

MAINE STATE LEGISLATURE

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



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

Legislative Record
House of Representatives
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session

beginning December 5, 2012

beginning at page H-1

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
25th Legislative Day
Wednesday, March 27, 2013

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

Prayer by Pastor Aaron Martin, Winterport Baptist Church.

National Anthem by Alexa Currier, Buxton.

Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, MD, MPH, Scarborough.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Maintain the Integrity of the Fund for a Healthy Maine"

(S.P. 426) (L.D. 1232)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Provide an Internship Employment Tax Credit"

(S.P. 381) (L.D. 1099)

Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** suggested and ordered printed.

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

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

Non-Concurrent Matter

Bill "An Act To Establish the Maine Length of Service Award Program"

(H.P. 819) (L.D. 1154)

REFERRED to the Committee on **TAXATION** in the House on March 21, 2013.

Came from the Senate **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Impose a Duty To Warn and Protect on Mental Health Professionals"

(H.P. 844) (L.D. 1200)

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in the House on March 26, 2013.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.P. 425)

**TOWN OF NORWAY, MAINE
RESOLUTION IN OPPOSITION TO COST SHIFTS TO TOWNS**

March 21, 2013

WHEREAS, the Governor's unprecedented biennial budget proposal places town in an untenable and uncertain fiscal position during their budget planning; and

WHEREAS, the proposal includes the elimination of \$238 million in municipal revenue sharing; falls \$200 million short of funding local schools at the 55% level passed in referendum; would cut the state's reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the Homestead Exemption for anyone under the age of 65; would take \$8 million in truck excise tax revenue from towns; would create a corporate tax exemption for large amounts of currently taxable property, resulting in significant losses of local tax revenue; and

WHEREAS, the Governor's proposal also contains cuts to health and human services such as prescription drugs for the elderly and disabled; to all funding for clean elections; to wages and benefits of public workers; while also rejecting federal funds to make healthcare affordable to over 44,000 Mainers; and WHEREAS, all of the above shifts costs to towns, whose only major means of raising revenue is property taxes, be it **RESOLVED**, the town of Norway calls upon the Maine Legislature to reject these proposals, identify less harmful costs savings and to raise revenue in an equitable fashion to avoid this regressive tax shift.

S/Warren Sessions, Jr.

S/Irene E. Millet

S/Michael Twitchell, Vice-Chair

S/William J. Damon

Norway Select-board

Came from the Senate, **READ** and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws"

(H.P. 873) (L.D. 1239)

Sponsored by Representative DAVIS of Sangerville. (BY REQUEST)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Promote the Safe Use and Sale of Firearms"

(H.P. 874) (L.D. 1240)

Sponsored by Representative DION of Portland.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: COOPER of Yarmouth, GIDEON of Freeport, PLANTE of Berwick, PRINGLE of Windham.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Protect School Athletes from Head Injuries"
(H.P. 875) (L.D. 1241)

Sponsored by Representative LAJOIE of Lewiston.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: JONES of Freedom, KAENRATH of South
Portland, MAKER of Calais, MORRISON of South Portland,
ROTUNDO of Lewiston, THERIAULT of Madawaska, TYLER of
Windham, WERTS of Auburn.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Dissolve the Anson Water District"
(H.P. 876) (L.D. 1242)

Sponsored by Representative DUNPHY of Embden.
Bill "An Act Regarding Next Generation 9-1-1 and Making
Changes in Surcharge Remittance for Certain
Telecommunications Service Providers"
(H.P. 877) (L.D. 1243)

Sponsored by Representative HOBBS of Saco.
Cosponsored by Senator CLEVELAND of Androscoggin.
Submitted by the Public Utilities Commission pursuant to Joint
Rule 204.

Bill "An Act To Lower Costs to Municipalities and Reduce
Energy Consumption through Increased Competition in the
Municipal Street Light Market"
(H.P. 885) (L.D. 1251)

Sponsored by Representative NELSON of Falmouth.
Cosponsored by Senator MAZUREK of Knox and
Representatives: CHIPMAN of Portland, DICKERSON of
Rockland, DION of Portland, DUNPHY of Embden, HOBBS of
Saco, MORRISON of South Portland, Senators: CLEVELAND of
Androscoggin, PLUMMER of Cumberland.

Bill "An Act To Improve Maine's Economy and Energy
Security with Solar and Wind Energy"
(H.P. 886) (L.D. 1252)

Sponsored by Representative MORRISON of South Portland.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: CHENETTE of Saco, HAMANN of South
Portland, HOBBS of Saco, NELSON of Falmouth, TIPPING-
SPITZ of Orono, Senator: MILLETT of Cumberland.

HEALTH AND HUMAN SERVICES

Bill "An Act To Require Child Protective Services To Screen
Parents of Newborn Infants" (EMERGENCY)
(H.P. 878) (L.D. 1244)

Sponsored by Representative HAMANN of South Portland.
Cosponsored by Representatives: DORNEY of Norridgewock,
MALABY of Hancock, SANBORN of Gorham.

Resolve, Directing the Department of Health and Human
Services To Create a More Equitable, Transparent Resource
Allocation System for Nursing Facilities Based on Residents'
Needs (EMERGENCY)
(H.P. 879) (L.D. 1245)

Sponsored by Representative STUCKEY of Portland.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: FARNSWORTH of Portland, SANBORN of
Gorham.

Bill "An Act To Promote Greater Staffing Flexibility without
Compromising Safety or Quality in Nursing Facilities"
(EMERGENCY)
(H.P. 880) (L.D. 1246)

Sponsored by Representative STUCKEY of Portland.

Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: FARNSWORTH of Portland, SANBORN of
Gorham.

Bill "An Act To Expand Coverage of Family Planning
Services"
(H.P. 881) (L.D. 1247)

Sponsored by Representative PRINGLE of Windham.
Cosponsored by Representatives: COOPER of Yarmouth, DION
of Portland, DORNEY of Norridgewock, GRANT of Gardiner,
MASTRACCIO of Sanford, TYLER of Windham.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Establish Trail Standards in Deer Wintering
Areas"
(H.P. 882) (L.D. 1248)

Sponsored by Representative DUNPHY of Embden.
Cosponsored by Representatives: BLACK of Wilton, DAVIS of
Sangerville, FITZPATRICK of Houlton, GIFFORD of Lincoln,
LONG of Sherman, MALABY of Hancock, WOOD of Sabattus.

JUDICIARY

Bill "An Act To Make Statutory Changes To Address Certain
Conflicting Requirements of the Maine Rules of Professional
Conduct and the Federal Developmental Disabilities Assistance
and Bill of Rights Act of 2000 Regarding Maine's Protection and
Advocacy Agency"
(H.P. 883) (L.D. 1249)

Sponsored by Representative PRIEST of Brunswick.
Cosponsored by Senator VALENTINO of York and
Representatives: BEAULIEU of Auburn, CROCKETT of Bethel,
DeCHANT of Bath, MONAGHAN-DERRIG of Cape Elizabeth,
MOONEN of Portland, MORIARTY of Cumberland, VILLA of
Harrison, Senator: TUTTLE of York.

Bill "An Act To Allow Tribal Members a Choice of Venue"
(H.P. 887) (L.D. 1253)
Sponsored by Representative BEAR of the Houlton Band of
Maliseet Indians.

**LABOR, COMMERCE, RESEARCH AND ECONOMIC
DEVELOPMENT**

Bill "An Act To Revise Maine's Unemployment Compensation
Laws"
(H.P. 884) (L.D. 1250)

Sponsored by Representative BEAULIEU of Auburn.
Cosponsored by Senator CUSHING of Penobscot and
Representatives: CAREY of Lewiston, HARVELL of Farmington,
KNIGHT of Livermore Falls, LIBBY of Lewiston, WEAVER of
York, WINCHENBACH of Waldoboro.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Increase Consumption of Maine Foods in All
State Institutions"
(H.P. 888) (L.D. 1254)

Sponsored by Representative HICKMAN of Winthrop.
Cosponsored by Senator LACHOWICZ of Kennebec and
Representatives: CAREY of Lewiston, EVANGELOS of
Friendship, GUERIN of Glenburn, JONES of Freedom,
KUMIEGA of Deer Isle, POULIOT of Augusta, Senators:
PATRICK of Oxford, SAVIELLO of Franklin.

TAXATION

Resolve, To Provide Greater Depth and Transparency to the Review of Foregone Revenue Identified in the Biennial Tax Expenditure Report

(H.P. 889) (L.D. 1255)

Sponsored by Representative STUCKEY of Portland.

Cosponsored by Senator HASKELL of Cumberland and Representatives: Speaker EVES of North Berwick, GIDEON of Freeport, GOODE of Bangor, KRUGER of Thomaston, MOONEN of Portland, PRIEST of Brunswick, TIPPING-SPITZ of Orono, Senator: JACKSON of Aroostook.

Bill "An Act To Establish Tax Fairness"

(H.P. 890) (L.D. 1256)

Sponsored by Representative CHIPMAN of Portland.

Cosponsored by Representatives: BROOKS of Winterport, CAMPBELL of Newfield, EVANGELOS of Friendship, GOODE of Bangor, MOONEN of Portland, STANLEY of Medway, TIPPING-SPITZ of Orono, Senator: HASKELL of Cumberland.

TRANSPORTATION

Bill "An Act To Create Corridor Transit Districts"

(H.P. 891) (L.D. 1257)

Sponsored by Representative CHIPMAN of Portland.

Cosponsored by Representatives: THERIAULT of Madawaska, VEROW of Brewer, Senators: CRAVEN of Androscoggin, MAZUREK of Knox.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Amend the Laws Governing the Relationship between Alcoholic Beverage Wholesalers and Certificate of Approval Holders"

(H.P. 892) (L.D. 1258)

Sponsored by Representative CAREY of Lewiston.

Cosponsored by Senator MASON of Androscoggin and Representatives: BEAULIEU of Auburn, CLARK of Easton, RUSSELL of Portland, SAUCIER of Presque Isle, WILLETTE of Mapleton, Senators: CLEVELAND of Androscoggin, PATRICK of Oxford, TUTTLE of York.

**Pursuant to Statute
Department of Labor**

Representative HERBIG for the **Department of Labor** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor (EMERGENCY)

(H.P. 893) (L.D. 1259)

Be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative RYKERSON of Kittery, the following Joint Resolution: (H.P. 872)

**JOINT RESOLUTION RECOGNIZING THE 50TH
ANNIVERSARY
OF THE LOSS OF THE USS THRESHER**

WHEREAS, the nuclear fast attack submarine USS Thresher (SSN-593) was designed and built at Portsmouth Naval Shipyard in Kittery, launched in July 1960 and commissioned in August 1961; and

WHEREAS, the USS Thresher was the first of a brand-new class of submarine created to be a weapon of deterrence at the height of the Cold War and was considered the most advanced naval vessel of its day; and

WHEREAS, on April 10, 1963, the USS Thresher became the first nuclear submarine to be lost at sea, when it sank during a deep-diving test more than 200 miles off the New England coast, taking with it 129 brave United States Navy sailors and civilian workers; and

WHEREAS, thirteen of the men who died aboard the USS Thresher were employees of Portsmouth Naval Shipyard, 3 of the Navy officers lost were stationed at the shipyard and several of the Navy crewmen were residents of Maine, New Hampshire and Massachusetts and all left behind grieving families, friends, neighbors and colleagues; and

WHEREAS, the loss of the USS Thresher remains the worst submarine disaster the world has ever known and directly resulted in the Navy's creation of SUBSAFE, a safety program to ensure that no submarine ever suffers a similar fate, and no submarine that has passed through the program has been lost; and

WHEREAS, the Town of Kittery, birthplace and final home port of the USS Thresher, is dedicating a 129-foot flagpole in Memorial Circle on April 7, 2013 to commemorate the 50th anniversary of this terrible tragedy and to honor the 129 Cold War casualties lost that day, men of genius and adventure who represented the finest qualities of our Nation; and

WHEREAS, the State of Maine and its citizens, and the entire United States of America and its citizens, are greatly indebted to the sacrifice of these brave pioneers; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the 50th anniversary of the loss of the nuclear fast attack submarine USS Thresher (SSN-593) and to honor the 129 men aboard who died in the service of their country.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Nearly 50 years ago, the worst submarine disaster in history occurred in the Gulf of Maine. The USS Thresher, built in the Portsmouth Naval Shipyard in Kittery, Maine, was the most advanced naval vessel of its day. On April 10, 1963, the Thresher took its last dive and 129 men, many from Maine and with connections to Maine, perished in service to their country. This tragedy resulted in the SUBSAFE safety program to ensure that this disaster will never be repeated. The memory of that loss lives on in our community and in order to always maintain that memory, the citizens of Kittery are dedicating a permanent memorial to the sacrifice of those lives. We invite every person in this chamber to the

dedication of this memorial on April 7 in Kittery, Maine, to commemorate this tragic event in our nation's history. Today, in the gallery, we have present some members of the families who lost their loved ones in their sacrifice to our country. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

On motion of Representative DILL of Old Town, the following Joint Resolution: (H.P. 894) (Cosponsored by Senator JACKSON of Aroostook and Representatives: BLACK of Wilton, CRAY of Palmyra, HICKMAN of Winthrop, JONES of Freedom, KENT of Woolwich, MAREAN of Hollis, NOON of Sanford, SAUCIER of Presque Isle, TIMBERLAKE of Turner, Senators: BOYLE of Cumberland, SHERMAN of Aroostook)

**JOINT RESOLUTION IN HONOR OF THE MAINE
FARMER AND MAINE AGRICULTURE**

WHEREAS, recent statistics show that Maine has about 8,000 farms, the bulk of which are small, family-owned operations, that provide full-time and part-time employment to more than 90,000 workers, approximately 13% of the State's workforce; and

WHEREAS, Maine's agricultural enterprises provide more than \$684,000,000 through the sale of farm products and contribute more than \$2,000,000,000 annually to the State's economy; and

WHEREAS, an overwhelming majority of Maine people believe that buying local Maine agricultural products helps the State; and

WHEREAS, Maine farmers are the stewards of 1,360,000 acres of land, a vital resource in maintaining the food security of Maine people; and

WHEREAS, Maine is first in New England in the production of food, first in New England in the value of aquaculture sales, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, third in the Nation in the production of maple syrup, eighth in the Nation in the production of fall potatoes, second in New England in milk and livestock production and the only state anywhere involved in the commercial production of fiddleheads; and

WHEREAS, apple orchards across the State produce a crop of significant economic benefit as well as contributing to the State's tourism and recreation industries; and

WHEREAS, agriculture shaped Maine's past, maintains much of Maine's scenic open space, provides recreational opportunities, makes a significant contribution to the nature and character of Maine's many rural communities and provides for a strong future; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Conservation and Forestry as a token of the esteem in which those in this vital industry are held.

READ.

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

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you've had a chance to wander through the Hall of Flags today, you will probably notice that we have many organizations representing various and sundry agricultural enterprises throughout the State of Maine. Agriculture is a very important part of Maine's economy, providing about \$700 million in farm gate receipts and over \$2 billion in value added products and jobs. Maine has over 8,100 farms and probably is the only state in New England where the number of farms is growing and possibly the only state in the country where the number of farms are increasing. So I would just urge you to take a moment and go down and visit our agricultural displays down in the Hall of Flags. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

the Honorable Christina Baker, of Bass Harbor, a former Member of the Maine House of Representatives and longtime educator, author and community activist. Ms. Baker was born in Gastonia, North Carolina and was a graduate of Furman University and also earned a master of arts degree in teaching at Duke University and a doctorate at The Union Institute. She taught women's studies and English in the University of Maine System for 25 years and received the Presidential Outstanding Teaching Award. Ms. Baker represented the City of Bangor in the Maine Legislature from 1997 to 2002 and was a passionate and tireless champion of children and education. She was the recipient of a Giraffe Organization Award given by the Maine Children's Alliance, a statewide, nonpartisan advocacy organization committed to improving the lives of all of Maine's children, youth and families. She was active in helping to save the City of Bangor's historic buildings and was instrumental in the city adopting an historic preservation ordinance. Ms. Baker was committed to Native American literature and issues and was involved in the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission Communications Subcommittee. She will be greatly missed and long remembered by her loving family, her many friends and those whose lives she touched;

(HLS 97)

Presented by Representative KUMIEGA of Deer Isle. Cosponsored by Representative AYOTTE of Caswell, Representative BEAR of the Houlton Band of Maliseet Indians, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BEAVERS of South Berwick, Representative BECK of Waterville, Representative BENNETT of Kennebunk, Representative BERRY of Bowdoinham, Representative BLACK of Wilton, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative BRIGGS of Mexico, Representative BROOKS of Winterport, Representative CAMPBELL of Newfield, Representative CAMPBELL of Orrington, Representative CAREY of Lewiston, Representative CASAVANT of Biddeford, Representative CASSIDY of Lubec, Representative CHAPMAN of Brooksville, Representative CHASE of Wells, Representative CHENETTE of Saco, Representative CHIPMAN of Portland, Representative CLARK of Easton, Representative COOPER of Yarmouth, Representative COTTA of China, Representative CRAFTS of Lisbon, Representative CRAY of Palmyra, Representative CROCKETT of Bethel, Representative

DAUGHTRY of Brunswick, Representative DAVIS of Sangerville, Representative DeCHANT of Bath, Representative DEVIN of Newcastle, Representative DICKERSON of Rockland, Representative DILL of Old Town, Representative DION of Portland, Representative DOAK of Columbia Falls, Representative DORNEY of Norridgewock, Representative DUNPHY of Embden, Representative DUPREY of Hampden, Representative ESPLING of New Gloucester, Representative EVANGELOS of Friendship, Speaker EVES of North Berwick, Representative FARNSWORTH of Portland, Representative FITZPATRICK of Houlton, Representative FOWLE of Vassalboro, Representative FREDETTE of Newport, Representative FREY of Bangor, Representative GATTINE of Westbrook, Representative GIDEON of Freeport, Representative GIFFORD of Lincoln, Representative GILBERT of Jay, Representative GILLWAY of Searsport, Representative GOODE of Bangor, Representative GRAHAM of North Yarmouth, Representative GRANT of Gardiner, Representative GUERIN of Glenburn, Representative HAMANN of South Portland, Representative HARLOW of Portland, Representative HARVELL of Farmington, Representative HAYES of Buckfield, Representative HERBIG of Belfast, Representative HICKMAN of Winthrop, Representative HOBBS of Saco, Representative HUBBELL of Bar Harbor, Representative JACKSON of Oxford, Representative JOHNSON of Eddington, Representative JOHNSON of Greenville, Representative JONES of Freedom, Representative JORGENSEN of Portland, Representative KAENRATH of South Portland, Representative KENT of Woolwich, Representative KESCHL of Belgrade, Representative KINNEY of Limington, Representative KNIGHT of Livermore Falls, Representative KORNFIELD of Bangor, Representative KRUGER of Thomaston, Representative KUSIAK of Fairfield, Representative LAJOIE of Lewiston, Representative LIBBY of Waterboro, Representative LIBBY of Lewiston, Representative LOCKMAN of Amherst, Representative LONG of Sherman, Representative LONGSTAFF of Waterville, Representative LUCHINI of Ellsworth, Representative MacDONALD of Old Orchard Beach, Representative MacDONALD of Boothbay, Representative MAKER of Calais, Representative MALABY of Hancock, Representative MAREAN of Hollis, Representative MARKS of Pittston, Representative MASON of Topsham, Representative MASTRACCIO of Sanford, Representative McCABE of Skowhegan, Representative McCLELLAN of Raymond, Representative McELWEE of Caribou, Representative McGOWAN of York, Representative McLEAN of Gorham, Representative MITCHELL of the Penobscot Nation, Representative MONAGHAN-DERRIG of Cape Elizabeth, Representative MOONEN of Portland, Representative MORIARTY of Cumberland, Representative MORRISON of South Portland, Representative NADEAU of Fort Kent, Representative NADEAU of Winslow, Representative NELSON of Falmouth, Representative NEWENDYKE of Litchfield, Representative NOON of Sanford, Representative NUTTING of Oakland, Representative PARRY of Arundel, Representative PEASE of Morrill, Representative PEAVER HASKELL of Milford, Representative PEOPLES of Westbrook, Representative PETERSON of Rumford, Representative PLANTE of Berwick, Representative POULIOT of Augusta, Representative POWERS of Naples, Representative PRIEST of Brunswick, Representative PRINGLE of Windham, Representative RANKIN of Hiram, Representative REED of Carmel, Representative ROCHELO of Biddeford, Representative ROTUNDO of Lewiston, Representative RUSSELL of Portland, Representative RYKERSON of Kittery, Representative SANBORN of Gorham, Representative SANDERSON of Chelsea, Representative

SAUCIER of Presque Isle, Representative SAXTON of Harpswell, Representative SCHNECK of Bangor, Representative SHAW of Standish, Representative SHORT of Pittsfield, Representative SIROCKI of Scarborough, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STANLEY of Medway, Representative STUCKEY of Portland, Representative THERIAULT of Madawaska, Representative TIMBERLAKE of Turner, Representative TIPPING-SPITZ of Orono, Representative TREAT of Hallowell, Representative TURNER of Burlington, Representative TYLER of Windham, Representative VEROW of Brewer, Representative VILLA of Harrison, Representative VOLK of Scarborough, Representative WALLACE of Dexter, Representative WEAVER of York, Representative WELSH of Rockport, Representative WERTS of Auburn, Representative WILLETTE of Mapleton, Representative WILSON of Augusta, Representative WINCHENBACH of Waldoboro, Representative WINSOR of Norway, Representative WOOD of Sabattus, President ALFOND of Cumberland, Senator BOYLE of Cumberland, Senator BURNS of Washington, Senator CAIN of Penobscot, Senator CLEVELAND of Androscoggin, Senator COLLINS of York, Senator CRAVEN of Androscoggin, Senator CUSHING of Penobscot, Senator DUTREMBLE of York, Senator FLOOD of Kennebec, Senator GERZOFISKY of Cumberland, Senator GOODALL of Sagadahoc, Senator GRATWICK of Penobscot, Senator HAMPER of Oxford, Senator HASKELL of Cumberland, Senator HILL of York, Senator JACKSON of Aroostook, Senator JOHNSON of Lincoln, Senator KATZ of Kennebec, Senator LACHOWICZ of Kennebec, Senator LANGLEY of Hancock, Senator MASON of Androscoggin, Senator MAZUREK of Knox, Senator MILLETT of Cumberland, Senator PATRICK of Oxford, Senator PLUMMER of Cumberland, Senator SAVIELLO of Franklin, Senator SHERMAN of Aroostook, Senator THIBODEAU of Waldo, Senator THOMAS of Somerset, Senator TUTTLE of York, Senator VALENTINO of York, Senator WHITTEMORE of Somerset, Senator WOODBURY of Cumberland, Senator YOUNGBLOOD of Penobscot.

On **OBJECTION** of Representative BROOKS of Winterport, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. And of course to Representative Kumiega, thank you very much for offering this in memoriam. What the Clerk just read was some of the statistics and information about my friend Tina Baker, but there was another part of Tina. There was a side that I will always remember. She was a very strong woman. When women's studies or when women's subjects came up, Tina was very quick to point out the fact that they weren't making enough money, that they weren't held in a high enough respect, that they didn't occupy enough seats in this House. Every morning about 7 o'clock, I would pull into the Park & Ride at the Route 69 exit on I-95, the Winterport/Carmel exit. Not long after that, she would pull in and usually in the car would be Senator Mary Cathcart, Representative Julie Winn and those who served with me in the 118th. I became their driver. It was a little like driving three Miss Daisys around. The two in the back seat didn't always agree with the one in the front seat and that wasn't me that they didn't agree with, but those three ladies taught me a great, great lesson. Tina, in particular, more often than not, she and I rode down here and her comments to me, in a very loving way, would be "You're following that guy awfully close," "Do we have to go 75 miles per hour?" and things like that.

One day I was in a caucus with Tina and the news came that her daughter had been assaulted in Washington, D.C., and I saw another part of a woman that, through all these things society threw on, I saw a mother who was in absolute trauma, and we drove back to Bangor together and took her to her house where people were assembling, and I watched and, with her, I cried because this was, to her, an insult on womanhood. This was a horrible time for Tina, but she got through it. As a matter of fact, I used to sit right here and she sat right there, and the notes would come frequently. "Sit down on this one and shut up." "Don't stand up and make somebody like the Speaker angry at you because, remember, we are all of one party and we want to support this" or things like that. I really offended her one day when I talked about the University of Maine and talked about the cost of tuition and money that came from the Legislature, and I mistakenly said that it shouldn't go to the administration, any of that new money, and she was part of that administration and proud to be. She took me outside and then threatened to beat me up.

Tina and I and her husband, Bill, went up to their cottage. They had a cottage, I can't tell you exactly where it was, it was somewhere up by Greenville, and it was something you had to get to by boat. When we got all the way up to the other side, it had no power and it was rustic, and it was Tina. It was like *On Golden Pond*. They stood outside and looked at it and they were trying to talk me into selling it, they wanted me to buy it. I didn't do it because I had no money to buy it, but the truth of the matter was, it was, to them, Golden Pond, and they finally decided, nope, not going to sell it. We're going to keep it because it is a getaway. You could only get there by boat and the day we went up it was raining. It didn't matter to us. We spent some time in that beautiful cottage that day. When we went down to the Bass Harbor house that they finally purchased on the sea and it was stunning, and it was Tina Baker. I sat with her when her husband had a heart attack. She was truly a wonderful friend and wonderful woman. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative KUMIEGA: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to thank Representative Brooks for his kind words and also to offer, if any members would like to write a note for the family, I'd be happy to deliver it when I present the Sentiment. Thank you.

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-10)** on Bill "An Act Concerning the Use of Tobacco Settlement Funds for Children's Health Care" (H.P. 140) (L.D. 180)

Signed:

Senators:

CRAVEN of Androscoggin

LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland

CASSIDY of Lubec

DORNEY of Norridgewock

PETERSON of Rumford

STUCKEY of Portland

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

GATTINE of Westbrook

MALABY of Hancock

McELWEE of Caribou

SANDERSON of Chelsea

SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-10)** Report.

READ.

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

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

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

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

ROLL CALL NO. 9

YEA - Beaudoin, Beavers, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Ayotte, Beck, Bolduc, Devin, Jorgensen, MacDonald S, MacDonald W, Peterson, Rotundo, Saxton.

Yes, 84; No, 57; Absent, 10; Excused, 0.

84 having voted in the affirmative and 57 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-10)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 28, 2013.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws That Govern the Activities of Insurance Adjusters"

(H.P. 165) (L.D. 204)

Signed:

Senators:

GRATWICK of Penobscot
WHITTEMORE of Somerset

Representatives:

TREAT of Hallowell
BEAUDOIN of Biddeford
BECK of Waterville
COOPER of Yarmouth
DOAK of Columbia Falls
FITZPATRICK of Houlton
McCLELLAN of Raymond
MORRISON of South Portland
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-12)** on same Bill.

Signed:

Senator:

WOODBURY of Cumberland

Representative:

PRINGLE of Windham

READ.

Representative TREAT of Hallowell moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 10

YEA - Ayotte, Beaudoin, Beaulieu, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh,

Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Pringle, Shaw.

ABSENT - Beck, Bolduc, Devin, MacDonald S, Peterson, Saxton.

Yes, 142; No, 3; Absent, 6; Excused, 0.

142 having voted in the affirmative and 3 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-16)** on Bill "An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes"

(H.P. 430) (L.D. 611)

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
VOLK of Scarborough
WINCHENBACH of Waldoboro

READ.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. I rise in support of LD 611, as amended, because I support an increase in Maine's minimum wage. I won't get into the details of the bill. I will just share with you my personal story. In 2009, I was part of a mass layoff from the manufacturing plant in Belfast. I was one of 80 workers that lost their job, their benefits. It was terrifying. It was terrifying for a lot of people, a lot of Maine families in Waldo County. I learned a lot in those several years as I ran into these people that were also part of this layoff, when I ran into them at the supermarket or a track meet, etcetera. As we checked back in, the best-case scenario I heard from my former coworkers was that they had found another job and it was paying them equal pay and relatively equal benefits. That was very uncommon. Most often, it was they had found a job that was similar to the manufacturing job they had had prior to that, whether that be welding, sewing, something of that nature. But they were getting paid a lower rate wage, often did not have benefits and, gosh, a lot of the time they were getting paid minimum wage. The cost of

what we have been paying labor over the last several decades has just been plummeting.

The story I tell is absolutely, by no means, you know, an unordinary story. This has been very common for a lot of Maine families in the last couple of decades, particularly in the last few years in the recent recession. We know this. In each of our districts, we have seen how this has affected industries like manufacturing, construction, paper mills, shipyards, the utilities, retail clerks, home health aides, child care workers, just to name a few. Too many of these people are being asked to go through a layoff, asked to really be put in an uncomfortable situation with their family, and then be paid minimum wage. The minimum wage sets the pay scales for a wide range of jobs in today's economy. The current minimum wage in Maine is \$7.50 an hour. This is \$15,600, annually, for a full time job. This is less than \$240 a week you are getting on your paycheck every week. These people are parents. How can you provide for a family on \$240 a week. My mom works in the school system in Belfast and she talks about how a large percentage of their kids come in for free breakfasts now, how their children's health and hygiene is sacrificed because they have to choose between providing food or fuel for their families.

LD 611 is an important step in helping Mainers reach financial independence. In Maine, we should not just reward wealth. We should reward wealth and work. If you work full time, you shouldn't live in poverty, and too many families are being asked to do this right now in Maine. We can do better than this. This bill is a modest step in the right direction. We all know the cost of bread, gas, health care are rising. Why shouldn't workers' wages keep up? Don't we value Maine workers more than that? I ask you to stand with me on LD 611 and I ask for a roll call. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For those members of the body who do not know me from last session, my family owns and operates Maine's only privately held corrugated box company in Biddeford, Maine. Volk Packaging is a proud third-generation family-owned business, and our company has never paid minimum wage. There are 75 employees and the pay for unskilled workers begins at \$13 an hour. Wage increases after that are based on longevity and performance and advancement. Our employees do not have their wages indexed to feel appreciated. Why do I tell you about Volk Packaging if we do not pay minimum wage? I believe this is a model that most businesses in Maine admire and would aspire to. Employers benefit when they have experienced employees they can count on and trust. Years ago, my husband had a customer in Waldo County with a small manufacturing business. One day he was complaining to my husband about his inability to keep workers and he happened to ask, "Well, how much do you pay them?" This business owner replied that he actually did pay minimum wage. My husband quickly said, "Well, no wonder you can't keep workers. As soon as something better comes along, they are going to be out the door." Hold that thought.

Most employers who start at minimum wage will either advance, most employees rather, who start at minimum wage will either quickly advance beyond that once they have proven their value to their employer or they will gain experience for a short

time before moving on to an employer who will value their time, essentially someone who doesn't say, "I value you so much that if I could legally pay you less, I would." Either way, market forces determine who gets paid what and when they deserve to be paid more. Training workers is expensive because it's time consuming, so in order to attract and keep good workers, businesses will invest in their employees by rewarding them with pay increases whenever possible. But businesses still have to be competitive. When labor costs go up, employers choose between increasing prices or finding a way to cut costs. I have spoken to two ice cream shop owners who do pay minimum wage to their summer help. These are very small business owners and seasonal business owners. Though the official pay is minimum wage, they both said that they reward good workers, mostly high school and college students – actually, they both said exclusively high school and college students – who come back year after year, and if they stay the entire season, they receive a nice bonus at the end. Both said that if they had to pay more, they would choose between increasing their prices and giving their employees, not being able to offer their employees those end of season bonuses, removing a reward for hard work that helps create a strong work ethic in a future adult employee. Studies bear this out. In fact, data from the U.S. Bureau of Labor Statistics and the Census Bureau show that minimum-wage earners are young, part-time workers and that relatively few of them live below the poverty line. In fact, their average family income is \$53,000 a year.

A few other national statistics about minimum wage earners since we have not had time to glean accurate Maine data: 79 percent work part-time jobs; 62 percent are actually enrolled in school during non-summer months. Only 22 percent live at or below the poverty line. Most have not finished their education. A third have not yet finished high school, while almost a quarter have only a high school degree. Another two-fifths have taken college courses but have not yet graduated. Only 3 percent of minimum wage workers have finished college and obtained a degree.

So what about minimum wage workers who are adults? Adults who earn minimum wage are less likely to live in middle and upper-income families than are teenagers and young adults who earn the minimum wage. Nonetheless, three-fourths of older workers earning minimum wage live above the poverty line. They have an average family income of over \$42,000 a year. Most of them choose to work part-time, and many are married.

The average older minimum-wage earner simply does not fit the stereotype of a worker living on the edge of destitution. In fact: Over half work part-time jobs. They have an average family income of over \$40,000 a year. Less than a quarter live in poverty. Just 4 percent of minimum wage workers are single parents working full-time.

Higher minimum wages do not address the main reason that most poor families live below the poverty line. Contrary to what many assume and the testimony you are likely going to be hearing this morning, low wages are not their primary problem, because most poor Americans do not work for minimum wage. The problem is that most poor Americans do not work at all. Two-thirds of people living below the poverty line do not work and less than 10% work full-time year round. Making it more expensive to hire inexperienced workers leads businesses to hire fewer of them. This makes it harder for low-income families to gain the experience and skills necessary to actually rise out of poverty.

Most of the benefits from raising the minimum wage, therefore, go to families who are well above poverty. These benefits will come at the cost of reducing the availability of

experience-rich entry-level jobs and reducing opportunities for the next generation to learn the value of and satisfaction that comes with earning a paycheck. Less experience makes it harder for workers to become more productive and earn higher wages. Unsurprisingly, researchers find that higher minimum wages do not reduce poverty.

So what of the small manufacturer in Waldo County that I referenced earlier? He was paying minimum wage. He went out of business. Meanwhile in Biddeford, Volk Packaging's average hourly employee has been with the company for 14 years and now earns two and a half times minimum wage, plus benefits. Two companies hiring similarly skilled workers with very different outcomes. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was very surprised what I just heard from the good Representative Volk because, the other day in committee when we were debating this bill, I thought she had a real good heart when she made the statement that if we raise the minimum wage, we are liable to disturb MaineCare or food stamps for some of these poor people. This morning, she has a different change of heart.

Also, one of my colleagues suggested we start the minimum wage at \$25. That sounds kind of ridiculous. But checking back, if the middle class had stayed along where they should have been, they would have been making \$22 an hour now. I sat in this chamber about six or seven years ago and heard my colleagues keep saying "We've got to educate our children and keep them in Maine." Then these same people turn around and didn't want to start our teachers at a decent wage. My statement then was "Why should I educate my children to be teachers and ask them to stay in Maine for peanuts, when they can go to another state and get a decent wage?" We wonder why people are on welfare and why they do not have jobs. It's because these people don't even want to pay them 50¢ an hour. They'd like to keep them in poverty and complain about them collecting food stamps and MaineCare. So if we're going to do away with people on MaineCare and take their insurance and that away from them, if you want to hide them, at least pay them a decent wage. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to summarize for you the testimony that I heard in committee and give you my perspective on it. We heard from a broad cross-section of the small business community. We heard from the Maine Grocers Association, the Retail Association of Maine, the Maine Innkeepers Association, the Maine Restaurant Association, the Maine chapter of the National Federation of Independent Business. Every single one of these groups, their advocates said this is a bad idea, this will actually hurt the people that you hope to help with this. Again, it was a broad cross-section of the small business community. The supporters of this bill have asked us basically to set aside and disregard and discount the testimony of these small business owners, and instead embrace the theories of liberal academics, union bosses and community organizers for nonprofit organizations. Most of these people have never signed the front of a paycheck or created a job in the dreaded private sector.

To me, the most compelling testimony was from the gentleman named Tom Radomski. He is the head of Margaritas Management Group. Margaritas is a privately owned and operated regional chain of full-service Mexican restaurants in

Maine and New England. It started in 1985. They now operate 22 restaurants, five of them in Maine, which employ 200 people. They have not opened a new location in Maine in almost 15 years because of the more attractive rates of return outside of Maine at their nine locations in New Hampshire and their five locations in Massachusetts, and I want to share with you some of the numbers that Mr. Radomski gave us. This is based on a \$1 increase in the minimum wage. The bill before us is a \$1.50. He told us, if enacted, the \$4.25 an hour tipped employees wage in Maine will be 30 percent greater, per hour, than the \$3.27 an hour wage in New Hampshire, and 62 percent greater than Massachusetts's \$2.63 an hour wage for tipped employees. For Margaritas, LD 611 will lead to Maine expansion being an even less attractive option as the labor costs margin gap widens. He told us that a proposed \$1 increase will directly impact Margaritas's Maine labor costs by 13 percent or \$65,000 a year in additional costs.

Now the question is where is that \$65,000 supposed to come from? Supporters of this bill will tell you that's not a problem, he can raise the prices on his menu to make that up because, after all, other restaurant owners are also going to be required, they are going to have these extra costs, so they are all going to have to raise their prices. Again, I don't accept that premise, I don't think that is a viable option. But assume that's true for the sake of argument. If everybody raises their prices to deal with these increased costs, then what good does it do the person who just got an increase in their starting wage? The bottom line is you can't wave a magic wand and improve people's standard of living. The consensus of the small business people who testified before our committee is that mandating increased wages for entry-level jobs will result in fewer job opportunities for those at the bottom rung of the wage ladder. Voting yes on LD 611 will actually harm the people it is supposed to help.

Pressing the green button on your desk today is really about making you feel good, and scoring political points with the constellation of special interest groups that bankroll election campaigns, but it will do nothing to create jobs or economic opportunity for Maine people. I urge you to reject this feel-good legislation and work with us to get state government off the backs and out of the pockets of small business owners so they can create jobs and economic opportunities for the next generation. Together we can make Maine as good a place to make a living as it is a place to live. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Unfortunately, this bill attempts to pit Republicans against Democrats and in the middle are the poor. Republicans care about the poor, Democrats care about the poor. What we need to do is work together on how we improve our economy, grow our economy. Growth will raise wages for everybody in our state, whether it be at minimum wage or higher. What we need to focus on is growth. We need to help small businesses to grow. This bill will not help small businesses to grow. It will in fact hurt them. The good Representative from Belfast indicated that this was a minimal wage increase. By my math, it is a 20 percent increase in the minimum wage. That is not a minimal increase. Twenty percent. A dollar and a half over three years from a current level of \$7.50. That is a significant increase, which is also a burden on Maine businesses. In addition to the amendment that was passed, this increase in the minimum wage is indexed, and what that means, Ladies and Gentlemen of the House, is that while the minimum wage would increase to \$9 an hour, it would be adjusted every year after that for rates of inflation. It would be on automatic pilot.

That is not a way to govern. It is not a way to grow our economy. Indexing will also make Maine an outlier. I believe there is only 10 states in the country that index and so once again Maine will be an outlier. I have a daughter who is 17 years old, who last year had an opportunity to work at a little ice cream stand. She earned minimum wage, adult minimum wage at \$7.50 an hour. She was glad to have the opportunity to do that and now in her senior year of high school, she plans on going back to that job because she enjoyed the opportunity to work and have a job and to learn what it meant to have an income.

I grew up in a very small town in Washington County, the town of Danforth. The population was about 600 people. We were poor when I grew up. I had four brothers. We have a lake in Danforth, East Grand Lake, and so when I was 8, 9, 10, 12 years old, when it rained out, I went out at night and I got night crawlers. I got those night crawlers and I sold those night crawlers to people who came to our community and wanted to fish and buy night crawlers. I used that money to buy school clothes. Then, when I was about 14 years old, in our very small town, we had a little general store. My brother worked in that general store and when he graduated, I was given the opportunity to work in that very small general store in a very small town, in a very small poor community in Washington County. When I took that job, I was paid adult minimum wage. But as the economy got worse, my boss came to me and said, "Ken, we can't afford to keep you here. We can't afford to keep paying you adult minimum wage. You are a student and all we can afford to pay you is student minimum wage." And I wanted to work. I needed the money and I wanted to work. But I said to my employer "I am worth adult minimum wage. The work that I do for you is hard work and I am worth adult minimum wage."

After a day or two, my employer came back to me and he said, "Ken, you're right. I could pay you less than adult minimum wage. I could pay you student minimum wage, but the work that you do here is valuable work, it is good work and I want to keep you here. Therefore, I am going to pay you adult minimum wage." And I stayed there and I continued to work there until I graduated from high school. The point of that story is that employers have to make these decisions every day in terms of their bottom line. Do I hire people, do I fire people, and what do I pay them? At that very young age, I learned that the marketplace, the value of my work, was worth more than minimum wage. We need to get employers today that same ability to let them determine what they can afford so they can keep their small businesses growing and keep this economy in Maine growing. So let me finish by simply saying I care and as Republicans we care about the poor, we care about minimum wage, but we also have to focus on growth in this state and how best to move Maine forward so that we continue to allow employers to give employees opportunities to work. I ask you to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. This is my first time speaking in this chamber. I hadn't planned to speak this morning because I know that this vote will be along party lines. I know that it will likely get vetoed. But I wanted you to know that though I appreciate my colleagues on the other side of the aisle, I know you believe you are doing the right thing by pressing that red button and I'm not quibbling with you about that. I would just like to say that perhaps all of the working poor people live in my district because I met a lot of them going door to door and maybe they don't work full time at one job, they work part time at several jobs with no benefits. Mainers value hard work and the people who work at minimum wage in our state are among the hardest

working people in our state. This is a modest increase. Despite the math, I do appreciate that, Representative Fredette, I know it's hard sometimes for small businesses because I am a small business owner, too. But I think we need to make a statement. I think we need to stand with the working people who are really trying to get ahead in this economy. We are going to make great strides. We have a bipartisan Joint Select Committee that is going to recommend some great initiatives on a bipartisan level to get Maine growing again, but I just wanted to say that I am voting in support of this bill, not because I am new, not because I am a Democrat but because I listened to those people that I heard, day after day, door after door, ask me to do something to help them. Thank you for your attention.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. After reviewing the history of minimum wage increases, I found that they only do the following things: They provide for upward inflationary pressure, they interfere with the free market, and they hurt the very people they are intended to help. Therefore, I urge you to follow my light and oppose the pending motion. Thank you.

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

Representative **PLANTE**: Thank you, Mr. Speaker. I can't understand why we wouldn't want to support this bill. I, myself, counting in the Legislature here, work three jobs. So take this out, it's just two. So I guess it sounds a little better. Thankfully, both of my employers pay me better than minimum wage. I work in New Hampshire both jobs, so I'll admit to that, but that's based along the lines that I live on the border of New Hampshire so to get a job in Maine I have to go a lot longer of a distance, roughly two to two and a half times, to get to a place such as Sanford to have the kind of business opportunity to get a job. But I can thankfully say that they looked at the minimum wage and they said, you know, I could pay you that but I don't think I'd be doing you the service. I don't think that I would be benefiting you as a worker, and I appreciate everything you do for me. Now they don't give me a lot of money in terms of better than minimum wage, that's a fact. But between the two jobs and counting here, I am able to pay my bills. But I guess the question comes down to, is that the right thing?

I have a neighbor. She works at Wal-Mart. She doesn't even get to work enough hours to qualify for benefits, and that's their decision to save money. It's not a decision about doing what's best for the employee. She told me this. She has a kid. She does everything she can for her son. But should she have to get a second job to make that happen? That's the question we have here today. She works as hard as she can and it is still not enough. She has to collect food stamps. More than half of the people who collect food stamps have a full time job. Are we doing the benefit of the people or are we creating a corporate welfare system? You know, it's unfair that I am hearing today that there are enough people out there who don't want to work, that are lazy. You know what? There are some, but that is a select few. It is not the majority. It is a small minority. Now I appreciate businesses such as Ms. Volk's who pay their workers much better than the minimum wage. I think that is great and that is something that we should trumpet, over and over again, throughout the state, throughout the country. That is the direction we should head in. But to argue that to raise the minimum wage 50¢ each of the next three years, a compromise, on a great bill by Scott Hamann, to think that that's the wrong thing to support today. Listen, I work three jobs, counting in the Legislature, and

that gets by, but is that the right thing? To me, no. So I urge you to support this bill and its passage. Thank you.

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

Representative **GILBERT**: Thank you, Mr. Speaker. We hear a lot of words today but very, very little about the minimum wage worker. I just want to remind my colleagues that as each year passes, minimum wage workers in Maine, our constituents, are falling further and further behind as their wages are not keeping up, not keeping pace with the escalating costs of gas, home heating oil, food, and other basic necessities. They realize that income inequality continues to increase and they are awaiting legislative action. Raising the minimum wage and indexing the minimum wage to inflation will give these workers some help. It won't be the whole answer, but it will give them some help, and it will help to reduce poverty here in Maine and grow our economy. These people are not going to take 50¢ and go invest it in the stock market. They will probably put another quart of milk on the table or another loaf of bread. Forty thousand Maine workers, our constituents, will be helped by this legislation with the passage of LD 611, and I strongly support this bill and I encourage my colleagues to support it as well.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have been a restaurateur and innkeeper for 34 years. It's kind of hard work. During that time, the only person that I paid minimum wage to, and I hope she's not listening, is my 17-year-old daughter. That's not exactly true because I pay half of the minimum wage to my waiters, \$3.75 an hour, I think it is effectively. I have three principal servers. One of them has been with me 20 years, one 15 years, the other 11, and you wonder how they can come back every year at half the minimum wage. So my point is these are people who are very happy to walk away with 200 plus dollars in cash every night and I'm wondering what this bill would do in terms of who are we really impacting. I think all the servers out there who are getting half the minimum wage will be very happy about that. The fact is many of these people earn far more than the minimum wage and I'm not sure that this bill is well conceived or worth doing. It would raise the rate that I would have to pay all the other people who earn far more than the minimum wage, so I rise in opposition to the current motion.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've always been raised in this state to believe that an honest day's work deserves an honest day's wage. The problem is that wages have not been increasing, except everything else has, unless we missed the couple of dollars that oil heating has increased over the last four to five years a gallon. Perhaps folks should actually take the time to walk in the shoes of the people we're talking about. You know, I have a college degree and I had the white collar traditional job for many, many years. I had benefits. I had paid sick days. I had days off that I could take. I had paid holidays, the vacation, the full package. Then, all of the sudden, I didn't. I didn't get to take a day off from work because, if I took a day off from work, I didn't get paid, and the very first time I looked at my paycheck and mind you, this was \$8 an hour, not the \$7.50 we currently have, I remember having to get out a calculator and redo the math. I redid the math on my paycheck because I honestly did not believe that my paycheck could possibly be real, because how could I possibly live on that? How did people live on that? Come to find out, my colleagues work on that salary or that

paycheck and they live on it, they raise kids on it. I don't know how they do it, because I can tell you it's practically impossible. But we heard earlier today about some testimony from a particular restaurant and I would like to read similar testimony from the same restaurant.

Our 200 employees and as a Maine resident, personally wanted to see – wait a minute, let me read this back. Since Margaritas founding in 1985, we've had steady growth and now operate 22 restaurants, as we've heard, five of which are located in the Maine communities, and we have not yet opened one in Maine in almost 15 years. Stagnant Maine expansion is not because of a lack of market opportunities. Maine has many growing communities for Margaritas to enter. It is not due to a shortage of available labor talent. Maine has an abundance of hardworking people of all ages, seeking good paying jobs within the food service industry. It is also not because of low demand. While certainly the recent economy has been challenging, our Maine sales remain strong. The decision is ultimately based upon more attractive rates of return for investment outside of Maine, a dollar and cents decision made in part because of the 16.8 percent higher cost of liquor in Maine compared to the average cost enjoyed by our nine New Hampshire Margaritas restaurants. So I'm confused. Is it because of the wage in Maine or is it because of the cost of liquor? But the testimony is the same, but it is for two vastly different reasons. Thank you, Mr. Speaker.

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

Representative **DUPREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. You know, I'd be naïve to think that anything I am going to say here is going to change anybody's mind, but I would like to make a few comments for the record. This is my fifth term and it's my fifth minimum wage debate. The comments I hear every year seem to be reading from the same notes from previous Legislatures and the outcome is usually the same, a partisan debate with a partisan vote, with one exception, the 121st Legislature. Republicans on the Labor Committee on the floor of the House voted overwhelmingly for a minimum increase. The economy in Maine was booming at the time, businesses were very profitable and the federal government had failed to act on minimum wage, so in a bipartisan fashion the House overwhelmingly approved a minimum wage increase. The booming economy of the last decade has been replaced by an economy where Maine businesses, especially north of this building, are struggling to pay bills, just like our citizens. Even the state government is struggling to pay its bills. Our businesses have had to deal with out of control oil costs to heat their buildings, \$4 gas to put in their vehicles, rising health care and unemployment insurance costs, and some of the highest energy costs in the country. I, like many of my colleagues on this side of the aisle, believe it is the federal government's responsibility to increase the minimum wage. For Maine to act unilaterally and raise our minimum wage almost 20 percent higher than New Hampshire's, would put Maine at a competitive disadvantage and not only do we risk losing future employers relocating to Maine, but we also risk losing the Maine businesses that will be attracted away by states with cheaper labor, energy and insurance costs. I'd ask to speak and to remind members that you cannot discuss possible outcomes of the Chief Executive or the other body in discussions in the chamber. Thank you, Mr. Speaker.

The SPEAKER: Thank you, Representative Duprey. This is our first of many debates to come and Representative Duprey has mentioned one of many rules about conduct of debate. I was going to wait until the end, but I will read it now as a reminder to

all members, found in the *Mason's Manual*, Chapter 12, Conduct of Debate. Number two. To guard against the appearance of personalities in debate, it has long been the rule in legislative bodies that no member should refer to another by name in debate. The other member should be described by district, by seat, as the member who last spoke or by describing the member in some other manner.

In addition, it is inappropriate for a member in debate to use the name of the Executive for the purpose of influencing votes of the members. Thank you for the reminder and as we move forward, I would request that members keep those rules in mind.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to share a perspective that I haven't heard yet this morning, and I am going to read from the 2010 Maine Department of Labor "Livable Wage Report." For a single adult, the livable wage, which is calculated by adding up average food, rent and utilities, telephone, health care, transportation, child care, clothing, household goods, personal care and state and federal taxes, the required livable wage for a single adult is \$11.02 an hour. For a single adult with one child, it rises to \$18.21 an hour. A single adult with two children, \$21.89 an hour. Two adults, two children, one wage earner, \$17.15 an hour. And two adults, two wage earners and two children, each of the adults, an average wage of \$13.35 an hour. I think those numbers speak for themselves. Thank you, Mr. Speaker.

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

Representative **MORRISON**: Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. I am a small businessman and I am supporting the pending motion. I have a 39-room inn in the City of Portland and I have 18 employees and I am supporting the pending motion. Not all small businesses are opposed to this. I am supporting this measure because of a few things. My employees – I have taken over the business, this is my third year taking over the business – when I first took over, we were making \$400,000 a year gross. My employees brought us to \$1.7 million in 2012 and that is because I treated them as fairly as they treated me. Last year, I gave them sweeping increases across the board and I plan on doing it again, because when I invest in them, they invest back in me. I have had employees that have been with the company 15 years, 8 years, 10 years, and they value me as much as I value them, and I am supporting this pending motion for them and for my small business. They have brought me increases since I took over the business and they will continue to do so in the future. We are going through a massive expansion and a remodel right now because of them. I can afford that now because of them and their efforts, so I am supporting this pending motion because I am a small business and because I reinvest in my employees and they invest in me. So I want to urge all of you that not every small business in Maine is opposed to this. I love this particular motion and I am supporting this wholeheartedly. It's a moral and right thing to do. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I speak to you as a small business owner and a farmer of this state. I believe, if we pass this bill, we'll be number one again, Maine will make number one again, and I don't think it's going to be number one in a good thing because it will now make us the highest minimum wage state in the country. In my opinion, this is not good for the state

and the best that I can figure, my family and I figured out this morning what this \$8.50 an hour would actually cost us. This \$8.50 an hour, by the time we add on our workman's comp costs and all the other costs that go along with government proportionally to this, it comes out to about \$10.22 an hour. So it's not \$8.50 an hour we're raising this to, it's \$10.22 an hour to most small businesses within the state.

In our family, most of our employees and we employ close to 50, most of my employees have been with me for more than 10 years, so we don't pay minimum wage but we do pay minimum wage to start a lot of our employees. I call them interns. They'd be high school kids or kids just out of school that are looking for work, either in my hardware store or on the family farm, and it's our way of deciding whether they want to work for us or we want them to work for us. It's a program that works. It keeps us good. You raise the price of this to \$8.50 an hour, we're not going to stop hiring, but we're not going to hire as many and we're going to find ways that are going to make the people that work. So you're hurting people from getting jobs because we run an internship program under this, and most farmers and most small businesses in the State of Maine do that, run an internship out of this. So I urge you not to vote for this minimum wage so that we can continue the internship program in the State of Maine, that small businesses get to use this program to find out if they've got a good employee, to find out if the people that want to go to work for these companies want to do that for a living or not want to do that for a living, because not every job is for every person and this is our chance to keep Maine viable in the country, somewhere within reason at where we are today. We move this up, we become number one again and not number one in a good position. I urge you to vote against this bill and vote for the farmers and the small businesses of Maine.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The solutions to our economic problems require that we build from the middle out, not from the top down, and reinvigorate Maine's middle class. We need to make sure that every employee is getting a livable wage by raising Maine's minimum wage, and that's what this bill does. We need to make sure that our workers, especially our young people and women, are making enough to live right here in Maine.

This isn't just an economic issue, this is a social justice issue. The average Mainer making the current minimum wage will only earn about \$15,000 a year, which is most definitely not a "livable wage". Fair pay is also a gender issue, as two thirds of minimum wage earners are women, and women are more likely to be supporting their children and families with their jobs than men in this marketplace. In 2010, the typical woman in Maine working full time, year round was paid only 79 cents to every dollar paid to a man working full time, year round – that's 2 cents less than the nationwide wage gap of 77 cents. Women in Maine already have higher rates of economic insecurity than do men in Maine: in 2010, women working full time, year round typically had lower earnings than men. They earned around \$33,000 versus \$43,000 and were more likely to live in poverty – 12.8 percent of Maine women live in poverty.

Some today have argued that a higher minimum wage would hurt small businesses and result in job losses. Decades of economic research have proven that increasing the minimum wage leads to increased employment and economic growth.

I would like to remind you of one of our most crucial small businesses in our history. In 1914, Henry Ford announced that he would pay his workers a wage of \$5 a day, which was double

what the line workers were currently earning. Henry Ford wrote that paying high wages was good for business, since low wage workers feel doubtful about their economic future. This results in an uncertain marketplace and weak growth. However, when wages are high and steady, Ford asserted that business is more secure because workers earn enough to become good consumers. With a higher wage, they could afford to buy a Model T Ford.

Economists call this "the virtuous circle of growth": well-paid workers generating consumer demand in turn promote business expansion and hiring. Just as Ford led the way in assembly lines and manufacturing innovations, he was an innovator in economic policy. It is time we learn from the success he enjoyed a century ago and create our own virtuous circle of growth right here in Maine.

I, like the Representative from Berwick, work two jobs outside of the Legislature to make my ends meet. I'm blessed that my employer agrees that Maine's minimum wage is inadequate. But not all of my peers are as lucky. Many young Mainers are making minimum wage and they are not making ends meet. If I could give you one reason why you should support this bill please listen to this one: Please vote for this bill for your children and for your children's children. Support this bill so that the young people of Maine can afford to live in the state that we love so dearly and want to see prosper. I urge you to follow my light and make a bold move for the future of this state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We've heard a lot of numbers today. Let me mention a few more. How about 50? Now we're the 50th most friendly state to business. How much will this bill help that? We do need business here to get employees. A few more numbers: 0, \$7.25, versus 7.95 and \$9. Those are the income tax rates in New Hampshire and the minimum wage versus Maine, a 0 income tax to a 7.95 income tax and a \$7.25 minimum wage to a \$9 minimum wage. If you owned a company and were looking to come to Maine or New Hampshire, which one would you pick. I don't think it would be Maine. We've heard from many small business people. We heard over and over again, if this bill only affected the people collecting minimum wage, it would be one thing. Think again. What if you had 15 employees? You had five at \$7.50, you had five at \$9, and you had five at \$10.50. What is that business going to have to do when this gets raised to \$9? They are going to have to raise everybody else's pay, so it's not just raising the minimum wage. For us in this room that have to pay workman's comp, that have to pay both sides of social security, those people know that most of those numbers are based on wage. If you have an increase in wage at your company, you're going to have increased workman's comp costs. If you have increased wage, you're going to have increased match on your social security and Medicare. It's not just the minimum wage going from \$7.50 to \$9.00. You had all those other escalators in there. We just started a committee on workforce and the economic future. Are we going to have an economic future if no businesses come to Maine? I would hope that people, that my fellow members in this chamber, would think into all the numbers on this and how much this is going to hurt the future economics of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Powers.

Representative **POWERS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I hadn't planned to speak today, but I just wanted to take the opportunity to share a

small bit of my story. Twenty-two years ago, I found myself a single parent working two minimum wage jobs and still qualifying for food stamps. I wanted to rise today and speak in support of LD 611 because there are many, many people out there that are still like that, that are struggling with that, and I continue to work two jobs. Thankfully, I have two jobs that I love and they make my life more fulfilling and enriching than they did at that time when I was struggling so desperately, but I rise in support of LD 611 and I hope that you will. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Wood.

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I know I am wasting my breath because I am not going to change anybody's opinion or vote, but I need to represent my small business people. They came to me and said please oppose this because, if this passes, we're going to have to lay people off, unfortunately, because with this economy they can't pass on the amount to the general public because they can't afford it and they'll be out of business if they do. I'm going to vote no.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. Apprenticed jobs are the ones most affected by setting the minimum wage. Mr. Speaker, I ask you, would you rather be paid to learn a trade or would you rather pay someone to learn that trade? I say being paid a few dollars to learn that trade is a heck of a lot easier to live by than incurring additional debt to learn that trade. Mr. Speaker, it is the debt that is crippling our younger generations. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I listen to this debate for the first time as a new member of the Legislature and there are simply two things as I listen that keep coming back to mind for me. Number one is what the research shows, that the minimum wage today is \$3 less an hour than it was in 1978 when you consider inflation. The minimum wage today is \$3 less an hour than it was in 1978 when you consider inflation. The second is that the top 10 percent earners in this country have had a salary increase of 28 percent over the past five years. The top 10 percent salary earners have had a raise, on average, of 28 percent. The financial inequality in our society is destroying our economy and it's destroying our families. Thank you very much.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the good Representatives told us a little while ago about the names of all the people that testified in front of us the other day and what they had to say. This was his first year of listening to these people and it was his first year of hearing what they had to say. It was my ninth year. The story hasn't changed at all and nothing in this chamber has changed either. Everything is about New Hampshire. So nothing has changed in nine years and I don't expect nothing to change now. I recommend we get the roll call vote.

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

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I rise as the sponsor of LD 611, "An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes." This

bill provides modest conservative incremental increases in the minimum wage between July of next year and July 2016. Starting in July 2017, the minimum wage will increase annually at the percent change in the cost of living. So as the cost of essentials like milk and gas and heating oil go up by a little bit, the minimum wage should increase with the rest of the economy so workers don't drown as the tide of inflation rises. When people have more money in their pocket, they spend it. That's the bottom line. Low wage workers are most likely to spend more of their money than anyone else. The economy benefits when the working poor have an extra dime in their pocket. They buy more so consumption goes up, which means increased demand for goods and services for Maine businesses, a positive impact on Maine's economy and a need to hire more employees to keep up with the increased demand. In the aggregate, increasing the amount of money in people's hands has a positive effect on the economy over the long run. Minimum wage workers, by definition, have the highest marginal propensity to consume, so every dollar they earn is going to be spent paying an electricity bill, shopping at the local grocery store or paying for other essentials. Increasing the minimum wage puts money in people's hands and they turn around and spend it in the community. Overall, this means that increase in aggregate demand, which requires an increase in supply, and increase in supply increases demand for labor. In other words, putting money in people's hands increases consumption. Increased consumption and demand for goods increases employment. That's not just my opinion, that's the conclusion of a mountain of research from economists from all walks of life, including economists in Maine who train PhDs in economics.

In 2005, the State of Vermont took this same bill up, similar bill, and they voted to increase their minimum wage, indexing it to inflation and today Vermont's unemployment rate is at 4.9 percent. In fact, that's the lowest unemployment rate in New England and well below the national average. This bill is a modest step in the right direction. It will be five years since the last increase in the minimum wage, and if we are forced to wait another five years, my fear is we'll be playing catch-up and a modest increase like this may not be practical. Now is the time.

Mr. Speaker, I am sure we can all agree that we should reward work. We should ensure that an honest day's work is rewarded with an honest paycheck. This bill is not about charity or welfare. It's not giving more money to low wage workers, but rather allowing them to earn a more fair wage for the labor they provide to their employer. These are people so engaged in our economy that they are willing to do the types of work most other people aren't even willing to do, despite the fact that working full time still guarantees them that they will take home a paycheck that keeps them below the federal poverty line. Think about that. Imagine waking up on Monday morning, heading into work to put in your shift, knowing you have a full workday ahead of you and, at the end of that tiring workday, you are guaranteed not to have enough money to pay for the basic essentials but you get up and go to work anyway because it's the right thing to do. You know, when you get a paycheck for the labor you provide to your employer that it will put your income at a level that the federal government considers poverty, but you get up and you go to work anyway because it's the right thing to do. These workers know Monday's shift will end with a paycheck that's not enough, but they get up and they go to work because they are committed to doing their part and making a better life for themselves and their family, and tomorrow they will go to work again and they'll be there Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday if they can get the shifts, so they can earn enough money to pay some of the bills, even though no matter how many

hours they work at the current minimum wage, work guarantees they will still be poor. They get up and go to work, just like you and me, but with the guarantee that their paycheck will be too low, no matter what, and they get up and they go to work anyway because it is the right thing to do to do their part for the economy. Self-reliance and personal responsibility. We hear these terms float around from time to time and I know we all respect these virtues of work ethic. Today we have a chance by voting for this bill to look these dedicated workers in the eye and thank them for their work, to thank them for getting up every morning and doing their part to contribute to the economy. A vote for LD 611 is an opportunity to reward self-reliance and personal responsibility, to reward those workers who are the backbone of our workforce and are too often taken for granted. I urge you to vote in favor of LD 611, which will benefit tens of thousands of minimum wage workers. Rewarding work is the right thing to do for workers, and it's also good for the economy. A previous speaker said that this would make us a statistical outlier. Far from being an outlier, I believe it would make us a leader. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We've heard twice today from a good restaurant chain that is here in the State of Maine, Margaritas, which is one of my favorites, and I want to thank the good Representative from Portland for pointing out the reason for not wanting to stay here. Now in VLA we have two bills before us that we're trying to adjust the liquor prices with the upcoming contract. It may take care of part of that problem, but I don't understand why we are so intent on creating another problem for this restaurant chain and for many of our other small businesses by increasing the minimum wage and I'd urge you to vote no on this resolution. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise also in support of the pending motion because, both morally and economically, it is the right thing and the right moment to raise Maine's minimum wage. My business owners and workers back home agree that with more money in the pockets of working Mainers, businesses will have more customers, and as a business executive, I agree. I currently serve as the vice president for International Business Development for a small Maine manufacturer. We are able to pay good wages and we support this bill. We do so, in part, because in my work in international business development, I go to clients in countries like Brazil, which is an interesting story because, 10 years ago, when President Lula da Silva took office and proposed a significant increase in Brazil's minimum wage, businesses, many of them, larger businesses, said no, no, no, this will kill our economy, we can't afford this. Well, over the last 10 years, Brazil has raised the minimum wage, not once, not twice but three times, and has nearly tripled its minimum wage. At the same time, it has gone from the 15th largest economy in the world to the 8th largest economy in the world, surpassing Spain, France, Canada. You can attribute the growth to many factors, but one thing is for sure. The warnings that Brazil's economy would go to the pits if they raise the minimum wage, proved wrong. If Maine were to do what Brazil did over the next 10 years, we would go not from \$7.50 to \$9 but from \$7.50 to \$21 or so. Would we see the growth that Brazil has seen? I don't know. But I don't believe the warnings of the naysayers any more than President da Silva did.

I also support this bill and my businesses back home support this bill and my workers support this bill because Maine's

minimum wage families have not seen a raise for four years, and if the price of bread and milk go up, then wages should follow – \$15,600 a year for a full time job is not enough to support a family. If you've tried it, you know that's true. And I think of the generation of young children who are growing up in these families without enough food on the table, without sufficient clothes, without sufficient resources to buy school supplies. They are being taxed, by the way, at twice the rate that we tax the very wealthy, and I worry for our future. It is time to raise our minimum wage. America has tried the politics of poverty and Maine has followed. We have tried trickle-down economics and they have not worked. It is time today to choose the politics of a rising tide, a tide that lifts all boats. It is time to raise Maine's minimum wage. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Morrill, Representative Pease.

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. This is my first time. I am not scripted, but I would like to put a different perspective. I speak against this proposal as a former owner of two McDonald's restaurants with my wife. When I retired 10 years ago, my two management people, top management people, one who had been a single mother and one was another lady that had one child. Both of those rose up as high school students making minimum wage. They both, when I sold the restaurants, they both were making over \$40,000 a year, plus benefits, full benefits, 10 years ago. McDonald's hires a lot of part time people, a lot of part time ladies and men, children, elderly, and individually many of those work into full time, depending on the hours and things.

But what I want you to think about, when you go into the next McDonald's, look out in the lobby and see the automatic drink dispenser. Look at the frialators and see the automatic frialators. Look at the grills, if you can, and see that they now cook from both sides and the reason for that is mechanics to save labor. Labor is the number one cost. I remember when the first time they had the grill that cooks from both sides, the top and the bottom, so we would not have to have employees that are going to flip burgers and do things. I remember thinking that was too expensive. It costs \$10,000 for one 3-foot section of grill. Minimum wage went up. I think this was about 1994 or 95. Minimum wage went up. I then ran numbers. Something I wanted to put in my capital plan three years down the road went into my capital plan immediately that April, when I went out to a show in Chicago. The reason that went into my capital plan is I could make that savings on labor by investing in a piece of equipment. What happens, truly happens in business, with people that start employees at minimum wage – and, by the way, I am really lucky because I live in my community and I see hundreds of people that work for my wife and I, at one point, as high school students, as a housewife who wanted to be home for kids in the afternoon so she only wanted to work noon hours – but what we see is we see that we make decisions because we are investing, as entrepreneurs, six and seven days a week. So when we do things like this, we look at do we need to cut hours back in order to keep cash flow as efficient as possible. Can we purchase new equipment? Having soda dispensers in the lobby means you get more soda, but guess what? It's still cheaper than having to pay a couple more people in order to maintain the speed of service. So, with that, thank you.

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

ROLL CALL NO. 11

YEA - Beaudoin, Beavers, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beck, Bolduc, Devin, MacDonald S, Peterson, Saxton, Shaw.

Yes, 86; No, 58; Absent, 7; Excused, 0.

86 having voted in the affirmative and 58 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-16) was READ** by the Clerk.

Representative EVANGELOS of Friendship moved that **Committee Amendment "A" (H-16) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Although I support LD 611 in its original form, the amended version of LD 611 changes the date of implementation for the increase in the minimum wage from October 1, 2013, to July 1, 2014. It has been since the 121st Legislature, in 2008, last raised Maine's minimum wage, which currently stands at \$7.50 an hour. Since that period of time, inflation has driven the cost of food, energy, and other necessities dramatically higher. With nearly 40 percent of Mainers being unemployed, underemployed or working at substandard wages, the ability of these folks to sustain a normal life has been compromised. In 1938, as one of the last big pieces of the New Deal program, President Franklin Roosevelt signed into law the Fair Labor Standards Act, which established the federal minimum wage at 25¢ per hour and the 40-hour workweek. Adjusted to inflation today, this wage would be over \$15 an hour, yet our state minimum is just \$7.50 an hour. Not only is this not sustainable, it's not livable. After waiting five years for a raise in the minimum wage, we're asking these Maine workers to wait another 15 months for relief and that is unacceptable, and I urge you to vote yes on my motion. Thank you, Mr. Speaker.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-16).**

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 Freedom, Representative Jones.

Representative **JONES**: I wish to speak on the motion by my dear colleague from Friendship.

The **SPEAKER**: The Representative may proceed.

Representative **JONES**: Mr. Speaker, the current minimum wage in Maine is currently \$7.50 an hour. That's \$15,600 per year, as my colleague from Belfast pointed out. The poverty level for a family of three is \$17,500 and one in eight Mainers lives in poverty. Is there anyone in this esteemed fellowship who cannot make this connection? Our working citizens are living in poverty and they need relief now.

The reason we implemented a minimum wage in 1938 was not only to keep our workers out of poverty but to increase consumer purchasing power in order to stimulate the economy. It is now time to bring our friends and neighbors out of poverty and help build our economy.

Mr. Speaker, we have lost our way as representatives of all of the people by not supporting our working poor. Perhaps it's because they are too busy scraping together a living that's barely a living to put on their silk suit and crocodile leather shoes to come testify before the committee that adopted this amendment delaying their relief. Maine working men and women, working for poverty wages, they need this relief now.

And contrary to what we may hear about training wages or internships or teenagers as the predominant minimum wage earners, three quarters of minimum wage earners are over the age of 20. Since this recession began, more and more Americans are spending their careers in low wage jobs where the minimum wage sets wage scales. Working women and men from Maine deserve a wage that returns the dignity of security and protection from poverty. And they deserve it now.

Mr. Speaker, in 1968, the minimum wage was \$1.60 per hour. Adjusted for inflation, it would be \$10.27 an hour now. Are our friends and neighbors working less hard or less efficiently? How is it when a CFO of a Maine hospital can make over \$2,000,000, enough to fund the pay of 130 full time minimum wage workers? And yet the hospitals demand to be paid. I rise to speak for the workers who demand to be paid.

And lest we think that raising the minimum wage in a struggling economy is not the right thing to do, economists at the Federal Reserve Bank of Chicago have found that every dollar increase, which this unamended bill proposes, boosts consumer spending by low wage workers' households by over \$2,800 the following year. Strengthening the minimum wage can help us build a sustainable economic recovery, without subsidizing employers paying poverty wages by providing their workers with food stamps, temporary aid to needy families, and general assistance; that is to say, public funds and taxpayer dollars. It's time for us to do the right thing.

And if we hear the argument that raising the minimum wage causes job losses, the research does not support that claim. As five Nobel Laureates and six past presidents of the American Economic Association stated, a higher minimum wage "can significantly improve the lives of low-income workers and their families without the adverse effects that critics have claimed."

And trouble not, employers will not go out of business if they have to pay a higher wage. A study by the Fiscal Study Institute found that states that raised their minimum wage had faster small business growth and overall retail job growth than where the minimum wage remained unchanged. And in fact, raising minimum wages reduces costly employment turnover and increases productivity.

Mr. Speaker, I stand before you speaking for the working poor of District 45 and for the working poor of the State of Maine. It's time for all of us to stand for prosperity and economic justice for all of our citizens. It's time to decide now whether we will address

the issue of grinding poverty wages now or are we just going to kick the can further down the road. Working Maine men and women deserve justice now. I urge you to vote for the Indefinite Postponement of Amendment "A" to LD 611, and I request a roll call on that vote.

The **SPEAKER**: A roll call is already in order. The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As riveting as this discussion has been, I will not go on and on. I just wanted to make it clear that the amendment that we are voting on is to move the minimum wage, to change it in 2014, not to change it now, and to Indefinitely Postpone it would mean that you wanted to do it now. Am I correct? Thank you.

The **SPEAKER**: The Representative is correct. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. The pending motion would Indefinitely Postpone the Committee Amendment, which would require that our minimum wage, beginning July 1, 2014, go to \$8.50 an hour; beginning July 1, 2015, go to \$9 an hour; beginning July 1, 2016, minimum wage will be automatically adjusted for inflation on July 1 of each year. Mr. Speaker, I support the sentiments expressed by the last two speakers and that is exactly why I will be voting against the Indefinite Postponement of the Committee Amendment. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Committee Amendment "A" (H-16). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 12

YEA - Beavers, Chapman, Chipman, Daughtry, Evangelos, Harlow, Hickman, Jones, Kaenrath, Kusiak, Short, Stuckey, Wood.

NAY - Ayotte, Beaudoin, Beaulieu, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Hamann, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Mr. Speaker.

ABSENT - Beck, Bolduc, Devin, Goode, Harvell, Hayes, MacDonald S, Peterson, Saxton, Shaw.

Yes, 13; No, 128; Absent, 10; Excused, 0.

13 having voted in the affirmative and 128 voted in the negative, with 10 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-16) FAILED.**

Subsequently, **Committee Amendment "A" (H-16)** was **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 28, 2013.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Reduce the Income Tax on Capital Gains"

(H.P. 57) (L.D. 65)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BROOKS of Winterport
LIBBY of Lewiston
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-13)** on same Bill.

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis

READ.

Representative TIPPING-SPITZ of Orono moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Provide a One-year Period of Penalty Relief for Withdrawal of Forest Land from Current Use Valuation

(H.P. 89) (L.D. 107)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BROOKS of Winterport
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-14)** on same RESOLUTION.

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
JACKSON of Oxford

READ.

Representative TIPPING-SPITZ of Orono moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

On motion of Representative BERRY of Bowdoinham, **TABLED** pending the motion of Representative TIPPING-SPITZ of Orono to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Exempt Members of the Houlton Band of Maliseet Indians from Property Tax"

(H.P. 277) (L.D. 402)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland
THOMAS of Somerset

Representatives:

GOODE of Bangor
BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-11)** on same Bill.

Signed:

Representative:

BROOKS of Winterport

READ.

On motion of Representative TIPPING-SPITZ of Orono, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-15)** on Bill "An Act To Increase the State Earned Income Credit"

(H.P. 305) (L.D. 455)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BROOKS of Winterport
LIBBY of Lewiston
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

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

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis

READ.

Representative TIPPING-SPITZ of Orono moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report**.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report** and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 79) (L.D. 243) Resolve, To Direct the Department of Education To Amend Its Rules Regarding Restraint of Students (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-6)** (Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - opposed)

(H.P. 213) (L.D. 304) Bill "An Act To Amend the Representation on the Telecommunications Relay Services Advisory Council" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

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. 91) (L.D. 255) Bill "An Act To Establish July 27th as Maine Korean War Veteran Recognition Day" (EMERGENCY)

(S.P. 158) (L.D. 416) Bill "An Act To Allow Complainants in Disciplinary Actions To Attend Informal Conferences Held by the State Board of Nursing in Executive Session"

(H.P. 298) (L.D. 426) Bill "An Act To Provide for the Continuity of a Veterinary Practice Subsequent to the Death or Incapacitation of the Owner"

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

BILLS IN THE SECOND READING

Senate

Bill "An Act To Reduce Youth Cancer Risk"

(S.P. 105) (L.D. 272)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

ENACTORS

Emergency Measure

Resolve, Directing the Department of Transportation To Name a Bridge between Kennebunk and Kennebunkport the Mathew J. Lanigan Bridge

(H.P. 18) (L.D. 14)

(C. "A" H-3)

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

Representative FREDETTE of Newport **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 13

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dill, Dion, Doak, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Beck, Bolduc, Chipman, Devin, Dorney, MacDonald S, Malaby, Peterson, Saxton, Shaw.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Name Bridge Number 2975 in Kenduskeag the Kenduskeag Veterans Bridge

(H.P. 387) (L.D. 568)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

Bill "An Act To Protect Public Health by Regulating Excessive Wood Smoke as a Nuisance"

(H.P. 860) (L.D. 1215)

(Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested)

TABLED - March 26, 2013 (Till Later Today) by Representative WELSH of Rockport.

PENDING - **REFERENCE**.

Subsequently, on motion of Representative WELSH of Rockport, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal"

(H.P. 848) (L.D. 1204)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

TABLED - March 26, 2013 (Till Later Today) by Representative GRAHAM of North Yarmouth.

PENDING - **REFERENCE**.

Subsequently, on motion of Representative GRAHAM of North Yarmouth, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

SENATE PAPERS

Bill "An Act To Establish the Computer Crimes Unit Fund and Authorize the Department of Public Safety To Accept Donations for the Fund"

(S.P. 428) (L.D. 1234)

Resolve, Directing the Department of Corrections To Amend Its Rules Pertaining to Certification of Batterer Intervention Programs (EMERGENCY)

(S.P. 431) (L.D. 1237)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act Regarding School Construction"

(S.P. 429) (L.D. 1235)

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Amend the Maine Insurance Code To Ensure Fair and Reasonable Coverage and Reimbursement of Chiropractic Services"

(S.P. 430) (L.D. 1236)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** 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. 76) (L.D. 240) Bill "An Act To Allow Motor Fuel Taxable Sales Disclosure" Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 152) (L.D. 372) Bill "An Act To Transfer the Responsibilities of the Department of Public Safety, Maine Communications System Policy Board to the Bureau of Consolidated Emergency Communications" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(S.P. 224) (L.D. 634) Bill "An Act Regarding Permits for Final Disposition of Dead Human Bodies" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 82) (L.D. 246) Bill "An Act To Provide for the 2013 and 2014 Allocations of the State Ceiling on Private Activity Bonds" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-9)**

(S.P. 93) (L.D. 260) Bill "An Act To Extend Funding for the Loring Job Increment Financing Fund" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-7)**

(S.P. 131) (L.D. 351) Bill "An Act To Authorize the Provision of Insurance on Student Loans" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-8)**

(H.P. 307) (L.D. 457) Bill "An Act To Eliminate Certain Data Collection Requirements of the Forest Health and Monitoring Program of the Division of Forestry" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

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

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

On motion of Representative BROOKS of Winterport, the House adjourned at 12:33 p.m., until 10:00 a.m., Thursday, March 28, 2013 in honor and lasting tribute to Roger N. Painchaud, of Old Orchard Beach, the Honorable Willis Lord, of Waterboro and the Honorable Christina Baker, of Bass Harbor.