

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Special Session**

May 26, 2005 – June 17, 2005

**Second Special Session**

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**Second Regular Session**

January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
SECOND REGULAR SESSION  
15th Legislative Day  
Wednesday, February 8, 2006

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

Prayer by Honorable Henry L. Joy, Crystal.

National Anthem by Syncopations, Mt. Blue High School, Farmington.

Pledge of Allegiance.

Doctor of the day, John Tyler, M.D., Blue Hill.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 366)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

February 3, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1803 An Act To Create a Maine Agricultural Water Source Development and Management Program

L.D. 1841 An Act To Allow the Use of Fallen Apples in Apple Cider

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. John F. Piotti

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 367)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 3, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1821 An Act To Authorize Flexibility in School Attendance Requirements in Emergencies

L.D. 1826 An Act To Clarify Provisions Governing Technical Education

L.D. 1843 An Act To Require Legislative Approval of Changes Made to the Educational Assessment Testing

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth H. Mitchell

Senate Chair

S/Rep. Jacqueline Norton

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 368)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 3, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 354 An Act To Give Moose Permits to Members of the Wesget-Sipu Organization

L.D. 1724 An Act To Control Alcohol in the Maine Woods

L.D. 1877 An Act To Protect the Water Quality of Colcord Pond and Bickford Pond in Porter

L.D. 1895 Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Increase the Number of Moose Permits

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bruce Bryant

Senate Chair

S/Rep. Thomas R. Watson

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 369)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 3, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1788 An Act To Confirm the Authority of the City of Saco To Acquire Extraterritorial Facilities

L.D. 1918 An Act To Create a Self-insurance Pool for Land Crossing State-owned Railroad Tracks

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Elizabeth M. Schneider  
Senate Chair  
S/Rep. Christopher R. Barstow  
House Chair

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

**Pursuant to Statute**

**Department of Health and Human Services**

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level III, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1405) (L.D. 2003)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Health and Human Services**

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1406) (L.D. 2004)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

---

**Pursuant to Statute**

**Department of Health and Human Services**

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1407) (L.D. 2005)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Health and Human Services**

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level IV Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1408) (L.D. 2006)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Health and Human Services**

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1409) (L.D. 2007)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Health and Human Services**

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level I, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1410) (L.D. 2008)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute**

**Department of Health and Human Services**

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level I Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1411) (L.D. 2009)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute**

**Department of Health and Human Services**

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level II Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1412) (L.D. 2010)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute**

**Department of Health and Human Services**

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1413) (L.D. 2011)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative SIMPSON for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Give Superior Court Clerks and Deputy Clerks the Authority To Issue Process for the Arrest of Persons Charged with Crimes" (EMERGENCY)

(H.P. 1404) (L.D. 2002)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**ORDERS**

On motion of Representative PERCY of Phippsburg, the following Joint Order: (H.P. 1414)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Marine Resources shall report out, to the House, an emergency bill relating to elver fishing.

**READ** and **PASSED**.

Sent for concurrence.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the nonprofit sector in Maine and the Maine Association of Nonprofits, on the 3rd Annual Nonprofit Day at the State House on February 8, 2006, hosted by the Maine Association of Nonprofits. The association is the only statewide organization that represents the full spectrum of the State's nonprofit organizations. Its mission is to strengthen the leadership, voice and organizational effectiveness of nonprofit organizations so that they can better enrich the quality of community and personal life throughout the State. The association consists of more than 500 nonprofit members and 90 business and individual supporters who work cooperatively to ensure the efficiency and effectiveness of Maine's 3rd sector. We extend our congratulations to the Maine Association of Nonprofits and its members for its excellent work on behalf of nonprofit organizations;

(HLS 1631)

Presented by Representative BLISS of South Portland.

Cosponsored by Senator BROMLEY of Cumberland, Representative EBERLE of South Portland, Representative GOLDMAN of Cape Elizabeth, Representative CUMMINGS of Portland.

On **OBJECTION** of Representative BLISS of South Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The government that we work with, or any other government in this country, could not do its job without the assistance of non-profits. Many of the things that are provided for our most needy and most helpless citizens are provided by non-profits. They are not in any particular part of the state. They don't belong to any particular political party. They don't have much in common at all except a need to help all of our citizens move forward. It doesn't really matter what part of this state you live in. what district you represent; you have non-profits in your district helping your

constituents. It is impossible for us to do what we do without their assistance.

We just announced that we are going to become the fifteenth state in this country to adopt a 2-1-1 telephone call so that any citizen who has a need of a non-emergency nature can dial 2-1-1 and someone will answer the phone and direct them to the appropriate service. Most of those appropriate services that your constituents are going to get directed to are services provided by non-profits.

Today the Maine Association of Non-Profits is here in the Hall of Flags with displays of an array of their services. The Maine Association of Non-Profits is not very old, but they have done a great job of organizing the non-profits to try to avoid duplication and ensure adequate services to citizens all over the state. I encourage you today to drop by those tables in the Hall of Flags and take a moment to see what is there. More importantly, thank those people working at those tables for the work of Maine's non-profits, not only here in Augusta, but in your district too. Thank you Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1229) (L.D. 1721) Resolve, Creating a Forensic Board To Manage the Release of Certain Sex Offenders Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

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

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 672) (L.D. 1755) Bill "An Act To Extend Tuition Waivers to Persons Who Have Resided in Subsidized Adoptive Care or Who Have Subsidized Guardians" (C. "A" S-442)

(H.P. 1212) (L.D. 1705) Bill "An Act To Require That Automobile Extended Service Warranties Purchased by Maine Citizens Provide for Arbitration in the State"

(H.P. 352) (L.D. 477) Bill "An Act To Authorize the Use of Tribal Sustenance Hunting Permits on State Lands" (C. "A" H-743)

(H.P. 1244) (L.D. 1736) Bill "An Act To Amend the Charter of the Boothbay Harbor Sewer District" (EMERGENCY) (C. "A" H-745)

(H.P. 1273) (L.D. 1833) Bill "An Act To Change the Charter of the Saint Francis Water District" (C. "A" H-746)

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

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**BILLS IN THE SECOND READING**

**Senate as Amended**

Bill "An Act Regarding Interscholastic Athletics"

(S.P. 26) (L.D. 84)  
(C. "A" S-438)

**House as Amended**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Department of Labor Building at 19 Union Street in Augusta

(H.P. 1311) (L.D. 1871)  
(C. "A" H-744)

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

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

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

**SENATE PAPERS**

Bill "An Act Amending and Restating the Charter of The President and Trustees of Colby College"

(S.P. 774) (L.D. 2012)

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

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

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 655) (L.D. 1738) Bill "An Act To Amend the Laws Governing Ferry Service Travel for Individuals with Catastrophic Illness" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 669) (L.D. 1752) Bill "An Act Regarding Licensure Requirements for Nurses" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 673) (L.D. 1756) Bill "An Act To Address Emergency Licensure Procedures" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 721) (L.D. 1804) Bill "An Act To Amend the Debt Collection Law" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

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

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**UNFINISHED BUSINESS**

The following matter, 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.

**HOUSE DIVIDED REPORT** - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-725)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Increase the Minimum Wage"

(H.P. 174) (L.D. 235)

TABLED - January 5, 2006 (Till Later Today) by Representative SMITH of Van Buren.

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

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Two Decembers ago a young man from my legislative district paid me a visit and asked me to present legislation to increase the minimum wage to \$7 an hour. The young man told me that he had three children and a wife, three jobs and two that paid minimum wage and had no health insurance. So I presented LD 235 along with my cosponsors, the Representative from South Portland, Representative Glynn, Senator Bryant of Oxford, Representative Clark of Millinocket, Representative Driscoll of Westbrook, Representative Gerzofsky of Brunswick, Representative Hutton of Bowdoinham, Representative Jackson of Allagash, Representative Patrick of Rumford, Smith of Van Buren and Senator Strimling of Cumberland.

What this bill does is phase in the minimum wage starting October 1, 2006. The minimum wage will be increased to \$6.75 per hour. Starting October 1, 2007 the minimum wage will be increased to \$7 an hour. One of the first bills that I presented in the legislature back in 1981 was to raise the minimum wage to \$3.35 an hour with former Representative Connelly of Portland – may God rest him. I think in Maine the minimum wage is often the maximum wage. I think that \$7 per hour is an acceptable wage and one that this legislature can support. In most of the figures that I have received, the federal government has not raised the wage since 1977. It has not kept up with inflation.

Currently, fifteen states have a higher minimum wage than set by the federal wage and many more are considering a wage. All New England states, besides New Hampshire, have a minimum wage that is higher than the federal government. When citizens have been asked to raise the minimum wage through referendum they have overwhelmingly voted to do it. Since 1996 California, Florida, Nevada, Oregon and Washington have increased their minimum wage to higher than the federal level. Most minimum wage jobs are retail, agriculture and in the service industry area. Many of Maine's jobs are in these sectors and the people employed in them deserve to have their paycheck keep up somewhat with inflation.

There is a ripple effect with the minimum wage. When it is raised people earning dollars would buy with them and it would go directly back into the community. The information that we have received from the Department of Labor says, as I said before, that all New England states except for New Hampshire have a higher minimum wage than the federal rate. In fact, even with Maine's most recent increase of \$6.50 an hour, it remains the lowest of any other New England state excepting New Hampshire. As I said before, currently 17 states have minimum wage rates higher than the federal level and increasing the minimum wage has not resulted in a loss of jobs in sections of tourism and retail.

According to the Maine Department of Labor, between 2001 and 2004 Maine's Minimum wage increased from \$5.15 to \$6.35. During that period Maine's non-farm wage and salaried jobs increased by 5,800. In the sectors where minimum wages are most heavily represented, such as retail trade, the jobs increased by 1,500 and the lodging and hotel industry added another 2,800 during that period.

The federal minimum wage rate is \$5.15 and for a full time worker earning federal minimum wage equals to about \$10,712 a year, before taxes. Despite several attempts Congress has not

increased the minimum wage since 1997 and that was nine years ago. The State Legislatures in Maryland and California passed minimum wage increases in 2005. However, their respective governors have vetoed the bills. Three states currently adjust the minimum wage annually based upon the consumer price index, or the CPI, to keep pace with inflation.

In closing, Mr. Speaker and Men and Women of the House, I am reminded of a quote from the Latin scholar Cicero, "The welfare of the people is the highest law." I believe this change in law fits that criteria and is long overdue and I would ask you to support this bill because it is the right thing to do. Thank you Mr. Speaker.

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Representative **TWOMEY** of Biddeford assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **MCKANE**: Madam Speaker, Ladies and Gentlemen of the House. I think that Maine needs to raise its median wage more than it needs to raise its minimum wage. We can do that. We can raise the minimum wage and it is going to feel good to press that green button. It is going to say, "We are giving those lowest paid workers a raise." Doesn't that feel good? They must not feel very good over in New Hampshire. They never do it over there, but for some reason the median wage soars above Maine's wage. I wonder if the two are related?

I have a couple of other points that I would like to make. If raising it to seven dollars is good then why shouldn't we raise it to fifteen dollars? The answer is obvious. It would devastate Maine's economy. So, raising it a little bit just hurts our economy a little bit and puts one more brick in the load in that cart that Maine businesses have to haul behind them that other businesses in other states don't have to do.

When we raise that minimum wage we are going to give .06 percent of the workers in this state a raise. It won't help the workers who are supporting their families. These workers are the youngest, least experienced, least educated and the least skilled. Those are the ones who will be getting a raise, but the wage earners who are supporting their families will forgive their raises at the expense of this raise that is forced on them by the government. It will contribute significantly to teen unemployment and the statistics show it. A ten percent rise in minimum wage gives a two percent rise in teen unemployment. Maybe we don't think that these teen jobs are that important, but I am sure that everyone here in the house remembers their first jobs. Most of us worked as teens after school, on the weekends and during college breaks when we were being supported by our parents. We worked at minimum wage jobs and learned some of those menial skills that we call upon over and over and over again. It is that kind of an education that our workforce needs.

Again, it is feel-good legislation. It is going to feel good to press that green button; but who is it really helping and who is it hurting? It is hurting the business environment in this state. It is hurting those median wage income earners in this state and our median wage is low. It is very low. It is the lowest in New England. But our minimum wage will be right up there. It will be the seventh highest in the country. Is that the wage that we want to raise, or do we want to raise everybody's wage? This puts a

burden on businesses and it is just not the right time for us to be doing this. Maybe we should look to New Hampshire and follow their lead and just slow it down a little bit. Thank you Madame Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Madam Speaker, Ladies and Gentlemen of the House. This is a bill that, I think, causes us as legislators and Representatives to reach into our hearts and see what we really believe in.

Raising the minimum wage helps the poor people of our state. It helps those people, where the youngest are entering the labor force and it also helps our elderly people who are taking part-time jobs to supplement their social security and such. It helps single mothers who need jobs to supplement. When we are talking about minimum wage we are talking about giving these people a bit more of a chance to work and to support themselves. What is the result? We have seen from prior increases in the minimum wage that it doesn't cost any jobs. Since the last increase in the minimum wage there has been an increase in jobs, so we are not driving jobs out of the state that way. But what it can do is create more ability for these people to support themselves without having state help and without relying as much on the food stamps. Without relying as much on the TANIF. It also gives a chance to the poor.

Now, one of the things that has been happening in our society is that over the last six or seven years we see a widening gap between the 20% with the highest incomes in the country and the state and those people on the bottom. The gap is widening and there is no reason in justice or in morality for us to push our poor to the bottom. By raising the minimum wage we are giving them a chance to stay closer and to hopefully get out and maybe someday reach Representative McKane's median wage. We need to give people a chance.

It doesn't require complex mathematical analysis. We all know that 25 cents an hour to somebody who is making very little is going to mean a lot to them. In a forty-hour week that is 10 a week. That is not going to put an employer out of business, but it is going to make the difference for someone to be able to pay a little bit more on their heating bill, to pay for their gasoline, to get to a job and maybe buy their children a few things that they were not going to be able to do.

Think about this. Think about the people of this state and think about giving the people of this state, the poor included, some dignity. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Madam Speaker, Ladies and Gentlemen of the House. I think that you people forget the word empathy at times. It is much deeper than sympathy. This means taking on peoples feelings entirely. Put yourselves in a mother's shoes who has a hard time earning a living to support her kids. Put yourself in students' shoes also. Often, with minimal training, they can do the job as well as adults and even better because they have unbounded energy. If you channel that than you produce very good results. For many years the potato farmers up in Aroostook gave the same wage per barrel picked as adults. Whether you were six years old or seven or eight or seventy-five they got the same wage. Those who work on the harvesters get the same wage whether you are a high school student or someone doing part time work, off from the paper mills maybe, or you are someone who is retired and wants to supplement his or her income. So, I think this proud tradition should continue. The same old arguments seem to surface here. They have always been disproved and this is another time when they will. So, vote

for this bill please. It is the right thing to do. Thank you Madam Speaker.

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

Representative CAMPBELL: Madam Speaker, Ladies and Gentlemen of the House. Last year I put a bill in for the Social Security offset for the senior citizens. They are working everyday and collecting Social Security. It passed the House, but it failed in the Senate. My good friend Representative McKane talks about uneducated people in the lower end of the field and about children working their first jobs, but we now have the largest elderly population per capita in the country and most of these people aren't uneducated. Some of them testified yesterday about Part D of Medicare and most of them are working, working jobs. If they get laid off they are only going to get a half of a loaf of bread, but maybe on this end we can give them fifty cents an hour more and give them a little more of the bread on the other end. Thank you Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative BLANCHETTE: Madam Speaker, Ladies and Gentlemen of the House. This is not about putting business under. This is about giving dignity and pride to the working class in the State of Maine. Whether you work for a minimum wage or you work for \$10 an hour this is about dignity.

I can tell you that when oil went to \$3 a gallon at the gas pumps every business in the state looked at adjusting the bottom line and their prices because they were paying higher costs for fuel to bring the goods in that the people were buying in the store. Guess who didn't get a raise: the people that are making minimum wage. Gas went to over \$3 a gallon to put in their car to drive in 42 miles one way for a three and a half hour shift at one of the largest employers in this state because a three and a half hour shift does not require, nor does it give, a paid 15 minute break, so that person can get off their feet for fifteen minutes. Forty-two miles one way. A three and a half hour shift. You may be making \$7.00 an hour, but what did it cost you to put gas in your car to come in?

The big problem that we have when we are talking about minimum wage is that it's not about the kid that is working at McDonald's or the neighborhood store and has their first job and are proud they are going to get money. It's about big industry coming in here and taking advantage of the workers here. They have a base set pay and it doesn't matter whether you have been with the company 10 years or 25 years. When you hit the top cap of that pay, you don't get a raise. You don't even get a cost of living wage, but I want you to look at the profit – the bottom line profit that leaves this state everyday, every week and every year – going to other companies within the United States or to third world companies that own some of our largest employers. They are not losing money. They never lost a dime a day in their life because they make sure that their CEOs and their board of directors are taken care of, but the person working a three-and-a-half hour shift and driving 42 miles one way has to pay \$2.69 for a loaf of bread to have it be halfway nutritionally fit for their children to eat. I am going to tell you that you can buy a loaf of bread for 99 cents, but if you feed it to your pig, it won't make the grade when it goes to market because it won't have any nutritional value. This is about human dignity and we need to hold the people that drive the economic engine in this state responsible. This is a fair and just and well-needed wage increase for the working poor of this state. I will support it. I urge you to go home and talk to your constituents because it strikes me really funny that the poles taken on this tell you that 85 percent of the people in the State of Maine approve of raising the



minimum wage. Hello, how many of that 85 percent voted to send you down here. Do what is right, do what is fair and pass this bill and give your constituents who need your support the most a break. Thank you Madam speaker and Ladies and Gentlemen.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Madam Speaker, Men and Women of the House. No one in this body wants the salary of any Maine worker to be the minimum wage. Like many of you, I have dedicated my two terms here to developing and expanding the economic opportunities for every Maine citizen. Our task is a daunting one and our successes have been spotty at best.

So often we are facing perceptions about Maine as we work toward economic expansion. It is widely known that our taxes are high and our energy costs are high. Our regulatory environment can be challenging and even if you disagree with any of these comments the perception remains for many who are in-state or viewing us from outside of the state. For our efforts to be successful to change this perception we often have to take actions that are as much symbolic as substantive. I would suggest to you that the reduction the BETR reimbursement in our last budget was just such an act. Many argue that dollar expense for business was small and while that may be true the impact and perception was huge. For those watching from the outside and were thinking of business expansion they take pause and perhaps reconsider their actions. I would further suggest to you that the minimum wage increase is another such symbolic act. While I said earlier that it is my honest effort that everyone earns more than the minimum wage, I want that higher earning rate to be driven by the marketplace and not by state mandate. I want our citizens to be educated and prepared to take jobs requiring them to utilize the skills and knowledge that they possess. I want all of our citizens to be challenged, excited and rewarded for their work. I want them to be appropriately compensated for all of their skills and knowledge. I do not presume to know what that wage level should be, but I certainly hope that it will be enough to sustain the earner and those for whom they are responsible. I do not believe that we will be improving the odds of that compensation being higher by mandate.

I truly believe that our least-skilled and youngest workers will be those who suffer most, missing a chance to begin a work career with some entry level job where the most basic skills of employment are learned. I urge you to think about the message that this minimum wage increase sends and I urge you to redouble your efforts toward economic development so that no Maine citizen earns the minimum wage and allows successful businesses to pay better wages and offer better opportunities for all employees. I urge you to defeat this measure. Thank you Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Madam Speaker, Ladies and Gentlemen of the House. I won't speak long because I can barely speak. But I did want to say that this is feel good legislation. If I had my way, which I won't, I would actually propose a livable wage because \$7 an hour is not a livable wage. Seven dollars an hour is poverty. The fact that they might get some extra help from the state, I doubt that it is \$54,000. They need it.

I just wanted to read to you from some wonderful testimony we had at the public hearing and it quotes the Maine Center for Economic Policy. Nearly 30 percent of the families leaving welfare for work had earnings of less than \$7 an hour. Half of the families studied got behind in their rent or mortgage and one in

five skipped a meal or more for a day, one in five. Nearly a quarter had to supplement their earnings from a food bank. I suggest to you that this is not what we want for the people of Maine and what we are doing is a feel good measure but at least we are getting closer and giving them a little bit more. At least we are saying that they deserve a little bit more. Thank you Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Holden, Representative Hall.

Representative **HALL**: Madam Speaker, Men and Women of the House. I rise today in opposition to this bill. Certainly none of us, as many of the good Representatives have said, want to see workers earning minimum wage and not being able to survive, but the sad reality is that there are going to be people who are on the low end of the scale in a free economy. It is always going to be that way. We can make the minimum wage \$7, we can make it \$10, we can make it \$20 and we could make it \$100. There are going to be people who are at the bottom of the pay scale and regardless of what we do and where we set this number, an arbitrary number, people are going to remain at the bottom. What the unintended consequences of this are is that if we raise the minimum wage there is a ratcheting up that is going to happen because you know darn well that the guy who started the company a year ago and worked a whole year, did a great job and got called into the office and they said, "Hey guess what Bob, you have done a great job. We are giving you a fifty cent an hour raise, and by the way minimum wage has gone up by fifty cents too, so you really aren't getting anything." The worker is not going to accept that. He is going to expect to go to \$7.50 an hour after a year at the company. So, every single employee in every single company is going to be looking for an increase. In fact, we know that many union contracts specify wages as a percentage of minimum wage, you know two times, three times two-point-seven times minimum wage. That is why you see all the union representatives and lobbyists lining up arguing that we support this minimum wage increase.

The downside to this is that, contrary to what you will hear there, will be job losses. The good Representative, Representative McKane, pointed that out and cited actual studies that have proven that when you have a minimum wage increase you have a job loss. Prices go up. You cannot argue that when Dunkin' Donuts has to start paying their employees a higher wage the bottom line is that the cost of a donut and a cup of coffee goes up. The cost of a loaf of bread is going to go up at Hannaford now because they are paying higher wages. So, prices go up and it is absolutely going to happen. What we don't recognize is the fact that, as the good Representative from Newfield pointed out, that there are a lot of elderly people in this state and they are on a fixed income for Social Security. If you raise minimum wage, then the people who are on Social Security don't get a wage, but prices go up and you are going to see your spendable income go down if you are on a fixed income from Social Security, which is why you are going to have to go out and supplement your income with a second job. If we still had a minimum wage of \$5.15 an hour a lot of those elderly people that are out supplementing their income with a second job may not have to because we wouldn't have seen 25 percent artificial inflation caused by raising the minimum wage from \$5.15 to \$7 an hour.

Keep in mind that 15 states have a minimum wage higher than the federal minimum, but my math tells me that that means that 35 states are still using the federal minimum wage. Where is the outrage in those states? There isn't any because a small percentage of people in those states probably earn a minimum wage because when you have a free economy and you have

plenty of jobs and you have employers and employees bargaining; you have a huge supply of jobs and a smaller supply of workers and wages go up. If you have a small supply of jobs and a lot of workers wages go down. That is the problem that we have in Maine right now. We don't have enough jobs to go around. We have more people looking for work than we have jobs, and that causes wages to be driven down. So, we try to step in and fix the problem by raising the minimum wage, it doesn't work that way. What happens is that businesses close, businesses leave and businesses higher fewer people. Businesses give their workers fewer hours. Instead of coming in for a five-hour shift you come in for a four-hour shift. Instead of coming in and working five days a week you come in and work four days a week. Lines at Dunkin' Donuts get longer, lines at Hannaford get longer because the company says that they need to cut hours because wages are going up a bit.

Another argument that you are going to hear is that there is going to be a tax increase. There is going to be so much more money out there floating around when people get this quarter-an-hour or fifty-cent-an-hour raise. They are going to be out spending money and the tax revenue is going to be a lot higher because these people are now earning fifty cents an hour more so they are going to be paying all kinds more taxes. Bottom line is that these people don't pay any taxes. If, in fact, you buy the argument that the businesses are going to eat this and that they are not going to raise prices and cut employees then what is going to happen? They are going to eat a fifty cent-an-hour raise and they are going to eat the social security match on that and they are going to eat the unemployment on that and their income is going to be substantially lower and they are going to pay more income tax and you are going to see more income tax revenue coming into the State of Maine. So please don't buy the argument that we are going to raise the minimum wage and cause all kinds of tax revenue to come into the state coffers. That's as ludicrous as the thought that the federal government can just print more money to pay off the federal deficit. It is the same thing. We cannot create economic prosperity simply by an act of this body saying that we are going to raise the minimum wage. If we could do that I would be all for it. Raise the minimum wage to \$25 an hour, and I am sure that the Representative from Bowdoinham would love that.

The bottom line is that if we raise the minimum wage to \$25 an hour you are going to see people at the top of the food chain earning \$100 an hour and \$25 an hour is going to be poverty so I urge you to please vote against this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Eder.

Representative EDER: Madam Speaker, Men and Women of the House. I want to read you something: "The minimum wage should be a livable wage. We support increasing the federal state minimum wage above the poverty level and indexing it to the consumer price index." That is from the Maine Democratic Party platform. The Maine Democratic Party has the Majority in the House, the Majority in the Senate and has the Chief Executive's Office. Why are we talking about raising this minimum wage a meager fifty cents? Ten dollars a week is pathetic. We should be talking about a living wage; that is what this party's platform says. It is having an argument with itself and it couldn't readily agree that this meager fifty cent raise to \$10 a week net was needed.

I spoke with a man yesterday who is in his 60s and he works for Alpha One and that is also a wage that is set by the state. He takes care of his wife who has MS. They are retirees and he is retired military. He gets paid \$7.50 an hour and that wage has not gone up in eight years. So, let's not pat ourselves on the

back about this. Let's pass it. Of course I will support it, but it is not enough. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Madam Speaker, Men and Women of the House. I stand, hopefully, to just make some brief corrections on the record. There was flyer entitled *Comparison of a Minimum Wage Earner to a Medium Wage Earner*. It was just circulated sometime in the House last week and again today. It claimed that when you consider public benefits, a minimum wage earner would earn more than the medium wage earner in the State of Maine. I think that it is important as a member of the Health and Human Services Committee, because we deal with a lot of the programs that are listed on this sheet, to make some corrections for the record.

The sheet is talking about a single mom with two children making a minimum wage and I think that that is a good person to think about, because those are the people in the state making a minimum wage. It is primarily women and a lot of single mothers. First of all, the sheet last week said that a single mom with two children making a minimum wage would be eligible for \$5,200 a year in TANIF benefits. That is not accurate; this family would not be eligible for TANIF benefits. The second thing is that the comparison sheet shows that the family would receive \$19,032 of ASPIRE and childcare subsidy benefits. This family would not be eligible for any ASPIRE services at all based on their income and, in addition, there are currently thousands of families throughout the state waiting for non-ASPIRE childcare assistance. So, there would be some chance that they would get some small childcare assistance, but nothing like what is listed on this sheet. In addition, the comparison sheet shows that this family would receive \$5,200 worth of food stamps per year. This family would receive roughly one-fifth of this amount. The comparison sheet shows that this family would receive \$13,000 worth of MaineCare value per year. This family at this income level would be eligible for MaineCare. This sheet assumes that a family at this income level would be able to pay for the full cost of health insurance. Clearly they could not. If it were not for MaineCare this family would be uninsured and the cost of their care would be passed on to others in Maine. Furthermore, the value that MaineCare has for people depends greatly on the family's healthcare needs.

We know that in the State of Maine our very successful CubCare Program, which insures thousands and thousands of Maine children from a medium-income to a low-income family, has huge benefits and is very, very cheap. Most of the money spent in the MaineCare system is on very high cost consumers: the disabled and people living in nursing homes. It would be very unlikely that a family would spend this much a year.

Lastly the comparison sheet shows that this family would receive \$4,700 from the federally earned income tax credit. This family would actually receive \$300 less than this amount and it is important to note that since President Ford established this tax credit in the 70's this program has long enjoyed substantial bipartisan support. I think that we can feel good about a family receiving approximately \$4,400 when their median income, including all of the state benefits would still be less than \$20,000 a year, not including their healthcare benefits. I think that when these errors are corrected and you actually see the true picture of what this family's life might be like you will understand why a minimum wage increase would make a very big difference for a single mom with two children. Thank you Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative **LINDELL**: Madam Speaker, Men and Women of the House. I rise in opposition to this bill, not because it is going to hurt business. Some of my colleagues on this side of the aisle are concerned about further harming the business climate. I don't believe that this minimum wage increase is going to hurt business. Businesses will adapt. This minimum wage increase, Madam Speaker, will hurt the poor. That is why I oppose it.

In reality, minimum wage hikes set in motion responses by businesses that hurt those at the bottom of the economic ladder. Businesses offer a mix of wages and benefits necessary to attract the optimal workforce. After a minimum wage hike many businesses cut training, healthcare and other perks for low-income workers and that is to offset the mandated pay increase. Although many of these workers might prefer health insurance to more pay they have no say in the matter because the government has forced businesses to pay more than the current legal minimum. If a minimum wage is increased to \$7 an hour, workers will be employed only if they produce at least \$7 an hour worth of services or goods. If they don't, they won't be hired or, in reality, they will be laid off. If you don't produce that output you don't have a job is what we are telling people with limited skills or who are just getting into the workforce.

A minimum wage increase will create unemployment. Not overall; the statistics won't reflect overall unemployment, but it will create unemployment among the least skilled workers, primarily inner city youth. They might blame the system for their joblessness, but they won't blame politicians. It is a stealth job killer and politicians know this.

Notwithstanding the rhetoric of supporters, the wage hike would essentially be a punitive tax on doing business in Maine. It would reduce employment opportunities for those seeking work, the very people that the pro-hike faction purports to help.

In this simplistic morality play, those who support the wage hike are compassionate advocates for the poor and those who oppose it are heartless capitalists. Madam Speaker, I ask you this: Did compassion motivate Afrikaners in Apartheid South Africa from endorsing minimum wage hikes? Of course not. They knew and understood that it killed jobs for low-income blacks in South Africa and kept them from acquiring work experience and skills needed for self-sufficiency. The minimum wage is an inefficient means of assisting low-income people, even Joseph Stiles, former Chief Economist for President Clinton wrote, "A higher minimum wage does not seem a particularly useful way to help the poor." Business growth, Madam Speaker, is the source of economic opportunity and advancement. Reducing taxes, fees and regulations would do more good than hiking the minimum wage. What we need to do, Madam Speaker, is instead of punishing business, we should coddle them and until we do that we are not going to have higher wages in this state. Thank you Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Madam Speaker, Ladies and Gentlemen of the House. I would like to say that I agree with the Representative from Frankfort in regards to the first point he made, in that this is not going to be a burden on business.

I had the fine opportunity with my good friend who also serves the town of Gorham with me, Representative Farrington, to participate in a small business forum, literally held almost a week ago. We talked about many, many issues and the one thing that was not talked about at all was the issue of increasing the minimum wage and this piece of legislation that is before us. What are some of the things that came up that were hurting small business and economic development in Maine? Access to

affordable quality healthcare; they appreciated the work that the state was doing on that, the philosophy and input that was being put forth. The phasing out of the Business Equipment Tax, which we are currently working on right now and it is very much appreciated. They felt that we needed to continue to work on lowering taxes and increasing property tax relief. They felt that we needed to get more money for higher education and for research and development in order to have a better-trained workforce. They did not mention once, and when asked directly, did not say that the increase in the minimum wage was going to hurt their business. Rather, as has been mentioned here on the floor, to get good quality employees, they have to offer wages that are, in most cases, higher than the minimum wage. Could this be symbolic and could it be seen as symbolic? Yes. Is this good policy however to help those who are at the bottom of the scale to help give them a hand up? Absolutely.

I will be supporting this measure and it is with the understanding that we want to put people first, all of us in this chamber, and we do want to make Maine stronger and more competitive and we will continue to do that by supporting those initiatives that still need work. As I mentioned my businesses have brought forth to me these ideas. My small businesses support this, my citizens support this and therefore, I will be supporting this.

I would like to segue to another point that was brought up by and mentioned a couple of speakers ago by the Representative from Portland when he mentioning that a specific party platform stated that we are supposed to be achieving higher than this with a living wage. We understand in this building that with philosophies and individual districts and constituencies it is very difficult for us to have the perfect piece of legislation or the perfect sweeping change on everything that comes before us. I know, and I would say that for many of us, we do not pledge to every single point or bullet that is in the party platform of the party that we are a member of, rather we look to balance that with statewide policy that is good for everybody, for the constituency that we represent and for the needs of Mainers overall, so I would hope that with the compassion necessary to support this and the understanding of the people that are in our district we look to support those citizens rather than looking to the party platform that does give us guidance. Thank you Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

Representative **JACOBSEN**: Madam Speaker, Ladies and Gentlemen of the House. I stand here not only as a State Representative, but as a small businessman. Over the past few years the increase in the minimum wage has been damaging to my business. It hasn't given me any room to give the employees that deserve a raise a raise because everybody is getting equal pay. Unfortunately they are not producing equal work. I have put a lot of thought into whether or not I will be in business this year again. I hire about 30 people, 20 of them are generally first time employees and are 16 to 17 years old and some are 15 and once in a while one that is 14. Paying them \$7 an hour will put me out of business and it will put numerous other people out of business.

I have been looking at all of the figures and in order to stay in business I will have to buy 3 tons of potato salad already made; the same thing with cole slaw. I will not bake 600 pies or over 2000 loaves of bread this year. A company in Manchester, New Hampshire will do most of that. I do not know how much they pay their employees, but a business like mine in New Hampshire right across the border would be paying \$5.15 an hour. The cleaning I have done I can contract out to a woman that wants the job and she will probably be doing it for less than \$7 an hour and works on her own. Lawn mowing will also be contracted out

and I won't have to worry about the workers comp. The federal taxes that I pay are Social Security and Medicare and not paying these are steps that I will have to take to stay in business. Will I succeed? I don't know, because now I am competing with national chains – chains that have all this work done under a contract basis and most of their product comes in pre-made from out of state.

Somebody said that it was only \$10 a week. That is \$10 a week per employee times 20 employees, that \$200 a week, plus the extras and it will probably end up costing me \$300 a week. I have had more than one year where I haven't made \$300 a week in this business. Many people in business are screwed to the wall by the policies that are created here in this chamber. Not everybody in business is a fat cat and many of us struggle to survive. The owners of small businesses work 60, 70, 80 hours a week and some of them are fortunate that they don't have to work at all and have somebody else doing the job for them.

Walk through your towns and look around. Your small restaurants and your small independent businesses like convenience stores are being replaced and in the end there are fewer workers, less money staying within the state and less of a chance for the little guy to get ahead. Think about the small businesses in your community and what you are going to do to them. It may not have been mentioned in the meeting but believe me it is in their minds and in their wallets.

I urge you to consider what it is going to cost your towns for their summer work programs for teenagers. How many teenagers aren't going to have summer jobs because the dollars will not stretch out?

The State of Massachusetts considered raising their minimum wage again, but the survey taken in the studies said that it might result in as many as 10,000 jobs being lost. They may not be the highest paying jobs but for many it is a chance to learn a skill. How many jobs and how many businesses are we going to lose in Maine? Go back to your communities and explain that to the small businessman. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Cain.

Representative CAIN: Madam Speaker, Men and Women of the House. A question was posed by the previous speaker, "Who will this help?" It is going to help a lot of people. Many minimum wage workers are women and single mothers and many are young and I would like to talk briefly about some of these young people. It is easy to say that young people don't need this increase and it is easy to say that they don't need it to get by. It may be easy to say and convenient to believe, but I submit that it is simply not true, Madam Speaker. I started working a minimum wage job when I was only 14 years old. I was lucky because as I worked that part time job all the way through high school, part time when school was in session and full time in the summer, I was lucky because I didn't need the money to help pay my family's bills. I didn't have a child to support or rent to pay, I used my paycheck for basic spending money, field trips, yearbooks, school dances and movies. We didn't have much extra money in our family then so I enjoyed this freedom and responsibility to earn and spend my money in these ways. But I was lucky. Many of my peers did not have it this easy. They worked through high school too, at McDonald's or Dunkin' Donuts, at the bagel shop or at the neighborhood store and they worked many more hours than I did and sometimes at multiple jobs. Many of my peers needed that minimum wage job to help pay the bills at home because their parents worked low wage jobs or were unemployed. They needed that money to help their family buy milk and bread and pay the rent, and they needed that money for

basic school supplies, sneakers for gym class or a coat to get through the winter.

I am comfortable with this minimum wage increase because it will help people of all ages have a better quality of life and contribute more to society. I would like it to be more, but I look forward to this step in the right direction. I am excited to push the green button this morning and I am going to feel great about it because I know that it is the right thing to do. Thank you Madam Speaker.

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

Representative DUPREY: Madam Speaker, Men and Women of the House. I would like to start by addressing the comments of the Representative from North Haven, Representative Pingree, and the handout that I had handed out today. That handout did not go out last week. I pulled it before it went out so someone must of stole a pirated copy to get it to you, but I did make a mistake in that and I did fix that. The TANIF benefit was not right, so I gave you the corrected version, but you wouldn't have known because you didn't have a handout last week. But, anyway, in talking about the ASPIRE childcare subsidy since I am vaguely familiar with that because I own six childcare centers and I do about \$300,000 a year with the Department of Health and Human Service, I am very familiar with this benefit and a person would qualify for this. ASPIRE's TCC is transition childcare and the number that I come up with, the \$366 a week, is for an infant in the Portland area and for a toddler \$180 a week. There is a possibility that the parent could have a small co-pay and it depends on their income, but it would be highly unlikely at this minimum wage level that they would and there may be a small amount. The example assumes that a mother lives in Cumberland County and has an infant and a toddler.

When it comes down to MaineCare, \$13,000 is, I think, a conservative estimate of what somebody for a family of three would have to pay to buy a comparable product to the MaineCare on the commercial market. As far as the \$47.16, I don't want to get picky, but I do want to correct the record, what the previous speaker failed to bring in is that the additional child tax credit adds a little more which brings it to the \$47.16 amount. Forty-four hundred is the childcare tax credit, the additional childcare tax credit, which is a little extra money that the federal government puts in to help people as they make more money to not lose some of that benefit. So, you can see that there are very rich costs to the state benefit and a single mom with two kids making \$16.00 an hour has to go out and pay for the childcare, has to go out and pay for the healthcare and has to go out and pay for the food and other things that the other does not. I just wanted to show this, not to slam somebody who is making minimum wage and say that they don't deserve a raise, but to show the comparison of state-paid benefits.

Now, I would like to get into the living wage discussion. I just served on the living wage commission all summer and one thing that I found out while being on that commission is that there is no such thing as us ever getting to a living wage. We can dispel that argument right here, because if we were to raise the minimum wage to \$16 an hour tomorrow nobody who is on minimum wage today could live on \$16 an hour because the prices will double for everything and business have to pass that on, jobs will be list, more people go on the welfare roles and there will be no such thing, as the Representative from Holden, Representative Hall says, everybody ratchets up and the top are going to make more and the bottom are going to make more and everything is going to cost more and you are still going to have people being broke at a higher level. That is just the way it works. As the prices go up

people are going to need even more money to live and we will have to ask for a minimum wage of \$18 an hour because you can't afford to live on \$16 an hour. There will never ever be a living wage. We just have to dispel that argument right now.

Now I do agree with some previous speakers, this bill will not cause any job losses, it may or may not, but as a direct result of this bill I can't see anybody losing their job, as a direct result of this bill. I agree with every study that said that minimum wage will not have that direct effect.

Now let me give you some facts. One out of every 1,667 workers in Maine makes minimum wage. We are talking a very small figure here. This bill would give Maine the sixth highest minimum wage in the country, but it would give Maine the highest minimum wage in the country as a percentage of per capita income. We are going to be number one with the minimum wage as a percentage of per capita income. It would be the fifth straight increase in as many years, a 40% increase in the last five years, not for coming to work early or for showing initiative or for staying late and going the extra mile, by simply showing up we are going to give you a 40% increase over the last five years. For every 10% increase in the minimum wage teen unemployment goes up 2%, so the Representative from Orono, Representative Cain, who had that minimum wage job growing up is a Harvard graduate and still in Maine. God bless her; she is still here. But, if she hadn't have had that job growing up she might not be here today and might have had to have left Maine for a better paying job because that job wasn't there and that is what we are concerned with. If these teens can't get these jobs, then they are going to go to other states and they are going to find a better place to find a job. That is what we are trying to avoid here.

We need to give workers an incentive to leave those low paying jobs and make more money. Now if you look at that comparison, why would that person who is making minimum wage and who is having their food paid for, and who is having their healthcare paid for, having their childcare paid for, ever want to double their income and lose their benefit of healthcare and of childcare and have to pay food on their own and have \$18,000 less in their pocket, what is the incentive for that person?

If you look at New Hampshire's minimum wage it is \$5.15 an hour. You know why? Because their generous state benefits are not as generous as ours. People have to work and perform harder to get a raise. The workers are more productive there. Studies have shown that the workers are much more productive than Maine workers which makes the business more profitable and which then ties down to the employee.

This is America; this is not Cuba. If you don't like what you make, find another job. It is as simple as that. We need to give workers an incentive to leave those jobs. Raise the median wage. Now how do we raise the median wage? I have been a business owner for many years and there are several things that I have identified to help raise the median wage. If we raise the median wage the incomes at the bottom come up with it. It is a sucking effect that comes right up, just like if you think that we raise the minimum wage everybody goes up and that does happen. High unemployment taxes – we just had an increase last year and it keeps going up every year. Business personal property taxes are also going up and, you know what, hopefully we can remedy that situation. Excessively high health insurance costs have really burdened businesses this year and has brought down the median wage. High workers comp rates, property taxes that are too high, the cost of government regulation. If you only knew how much it costs to fill out all of the paperwork for government. We have the highest electric rates in the country and it is a big impediment to the median wage and close to \$1

billion in new taxes and fees over the last couple of years have been a big impediment to the median wage going up.

I have 45 employees and for my business to expand I have to make a profit. I take that profit to be able to expand and create more jobs. That is how it works. As the business grows the wages increase as the worker gets more skills and the company gets bigger, they make more profit and money goes back down to the employer. The business is now a bigger corporation and employees who work there are now more marketable to bigger companies now and the wages go up because they are now more marketable to other companies and if you want to retain good employees than you have got to pay them.

Now, with all the things I mentioned before getting higher and higher in cost each year there is less and less profit to pay these employees health insurance costs. Now if you asked an employee on the street if they would rather make \$5.50 an hour and have health insurance paid for by your employer or if they would rather make \$7 an hour without health insurance I guarantee that 90 percent of the people would take the health insurance and \$5.15. What we have done by raising the minimum wage to \$7 is that we have added to the roles of the uninsured. More and more people every year because these starter businesses can't afford health insurance.

I think that the problem stems from something that I learned in my first term that a Senator taught me. A lot of people in this body think that employers are evil. I heard that in testimony on my committee yesterday. They think that employers live in mansions, drive a Mercedes and make all their money on the backs of their employees. They simply think that if we raise the minimum wage that I, as a business owner, am going to go into my vault, pull out a gold bar, come over to the State of Maine to my employees, scrape a few scrapings off, go back and put my gold bar back in the vault and nothing is going to happen. That is what a lot of people in this body, and maybe in both parties, think would happen. But, you can't hurt me. You can't hurt a business owner. You could raise it to \$16; all I am going to do is punish the people who I give the service to. I am going to punish my employees by not giving a 100 percent match into their 401k which I do every single year and it costs me a lot of money. Maybe I won't be able to do that because you are taking a little bit more and taking a little bit more. So the employees are going to be punished and so are the customers.

What we are doing is bottlenecking people at the bottom. We are giving a raise of 25 cents an hour here and 25 cents an hour there and think we are doing good, but you can't give everybody the same raise all the way up so you are giving a 25 percent raise and to the person who is making \$8 the business may give him a 10-cent or 15-cent raise. I think if you look, over time, that we are bottlenecking people at the bottom of the pay scale and I think that that is why the income disparity exists between the high people and the low people – because we are bottle necking at the bottom. They don't have this problem in New Hampshire.

In closing, I like boating so I will give a boating analogy. The SS Maine is in the harbor sitting alongside the SS Massachusetts and the SS New Hampshire and they are all floating around the harbor, it's low tide and the tide is coming in – the economic tide created by economic growth. Right now the economy is booming in America, it is booming contrary to what you would hear. People are working and the jobs and the markets are good. It is not growing as fast in Maine though for obvious reasons. As this tide is coming in we notice that the Massachusetts is raising and so is the New Hampshire, but suddenly we realize that Maine is taking on water, why? Because of our economic policies over the last few years we have anchored ourselves to the bottom. The ship is taking on water and the captain is realizing that we may

have done some things wrong in the Legislature. So what is going to happen is that the teenagers are now jumping ship and swimming over to the New Hampshire ship and they are swimming over to the Massachusetts ship, business owners are jumping ship and the businesses from other states that are in their little dingy are coming over to Maine and realizing that the ship is sinking and decide that they will stop at the New Hampshire ship. Thank you Madam Speaker.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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The SPEAKER: The chair wishes to thank the Representative from Biddeford, Representative Twomey for her fine job as Speaker Pro Tem.

The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that we actually agree on everything. We are responsible to both workers and employees. We have done a lot for workers, we have done a lot for employees and it is time to do more for workers. The argument that the minimum wage, at \$6.75 will deny health insurance is kind of weak and at Dirigo that would put you at the minimum wage for the federal level and qualify you for Dirigo. I agree with the good Representative Eder that this is not enough money and that we should try to have a living wage. For a minute I almost dropped out of my seat when I heard Representative McKane say that we should jump this minimum salary to \$15, I would have seconded that Mr. McKane. Thank you.

Wages do cause prices to go up, but not only minimum wages, but maximum wages also. So, if you want to we can cut CEOs and their wages down from there and that will make prices stay the same. Prices always go up and the worry about Social Security wages remaining the same is kind of fallacious because Social Security is tied in to cost of living wages. I have never received as much of a cost of living COLA as I have with Social Security in all my 40 years of teaching.

Finally, I didn't hear anybody actually say that the other side of the aisle is heartless. I wouldn't say that; they have their own point of view, but if that is the way you feel than sorry. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Bishop.

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I stand here trying to work up the courage to be honest about the effects of raising the minimum wage an old Harry Neilson tune pops into my head, "Nobody Cares about the Railroads Anymore". The connection between this tune and this legislation is a clear one and a simple one. Here, as we sit in the people's House we don't usually see the infirmed, the elderly or those on fixed incomes. The citizens can hardly afford their medicine and meals, let alone taxi fares to Augusta.

It seems that, for this body, out of sight has maybe become, as well, out of mind. With maybe the slightest of small changes the title of that plaintiff's song could, after the passage of this particular piece of legislation, become "Nobody Cares About the Elderly Anymore". It is our older citizens, who because of difficulty, infirmity, lack of adequate transportation and just plain penury patronize those local mom-and-pop, drug, food and convenience stores. This legislation will become one more nail in

their coffins and one more of a thousand cuts that will eventually kill these small, locally owned and operated establishments that our elderly so depend on. It is not the big block stores with their massive parking lots and very deep pockets that will suffer. They will simply raise prices a few pennies and carry on. It is our locally owned and operated mom-and-pop stores that will become the victims of this higher minimum wage and who will be forced to substantially raise prices and who may even have to shut their doors forever. At the very least, those elderly and infirm who have difficulty traveling great distances – in some cases, it is impossible for them to do so – and that are on fixed incomes, and those who can least afford it will be paying more for their necessities or maybe more for the transportation to another, less convenient, not as personable and not as caring of a store, unless we object and argue that this small increase could never have such a big effect. Let me remind you that in a six year period the minimum wage will have gone from \$5.15 an hour to \$7, a whopping 32 percent increase. Compare that to the yearly increases in the CPI over the same period and it is approximately 18 percent. The effects are cumulative because these increases in minimum wage represent real, not inflationary increases and these higher costs must be passed on by all of these small locally owned businesses and passed on to those very patrons – the elderly and those on fixed incomes who can least afford to pay the higher prices.

So, as we, a caring, thoughtful legislative body, deliberate the necessity of this bill, let's think of those disabled grandmothers, let's think about those elderly and infirm aunts and let's think about those proud old men we see walking everywhere in out of fashion coats and stalking hats. Let's be careful. We are the ones that they trust to look out for their welfare. Let's be careful for those who have difficulty looking out for themselves and let's please be mindful of those who are forced to be so frugal that they alone bend over to pick up pennies. Let's honor their independence that they fight so hard to keep. Let us honor their age, their infirmity, and understand that we will all be there at some point. Let's honor these independents that fight so hard to exist on their own and on those meager fixed incomes. Please vote no. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. What an awesome, awesome responsibility – to stand their as Speaker Pro Tem on this particular issue. I don't want to belabor this any longer. I think we should vote, but I want to speak because it is the last time I will get to speak on minimum wage because it is my last term.

There is something that just happened a few weeks ago. There was an art show in the mills of Biddeford and it was called The Mill Show. It was amazing the people that turned out for this. It was like being in Boston. What it was is that it was about art instillations and trying to give the history of the mills.

My sister is an artist and while she has always supported me in my political life I feel that I have to support her in her artwork and she called and said if you have the chance, please come over and see the art installation that I have made. So I went, with thousands of people that had roots in those mills. She did not tell me what her art instillation was. Her art instillation was textile fibers and she had made a ladder and at the top of that ladder was my father's black lunch pail, which I didn't even know that she still had. In that lunch pail was a fried egg sandwich that my father used to live on when he walked mile upon mile in those mills. It was a fried egg sandwich, a picture of my father and mother in the other corner and a little mouse because he had a

joke about a little mouse in the mill. My father was a supervisor; he was management.

In that same ladder there was a picture of my grandmother who came from Canada and could only speak French and organized to bring the very first union to those mills. There was a picture of her in Washington and a union pin, which I didn't know my sister had. I then became part of that installation. I simply couldn't move. I felt so grounded with my mother and my father and the work that they had brought and the ethics that they had brought for so little money. Growing up with two little sisters she had other pictures of all three of us that my mother used to use to sew old clothes because my father could bring the bolts of cloth home from the mills. I could hear rumbles in that mill of the bobbins and of the ethics and of the hopes of the people that came to work in those mills.

My sister wrote a story about my father. My father died at 57 and I have passed that now. When I go door knocking to this day my constituents will say to me: I worked for your father and when I was sick your father would tell me to go lay down, he would sit at my station and he would do my work. That is what I bring to this body; those work ethics, the history of struggle, of poverty and I think it is still going on today. We have such a difference in our economics for the haves and have-nots. And fifty cents just doesn't make it. For the last time in my last session I am honored to have been Speaker of the House on this important issue and what I am voting for today is for the roots and for the work that my grandmother did and for the economic injustice that still goes on today. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Davis.

Representative DAVIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. I think that there is one thing that we have all forgotten. Not only are our small businesses competing against our large businesses and competing against the lower wages offered in New Hampshire or Canada, but we are competing with jobs in China, Korea and other countries that have a minimum wage of about fifty cents an hour or less. That is another part of this puzzle that we need to consider when we are adding more mandates for our small businesses. Thank you.

The SPEAKER: A roll call having been previously 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. 364**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Churchill, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Moore G, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Carr, Cebra, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D,

Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan, Woodbury.

ABSENT - Bryant-Deschenes.

Yes, 79; No, 71; Absent, 1; Excused, 0.

79 having voted in the affirmative and 71 voted in the negative, with 1 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-725) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING later in today's session.

The following item was taken up out of order by unanimous consent:

**BILLS IN THE SECOND READING  
House as Amended**

Bill "An Act To Increase the Minimum Wage"

(H.P. 174) (L.D. 235)

(C. "A" H-725)

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

On motion of Representative HALL of Holden, 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.

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

**ROLL CALL NO. 365**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Moore G, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan, Woodbury.

ABSENT - Bryant-Deschenes.

Yes, 76; No, 74; Absent, 1; Excused, 0.

76 having voted in the affirmative and 74 voted in the negative, with 1 being absent, and accordingly the Bill was PASSED TO BE ENGROSSED AS AMENDED and sent for concurrence. ORDERED SENT FORTHWITH.

LEGISLATIVE RECORD - HOUSE, February 8, 2006

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

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On motion of Representative FARRINGTON of Gorham, the House adjourned at 1:00 p.m., until 10:00 a.m., Thursday, February 9, 2006 in honor and lasting tribute to Sarah Anne Greenlaw Bowen, of South Portland and Isle au Haut.