

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume I

First Regular Session

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
43rd Legislative Day
Friday, May 4, 2001

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

Prayer by Reverend Vernon Jordan, First Baptist Church of St. George (retired).

Pledge of Allegiance.

Doctor of the day, Spence Bisbing, D.O., Cumberland Foreside.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

JOINT ORDER - Relative to the Joint Standing Committee on Business and Economic Development Reporting Out Legislation Ensuring Broadcast of Championship Basketball Games

(H.P. 1317)

READ and **PASSED** in the House on May 3, 2001

Came from the Senate with the Joint Order **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative THOMAS of Orono, the House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act to Eliminate Unnecessary Paperwork for Wage-hour Compliance"

(H.P. 423) (L.D. 544)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on May 2, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-114) in **NON-CONCURRENCE**.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

An Act to Eliminate the Use of Tobacco in Maine Schools and on School Grounds

(H.P. 482) (L.D. 622)

(C. "A" H-123)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on May 2, 2001.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

ORDERS

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 28)

ORDERED, that Representative Martha A. Bagley of Machias be excused Thursday, April 26th and Tuesday, May 1st for health reasons.

AND BE IT FURTHER ORDERED, that Representative Gerald M. Davis of Falmouth be excused Monday, April 30th and Tuesday, May 1st for health reasons.

AND BE IT FURTHER ORDERED, that Representative Susan Dorr of Camden be excused Monday, April 30th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew Dunlap of Old Town be excused Thursday, April 26th for legislative business.

AND BE IT FURTHER ORDERED, that Representative David R. Madore of Augusta be excused Tuesday, April 24th and Wednesday, April 25th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Linda Rogers McKee of Wayne be excused Tuesday, March 20th and Wednesday, March 21st for legislative business.

AND BE IT FURTHER ORDERED, that Representative Lillian LaFontaine O'Brien of Lewiston be excused Monday, April 30th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Judith B. Peavey of Woolwich be excused Wednesday, April 25th, Tuesday, May 1st and Thursday, May 3rd for personal reasons.

READ and **PASSED**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-111)** on Bill "An Act to Clarify the Qualifications for Health Care Providers Conducting Employer-requested Examinations"

(S.P. 155) (L.D. 499)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

MATTHEWS of Winslow

BUNKER of Kossuth Township

HUTTON of Bowdoinham

NORTON of Bangor

SMITH of Van Buren

TARAZEWICH of Waterboro

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

Signed:

Senators:

TURNER of Cumberland

SAWYER of Penobscot

Representatives:

CRESSEY of Baldwin

DAVIS of Falmouth

MacDOUGALL of North Berwick

TREADWELL of Carmel

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-111)**.

READ.

Representative BUNKER of Kossuth Township 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.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Ensure Independent Decision Making in Appeals of Denials of Abatement of Property Taxes"

(S.P. 307) (L.D. 1054)

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
MURPHY of Berwick
McLAUGHLIN of Cape Elizabeth
KASPRZAK of Newport
CHASE of Levant
HASKELL of Milford
CRESSEY of Baldwin

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-132)** on same Bill.

Signed:

Representative:

LESSARD of Topsham

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan

(S.P. 536) (L.D. 1667)

Signed:

Senators:

PENDLETON of Cumberland
ROTUNDO of Androscoggin
YOUNGBLOOD of Penobscot

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford

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

Signed:

Representatives:

KASPRZAK of Newport
CRESSEY of Baldwin

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, Authorizing Sharon Huff and Raymond Huff to Sue the State

(H.P. 357) (L.D. 447)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-296)** on same Resolve.

Signed:

Representatives:

DUNCAN of Presque Isle
MAYO of Bath

READ.

On motion of Representative TUTTLE of Sanford, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-286)** on Bill "An Act to Amend the Laws Governing Term Limits"

(H.P. 697) (L.D. 901)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
DUNCAN of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-287)** on same Bill.

Signed:

Representative:

MAYO of Bath

READ.

Representative TUTTLE of Sanford 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.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Ability of the Legislature to Pass Legislation Imposing Mandates on Municipalities

(H.P. 52) (L.D. 61)

Signed:

Senators:

PENDLETON of Cumberland
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
NORBERT of Portland
MURPHY of Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-288)** on same Resolution.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

HATCH of Skowhegan
KASPRZAK of Newport
CHASE of Levant
HASKELL of Milford

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-297)** on Bill "An Act to Promote Healthy Workplaces"

(H.P. 496) (L.D. 636)

Signed:

Senators:

PENDLETON of Cumberland
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
MURPHY of Berwick

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

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

KASPRZAK of Newport
CHASE of Levant
HASKELL of Milford
CRESSEY of Baldwin

READ.

On motion of Representative McLAUGHLIN of Cape Elizabeth, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-290)** on Bill "An Act to Authorize a Legislative Technical Advisory Office to Benefit from the Experience of Retired Scientific and Technical Experts"

(H.P. 559) (L.D. 714)

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
MURPHY of Berwick

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

Signed:

Representatives:

KASPRZAK of Newport
CRESSEY of Baldwin
CHASE of Levant
HASKELL of Milford

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, to Restore the Steel Bridge in New Sharon

(H.P. 626) (L.D. 826)

Signed:

Senators:

GAGNON of Kennebec
O'GARA of Cumberland
SAVAGE of Knox

Representatives:

PARADIS of Frenchville
BUNKER of Kossuth Township
McKENNEY of Cumberland
BOUFFARD of Lewiston
FISHER of Brewer
WHEELER of Bridgewater
COLLINS of Wells
McNEIL of Rockland

MARLEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-289)** on same Resolve.

Signed:

Representative:

WHEELER of Eliot

READ.

Representative FISHER of Brewer 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.

CONSENT CALENDAR

First Day

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

(S.P. 113) (L.D. 339) Bill "An Act to Address Violence in Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 109) (L.D. 335) Bill "An Act to Change the Snowmobile Registration Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-133)**

(H.P. 878) Joint Study Order - The Task Force to Study the Costs and Design of a Household Hazardous Waste Disposal Program Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1327) Joint Study Order - Committee to Study the Authorization of Specialty License Plates." Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 724) (L.D. 944) Bill "An Act to Provide Equity in the Payment of Excise Tax on Rented Equipment" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-305)**

(H.P. 753) (L.D. 972) Bill "An Act to Provide Specialty Plates for Modified Show Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-304)**

(H.P. 938) (L.D. 1252) Bill "An Act to Create Certainty in Maine's Air Quality Program" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-298)**

(H.P. 994) (L.D. 1331) Bill "An Act to Establish the Maine Building Rehabilitation Code" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-299)**

(H.P. 1011) (L.D. 1348) Bill "An Act to Ensure the Financial Stability and Effectiveness of Certain Pollution Abatement Programs Administered by the Department of Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-300)**

(H.P. 1047) (L.D. 1404) Resolve, to Create a Stakeholders Group to Modernize Maine's Clean Air Policy Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-301)**

(H.P. 1080) (L.D. 1449) Bill "An Act to Ensure Municipal Authority over Sludge and Septage Land Spreading Sites" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-302)**

(H.P. 1252) (L.D. 1700) Bill "An Act to Provide for State Monitoring and Management of Conservation Easements" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-303)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED, PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

BILLS IN THE SECOND READING

House

Bill "An Act to Encourage and Support a Mother's Decision to Breast-feed in this State"

(H.P. 1039) (L.D. 1396)

House As Amended

Bill "An Act to Amend the Maine Tort Claims Act"

(H.P. 747) (L.D. 966)

(C. "A" H-279)

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

Bill "An Act to Provide Notice of Termination Status"

(H.P. 187) (L.D. 198)

(C. "A" H-172)

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

On motion of Representative BRUNO of Raymond, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned. (Roll Call Ordered)

Bill "An Act to Discourage Environmental Terrorism"

(H.P. 623) (L.D. 823)

(C. "A" H-273)

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

On motion of Representative CLARK of Millinocket, was **SET ASIDE.**

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

ENACTORS
Acts

An Act to Make an Owner Responsible for Injuries Caused by a Dog

(S.P. 189) (L.D. 661)
(C. "A" S-98)

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

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.

An Act to Remove State Road Signs with Offensive Names from Interstate Route 95 and the Maine Turnpike (EMERGENCY)

(H.P. 478) (L.D. 618)
(C. "A" H-122)

TABLED – May 1, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE TO BE ENACTED.**

On motion of Representative FISHER of Brewer, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-122)** was **ADOPTED.**

The same Representative presented **House Amendment "A" (H-306)** to **Committee Amendment "A" (H-122)** which was **READ** by the Clerk.

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

Representative **KASPRZAK**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. If there is anyone here who can explain exactly what this bill does, I would sure appreciate it? Thank you.

The SPEAKER: The Representative from Newport, Representative Kasprzak has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. Last year we passed a bill dealing with offensive place names here in the State of Maine. There are still a couple of signs up on the Interstate, I believe on the Turnpike System. This is just an opportunity for us to remove those names from the Interstate and the Turnpike. Thank you very much.

House Amendment "A" (H-306) to **Committee Amendment "A" (H-122)** was **ADOPTED.**

Committee Amendment "A" (H-122) as Amended by **House Amendment "A" (H-306)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-122)** as Amended by House

Amendment "A" (H-306) thereto in **NON-CONCURRENCE** and sent for concurrence.

Resolve, Directing a Study of the Creation of a Fire and Emergency Services Academy (EMERGENCY)

(S.P. 271) (L.D. 936)
(C. "A" S-74)

TABLED – May 1, 2001 (Till Later Today) by Representative NORBERT of Portland.

PENDING – **FINAL PASSAGE.**

On motion of Representative POVICH of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-74)** was **ADOPTED.**

The same Representative presented **House Amendment "A" (H-295)** to **Committee Amendment "A" (S-74)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. (H-295) simply changes the reporting date from January 1, 2002 until not on January 1, 2002. January 1, as we all know, is a holiday.

House Amendment "A" (H-295) to **Committee Amendment "A" (S-74)** was **ADOPTED.**

Committee Amendment "A" (S-74) as Amended by **House Amendment "A" (H-295)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-74)** as Amended by **House Amendment "A" (H-295)** thereto in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT – Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-284)** – Minority (6) **Ought Not to Pass** – Committee on **JUDICIARY** on Bill "An Act to Authorize the Maine Indian Tribal-State Commission to Introduce Legislation and to Organize Assemblies of State and Tribal Leaders"

(H.P. 879) (L.D. 1171)

TABLED – May 3, 2001 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING – Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-284)** was **READ** by the Clerk and **ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Representative LaVERDIERE of Wilton **PRESENTED** **House Amendment "A" (H-311)**, which was **READ** by the Clerk and **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-284)** and **House Amendment "A" (H-311)** and sent for concurrence.

The House recessed for the purpose of conducting Welcome Back Day Ceremonies.

(After Recess)

The House was called to order by the Speaker.

An Act to Prohibit Negative Option Sales Without a Consumer's Express Agreement

(S.P. 324) (L.D. 1092)
(C. "A" S-106)

TABLED – May 3, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE TO BE ENACTED.**

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

Bill "An Act to Require a Life Sentence for Murder Unless There Are Mitigating Circumstances"

(S.P. 203) (L.D. 768)
(C. "A" S-95)

TABLED – May 3, 2001 (Till Later Today) by Representative POVICH of Ellsworth.

PENDING – **PASSAGE TO BE ENGROSSED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-95)** in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE DIVIDED REPORT – Majority (12) **Ought to Pass** as Amended by **Committee Amendment "A" (S-63)** – Minority (1) **Ought Not to Pass** – Committee on **LABOR** on Bill "An Act to Raise the Minimum Wage, to Expand the Tax Credit for Health Benefits Paid by a Small Business and to Increase the Earned Income Credit"

(S.P. 504) (L.D. 1591)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-63).**

TABLED – April 26, 2001 (Till Later Today) by Representative BUNKER of Kossuth Township.

PENDING – Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. It is a great day for the working people of the State of Maine. As many of you know, I have worked in the construction and building trades my whole life, because of this I have seen some remarkable instances of human ingenuity. On

a few occasions I have had the opportunity and good fortune to witness the astonishing feat of lifting an old house, in tact, five feet into the air in order to build a larger foundation underneath. The sheer size of the house being lifted was impressive enough, but what really struck me was the human ingenuity, the simple, yet brilliant logic in the way it was done. Instead of bringing cranes in and lifting the house from the top, a series of small jacks is used to raise the house to that desired height. The reasoning behind this is obvious. If you attempt to lift from the top without supporting that structure underneath, the overall stress and weight would pull the house apart. By raising the house from the bottom, the support structure of the House is able to function as designed, allowing the entire house to be elevated safely.

Ladies and gentlemen of the House, I suggest and I submit to you, that the same common sense strategy that lifted that house can be used to elevate the Maine economy. We are going to do that today. We are going to do that, Democrats and Republicans, together in a bipartisan vote. For this reason, I rise today to support this bill, "An Act to Raise the Minimum Wage." The past few years have been pretty good for the State of Maine. A lot of families have made significant gains in income. The roof of the economy has risen, yet the floor has remained solidly at \$5.15 an hour. Honest hardworking Mainers continue to scrape by on an income that is far from any livable wage.

In 1999, the percentage of Maine workers earning wages below the poverty line for a family of four was 27 percent. To me and to this chamber, I think that is unacceptable. This bill is not going to make anyone rich. We all know that. It will be an extra \$40 a week or \$1,900 a year to a working person making the minimum wage. That is not an exorbitant amount of money. To someone struggling to pay the bills on minimum wage, that sure represents an awful lot of groceries. Maybe it means they can buy some fresh fruit that week for their children and maybe an extra gallon of milk. Whatever it mean, \$40 a week is real money to these families that are working for the minimum wage.

In addition to those benefits to actually making a minimum wage, raising the wage floor will also, I believe, create a ripple effect. I am not an economist, but I can't see how putting more money into the hand of our lower income workers could have anything but a positive effect on Maine's economy. Of course, in the past we have had that tired argument that gets trotted out that says that raising the minimum wage causes layoffs. History has shown this argument to be false. In 1991, the minimum wage was raised \$3.80 to \$4.25 an hour. At that time the average number of unemployed workers in any given month was nearly 50,000 people in Maine. The very next year the number of unemployed Mainers dropped and the unemployment rate dropped nearly a half a percent. That is right, we raised the minimum wage and less people ended up unemployed. This is not an isolated incidence. Historically, it holds true. In 1997, we raised the minimum wage, again, from \$4.75 to \$5.15. In the next year the unemployment rate had fallen a full percentage point from 5.4 to 4.4 percent. Historically, this is the way it has worked. Clearly, it is not the case that we are going to engender large massive layoffs and high unemployment. In fact, it seems that exactly the opposite will occur. Raising the minimum wage promotes more people working for more money. The new disposable income in the hand of a worker will result in higher sales for business. The minimum wage is good for business. Everyone will benefit if we pass this bill.

Ladies and gentlemen of the House, in these uncertain economic times, when we can hear the thunder of slacker times, perhaps, in the distance, it is absolutely vital that we, as Representatives, take this small step in defense of the working poor. Let's provide those hardworking men and women of this

state with that little extra income to keep food on the table, gas in the car and oil in the furnace. Let's bring the minimum wage into the 21st Century. Let's do it together. I am proud to be here in this House today for this historic bipartisan vote. Let's pass this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Gardiner, Representative Colwell, is absolutely right. Today is the day and the time is now that we make history together in these chambers and give the poorest of the poor in this state a leverage to help them rise up so that they will have less subsidies from the State of Maine. I urge you to accept the Majority Ought to Pass as Amended Report. I would request a roll call, Mr. Speaker, when the vote is taken. Thank you.

Representative TRACY of Rome **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 Hampden, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. I would like to agree with the Representative from Gardiner, Representative Colwell. I don't believe this will cost layoffs either. Small business is smart. Small business passes on things to the consumer. That is what I am going to do. We actually have employees that are in the lowest paid profession in Maine, childcare. We have a childcare center with 33 children, pretty big center in Bangor. I am just going to pass it on to this consumer. It is too bad that I have to. I want to give my employees a raise, but we want to keep childcare rates low to help working families. Unfortunately the 25 families we have, I am going to pass on maybe a \$5 or \$10 a week increase, \$40 a month, so really they are probably going to end up with the same amount of money at the end of the month, but because we are going to tax them a little higher now, they will probably end up with less money.

I would like to apologize to those parents now, publicly, and I also want to apologize to the workers who will lose jobs over this. They are not going to lose jobs because there will not be layoffs. How they are going to lose jobs is businesses are going to refuse to move to Maine to do business. Why would they want to move to a state that is willing to override federal law with minimum wage? I do support a federal increase, but when Maine goes above the federal average, businesses are going to consider that when they want to move to Maine. If I would have known, as a business owner, that Maine's business climate was like this, it would have kept me from ever wanting to move to Maine.

I have to be careful of my wording here. In honor of the Speaker, I tend to think before I talk now. I have had problems with this in the past, but I am working on it now. I am not trying to influence anybody's vote, I just wanted to publicly apologize to the people whose rates I have to raise because of the minimum wage increase. Thank you Mr. Speaker.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I think when we talk about those businesses, which are not attracted to the state because we actually believe that our citizens in our districts ought to be properly compensated for their skills, then my only response is, the border is, in fact, not closed.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I am very, very proud as a member of the Labor Committee to stand today to vote in favor of the Majority Report, to join my Democratic colleagues on the Labor Committee and most the Republican colleagues on the Labor Committee unanimously, near unanimously, in support of increasing the minimum wage for the lowest paid workers. I am very, very proud. Today is a great day for the Legislature for an institution. We have recognized those that have been here before us and those that are here today and those that will come after us. What we do in Augusta is extremely important. What we do for those, the poorest among our citizens, and the greatest facing disadvantages in our system, I believe we are blessed a hundred fold. I am very, very proud to stand with the Speaker of the Maine House, the Majority Leader of the House and assistant and the minority. I think we are going to stand here unanimous or near unanimous today in supporting the minimum wage. We recognize that as a part of this state and as we take this state into the next century and millennium, we don't want to leave anybody behind. It reminds me of a statement by the current President. He doesn't want to leave anybody behind. I think it is important. Providing for health care, providing for family and medical leave when you have a sick loved one at home that needs help, this Legislature has stepped to the plate for the weakest among us, the economic arguments that have been mentioned here are felonious. They don't hold any water. They have been proven to be wrong time and time again. States that have led in increasing the minimum wage have not seen a drop off in economic growth. Quite differently and quite the contrary, they have seen an expansion in economic growth. It is those states that take care of the weakest, provide a strong public educational system, provide health care, provide the kind of quality of life for citizens, these are the states that are leading the pack. I am very, very proud today to stand with the Speaker and the members of my committee and the chair of my committee, who I believe has done a great job in the Labor Committee in stewarding this bill through. This isn't my bill. This isn't anybody's bill. This is the people's bill, the poorest and the weakest among us, to give them an opportunity that our forefathers envisioned with the Constitution. I am proud today. There are no arguments against the minimum wage. They have been proven to be wrong since FDR. Ladies and gentlemen, I am proud and I urge you to support raising the minimum wage for the weakest among us and the poorest among us and let's stand for the people of Maine this morning. Thank you.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. I have been very proud over my last two terms and now in this term to stand as a small business owner of the State of Maine in strong support of raising the minimum wage. I have to disagree with the good Representative from Hampden in that I think that raising the minimum wage is good for the working people of Maine. I have always been embarrassed by the level of our minimum wage and I have never paid an employee the minimum wage. Many of us in the hospitality industry have been criticized, I believe wrongly, for not paying reasonable wages for the State of Maine. I think if you look at what we pay our employees, you will see that we often do pay a decent wage. I stand as a small business owner in this state who would be embarrassed to offer somebody the minimum wage and who stands to proudly proclaim that we need to pay our employees what they are truly worth. I urge you to support the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I won't take long. I am proud to cast my vote for this. Quite frankly, this is a victory, indeed, for the poorest. They tend to be women. This is a vote for women. Women who find themselves recently divorced. Women with a small child who has made a very important choice to keep a child. She must find a job. Work should always carry dignity and a pay to show it. I am proud to cast a vote that will cast a vote from women. They may go back to work and they may begin to get some of what they deserve. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I rise today and I will support the increase in the minimum wage. It is something I haven't done in four other sessions up here. It has come a time in this economy in the State of Maine when things are flowing along smoothly. We are doing well. Even though we have slowed down a little bit, we are not there where we were on the early '90s. There are very few businesses out there that I know of that pay minimum wage any longer. There are some. I won't deny that. There are some, but the business community has come forward and said, we have done well enough so that we can pass along an increase to some of our workers. I think this really points out that when we, as a Legislature, allow business to expand and grow and be profitable that we can pass higher wages along to our employees. I think that is what is important to recognize. We must allow business to do well. If business does well, the employees do well. I will stand here and support the minimum wage increase this time around. I think that businesses are doing well and the employees will benefit and the State of Maine will benefit as a whole.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. As the Chair of Labor, I am very pleased to hear the comments that have gone on before me, even the ones where there were a few stones at the increase in minimum wage. The thing I want to do is explain to you that both sides of the aisle have come together on this. I am very, very pleased with it. I am very pleased and very proud of our committee work and the way we looked at this issue. I am glad the other body appears to be on board and most importantly the Chief Executive finally is on board with us.

It is very, very important. Many of you that were here a few years ago heard me get up and speak that my first two pay raises in my whole life wasn't because I was such a good worker, it was because minimum wage was increased. I saw that without any real levity or jest. There is a time for policy makers to level the playing field and to bring the bottom up a little bit to allow them to fend for themselves. The biggest part of this for anybody on the other side of the aisle is very clear. Ten to 17 percent of our folks that were on welfare have decided that with minimum wage increases, they can shift over and now with a couple of jobs be able to be self-sufficient. That is where they want to be. That is where they want to be when mom and dad both work at Wal-Mart or Irving and they are both living at minimum wage. These people want self-respect. We have to give them the tools to do it. I think raising the minimum wage does that. I am really pleased with that.

When I mentioned level the playing field, I come from the rural part of the state, Washington County. God love you folks, the 3, 4 and 5 percent unemployment rate you are talking about

here this morning is not reality where I live. It is not reality in the rural parts of the State of Maine. What is a reality is the heavy load we place on the public sector system, the welfare rolls, the need systems that we have down there. I think that the right thing to do, especially when our southern Maine people are doing to well and nobody in southern Maine appears to be on minimum wage. I want you to know that many of my folks are. This is going to be a great help in the rural part of Maine to at least bring the bottom up. We either have great jobs at the mills paying full benefits or we have everybody else working at Mardens, Wal-Mart and Hannaford. I think this is a great step for us. You are going to allow us to increase our earning stats and the numbers and maybe we will get a little closer to the rest of you folks. Thank you very much for your attention here. I am very, very appreciative of the vote that you are about to take. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Members of the House. I rise in support of this piece of legislation, but I feel I must answer to some of the statements that were made here today. I believe that for some in our economy, they are doing okay. All of the data that I get from the Maine Department of Labor is pointing to a loss of manufacturing jobs in this state yearly, not in the hundreds, but in the thousands of jobs. As many of you know, these manufacturing jobs are the highest paying and they provide the best benefits for the people of this state. I believe it really is a big issue for this state to try to bring up the poor of our economy, the minimum wage workers. In the future, ladies and gentlemen of the House, I believe that we ought to change our attitudes a little bit toward trying maybe to stop this continued decline in manufacturing jobs within the state. We need some policy changes for the people whose jobs are based in our natural resource based industries. Minimum wage doesn't mean anything to a farmer or a fisherman or a lumberman. Minimum wage doesn't come into it because they work piecemeal, they work based on what they do in a day. Minimum wage never comes into it. These industries, ladies and gentlemen, whether we like to agree to it or not, as a body are in decline. Our forest products industry is suffering right now. We need to change our policies to try to bring manufacturing jobs back to this state so our jobs aren't going to Canada and other nations and other states in these industries. I urge you, when this vote is taken and this issue is behind us, that we put our minds and our energies together to try to slow down our current trend in our manufacturing jobs. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning as an individual, but I will share with you why I support the increasing of the minimum wage. This is something that I and my family before me have worked all of their lives doing. I might have had more experience. I served as a union member, an officer of the union and then years later I spent a considerable amount of time in management. My concern always has been what somebody receives for their labor. I will say here this morning that my concern has always been the pay that somebody receives. We should rule out the gender. I guess that has been mentioned here this morning, but today in heavy industry we find many ladies performing the same task, side by side, and my thought is that they should receive the same compensation. I stand here as an individual this morning with the privilege of being able to support a vote that will increase the money to families in the State of Maine. I know regardless of what the economy is, there are people that I am acquainted with, families, where the lady and the man are working. They are

working for the minimum wage. That amount that would be received by this increase makes a great difference to them. In working and raising a family myself, I know what it is to get another \$10 bill or a \$20 bill in your weekly pay. I feel I have a great privilege here this morning. I would ask that you would follow my light, along with many others, and support this measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I have heard two words here today, pleased and proud. I will be very pleased to vote for this bill. I would have been proud to have voted for this bill, if we hadn't exempted the tax credits and expanded income tax credits. I think this bill as it was originally written, was a trade between management and labor. I am sorry we dropped off the deal with the management. I will be very, very pleased to vote for this because I think it is long, long overdue and possibly at a later date we can take care of the credits. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I plan on voting for this bill today. My concern is after that vote, we will think that we have done all that we need to do. If we really want to compound in a positive way the action we are going to take here today, then before we go home in June, we need to broaden access to the technical colleges. So that low-income working Mainers can gain even more valuable skills so that this increase in the minimum wage is not the end, but a new beginning. I think as we approach the budget, we need to think about the two most regressive proposed tax increases that are in front of us, the cigarette taxes and the meal taxes. On one hand the Legislature gives and on the other hand it takes away. I would hope that we could make a commitment that we are not going to place new taxes on these working poor and that the dialogue in this House changed from tax increases to tax reductions. 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. 98

YEA - Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Collins, Colwell,

Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Matthews, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Richard, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Usher, Volenik, Watson, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Clough, Cressey, Duprey, Foster, Kasprzak, Treadwell, Waterhouse.

ABSENT - Andrews, Bagley, Baker, Bliss, Brannigan, Buck, Crabtree, Duncan, Labrecque, Landry, Marley, Marrache, Mayo, McDonough, Morrison, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richardson, Shields, Stedman, Twomey, Weston, Wheeler GJ.

Yes, 117; No, 7; Absent, 27; Excused, 0.

117 having voted in the affirmative and 7 voted in the negative, with 27 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-63) was READ** by the Clerk and **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-63)** in concurrence.

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

On motion of Representative FISHER of Brewer, the House adjourned at 12:19 p.m., until 9:00 a.m., Monday, May 7, 2001 in honor and lasting tribute to the memory of our colleagues who are no longer with us.