

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

bill that is only going to open up this issue to litigation. Until that issue is decided, I think that the motion before us is appropriate to indefinitely postpone. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would like to remind you that this is not a bill that gives someone preference. It says that if you give your own state preference, that you will take that as a penalty in our state. It is an effort to get rid of and put pressure on other states that allow their state to have preference in their own state. It puts our contractors who are looking for business out-of-state in an uncompetitive position, because if their bidder gets a preference, then we get penalized. I would ask you to really take a look at this. If our contractors want to bid on an out-of-state job, in another state, and their state gets a preference, then we have a penalty.

This is an attempt to join 31 other states to put pressure on those states that allow a preference in their own state, to get rid of it. This makes it so all of us are on an equal playing field. It is not a bill that allows preference. The original bill, yes, did call for that, but that has been changed. The amendment changes it. This was a unanimous committee report to allow Maine bidders to be on level playing field when they bid out-of-state and to eliminate any preference for someone who shows preference to their own in-state when they come into Maine and that does. It does not allow anyone to have a preference.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative TAYLOR: Thank you Mr. Speaker. If this bill does not please the Associated General Contractors of the state who represent our contractors, who does it please?

The SPEAKER: The Representative from Cumberland, Representative Taylor has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would suspect that the AGC is commenting on the original bill as presented. I am sure they would be opposed to the original bill as presented.

Representative WATERHOUSE of Bridgton moved to table one day.

The Chair ordered a division on the motion to table one day.

A vote of the House was taken. 65 voted in favor of the same and 26 against, subsequently, the Bill was tabled pending the motion to indefinitely postpone the Bill and all accompanying papers and specially assigned for Monday, June 19, 1995.

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

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order (H.P. 1130)

ORDERED, the Senate concurring, that Bill, "An Act to Establish the Maine Judicial Compensation

Commission," S.P. 536, L.D. 1474, and all its accompanying papers, be recalled from the Engrossing Department to the House.

Was read and passed and sent up for concurrence. Ordered sent forthwith.

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.

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-217) - Minority (5) "Ought Not to Pass" - Committee on Banking and Insurance on Bill "An Act to Authorize Participation by the Public Advocate in a Regulatory Proceeding Concerning the Residual Market Mechanism for Workers' Compensation" (S.P. 532) (L.D. 1470) - In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-217).

TABLED - June 8, 1995 by Representative VIGUE of Winslow.

PENDING - Acceptance of either Report.

On motion of Representative VIGUE of Winslow, tabled pending acceptance of either Report and specially assigned for Monday, June 19, 1995.

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

TABLED - June 8, 1995 by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to reconsider Passage to be Enacted.

Representative ROBICHAUD of Caribou requested a roll call on the motion to reconsider.

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 pending question before the House is to reconsider Passage to be Enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 180

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

NAY - Aikman, Ault, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, DiPietro, Donnelly, Dunn, Farnum, Goolley, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce,

Joyner, Kerr, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Adams, Bailey, Dexter, Heino, Kneeland, Paul, Poirier, Poulin, Sirois, Yackobitz.

Yes, 71; No, 70; Absent, 10; Excused, 0.

71 having voted in the affirmative and 70 voted in the negative with 10 being absent, the motion to reconsider did prevail.

On motion of Representative HATCH of Skowhegan, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 143 was passed to be engrossed.

Representative Robichaud of Caribou requested a division on further suspension of the rules.

Representative JACQUES of Waterville requested a roll call on further suspension of the rules.

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 pending question before the House is the motion to suspend the rules. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 181

YEA - Ahearne, Aikman, Benedikt, Berry, Birney, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Joyner, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Libby JD; Look, Lovett, Lumbra, Luther, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Pendleton, Perkins, Pouliot, Povich, Rice, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Truman, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Ault, Barth, Bigl, Buck, Carleton, Cross, Damren, Donnelly, Dunn, Gooley, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Labrecque, Lane, Layton, Libby JL; Lindahl, Madore, Marshall, Marvin, McAlevey, McElroy, Nass, Nickerson, Ott, Peavey, Pinkham, Plowman, Reed, G.; Reed, W.; Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Adams, Bailey, Dexter, Heino, Kneeland, Paul, Poirier, Poulin, Sirois, Yackobitz.

Yes, 94; No, 47; Absent, 10; Excused, 0.

94 having voted in the affirmative and 47 voted in the negative with 10 being absent, the motion to suspend the rules did prevail.

On motion of Representative HATCH of Skowhegan, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" (H-67) was adopted.

The same Representative presented House Amendment "C" (H-512) to Committee Amendment "B" (H-67) which was read by the Clerk.

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

Representative HATCH: Mr. Speaker, Men and Women of the House: I wanted to thank you for that vote. I realize we are getting testy and you must realize that all my life the one thing that I have always done is no matter what the goal of the tour is, I have always seen it to the finish. I am not saying this bill is going to be passed. I only ask that you bear with me for a few minutes and I will explain this amendment.

The amendment that you have before you is exactly the opposite of the original bill. What it does is put this issue out to the very people who would have some reason to want a wage increase. It puts it out to referendum. There is a fiscal note on this bill of \$95,000, unless there is more referendums. There will also be a fiscal note on this bill for \$11,000 plus change to allow the department to print posters. The original bill was only the \$11,000.

I want you to know that the people of Maine and I won't go over all the statistics. You have heard them all before and I am going to be as brief as possible. The people of Maine are a funny lot. They don't want emission control. They don't want anything to do with reformulated gas. I think they have told us that. The people in my area are against seat belts. We voted time and time again against the helmet law. The people in my area don't want gun control. I say this is one time we ought to let the people decide. The very people who's wages depend on what they earn and their family. Some things do get better with age and those things are marriage, women, men and wine. This bill is one of those.

This is not a novel idea, but think about it, the original bill wanted to put it up to the federal government to decide. They don't know a thing about our working men and women in this state. They are just a national statistic. Our Labor Department doesn't even know how many people are actually working under minimum wage. This is why you had a bill before you the other day asking that we set up an advisory committee on part-time, seasonal and temporary employees. We have done just about everything to find out what it is that the people need in this state. What they need is a decent living. You want to get people off social services, then give them a decent living. I request that when the vote is taken that you will vote yes to this amendment. Thank you.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: The last thing that I wanted to do on a Friday morning when we are getting close to adjournment is to stand and debate with the good Chair of the Labor Committee on the minimum wage issue. We were told that many states were considering increasing the minimum wage. In Rhode Island, in the Senate Labor Committee, the minimum wage proposal was killed by a 10 to 4 vote. There is another state that will not be having an increase in

their minimum wage. In Minnesota they also killed a minimum wage increase.

The proposal carries three 25 cent per hour increases on a three year basis. As has been shown every time there is an increase in minimum wage, there is a corresponding increase in unemployment. Maine's own survey in 1984 showed that every 30 cent increase brought about a loss of about 6,000 to 7,000 jobs. I suppose if we are only increasing it 25 cents an hour, we could probably round it off to 5,000. That means 15,000 jobs over a three year period that this is phased in. I don't think that Maine can afford to lose any jobs, let alone 15,000.

I urge you to defeat the motion to adopt this amendment and let's send the bill out the way it is which ties our minimum wage to the federal wage. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House: I would like to speak to the House very briefly. The arguments against minimum wage in 1995 are the same as they were in 1930. Opponents' predictions of gloom and doom have never materialized and economists agree that they will not now. In December 1994, the Wall Street Journal poll showed that 75 percent of American people supported an increase in minimum wage. I would agree with the Representative from Skowhegan, Representative Hatch. We had set a precedence sending controversial issues and important issues to the people of this state out to referendum. I would ask that while the people of this state can decide this important issue once and for all.

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

Representative SAMSON: Mr. Speaker, Men and Women of the House: I also urge you to allow this to be sent to referendum. I spoke at length about this several weeks ago and I won't today. I want you to remember that it will have been five years since a minimum wage worker has received an increase in pay. In this day and age, \$4.25 an hour is not very much, believe me. Most of the people that earn this very extremely low wage are adults and most of these adults are women.

I urge you, for the benefit of the people of the State of Maine, the 20,000 plus people that earn this low wage, to vote to send this to referendum. I say that the last word in any law in the State of Maine should be the people of the State of Maine and allow them their input to decide whether our lowest tier of workers should receive a raise in pay after five years. Thank you.

The Chair ordered a division on adoption of House Amendment "C" (H-512) to Committee Amendment "B" (H-67)

Representative CAMPBELL of Holden requested a roll call on adoption of House Amendment "C" (H-512) 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 pending question before the House is adoption of House Amendment "C" (H-512) to Committee Amendment "B" (H-67). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 182

YEA - Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, 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, Kerr, Kontos, LaFountain, Lemaire, Lemke, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Pouliot, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Truman, Tuttle, Tyler, Volenik, Watson, Winn, The Speaker.

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

ABSENT - Adams, Bailey, Dexter, Heino, Kilkelly, Kneeland, Paul, Poirier, Poulin, Sirois, Yackobitz.

Yes, 67; No, 73; Absent, 11; Excused, 0.

67 having voted in the affirmative and 73 voted in the negative, with 11 being absent, House Amendment "C" (H-512) to Committee Amendment "B" (H-67) was not adopted.

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

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

On motion of Representative GIERINGER of Portland the House adjourned at 12:05 p.m. until Monday June 19, 1995 in memory and honor of U.S. Senator Margaret Chase Smith.