

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

will be effecting businesses that we already have, because we started years ago taxing video rentals, we already tax in another way.

In an ideal world, actually, the solution to this would hurt Maine Municipal even more, because the solution is to sales tax all rentals. That would be a consistent tax law, but this is not the year for that. That obviously won't help municipalities out with the tax on personal property. I am going to do something that I hope you will never see me do again. In my 10 years here, this is a first and I sure hope it is the last. I am going to encourage you, because somebody has asked for a roll call, to vote opposite my light in this case. This amendment is not drafted in an appropriate way and this is a vehicle to make a statement about what we are doing to municipalities.

I think what we are doing to municipalities is still true, but I can tell you that this fixes a problem without creating another. I sure hope this is a first and a last, but I am going to encourage you, this one time, not to vote with me.

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. 138

Representative GUERRETTE of Pittston was excused from voting pursuant to House Rule 19 and Joint Rule 10.

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Birney, Brennan, Bunker, Cameron, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gould, Green, Greenlaw, Hartnett, Hatch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Murphy, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, M.; Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Watson, Wheeler, Whitcomb, Winglass, Winsor, The Speaker.

NAY - Dore, Gerry, Luther, Morrison, Nadeau, Richardson, Saxl, J.; Shiah, Volenik, Winn.

ABSENT - Bouffard, Buck, Campbell, Goolley, Heeschen, Kilkelly, Stevens, Truman, Vigue, Waterhouse, Yackobitz.

Yes, 129; No, 10; Absent, 11; Excused, 0.

129 having voted in the affirmative and 10 voted in the negative, with 11 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders

of the Day and continue with such preference until disposed of as provided by Rule 24.

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

Resolve, to Improve Postsecondary Education in the State (EMERGENCY) (H.P. 361) (L.D. 481)

TABLED - June 6, 1995 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - Passage to be Engrossed.

Representative MARTIN of Eagle Lake presented House Amendment "A" (H-390) which was read by the Clerk and adopted.

The Resolve was passed to be engrossed as amended by House Amendment "A" (H-390) and sent up for concurrence.

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

Bill "An Act to Increase the Minimum Wage in Maine" (H.P. 108) (L.D. 143) (C. "B" H-67)

TABLED - June 1, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Adoption of House Amendment "B" (H-342) to Committee Amendment "B" (H-67).

Representative CARLETON of Wells moved that House Amendment "B" (H-342) to Committee Amendment "B" (H-67) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Thank you Mr. Speaker. This bill relates to the minimum wage that we have debated and decided once. The House Amendment that is being proposed here would raise the minimum wage to \$4.60 an hour in a year and to \$4.95 the year afterward. The minimum wage proposal that we have already discussed and dealt with at length would have raised the minimum wage to \$4.60 an hour and \$5.00 an hour the year after. The difference between the two is 5 cents an hour. While we disagree, all of us, in good faith on the minimum wage, I think that we can agree that we all want to get on with our business and go home. I don't think it helps us to go back and debate and redebate issues which have already been decided. In that spirit, I hope that you will vote for the motion to indefinitely postpone this amendment so that we can get on with our other business. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House: I hope that you will vote against this motion to indefinitely postpone. I would like to share briefly with you some remarks. The saying has been said that Maine is on the move. While we all hope this is indeed true, there is a distinct possibility that some of our working people are being left behind. While the state itself in business, in particular, seems to be gaining some of the forward momentum that the rest of the country has been seeing. For 20,000 or more Mainers, this is not true. There is a problem, folks, in the life of our working people in this state. They have not seen any adjustments to their pay since 1991, count that, it is five years.

Right now being distributed among you are papers showing that over the course of the last 14 years the corporate payment to executives have gone up somewhere in the range of 300 percent, while wages have remained at a very unstable low, a little bit

over 13 percent. These people are not represented by organized labor or employed by good industries who pay wages far in excess of minimum wage. These people are not only students, which account for less than 20 percent of the total minimum wage earners, of the remaining 80 percent, many are parents and of that total approximately 67 percent are women working to support children. We are also paying out of our own tax dollars, food stamps and other government support programs to support these people who are only earning minimum wage.

Misconception number 2. Minimum wage is a training wage. In fact, only a few industries and retail stores, in my area, begin people at minimum wage. Most pay in excess of \$5 an hour. Think about it folks, how many people do you know go in at a minimum wage of \$5 an hour and that is supposed to be a training wage.

Misconception number 3. All businesses are against the minimum wage increase. That is not true. Think about it. Who has been down here lobbying? Have you seen any paper industries? You won't find them, I'll tell you. They pay far in excess of a minimum wage and they are not worried about losing workers to a minimum wage payer.

Misconception number 4. An increase in wages would stop economic growth and we would be paying more than any other New England state and that is not true. Vermont currently is paying \$4.50 an hour and will go to \$4.75 an hour in January of 1996. Rhode Island has voted to increase it's minimum wage, as has New Hampshire.

In closing, recent surveys done in my area show that 70 percent or more of the people polled were in favor of a minimum wage increase. Ask yourself, do you want your sons and daughters working for under \$5 an hour. This current gasp is another attempt to get a minimum wage passed in the House. Yes, it only reduced it by 5 cents, but it is still under \$5 an hour. I think our workers deserve at least that, if not more. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, regret the necessity of debating this issue again. I think that the reference to corporate executives getting a 300 percent raise really has very little bearing on what takes place in the State of Maine. In some of the information that was provided to our committee, we found out that 58 percent of our businesses employ five or less people. For many of these small businesses, these are the ones who start people out at the minimum wage.

I would also like to point out that the average minimum starting wage in the State of Maine was given to us in a report about two months ago to be \$5.37 an hour. I would also like to point out that if the minimum wage in Maine should increase and would take effect somewhere around 90 days after the close of the legislature, that you can rest assured that all the prices would go up at least equal to or greater than the percentage that is being proposed in this amendment. A Maine study done for Governor Brennan in 1984 still holds true if you follow the other research that has been done since then. Any increase in the minimum wage of 30 cents results in the loss of 6 or 7,000 jobs.

The information which indicates that minimum wage has no impact or does not create any loss in jobs is

done in surveys of the fast food industry. I would like to point out that in Maine the bulk of these small employers do not operate fast food industries. They operate small businesses that are trying to struggle with the increases in workers compensation, unemployment compensation and the multitude of other bills that have been forced on them by this legislature and by the government in Washington, D.C. I think that we need to also take into consideration the fact that despite the fact that people want to discount the so-called ladder effect. It is very much a reality.

The increase of this minimum wage in two steps will cost us 6 to 7,000 jobs in the first year and an additional 6 to 7,000 jobs the next year. I don't believe that we can afford to lose 14,000 jobs in this state. I urge you to indefinitely postpone Committee Amendment "B". Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House: In reference to the Representative from Crystal, Representative Joy's comments, I was on that study commission in 1984. We found that increasing the minimum wage lead to annual income gains of between 17 million dollars and 51 million dollars. We found the national studies had shown little job loss and even increases in employment or in growth and minimum wage. I just thought I would set the record straight.

Opponents claim a higher minimum wage would put Maine at an economic disadvantage with neighboring states. In all honesty that seems doubtful given Vermont, Connecticut and Rhode Island have all increased their minimum wages above the federal \$4.25 an hour with no apparent ill effects. Opponents also claim most minimum wage earners are just teen-agers out to earn spending money as the Representative from Skowhegan, Representative Hatch has told you. In fact 80 percent of Maine's 20,000 minimum wage earners are over 18 years of age.

Further the current minimum wage of \$4.29 an hour adjusted for inflation is lower in real dollars than in another time in the last 40 years. For example, today a minimum wage earner would have to work seven days a week and 10 hours a day, just to keep a family of four out of poverty. Think about that. In my opinion that isn't right and it is not right that public assistance programs that help low-income workers are actually taxpayer subsidies to businesses unwilling to pay workers a living wage. Compelling as the case for raising the minimum wage is now if we don't do something here today, it will be more compelling the next time around when inflation has pushed the working poor even deeper into poverty.

As a legislator, I can speak freely that we want good paying jobs in Maine. We would do everything in our power to attract jobs and industry, whether it be tax breaks, incentives, going out and attracting them, but they must pay a decent wage, a livable wage and not come to Maine to pay less. This amendment is a positive step in that direction, so that the working poor can better survive. I would encourage you to defeat the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Sedgwick, Representative Volenik.

Representative VOLENIK: Thank you Mr. Speaker, Men and Women of the House: I just want to give you a few good reasons to vote for an increase in the minimum wage. We have done this before, several

times in the past when our lowest wage earners needed help. Maine raised its minimum wage above the federal minimum. At one point we were 19 percent above the federal minimum and \$4.60 will be only 8 percent above the federal minimum. When we get to \$4.95 we will only be 16 percent above the federal wage.

The second reason is that you have heard that three states in New England already have minimum wages higher than the federal. Massachusetts is considering two bills currently, one to raise the minimum wage to \$4.60 and one to \$5 an hour. New York is considering an increase to \$6 an hour. That means that five out of the six closest states nearest to Maine either have or are considering minimum wages that are higher than the federal minimum.

Most studies show that there are no negative effects of raising the minimum wage and some show a positive increase in employment. Only those studies sponsored by the restaurant industry show the opposite and for obvious reasons. Remember that 80 percent of minimum wage earners are 19 years of age or older and 63 percent are women. Many of these are single parents living below the poverty line. When a single mother of three is working 10 hours a day to stay out of poverty, can't we do better. Responsible businesses that pay living wages to their employees subsidize through their taxes and the welfare system the wages of employees in minimum wage jobs. Your taxes too are subsidizing these jobs. Is it fair to you? Is it fair to responsible businesses?

The most compelling argument for raising the minimum wage is very simple. Inflation. Inflation has averaged 7 percent over the last 30 years and crawling to 3 percent in the last five years. If the minimum wage had kept up with this inflation, it would now be \$6.50 an hour. The minimum wage has only increased 4.5 percent from 1964 to 1991. If that 4.5 percent increase had continued to today, our minimum wage today would be \$5.07 and by January of 1997, the date that our \$4.95 would kick in, it would be \$5.54 an hour. We still would be below that rate. If we only gave a 3 percent increase per year since 1991, that minimum wage today should be \$4.77 and, again, by 1997, when our \$4.95 is going to kick in, that wage should be \$5.06. We would still be below the inflation rate.

Instead we are at \$4.25 and that \$4.25 buys 52 cents less in goods and services today than it did in 1991. For most of us here, our income goes up with inflation. Yet our poorest workers sink deeper every year. Compare what minimum wage buys now with what it bought in 1964. In 1964, when the minimum wage was \$1.25 an hour, you could buy 25 candy bars for an hour's worth of work. Today, you can buy fewer than 10. In 1964, you could buy 12.5 comic books. Today, you can buy only 3.5. In 1964, you could buy five paperback books. Today, you can't even buy one paperback book for working one hour at minimum wage. Looking at the other end of the scale, how about volvos? In 1964, it took 1,600 hours at minimum wage or 40 weeks working full time to buy a new volvo. Today, it takes 4,700 hours at minimum wage to buy a new volvo and that is over two years.

We are not asking you to increase the minimum wage to levels we had in the 1960's. That would bring it up to \$6.50 an hour. We know you won't do it. Just raise the minimum wage a little. In the last decade we have become selfish and mean spirited. Our family values and basic human values have been subverted by

that greed. If we continue on this path, you and I will be remembered for leading our people deeper into poverty. Today we have a chance to be remembered for something greater, compassion and vision. Thank you.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I am reminded that when President Kennedy ran for President in 1960, he gave a speech on the steps of Faneuil Hall in Boston. When he made a plea for people that worked for hourly wages, he said, how can you really raise a family on less than \$200 a week. He wanted a minimum wage of \$5 an hour. It is now 1995 and we still don't have a minimum wage of \$5. On television the other night I heard of a bill that will get here soon. The judges in the state want a raise. It seems they haven't had a raise in a while. The judges earn from \$60,000 to \$87,000 a year plus benefits. I wonder how many people here will see the justice of increasing the judge's wages, but cannot see fit to give working people, who are mostly women, 67 percent, this a women's wave and cannot give them an increase in the minimum wage. Mr. Speaker, I would request the yeas and nays.

Representative LUTHER of Mexico requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-342) to Committee Amendment "B" (H-67).

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 members present and voting. All 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 Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Men and Women of the House: I spoke last time on this subject and it was a sincere speech for me. I want everybody to understand that business people are represented by the Chamber of Commerce and other groups. Minimum wage workers are not represented by anybody. I am not aware of any labor organization that has minimum wage workers, but we represent them because it is the right thing to do. I want you to understand that most minimum wage workers are adults. If you work 40 hours a week or more at minimum wage, you are working for poverty wages. You can't earn a living on it. We want to reform welfare in this state, but yet one of the steps really and truly to reform welfare is to increase the minimum wage. You have to give people a reason to go out and work and earn a living. It makes sense to me. Think about it a little bit. I would be embarrassed if I had workers working for \$4.25 an hour. I hope that you vote down this postponement. Thank you.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: I spoke on this the last time obviously, because I feel very strongly that minimum wage needs to be raised. I would like to say that minimum wage is currently valued at 20 percent lower in real terms, we are talking dollars, than it was in 1979. It has little or no effect on job creation starting at such a low level. The economists agree

that minimum wage will lift the income of low wage workers. I think that is part of the reason we are here, to help those people who are low wage earners.

I would like to say for many of you in the House that you have parents and grandparents that at one time worked in the manufacturing industry in this state. Those people either came out of school without a high school education or barely a high school education. They went into shoe factories and mills. Those places don't exist anymore. There is no place for these people who don't go beyond high school to get further education to go, in this day and age. I would also like to say to the members of the House, in 1989, in Congress, when the minimum wage was raised to \$4.25, Senator Dole and Speaker Gingrich voted for the minimum increase. They voted it for a reason. They were concerned about low-income workers in this country. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Men and Women of the House: I will extremely brief. I hope you vote against the motion to indefinitely postpone and think of your constituents, as I will be thinking of mine. I had a questionnaire returned to me that I had sent out and I had expected support for an increase in the minimum wage, but I was shocked at the overwhelming response in favor of an increase in the minimum wage. I urge all of you who have sent questionnaires out to your constituents to consider that. I don't think the people of Albion, China, Benton and Unity Township are that different than the constituents in your district. If you have sent out questionnaires, I have read the results of some of them in the newspapers and overwhelmingly people are responding by asking for an increase. Please vote against the motion to indefinitely postpone. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "B" to Committee Amendment "B". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 139

YEA - Aikman, Ault, Bailey, Barth, Bigl, Birney, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevy, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kontos, LaFountain, Lemaire, Lemke, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Paul, Pouliot, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Winn, The Speaker.

ABSENT - Bouffard, Buck, DiPietro, Kerr, Kilkelly, O'Neal, Truman, Yackobitz.

Yes, 74; No, 69; Absent, 8; Excused, 0.

74 having voted in the affirmative and 69 voted in the negative, with 8 being absent, House Amendment "B" (H-342) to Committee Amendment "B" (H-67) was indefinitely postponed.

Committee Amendment "B" (H-67) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "B" (H-67).

The Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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

An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals (H.P. 425) (L.D. 582) (C. "A" H-281)

TABLED - June 5, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

On motion of Representative JACQUES of Waterville, the House recessed until 6:00 p.m.

(After Recess)

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

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

An Act to Require Licensure for Use of the Title Athletic Trainer (H.P. 699) (L.D. 957) (C. "A" H-282)

TABLED - June 5, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Passage to be Enacted.

On motion of Representative ROWE of South Portland rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 957 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-282) was adopted.

The same Representative presented House Amendment "B" (H-392) to Committee Amendment "A" (H-282) which was read by the Clerk.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: House Amendment "B" simply corrects an oversight in Committee Amendment "A". It creates a new account within the Division of Licensing and