bottles to pay the kid in high school. Go ask people at the hotel chain where their health insurance went. This is so shortsighted.

If you don't own a business, I don't think you have a clue. If you don't have a clue, then go get one from a business owner. I know I am lecturing, but it makes me so angry to stand here and you people forget that for every effect, for every action, there is a rebound. The rebound, while you may not see it at your corner store and you may not work for a hotel chain. McDonalds doesn't pay minimum wage anymore. We are not talking about a multi-national corporation. We are talking about a store like

Representative Perry's store. We are talking about a store like Representative Buck's store. We are talking about people that you shake hands with and you tell them you are going to help them and then you go to Augusta and you tell them when you get here 25 cents an hour isn't going to hurt you. Do you ask them that when you are shaking their hand and buying that 45 cent cup of coffee and asking them to put snowmobile maps on the counter with your name on it? I bet you don't. You think 25 cents is going to make a difference? Give these people their tax money back. That will make a difference. Give them \$10 a week and take the taxes out of it and \$7 a week doesn't buy a baby a pair of shoes. If you buy a \$35 pair of shoes, you are paying an awful lot of tax money for your babies first pair of shoes. I could go on and on. I am telling you right now that some of you can very easily stand up here and dictate 25 cents this and 40 cents that. That is not the end of it. Tomorrow we get to talk about the next one.

It has repercussions. You don't feel it here. My employees don't feel it. I have never started an employee at minimum wage. I start them with insurance. This doesn't affect me. I don't care if it affects me. I am paying my people what they earn. Somebody who makes change for coffee at a mom-and-pop store where they average a 3 percent profit, sure raise the prices, that is great. They are the same people who shop in the store that you just raised the prices on so that they can get 25 cents more an hour. If you can't see the ripple effect, then maybe you shouldn't be here.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Madam Speaker, Men and Women of the House. I rise today in support of this. I congratulate Representative Plowman for starting out her employees above minimum wage, but here we go, north and south again. People north of Bangor that work at McDonalds only get minimum wage. People that work at Presque Isle and places like that make minimum wage. You can't say that McDonalds does not start their employees at minimum wage. They do.

Now, the other part of the story. I went out to supper last night at a little restaurant here in Farmingdale. They employ four people. The owner and three other people. We told them about the minimum wage. He had no worries about it. He is not going to raise his prices. In fact, it is going to be good for the employees. When people say it is not good for small business, that is their interpretation. Yet, we are putting people in Presque Isle working for credit card companies in debt to this nation even more. Come on people, think about this. Minimum wage, all it is a quarter. Let's help these people that work two or three jobs to support a family. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. In all this debate in the last several days, I have heard a lot about mom-and-pop stores and small businesses and good-sized businesses. I have yet to hear anything about the non-profit organizations and the one that I represent. There are many, many non-profits out there doing wonderful work. They are doing the work that government cannot do or maybe shouldn't do. Most non-profits, as my Children's Museum, is run mostly by volunteers. We have a huge amount of volunteers. There are some staff. I will tell you, for one, and I think I speak for many, many throughout the state, these organizations that are doing the work that you have asked them to do, public service work for children, the elderly and the disadvantaged in our state, if I have to pay the employee minimum wage, if this goes up again, I can tell you that there is one less staff person. I think we have a staff of three and a half

right now. There will be one less staff. We non-profits are run day to day and month to month. It is very, very difficult in this climate to keep non-profits going. This will have a huge affect on us. I ask you to consider that aspect that hasn't been brought up before. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. I think what we need to do is to look at the title of this bill, Study Poverty Among Working Parents. This isn't a bill to make people rich. This isn't a bill to make everything rosy and warm and fuzzy. I beg to differ with some of the opponents. I do have a clue. I think what they need to do is to get a clue from the people that have to work two and three jobs to support their family, whose quality time with their children is spent in their workplace because they can't afford a baby-sitter to have them get the care they need. I think they need to get a clue from the people that have to make the choice between paying rent, buying food or buying clothes for their children. I think what they need to do is to get a clue from the people who can't buy the things their children need to get a good education. Finally, I think they need to get a clue from the people who can't afford health insurance for their children. The ones that take their children to the emergency ward for their average health care that we take for granted. I think that, yes, I do have a clue and my clue is that these people need help.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Farnsworth.

Representative FARNSWORTH: Madam Speaker, Men and Women of the House. I would like to take exception to the referral to non-profit organizations. I am the director of a non-profit organization and we haven't paid anybody minimum wage for a number of years. The lowest level we pay is \$6.90 an hour. Even at that, we have employees who are struggling desperately to make ends meet. We are struggling to try and improve their salary conditions at all times. It we are talking about \$6.90 an hour not being nearly enough, then what we are trying to accomplish at the lowest level is certainly a mere token effort in order to try and improve the situation for people at the lowest end of the economic level. I can't tell you how important that is to many of the constituents that I have. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. I guess I am a little frustrated. I would say, let's cut the bull. The minimum wage was never intended to be a living wage, never. If you really want it to be a living wage, then do as the Margaret Chase Smith Center has suggested. It ought to be \$11.40 or something like that. Can you imagine trying to make the minimum wage \$11.40 to make it truly a living wage? Who is pushing the minimum wage? All across the country it is the unions, the AFL-CIO, Teamsters, etc. Why? If the minimum wage goes up, they have a better bargaining chip and their wages go up. I get really upset when we, as the State of Maine gets out ahead of, I don't care whether it is environmental law or anything else, the federal government. When we do, we are putting the State of Maine at a disadvantage to the other states that we are competing with. Our economy is not good. We are losing manufacturing jobs, higher paying jobs all across the state, whether it be Wilton or any other place. We are replacing them and there are people who will say, including the Governor, we have gained back all of our jobs that we lost in the recession, we are replacing those high paying jobs with benefits with, in a sense, minimum wage, in some cases, jobs that are in the service industry that don't pay benefits. We are not competitive. If we continue down this path,

we are going to be increasingly uncompetative and we are going to be in even bigger trouble trying to make ends meet and trying to attract the kinds of businesses that we want to Maine in order to make Maine prosper and to truly get the good paying jobs.

If we were serious about this, we would reform our welfare system so that someone is not punished by accepting a minimum or near minimum wage job at McDonalds. What happens now is if you accept that job, we throw you off welfare. You lose your health care, your Medicaid, etc., etc. If we were serious about trying to help these people that everyone seems to want to help, then we would do that by having a sliding scale. Look, we want you to have that job to learn some skills, improve your resume so that you can build for a better job and train yourself for a better job. Okay, fine. You are going to get \$500, \$600 or \$700 a month through this minimum wage job, but we are not going to cut your health benefits to your children because that is the most important thing to you. We may reduce some of your AFDC or whatever, but do it on a sliding scale. No, we have laws that say it is all or nothing. Let's reform it, not by raising the minimum wage and getting us out of sync with the federal government once again, but let's get in sync with truly helping people on the bottom end of our economic ladder. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Madam Speaker, Men and Women of the House. A great American once said, "Businesses don't pay taxes, they merely collect them." The same can be said of the minimum wage. Businesses don't pay for the minimum wage, they only collect them. Is it unconscionable to see people continue living below the poverty level when a simple act, as this one here, might commence them on a road to a more livable upbringing. That great American, by the way, happens to be Ronald Reagan.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. The good gentleman from Lewiston believes that businesses don't pay taxes, he is welcome to pay mine this year. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. My spin this morning is a little bit different from what I did yesterday. I just about got burned out on some of these issues. My approach to this right now is looking at it through the eyes of the involvement by the Legislature, the government, in businesses or areas where we should not be involved. I am just about old enough to remember what happened in World War II when we were dealing with the battleships and having a cost plus issue. Government got involved and actually pushed the cost up. The same way with the PUC and dealing with electricity and eventually we had to deregulate to get out of it. We did the same thing with workers' compensation as we were toying with it for years and years. We ended up creating a problem that we did not intend to create. It made it worse. We had to put it in the hands of people outside to correct it. I think we are working along the same path here. This is not an area we should be mandating or making changes.

If we are going to train people, let's train them to do these jobs. No one should work with minimum wage. I am not defending the minimum wage position. Let's forget about the minimum wage. Let's train people to work in high wages. I would put money into it because then what we are doing is improving their lot. Twenty-five cents an hour is not going to improve their lot. They are still going to be the worst paid people in the state. We then are affecting businesses that do create

some jobs, maybe not the level that we want the jobs created at. If people came into my area right now and said they are going to bring me 100 jobs, I would be tickled pink because rather than being 8 plus percent unemployment, I might be brought down to 6 something percent. We are affecting by drawing dollars from the business community, you are affecting the ability of the community to generate new jobs at whatever level they would be providing a livelihood. Ladies and gentlemen, I ask you to please oppose the pending motion. The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Bodwell.

Representative BODWELL: Madam Speaker, Ladies and Gentlemen of the House. I own one of these small businesses that we are talking about today and I am far from rich. If any of you have seen the car that I drive around in, it is a 88 Dodge Shadow. It certainly didn't cost me a lot of money. I just want to point out a few things that I, in business, am forced to pay for that you may not realize. My phone bill is over twice what residential people pay for their phone bills. I have to pay sales tax on my electricity. My electricity is calculated at a higher rate than residential. I currently pay over \$1,400 a year for my liquor license. I have to pay for a food license from the state and the town. I pay more for my cable TV than residential people do. Our federal and state tax laws are so complex that I need to spend close to \$2,000 a year to do my taxes at the end of the year. I also pay property tax on the equipment in my restaurant. My customers are forced to pay 7 percent on the meals and beverages that they buy at my restaurant. My customers are USM students, USM faculty, people who live in Gorham and very few of them are tourists. I hear from small business owners every day that they just think it is not worth being in business today. When I campaigned, I talked to many people that were in fields like electricians and plumbers who used to employ people and decided it just wasn't worth it with the burdensome laws that we have in the state.

I keep hearing about the families that are struggling to make ends meet. I certainly emphasize with that. Currently, at my business, I employ five USM students, two Gorham High students, a full-time manager that graduated from Colby and two housemakers. Do we in the Legislature think it is our responsibility to guarantee that every man and woman who irresponsibly bring a child into the world, before doing the responsible preparation that goes into planning a family and making sure to attain the skills to secure a well paying job, saving some money and taking advantage of some of the wonderful programs that I hear about in the Business and Economic Development Committee through MSHA that allows people to buy a house. I have numerous friends who have responsibly waited until their 20 and early 30s to have children because they cannot afford to do so until that point. They want to make sure they are well prepared. These are middle class people that are forced to support those who often irresponsibly become parents. If we think we can assure that any young man or woman who does not have the will power or foresight to wait to start a family that they will, without sacrificing, be able to have a livable wage. Please tell the last business in Maine to turn out the lights when they leave or better yet, we can end up being nothing but a state park with a few McDonald's where employees make \$20 an hour with full benefits. Thank you.

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

Representative COWGER: Madam Speaker, Men and Women of the House. I too own a small business and I can sympathize with the Representative from Brunswick's concerns regarding higher costs for money and services that we need to run our business. I have to tell you that there are two sides to

every story. I have to also agree with the Representative from Augusta that the economy in this area is not particularly thriving and it is difficult to run a business or a non-profit organization. I have to disagree with the issue on minimum wage and also disagree with the good Representative from Hampden. I don't own a hotel chain, but I own a hotel of a sort. People I employ are part-time workers. They don't get any benefits. They work pretty much as they are needed. My employees don't get any health insurance. Not yet, but I would like to provide that service some day and I hope to as my business grows. These are entry level employees. People doing housekeeping, dish washing and prep cooking. I have never hired anyone at minimum wage, but I must say the minimum wage drives my business. It sets a benchmark for which I pay a wage for these entry level employees. Again, I would be embarrassed to pay the current minimum wage. I pay my employees slightly more, but somewhat more than the minimum wage proposed in this bill. Employees who have been there for some time, of course, get paid even more. I request that you strongly support the current motion. This does help people, whether they are part-time, full-time, whether they are trying to make a living or they are trying to supplement their income higher than the current minimum wage. It is certainly in order. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. In my eighth year in the Legislature I have never spoken on this bill although it has been before us many times and in many forms. Maybe because I have a lot of friends and constituents that do work at the minimum wage and maybe because I really can see both sides of this issue. It is not a clear cut issue of people who are tied down to a minimum wage job and evil employers who are too darn cheap to pay them what they are worth. Unfortunately, some of this debate gets brought to that level where there are folks out there who are little mom-and-pop stores, to continue with that use of phrase, that are just raking in the money and pocketing the income. In my job outside the Legislature, I work in a bank. I do commercial lending to small businesses. I get a real good insight as to how wealthy most of those folks are. Most of those folks that don't take a pay check in the slow months so that their employees can have one and they don't have to lay somebody off during the two or three months of down time. Those wealthy employers who are driving the same car that they have had for years and years and years or have taken out a second mortgage on their home to allow their business to survive because they love their employees. They treat them like family. If they could afford to pay them more, they would.

There are hundreds and hundreds of small businesses that barely get by each year, if not for some creative financing and sacrificing in their families and relatives kicking in money, would not make it. They hope to some day to be wealthy and they hope to some day to make the opportunities for their employees who help them get through these difficult times because they recognize that their business is nothing without their employees. They hope that when they do get to a point of turning a profit and they do get to the point to where they can pay down on their own mortgages and leave something for their children. Perhaps, they will strike that thought as they are developing their product in their garage that will create hundreds of jobs in their district. I know these people across the state. I am more familiar with the small businesses who are struggling in northern Maine, but I know they are across the state.

It seems to me that this debate is a bit ironic in that we feel, as a state government, who bleed some of the income that those folks make off of the business. We make it more expensive for

the people making minimum wage to go out and purchase their goods that we will here say in our righteous indignation that we want to give a pay raise to the people who are working at minimum wage because we, as a Legislature, feel your pain. It is important for us to recognize that there are hundreds of people sacrificing around the state to provide those jobs as well. They are sacrificing their families' income and their future. They look inquisitively at the state and say, you raised the sales tax a couple of years ago from 5 to 6 percent and made everything cost more than my minimum wage employees have to buy. Now you are concerned that they can't go out and buy them. You raised the income tax so that when my minimum wage employees are gathering their paychecks, a big hunk of what they take is taken by state government, diminishing their buying power. You dictate rules and regulations that sometimes are in the best interest of the state. It is not always implemented in the most cost efficient way. You raise the cost of me operating my business by dictating to me how I am going to be operate in particular fashions and then you righteously stand up and down me for not paying my employees enough.

When I talk to these folks, as I do my other job, I become more acutely aware of just how important these issues are. My points are to sum up to you that we, in state government, should not just be driving up the cost if we are concerned about the folks who are out there working and having a harder time getting by. We shouldn't make it more expensive for them to live. The sales tax issue, which isn't on this bill, is one that is important to the people who are making the minimum wage because they are affected by that. There was an article on our desk that talks about that. I would encourage you to read that. We should also hopefully as we move further into this debate, recognize that there are folks who don't take paychecks so their employees can get one. They have mortgaged their families future to provide jobs and opportunities in the hope that some day they will make money and be able to leave something for their kids. Frequently, if you check the stats, those folks that are taking the risk and mortgaging their future to provide jobs, fail and lose everything.

The bankruptcy rates, even though everything is sunny, have increased every year for the last three years. That is something that is not talked about a lot. As we go forward, remember that we are going to give a pay raise to someone that we don't have to pay that we are not going to provide some individuals in this room and they are going to go out and do it in their businesses. I am not an employer. I just work for some. As we go out and we take the righteousness and we can go home and say we gave you a pay raise, it wasn't out of your pocket. No, we took some out of your pocket and offer you this pay raise out of someone else's pocket. If you want to pay 25 cents more, we have a \$306 million surplus. Why don't we lower their tax rate and let them have 25 cents more an hour to keep, to start with. That way we are not putting this burden on the small businesses. We are leaving the money in the people's pockets as they earn it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Shannon.

Representative SHANNON: Madam Speaker, Men and Women of the House. We have sat today through history lessons, economics lessons, physics lessons and finally a lesson on tailoring, I think, pockets was the issue. I heard something in chamber today that I was a little upset with. That is that there are groups advocating for better treatment for those in our society who are being demeaned for that avocation. I would just like to remind everyone in this chamber today that once in our society it was laudable to speak for those who have not a voice to speak for themselves. I hope I live to see the day when each of us respects that again.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. I didn't mean to speak on this a second time in two days, but the discussion in the chamber today has brought to mind some history which we have touched on briefly thanks to Representatives Murphy and Lemke. One of the things to remember on all of this and I am not going to try to give a lesson on it, but why do we have minimum wage in the first place? That is a question that I leave open for each of you to ask yourselves, but if we enact this catastrophic increase on the minimum wage, we are still only going to bring people to within \$4,000 of the poverty line. If they depend on a minimum wage job. If you think that that would drive businesses out, remember that where it is right now at \$5.15 an hour did not keep Bass Shoe from closing. Maybe we shouldn't have raised it before. Well, \$4.25 did not keep the shoe store in Old Town from closing. Maybe we shouldn't have raised it that time. Maybe you are right. If we hadn't raised it to \$3.25, the Lily Tulip Plant in Old Town would not have closed. If we hadn't raised it from \$2.00 an hour, maybe the Stryer Mill in Orono would not have closed. My friends, I would maintain that if it was still \$2 an hour, the Stryer Mill would still be closed, Lily Tulip would still be closed, all these businesses would still be closed and our people would be no better off. Maybe we shouldn't listen to the unions, after all. Who are they to put out this silly premise that you can take labor and turn it into a future? Maybe I am softhearted, but I am going to vote for this bill. I hope you follow me.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. This has been an interesting debate on both sides. I think we can all say that we all do care about the lifestyles and living conditions of those people in our community. I guess I have to say that in my community I don't have a Bass Shoe. I don't have a big industry. Lincoln Pulp and Paper Company is probably the only big industry. The second and third employers is the school system and the hospital. My community is full of small business people, single business people. Carpenters used to employ two or three others, but no longer can afford to. I am asking you philosophically what are we doing to the American dream? When I am saying the American dream, I am referring to the lady I spoke about yesterday that had a dream of having a business including employing some people. Over the years in the State of Maine, the business climate has been so poor that one after another after another after another in my community, which is the northern part of Maine. We have lost the small businesses. We have lost the jobs. Our lifestyle continues to plummet. I would submit this bill would have been better named, "An Act to Implement the Recommendation for the Commission to Study the Effects of Excess Taxation and to bring Common Sense Back to Maine." I would submit that probably a lot of those businesses that no longer exist in the State of Maine didn't leave for any other reason but the poor business climate in the State of Maine. Thank you.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. It is not just businesses who are leaving Maine. It is the people of the State of Maine who are leaving Maine. My parents left Maine a couple of years ago. It wasn't because they weren't gainfully employed. My father worked at Bath Iron Works. He had a great job. My mom worked for a cardiologist. She made over \$12 an hour. They couldn't own their own home in Maine. They lived with my grandmother. They had since I was in college. They moved to Arizona where the

electricity rates are not based upon subsidizing state welfare policies. They moved to a state where they do not have to pay excise tax on their car every year. They moved to a state where the state tax, the maximum state tax rate does not kick in, at \$16,000 a year. They moved to a state where they could own a home and the property tax did not take up one-fourth to one-third of their income. My parents make approximately \$7.50 an hour a piece. They might be up to \$8 an hour. They left great jobs in Maine and their family to move to a state with a reasonable tax policy on every level so that the money they do make is actually money that they can use to support themselves and not to send into the coffers of the State of Maine. You can raise this rate today and you can raise it next year and you can raise it every six months, but until you change tax policy, all you have done is just put money back into the circle of it coming right back here to Augusta. That is where our citizens are going. They are going to other states where they don't have to make a lot of money to live okay. My parents aren't wealthy. They are living okay. In Maine making \$30 an hour between the two of them, their money went to taxes. Raise it. Go ahead. You haven't done a darn thing until you make it so that people can put it in the checkbook and write the check for the rent or the electric bill or the phone bill and know that it is going to something that they themselves incurred and not something that the State Legislature mandated that they have to pay out of their living wage.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Colleagues of the House. I am kind of troubled by this. I go back to my district every night and I see people in the supermarket and they say I am doing a good job and am I enjoying myself? By and large, I say yes, but it is debates like this one that really kind of turn my stomach. It is not enjoyable. Let's face it. This is an ugly issue and it is exacerbated by the fact that we are muddying it by bringing in a half a dozen other items. I would love to do away with the minimum wage. I would love to do away with the sales tax, the income tax and all of them. The fact of the matter is that we, as a government, have to collect and do things for the betterment of the folks in Maine. We have speed limits, drinking ages. We have affluent limits. We all get up and we parade out that box from the attic and we recite our manifestos and our apology. We all pretty much say probably what had been said two years ago and two years before that and two years before that. I guess we have to do it. Call me a killjoy. I don't enjoy it. My point is that as long as we have to have a minimum wage, and I wish we didn't, but it is obvious we do, let's make sure it is a decent one. Thank you.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. Just to comment on a few things that have been said and to add a little bit. I agree with the last speaker that there are areas where government should be involved. Otherwise, we would still have children working in the mines and most of us would be working seven days a week or 16 hour days. We are not going out on a limb here. We won't be alone. We won't be the only place in the country doing this. There are 26 states that had legislation in 1996 to raise their minimum wage. Three states in New England, Connecticut, Vermont and Massachusetts have a minimum wage higher than the federal. Citizen petition drives are attempting to raise the wage in California, Montana, Missouri and Oregon to anywhere from \$5.75 to \$6.75 an hour. Individual petition drives have begun in Denver, District of Columbia, Houston and New Orleans and perhaps other cities for municipal minimum wages varying from \$6 to \$7.50 an hour. The cities of Baltimore, Saint Paul,

Minneapolis, Chicago, Milwaukee, Los Angeles, New York, Jersey City, Boston, Albuquerque, Buffalo, Albany, Detroit, Oakland, San Jose, Seattle, Dallas, El Paso and San Antonio are all working towards or have passed ordinances mandating higher minimum wages for companies that in some way benefit from municipal resources. Other efforts may be underway as we speak.

Cost of labor is a cost of doing business just like cost of goods. Cost of goods go up with inflation. To paraphrase an expression we all know and love, inflation happens. Let's not penalize workers for that inflation. How can reducing wages every year for our lowest paid workers, in real terms, as inflation erodes their fixed minimum wage, be an advance into the 21st century? In 1968, the minimum wage was \$1.60 an hour. From 1968 to 1995, inflation averaged around 5.5 percent annually with some substantially higher years and a flattening down to about 3 percent over the last five years. In real terms, to have the same buying power as in 1968, the minimum wage would have had to be \$7.01 in 1995. Projecting 3 percent inflation into the future, we would need a steady rise in the minimum wage to simply to keep up with inflation. This year it should be \$7.66 an hour. By the year 2008, it would need to be \$10.29 an hour. By the year 2018, it would have to be \$13.83 an hour just to keep up with inflation and have the same buying power as that minimum wage of \$1.60 had in 1968.

Without passage of this bill, by the year 2003, the minimum wage will be at its lowest point since 1950 as it drops below \$4 an hour in 1995 constant dollars. This is no way to advance into the 21st century. Let's pass this bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 425

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chick, Chizmar, Clark, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jones KW, 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, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, 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 - Belanger IG, Colwell, Dutremble, Jabar, Kneeland, McAlevy, Ott, Stevens.

Yes, 77; No, 66; Absent, 8; Excused, 0.

77 having voted in the affirmative and 66 voted in the negative, with 8 being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED** by **Committee Amendment "A" (H-829)** and sent up for concurrence.

The Chair laid before the House the following items which were **TABLED** earlier in today's session:

JOINT RESOLUTION - Recognizing Gerald L. Thibault

(H.P. 1623)

Which was **TABLED** by Representative SAXL of Portland pending **ADOPTION**.

Subsequently, was **READ** and **ADOPTED** and sent up for concurrence. **ORDERED SENT FORTHWITH**.

Expression of Legislative Sentiment recognizing the Augusta National Guard Babe Ruth Baseball All-Star Team

(HLS 837)

Which was **TABLED** by Representative O'BRIEN of Augusta pending **PASSAGE**.

READ.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I have lost my notes, but I can wing it. In the next few weeks I am sure that we are going to be talking about basketball until it is coming out our ears. I am sure that I will be doing it with the best of them because Cony, both boys and girls teams are on their way. I would like to go back to last summer at this point. I would like to talk about baseball for a moment. The Augusta Babe Ruth Nation Guard Babe Ruth All Star. This team went from district, state, local and onto the National World Series in Longview Washington last August and was beat by the team that ultimately became the champion, Bakersfield, California. They ended up number four in the country. This team, I went out earlier to look for them in the hall and as I went out the door, three people just in the way as I went out the door said, where is the team? We love that team. People even in these halls are so proud of the effort of this team. I also want to mention the parents, the coaches, the managers and the Babe Ruth League representatives. This team went all the way through and ultimately in Long View, Washington at the World Series, they are exemplary athletes. There is no question about that. What impresses me and many, many others throughout the area is the character and the respect and the determination that these kids show. We heard over and over again from people throughout the country, letters to the editor or comments made, about how great the kids from Maine were. I hope that you will join me in congratulating them, but also thanking them for the fine job that they did as representatives of Augusta. I am really proud about that, but also as ambassadors for the State of Maine. They did a wonderful job. I would like to recognize them. Thank you.

PASSED and sent up for concurrence.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

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

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

(C. "A" S-460)

TABLED - March 3, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - FINAL PASSAGE.

Reported by the Committee on **Engrossing Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary a total was taken. 124 voted in favor of the same and

0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The House recessed until 4:30 p.m.

(After Recess)

The House was called to order by the Speaker.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

AGRICULTURE, CONSERVATION AND FORESTRY

Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands

(H.P. 1626) (L.D. 2254)

Presented by Representative DEXTER of Kingfield. (GOVERNOR'S BILL)

Cosponsored by Senator KILKELLY of Lincoln and Senators: BENOIT of Franklin, MILLS of Somerset, PARADIS of Aroostook.

TRANSPORTATION

Bill "An Act to Allow a Public Utility Emergency Service Vehicle to Use a Siren and Red Light When Responding to an Emergency"

(H.P. 1627) (L.D. 2255)

Presented by Representative USHER of Westbrook. Cosponsored by Senator O'GARA of Cumberland and Representatives: BERRY of Livermore, LABRECQUE of Gorham.

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

Pursuant to Resolve

Task Force to Study Strategies to Support Parents as Children's First Teachers

Representative BAKER for the **Task Force to Study Strategies to Support Parents as Children's First Teachers** pursuant to Resolve 1997, chapter 68 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers"

(H.P. 1628) (L.D. 2256)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

CRIMINAL JUSTICE

Bill "An Act to Make Public the Records of the Department of Corrections Relating to Inmate Furloughs and Requests under the Uniform Act for Out-of-State Parolee Supervision"

(H.P. 1629) (L.D. 2257)

Presented by Representative JABAR of Waterville. Cosponsored by Senator MURRAY of Penobscot and Representatives: BUNKER of Kossuth Township, KERR of Old Orchard Beach, McALEVEY of Waterboro, MUSE of South Portland, POVICH of Ellsworth, THOMPSON of Naples, WATERHOUSE of Bridgton, WHEELER of Bridgewater. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

By unanimous consent, all reference matters requiring Senate concurrence having been acted upon were **ORDERED SENT FORTHWITH**.

At this point, pursuant to House Rule 201, the Chair appointed the following members to serve on the Joint Select Committee on Substance Abuse pursuant to Joint Order House Paper 1579 as amended by Senate Amendment "A" (S-466):

Representative Michael F. Brennan of Portland
Representative Paul Chartrand of Rockland
Representative Thomas M. Davidson of Brunswick
Representative Joseph E. Brooks of Winterport
Representative Wendy Pieh of Bremen
Representative Judith A. Powers of Rockport
Representative Thomas W. Murphy, Jr., of Kennebunk
Representative Harry G. True of Fryeburg
Representative Peter E. Cianchette of South Portland
Representative Julie Ann O'Brien of Augusta

The Clerk was directed to notify the Senate of these appointments.

On motion of Representative MITCHELL of Portland, the following Joint Order: (H.P. 1625)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out legislation affecting children's mental health services to the House.

READ and **PASSED**.

Sent up for concurrence. **ORDERED SENT FORTHWITH**.

JOINT ORDER - Relative to amending the Maine Revised Statutes, Title 36, chapter 919, Shipbuilding Facility Credit (H.P. 1624)

Which was **TABLED** by Representative SAXL of Portland pending **PASSAGE**.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. I am requesting a Joint Order to require the tax committee to report out a bill amending the shipbuilding facility credit statute passed last year. I envision the amendment to simply be one which states that the rewarding of contracts in the hiring of employees for the construction of that facility will not be predicated on union membership.

During hearings on this bill last year BIW officials assured us that preference would be given to Maine workers. Additional preference would be given to Maine companies to provide supplies and other contracts. The bill even states, under its preference section, that the Department of Economic and Community Development will sponsor seminars so that Maine businesses can learn how to do business with Bath Iron Works.

Now, we discover that Bath Iron Works has contracted with an out of state firm which in turn has made an agreement with the building trades unions to require all employees on the construction site to be union members only.

Last year when the Legislature approved this credit arrangement for Bath Iron Works, many of us on both sides of the aisle were reluctant for philosophical reasons to approve of it. But when we heard the pleas from Bath Iron Works, and the fact that 4,000 or 5,000 union jobs were at risk, a lot of us swallowed our pride and our principles and voted for that and we voted for that so that we could protect those 5,000 or 6,000 union jobs for Maine and we did that by approving tax credits for Bath Iron Works.

Now, as a result of what we've heard this week from Bath Iron Works the construction portion of this facility is going to exclude 87 percent of the labor force in Maine. It's going to exclude them because that's the number in the labor force that is non-union. Further we find that small companies, which were promised during those hearings, would be able to bid on the various aspects of this project, now will be prevented, effectively prevented from bidding on that unless their employees become members of trade unions.

I think this is unfair to the Maine taxpayers who pledged \$60 million to this project with the understanding that local Maine workers would have an opportunity for employment. It's also unfair to the many small businesses in Maine that were relying on having the ability to bid on some of those projects.

It's my understanding, with the arrangement that's presently been made, that if you compare the proposed labor wage rates with the Carleton bridge project, which is already in progress, that the estimated level of wages for this project is some 84 percent above that. What I have difficulty understanding is that last year when Bath Iron Works came before us, they needed \$60 million of the taxpayers money in order to make this project feasible and we're talking about one of the largest defense contractors in the nation. And so now today to turn around and suggest that they're going to significantly inflate the cost of this project because of the increase in wages and to effectively eliminate most of the labor force in Maine simply because they're not members of union. I don't think it's fair. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Saxl.

Representative SAXL: Madam Speaker, Ladies and Gentlemen of the House. I move that this item be Indefinitely Postponed and all its accompanying papers. Thank you Madam Speaker, Men and Women of the House. Last year during the waning hours of the First Regular Session of the 118th Legislature, many of us came together to talk about what was a very momentous and large undertaking for the State of Maine and something of an innovative undertaking for the State of Maine and I was very proud to stand in this chamber and see such a difficult issue dealt with in such a reasonable and

professional manner and 112 members of this chamber joined together, Democrat, Republican, Unenrolled to support this project at Bath Iron Works and the reasons we said that we were supporting this project were because we cared about good paying jobs in the State of Maine because there was a sense of tradition around Bath Iron Works and about a pride in building the best ships in the State of Maine, because we believed that we couldn't afford to give up these good paying jobs in the State of Maine.

I stand before you today, and I thank Representative Lemont and the Taxation Committee for their hard work during those days, and I know that it's been referred to, in particular that the Representative from Kittery insisted that when this legislation be passed that it include Section 6858, Maine preference, which many of you may have reviewed over the past days. In specific this section says that a qualified investment or qualified ship gives to the greatest extent possible preference to Maine workers, Maine companies and Maine bidders who undertake to bid on this project. This is in the law that we passed and I'm very proud of that section and I thank Representative Lemont for his hard work on that.

Today, we've had a lot of folks who are confused or concerned about something called a Project Labor Agreement. In particular, they're concerned because they're worried that Maine won't get those jobs as we intended in this legislation. So I want to read to you from a section of the Project Labor Agreement that has been shared with me. It says that preference shall be given to Maine residents for referral to jobs and that non-Maine residents shall not be referred until all reasonable avenues for the referral of qualified Maine residents have been exhausted. In other words, this contract, this Project Labor Agreement and this law puts the workers of the State of Maine first, as it should be.

I think it's important to dispel some other confusion regarding this measure. The most important one I think is that Maine companies, as we required in the legislation, would not be allowed to bid on this project. I've spoken to endless numbers of people and I am assured that that is absolutely not true. Any Maine company, whether it be our friends at Cianbro our friends at Reed and Reed or any other union or non-union shop in the State of Maine can bid on these contracts. Furthermore, no worker who works at this has to join a union and become a union member. What the Project Labor Agreement, which is currently being used in 49 other states right now in the United States, which has been used in other Maine projects such as Maine Yankee, last year in Auburn on a pulp and paper project there. What this says simply is that for the term that these folks are working on this project that they pay union dues. Now what do they get in return for this, what is this all about? It's all about what we were all fighting for. It's about putting money in the pockets of the hard working people of Maine. Yesterday on the floor of the House I listened very closely to the debate on the minimum wage and I was impressed by much of the debate on both sides of the aisle. I remember especially the Representative from Enfield, Representative Lane, saying on the floor of the House, "We shouldn't raise the minimum wage because we should give that to the unions to do because they should be able to negotiate a fair wage." This is about that negotiated fair wage. This is about giving people of the State of Maine a fair wage, anybody from the State of Maine who wants to work a fair wage.

The last point I think it's important to mention today on the floor of the House is that I find it quite ironic that often times in this chamber we're saying we shouldn't be micromanaging business, that's for the businessman to decide, that's for the company to decide. Here we have a privately held corporation

making a business decision. Now Bath Iron Works is responsible to General Dynamics and the people at General Dynamics are responsible to their shareholders and in the law today in this nation they are required to do what is in the financial interest of those shareholders. They have made a business decision. They believe that this Project Labor Agreement is the best agreement possible for their corporation financially. Today, we're being asked to interject ourselves into that private contract, the right to contract, one of the most sacred rights of any citizen or any corporation in the United States.

My greatest fear is that even though there may be great intentions behind this Joint Order is that in the end this legislation will be repealed and in the end that will be the loss of those jobs and all those jobs to build that dry dock. But more than that, that it may risk all those jobs that we fought to protect last session. It's very easy to push Humpty Dumpty off the wall, but it's much, much tougher to put all those pieces back together again.

I ask that you respect the hard work that you did last legislative session, that you respect the right to contract and that you applaud the efforts of a corporation trying to pay the highest possible wage for Maine workers who will go on and spend those dollars at the Maine businesses of many of our constituents. Thank you very much.

The same Representative moved that the Joint Order be **INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. To address one simple point of my colleague, the fine Representative Saxl from Portland. I am proud of what we did the waning hours of last session. We pulled together bipartisanly many, many members of both Republicans and Democrats to support a very, very worthwhile project. I was happy, not ecstatic, I was happy to have voted for that project knowing full well that people in my district, people in my region and beyond simply wouldn't have a chance to benefit from the economy we were stimulating with this project.

Also, to respond to one thing that the fine Representative from Portland, Representative Saxl referred to the PLA, the Project Labor Agreement. I and many of my caucus members have been requesting to see some language in that. I may have missed the point, but I assume from the dialogue that Representative Saxl has seen that agreement. As I've gone down through the day and secured information along with many of the members of the caucus, we're to hear from the Representative from BIW on the fact that Maine workers, Maine companies were to be given preference and also very happy that one of our caucus members insisted, Representative Lemont, that that be in the agreement. Now let me address the process for those Maine companies and we understand it both from the Representative from BIW and from talking to some of the other companies that could possibly bid on this project. Let's talk about the process and the fact that the company granted, doesn't necessarily have to become a total union shop, but in fact they, the company, has to sign an agreement to become affiliated with the unions for this specific project. In terms of securing a contract, we really don't know what the criteria for that contract will be. Will it be low bid? We really know what will determine whether or not that subcontract can be secured. But when that subcontract is secured, that company has to sign that agreement. The employees of that company, long standing employees that they probably are, will have worked for those companies for many, many years. Now those employees will be made to go to the union house and sit and wait for that union to recommend and refer those to that contractor. Obviously without

having any seniority in the union, they probably would go to the back of the line.

Now, as the employees for this project are referred out of that union, they will come to a company which will be abiding by all the rules written into the PLA, but they'll be dealing with new employees. Employees that probably don't know about the efficiencies of that company, haven't worked with the management, really the efficiencies in that starting from day one begin to decline to a point where harmony may not exist. As we were being talked to by the Representative from BIW, harmony was the reason for this agreement. - Now, what are we to expect of those companies once this project is done? Those employees will then go back to a non-union shop and hopefully they'll be satisfied. Think about it.

As we talk to the many companies that could be involved, I talked to the largest masonry company in the State, now relocated from Bangor to Scarborough and that individual says there's no way that there are enough employees in the State of Maine to accomplish this project. So what does that leave us with? Right, there is supposed to be Maine workers and Maine companies. Where are those Maine workers and Maine companies going to come from? In terms of Maine workers, there aren't enough union members in the mason's union to be able to accomplish it, so where do they come from? As we mentioned earlier, the prevailing wage assumably has been determined by Boston wages, not Portland wages. Therefore, where are they going to come from? Certainly they'll be coming from the Boston market. How do they become residents? Well we all know about how one becomes a resident. You simply drop your bag in Portland on the way in and find an apartment.

We've also talked to many of the companies who would possibly get these large contracts. They said they're not interested in derailing this project. They simply want to give Maine companies and Maine workers a chance to bid on this. They have three points that they're disenchanted with in this agreement. First of all, they don't feel that the companies should sign a union agreement. Number two, the employees don't want to sign on as union members and number three, the employees don't want to sign on to paying union dues. We all talk about these bad companies as not paying a living wage, well paid jobs or if you look around if you actually knew what these companies paid, they are certainly at or above the prevailing wage, plus benefits. Some of these companies have been in business for many, many years. One has over a thousand dedicated employees, they don't keep them by paying them less and giving them less benefits and in one case 80 percent of the employees of this particular company own a part of the company. That's certainly more than simply good wages.

I think there's a remedy to this. I think that if the state has come to the table, the town has come to the table, the company has come to the table, there's one more faction that should come there also. Everyone has given something up. I think it's time for the unions to give something up. There was a question asked of the BIW representative this morning. What did the unions give up? There wasn't a real answer, there were words, but there wasn't real answers. I think that the company and all the stakeholders, the union members and the economic base of the State of Maine the companies in that region, the companies in the State from the North and the East and the West that have no economies might come down and work on that site. So I think if the stakeholders could get together and just work on that agreement as it's drafted and eliminate those three points everyone would be happy. I think it's imperative that this order be passed and there be a vehicle for the Taxation Committee to bring these issues before the public and have the public input, so

the rest of the 83 percent of the labor force in the State can have a say. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative Carleton: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CARLETON: Madam Speaker, Ladies and Gentlemen of the House. I'm not sure that I understand all of the details of the arrangement in this labor contract so this is the reason why I'm asking the question. I understand that any company that does not have union employees would be required to have its employees join the union for purposes of the particular construction project with Bath Iron Works. I have been told that when they do so, when they join the union for purposes of this particular contract, they're subject to the labor rules governing that particular contract. I've also been told that when they join the union for that purpose, they are treated as new employees and that having been treated as new employees they go to the bottom of the list in terms of being actually hired to take on the work. If this were true, it would that even if a non-union company in Maine bid and got the job and its employees became temporary members of the union those employees would be at the bottom of the list when it came time to actually doing the work.

My question is, Is this true?

The SPEAKER: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. This is not true. When a company signs on the company can bring their own men with them. When they need additional workers they can hire through the hall or now a days they can solicit their own jobs. Let me repeat again. When a company comes on as a contractor, the contractor can bring their own men with them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. I appreciate the answer of the good Representative from Berwick, but I'm not sure that I've heard an answer to the specific question that I asked.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Madam Speaker, Men and Women of the House. In response to the question, I would like to compare this to the common practice in the industry now. In Jay, Maine, several years ago it was Cianbro that started doing work in International Paper plant. Cianbro uses their workers to fill the positions when they need extra help or there's a bridge project. As a paper company they may hire even a union contractor to come in to do some of the work. For someone to come in to the trades now, if someone comes into the trades, now I believe they come in and they go through the apprenticeship program. I don't believe that anybody is going to be able to go through the apprenticeship program before this project is finished. I don't think that's anybody's intent.

They're saying that they're going to allow these companies to bid on this work. The building trades won this contract. If Cianbro had won the contract, are we going to go and start bidding for Northeast Industrial or Reed and Reed or whoever it is? I don't think so. I think this is an agreement between the company. If it promotes harmony with the union workforce, you know maybe that's going to help make up a little bit for the pay

raises they didn't get that we might have expected from this deal too.

I think we can leave this alone and I would support the motion before us.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I was one of the persons who voted for this bill and I was not happy to vote for it. I don't believe in corporate welfare and I saw this as the biggest corporate welfare deal that Maine has even entered into, but I'm young and there have been others. I thought it was a great way for Bath Iron Works to take and have a good bargaining position with General Dynamics and I was horrified to vote for it and I listened to Representative Volenik describe how much money the chairman of General Dynamics made and I was horrified to think of all the tax money that the people all over the State of Maine were putting into this, but I knew how important Bath Iron Works was to the economy of the State of Maine, so I held my nose and I voted for it as did a lot of other people.

A lot of people did what they didn't like or didn't really want to do, but because the outcome was for the good of the State of Maine and this ink wasn't even dry when Bath Iron Works, General Dynamics and their competitor in the south all got together and made a gentlemen's agreement that they wouldn't compete against each other anymore. So all of this that we went through to make Bath Iron Works competitive, give corporate welfare to a multi-billion dollar corporation to ensure jobs to an industry that shook hands afterwards and agreed not to compete with each other, but to collaborate. I don't know about you, but I felt like I had egg on my face. Now we come to this. The State of Maine put its foot in, the City of Bath has put its financing in and it all comes down to, are we going to make people pay union dues? Can you imagine that's a deal breaker, but for me it's a deal breaker. Why can't we just do the job without pressing people into paying union dues? Unions were formed so that people wouldn't be pressed into conditions that they didn't want to work under, go figure. Just go figure. So here we are in a nice catch 22 situation, which I don't like. If I had known, if I could have seen into the future and seen who was in bed with whom, I wouldn't have voted for this.

There's still a chance to save the project. There's still a chance to work. Harmony is a town in Maine. The economy of the State of Maine, the southern part of the state is quite robust from what I understand and my constituents weren't real happy that we were voting to send another \$64 million tax break to an already robust economy. My people don't like corporate welfare either. And my people don't like being told that they have to pay to be in a group that they'd be in if they wanted to be, that they have to pay to join the group and to be in the group and I actually heard somebody say that they could actually put the money into a retirement account. I'm not sure how long this project lasts, but I doubt you vest with the AFL-CIO in a matter of months or years. I don't see why when everybody else came to the table to save union jobs in the State of Maine, the unions are insisting that everybody that walks on that property has to pay union dues, too. It's like putting up a toll gate at the place that you have to go to work, like putting a toll gate at the front steps and every one of you is going to have pay a toll to come in here and sit down and vote.

So I think it's time that we relooked at what we did for Bath Iron Works and that we get back to the negotiating table because once they ask for assistance from the government, as Margaret Chase Smith said, "Every single time you ask the government to take care of something for you, you loose a little bit more of your freedom." Bath Iron Works came to us asked,

us, to do something for them and they gave up some of their freedom because this came with strings attached and the strings are still there and I urge you to vote against the motion to Indefinitely Postpone. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative MacDougall.

Representative MACDOUGALL: Madam Speaker, Ladies and Gentlemen of the House. The long debate that we had last year concerning this that the key components that you heard for weeks really, was the inability of Bath to compete and the request therefore was we need help from the taxpayer of Maine from the whole state and the small businesses from the whole State of Maine to help in this endeavor to help them remain competitive.

Well nine years ago the company I worked for were facing a crisis. We're a commercial printer. We compete nationally for mail order and retail four color printer. It was so serious that we ended up taking a 10 percent pay cut. They took about a year and a half to have that given back to us as things got better, we are at a point where draconian measures were necessary in order for the long term goal to stay solvent and to keep jobs for the families that worked in my company. The whole discussion I kept looking for where's the pain of the people that benefit, where's the sacrifice in the people that benefit, because at the same time we're asking more sacrifice from the Maine taxpayers and Maine's small businesses.

I find it unconscionable that in the spirit of that debate that there's linkage for these unions calling the shots or prescribing the rules for 80 something percent of the non-union businesses and workers in this state. This is not going to create harmony. I would just close that I really don't think that when you're talking \$60 million or whatever the figure is, that we're micromanaging by bringing this order to the Hall of the House today. I would say micromanaging would be raising the minimum wage as we did earlier. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I found it interesting that my Right Honorable Colleague from Portland talked about private contracts and government not getting involved and letting both sides privately decide on a contract that is mutually beneficial for both of them. But yet, some would want all these companies bidding on the subcontracts to be forced to join a union and all the employees to be forced to join a union. No regard for private contracts, no regard for private will, if you want the job, you will be forced and coerced into joining the union whether you like it or not.

Now I'm not going to stand here and debate the merits of joining a union or not, but if joining a union is such a great idea, I'm sure the union would be able to sell to these workers the idea of joining a union and sell it to them like any other product or membership would be sold and get these workers to voluntarily join the union.

Another concern I had was expressed by Representative MacDougall, that this bill was originally for BIW to be competitive with Ingalls in Mississippi. How on earth are we going to help BIW be competitive when we have something in the bill that will raise the costs by \$60 million? We want BIW to be competitive. We want the next century's Navy vessels to be built right here in Maine and Maine workers to be building them and I urge you to vote against this pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. I just want to dispel a few

misconceptions. This argument that there aren't men or women to do this job is pure bunk. As I represent the carpenter's union, we have over 400 members in Maine, we have plenty of men to supply that job. The laborers have over 200 men, the iron workers, electricians, pipefitters, operating engineers, we all have plenty of men and women to supply that job. And as far as going to the bottom of the list, what happens now is a company gets a contract, if they have men, local men working for them or women, they're allowed to bring those local people in. I'll give you an example of an out-of-state company, I'm handling a job down in New Hampshire, the company's out of Missouri, they're allowed to bring their supervisor, two foremen and two key personnel. The other 50 men on that job are all local men, they're not from out of state, they're local people paying taxes, buying goods. I can't understand why you don't want local men working. As far as what does the unions bring organized labor, we bring skilled workers, we bring job training, safety training, training in scaffolding, use of tools, etc., etc. This is what we bring. What this is all about isn't about Bath Iron Works it's about anti-union and that's it plain and simple. Call a spade a spade or do what you want, it's not against Bath Iron Works. What else has the union done? The unions represent all people, not just their members, all working people. Without the unions we'd still be working seven days a week. Thanks to the unions we're working eight hour days with overtime for anything over. Thanks to the unions we have child labor laws that allow our sons and daughters and grandchildren to play little league and play soccer and be in the Girl Scouts and Boy Scouts and not be in a factory sweatshop working. We have workplace safety. We have job training, we have pensions. All fine and admirable things.

This is an agreement that has been worked out by a business and we hear over and over that we should leave businesses alone and let them do what's best because they know what's best. I think BIW knows what's best, they're beholden to their shareholders, they know how to get this job done and let's let them get it done.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. It's interesting that we're all going to dispel rumors and we're on different sides of the issue. There was a question asked earlier about a contractor being able to use their own employees and it was an emphatic yes. Only there's one little issue that was left out of the answer. They can use their own employees if it's a union contractor and they belong to the unions. If it's a non-union contractor, we've heard all day that the non-union contractors couldn't bid and I admit that's not true, they can bid on those. The only problem is they can't use their employees until all other sources are exhausted. So that to say yes, we can bring our employees is not quite accurate. If all other sources are exhausted and you heard my friend from Berwick indicate that there were plenty of people in the union halls to fill these jobs. The message to me is that non-union contractor if they are the company to whom the bid is awarded, will not be able to use their people because there are enough people. I'm surprised that we have a high unemployment rate, quite frankly. I didn't know we had that many people sitting unemployed but, I am assuming those numbers are correct. Those number of people are out there waiting for the opportunity to go to work. I am happy for them to go to work. I am happy that the non-union contractors are going to have the opportunity to bid. I am disappointed that their employees probably will not be able to bid.

One of the first speakers you heard made reference to the agreement that we passed last year. Some of you will

remember, uncharacteristically of me, I got a little upset last year and made a comment that I knew I was going to regret this vote, but I didn't think it was going to be in five minutes. Well, I did then and I do now. I am disappointed that I am disappointed. I wish that this hadn't happened, quite frankly. We heard that this was micromanaging. I have no interest in micromanaging. That company can do whatever they want with the contract. I don't want the taxpayers dollars being used in that manner. We heard earlier that the agreement says that we will use Maine people. I don't dispute that the contract says we will use Maine people. I would dispute how they become Maine people. I think one of my biggest concerns is there is not a union contractor, to the best of my knowledge and I deal with most of these folks in my real life job, that can supply the people that we need that is based in Maine. If the contract is going to go to a union contractor, chances are, this is not absolute, but chances are that is going to be an out of state contractor. This isn't just about employing Maine people. It is about the money being spent in our economy and spent again in our economy and spent again in our economy. This is like when a car dealer says to me, Why don't you want to buy a Toyota? We build all of our Hondas, all of our cars are built in Springfield, Illinois, somewhere in the United States. I said, I am sorry sir, that doesn't cut it with me, because you are still owned by a foreign company so the money is still leaving here.

We are a country that now has a balance to trade deficit in the hundreds of millions of dollars, year after year after year. I don't want to be a state that has a balance to trade deficit in this particular situation. I honestly believe that standing here that these contracts are going to go to out of state contractors. I won't dispute the issue that Maine people are going to go to work. I think that is going to happen. I absolutely think that is going to happen. I will dispute how they are going to become Maine residents and that is a real concern for me. This is, quite frankly, political suicide to disagree with this. I live in a very strong union community. I know this is going to be used against me. That is okay. We were told by BIW last year that they needed our help and we were told a number of other things. I feel betrayed. I feel betrayed. I have a very difficult time accepting that they were up front with us about all the details of what they were going to do. That is where I am coming from. I don't like being misled. We were told it would be Maine contractors. We were told it would be Maine people. I think I was misled.

Mr. Gildart, many of you know him, stood before some of us this morning and said that the contractors that get the bids will have to hire through the union hall. If they can't supply the people, then they can use their present employees. I want to be sure to clear that issue up. Some of you in this room last night or this morning received a letter from the union shop in Bath. I was disappointed to receive the letter. Any of you who haven't seen it, I know there is a number of you that haven't, but there was a very thinly veiled threat that if we raised our voice in opposition to what happened that we wouldn't come back again next time and I'm disappointed that in our state where in this hall we typically have very good relations, sometimes things don't go as well as we'd like on how we treat one another, but I am really disappointed that this issue has come down to the point where the people that were involved feel it necessary to threaten anybody that doesn't agree with them. That if you don't do what we want we'll get you. And if for no other reason if I'd supported what had happened before I can't now. I'll not be intimidated by that kind of threat. I hope in the number of years that I've been here that I've established some level of credibility, I've tried to be honest, but I'll not be threatened and I'm sorry that it's come to this. I would like very much to support this. I know how it's going

to come out, everybody in this room knows what's going to happen tonight. I can count. But I'm really disappointed that it's come to this and I supported it last year and I'm disappointed that I can't support it this year. I would ask you to vote against the motion on the floor and I would appreciate it if you do. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I, too, am dismayed by the debate we're having today. I am one of the people that would if I'd happened to have been in the chamber last year, would have voted against corporate welfare. I want you to know Ladies and Gentlemen it is very clear to this debate this has nothing to do about corporate welfare. This is definitely just a union to do or not to do. Just paying dues is all this is about. It has nothing to do with being betrayed. Is there anybody in this chamber that didn't realize that Bath Iron Works is a union shop when we voted that in last year? You saw them in the halls wearing their shirts and their jackets. There's not one person in this chamber that didn't know that they're running a union shop down there, that they're running a union operation and they do it nationally. So they have to respond to their national and corporate that own the companies and BIW. So there should be nobody in this chamber that have at least been around the block as far as unions go that realize that policy is dictated by the unions that are in your business, that you operate and have in your shop and it's voted on and everyone knows how you get unionized. Anybody in this chamber that has a mill in their backyard should be well versed on unions and how union shops work, if your mill happens to have a union shop. There are many mills in this country in 49 states that say if you come in and bid on a contract, hey, while you're there you've got to pay dues and honor the union agreement that the company your working for has. That's all this is, BIW says we have a unionized company and if you want to bid on the contract, please just honor the fact that we have to honor our commitments to our unionized worker and that's all this is. The spin in this chamber today is, done everything, but the bottom line is, is that company honors the union that works for them and all they've done is put together an agreement that says I want you to treat everybody in my company the same way that we treat our own people, and that's all this is. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I once read somewhere that business down through the years in modern history has been its own worst enemy because on one hand it says leave us alone, don't regulate us and other hand that says regulate the other guy, but subsidize me. There's another expression that when you dance with the devil, you have to pay for the tune and that's my answer to Representative Saxl's comment about what right do we have to interject in this situation here. I, for one, along with a great many others in here when this vote was taken when we passed this, held my breath, held my nose and waited for the very last minute before I pushed my button to vote for this because I had a queasy feeling in my stomach that although it seemed like the right thing to do, it really wasn't.

To answer Representative Wright's question and I was out of the room and I think Representative Bunker alluded to the same thing that this is an anti-union thing. Well I don't know about anybody else, but it is not anti-union for me. As anybody knows me on the floor, I have not supported a lot of union measures and that's been taken maybe, certainly by the unions as being anti-union. Nothing could be further from the truth. Unions have their place. I like balance and I'll tell you, I would never ever

have voted for this bill if this measure was known to me because it's not about anti-union, it's about freedom and when we put up taxpayer's dollars everybody should be able to go out there and bid for that without being coerced and told that they have to join a union. That should be their choice. If they want to fine. I've had talks with Representatives from the other aisle on this issue, I talked with Representative Samson this morning and a few others in the back room about my experience with unions. I personally wouldn't join one and I won't go into why, but I am not anti-union. I am for balance and this is not balance and this is not right.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Madam Speaker, Men and Women of the House. First I want to state for the record that I belong to a union. I was an executive officer in the union in UPIU Local 14. I have to say that in that experience that it was the most democratic-oriented project that I have been involved in. The most, not one of the most. I would like to pose a question through the chair. The question would be directed to the Representative from Rumford, Representative Cameron. For the record, I would like to know if the threat was against the Representative, or the threat against him, or his family or if it was a threat to his re-election? I think that is important to state for the record. I would like a follow up.

The SPEAKER: The Representative from Livermore, Representative Berry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Men and Women of the House. I apologize for not making that clear. The threat was clearly addressed at my next election if I don't go along with this. The union will see to it that I am held accountable for that. It had nothing to do with me personally. I apologize if I did not make that clear.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Madam Speaker, Men and Women of the House. I appreciate those comments from the Representative. It is important to have that on record to me because the unions are so often being called thugs and it is very easy to present that message. I resent that. I felt strongly that the Representative didn't mean to mean that. However, threatening someone's re-election, I think I get that on a daily basis back home. I get it from my family for one. We get it from whatever groups we have back home that disagree with us. I think that is part of the democratic process that we are here to take part in. I don't think it bears on this discussion. I just want to say again that I support the motion to Indefinitely Postpone. I would ask that when the vote is taken, it be taken by a roll call.

Representative BERRY of Livermore **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Order.

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 Gorham, Representative Labrecque.

Representative LABRECQUE: Madam Speaker, Ladies and Gentlemen of the House. I have this letter that perhaps not everybody in here does. For the record, I would like to read two paragraphs of it. I would first preface my comments by saying that I think that as a legislator I should receive letters from my constituents or telephone calls. I should try, in a courteous manner to respond to those. I would expect that when my constituents have deep concerns that they are courteous to me as well. I am only one person and I can't always solve everybody's problems. This letter, however, is addressed to

Dear State Legislator. I will read the last two paragraphs. "Many people will benefit from the legislation passed by you in 1997. Certainly BIW will be a major benefactor from this legislation. Because of this PLA, the Maine taxpayers, the Maine construction workers, the employees of BIW and the local businesses of Maine will benefit because Maine workers spend their earnings in Maine rather than Massachusetts.

Those who will not benefit are those who would try to make a political issue out of misrepresentation, half truths and untruths. The members of our unions. The members of the Maine AFL-CIO and the members of the Maine Building and Construction Trade Council will see to that. Respectfully yours, the leadership of local S.6" Thank you Madam Speaker.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. Just a couple observations. The words anti-union, I would have to say I am worried about that, too. I belong to three labor unions at least, paperworkers mainly, operating engineers and longshoremen, believe it or not. Unions, as one of the good Representatives mentioned, Representative Wright, I believe, have a tremendous place in the history of this country, especially in industries where the workers are kept down. We have talked about related subjects already on other issues today and yesterday to do with bigness. Unions are great. They had their place in history, but when I belonged to the operating engineers, it was a hay day of the unions and it was on the Alaska Pipeline Project. The Teamsters, at that time, and the operating engineers, I believe had too much clout in the State of Alaska. The wages that were demanded and the benefits, I think were way out of line. That was the zenith of the unions. Just about that same time they took a tumble and maybe it is time that they cycled back. The main point has to do with bigness. I heard the term, private company here. A year ago when we debated this and fortunately to back up just a little, before I ever ran for office, I heard some people say that I had to vote for this or that and I held my nose. I always said to myself, I hope I never hold my nose and vote. I almost would recommend respectfully that if we didn't hold our nose that maybe we would let our nose go and we might vote in a little better way. I just want to comment on the term private here. Last year I said that this is the biggest private employer in Maine, but the second we give them a \$60 million tax break, they are not as private. It is as simple as that. Central Maine Power Company is a utility. We don't consider that a private company. It is a utility and it does good things for everybody and we regulate it. Chrysler was considered a private company until the US bailed them out. I am not saying that is good or bad, but let's face it folks, these big companies are utilities, practically. Bath Iron Works almost entirely deals with military contracts, maybe entirely. The more the government gets involved with tax breaks, tax subsidies, the less private they are. We have a right to micromanagement because taxpayer money is involved. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. You have been hearing from all the yeses. I think you need to hear from one of the 29 nos. I strongly feel that when you put together a package everyone antes in, taxpayers of this state put in \$60 million. I voted no because there were no concessions from the workers, no concessions from the shipyard management. We had an international corporation and its corporate hierarchy didn't make any contributions. They didn't ante in. I voted no because we were rushed. We have heard many times what happens to laws and sausage when they are rushed. If this bill was sausage,

there would be an FDA recall in effect right now. How did it happen? It was an army of suits. Remember them. It was a swarm of suits that swarmed all over this State House. Ironically, I think after the billing hours probably arrived, they could have broken ground for this project and put up a lot of steel on what those lobbyists and lawyers earn lobbying here in the people's house.

We were told that the very survival of that yard depended upon that passage of the bill. If it wasn't passed, we were out of here folks. We were also told that every single dollar and every single penny counted because they were in a life and death competition. A fight for survival with a southern yard. We now find that reality is that one, cost didn't matter. We had a handout from BIW today that this will probably add, as a minimum, 10 percent to the cost of this project. Two, the reality also is that there is a sign or that there will be if we don't act on the gates of that project area saying that we are going to spend your money, all \$60 million of it, but if you are one of those 82 percent of the Maine workers who doesn't belong to a union, don't apply. You are not going to work here. This is a real clear vote. I think the gentleman from Rumford was very clear. There is no suspense. If anything is greased, this is greased. We know how the vote is going to turn out. I would ask you that if you vote no on this motion to Indefinitely Postpone, we will have a hearing and we will get the facts. We will have a hearing and we can clear up the confusion. If we have a hearing, we can see the agreement.

The good Representative from Holden had asked the good Representative from Portland, have you seen the agreement? Let the record show that the good Representative from Portland, shook his head no. We haven't seen the paperwork. We haven't seen the agreement. We really have to ask ourselves, we can't think as union people or people that represent corporate interests. Does this deal, in hindsight, which hasn't been culminated yet, represent the best interest of the taxpayers and citizens of Maine? Have we served as the proper guardian of that \$60 million that they worked so hard to earn to pay to the State of Maine? That is what your no vote for Indefinite Postponement will do. Let's see the paper. Let's get the facts. Let's move this project forward. If you are going to vote yes to Indefinitely Postpone and end this tonight, at least have the courtesy and the honesty to retitle that bill that was passed last year. I would suggest a title. "An Act to Create with Taxpayers Money A Closed Union Shop." If you vote yes to vote for Indefinite Postponement, you will shut this issue down. I am afraid what will begin to happen is when you go back home you are going to find there is an anger sweeping through Maine. Petitions to kill the deal outright has stalled. Shouldn't we meet our responsibilities and address this issue and clear up the confusion, which is our responsibility at this time and place or do we want to leave it to an angry electorate and have a statewide vote? I would urge you to vote no on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. There were a couple of comments made that I just wanted to respond to. One was a while ago referencing exactly what the unions are giving up or were giving up relative to this agreement that we voted on last year and are discussing today. In my humble estimation, they are giving up a great deal. They came to us asking us to support that agreement with the full knowledge that they were going to be quite possibly giving up hundreds if not thousands of their jobs over the next few years in a sacrifice to retain thousands of jobs. They were willing to do that in the long run because they knew it would be better than not having any jobs at BIW in Bath. That is quite a sacrifice and their people are willing to do that for the

long haul and for their membership as many of them as they can possibly keep on the job.

The second thing I want to comment on was the allusion to the letter that the good Representative from Gorham, Representative Labrecque, thankfully quoted to us because I didn't get that letter and I appreciate her quoting that to us. Serving on both the Marine Resources Committee and the Judiciary Committee, I can tell you that that letter is mild compared to the face to face confrontations we get on those two committees and the issues that we deal with on a day-to-day basis from our constituencies. I invite you to come join us anytime if you think that is a threat. We get them more directly on a day-to-day basis. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. To anyone who would care to answer, I hope I can make this clear. I understand that of all employees, approximately 12 percent are unionized. I would like to know how many, if the answer is known, in the construction trades are unionized in Maine? Thank you.

The SPEAKER: The Representative from Augusta, Representative O'Brien has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. I stand in support of the pending motion to Indefinitely Postpone. I am not a union member and I am not an expert on project labor agreements by any means. I certainly am not carrying the water of Bath Iron Works here tonight. I do have an opinion on this bill because I spent a lot of time as did the other members of the Taxation Committee working a year ago. I know the bill pretty well, I think. We did put the Maine preference level in the bill as we made other changes to the bill to make, we thought, a stronger bill. I think Bath Iron Works has interpreted the Maine preference language and has determined that the best way to adhere to that language and the best way to go forward with this product is through a Project Labor Agreement. As has been stated they are a private corporation, private entity. This was a business decision made by their management. They use a Project Labor Agreement. There are obviously advantages to the corporation. You have heard about some of them certainly with respect to labor. There is actually certainty to the respect to the labor cost involved and the conditions. There is protections against work stoppages. I don't think the corporation had a gun to their head by the labor unions. I think they made this as a business decision. It is certainly true under a Project Labor Agreement that all contractors work under the same conditions and that there are standardized worker conditions and wages.

I don't stand here tonight to defend the decision of Bath Iron Works because I don't have to. It was a business decision. It is legal. We did pass this bill a few months back. We had debate at that time. There were several people, 29 or however many that voted against it. Like the Representative from Hampden, I had concerns about the bill, as did many of you. We spent a lot of time working the bill over. We put fall back provisions in it. It put minimum provisions with respect to employment. This isn't \$60 million all at once. The way it works is they have to continue the employment and meet the conditions and they can retain up to \$3 million a year in payroll withholding taxes, that is only if they continue to meet the conditions.

It is my feeling that we have dealt with these issues. It was a private decision. The corporation has moved forward in good faith based on what they have done. I believe we should let them move forward. I am not standing here tonight thinking that I want to put my shoes into the management of Bath Iron Works or the labor unions. This was legal. It complied with what we had put together. I, for one, do not want to reopen this. That is why I am voting yes to Indefinitely Postpone. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. The debate we have gotten into has been interesting to listen to. We have learned something this evening. My first reaction when I heard about this agreement with Maine companies being shut out was one of anger and hurt. It was one that made me feel as though I had been misled. I had the opportunity to talk with people in different areas and get some other information together that was misinformation at one point. There are some things that still greatly concern me. I don't regret having bought onto that tax break earlier. Despite the fact that almost no one who lives near me will benefit from it directly. I was one of the early people who said that, boy it is true, there are a lot of differences between the other state and this state. There are a lot of cheaper costs that go on down there. Their state put that big footprint for them. They funded all this stuff. They rent it to them for a dollar. The State of Maine doesn't do the same for this big private company that, at one time, had 10,000 employees. We don't have that same kind of interaction with this huge company. I full well knew that when I voted for that, that I was doing it to protect union jobs at Bath Iron Works. That didn't make me flinch a bit.

I have been through the shop. I have watched them work. I have watched those magnificent huge technologically impressive ships set sail. I have been invited to a lot of those setting sail and hopefully will be invited to more when this is all done. It is not funny, however, on the PLA. What is concerning about that isn't that there are going to be union people working. I want all Maine people to work. If they are able to garner a higher wage because they belong to a labor union or not or they are more skilled than another is not the issue. The issue is when we were talking about this, the understanding that some of us were under and it wasn't spelled out and maybe that was one of our faults as being an open house and expecting people to throw all their cards on the table. Talking to the management folks from BIW who said they had never even heard of a PLA last December. I don't have any reason for information that says that that is true or untrue. The company they hired obviously did because they are putting one into place.

The problem I had was this was a great opportunity for some great Maine firms to work with a great Maine company and make us all proud that we took, for me, a politically risky vote. Of course, I can't run for re-election, so the risk wasn't as great as some others. It is a politically risky vote to make a huge tax cut like that when my folks at home would like one for one big company. I know it is not all in one year, but it is \$60 million out of a \$200 million project. That is a pretty good hunk. That kind of a tax cut I could live with, if you wanted to do it for my paycheck. The real concerning part, when we get down to it, is we are going down a road that other states are in. One of the things that I was impressed with when I visited the first time, Bath Iron Works, was the collaborative effort that we saw between their employees and their management. They had teams working together and walking around the plant inspecting safety sites and agreeing that things needed to be changed and working them out.

This is going down that road of division amongst the rest of the population. This is going down that road that if you are not a dues paying union member, then we don't want you around here. That is saying that because members of another company who may have voted not to unionize because their company was being fair to them. They didn't see the need for it in that time as opposed to other shops that those folks, we are going to fix you because you didn't want us. We are going to make sure that the only way you are going to work in this state now on any big project that is a union shop, we are going to shut you out. That is not Maine's tradition. There are hundreds of projects across the state that are done by small contractors and large contractors that are Maine owned, some are union and some are not. They do good work and they help us all work better. That was what struck the anger in me and I let some of that anger be shown to some of the Bath Iron Works folks earlier.

To go a little bit further, the union didn't give anything, the members at Bath Iron Works, the workers did. Their union recommended that they strike last year, that they not accept BIW's offer, that they walk out. The membership voted not to strike. They tried to work together to make it work. I think that is important to recognize. I have had an awful hard time because I am not ashamed of the vote I did last year. I am proud of it. I think it was the right thing to do despite this. Boy, doesn't it make me feel awful that this has come to this place. At this point, I was hoping to be pointing at all the great jobs that are coming from a contractor in Pittsfield or a contractor in Woolwich or a contractor in South Portland and saying it was the right thing to do. Those people are generating jobs and they are paying taxes and it does help my district. We now have further started to divide our society and say that you belong in this club and you don't belong in that club and we are not going to take you and if you are a successful group that don't belong to us, we are going to make sure that it hurts not to belong in our group. That is bothersome. It is not Maine's tradition. It is starting down a new track that other states have done and looking at them, they are not all in this fashion. There are some that use Davis Bacon like provisions in it, which would have probably been fine. If you are going to work on this union land, we want you to pay union wages to your people. We do that in this state everyday. This contract is all over the place doing that. Then we have a bill to repeal it, some of those companies came in and said don't repeal it. We like it where it is. Others came in and said that it wasn't that the companies were greedy and said don't do this. That would have made a lot more sense and it would have let Maine companies participate.

That is not the avenue that was chosen by this private entity that came in for a big hunk of their financing from the State of Maine taxpayers, all 100 percent of the taxpayers, not just the 13 percent or 15 percent of union members or the 82 percent that are not. One hundred percent of Maine taxpayers are paying them. It is very disconcerting. It is starting down the wrong avenue. It is sending the wrong message and it is going to make what is a great cornerstone of Maine's economy, Bath Iron Works. A company that is a little less popular with the people of the State of Maine. They are not running for office so I am sure they don't care about that. It is just too bad to see them drag themselves through the mud like that. It is too bad to see them shut other people out. It is not right.

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

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. When I voted last year on this issue, I did vote to save the union jobs at Bath Iron Works. I also was thinking about all the small companies that contributed to Bath Iron Works, vendors and all. I thought this would be good for our

economy. I was excited and I honestly thought I had done the right thing for the State of Maine. I am going to tell you right now, I feel betrayed. I think I have been misled somewhere along the line. We are talking on one hand of about 17 percent of labor getting the jobs. We are hoping they are going to be Maine laborers. I am concerned about the 83 percent who I wanted to have a chance to work at Bath Iron Works who were going to pay out of their pocket, just like everybody else, the \$60 million taxes that we are giving. They are going to be paying that. That is coming out of that 83 percent. That is coming right out of their pocket. That bothers me and yet we are debating an issue that would give that 83 percent a chance to be heard. We are debating an issue on whether or not this should go back to Taxation and allow the committee to make necessary amendments to protect 83 percent of the workforce in this state. I have big problems with that. I hope you people will defeat this Indefinite Postponement and let's think about the whole picture of the State of Maine, all of the laborers. Thank you.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I think that it is very important that you hear from another noble on the issue that we voted on last year. Despite the fact that I disagreed with the opinion of many people who did vote for it, I was willing to abide by the will of the majority and thought that we could move forward from that day. Many of you will recall that I was very concerned about the unfairness of the issue and had drafted an amendment to put on that came within eight votes of passing. It was an amendment which would have given the same tax break to all of the other companies in the State of Maine that had 50 or more employees. Evidentially that got a lot of people's interest because 61 people in this House voted along with me. I think probably had I lobbied ahead of time, I might have been able to get more support. I think that there is something that needs to be considered here. Whenever we have something like this that comes back to slap us in the face, I think it points out some issue that I brought up many times last year and the good Speaker has reminded me of the fact that I bring it up quite often. It is the fact that this exacerbates the situation of two Maines.

This is going to provide a tremendous amount of money into the economy of the Bath area and people who live in the areas close to there. There are a lot of people from my area that have migrated down here. We had an excellent welding program in our vocational school. They have done very well working at Bath Iron Works. Once they knew where they graduated from, they were more than willing to hire them right on the spot. These people are benefiting from this. However, in the cutbacks that have taken place, many of those people have been considered dispensable and have lost their jobs. I think what happens here and what we have to take a look at is another issue of fairness. The same as my amendment would have provided last year to the other businesses in the state that contribute to our economy. That fairness was very well represented by the good Representative from Scarborough when she said 83 percent of our workforce really are not going to be considered for these jobs.

I know very well what it is like to compete in the area where you have unions. We have some mills in our area. They dictate the economy of that community and the communities that surround them. They have brought up the standard of living. At the same time when you have a closed shop, you doom the rest of the workforce around you to lower working conditions, lower wages, lower benefits and so forth. Yet every time the union in that mill town got a raise, the prices in the store went up accordingly. For those people who did not get that raise, they

had to struggle to meet those prices in order to remain living in that area. This is exactly why Aroostook County has lost 8,300 people since the last census. Those people can no longer find jobs or create jobs to give them a living wage. I think, again, it is an issue of fairness. I hope that you will join me in opposing this motion to Indefinitely Postpone this bill and let's take a look at it and have the hearings and consider all of the facts before we put it to sleep. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. I think there is another paragraph on the letter which some of us received from Local S6 earlier today. I will read it to you. "The PLA does several things. Some of the things that it does is it guarantees that Maine workers will be given preference for these jobs. The PLA commits all contractors to utilizing Maine residents who are members of the Maine Building Trade Unions. It also commits the Maine Building Trades to supply Maine workers to this project. It also commits both parties to utilizing out of work IAM members, such as those at Kimberly Clark in Waterville if there is a need above what the building trades can supply." In another sheet of information which I received earlier today, which came from Bath Iron Works, it says, PLAs are common in large Maine construction projects with union work forces. Also, BIW's agreement with the state is to give preference to Maine workers, not to certain Maine contractors. Also, contracts will awarded on the basis of competitive bids, not political pressure. At the same time, I also heard today that the non-union companies are paying wages which are in the \$12 to \$15 an hour range. At the shipyard they are in the \$14 to \$15 range. Yet, this project, from what I heard, the per hour rates are going to be \$22 to \$33. I just have to ask, it doesn't add up to me. It seems like it is a real problem. I think as all Maine taxpayers are going to be paying for this large project, that holding the cost down, we aren't doing it by doing it this way. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Colleagues of the House. I thank Representative Lovett for answering my question. She probably didn't realize she did, but indirectly she did. The question, as some of you may have forgotten was, what percentage of construction workers are unionized? I believe, if I was understanding correctly, it was approximately 17 percent. I am confused. If it is 17 percent, we represent 100 percent of the citizens of Maine and 100 percent of the citizens of Maine are subsidizing the \$60 million tax break. I don't understand it and I don't like the feeling of being held hostage. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Lemaire.

Representative LEMAIRE: Madam Speaker, Men and Women of the House. Last year when this came to our attention on the floor of the House, I guess I have to remind the good Representative on the other side that there weren't just suits here. There were also jackets. The business, the management and the union were both in favor of doing what we did last year. I supported it and I debated it. I debated it because there were so many union people in service industries in my area. I think I would like to look at some misconceptions that I am hearing on the floor. We have three major contractors in this state. There may be more, but I don't know about them, Reed and Reed, Cianbro and AE Sargent. There is nothing that says that they cannot bid. Nothing. Everyone is fair and equal from the start. What it does say is that when they do bid, that those people who they hire from the building trades, whether they are union or non-

union, during the duration of the contract, they are union. They will be paid union wages and benefits.

Men and women of the House, the companies may not be happy if they are non-union, but don't tell me the workers won't be. They may have to pay union dues. They are getting better pay and safer working conditions. They are also going to be paid benefits. I can't imagine who in the State of Maine that is a worker in any of these building trades who would object to that. I would assure that I will be voting for Indefinite Postponement.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. I would like to respond to the speaker last. I have talked with some of those independent contractors who are non-union today. They have assured me that the reason they are successful is the fact that their wage rates are comparable with those of union shops. The benefit packages that they give their employees are comparable to the benefit packages that are available in union shops. Their concern is that they have long time employees that have worked for them. One of the reasons that their employees are not unionized is the fact that they treat them so well. When they go out to bid for a project, they have highly trained employees that have been with them for a long period of time. For them to be required to bid on a project, not knowing what individual employees would be working on what specific aspect of the project, puts them at a disadvantage because they are not aware of the skill level of the employee pool that they would be required to take those employees from. Thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. I totally agree with Representative Buck. I won't go into repeating the same facts, but these companies do pay high wages. They do pay high benefit packages. Don't forget, some of these companies are owned by their employees. These employees will be sitting in the union halls waiting for their names to be called to work in their own companies. That, to me, is not fair. As the debate winds down, I don't want to be simply a person who says no. I want to offer solutions. There is a real fine solution here. These companies don't disagree with 95 percent of that PLA. They simply disagree with the fact that they, the company, have to become union shops. Their employees don't want to be union members and their employees don't want to pay the dues. To me, if the parties can get together and eliminate those three small points, the people of Maine will be happy, the people in the region who are non-union will be able to haul the gravel to mix the concrete to provide some steel will be happy. So that 15 to 75 percent of the labor can appease the

rest of the 83 to 85 percent of the employees and the workers in the State of Maine by allowing them to come in on that site. Talk about harmony. We may have harmony on the site and behind those gates, but what is going to happen just outside those gates when those small companies simply can't get in to do the work. Yes, they can bid. Yes, they can bring their foremen and their supervisors, but what about their employees. You tell me. Will those employees be in line in those union halls. Yes. They will be at the end of the line. There is a real fine solution here. Get the stakeholders together and eliminate those small points or the wages benefits and the companies will be satisfied. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 426

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

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chartrand, Cianchette, Clukey, Cross, Donnelly, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, Murphy, Nass, Nickerson, O'Brien, Perkins, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bodwell, Bruno, Dexter, Dutremble, Farnsworth, Fisk, Honey, Kneeland, Lemont, McElroy, Meres, Ott, Pendleton, Perry, Pinkham RG, Stevens, True, Underwood, Vigue, Wheeler GJ, Winn.

Yes, 75; No, 55; Absent, 21; Excused, 0.

75 having voted in the affirmative and 55 voted in the negative, with 21 being absent, the Joint Order was **INDEFINITELY POSTPONED.**

On motion of Representative CLUKEY of Houlton, the House adjourned at 6:30 p.m., until 9:00 a.m., Thursday, March 5, 1998.