

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

Gwadosky, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Hussey, Jalbert, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lisnik, Look, Lord, Manning, Marsano, Matthews, K.; Mayo, McGowan, McPherson, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Paradis, P.; Pines, Pouliot, Priest, Racine, Rand, Reeves, Rice, Richard, Rolde, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tardy, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Armstrong, Begley, Brown, Cashman, Chonko, Curran, Erwin, P.; Farren, Gurney, Hale, Holloway, Holt, Ingraham, Jackson, Joseph, Lebowitz, MacBride, Macomber, Mahany, Martin, H.; McHenry, McSweeney, Moholland, O'Gara, Parent, Perry, Reed, Ridley, Rotondi, Salsbury, Scarpino, Sherburne, Strout, D.; Tamaro, Willey.

ABSENT - Carter, Hillock, Jacques, Kimball, Murphy, T.; Paul, Small, Taylor, The Speaker.

Yes, 105; No, 35; Absent, 9; Vacant, 2; Paired, 0; Excused, 0.

105 having voted in the affirmative and 35 in the negative with 9 being absent and 2 vacant, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" and Senate Amendment "B" thereto in non-concurrence sent up for concurrence.

FINALLY PASSED

RESOLVE, to Create Dispersed Recreational Opportunities on Public Lands at Pineland (H.P. 1209) (L.D. 1650)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

SENATE DIVIDED REPORT - Majority (7) "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (S.P. 557) (L.D. 1667) - Minority (6) "Ought Not to Pass" - Committee on Labor on Bill "An Act to Amend the Municipal Employees Labor Relations Law" (S.P. 132) (L.D. 337)

- In Senate Majority "Ought to Pass" in New Draft under New Title Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-95)

TABLED - May 27, 1987 by Representative McHENRY of Madawaska.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" in New Draft under New Title Report.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report in New Draft under New Title Report and later today assigned.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Extend Maine's Bottle Bill" (H.P. 662) (L.D. 895)

- In House, passed to be engrossed on May 21, 1987.

- In Senate, passed to be engrossed as amended by Senate Amendments "A" (S-89) and "E" (S-94) in non-concurrence.

TABLED - May 27, 1987 by Representative ALLEN of Washington.

PENDING - Further consideration.

On motion of Representative Gurney of Portland, the House voted to recede.

Senate Amendment "A" (S-89) was read by the Clerk and adopted.

Senate Amendment "E" (S-94) was read by the Clerk and adopted.

Representative Gurney of Portland offered House Amendment "B" (H-199) and moved its adoption.

House Amendment "B" (H-199) was read by the Clerk.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: All this amendment will do is increase the handling fee paid by the distributor to the redemptor by one-half of a cent on wine cooler containers and wine cooler containers only.

I would request a division.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I move indefinite postponement of House Amendment "B."

I would urge you to vote with me for the indefinite postponement of House Amendment "B" and I would call to your attention the fact that this is an amendment regarding handling fees on wine coolers only. Currently, the handling fee for all other returnable containers is 2 cents -- this would make a special exception for wine coolers only of a half a cent difference to two and one-half cents. While that may be an issue worth discussing, I think it is inappropriate to amend the bottle bill in this manner at this time.

I would also call to your attention the fact that the committee did have a redemption bill in front of it this session and that bill was given a unanimous "Leave to Withdraw" by the committee. While there may be merit in discussing in the next session increasing handling fees on wine coolers and other returnable containers, I think it is inappropriate at this time to amend this particular bill in this way. I would urge you to join me and vote for indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, I would question whether this is germane at this time where this issue was addressed. As the Chairman of the Committee indicated we did, in fact, pass a "Leave to Withdraw" on a very similar type of bill. I would ask the Chair to rule on that please.

The SPEAKER: The Chair would advise the Representative from Lewiston, Representative Aliberti, since the amendment deals only with the issue of wine cooler bottles, that the amendment is germane. The fact that the bill has been defeated along the same lines for this session does not take precedence at this point. However, next session that would, in fact, be the case.

The pending question before the House is the motion of the Representative from Washington, Representative Allen, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 21 in the negative, the motion did prevail.

Subsequently, the House voted to concur.

The Chair laid before the House the third tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" - Minority (5) "Ought Not to Pass" - Committee on Labor on Bill "An Act to Increase the Minimum Wage" (H.P. 869) (L.D. 1170)

TABLED - May 27, 1987 by Representative DIAMOND of Bangor.

PENDING - Motion of Representative McHENRY of Madawaska to accept the Majority "Ought to Pass" Report. (Roll Call Requested)

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

Representative WILLEY: Mr. Speaker, Men and Women of the House: The minimum wage -- it seems like only yesterday that it was here before but I guess it has been three years and, low and behold, it is here again.

At the time we started, three years ago, we were on par with that of the federal government. In other words, \$3.35 an hour. The federal government is still at \$3.35 an hour while Maine has gone to the highest minimum wage of any of the continental United States, \$3.65 an hour. Alaska is at \$3.80 an hour, which is the only state that exceeds us.

I am sure you will hear from speakers that will say that the prosperity in the state that has been enjoyed in the last couple of years is due entirely to our high minimum wage. I don't think that is the case, since a number of other New England states have suffered even greater prosperity in the last few years and they did not increase the minimum wage.

I think Representative McHenry said yesterday, in the short time that he spoke on the bill, that it would be like pouring \$40 million or so into the state's economy and that it would, indeed, help the small employers. I can't, for the life of me, see how that is possible. In the first place, I don't know where the \$40 million would come from in that it appears none of us have a machine that makes money to turn out these dollars that are necessary to support it.

A good idea of what the thing may cost is the Report (H-188) that was put on your desks yesterday with a fiscal note saying that this year it cost the state \$96,000 and next year, \$292,000 and that, of course, will go up each year after that. The money has to come from somewhere and it comes from the consumer.

If an employer is forced to up the rates by 10 cents that he pays his employees, there is no place for that to come from but raising the cost of the products that he produces. Therefore, you are paying an extra cost for the same product, which results in inflation because you are having no extra production whatever, it is pretty much of a gratuity.

You might wonder about the unions position on this matter because the unions are very much for increasing the minimum wage. The reason you might wonder about it is because I don't believe there is a union around at all that has members that pay the minimum wage. I suggest that if they do, they ought to get another business agent because that simply is not the trend. The reason that they are for it is simply a floor, thereby an escalator, because everything is based on the minimum wage and it escalates in every pay scale from thereon up. Over a period of time, if you give the minimum wage people an increase of say, 8 percent, then over a year or two, that 8 percent eventually gets reflected in every pay scale on up through, including that of the

President. They maintain the same difference in these rates. As a matter of fact, in the discussion at the work session in committee, I offered to support the bill if it would be written in such a manner that the increase would be confined only to those who receive minimum wage and not be used as an escalator all the way up the ladder.

There are adverse effects on businesses, particularly businesses who manufacture products in this state and which must be sold outside of the state. They have a handicap in that respect and it is very difficult for them to compete against people in states where they sell their product who have a lesser minimum wage. This was brought out adequately in the discussions at the work sessions.

We are struggling mightily in this state and everybody has given it a lot of lip service for economic development. It is very difficult, I think, for this state to enjoy any amount of economic development when we have one of the highest workers' compensation costs in the nation and the highest minimum wage in the nation. That is very definitely a deterrent in this respect.

I have no intention of dragging this debate on because I am thoroughly convinced that, after being here a number of years, that 95 percent of us at least, had our minds made up before we come into this chamber. The decisions are made elsewhere.

I hope that this debate doesn't drag on for a long period of time because I don't think it will serve any useful purpose and I don't think very many votes would be changed.

I do sincerely hope that we defeat this bill. I would ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: At this time, we are discussing a people issue. To politicize this issue is to demean the issue itself. By so doing, the issue becomes larger than all of the people and all of the towns in all of the State of Maine. The issue then takes precedence over the people. That is wrong.

You would ordinarily expect a senior citizen of my years, a lifelong Republican, a third generation Republican, a real conservative, to be the last person in this room to stand up and speak strongly in favor of an increase in the minimum wage for the working people in Maine. I want to tell you that, neither age, political affiliation, or traditional philosophy can convince me that opposition to an increase in the minimum wage for the people of Maine is right, economically justified, or morally acceptable to me.

My friends have recounted what they thought was to my benefit all the old arguments that were used when the last three year minimum wage bill was passed by this body a few years ago. At that time, we were told that old business would flee the state, that new business would look elsewhere for a new home, that financial ruin would occur, that businesses would fail and there would be a tremendous loss of jobs. You know what happened as well as I do -- the sky didn't fall, the world didn't come to an end and we have more people working today than we did when that law was first passed, several years ago.

They tell us if we lift the bottom of the pot, the whole pot will rise and my answer to that is, so what if it does? They bemoan the spiraling effect and they say that disaster will follow, this escalation, and that all this will be a deterrent to business, both old and new. I say to you, that a 10 cent increase in the minimum wage to the working people at the bottom of the economic ladder won't be