

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

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SECOND CONFIRMATION SESSION

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November 28, 1988

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

(10-9) An Act to Create a Uniform School Unit Budgeting Process (H.P. 1740) (L.D. 2386) (C. "A" H-517)

(10-10) An Act to Add a Hemophiliac to the Committee to Advise the Department of Human Services on AIDS (H.P. 1771) (L.D. 2424) (C. "A" H-514)

(10-11) An Act to Provide for a State Trademark for Maine Products (H.P. 1880) (L.D. 2572)

Were 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.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

An Act to Create a State Capitol Commission" (S.P. 966) (L.D. 2563)

TABLED - March 28, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-531) - Committee on Transportation on Bill "An Act to Provide the Capability to Assess the Impact of Overweight Trucks on Maine Highways" (H.P. 1751) (L.D. 2400)

TABLED - March 28, 1988 by Representative CARTER of Winslow.

PENDING - Motion of Representative MOHOLLAND of Princeton to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Carter of Winslow, retabled pending the motion of Representative MOHOLLAND of Princeton that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

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

An Act to Reform the Pharmacy Laws (Emergency) (S.P. 963) (L.D. 2555) (S. "A" S-349)

TABLED - March 28, 1988 by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

On motion of Representative Allen of Washington, under suspension of the rules, the House reconsidered its action whereby L.D. 2555 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-546) and moved its adoption.

House Amendment "A" (H-546) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds (H.P. 1638) (L.D. 2237) (C. "A" H-476)

TABLED - March 28, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Carter of Winslow, was recommitted to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

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

Bill "An Act to Revise the Energy Building Standards Act" (S.P. 93) (L.D. 247)

- In House, Bill and accompanying papers indefinitely postponed on March 21, 1988.

- In Senate, Majority "Ought to Pass" in New Draft Report of the Committee on Energy and Natural Resources read and accepted and the New Draft (S.P. 958) (L.D. 2539) passed to be engrossed as amended by Senate Amendment "B" (S-352) in non-concurrence.

TABLED - March 28, 1988 by Representative JACQUES of Waterville.

PENDING - Motion of Representative HOGLUND of Portland to Recede and Concur.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative HOGLUND of Portland that the House recede and concur and later today assigned.

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

An Act to Increase the Minimum Wage (H.P. 1887) (L.D. 2582)

TABLED - March 28, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move that the Bill and all accompanying papers be indefinitely postponed.

I feel compelled to rise this morning to speak on an issue that has ultimately become a moot point.

My simple statement will be in stark contrast to the larger statements that this House will be making this morning. If nothing else, this legislature has been consistent in the message that it sends to our business community. We are continually passing legislation that makes it more difficult for our businesses to survive. Our current economic prosperity can be directly tied to the employment opportunities that our small businesses have provided. Yet, this bill, seemingly innocuous in scope, would provide only \$4 extra per week for people on a 40 hour work week.

I ask you, who does this help and who does this hurt? It hurts those who would have been offered jobs by businesses, but these businesses found it no longer economically prudent to create these new jobs. A ten cent increase in our state's minimum wage is not in and of itself going to cripple our businesses. But the cumulative affect of like legislation will surely deter future potential business growth. When are we going to have the courage to teach our constituents business education?

We have become the hesitant parents who are afraid to teach our children sex education. Instead of telling them where babies come from, we skirt the issue and don't give a straight answer. When are we finally going to tell the people where jobs come from? They come from businesses that are willing to take a chance and provide goods or a service. Let's work toward creating jobs.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: Quite frankly, the gentleman's motion to indefinitely postpone the bill surprised me somewhat. I knew the gentleman had some concerns about the bill but I didn't think his concerns were so great that he didn't want to see this issue pass.

Everyone here has gone through the battle over the proposed minimum wage increase. Those who were here in 1984 remember it full-well and understand how difficult it was to deal with that at that time.

At that time, Maine was considering becoming what in effect would have been the state with the highest minimum wage in the country. At that time, there were all kinds of prophets of doom who said that our proposed increase would have a devastating effect on business, would cost people their jobs, would send a negative signal to businesses inside Maine and outside of Maine and, in effect, be disastrous for the state's economy.

Many of those arguments were just presented by the gentleman from Paris in his testimony on the floor. I think it has become clear that the track record shows that those prophets of doom were wrong.

If you look at what has taken place in Maine since 1984, all evidence points to the contrary. Our unemployment rate has been cut by a third. Per capita income in Maine is up by \$2,000 per person. Businesses aren't turning away from Maine, they are entering into Maine in a rate that has forced us to look at the problem of growth management and the problem of growth that is coming too fast.

There were a lot of people, when we debated this issue, who were concerned about the impact on businesses and some, as the gentleman suggested, implied that we would be sending a negative message to business and that, in fact, we would be hurting business. He words were, I believe, "It would make it difficult for businesses to survive." Well, this is a survival issue, although the survival question deals more with the people who have to work for minimum wage, the lowest wage allowable by law, rather than the businesses themselves.

The proposal that I introduced called for a 20 cent increase next year and a 20 cent increase in 1990. I think that is a reasonable request. Others felt it was a reasonable request. However, it became clear that some, not in this body, would prohibit that from becoming law. As a result, we came up with a compromise that all on the committee felt was acceptable. Not all of us were thrilled or jumping for joy about the fact that the proposal has been cut from 20 cents a year increase to 10 cents a year increase but we figure that half a loaf is better than none.

Overall though, it gives us some sense of vindication, if you want to call it that, that what we have put together and proposed to this body for enactment today is going to have a positive impact on the estimated 35,000 men and women who earn minimum wage in Maine, 35,000 men and women, many of whom with families to support on what amounts to a take-home wage of \$125 a week.

Those of you who had the courage to support this issue last year should feel that this is a vote of reaffirmation. The courage you showed in supporting this in light of or in face of a possible veto at that time is to your credit. Now, you will have a chance to pass a bill that, in effect, reflects that very bill that was vetoed last year. It is to your credit that you provided that support last year and I am hoping you will be willing to do so again.

For those who voted against it last year, you have an opportunity for reconciliation, an opportunity to correct the vote you cast last year and to do something positive for those 35,000 men and women in a way that is not going to discourage businesses from expanding here, that is not going to cost anybody his or her job, that is not going to have a negative impact on the state's economy. What it will do is have a positive effect on a number of people without imposing any detrimental impact on the people of Maine.

I think the proposal before us is a reasonable one. It may not be all that we want, but it is a step in the right direction.

Yes, ten cents an hour may see a pittance in comparison to some of the raises given by the corporations that we read about every day and in comparison to the proposal being discussed in Washington right now. However, in light of the fact that those in Washington don't believe that a federal minimum wage increase will pass this year or a federal minimum wage increase will not be signed into law this year, then I think that the ten cents we are offering right now is the only hope for an increase over the minimum wage that the people of Maine can expect.

I would ask you to defeat the motion to indefinitely postpone this bill and give a strong vote of confidence toward this bill and send it down to the other body.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I think we are hearing on the debate on this bill and the other bills that have preceded this in terms of the minimum wage that, no matter where a Representative finds him or herself on the issue, everyone in this body cares very deeply about Maine working people.

The multiple hearings on this bill and other bills has helped, I think, open our eyes in terms of getting that information that we need in terms of Maine working people. We are very quick to point out, in terms of per capita income, we are very quick to point out our manufacturing average, manufacturing wage, but when the hearings began, the number was that there were 100,000 Maine workers on minimum wage, that declined to 50,000 and now down to 35,000. I think everyone one on both sides of the isle here today hope that that kind of dramatic drop continues or accelerates.

In a previous speech dealing with a previous bill, I had expressed two major concerns. One, that we felt that the Congress was going to move on this issue, that the Congress before it went home this Fall, would make a change in the minimum wage on a national level. It had also expressed the concern of the State of Maine with its minimum wage being out of sync with other New England states or other regions. Well, we have had a chance to watch the U.S. Congress whose basic responsibility is to pass a budget and we saw their inability to pass a budget. We also saw this year, in January and February, when \$100 million worth of military aid came from the Soviet Union and Eastern Block countries that Congress could not pass a humanitarian budget for the freedom-fighters in South American or Central America. So, I am a little concerned about the ability of the Congress to meet its obligations.

I support this bill to make sure that Maine workers in January will have that increase. I have to praise the Labor Committee in terms of the work they did in making sure in the second year that we remain competitive with the other New England

states. So, while there have been partisan clashes in that committee that have spread out here to the floor, I need to praise that committee in terms of when they do come together and work in terms of the interest of Maine working people, we do have positive, constructive results.

I still have the same concerns that I had before, that if we pass this minimum wage and pat ourselves in the back and then bury our head in the sand and say that we have done all that we need to do, then we have hurt the working people of Maine. Much more needs to be done to open up the doors of opportunity for working people. We have seen in the southern part of the state what a tight job market can do. We have seen businesses that used to be minimum wage -- because the unemployment rate is down under two percent or one percent, with a starting salary, probationary salary is \$5 or more, and fringe benefits are attached. That should be our goal, that that same type of tight job market that exists in York and Cumberland County should exist in every county within this state because the workers will gain in terms of the opportunity, in terms of salary, not minimum wage, but well beyond that.

I think we can take a great deal of pride in terms of together what we have accomplished. We have seen the job opportunity zones awarded and we are going to work in a constructive way to bring those same kinds of opportunities to other regions of the state. We have consolidated our economic development programs under one director, one leader, in an effort to bring jobs and improve jobs here in the state. But, if we are really concerned about the working people of Maine, in addition to the positive action we will take here today, we need to be looking to make sure that we have the courage in an election year to vote the education dollars for the University of Maine system, for the VTI's, for local education and adult education. We also have to ask ourselves, do we have the courage because those of you from northern, central, and eastern Maine know that roads and bridges mean jobs, will we have the courage here as well in an election year to address that issue of roads and bridges for Maine's future and the jobs that will follow? Will we have the courage to support the retraining programs? Every study we have seen, every trip we take, we know that Mainer's, many of them, are not equipped or ready for the jobs of the future and will we have that courage to support those programs? Will we have the courage to support a bill called ASPIRE, which talks about breaking the cycle of welfare, the bonds of welfare? So much remains to be done, ladies and gentlemen. We only have four weeks remaining and maybe we need to set some goals for the next legislature that, no matter where this minimum wage, whether it is enacted here on the state level or on the federal level and whether it is \$3.75, \$3.85 or more, that some time in the future when we come together and we study those lower wage levels here in Maine, that someday we may find that we don't have one Maine worker currently employed at minimum wage.

Representative Hanley of Paris withdrew his motion for indefinite postponement and requested a roll call on enactment.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn. Representative HICHBORN: Mr. Speaker, Men and Women of the House: There is a saying "what goes around, comes around" and I think that we have seen a good example of this this morning.

A year ago, I stood here and spoke in favor of an increase in the minimum wage and it is gratifying for me to hear one word from the good gentleman from Bangor and that word was "vindication" because it seems to me that those who thought that my vote was wrong last year have so many kind words to say in expressing their concern for the working people in Maine.

I have only one regret this morning as we vote and that is that we can't vote for 20 cents instead of 10 cents because my feeling is that the passage of the increase some years ago, known as the 10-10-10 plan, reduced a number of people at the bottom of the economic ladder from 100,000 down to 50,000 and then to 30,000 -- maybe if we could increase that amount by 20 cents instead of 10, it might enable the last 30,000 to get up the ladder one more step.

I hope you vote to pass this bill.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 228

YEA - Aliberti, Allen, Anderson, Baker, Begley, Bickford, Bost, Boutillier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Conley, Cote, Crowley, Curran, Daggett, Davis, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foster, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Kilkelly, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Rice, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Sherburne, Simpson, Smith, Soucy, Stevens, A.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Bailey, Bott, Dexter, Garland, Hanley, Hillock, Holloway, Kimball, Scarpino, Seavey, Small, Stanley, Webster, M..

ABSENT - Anthony, Armstrong, Coles, Dellert, Foss, Ketover, Marsano, Melendy, Mitchell, Nadeau, G. G.; Reeves, Ruhlin, Salsbury, Stevens, P..

Yes, 123; No, 13; Absent, 14; Vacant, 1; Paired, 0; Excused, 0.

123 having voted in the affirmative and 13 in the negative with 14 being absent and 1 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Representative Carter moved that the House reconsider its action whereby Bill "An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years" (H.P. 1594) (L.D. 2180) which was passed to be engrossed as amended by Committee Amendment "A" (H-510) and House Amendment "A" (H-519) in the House on March 24, 1988. Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-519) and the House voted to recede and concur.