

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

pages 1 - 1067

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
49th Legislative Day
Tuesday, May 24, 2011

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

Prayer by Reverend Donna Lee Muise, First Parish Federated Church, South Berwick.

National Anthem by Kelsey Krull, Cape Elizabeth High School.

Pledge of Allegiance.

Doctor of the day, Richard Flowerdew, M.D., Falmouth.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities

(S.P. 156) (L.D. 564)

(C. "A" S-74)

PASSED TO BE ENACTED in the House on May 18, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-74) AS AMENDED BY SENATE AMENDMENT "A" (S-144)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Requirements for Publishing Municipal Legal Notices"

(H.P. 318) (L.D. 392)

PASSED TO BE ENGROSSED in the House on May 18, 2011.

Came from the Senate **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-145)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 174)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 23, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that I am today nominating Bonnie D. Newsom of Eddington for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 175)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 23, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that I am today nominating Gregory A. Campbell of Hampden for appointment as a District Court Judge. Pursuant to Title 4 MRSA §157, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 176)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 23, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that I am today nominating George C. Gervais of Hampden for appointment as Commissioner of the Department of Economic and Community Development Pursuant to Title 5, MRSA §13057, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 177)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 23, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that I am today nominating Norman A. Gosline of Gardiner for appointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 178)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 23, 2011

The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that I am today nominating Lawrence J. Davis of Hallowell for appointment to the State Liquor and Lottery Commission.

Pursuant to Title 5, MRSA §283-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 179)

**STATE OF MAINE
125TH LEGISLATURE**

May 23, 2011

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to our authority under Title 12 MRSA §6447, we are pleased to make the following appointments to the Lobster Management Policy Council:

Representative Dianne C. Tilton of Harrington, representing Zone A

Senator Brian D. Langley of Hancock, representing Zone B
Representative Walter A. Kumiega III of Deer Isle, representing Zone C

Senator Christopher W. Rector of Knox, representing Zone D
Representative Kimberly N. Olsen of Phippsburg, representing Zone E

Representative Amy Fern Volk of Scarborough, representing Zone F

Representative Wayne R. Parry of Arundel, representing Zone G
Please let us know if you have any questions regarding these appointments.

Sincerely,

S/Robert W. Nutting
Speaker of the House
S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 182)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION**

AUGUSTA, MAINE 04333-0001

May 23, 2011

The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that I am today nominating the Honorable Daniel E. Wathen, Esq. of Augusta for appointment to the Maine Turnpike Authority.

Pursuant to Title 23, MRSA §1965, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Thomas and Mary Alice Standard, of Sumner, on the 56th anniversary of their marriage. They are the parents of 2 children and have 7 grandchildren and 3 great grandchildren. Originally from the Deep South, Mr. and Mrs. Standard relocated to Maine to be near their daughter and grandchildren and have contributed greatly to their community. Mr. Standard is the Director of Emergency Management for the Towns of Buckfield, Sumner and Hartford and has secured numerous grants to enhance the safety and well-being of the residents of those towns. Mrs. Standard is the founder of the "Swap Shop" at the Buckfield-Sumner Solid Waste Transfer Station, where tons of useful items are available to be reused in the community. In addition they are both freelance reporters for the *Lewiston Sun Journal* and cover local meetings and activities in Oxford County. We congratulate them on their anniversary and send them our appreciation for their dedication to their community;

(HLS 207)

Presented by Representative HAYES of Buckfield.

Cosponsored by Senator PATRICK of Oxford.

On **OBJECTION** of Representative HAYES of Buckfield, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my honor today to recognize Mary and Tom Standard. I thank them very much for coming today with their daughter Beth Maddaus. It is particularly poignant because of their commitment to each other for the last 56 years, their commitment to their family, and their commitment to their community.

I learned a few things earlier this morning from Mrs. Standard that I want to share with you because she will stand in a moment to accept your recognition and I want you to note her wardrobe. She not only founded the "Swap Shop," but she is today making a fashion statement because her dress and her bag came from the "Swap Shop," and were it Color Day, she would be appropriately attired. Mary and Tom both provide a lot of assistance in their community, they are role models for all of us, and I thank you very much for the opportunity to call your attention to their 56 years of married bliss. Thank you.

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

In Memory of:

the Honorable Frank H. Farren, Jr., of Cherryfield, who was a member of the Maine House of Representatives from 1986 to 1994. Mr. Farren was a 1953 graduate of Cherryfield Academy. He took courses through the University of Maine at Augusta and served in the United States Army from 1958 to 1960 at Fort Hood, Texas, and in Germany. Mr. Farren held a variety of jobs, among them working in the woods, driving trucks, selling cars and as a bookkeeper. He worked for the Department of Conservation in Augusta from 1970 to 1986 and began the snowmobiling program for the State of Maine. Mr. Farren was a lifetime member of the Maine Snowmobile Association and a member of the Narraguagus Snowmobile Club, and was inducted into the International Snowmobile Hall of Fame in Minnesota in 1997. We acknowledge his longtime dedicated service to his community and to the State of Maine. He will be greatly missed and long remembered by his loving family and those whose lives he touched;

(HLS 415)

Presented by Representative TILTON of Harrington.

Cosponsored by Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BEAVERS of South Berwick, Representative BECK of Waterville, Representative BELIVEAU of Kittery, Representative BENNETT of Kennebunk, Representative BERRY of Bowdoinham, Representative BICKFORD of Auburn, Representative BLACK of Wilton, Representative BLODGETT of Augusta, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative BRIGGS of Mexico, Representative BRYANT of Windham, Representative BURNS of Whiting, Representative BURNS of Alfred, Representative CAIN of Orono, Representative CAREY of Lewiston, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CELLI of Brewer, Representative CHAPMAN of Brooksville, Representative CHASE of Wells, Representative CHIPMAN of Portland, Representative CLARK of Millinocket, Representative CLARK of Easton, Representative CLARKE of Bath, Representative CORNELL du HOUX of Brunswick, Representative COTTA of China, Representative CRAFTS of Lisbon, Representative CRAY of Palmyra, Representative CROCKETT of Bethel, Representative CURTIS of Madison, Representative CUSHING of Hampden, Representative DAMON of Bangor, Representative DAVIS of Sangerville, Representative DILL of Old Town, Representative DION of Portland, Representative DOW of Waldoboro, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUNPHY of Embden, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, Representative ESPLING of New Gloucester, Representative EVES of North Berwick, Representative FITTS of Pittsfield, Representative FITZPATRICK of Houlton, Representative FLEMINGS of Bar Harbor, Representative FLOOD of Winthrop, Representative FOSSEL of Alna, Representative FOSTER of Augusta, Representative FREDETTE of Newport, Representative GIFFORD of Lincoln, Representative GILBERT of Jay, Representative GILLWAY of Searsport, Representative GOODE of Bangor, Representative GRAHAM of North Yarmouth, Representative GUERIN of Glenburn, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HARMON of Palermo, Representative HARVELL of Farmington, Representative HASKELL of Portland, Representative HAYES of Buckfield,

Representative HERBIG of Belfast, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HUNT of Buxton, Representative INNES of Yarmouth, Representative JOHNSON of Eddington, Representative JOHNSON of Greenville, Representative KAENRATH of South Portland, Representative KENT of Woolwich, Representative KESCHL of Belgrade, Representative KNAPP of Gorham, Representative KNIGHT of Livermore Falls, Representative KRUGER of Thomaston, Representative KUMIEGA of Deer Isle, Representative LAJOIE of Lewiston, Representative LIBBY of Waterboro, Representative LONG of Sherman, Representative LONGSTAFF of Waterville, Representative LOVEJOY of Portland, Representative LUCHINI of Ellsworth, Representative MacDONALD of Boothbay, Representative MAKER of Calais, Representative MALABY of Hancock, Representative MALONEY of Augusta, Representative MARTIN of Eagle Lake, Representative MAZUREK of Rockland, Representative McCABE of Skowhegan, Representative McCLELLAN of Raymond, Representative McFADDEN of Dennysville, Representative MCKANE of Newcastle, Representative MITCHELL of the Penobscot Nation, Representative MORISSETTE of Winslow, Representative MORRISON of South Portland, Representative MOULTON of York, Representative NASS of Acton, Representative NELSON of Falmouth, Representative NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, Representative O'BRIEN of Lincolnville, Representative O'CONNOR of Berwick, Representative OLSEN of Phippsburg, Representative PARKER of Veazie, Representative PARRY of Arundel, Representative PEOPLES of Westbrook, Representative PETERSON of Rumford, Representative PICCHIOTTI of Fairfield, Representative PILON of Saco, Representative PLUMMER of Windham, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RANKIN of Hiram, Representative RICHARDSON of Carmel, Representative RICHARDSON of Warren, Representative RIOUX of Winterport, Representative ROCHELO of Biddeford, Representative ROSEN of Bucksport, Representative ROTUNDO of Lewiston, Representative RUSSELL of Portland, Representative SANBORN of Gorham, Representative SANDERSON of Chelsea, Representative SARTY of Denmark, Representative SHAW of Standish, Representative SIROCKI of Scarborough, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STEVENS of Bangor, Representative STRANG BURGESS of Cumberland, Representative STUCKEY of Portland, Representative THERIAULT of Madawaska, Representative TIMBERLAKE of Turner, Representative TREAT of Hallowell, Representative TURNER of Burlington, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VOLK of Scarborough, Representative WAGNER of Lewiston, Representative WATERHOUSE of Bridgton, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WELSH of Rockport, Representative WILLETTE of Mapleton, Representative WILLETTE of Presque Isle, Representative WINSOR of Norway, Representative WINTLE of Garland, Representative WOOD of Sabattus, Senator ALFOND of Cumberland, Senator BARTLETT of Cumberland, Senator BRANNIGAN of Cumberland, Senator COLLINS of York, Senator COURTNEY of York, Senator CRAVEN of Androscoggin, Senator DIAMOND of Cumberland, Senator DILL of Cumberland, Senator FARNHAM of Penobscot, Senator GERZOFSKY of Cumberland, Senator GOODALL of Sagadahoc, Senator HASTINGS of Oxford, Senator HILL of York, Senator HOBBS of York, Senator JACKSON of Aroostook, Senator KATZ of Kennebec, Senator LANGLEY of Hancock, Senator MARTIN of

Kennebec, Senator MASON of Androscoggin, Senator McCORMICK of Kennebec, Senator PATRICK of Oxford, Senator PLOWMAN of Penobscot, President RAYE of Washington, Senator RECTOR of Knox, Senator ROSEN of Hancock, Senator SAVIELLO of Franklin, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SNOWE-MELLO of Androscoggin, Senator SULLIVAN of York, Senator THIBODEAU of Waldo, Senator THOMAS of Somerset, Senator TRAHAN of Lincoln, Senator WHITTEMORE of Somerset, Senator WOODBURY of Cumberland.

On **OBJECTION** of Representative TILTON of Harrington, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Harrington, Representative Tilton.

Representative **TILTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak in memory of a former member of this body, Frank Farren, Jr., who served in the Maine House of Representatives from 1986 until 1994.

I first knew Frank Farren, Jr., when he was my State Representative and when I last knew Frank, I was his State Representative. As is the case, in small towns and in a small state like Maine, we shared many connections that we never knew about until we met which wasn't until about 1990. For instance, he and my father attended Cherryfield Academy in the '50s, though my father was three years ahead of him. Naturally they knew each other well. In 1980, my best friend from college who was from Orono was also his niece, and he and my current employer who is from Yarmouth have been close friends for many years. So even though I only knew him personally for 20 years, we have been somehow connected all my life.

As my State Representative I knew Frank as a good and fair man, a man who never resisted a challenge and who always dealt with me respectfully and with real concern. As Frank's State Representative I feel obligated to tell those who did not know him about his legacy.

From 1970 until 1986, he worked at the Maine Department of Conservation and began the state snowmobile program. His contribution was so enduring that in 1997 he was inducted into the International Snowmobile Hall of Fame in Minnesota. The program Frank started resulted in our enviable network of world-class snowmobile trails, has changed the way we recreate in Maine, and has provided an important source of economic activity to parts of the state that may not enjoy it otherwise. We should all leave such an indelible mark on the state we love. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Sale of Certain Tobacco Products"

(H.P. 831) (L.D. 1119)

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

MALABY of Hancock

O'CONNOR of Berwick
PETERSON of Rumford
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-310)** on same Bill.

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
SANBORN of Gorham

READ.

Representative STRANG BURGESS of Cumberland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is one of these issues that we have worked long and hard here in the Legislature over the last three or four sessions in trying to make smoking less attractive for our young people. There are a number of products that have been exempted by the Attorney General. We haven't been able to get to them. We keep trying to figure out how to do it. Unfortunately, I failed trying to do it with this bill, but I think it is a subject matter. For the first time we know smoking is increasing in our youth and people need to pay attention to that as an issue. Really, Mr. Speaker, that is all I have to say on this. Thank you.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I see it this bill is a public health bill and a pro business bill. It attempts to remove more of the flavored cigar wraps and blunts from the market, products that clearly are out there to appeal to our kids. We know that the earlier children start smoking the more addicted they become, the more likely they are to be lifelong smokers. We also know that this is clearly a health risk and creates more chronic illness and more costs to our health care system. In a time when we are trying to decrease the cost of health care, decrease the cost of health insurance, it just makes no sense to not remove more of the products from the market that we can.

There is no point in getting in the middle of the arguments between the various segments of the tobacco industry and that is in part what this bill is doing and why you are getting handouts to vote one way or the other. The folks that are selling the flavored cigars want to keep their share of the market. The folks that are selling flavored wraps and blunts want their share of the market. The point is we should get as many of these products that are to induce children to start smoking off of the market, and for that reason, I would encourage you to vote against the motion on the floor. Thank you.

Under suspension of the rules, members were allowed to remove their jackets.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to say right up front I hate cigarettes, I hate tobacco products. My husband is a smoker. I make him smoke outside in the rain. If it is not raining, I spray the hose on him.

That being said, what this does is makes Maine an outlier once again and it hurts businesses. I represent two small border towns and what this does is take away revenue. People will sail across the border. They will buy these products. They are legal nationwide. Until we can ban tobacco products for what they are, these products will continue to be sold. We need the revenue in the State of Maine. If we don't have it, then we will surely remain in this economic decline.

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

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is just another nanny bill. You know it's just us saying you're not smart enough to make the right decision. So I am going to support this Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would perhaps tend to agree with the nanny state comment, except that this really targets kids and I think that we need to take special attention here and slow down and really think about what this bill does.

In committee, I think there was a consensus that we wanted to do away with all of them, but because of the fiscal impact of that, we took what we could. We compromised and said this is what we can get, understand the fiscal implications of banning all flavored wrappers and we settled on that. Representative Sanborn is correct. This is a market share fight between the industry. We decided to side on the side of public health and get what we could get at this point and continue to work on the issue.

Related to the loss revenue, I think that that's a hollow analysis in the amount of revenue that is lost related to these flavored wrappers. I as well represent border communities. I respect Representative O'Connor's comments about that, but I did not hear from any of my convenience stores and I do think that we need to decide, err on the side of public health, and I hope that you would support, follow my light and go red. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm a health advocate. I've been a health advocate pretty much my whole entire life, majored in physical education, became a martial artist, and have advocated for many, many things that make you healthier.

I, too, used to make my mother's life as a smoker miserable. I used to stick pins in her filters and I used to break her cigarettes and put them back in the carton. She used to get very angry with me. She quit at the age of 50.

But I don't believe that we should be mandating things like this. This is equivalent to banning the flavor in your favorite soft drink or what you put on your nacho chips or a diet product or perhaps your favorite flavored vodka or rum. Or maybe we want to decide which flavoring you're going to add to your daily cup of coffee. You can't legislate these things. People need to make these decisions on their own. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to point out that like all tobacco products, these wraps are behind the counter. They cannot be sold to anybody who is under the legal age for which to buy them. So this is an adult issue. I don't think many of our kids are actually buying these things because they can't.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I keep hearing about how our kids are getting addicted to this, how they are not allowed to buy it. The number one health issue in the State of Maine for our children is obesity. We are number one in the nation in childhood obesity so perhaps we should consider banning the barbecue flavoring that goes on barbecue potato chips, perhaps the pizza flavoring that goes on pizza potato chips, and any other type of flavoring that goes on any food that is high in calories and low in nutritional value. Thank you.

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

Representative **EBERLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I cannot believe we are basing an argument for economic development on the sale of a product that, when used as directed, will kill you.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a health care provider I have committed my entire adult life to caring for children's health and I agree with the good Representative from South Portland. This is not an economic development issue. This is a health issue.

I said goodbye to my father two years ago, a man who dedicated his life to health care. You know what he died of? Lung cancer. This bill will make tobacco products not as appealing to everyone, so I urge you all to vote red on this. This is a public health issue. This is not an economic development issue. Thank you, Mr. Speaker.

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

ROLL CALL NO. 76

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Flood, Foster, Fredette, Gifford, Gillway, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knight, Libby, Long, Maker, Malaby, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Driscoll, Duchesne, Eberle, Eves, Fitzpatrick, Fossel, Gilbert, Goode, Graham, Guerin, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, Morrison, Nelson, Peoples, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Dion, Flemings, Wintle.

Yes, 76; No, 71; Absent, 3; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Raise the Minimum Wage" (H.P. 340) (L.D. 447)

Signed:

Senators:

RECTOR of Knox

MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham

DOW of Waldoboro

NEWENDYKE of Litchfield

VOLK of Scarborough

WINTLE of Garland

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senator:

JACKSON of Aroostook

Representatives:

DRISCOLL of Westbrook

GILBERT of Jay

HERBIG of Belfast

HUNT of Buxton

TUTTLE of Sanford

READ.

Representative PRESCOTT of Topsham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative PRESCOTT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Raising the minimum wage at this point in time is not the time to be doing this. This bill would raise the minimum wage to \$7.75 an hour by October 1, 2011 and again to \$8 an hour on October 1, 2012. This has a direct impact on our businesses. It has a domino effect if you will. I believe that this is not the time and I think you will be hearing from others that will speak on this bill, but I urge

the Majority Report of Ought Not to Pass. Thank you.

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

Representative BENNETT: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We've been small business owners for many, many years now. It just seems to be getting tougher and tougher to make a living. You don't realize that when this minimum wage is actually raised, of which we haven't been involved with it for probably in 30 years, we'd pay more than that. But when you raise it, you also raise other costs in your business, around 12 percent.

I've had people come to me complaining as a State Representative about the increase, the actual doubling of the unemployment insurance in this state. The burden is on business and I would ask you to look out the window today. It has been raining for 11 days. It is a retail wrecker. I had to work last Friday and I think I worked for free. Follow my light please. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative MAZUREK: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We've had this type of issue before. We've talked about hours and wages in this House and when is the right time to do something and when is the right time not to do it. We can make arguments on both sides, but this issue deals with – we always talk about the poor people of Maine. Who does this bill affect? It affects the young and I believe the elderly, particularly the young because most of them are just starting out. But they are not kids, they are young adults, and they have the responsibility of young adults.

Many of them are going to graduate from high school and take their place in the workforce. Many of them will be starting out at minimum wage, but they have adult responsibilities. They have bills to pay. Many of them will have families. These are the people that need a boost in their life. They are not going to take this \$0.25 or \$0.50 an hour and tuck it into a bank somewhere. They don't have that luxury of excess capital. They will take that money and spend it in the stores and in their communities and you will see everyone benefit from it. Don't be shortsighted on this. These people will take this money and they are going to spend it in their local communities and help the communities out.

I know many elderly people who are working at minimum wage jobs to supplement their retirement. These people also are suffering a great deal. Their costs are going up. Their heating is going up. Their fuel and their food are going up. Yes, everything is going up but the wages, and we wonder why Maine is in the situation we are. We're not doing much to help ourselves. Thank you very much.

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. I hope that you will oppose the pending motion and will accept the Ought to Pass Report. As has been mentioned, what this bill does, it increases the minimum wage \$0.25 per hour on October 1, 2011 and it goes up another \$0.25 on October 1, 2012.

Now before I put the bill in, I do understand the concerns of small business. I do understand the concerns of the economy. You know but it is sort of a balancing act. I do hear, as the good Representative from Rockland says, the cries of the elderly that are, many of them who had never thought at their age that they would have to go back to work but do. You know a \$0.25 increase, \$10 a week, can be a matter of life and death for them in their survival. I think we have to weigh this. I always say that the people that are getting minimum wage aren't going to squirrel

this money away. They are actually going to go back and put their money into those small businesses because they are living from week to week and day to day. I mean even if someone is working fulltime at minimum wage, the paycheck he or she earns will never be enough to pay rent.

According to the Maine State Housing Authority, the average rent in Maine is \$847 per month, requiring an income of almost \$34,000 annually or \$16 per hour. The minimum wage needs to be raised to help restore purchasing power, not just for goods and services but also for, I think, self esteem and self worth it affords a worker. Historical evidence and analysis of employment patterns in states with higher minimum wages reveals no adverse relationship, time after time, between minimum wage laws, employment, and business development. The minimum wage effectively sets the pay scales for a wide range of jobs today in our economy, like the wait staff, retail clerks, home health aides, childcare workers, and non-unionized janitors, etcetera.

Flat wages and the break between productivity and wage growth contribute to the current economic crisis. For the last 30 years, workers have had to take on the increased debt in an attempt to stay middle class. This is not sustainable because wages need to keep pace. At the very least minimum wage should acknowledge and reflect the existing costs of living. There have been widespread layoffs in higher paying occupations like manufacturing and construction. Employment and payrolls in small businesses grew faster in states with minimum wage above the federal level than in the remaining states. I think that one of the best strategies promoting growth during an economic downturn is to invest in our workers and this bill does that.

I received a letter I sent around from the Roman Catholic Diocese, and if I could paraphrase, those of you who have served in previous terms will no doubt recall the Catholic Church has consistently testified in support of proposals to increase the minimum wage in Maine. Frankly, justification for any increase hasn't changed much over the years. From our perspective raising the minimum wage is a minimum and set step towards recognizing a tremendous wage disparity that exists in this country and the fact that minimum wage earners are unable to meet even the most fundamental needs for food, clothing, and shelter. They say that they would thank – they thanked me for putting a bill in and they would hope that we would defeat the pending motion and support the working people of Maine, the working poor, the elderly, the people that really need this. This issue is as strong today as it has ever been in my 30 years of public service. Thank you, Mr. Speaker.

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

Representative RUSSELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't think anybody would question that I am particularly outspoken. Some of you may wonder why. I will tell you I have nothing left to lose. You guys can come after me and say all you want, but at the end of the day I've got nothing to lose.

When I was running for office I was working at a great mom-and-pop store, that's how I got to know everybody. In fact, one of my folks is in the audience today. I remember I was highly educated, I still could not find work when I was 29, I was under qualified, when I turned 30 I was over qualified. I was overqualified for every job there was. So one day I walked in and I was dressed to the nines, on my way to an event and I had pearls on and I begged the owner, please let me work. She was looking around and she's like you're schlepping pizza, why would

you want to work here, and I was like because no one else will hire me, they think I'm going to leave. They think I'm going to go to the next best thing. So I took a job at \$8 an hour and I walked out about as happy as I could be because I thought, well geez, the minimum wage is less than that so I'm doing great.

So I showed up to work and I became the friendliest, sassiest, most loveable cashier you could ever imagine and humble too and I scrubbed and my nails got beaten down and I flipped burgers and I took orders. By the end of the day, my feet hurt so bad I could barely stand, I could barely walk home. And then payday came. I had worked 39 1/2 hours and I was super excited that I was going to be able to pay my rent and do all the things I needed to do, buy food, and I looked at my paycheck and it was \$259. I had busted my butt. My feet hurt. Actually, there were parts of my body that I didn't even know I had that hurt, and all I had on my check was \$259. I didn't have any idea what I was going to do, but the first thing I did was to pull out a calculator because there must be something wrong.

You know I had left Maine and gone to the Mid-Atlantic and I had always had a normal job with salary and benefits, a 401k that I reinvested in my education. I didn't know what it was like to be without health insurance. I didn't know what it was like to work so hard your fingers practically bled from the bleach. And I sure as heck didn't understand how there could only be \$259 in my paycheck. How is that possible? It was a 40 hour workweek minus a half an hour. I spent the rest of the summer working for the same amount and the fall, and I busted my butt and still it was one of the best jobs I've ever had. I still moonlight. But I don't work there anymore because I can't afford to work there.

I loved working there. I miss working there. I miss seeing my constituents on a daily basis and updating them. But how do you live on \$259 a week? It sounds like a lot of money until you actually try to live it. When you are scrambling to put pennies together to pay your rent, when you are living off of the half price sandwiches that you can barely afford because that's all you can buy for food, and you still have to hold your head held high and you still have to look people in the eye and pretend that you are middle class, when in fact you are so far on the economic margins you don't know where your next meal is coming from.

I was a little different than some of my colleagues that I worked with. I had a college degree. I had over a decade worth of experience and I could look for a "real job." But my colleagues didn't have that opportunity. This was their life. This is what they got up everyday to do and would probably do for the next three, four or five decades. Some of them were raising little children. I don't know how they did it. I was just trying to take care of myself. I don't have to read the book "Nickel and Dimed" because I live it, I have lived it, and it was the best experience anyone could ever give me to be in the Legislature. We talk about how we feel for the people out in Maine. But sometimes we don't walk in their shoes. But let me tell you, when you walk in those shoes sometimes your feet burn like heck and I will not burn those people for a quarter.

I keep hearing about the costs of business going up and that is true. But there are other costs that are going up. The cost of living continues to increase, the cost of health care, the cost of putting gas in the car continues to increase. We are asking for a quarter this year and a quarter next year. We are begging for change. I ask you to think about how much gas has gone up and down in the last four months, five months, since we've been here. We are begging for a quarter so that the people on the outside of this place who do not have health insurance, who do not have a steady paycheck, whose paycheck may be less than \$259, that maybe, just maybe it could be \$269 because what we are asking

for is \$10 a week. How much do you put in your car a week? It is worth a quarter, because it sure as heck is for me and the folks that I've worked with.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We can talk and share stories about those that Representative Russell just spoke about. But let's look at the other side of this equation, the impact of the mandates on business, because without the businesses we're not going to have the jobs and, without the jobs, you're not going to be an employee.

Here are a couple of facts to consider as you head toward the vote here. The last eight out of 10 years Maine has raised the minimum wage. Secondly, Maine already has one of the highest – I will repeat that – Maine has one of the highest minimum wages in the nation. We are well above the federal guidelines. Three, this is about choice. If businesses choose to pay more, you are doing a good job, and you are a valuable employee, there is nothing that says you can't pay your employees more. You become a great business. People are going to want to apply to work for you because you pay better. But for us to sit here and mandate what our businesses have to pay their employees and what this minimum wage should be is not a good strategy, especially in this economy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Dow.

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the Chamber. There are times when I get up to speak. You can tell when my heart is in it and when it isn't. This is one of those issues that I feel strongly about. I always considered that my job here, when I got elected I had 10 priorities. The first nine were the economy of the State of Maine. Everything else was in tenth place. There have been times when I got elected that I voted for minimum wage. The last time I had a chance to vote, I voted against the minimum wage and the reasons of this and I don't buy most of the arguments given by both sides, but I came to abhor just the term "minimum" because minimum has no vision, Mr. Speaker. It has no vision for the people of the State of Maine. Minimum, to me, is nothing more than trickle up poverty and trickle up poverty is not where I stand.

I am a business man. I do not pay minimum wages, but I don't pay the wages that I'd like to. And there are times we talk about living wages. Wouldn't it be nice if we could pay a living wage? But those are minimum standards also that aren't good enough for the people of the State of Maine. One of the reasons is even if we earn, all earn, a livable wage, with the tax policies that we've had, most of them would have been taxed at the top rate. I guess the definition of a rich person in that case is anybody that's got a job because then you can be taxed to death. There was reason for this policy and these problems are not solved by a minimum wage.

Maine lags behind the nation by over \$3,000 per person in income. We need to raise our standards. Maine lags behind our closest neighbor by over \$6,000 per person and the gap is widening and we need to raise our standards. Maine lags behind Massachusetts by over \$13,000 and we need to raise our standards because minimum has no vision of the future, has no vision for where we should go as a state and what we should be doing with our money that we take in and where we spend it, where the priorities have been, and they haven't been with the economy of the State of Maine and that's where I want to fight and the minimum wage is not one of the things that we do that helps that.

Minimum wage, at the end of the day, all we do is pat ourselves on the back and think that we have solved a problem for "the poor people" of Maine. We've solved nothing because we haven't given them a vision. We haven't helped them out of their poverty through training, by investing in our businesses. We haven't helped them out by investing in their education. So I abhor the term "minimum." Minimum has no vision. Minimum just represents trickle up poverty.

We had a letter in testimony about the minimum wage. It came from a sixth grader who had enough vision to understand this. My dad is someone who deserves pay. He works every night seven days a week with barely any night off. He has a hard time paying bills. He always tries to buy me something special. I know it's hard for me. Hardworking people's wages should be high enough to let them pay for what they need most and the minimum wage does not accomplish this task. But I believe that a time is coming and I think that time is now, here, when we can act as a legislative body, act as an administration and put forth a new vision for where we want the people of the State of Maine to be, so that we can make a difference in these people's lives. Not tomorrow, but 20 years from now, 20 years from now when my two grandchildren are approximately 20 and won't have to move out of the state to get a secure job. But that's the type of vision it takes. We must have a vision that gets us beyond the borders of the State of Maine, a vision that takes in business with Canadian provinces, and the minimum wage has nothing to do or solves this vision. We don't even have enough vision to get through a \$2 tollgate in New Hampshire to bring a vision of better wages and jobs to Maine, and that all needs to change. So I ask you to look for a better vision, a greater vision, not a minimum, and please come to abhor a minimum the way I do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Apparently from what I've heard thus far and in previous sessions, no one who runs a small business in this chamber pays minimum wage. I think minimum wage is a floor of conscience. There are circumstances, I suppose, where it is appropriate for someone starting out to pay minimum wage in certain circumstances. But minimum wage is not a lack of vision, it is a floor of conscience.

I've run several small businesses. I'm proud to say I never paid them minimum wage and I know what it means to make payroll and all the other related costs in order to continue to keep my employees employed and to keep things moving forward. I've known the times when I've done without in order to make sure that my employees have been paid.

Mr. Speaker, this is a floor of conscience. I'd like to remind you, Mr. Speaker, that what we're talking about is \$10 for someone who works 40 hours a week. While \$10 may be significant to someone who has to commute back and forth to work, because I put in over \$50 in my gas tank this week in order to commute back and forth here, but I took some comfort in the fact that while I put that money in my gas tank that I get a reimbursement for travel here. And so I would ask each of you to pull out your pen and pencil and figure out what we're talking about. When you leave here today and you go the first 23 miles, approximately 23 miles of your reimbursement for driving back and forth to represent Maine people, you'll have automatically gotten what we're talking about today. Then the next 23 miles, you'll have doubled what we're talking about, people haven't gotten today, in order to put food on the table or perhaps enough gas in their car to get back and forth to work. So while we debate this floor of conscience, I ask you to consider at \$0.44 a mile that in 23 miles when you leave here today, you'll automatically have

gotten what people are asking that those who don't pay more than minimum wage ensure as a floor of conscience. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I apologize for extending this debate because it doesn't appear that anybody is going to change their mind. I especially feel sorry for you. You've got to stand through this and I'm sure there will be more and you will be happy to hear it all.

But Mr. Speaker, I just view this bill as a very reasonable bill and with all due respect to the good Representative Prescott, I believe this bill is needed at this time. You know, look what we've done to communities. We've reduced their revenue sharing. We've reduced their aid to education. We've reduced their circuit breaker money. These are all things that go back to the communities and causes these particular communities to raise taxes, which affect people who work in those communities, and now these same people have to go out and try to find a job at a decent pay.

I think this is more of an irritant to some on the other side than it is a hardship on a small business. I've got a small business and I'm happy to pay much more than the minimum wage because I think it is needed and these kids do need it.

You know I live in Old Orchard Beach, as you know, and what we call downtown, we go downtown and talk to some of those people that have stands. They have summer kids that want to come and get a job and when you say you are going to pay them what the minimum wage is, a lot of them just walk and they can get it further down the road. So by mandating that we increase it \$0.25 is really not a great imposition. So I just think that we should have more compassion and just add this \$0.25 to the minimum wage. You know it is unfortunate that this bill always becomes a partisan type bill. It really shouldn't because it is really not a lot of money that we're talking. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a classic example of the road to heck is paved with good intentions. The idea that by simple government decree it can increase the earnings of marginal workers, this logic flies in the face of reason. Empirical evidence throughout time has proved that minimum wage laws eliminate low-wage workers and hurt the people that they are supposed to help. Furthermore, if you want to talk about minimum wage, I'm looking around here and we all, most of us, work our fannies off, and I think I average about \$3 an hour, but I'm happy with that.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a compelling argument. I always hear the argument that businesses, without business you have no employees, and that's true. That really is true. However, you've looked around and seen the commodity prices going up. The cost of food, the cost of fuel. Here in Maine we are a car dependent state. Let's be honest. Public transportation is minimal here compared to a lot of other places. Frankly, gas has gone up a dollar, a dollar and a half in the past year or so. Businesses won't be able to attract employees if they can't get there, so I hope we keep that in mind.

We're talking about a modest increase of \$0.25, \$10 a week. I know it adds up in the long run, but once again, people are

going to spend this money. It is not going to be stuffed away somewhere. It is going to go towards food which is more expensive. It is going to go towards fixing their car which helps local businesses. It is going to go towards filling your tank, an essential part of getting to the job. So I hope people will have the foresight to say this is not a comprehensive solution to our problems in the state and nobody is arguing that is it. It is just a jumping off point, part of a comprehensive plan. One small piece of a larger plan. I don't think anybody in this room would argue that this is the solution to all of our problems, but I think it is an important step, an important step for those families out there who are working tooth and nail, who are giving 110 percent just to survive.

We all know that you cannot realistically survive on minimum wage. It is very difficult in our society. That is the society we have created. We have created a society where minimum wage barely meets the standards and with the rise and cost of commodities, these individuals are being squeezed even more. I hope we think about our fellow citizens, I hope we think about those hardworking families, and I hope that we think about the kids that live in those families. And hopefully this will ease their burden just a little bit more. Thank you, Mr. Speaker.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In this past election cycle there was a lot of talk about getting people off of welfare. I'm sure you all remember this, and I believe a lot of people promised that they were going to create greater incentives to get people off of these programs. It is with that in mind that I ask you all to consider today that to raise the minimum wage is just one important step in getting people off of these assistance programs, providing more stability for working families. Thank you.

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

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It has been quite an honor and a pleasure. I've served on what used to be known as the Labor Committee. Now it is – I have to think about it – Labor, Commerce, Research and Economic Development Committee. I certainly have appreciated the folks that I've served with this year on that committee and the chairs' help in getting us through the number of bills that we have worked through this year. Over the seven years that I have served on this committee, minimum wage has always been a biennial discussion and one that needs to be had, I believe, and I just wanted to bring a little bit of factual information into the discussion.

My good chair, Representative Prescott, of Topsham, did mention that Maine was one of the highest minimum wages in the nation. However, I think the more pertinent discussion and one that we've heard over and over, especially this year, and most recently in the paper, is how do we compare to our neighbors? How do we compare to New England states? How do we compare within our regional economy? I think that's a really important discussion.

Currently, Connecticut's minimum wage is \$8.25 an hour. It is \$8.25 an hour. Vermont is \$8.15 an hour and they have an annual CPI adjustment, not to increase greater than five percent I believe. So that's Vermont at \$8.15 an hour. Massachusetts is at \$8 an hour. Maine is at \$7.50. Rhode Island at \$7.40 an hour and, of course, New Hampshire is at \$7.25.

You know we hear and have heard so much this year about Maine being an outlier in this and an outlier in that and we need to kind of bring ourselves back in and not be an outlier, and yet with respect to the minimum wage Maine is not an outlier. When

you compare Maine to the New England states, Maine is in the bottom half of the states in New England with respect to the minimum wage. Now even with an increase as minimum as we're talking here – \$0.25 this year, \$0.25 next year – Maine is still not an outlier. Maine is right in the middle of the pack with respect to New England.

Over the past seven years I've heard from the folks who have always argued against adopting a higher minimum wage or are totally against a minimum wage at all. This is a jobs killer bill, that this is a bill that is going to shut down businesses. Well, you know but when you ask them specifically, which I did this year, name me specifically how many jobs, how many businesses have closed down because we've raised the minimum wage here in Maine to help raise people up, and they couldn't give me any specific examples. So I guess it just kind of shot their rhetoric down a little bit. I mean I like to deal with some factual information and I know there is a lot of rhetoric that is thrown around these halls and in the committee rooms, but they weren't able to provide me with any factual information this year with respect to businesses closing or jobs being killed because we were looking at the minimum wage.

Just one more point. I think our committee over the years has been respectful and receptive to what's happening in the economy and what's happening with businesses. In the 124th Legislature we decided not to vote for an increase in the minimum wage. So although we do deal with this issue on a biennial basis, I think it is an issue that we take very seriously in the Labor Committee and I think we weigh both sides of the coin, both sides of the issue before we come to a decision. It is not something that is automatic and I think that's been proved out from the previous Legislature. So I thank you, Mr. Speaker, and I hope you all can support this small raise in the minimum wage. Thank you.

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

Representative GILBERT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The minimum wage needs to be raised now to help people now. People like wait staff, retail clerks, home health aides, childcare workers, and fast-food workers. The current minimum wage doesn't buy two gallons of gas and the \$0.25 increase is not going to buy two gallons of gas either. Maine's economy will not come crashing down because we gave the lowest waged workers a \$0.25 an hour wage increase.

The minimum wage should acknowledge and reflect the rising cost of living. Thirty-four percent of Maine workers made minimum wage or slightly above in 2008. One of the best strategies for promoting growth through an economic downturn is to invest in its workers at the bottom of the economic ladder. It puts money in the pockets of low-income people who will spend it right away on basic necessities, giving a boost to the local economy. I ask that you support Maine's low wage workers and vote no on this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative FITTS: Thank you, Mr. Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative FITTS: In looking at the bill I see that there is no fiscal note or that all costs could be absorbed. It raises, to my mind, the question wouldn't those state workers that sit near the bottom of the scale, especially, see a pay increase as the minimum wage ramps up? And why wouldn't that have shown up in a fiscal note because everybody has indexed off something? As the state workers that are near the bottom see a minimum

wage increase, I would expect that they would also see a pay increase. Thank you, Mr. Speaker.

The SPEAKER: The Representative from Pittsfield, Representative Fitts, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative BERRY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I can't answer the question that was just posed through the Chair, but I can say that I would favor raising the wages of our public servants and I hope that we can consider that measure in the budget.

My concern and the reason I rise today is simply to point out the income disparity between the wealthiest and the poorest Americans and Mainers, which reached a record high in 2009 and has expanded since.

It is worth noting – and it hasn't been said yet today – that "the top 20 percent of American earners – those making more than \$100,000 annually - received 49.4 percent of all income generated in the country, compared with the 3.4 percent earned by those below the poverty line. That translates to a ratio of 14.5-to-1, up from 13.6 in 2008 and almost double the low figure of 7.69 recorded in 1968." I read this to you from the International Business Times in an article from last fall.

It goes on: "The U.S. income gap between rich and poor is the greatest among Western industrialized nations." And then it discusses the subject of taxes which, if you account for those, make the gap greater. That's right, greater, because the tax burden here in Maine and nationally is greatest on those at the lowest end of the income spectrum and secondarily on the middle class.

Here in Maine, according to Maine Revenue Services, those making under \$20,000 a year adjusted gross income, maybe closer to approaching \$30,000 in the actual take-home wages, under \$20,000 adjusted gross income are being taxed at a rate that is 38 percent higher than average. Right now in the State of Maine. This is combined state and local taxes, all in. Suggested for Circuit Breaker. Suggested for BETR. It includes sales, property, and income taxes. Thirty-eight percent higher than average and 40 percent higher than the effective rate applied to those making over \$118,000, which is the highest 10 percent of income earners here in Maine.

So when taxes have been brought up in this debate so far, I think it is important that we try to remember those statistics going forward because I don't sense that the unfair burden on Maine's working families, 38 percent higher rates than average, is really being taken into account here. And there are two ways to reduce the tax burden: One is to address the numerator, the other the denominator. This bill would address the denominator. If we care about what creates jobs, we should give money to those who will spend locally. If we care about what is fair to Maine's working families, we should certainly vote down the pending motion and vote for this bill.

A final observation: 3.3 percent is what a quarter would do to the wages. It would be a 3.3 percent adjustment upwards in wages. That's about where the consumer price index has been over the last few decades, and I think it is only fair that wages for those working Mainers who are at the lower end of the spectrum do increase at a rate that does keep up with inflation. We do not have adjustments for inflation built into our code as other states do and this would allow us to go forward. One quarter, 3.3 percent, is not too much to ask. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative BRIGGS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With all due

respect on both sides of the issue, for me, I can pretty much say I've been there and done that with a lot of things that have been discussed in this House chamber for the past few years that I have been a Representative. For me, this is a very personal issue as well. As I said, I've been there done that.

When I grew up my mother was divorced, many of us siblings at home. I graduated from high school, the main thing was to get out of the house to help my mother financially. I got married, had two young children right off the bat. Never mind thinking about being able to obtain a college education. That wasn't even discussed in our house. The main thing was we were able to at least get through high school. Getting married, having two young children right off, financially, was unbelievable. It was a wakeup call that I will never ever forget. I will carry those feelings, those life issues with me for the rest of my life.

For me today, this \$0.25 issue, to me, is not a big issue. The young kids today, they need to be able to at least even get a job, find a job, get a job. What this does is it builds their self-esteem, gets them out into the working world. Then they can finally say being out in the working world builds your self esteem, gives them the courage to look further into it. To look further into, geez, maybe if I am working I can go to college, maybe I can get an education, but I have to work through it.

To me, this issue just gives them that little bit of edge, that little bit of comfort, that little bit of financial stability for whatever little bit this \$0.25 is. Seven dollars and fifty cents right now times 40 hours a week is only \$300 a week. Today to live on that is not easy. I've been there and I've done that. Please help the young adults alike, including the seniors as well. They need it also. Please. Thank you, Mr. Speaker.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am an employer who employs people and I pay them the minimum wage. In fact, sometimes I pay them half that because they are my servers and many nights they leave with hundreds of dollars in their pocket, and I think, wow, that's strange, we should raise their wage. I do have plenty of other employees and I don't pay them the minimum wage. But I have to tell you, as an employer, I try to pay wages that are directly related to the employees' productivity. Thank you.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I realized that this bill is coming up today so I did some research last night and I will try to keep it as short as possible.

Professor Divounguy from Stanford is correct when he says businesses are not charities and they only create jobs when they think your worker will generate net revenue. Higher minimum wages, needless to say, are especially destructive for people with poor work skills and limited work experience. This is why young people and minorities tend to suffer most when we increase the minimum wage. This is exactly what we see in recent government data released on May 6, 2011 from the Bureau of Labor and Statistics, with the teenage unemployment rates now at an astounding and depressing 26 percent level and minorities suffering from a jobless rate of more than 15 percent.

Why do we want to hurt people with less working skills and less limited experience? You know as a personal experience when I was making minimum wage, one of the first options I got was to work overtime and that week I had, I believe, 71 hours. It was the biggest workweek ever. I got my paycheck and I wasn't

amazed about how little I was making and that was at \$3.75 an hour. I was amazed by how much was being taken out.

More importantly is this state considers people that are making \$19,000 in the richest income tax bracket, which is 8.5 percent. How can we say that the minimum wage is the solution to the be-all and end-all for people who are in the working class? It's not. It's not going to get people off welfare. As a matter of fact some businesses won't be able to afford to hire some more people because they are not going to be able to gain that revenue or they could take a loss.

We need to think about what we're doing. This has been used as a political football that comes up every year and it is just not right to be tinkering with this. It's not morally right, it's not economically right, and it's something that we need to really think about. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. I rise in opposition to this motion. I was not going to speak on this today, a famous line. But it seems to me that what's absent from this debate is a consideration of all of the help that Maine gives to businesses. It has been stated here that we, the government, should not be intruding upon business relationships. It was just said that we should not be tinkering in these kinds of business relationships, that businesses are not charities. If that's the case, why are there at least a dozen programs in our state that involve tax credits for businesses, that help businesses?

I will read some of them to you: The High-Tech Investment Tax Credit, the Seed Capital Tax Credit program, Tax Increment Financing, the Pine Tree Zone Tax breaks, the Business Equipment Tax Reimbursement, Employment Tax Increment Financing, Employer-Assisted Daycare Tax Credit, the Research Expense Tax Credit, Jobs and Investment Tax Credit. You can find all of these on the Maine Revenue Services website, Mr. Speaker.

These are all programs in which we have tinkered, if you will, or injected ourselves into the business environment in order to help businesses. I don't see why one program that attempts to help people at the lower end of the income scale should be vilified as tinkering in the business relationship when we do this every day for businesses in many different ways. This has been absent from our debate, Mr. Speaker. I think that pure fairness calls for us to raise the minimum wage this tiny amount in the face of the dozens of programs, Mr. Speaker, that we have that help businesses in this state. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand the problems that we face here, the human condition, I suffer from it. The desire for power and control.

A couple of years ago my wife brought a phrase up to me that I'd never heard called Munchausen by proxy. What it is is that a mother will keep her child sick so her child will need her. It never really resonated all that much to me until I showed up here and realized that a necessity for the nanny state is a sick population.

I am sitting here listening to somebody saying that if we give \$0.25 more to the worker they'll spend it. The implication being that the guy giving it won't. What is he digging, a hole in his backyard and putting it there? I don't think so. That's generally not the way that happens.

This is for the elderly, I'm told, and yet the cost of living allowance for Social Security has been frozen and the effect of raising the minimum wage will further drive up inflation. Exactly

how that is going to help the elderly, maybe somebody here can tell me? I have yet to get my mind around it.

We act as if what we do here hasn't even put us into the situation we're in. It is within our power to give people \$10 a week back at the drop of a hat. But no, because we suffer that human delusion of control, we have got to take it from them and then piecemeal it back where we think they need it and leave someone else to cover their back.

The SPEAKER: The Chair recognizes the Representative from Harrington, Representative Tilton.

Representative **TILTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to respond to some of the concerns that have been raised about minimum wage not keeping up with the cost of living and increases and people's lives.

I just wanted to remind the members of this body that in the private sector there is a phenomenon known as asking for a raise. It is within any worker's power and right to go to their employer and say "Good morning, Mr. Employer or Ms. Employer. My fuel costs have gone up. My medicine costs have gone up. I have worked here for awhile, I need a raise." It actually happens with some frequency I'm told.

The first question that the employer will ask, in that case, is "Can I recover the additional labor cost through the price of my product on this service?" That is the bottom line. "Will the customer pay more to support my additional costs of doing business?" The question he is not going to ask is "Do I have enough money in that bag buried in my backyard to cover this cost?" It actually has to come out of the end product, which the users of that product will pay for.

The second question he or she will invariably ask is "Can I afford to lose this person? Can I afford to train someone else to take their place? Are there other additional costs that I could avoid by giving this person a raise?" This is the way wages are elevated. People's quality of life is elevated by their own initiative and through the choice and the situation of the employer that they happen to work for.

So after considering these questions the owner may say "I just can't do it. My customers are pinched. I simply cannot raise my rates enough to cover your raise." He may say "No." He may say "Yes." But what he won't say is "I will not pay you more because the government won't make me." Thank you, Mr. Speaker.

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

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to respond to Representative Fitts from Pittsfield, I believe, and he had a question about state employees and how their wages would be impacted by an increase in the minimum wage.

My understanding is that state employees have the opportunity of collective bargaining and I would assume that the fiscal note would be based on whatever agreement they come with or are agreeable to within that process. So I'm not sure what impact us raising the minimum wage would have on state employees because they have a collective bargaining process which deals with wages. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise one more time. David Neumark, a professor and economist at the University of California—Irvine, has found that increasing the minimum wage does not reduce poverty. Rather for every 10 percent increase in the minimum wage, he estimates the poverty

rate increases by three to four percent, contrary to the rhetoric. Therefore, the people harmed the most by minimum wage legislations are precisely those it is intended to help, the poor.

Increasing the minimum wage may give some legislators great pride and win them votes, but it does not address the key issue of how to achieve economic growth, which is so important to this state currently. And it, as well, does not reduce poverty. Thank you.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support today's motion.

We talk about putting money back into the pockets of the citizens of Maine, but yet here is an opportunity to do it on the backs of the business owners. Instead of taking it off the backs of the state, we talk about tax this and tax that. You want to put money back in people's pockets? Stop raising their taxes. Think about how much you would put back in a person's pocket if you decreased their income taxes, okay?

There is a lot of things we can do at the state to help these folks get along, but yet here is an opportunity, and the policies of the past 20 to 30 years are putting it on the backs of the business owners and then putting it on the backs of the taxpayers. We have an opportunity to fix that here. We have an opportunity to fix that now. We can do it as a Legislature. Don't put it on the backs of the business owners. It is our responsibility to take care of these people. We can do it responsibly. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, just briefly in response to the good Representative from Pittsfield, Representative Fitts. I received a memo from the Maine MSEA. It says "Why should the MSEA care about minimum wage?" It says all of our members are paid above the minimum wage, but that wasn't always true.

In the late '70s, prior to negotiating our first collective bargaining agreement, there were state employees who were being paid a wage or below. Most recently our direct care workers were being paid \$7.71 per hour with no benefits. They joined our union because they were seeing their hourly rate of pay coming closer and closer to the minimum wage as their wages stayed static. Today our direct care members earn an average of \$9 per hour. While not minimum wage earners, the ripple effect caused by increasing the minimum wage will ultimately benefit them as well. Thank you, Mr. Speaker.

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

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't see this issue as black and white. In fact, listening to the discussion today I find, quite frankly, that we're underestimating the problem.

When I was younger, for example, back in the 1960s, and I made a grand total of \$2.25 an hour working at Old Orchard Beach, I found that I could buy a heck of a lot more back then than we can today. In fact, I recall being told by former Speaker Glenn Cummings that if the minimum wage of today matched the buying power of the late 1960s, it would be \$19 an hour, which seems to translate to me that we have a problem. If we are arguing between \$0.25 and the minimum wage should be \$19 an hour, that doesn't seem right, does it?

On the other hand we have to be sensitive to the needs of business. Perhaps you are right. Perhaps this is not a good time to adjust the minimum wage. I can grant that, I can see that. But the bigger issue is this, and this is where I am conflicted.

Everybody here, at one time or another, has said our duty is to keep our young people in Maine. Folks, how can we do that if our minimum wage is so low as compared to the 1960s, if our wages are so low, while at the same time we are trying to maintain the profit margins and the cost of business?

What I am saying, Mr. Speaker, is that we can fight forever about what the minimum wage is, but the bottom-line is this: Our kids are leaving the State of Maine and they are leaving because they don't make enough money here. So it is not just the minimum wage, it is the big picture too. Thank you.

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

ROLL CALL NO. 77

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Casavant, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Webster, Welsh.

ABSENT - Dion, Keschl, Wagner R, Wintle.
Yes, 77; No, 69; Absent, 4; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting Ought to Pass as Amended by Committee Amendment "A" (H-319) on Bill "An Act To Allow Independent Practice Dental Hygienists To Work within Their Scope of Practice" (EMERGENCY)

(H.P. 183) (L.D. 230)

Signed:
Senators:
RECTOR of Knox
MARTIN of Kennebec

Representatives:
PRESCOTT of Topsham
DRISCOLL of Westbrook
GILBERT of Jay
HUNT of Buxton
NEWENDYKE of Litchfield
TUTTLE of Sanford

VOLK of Scarborough

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

Signed:
Senator:
JACKSON of Aroostook

Representatives:
DOW of Waldoboro
HERBIG of Belfast
WINTLE of Garland

READ.
Representative PRESCOTT of Topsham moved that the House ACCEPT the Majority Ought to Pass as Amended Report.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative PRESCOTT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 230, the Majority Report, is simply a Resolve that the independent practice dental hygienists, which is a rather new position within the State of Maine that was passed by the former BRED Committee, what was wanted in this bill was for them to do radiographs in areas in need.

The committee came up with a very, what I would call, a very good compromise to do a Resolve for a two-year pilot that the board would oversee and the independent practice dental hygienists would be able to do radiographs in areas designated by the board, which would be in the rural areas of Maine. They do have to report to a licensed dentist within 21 days to interpret the x-rays and there would be a report back to the Labor, Commerce, Research, and Economic Development Committee by March 15, 2014. I urge you to support LD 230. Thank you.

On motion of Representative CURTIS of Madison, TABLED pending the motion of Representative PRESCOTT of Topsham to ACCEPT the Majority Ought to Pass as Amended Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1160) (L.D. 1577) Bill "An Act To Amend the Winthrop Utilities District Charter" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting Ought to Pass

(H.P. 164) (L.D. 187) Bill "An Act To Amend the Laws Regulating Dealers of Agricultural, Light Industrial and Forestry Equipment" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting Ought to Pass as Amended by Committee Amendment "A" (H-324)

(H.P. 406) (L.D. 523) Bill "An Act To Modify the Regulation of Fireworks" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting Ought to Pass as Amended by Committee Amendment "A" (H-328)

(H.P. 984) (L.D. 1343) Bill "An Act To Limit Interest Assessed against Municipalities" Committee on **STATE AND LOCAL GOVERNMENT** reporting Ought to Pass as Amended by Committee Amendment "A" (H-323)

(H.P. 1035) (L.D. 1409) Bill "An Act Concerning the Labeling of Maine Shellfish Products" Committee on **MARINE RESOURCES** reporting Ought to Pass as Amended by Committee Amendment "A" (H-321)

(H.P. 1106) (L.D. 1505) Bill "An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-325)**

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

There being no objection, the House Papers were **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**.

ENACTORS

Emergency Measure

An Act To Allow the Operation of Crematoriums at Oak Grove Cemetery and the Kelley Family Cemetery

(H.P. 230) (L.D. 286)

(C. "A" H-142; S. "B" S-131)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers

(H.P. 52) (L.D. 59)

(S. "A" S-122 to C. "A" H-72)

An Act To Discourage Illegal Dumping in the State

(H.P. 94) (L.D. 112)

(S. "B" S-113 to C. "A" H-97)

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.

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

CONSENT CALENDAR

First Day

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

(S.P. 211) (L.D. 722) Bill "An Act To Reduce Fines for Certain Trucking Violations" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-114)**

(S.P. 406) (L.D. 1309) Resolve, To Encourage Reciprocity between Maine and New Hampshire in the Reporting of Rabies Vaccinations by Veterinarians Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-141)**

(S.P. 464) (L.D. 1483) Bill "An Act To Amend the Sanford Sewerage District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-140)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

On motion of Representative TILTON of Harrington, the House adjourned at 12:12 p.m., until 10:00 a.m., Wednesday, May 25, 2011, in honor and lasting tribute to the Honorable Frank H. Farren, Jr., of Cherryfield.