

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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TWITCHELL of Oxford

Representatives:

CASHMAN of Old Town
DAY of Westbrook
HIGGINS of Portland
INGRAHAM of Houlton
JACKSON of Harrison
KANE of South Portland
KILCOYNE of Gardiner
MASTERMAN of Milo
MCCOLLISTER of Canton

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

Signed:

Senator:

WOOD of York

Representative:

ANDREWS of Portland

Reports were read.

On motion of Mr. Higgins of Portland, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for Second Reading later in today's session.

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

Orders

On motion of Representative Jacques of Waterville, the following Joint Resolution: (H. P. 1866) (Cosponsors: Representatives McGowan of Pittsfield, Wentworth of Wells, and Speaker Martin of Eagle Lake)

JOINT RESOLUTION IN TRIBUTE TO THE HONORABLE ANTOINETTE C. MARTIN OF BRUNSWICK

WHEREAS, the Members of this Legislature have learned that one of the crown jewels in its midst is concluding her legislative career at age 74; and

WHEREAS, the grand character and personality of this charming gem truly personifies the title of gentle lady; and

WHEREAS, as a "country girl" she knows animals and that "while a fox is a fox and a wolf is a wolf and a bear is a bear, man can be a lamb today, a wolf tomorrow, play dove in the morning and a hawk in the evening, talk like a parrot or be mute as a fish;" and

WHEREAS, being from the old school and a skilled politician, she can stand her ground; for, as even the most powerful of leaders have found, the only way to fight her is with a hat—and that is to grab it and run; and

WHEREAS, her dedicated public service for the past 10 years may, in the grand scheme of things, seem a minor courtesy bestowed upon the State but, "courtesies of a small and trivial character are the ones which strike deepest in the grateful and appreciating heart;" now, therefore, be it

RESOLVED: That We the Members of the 111th Legislature of the State of Maine, now assembled in Second Regular Session, take this opportunity on the eve of her retirement, to pay this tribute to the Honorable Antoinette C. Martin, Representative from Brunswick, and to express our thanks for the many spiels she so nervously delivered, for hitting the nail on the head so many times and for the "bear facts and the buck fever," to mention a few, and to wish her well and Godspeed on her forthcoming retirement; and be it further

RESOLVED: That the Clerk of the House prepare a suitable copy of this Resolution for presentation to "Toni," in token of our esteem for a dear colleague.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House and even the Pages because they are my friends and I love every one of them, I haven't got any words to say. I just want to thank you and I had 10 beautiful years here. Outside of my married life and my children, these have been the 10 most beautiful years of my life and I have learned a lot. I think that everybody in this state should have a chance to come here

to see how we work and then they wouldn't complain so much and they wouldn't gripe so much. It is true, I think if they understood the process, they wouldn't have so much to say. I gripe myself, I think it is slow, I have been waiting for a bill all afternoon and it hasn't come out yet. I know I will go home in the dark if I have to wait for it but I am going to wait for that one bill because that is the last good deed I am going to do for a long time.

I thank you all and I think it has been great working with you. I noticed that out of our class, there is only about five of us left, two ladies and we are both going out at the same time. MacEachern is one of them that came in with us; Mr. Cox was one of us; Don Hall and even our dear friend down there—only he has got an "R" behind his and we all have a "D" behind ours.

Thank you all very, very much. (Applause, the Members rising)

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

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

Passed to Be Engrossed

Bill "An Act to Equalize Taxation of Aircraft" (H. P. 1869) (L. D. 2471)

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

Mr. Higgins of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-731) was read by the Clerk and adopted, the Bill passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

Finally Passed Emergency Measure

RESOLVE, to Amend the Law Concerning Authorization for the Public Advocate to Intervene in Workers' Compensation Proceedings Before the Superintendent of Insurance (H. P. 1868) (L. D. 2470)

Was 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. 105 voted in favor of the same and 11 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the floor.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Increase the Minimum Wage to \$3.55" (S. P. 835) (L. D. 2236)

—In House, Minority "Ought Not to Pass" report of the Committee on Labor read and accepted on April 10, 1984.

—In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-410) in non-concurrence.

Pending—Further Consideration.

On motion of Mr. Martin of Eagle Lake, the House voted to recede.

The same gentleman offered House Amendment "C" (H-734) and moved its adoption.

House Amendment "C" (H-734) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Members of the House: I don't think there was an issue during this session or for that matter last year which has caused more problems than this particular issue. For a moment I would like to tell you why I think that is so.

The amendment that I am offering under House Amendment "C" is no magical solution. I suspect that part of the problem and why we are where we are today is caused by many factors and there are many members of the House from both parties who are truly concerned about the impact of minimum wage on both sides of the issue. No one, I think, has the answer or can be sure what that answer is. To some degree we are hoping that we know what we are doing is correct.

Some members of the House are concerned about driving businesses outside of the state; some members are concerned about the salary that people are taking home, those people in particular on the lower echelon of the economic scale who are at minimum wage, a group of people in our state who do not receive an increase and never have received an increase except through the state legislature or through the national congress.

There are many people who are voting on this issue that are not voting on the issue of minimum wage at all. It is caused by all kinds of factors and it is caused on legislation that is pending or was pending during this Special Session or this Second Session or during the Regular Session of last year. There are people who were concerned that were pressured by both sides, whether it be by the employers or by the labor unions or by people who were in favor of a fish and game bill, of ethanol or whatever the issue was, and so what happened, I think, in part because the bill came in late for whatever reasons and I think there is enough responsibility to be shared by most everyone, including myself, it creates a problem for us at this time of the year, at this time of the session.

There is not a member of this House of either party who can say that I have asked them to vote for this thing or else; there is no member of my party that I have threatened or twisted their arms, and I have made the decision to offer this amendment finally, after realizing what would happen if nothing happened.

Earlier today I tried to think of all kinds of possibilities of things that we could present, including doing for the working men and women of Maine the same thing we had done for the business community of Maine dealing with tax conformity—the possibility of a study committee and then that would go into play. If the study committee reported favorably, minimum wage would then be triggered.

There was a possibility, perhaps, of it being based on the CPI, which has been suggested before; some people suggested the possibility of tying it to a state contract and the increase that state employees would get and that ought to be the state average.

I think it is fair to say that every thought that anyone has had I have listened to, because I didn't know what the right answer was. There are some people in this House from both parties who firmly believe that the minimum wage should not be increased at all now, tomorrow, next year or forever, and that the increase in the minimum ought to occur—ought to occur—in the national congress. I understand that position but I also reject that position. I reject it, I guess, in part because I, even though a Democrat, am a state's righter, sometimes sick of what the national congress does whomever controls it, that the reason in the thirties that the national congress took over all this control from the states was because the states abrogated their responsibility, and feel that that is not something that we should do.

There are some people in this House who firmly believe that an increase ought to be given, but not sure when. The gentleman from Mt. Desert, who is not here, came earlier today and suggested a possible solution, tying it with the unemployment rate. Not a bad idea if you could figure out a way to make it work because it might be something that would work in the future.

I think a number of people in this House have

tried to figure out solutions as to how we might resolve this issue, because I think to the vast majority of the members of this House, regardless of party, there is a true understanding about the fact that people cannot live on the minimum wage. Some people would argue that people are on minimum wage because of their lack of education, their lack of desire to move forward in society, or their lack of whatever. Well, I know that in those areas, those people that represent the mill communities, that if mills were not located in places such as Westbrook and Baileyville and Millinocket, the salaries would be substantially different than they are now, because if there is one industry that has carried its freight, it has been the paper industry. They have been the backbone of this state both in creating jobs and in leading the way for people's salaries.

With all that in mind, I tried to figure out a couple ways to handle this. There are two amendments that were distributed to you. One called for 10 cents this year, or I should say this coming January, and the other called for 10 cents the following January. House Amendment "C" calls for an additional 10 cents in the third year, and you may ask why. That is certainly more than what the President of the Senate put in over a longer period of time—why 30 cents over the three years rather than 20 cents in January?

Let me tell you a little reasoning as to why it is where it is, not my words but the words of others who have come to me. What the 30 cents does in effect is set a state policy over the next three and a half years, because if there is one thing that the business community said—plan, we need time to implement whatever it is you are going to do. There are some people in the business community who want to plan by making it zero; I understand that. There are others in the business community who have every desire to also pay their people what they are worth, and what this does is, it handles it not for one year this session but for a couple of sessions, a couple bienniums, perhaps, unless the federal government eventually takes action.

To be realistic, knowing the policy of the present administration, without being political, they have indicated that they do not intend to introduce an increase in the minimum wage at this time. I would suspect that if odds are correct and my friends on the other side of the aisle are correct, that their candidate for President will be reelected, without my help of course, and I understand that, but I also have a responsibility to those people that I represent, that we are responsible for here in Maine, to see if we can be of assistance. That is why the amendment is drafted the way it is, not in a way to get more over a longer period of time because what we are doing, this 30 cents, will be quickly eaten up in inflation. But I can guarantee you this, that what they get out of this is better than zero.

Those are the options. Unfortunate as it may be, I think that is where we are today. I know that many of you would have liked, perhaps even I, and I think my thoughts were issued many months ago, that this issue would have disappeared from this session. It did not and it has not and it is before us, and we have a responsibility and a duty to now face it even though it may not be what we would like to do.

So, I suspect from both sides of the aisle, both positions where we were, that no one is happy, and if that is true, then let me suggest to you that perhaps it is a decent compromise that is worth voting for. I would ask you to consider that before you cast your votes today.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Robinson.

Mrs. ROBINSON: Mr. Speaker, Ladies and Gentlemen of the House: Although I serve on the Labor Committee and signed the "ought not to pass" report, I have stayed out of the debate so far this session because I felt that we thoroughly aired this issue and debated it long enough last year. I feel that in the past couple days we have also thoroughly aired this issue, and so I would

urge us to get on, cast our vote, and I would ask for a roll call.

A roll call has been requested.

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

At this point, Speaker Martin resumed the Chair and Representative Gwadosky of Fairfield returned to his seat on the floor.

The SPEAKER: The pending question is on the motion of Representative Martin of Eagle Lake that House Amendment "C" be adopted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

Mr. SWAZEY: Mr. Speaker, I request permission to pair my vote with Representative Connors of Franklin. If he were here and voting, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Gauvreau.

Mr. GAUVREAU: Mr. Speaker, I request permission to pair my vote with the gentleman from Mt. Desert, Mr. Zirkilton. If he were present this evening, he would be voting nay; if I were voting, I would be voting yea.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Telow. If he were present and voting, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Tammaro.

Mr. TAMMARO: Mr. Speaker, I request permission to pair my vote with the gentleman from East Machias, Mr. Randall. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, I request permission to pair my vote with the gentleman from South Portland, Mr. Kane. If he were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, I request permission to pair my vote with Representative Benoit of South Portland. If she were here, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, I request permission to pair my vote with the gentleman from Brunswick, Mr. Livesay. If he were here, he would be voting no; if I were voting, I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Cape Elizabeth, Mrs. Masterton. If she were here, she would be voting no; if I were voting, I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPherson: Mr. Speaker, I request permission to pair my vote with the gentleman from Westbrook, Mr. Carrier. If he were here and voting, he would be voting yes, and I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, I request permission to pair my vote with the gentleman from Biddeford, Mr. Racine. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Cote.

Mrs. COTE: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Mr. Baker. If he were here, he would be voting yea; if I were voting, I would be voting nay.

The SPEAKER: The pending question before the House is on the adoption of House Amend-

ment "C". Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 489

YEA—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cox, Crowley, Diamond, Erwin, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Macomber, Mahany, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Moholland, Murray, Norton, Paradis, P.E.; Paul, Perry, Reeves, P.; Rolde, Rotondi, Stevens, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Conary, Cooper, Crouse, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Kiesman, LaPlante, Lebowitz, MacBride, Manning, Masterman, Matthews, K.L.; Maybury, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Pines, Pouliot, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—MacEachern.

PAIRED—Baker-Cote, Benoit-Perkins, Carrier-McPherson, Connors-Swazey, Gauvreau-Zirkilton, Kane-Soule, Livesay-Mitchell, J.; Masterton-Nadeau, Nelson-Racine, Randall-Tammaro, Richard-Telow.

65 having voted in the affirmative and 63 in the negative, with 1 being absent and 22 paired, the motion did prevail.

Senate Amendment "A" (S-410) was read and indefinitely postponed.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "C" in non-concurrence and sent up for concurrence.

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

Reports of Committees

Ought to Pass in New Draft

Representative Kilcoyne from the Committee on Taxation on Bill "An Act Providing for Administrative Changes in Maine Tax Laws" (H. P. 1747) (L. D. 2301) reporting "Ought to Pass" in New Draft (H. P. 1871) (L. D. 2473).

Report was read and accepted the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed and sent up for concurrence.

Ought to Pass as Amended

Representative Jackson from the Committee on Taxation on Bill "An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems" (H. P. 1831) (L. D. 2432) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-732).

Report was read and accepted and the bill read once.

Committee Amendment "A" (H-732) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-733) on Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) (H. P. 1802) (L. D. 2394).

Signed:

Senators:

WOOD of York