

MAINE STATE LEGISLATURE

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**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Friday
March 6, 1998

Senate called to order by President Mark W. Lawrence of York County.

Prayer by Reverend Joan DeSanctis of the North Brewer and Eddington United Methodist Churches.

REVEREND JOAN DESANCTIS: Good morning and greetings from the greater Bangor/Brewer area. It is my privilege today to invoke God's presence in this place. Let us be in the spirit of prayer.

Gracious and loving God, we bless You for this new day and for bringing us here safely. We ask your blessing on this body gathered in this place. May the work of the members of these Chambers be dedicated to You today. We ask that You be with the Senators as they learn, listen, debate, discuss, and vote on issues of the state of statewide importance. May the gifts and graces with which You have blessed them be used for the growth and development of this state, the people in it, this region of our country, our nation, and the world at large. Give to them today the reminder that they are indeed very special folks in our state, representing young and old, rich and poor, black and white. May their hearts and minds, eyes and ears, be opened to glean and discern with honesty, loyalty, dignity, care and love, the best interests of the people of Maine. Bless their work, their lives, their families. Keep them safe and whole as they work for the wholeness, health and progress, of the people of this state. May they leave their legacies of the highest quality of government, sharing the resources equitably and lifting high, a standard of excellence for us all. Give to them your light and your truth. Let them be guided by your spirit today. Amen.

Doctor of the Day, John Makin, M.D., Skowhegan.

Reading of the Journal of Thursday, March 5, 1998.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the Interagency Committee on Outdoor Trash Burning"
H.P. 1408 L.D. 1972
(C "A" H-797)

In House, February 25, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-797) AS AMENDED BY HOUSE AMENDMENT "B" (H-816)** thereto.

In Senate, March 4, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-797) in NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

On motion by Senator **TREAT** of Kennebec, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE.**

SENATE PAPERS

Bill "An Act to Allow the Department of Environmental Protection to Process an Application by the Ivan Davis Family for a Hydropower Project at an Existing Dam on the St. George River"
S.P. 849 L.D. 2262

Presented by Senator **LONGLEY** of Waldo.
Cosponsored by Representative **PIEH** of Bremen and Representatives **BULL** of Freeport, **DEXTER** of Kingfield, **FOSTER** of Gray.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Allow a Municipality to Request a Joint Check from the Maine Residents Property Tax Program in the Event of Nonpayment of Taxes"
S.P. 850 L.D. 2263

Presented by Senator **LIBBY** of York.
Cosponsored by Representative **VEDRAL** of Buxton and Representatives **BUCK** of Yarmouth, **CIANCHETTE** of South Portland, **JOYNER** of Hollis, **MCALEVEY** of Waterboro.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS

Joint Order

On motion by Senator **BUTLAND** of Cumberland the following Joint Order:
S.P. 851

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

READ.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND:** Thank you Mr. President and ladies and gentlemen of the Senate. I rise this morning to gain your support for a very modest proposal. This order would require that the Joint Standing Committee on Taxation report out a bill to clarify a measure that passed both bodies and was signed by the Governor a little more than eight months ago. A bill that clarified the legislative intent of L.D. 1863, the legislation that extended to Bath Iron Works, a \$60 million tax break to facilitate the construction of a modern ship-building facility to allow Bath Iron Works to compete into the next century.

I should state that, although I did not support the original proposal, this order is not presented as a means, and if I may use a maritime term, to scuttle the original proposal. Myself and seven other steadfast souls opposed the original proposal because we did not believe that it was prudent public policy to ask the hard-working tax payers of this state to subsidize one of the world's largest and wealthiest corporations. We lost that vote. And this order is not an attempt to reverse that decision. The purpose of this order is to put the leadership of Bath Iron Works on notice that the State's intent was to create job opportunities for all qualified workers in this state, for all Maine citizens.

This order is necessary because of recent newspaper articles that have exposed the fact that only union workers need apply for these construction jobs. In my humble opinion, this recent and ugly turn of events is a slap in the face to every Maine worker and to every Maine tax payer. I'm absolutely appalled by this decision. We need to reaffirm the legislative intent. We need to send a clear and unambiguous message to the leadership at Bath Iron Works that their decision is simply unacceptable. That no Maine workers need be excluded. That union membership is not the litmus test for employment. That one's decision to join or not to join a labor union is a personal decision based on principle and should not be used as the basis for inclusion or exclusion. We should respect each individual's decision and respect the notion of fair and open competition. I've been reading some of the accounts from the newspapers given by individuals who believe that this exclusion is fair. They are mystified by the opposition to this sweetheart deal. And some have characterized the reservations that I express here today, as either anti-union, or micromanagement of a public company, meddling, as it were.

Let me simply address the anti-union red herring first. Who's jobs are we trying to save here? Who came to us, the Legislature, and said that this project was only viable, was only feasible, with \$60 million in concessions from State Government. The original proposal was put forward to save union ship-building jobs at Bath Iron Works.

As to the charge that we are micromanaging, I'm tempted to say that that particular claim has to be the quintessential example of the pot calling the kettle black that I've ever seen. But as to the charge of micromanaging, I would simply say, if you are afraid of legitimate legislative oversight, don't take the tax payers

money. Give it back. The tax payers of the state of Maine have bought a seat at the table and it cost them \$60 million. All government largess comes with strings attached. And if you think that I have such little regard for \$60 million of tax payers money, hard-earned money, than you've sorely underestimated me.

Let me just say that at no time during the public hearing for L.D. 1863, or during the elaborate public relations campaign that followed, did anyone of authority at Bath Iron Works remotely mention the requirement of union jobs? When I heard of this requirement this week, I thought back to a debate that occurred in this Chamber approximately five years ago. My good friend, the former Senator from Portland, Gerry Conley, Jr., was making a point that centered around the concept of fairness. He told about the plight of the early Irish immigrants to the Portland area, many just over from the Old Country. They left hard times in Ireland and they were met by discrimination and poverty in America, walking for hours along the Portland streets, looking for work, being met with ridicule and signs that said, "Help Wanted, Irish need not apply." Gerry Conley made that speech and gave those observations. But I imagine that many, many people in here could have said the same. I could have said the same, "Help Wanted, square-heads not apply." Those were the signs that met my ancestors in Portland, in 1889, when they came from Denmark. In 1998, I am certainly not going to be a party to newspaper advertisements that say, "Construction workers wanted, non-union members need not apply." I will not be a party to black listing 85% of the workers here, in the state of Maine. And I will not be a party to the establishment of a protected class of workers. I will not be a party to the blackmail that I have seen in the newspapers, in the newspaper accounts. I would read from the Lewiston Sun Journal, of Thursday, where it said, "BIW cut the deal with the union's guild," Art said, "because it wants to be sure that the 250 workers hired for the modernization project get the same wages and work under the same rules as the 7,000 union employees already on the companies payroll. That way," he said, "there won't be any turf battles, debates, or construction delays." I won't be a party to that. And I hope that you will join me today in our quest to clarify the legislative intent of L.D. 1863, so that we may protect all Maine workers and send a message to the world that Maine won't discriminate.

May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **BUTLAND:** Thank you Mr. President. In allowing me to preface this question by saying that I posed a question earlier this week during the tobacco debate and didn't get an answer. I just want you to know from the outset that I do not consider this to be a another rhetorical question and would appreciate an answer from anyone who might have the knowledge. I have been told that the dry-dock component of this project, which will cost approximately \$25 million, is being manufactured by a foreign country, or in a foreign country, specifically the People's Republic of China. The question that I'm asking, can anyone confirm or deny this assertion? And if the assertion is true, can anyone tell me how many of these Chinese workers are members of the AF of L CIO? Thank you.

Senator **RUHLIN** of Penobscot moved to **INDEFINITELY POSTPONE** the Joint Order.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

From the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend Criminal OUI Penalties Concerning Suspension of a Motor Vehicle Driver's License" H.P. 1321 L.D. 1870

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-831)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-831)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-831) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-833)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-833) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Update the Guide Dog Access Law" S.P. 775 L.D. 2102

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-487)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-487) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Continue Work-based Learning for Maine's Youth" S.P. 774 L.D. 2101

Reported that the same **Ought to Pass**.

Signed:

Senators:
MICHAUD of Penobscot
CLEVELAND of Androscoggin
BENNETT of Oxford

Representatives:
KERR of Old Orchard Beach
POULIN of Oakland
BERRY of Livermore
KNEELAND of Easton
LEMAIRE of Lewiston
WINSOR of Norway
MARVIN of Cape Elizabeth
OTT of York

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

Signed:

Representative:
TOWNSEND of Portland

Reports **READ**.

On motion by Senator **MICHAUD** of Penobscot, the Majority **OUGH TO PASS** Report **ACCEPTED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Assist People with Housing Needs" S.P. 790 L.D. 2117

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

MICHAUD of Penobscot
BENNETT of Oxford

Representatives:

KERR of Old Orchard Beach
POULIN of Oakland
BERRY of Livermore
KNEELAND of Easton
MARVIN of Cape Elizabeth
WINSOR of Norway
OTT of York

Minority of the same Committee on the same subject reported that the same **Ought to Pass.**

Signed:

Senator:

CLEVELAND of Androscoggin

Representatives:

TOWNSEND of Portland
STEVENS of Orono
LEMAIRE of Lewiston

Reports **READ.**

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy" S.P. 816 L.D. 2200

Reported that the same **Ought to Pass.**

Signed:

Senators:

MICHAUD of Penobscot
CLEVELAND of Androscoggin
BENNETT of Oxford

Representatives:

KERR of Old Orchard Beach
POULIN of Oakland
BERRY of Livermore
TOWNSEND of Portland
KNEELAND of Easton

LEMAIRE of Lewiston
MARVIN of Cape Elizabeth
OTT of York

Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**

Signed:

Representative:

WINSOR of Norway

Reports **READ.**

On motion by Senator **MICHAUD** of Penobscot, the Majority **OUGHT TO PASS** Report **ACCEPTED.**

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

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

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

Resolve, Regarding Legislative Review of Chapter 2.10: Aquaculture Lease Regulations, Lease Categories and Environmental Baseline, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

H.P. 1608 L.D. 2235

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

Senate

Bill "An Act to Repeal the Laws Governing the Jackman Water District and the Jackman Sewer District"

S.P. 824 L.D. 2214

READ A SECOND TIME and **PASSED TO BE ENGROSSED.**

Sent down for concurrence.

Senate As Amended

Bill "An Act to Require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to Report the Facts of an Unnatural Death of a Patient under the Care of the Department to the Legislature" S.P. 335 L.D. 1113 (C "A" S-485)

Bill "An Act to Require the Bureau of Revenue Services to Report on the Incidence of Tax Burdens to Business Sectors of the State's Economy and to Income Classes of Citizens" S.P. 720 L.D. 1963 (C "A" S-486)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act to Amend the Membership Requirement for the Cumberland County Budget Advisory Committee H.P. 1388 L.D. 1941 (C "A" H-811)

An Act to Correct Errors and Inconsistencies in Licensing Requirements for Licensed Insurance Professionals and Insurers S.P. 756 L.D. 2034 (C "A" S-462)

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

An Act to Increase Health Insurance Benefits for Retired Educators H.P. 132 L.D. 174 (H "B" H-815)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (2/24/98) Assigned matter:

JOINT ORDER - relative to recognizing the Allied Construction Company on the occasion of its 40th year of business; SLS 427

Tabled - February 24, 1998, by Senator **PENDLETON** of Cumberland.

Pending - motion by same Senator to **PASS**

(In Senate, February 24, 1998, **READ** and **PASSED**. Subsequently **RECONSIDERED**.)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Pendleton.

Senator **PENDLETON:** Thank you Mr. President and men and women of the Senate. We often discuss the economy and the health of business in our great state. We know that the backbone of our economy is entrepreneur and family businesses. This morning I'm very, very proud that we have a perfect example of a family business that has been in my area and Senator Amero's area for the last 40 years and it truly is a family business. I'd like to honor David Cook and his wife Stephanie and his children, Lincoln, Matt, Dan and Sarah, for being a part, maybe a vertebrae, of that backbone that's so important to our great state's economy. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President and ladies and gentlemen of the Senate. I would like to add my congratulations to the Cook family for the 40 years of service that they have provided to our state. Many of you, as you come to visit the Maine Mall area, probably don't realize that many of the large buildings, and many of the most attractive buildings that you see surrounding the Maine Mall area and in the mall itself, were done by Allied Construction Company. You know, there aren't that many family businesses, particularly in the construction industry that survive for 40 years within the same family. As we all know, the ups and downs of the Maine economy are very difficult for family-owned businesses, particularly in the construction industry, when times are not very good. So it is amazing that a family with a great deal of background and a great deal of foresight has been able to survive and is growing and thriving in the South Portland, Scarborough area. We hope that they'll be in business for another 40 years. Congratulations.

PASSED.

Off Record Remarks

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Off Record Remarks

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **AMERO** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

JOINT ORDER - relative to the Joint Standing Committee on Taxation reporting out, to the Senate, legislation amending the Maine Revised Statutes, Title 36, chapter 919, Shipbuilding Facility Credit. S.P. 851

Tabled - March 6, 1998, by Senator **PINGREE** of Knox.

Pending - motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE**

(In Senate, March 6, 1998, on motion by Senator **BUTLAND** of Cumberland, **READ**.)

THE PRESIDENT: The Senator from Cumberland, Senator Butland, had posed a question through the Chair. The Chair will repeat the question. The question was, whether or not construction of the ship-building facility had been contracted with an entity in the Republic of China? The Senator from Cumberland, Senator Butland poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President and ladies and gentlemen of the Senate. In direct response to that Senator's question, I would point out to the Senate that that particular facility has not been let out to bid yet, by anybody. So the answer is a straightforward no. It is not the Republic of China. Therefore, the second part of the question of whether or not it will be built by union labor in China, is not worthy of a response. If I may though, Mr. President, I'd like to continue now that I have the floor and bring out some points of information, I hope, that the Senators of Maine will find helpful in making a decision on this?

THE PRESIDENT: The Senator may proceed.

Senator **RUHLIN:** Thank you. To start with, this is a labor agreement that involves approximately 10% of the total cost of a project to reconstruct Bath Iron Work's level building area. An area that will allow workers in the state of Maine to continue to make good wages, good benefits, and be competitive into the 21st century. I look at this order as only a possible, or potential, attempt to sidetrack that opportunity. Consequently, I did move to indefinitely postpone and would like to bring out more information to you. First of all, and I do have the agreement and have read the agreement, any contractor from the state of Maine, whether union or non-union, can bid on this project, period, point

one. Point two, workers of Maine shall have a preference. That was required in the agreement that was made last June, that most of you in this room supported, wisely. It says in the agreement, and perhaps, Mr. President, it would be appropriate at this time, if I may, to enter into the record that portion of the agreement that I feel would be appropriate. It is called section 6 and it says, "It is agreed by all parties, signatory hereto, that in recognition to the Maine Ship-building Facility Credit Act," that's a law that we passed, "preference shall be given to Maine residents for referral to jobs and non-Maine residents shall not be referred until all reasonable avenues for the referral of qualified Maine residents have been exhausted." Nowhere in there does it say that they shall be unionized. Nowhere in there does it say that they won't be union. There is the issue that has been brought up that, well, they at least have to pay union dues. In some cases that is correct but that is so that all the workers will be working in harmony and come under this labor agreement, PLA, it's called. The reason for that is, you have approximately 250 new workers on this construction project who will be working with 7,500 people who are career workers at Bath Iron Works. There is a need for harmony not sameness. It doesn't mean that you have to join the union, stay in the union, or anything else. This agreement does not call for that. I think that's where the misinformation has come about. There is need however, when you're doing a massive project of great complexity, such as this that your workers have the necessity of working in harmony. Not sameness, but harmony. That the same safety rules apply, the same rules apply for job walk-outs, that other rules apply for working conditions. That is a necessity and that is what has brought about this agreement.

So, what the bill that we passed last June and what this order directly refers to, the issue can be summed up very easily and very readily, and it's one word. Wages. Are we going to give Maine workers preference for high, good wages, good benefits, to work in their state? Especially when we look at towns like Winslow, which has Kimberly Clark. Those people will be looking for good work. They are highly trained, skilled workers and citizens of the state of Maine. This project fulfills, I think, the hopes and desires of this Legislature, last June, when it brought forth something to meaningfully help Maine workers. I, therefore, hope and trust that you will agree with me this morning and give this particular order an indefinite postponement. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President and men and women of the Senate. I stand before you today, a very uncomfortable Senator, speaking on this issue. Uncomfortable because, unfortunately much of the dispute and debate is focused in my home district of Sagadahoc County. I represent Bath Iron Works and I represent them proudly, both the company and the workers who work there. I also represent some of the companies that had hoped to compete for the contracts there, and although we're told that they can still compete, I think it will be very difficult for them to. And even if they compete and are successful, there's very good probability that the workers who have worked with them for many years would not be able to work on those projects, because even though they could join the union, I would think that they would probably be at the bottom of the list rather than the top. In many cases they'd be unlikely to get those jobs.

So I am torn. I'm torn between the people that are in line to get those jobs, who live in my district and the people who have been, for all practical purposes, shut out from getting those jobs, who also live in my district. I think the make-up of the Legislature clearly indicates that there will be no change in the agreement regarding the labor provisions. Twenty years of service here have shown me that and I would think a freshman would know that. So sending this back to Committee will not result in any changes in the project labor agreement. So then my fear is, well, if we send it back and we do not make changes in that, what will be the next recourse for those people who are still dissatisfied? Well, dissatisfied is too mild a word because I'm dissatisfied, but I'm not yet ready to cancel out the legislation. What about the people who are enraged about this project labor agreement, who will not have the opportunity, through this body, to change that all to that language? Then, their only recourse is to try to dissolve the legislation. If there is a coalition of those who oppose the legislation in the first place because this was not a unanimous matter, and there's a coalition of people who oppose the project labor agreement, I have to start to worry that we're going to repeal the whole legislation.

I simply cannot repeal something that's going to benefit thousands of workers for many, many, many years to come because of a provision that will deal with 250 workers. I wish I could go with principle on this but unfortunately, I believe in jobs for Maine people. I believe in union jobs. I believe in non-union jobs. I believe in the mom and pop businesses that are a husband and wife, and maybe one or two employees, who are now getting business from the Iron Works. This only deals with 250 people beyond the fence. Bath Iron Works still will employ all their workers that they have and hopefully hire more. They will still buy the products from every one of our counties. They will still benefit all the small businesses out there if they are allowed to remain viable. That is, of course, so that they can compete with the Mississippi shipyard.

The question I have to ask myself is, am I willing to risk all these thousands of jobs not only now but down the road for 10 or 20 years? Am I willing to risk all the jobs that are farmed out by the people who sell products to the Iron Works and services? I guess I'm just not willing to risk that. I am dissatisfied. I am displeased. I have asked the Governor's Office if they could sit down and try to work out an agreement so that my local contractors could bid on that and could bring their workers in and even, somehow, arrange that those workers, perhaps, could join the union, but would be at the top of the list instead of the bottom, because I feel we owe a responsibility to those people who have been loyal to their companies for so many years. I have not yet heard from the Governor's Office. But I just don't feel that this Joint Order to involve legislation that could potentially repeal the BIW expansion project is the best way to go. I certainly cannot vote for something that will jeopardize future jobs for decades to come. Thank you.

On motion by Senator **PINGREE** of Knox, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Mr. President and men and women of the Senate. If this matter were referred back to the Taxation Committee, this is one member of the Taxation

Committee who would not vote to repeal the law that we had worked on so diligently last May. One of the reasons for that is, in my view, we made a solid commitment with BIW and with their parent to extend certain benefits in exchange for certain benefits to be received by the State. I think we made a contract of sorts. The predicate to the bill itself expresses that intention. The words were fairly carefully chosen. I would not, even for a moment, consider going back on the deal. On the other hand, this recent development has caused, I think, a great deal of public concern. I think that it places the arrangement in jeopardy, perhaps of a referendum. I think that the appropriate role for this body is to entertain a public hearing in the Taxation Committee to determine whether there might be amendments to the arrangement that might be acceptable to the company, to have a public airing of the issues that arise so that all of us might take the time to read the agreement. I haven't read it. I'm relying on hearsay information from people and I'm getting conflicting versions of what the agreement contains, what its terms are, how much it might cost and what the implications are for a potential bidder. I might also add that at the end of this statute, in the section which we denominated as the main preference, it contains a preference not only for Maine workers but also for Maine companies and for Maine bidders. I, for one, would like to know a lot more about what the relative chances are of Maine companies and Maine bidders, as well as Maine workers, to participate in the construction project that we've contemplated. I would like to assure this body that my vote against the pending motion and in favor of the order is in no way, in no way, a reflection of any desire on my part to cancel out the agreement. I think we made a solid commitment to this company and I, for one, will stand by it. But I think that there are possibilities for amending or adding to the provisions of this law that might have some bearing on the problems that have arisen in the last week. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator MacKinnon.

Senator **MACKINNON:** Thank you Mr. President and women and men of the Senate. I rise today to tell you that I will be supporting this Joint Order. It troubles me. I grew up in Bath. My father worked for that yard for 47 years. Do I know what unions are? Do I support the expansion? I certainly do. I certainly intend to support legislation and make sure that the deal struck, as far as expansion itself, goes forward. But also as a person who grew up there, realizing that the rugged individualism that made that yard what it is today was on free choice. Not telling me that I have to look in the mirror and discard that value of saying that a person must do something. If it's their choice, I have no problem. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. There's been a lot of discussion, throughout this debate, in the newspaper over the last few days that there is huge public concern over this issue and that these jobs would not be awarded to Maine people. My feeling is that the public and the Legislature, itself, was not concerned with the issue until some contractors who weren't chosen in this process decided to make it an issue. I think a lot of the information we found ourselves having to debate and be questioned about was misinformation. In fact, the agreement we

passed during the last legislative session is very clear on this arrangement, that Maine people will be given preference in this job. In fact, from what we hear there are plenty of Maine people available for these jobs due to plant closings and lay-offs. In fact, these are good paying jobs. In fact, these are agreements used throughout the country at all times for very good reasons, to encourage that work forces work together. When you have a lot of diverse, either unions, or workers, or contractors coming into a job to make sure that work rules are all complied with by everyone on the site, to make sure that the problem resolution situations and the safety conditions are similar throughout the project. In fact, these are very good agreements considered to be a productive and useful process used in many other places. I think we're only here today debating this not because it's appropriate for the Legislature to go back in and revisit this very issue. I think we're debating this today because there are people who are dissatisfied because they didn't win on the issue and they've come to us with misinformation. We've had to dispel that misinformation. I think our job as legislators is to get on with the process, stand by what the Committee and the Legislature decided during the last legislative session, which didn't come easily, which many of us had many questions about, which was a hard fought battle in and of itself, but the decisions were made. We've moved on. The company has the right to contract who they want and they have done so, I think, under a very good decision-making process and a very difficult decision. I think it's time for us to move on and respect the fact that these are going to be good paying jobs, the very thing that we're looking for in the state of Maine. They will hire many of the Maine workers who are sitting out there right now looking to use their skills in a good project. So, I am in favor of the indefinite postponement and I urge my colleagues to do the same.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **SMALL:** My question is for the Senator from Knox. It was my understanding that the contracts were still out there to be bid and the question was whether the contractors who bid on it would be able to use their own workers or have to hire from the union. Your statement was that the contracts have already been bid and these people are disappointed. Could I have clarification on that, please?

THE PRESIDENT: The Senator from Sagadahoc, Senator Small poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. I thank the good Senator from Sagadahoc, Senator Small, for the opportunity to clarify, what may have been a misstatement of my part. I think I would say that by choosing to go with the project labor agreement there are some companies, or entities, or individuals who are dissatisfied with that idea. Clearly everything isn't resolved in this proposal. And clearly, from what we've heard, anyone can bid on this project. Workers need to be hired and be union members during the duration of the project, but that

is not uncommon. It is done in other places. It has been done before in the state of Maine. So, it's not an unconventional agreement. It does not mean it cuts certain contractors, or bidders out. What I meant to say was that many people are dissatisfied with the idea of doing that because it doesn't suit their concerns. But I don't think that dissatisfaction is reason enough for the Legislature to open up what we've already decided and what is a perfectly appropriate process.

The Chair noted the absence of the Senator from Hancock, Senator **GOLDTHWAIT**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, FERGUSON, HALL, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL

ABSENT: Senators: CASSIDY, HARRIMAN

EXCUSED: Senator: GOLDTHWAIT

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE, PREVAILED.**

The Chair laid before the Senate the following Tabled and Later (3/5/98) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage" H.P. 418 L.D. 568

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-829)** (9 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 5, 1998, by Senator **CATHCART** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 4, 1998, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-829).**)

(In Senate, March 5, 1998, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cathcart.

Senator **CATHCART:** Thank you Mr. President and men and women of the Senate. I urge you to support the Ought to Pass Majority report on this legislation. This bill, to raise the minimum wage, is a recommendation from the Commission to Study Poverty Among Working Parents and it was one of the strongest recommendations of that full commission that gave us their report last year. It's a very simple bill. What it does is raise the Maine's minimum wage from \$5.15 an hour by 25¢ to \$5.40 an hour on January 1st of next year, 1999. In terms of what this means to a minimum wage worker, let me just tell you. Twenty-five cents an hour amounts to \$10 per week, which is not a lot of money to most of us, but to a person living on minimum wage and trying to help support a family, \$10 can make a big difference in the meals that they can put on their table that week. Over a years time that \$10 a week, or 25¢ an hour, adds up to \$520, a significant amount of money. And yet, the total minimum wage, if we pass this legislation which I urge you to do, would still only be \$11,232 a year based on 52 weeks. The people would still not be very well-off, but at least they would be a little better-off than they are now. I think it is necessary for us to push ahead to increase the minimum wage. The minimum wage laws were put in by Congress with the intention that the minimum wage would be an amount sufficient to support a family of three. Today that family of three, even if we increase by 25¢ an hour, would still be living below the poverty level. We should be ashamed that we have so many people having to live at that level. I urge you to pass this. It is a step in the right direction for the state of Maine. As far as our competitive advantage, or disadvantage, with surrounding states, I would point out that Connecticut, Vermont and Massachusetts all have a minimum wage that is above the federal. So it doesn't put Maine out front the way some people might be concerned. We can still be competitive. We have many, many new laws, and others to come, that are supportive of our businesses, and we all care about business and do not want to hurt it. But I do not see that 25¢ an hour more for a minimum wage worker would be harmful and it would certainly benefit a lot of the families with children who are struggling to get by in this state. Thank you Mr. President.

On motion by Senator **CATHCART** of Penobscot, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you Mr. President and men and women of the Senate. I just wanted to draw the Senate's attention to a handout that I provided to you just now and encourage you to vote for the Majority report, which did include a bipartisan report on the part of all the Senators of the committee.

As the good Senator from Penobscot, Senator Cathcart, mentioned, this bill did come to the committee from the Commission on Poverty Among Working Parents. I think that's a pretty significant thing. One of the reasons it did is that that commission was charged with studying ways to get families out of poverty, particularly in conjunction with what we're doing on welfare reform. As everybody knows, we've spent a lot of time and effort over the last several years making rather drastic changes in welfare. Basically, changing it from an entitlement program to a program that basically combines jobs with some limited supports that are faded out over time. One of the things that we've found out is that many of the people going from welfare to work go directly into minimum wage jobs and are trying to support families with those jobs. If you take a look at the handout that I provided you, you'll see that a number of different sources, everything from the Portland newspapers, to Stephanie Seguino, who's a professor who used to be in the University of Maine System, to the Economic Growth Counsel have come down with proposals about how much is actually needed to support a family of three, two children with one adult working. You'll see that all of those sources have come out with a wage that's, at least, \$10, if not, up to \$13. This proposal would take the minimum wage only up to \$5.40, way short, in fact, half of what many of these sources have found to be what's necessary for a living wage. I think that we need to do everything we can to support people who are making a really valiant effort to move themselves onto their own two feet and survive in this economy. The fact is that many, many of those people, a lot of them single parents who are women, are trying to live off the minimum wage. Just in case people have the misconception that the minimum wage generally is a training wage-type thing, I would like to report to you that our statistics, that we got in our committee, show that over 70% of minimum wage earners are adults and that 58% of them are women, and almost half are full-time workers. So, I think that this is something that will make a difference in people's lives and not only in those parents but in the lives of their children. I think it's very important. It's a very modest step, obviously, but as the Senator from Penobscot has pointed out, over \$500 in someone's pocket is a pretty significant amount of money, in terms of paying for child-care, rent, and food. So, I do encourage you to support the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President. Good morning ladies and gentlemen of the Senate. I find this quite ironic, really. We just discussed a \$60 million tax relief package to one of the richest companies in the world and here we are, with the very next bill, about to put the squeeze on our smallest companies and businesses in the state of Maine. Just stop and think about that for a moment. If it wasn't for the little businessman in the state of Maine, we'd be in big trouble. We don't do anything to help him. This surely is not going to help him. We're going to tell him he's got to pay his salaried employees more money. Every day you pick up the paper and there are more and more small business people, small businesses in the state of Maine, going through bankruptcy. They can't make it now. How do you expect them to make it if you say they've got to mandate, they've got to pay their employees more money? Well, I agree that everybody would like to have a wage increase. Everybody could use it. It's money that will be turned around seven times. But I find that people usually, if they can't make a go of what they're doing,

either get more training, get into something else, or if the minimum wage is so much higher in some other states, they could move to that other state if they want to. Nobody's saying they have to stay here. Then on the other hand, this small business whether it be a restaurant, or a Mom and Pop's store, or a car wash, or whatever, he's got to pay his employees more and he's not making it, or just making it, now. Do you think, for one minute, that he's going to take that out of what little profit he has? No. He can't. So, what's he going to do? He's going to raise the price of the goods or the service that he provides, which causes inflation, because he goes up and everybody else goes up. It becomes a vicious cycle. No. You're shaking your heads, no. Okay. I don't agree and obviously you probably never will agree with me, but it happens. It will continue to happen. We just had a raise in the minimum wage. But, I suppose that we're one of the highest taxed states and by raising people's salaries we can collect more income tax from them. Maybe that will help. Of course, we probably won't give it as a tax break, we'll just spend it. But it is a long vicious circle and I surely would urge my colleagues to vote against this. It surely will be interesting because this is just the first day of many interesting days on this particular bill.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY:** Thank you Mr. President and men and women of the Senate. I want to echo my good friend from Piscataquis, Senator Hall's feelings, but add a little bit to that. I especially want to express my frustration in that, it's really ironic that I presented a bill sometime last year and used almost the exact same arguments in presenting my bill as were just used in supporting this increase in the minimum wage. My bill was to reduce the sales tax from 6% to 5%. I said in that presentation, reducing the sales tax from 6% to 5% is going to help Maine's poorest families as much as anything that we can do in this Chamber, because we all have to pay it. That's the exact argument that's being used in raising the minimum wage. The funny thing is that if you reduce the sales tax, nobody's going to reduce the number of jobs that they offer. Small businesses are entrepreneurial based. They're not going to reduce the amount of jobs that they offer. But when you raise the minimum wage, you jeopardize the amount of jobs that can be offered by the small businessman in the state of Maine. We need a strategy in the state of Maine that promotes the entrepreneur. We can't rely on catching the big fish, bringing the big business in here and being able to employ thousands upon thousands of Mainers in those big businesses. We've got to create jobs through small business promotion. Instead, we look at proposals like, for instance, a homestead exemption. There's nothing wrong with that tax break. But what about my poorest constituents who can't afford a home and are renting? They get nothing. We've got to have policy here that does help the poorest Mainer, and it starts with helping small business because small business is just barely making it as it is. It's the small businessman that I get constant phone calls from. They're trying to start a business. They're trying to employ some people. They want to give them more than minimum wage. They want to voluntarily give them more than minimum wage. So the question that I present to this Senate, should we force them into raising the wage that they have to offer some of these people, or should we try as best we can, through public policy and good decision-making, to support their efforts so that they can offer the kind of good jobs that we'd like to see

brought into the state of Maine? With me, the answer is easy. It's easy. We try to support our entrepreneurs. For your attention, I thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President. I listened to the good Senator from York, Senator Libby, speak about dropping a penny off the sales tax so he could help the poor people. In doing some quick calculation I find that the poor people would have to spend \$10,000 on taxable items to save \$100. I don't know that the poor people have \$10,000 to spend on taxable items. They might be able to spend that much money if they had an increase in the minimum wage, however. I have been one who has supported business by agreeing, when I first got elected, not to make any changes in the new Workers Compensation law. I have been faithful to that promise in spite of it hurting a lot of people. I would point out to you that that was done in an effort to save businesses that were in the state, to entice other businesses to come into the state, or to have them grow. There have been tremendous savings to business and industry in the workers compensation field. Now, maybe it's time to spend a little time and worry about the workers. I will be supporting this motion.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Mr. President and men and women of the Senate. Somerset County, may I say, is about as close to the bottom of the poverty totem pole as it gets, although I will defer to Aroostook and Washington in that respect. One of the things that I do rather routinely is inquire about what people are paying for starting wages at various employment opportunities within the County. What I found recently is very much the same as I had found a couple of years ago when I was last interested in this subject. The manufacturing enterprises, the businesses that are hiring people to make shoes, to cut cloth, to stitch fancy stitching goods, to make electronics parts, and to work on leather goods, these factories, these manufacturers, by and large, are paying even to start in excess of \$6 an hour right now. This implies to me that there may be something wrong with the minimum wage at \$5.15, in the sense that, perhaps, it's been outmoded or outdated by inflationary pressures that have taken place within the workforce. And you go beyond that and you ask yourself, well, who is paying only the minimum wage within this region, or any region, of this state? When you look around, you find that it's primarily Taco Bell, Pizza Hut, the fast food places, and the chains. When you look at the annual reports for the parent companies of these businesses, you find that the Chief Executive is making \$3 million or \$4 million a year, roughly, the minimum wage every nine seconds. And you say, gee, couldn't they afford to let a little more money dribble down to some of the people in my county that work for these corporations who are among the largest corporations in the free world. I think the answer is yes.

I'm not so very concerned increasing the minimum wage, I'm much more concerned about preserving it. When I first started working for the minimum wage at 85¢ and hour, I could buy three Amatos Italian sandwiches and a cherry coke on the side. Not that I would eat that much, but that's what it bought me. Now it buys two Italian sandwiches with really no change left over.

Something has happened in the last 40 years to the minimum wage, and I think rather than to see it repealed through atrophy and inflation, let's take a step to preserve it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President and ladies and gentlemen of the Senate. If we are to pass this increase in the minimum wage, it will put us within the top five of states, as far as the minimum wage is concerned. We are obviously already at the height of the unemployment list as our unemployment fund is bankrupt. It's going to have to be dealt with, here, very shortly. We talk about having a robust economy. I believe we can only look at, perhaps, the last four letters of the word robust and, I believe, that's closer to where we really are. I'd like to give you some figures to back that up. I have the figures, here, from the United States Bankruptcy Court for the past four years, which I believe is a very realistic look at the economy in the state of Maine. These figures are broken down between the two Bankruptcy Courts in Portland and in Bangor. In total for the year 1994, there were 1,715 bankruptcies filed in the state of Maine. That's broken down 959 in the Portland Court and 756 out of Bangor. In 1995 the total for the state of Maine is 2,163. Out of Portland there were 1,149 and out of Bangor, 1,014. In 1996 the total figure went up to 3,062. In Portland the figure was 1,589 and in Bangor 1,473. In 1997, the year of our great robust economy, the total increased to 4,216, 2,175 of those out of Portland and 2,041 out of Bangor. You say, well, our rural economy is in big trouble. Well, in 1997, 4,216 were farm bankruptcies. In 1996 the number of farm bankruptcies were 3 out of 3,062. In 1995 the number of farm related bankruptcies was 0 out of 2,163. In 1994 the number of farm related bankruptcies was 1 out of 1,715. So think about, in this short period of time, from '94 to '97, we've increased from 1,715 in total to 4,216. This increase in the minimum wage will place us in one of the five highest in the United States. We certainly are there already in taxes in the United States. We're one of the leaders as far as being a high-taxed state. Our unemployment fund needs a refill, ladies and gentlemen. They're going to be coming to us to fill up the pipe. That doesn't indicate to me that we have too many people working. I think it would be a travesty to the business community to pass this today. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. I rise in opposition to the pending motion. This is my second term here and more and more I get the feeling that my constituents are on a fast track, an economic track, heading for some kind of an economic derailment. If this bill passes, this will be the third minimum wage increase in 27 months. As Senator Kieffer has pointed out, we all know we'll be in the top five highest minimum wages in the entire nation. We have some other economic points of leadership that we shouldn't be proud of. We're 4th highest in prison costs on our tax payers in the nation. There's a burden they should not have. We ought to do something about it. We're either 6th or 7th in the nation on the tax burden on our citizens. We're the highest in New England on the amount of money we pay for higher education. Now, with this, 5th in the nation, cost of small business. Why do we continually,

constantly put burden on our tax payers and business community, like this? Why do we do it? Right now, I'm sure, we're sending a lot of our liquor business over to New Hampshire because there's no sales tax there. A lot of our commercial business goes to New Hampshire as well. Now, with this, we are going to send, perhaps, some jobs to New Hampshire because New Hampshire does not have this law on its books. It's true. Massachusetts, Connecticut, and Vermont do, not New Hampshire. Not New Hampshire, our closest neighbor. Expect to find some of our jobs going over there. Is that good Government? My constituents say, no. The Maine Chamber of Commerce and Business Alliance opposes this legislation that's proposed. The Maine Merchants Association is in opposition to it and the Maine Restaurant Association, as well. My constituents have had it, from the point of view of the burden we place on them taxwise and the small businesses in Franklin County, that I represent, towns as well in Kennebec and Somerset Counties. The size of my District is 1¼ times larger than Rhode Island. There are a lot of small businesses there. This is a burden they do not want. We're on a fast freight for derailment, economically speaking. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President and men and women of the Senate. I just want to add my perspective on this issue. We've heard some talk this morning from the two good Senators from Aroostook and Piscataquis about the increasing rate in bankruptcy. I don't have the benefit of looking at the information that they're looking at but I have done quite a bit of reading about the increase in bankruptcy rate. What we're seeing more and more is an increase in the rate of personal bankruptcies. When I look at that figure, I say, those are Maine working people without enough money in their pockets to pay their bills. If you pole citizens in the state of Maine, 70% of them will say, "We favor an increase in the minimum wage," because working people say they don't have enough money to make ends meet. They don't have enough money to pay health care costs or to put aside money for retirement. They're very concerned about the money they have to support their families. As a Co-Chair of the Economic Growth Counsel, I was looking through some of the bench marks that we've set up for ourselves and how we're doing in those bench marks. We rate the state every year in how the economy is doing. Some things are good. Some things are going up. Our growth state product, it is going up. Our employment levels, they are going up. But when I look at some other figures, I'm troubled. Personal income in the state of Maine is going down. Household income disparity is not improving. What that is basically is the gap between the rich and the poor. Throughout the country and also in the state of Maine, that gap is the greatest it has ever been since we started measuring it. What that says to me is, Maine's working people aren't putting enough money in their pockets while the people on the top are. Jobs that pay a livable wage, we are not achieving our bench mark. In fact, we've flagged that as a red flag item. When I look at these figures, I say, it's Maine's working people who don't have enough money to spend. And I think it's important that they are now given a cut of the pie. For that reason, I urge us all to support an increase in the minimum wage.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO**: Thank you Mr. President and ladies and gentlemen of the Senate. I'd like to share with my colleagues an E-mail I received this morning, and some of you received it as well. "Dear Senator, I'm sure you hear it all the time, from businessmen and businesswomen, that increasing the minimum wage results in fewer jobs. I can't speak for everyone but it is certainly true in my business. I have a small restaurant in a fairly competitive market. We are a lower priced, high quality eating establishment. We cater to the family business. During the last two minimum wage increases we cut our labor force from 20 to 17 workers. It doesn't sound like much but it's a 15% cut. We cut the very people that the wage increases are supposed to help. Why? Because there's a real reluctance to increase our menu prices. You can only become so efficient no matter how hard you work at it and you can only raise prices so much before you're out of business. The Maine business community does not have bottomless pockets and cannot simply come up with the extra money. Anyone who thinks otherwise needs a reality check."

Mr. President, I would request that this item be tabled 1 legislative day.

Senator **AMERO** of Cumberland moved to **TABLE 1** Legislative Day, pending the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report (Roll Call ordered), in concurrence.

The Chair ordered a Division. 12 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **TABLE 1** Legislative Day, pending the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON**: Thank you Mr. President and ladies and gentlemen of the Senate. Five dollars and forty cents per hour is not very much money but, as was pointed out earlier, this will make us the 5th highest in the nation. It seems to me what we're trying to do here is to spend ourselves into prosperity and \$5.40, as I mentioned, is not very much money. I would rather have an \$8 per hour minimum wage but unfortunately, that would be too high a price to pay. We'd lose about, probably, 50% of the jobs in the state. That's what we're talking about here. It seems to me, a rational and prudent thing to do would be to go with the federal minimum wage, which we currently are at that level right now. It is my understanding, by things that I've read, that the federal Congress will be debating and, in all likelihood, pass and increase the federal minimum wage this year. So I would hope we would defer and vote against the prevailing motion. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlín.

Senator **RUHLIN**: Thank you Mr. President and ladies and gentlemen of the Senate. I heard my good seat mate and colleague make a suggestion. I just want to take this moment to point out to this Legislature, when it comes to the issue of

minimum wage that the Federal Government has been AWOL on this issue since the very beginning. As Senator Mills wisely and accurately pointed out to you, the minimum wage in this country has declined in it's true buying value considerably, especially in the last 20 years. It is therefore necessary for the states to move forward with that issue. When it comes to maybe being the 5th highest, or whatever it is, the way I look at that comment is, when it comes to treating our workers fairly, trying to pay them at least a minimum wage that equals poverty level, that Maine is certainly near the top of the country in doing the right thing. That is the way we ought to look at it. I've heard, well, you might require the loss of jobs. Stop and think about it for a moment. Twenty-five cents an hour for 40 hours a week is \$10 a week. If you have to lose an employee because you had to pay them an additional \$10 a week, you'd better look at some of the rest of your operation, because you've got a problem there far in excess of that \$10 a week. So that is simply a red herring. The fact of the matter is when the minimum wage laws were passed at the federal level they represented a certain amount of buying power and that buying power of the minimum wage has eroded. It has eroded because the federal government has not kept in step with the social economic needs of this country and therefore, is dependent upon the states to do so. I hope you will agree to accept the Majority report.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: **CAREY, CATHCART, CLEVELAND, DAGGETT, JENKINS, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, FERGUSON, HALL, KIEFFER, KILKELLY, LIBBY, MACKINNON, MITCHELL, NUTTING, SMALL**

ABSENT: Senators: **CASSIDY, HARRIMAN**

EXCUSED: Senator: **GOLDTHWAIT**

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-829) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (2/24/98) Assigned matter:

Bill "An Act to Establish the Maine Disaster Relief Laws"
H.P. 887 L.D. 1204
(S "A" S-461 to C
"A" H-783)

Tabled - February 24, 1998, by Senator **RAND** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**

(In House, February 10, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783).**)

(In Senate, February 24, 1998, **READ A SECOND TIME.**)

On motion by Senator **CLEVELAND** of Androscoggin, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby Committee Amendment "A" (H-783) as Amended by Senate Amendment "A" (S-461) thereto, was **ADOPTED.**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby Senate Amendment "A" (S-461) to Committee Amendment "A" (H-783) was **ADOPTED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-461) to Committee Amendment "A" (H-783) **INDEFINITELY POSTPONED.**

On further motion by same Senator, Senate Amendment "B" (S-483) to Committee Amendment "A" (H-783) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President and men and women of the Senate. I've offered this amendment, which I believe is a friendly amendment. I've had the opportunity to discuss it with the Chair of the Committee as well as those parties who are interested in it, both the Red Cross and the Maine Municipal Association. I believe they are in support of the amendment. The amendment simply allows a little bit more flexibility when a decision is being made in regards to allowing trained relief workers to leave to go to a disaster. It's not mandatory either, on the community. The community or the agency has the option to decide that they can't let the worker go. It also allows the employee to decide whether using compensated time, vacation time, sick time, leave time, is something they are able and willing to do. If they are, they have the opportunity to agree with that, with the employer, or

secondarily use a combination of both, paid time and compensated time to be able to go to the disaster. I think that outcome of that will be more likelihood that those who are trained and able and willing to go will be able to make arrangements that work, both for them and their employers. The end result will be the citizens, of both Maine and other states, will have the opportunity to have trained relief workers available to them. So for those reasons, I would urge your support of the amendment.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Mr. President and men and women of the Senate. We've debated this issue once before. The good Senator from Androscoggin, Senator Cleveland, and I were on opposite sides of the issue and we've met quite a few times since and we've had discussions, as he said earlier, with the Red Cross and the Maine Municipal Association and with the administration. This is a friendly amendment. It just makes one small change and allows the State or the municipalities another option in compensating certified Red Cross disaster relief workers. I think it's a friendly amendment. I want to compliment him for his diligence in this matter. And I hope that we can go on to support the amendment. Thank you.

ADOPTED.

Committee Amendment "A" (H-783) as Amended by Senate Amendment "B" (S-483) thereto, **ADOPTED** in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783) AS AMENDED BY SENATE AMENDMENT "B" (S-483) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/26/98) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Amend the Prevailing Wage Laws"
H.P. 1037 L.D. 1454

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-804)** (8 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - February 26, 1998 by Senator **CATHCART** of Penobscot.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 25, 1998, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-804).**)

(In Senate, February 26, 1998, Reports **READ.**)

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senator **AMERO** of Cumberland requested a Division.

On motion by Senator **RAND** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: **CAREY, CATHCART, CLEVELAND, DAGGETT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, FERGUSON, HALL, KIEFFER, LIBBY, MACKINNON, MITCHELL, SMALL**

ABSENT: Senators: **CASSIDY, HARRIMAN**

EXCUSED: Senator: **GOLDTHWAIT**

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (H-804) **READ**.

On motion by Senator **CATHCART** of Penobscot, Senate Amendment "A" (S-475) to Committee Amendment "B" (H-804) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cathcart.

Senator **CATHCART:** Thank you Mr. President and members of the Senate. Just to clarify for you what Senate Amendment "A" is. It removes the fiscal note and requires that the Department of Labor cover any additional costs. Thank you Mr. President.

ADOPTED.

Committee Amendment "B" (H-804) as Amended by Senate Amendment "A" (S-475) thereto, **ADOPTED** in **NON-CONCURRENCE**.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (3/3/98) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law
H.P. 610 L.D. 835

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-814)** (8 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 3, 1998, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 2, 1998, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814).**)

(In Senate, March 3, 1998, Reports **READ**.)

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **KIEFFER** of Aroostook, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, JENKINS, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **HALL, KIEFFER**

ABSENT: Senators: **CASSIDY, HARRIMAN**

EXCUSED: Senator: **GOLDTHWAIT**

30 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-814) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Specially (3/6/98) Assigned matter:

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

Tabled - March 5, 1998, by Senator **LIBBY** of York.

Pending - motion by same Senator to **RECONSIDER** whereby the **RULING OF THE CHAIR** was **SUSTAINED**

(In House, March 4, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-832).**)

(In Senate, March 5, 1998, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE.** House Amendment "A" (H-832) **READ** and **RULED NOT GERMANE.** **APPEALED** and subsequently **RULING SUSTAINED.**)

THE PRESIDENT: The Chair recognizes the Senator from York, Senator **Libby**.

Senator **LIBBY:** Thank you Mr. President. May I pose a parliamentary inquiry?

THE PRESIDENT: The Senator may pose his parliamentary inquiry.

Senator **LIBBY:** Thank you Mr. President. Is a ruling of a Chair carried forward to another day when we have a different Chair?

THE PRESIDENT: The Chair would answer that the ruling of a prior President Pro Tem can be carried forward to another day and you are reconsidering the ruling of the prior President Pro Tem, not the current Senate President. The Chair would also, at this time, point out to everybody who, I'm sure, have Mason's Manuel, that section 231 of Mason's Manuel states a rule that is in application in Maine and it says, "In some states the ruling of the Chair, by tradition, is given great weight and appeals are not made lightly."

The Chair recognizes the Senator from Sagadahoc, Senator **Small**.

Senator **SMALL:** Thank you Mr. President and men and women of the Senate. May I pose a parliamentary inquiry?

THE PRESIDENT: The Senator may pose her parliamentary inquiry.

Senator **SMALL:** Having served in the other body for a number of years, under the master, it was always pointed out to us, when there was a ruling of the Chair, what exactly was in violation when the ruling was made. I don't believe that we had that yesterday. Would it be possible to get the portion of the amendment that was in violation with the bill's title?

THE PRESIDENT: The President has consulted with the President Pro Tem from yesterday and has been authorized to say that it was ruled not germane because the law that was proposing to be repealed was currently being enforced and the title of the bill says, "To Repeal Certain Archaic and Unenforced Laws."

The Chair recognizes the Senator from Sagadahoc, Senator **Small**.

Senator **SMALL:** Was any attempt made to check to see if the law that the amendment attempted to repeal was currently being enforced?

THE PRESIDENT: The Chair would answer the parliamentary inquiry that it is not the burden of the Chair to go out and investigate whether that law is being enforced. The Chair takes notice of whether the Chair believes the law is being enforced.

The Chair ordered a Division.

On motion by Senator **SMALL** of Sagadahoc, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, FERGUSON, HALL, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL**

NAYS: Senators: **CAREY, CATHCART, CLEVELAND, DAGGETT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

ABSENT: Senators: **CASSIDY, HARRIMAN**

EXCUSED: Senator: **GOLDTHWAIT**

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **LIBBY** of York to **RECONSIDER** whereby the **RULING OF THE CHAIR** was **SUSTAINED, FAILED.**

TOMORROW ASSIGNED FOR SECOND READING.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Preserve the State House and to Renovate State Facilities" H.P. 1631 L.D. 2259

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Resolve, Authorizing the Transfer of the Old Hancock County Jail on State Street, Ellsworth from Hancock County to the Ellsworth Historical Society H.P. 1630 L.D. 2258

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Pursuant to Resolve

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

The **Task Force to Study Strategies to Support Parents as Children's First Teachers**, pursuant to Resolve 1997, chapter 68, asked leave to report that the accompanying Resolve, Charging the Children's Cabinet Agencies to Support Efforts of Parents as First Teachers of Their Children H.P. 1632 L.D. 2260

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

Comes from the House, Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Resolve

Commission to Study the Certificate of Need Laws,

The **Commission to Study the Certificate of Need Laws**, pursuant to Resolve 1997, chapter 82, asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Study the Certificate of Need Laws" H.P. 1633 L.D. 2261

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

On motion by Senator **RAND** of Cumberland, **ADJOURNED** until Monday, March 9, 1998, at 10:00 in the morning.