

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-First Legislature  
State of Maine

Volume II

First Regular Session (Continued)  
May 21, 2003 to June 14, 2003

First Special Session  
August 21, 2003 to August 22, 2003

First Confirmation Session  
October 30, 2003

Second Regular Session  
January 7, 2004 to January 30, 2004

Second Special Session  
February 3, 2004 to March 18, 2004

Pages 715 - 1415

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Mandate**

An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents

H.P. 1325 L.D. 1803  
(C "A" H-712)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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Out of order and under suspension of the Rules, the Senate considered the following:

**ORDERS**

**Joint Order**

On motion by Senator **GAGNON** of Kennebec, the following Joint Order:

S.P. 763

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, March 16, 2004, at 9:00 in the morning and the Senate Adjourns until Tuesday, March 16, 2004, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (1/27/04) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions"

S.P. 79 L.D. 156

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass** (5 members)

Tabled - January 27, 2004, by Senator **BRENNAN** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, January 27, 2004, Reports **READ**.)

On motion by Senator **BRENNAN** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

\_\_\_\_\_  
The Chair laid before the Senate the following Tabled and Later (1/27/04) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism"

S.P. 422 L.D. 1291

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass** (5 members)

Tabled - January 27, 2004, by Senator **BRENNAN** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, January 27, 2004, Reports **READ**.)

On motion by Senator **BRENNAN** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

\_\_\_\_\_  
The Chair laid before the Senate the following Tabled and Later (1/27/04) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Increase Maine's Minimum Wage"

S.P. 237 L.D. 673

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-359)** (8 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - January 27, 2004, by Senator **EDMONDS** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, January 27, 2004 Reports **READ**.)

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Edmonds.

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. Forgive my voice this morning, I'm a little croaky. I want to say a few words about the importance of this bill.

As you probably know, raising the minimum wage as is proposed in this bill will provide well targeted relief to working poor families in Maine. Nearly 2/3 of minimum wage workers are adults, 40% are the sole breadwinners in their families, and nearly 1/3 are working parents with children. 63% of the gains from a \$1 increase in the minimum wage can be expected to accrue to working households in the bottom 40% of the income distribution. We hear lots of conversation in this state about raising median the income of our Maine families. This is a way to begin doing it. It's not the only way, but it is a way. Currently 12 states, including Maine, have a state minimum wage that is above the federal wage. The highest is Alaska with a minimum wage of \$7.15. Washington State and Connecticut follow close behind at \$6.90. Three states have now indexed their minimum wage to prevent its continual erosion from inflation. Each of the New England states, except New Hampshire, has a minimum wage in excess of the federal minimum. These are details. They are important details.

I think what I want to say to you is that the folks who earn minimum wage in this state are often hidden from our view, but they are, as I have just quoted, a substantial population of the working poor of this state and they deserve our support. We are all working in every way possible to bring the median income for our Mainers up into a place where people can live without having to seek public assistance. I would strongly encourage you to support the Ought to Pass as Amended report. I appreciate your time. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY:** Thank you very much, Madame President, men and women of the Senate. This does sound like a great idea. Let's just raise the minimum wage, pay everybody more money. Once again, the Labor Committee has it wrong. This is not the way to do it. The way to do it is to make it easier for businesses in the state to do business so they can pay the people more money. You can't legislate business to the degree that you are going to say, 'you are now going to pay people \$20 an hour, \$40 an hour, \$50 an hour.' What is that? That is wrong headed. I would suggest that anybody that has ever tried to run a business, or ran a business, would not support this because they know this is not the way to do this.

During a floor speech a while back I mentioned Burt's Bees and how she moved to North Carolina. When she moved to

North Carolina she said one of the things that happened when she moved down there is that her wages went up to over \$10 an hour. That's \$3 an hour higher than what we are looking at right here. She said she is still making more money because of the regulatory climate down there.

This is not the way to do this. We need to look at the entire process that businesses in Maine go through to do business here. It is awful to do business in the State of Maine. I can tell you that right now. The only reason I'm here with my business is because I love the State of Maine. I want to employ people here in Maine. As a business decision, it's not smart to be here right now, especially if you have a minimum wage that is set like this. I would say, and I suggest to you, that if you really want to help businesses in the State of Maine, if you really want to help people in the State of Maine, think about what you are doing. Don't throw a band aide on something. This would be ridiculous to do. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Somerset, Senator Hatch.

Senator **HATCH:** Thank you, Madame President, ladies and gentlemen of the Senate. This is the fifth time that I've sponsored a minimum wage bill. Since 1992, I've been an advocate of the poorest people in this state who need to earn a minimum wage that will at least put groceries on their table. During the course of the last year I've seen many businesses in my area close. When they did, people drew unemployment for short periods of time. Many of those people could not afford to move, and could not afford to seek employment in southern Maine. They took two or three minimum wage jobs. Having children that needed clothes and shoes, they had to go to the town to get local assistance because these two or three minimum wage jobs, which they worked 10 to 15 hours a week at, had no benefits and paid very little. I'm not blaming it on the business community because they have to close down. We all know that many do and they leave in their wake shattered lives. We know that we had a minimum wage increase in the last two years while I was gone and unable to sponsor a minimum wage bill. This bill is not against the business community, as we know it. This is only to help people afford the very simple, little things in life.

When I began working, some 35 years ago, the minimum wage was around \$1.25 an hour. It seems to me that when everything in this world has risen in price over 100% over those 35 years, that the minimum wage also should keep some kind of standard. Until we get really serious about raising the minimum wage when the CPI goes up, you are going to have these bills before you. I believe this is a good bill. I believe those people who testified in favor of it did so in good faith. They know what the serious issues are that face families who are trying to stay together. Sometimes they are torn apart just so that they can seek assistance through the state. Will this solve all the problems in the world? No, but it will tell the people who support us and vote for us on a one-to-one basis that we value them, that we value them to the point where we will say, 'if you work, you should be paid.' Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Blais.

Senator **BLAIS**: Thank you, Madame President, men and women of the Senate. I think we've heard some very compelling arguments today on both sides of this issue. I find it very interesting, and agree with the good Senator from Somerset, Senator Hatch, that it is important to link this issue to the loss of business in our state and the loss of jobs in our state. This proposed increase in the minimum wage would make Maine the fifth highest minimum wage state in the nation. Arguably, Maine already has a very generous minimum wage.

It's easy to assume that raising the minimum wage is about fairness and about providing families with livable wages. Unfortunately, it's wrong. The vast majority of people earning minimum wage are young people, ages 16 to 24, who are working for the first time. Many of them are living with their parents and working part-time. Fewer than one in five minimum wage workers has a family to support. The vast majority of employers providing these types of jobs are Maine's struggling small businesses. I'm a small businessperson just like the good Senator from Washington, Senator Shorey, and I have personal experience with this. Small business people in our state are strained to the breaking point. Some of you here are familiar with the notion of wearing multiple hats when you run a small business. You are the bookkeeper, the doorkeeper, and you do a variety of other things. In my business I probably wear about five hats. I would love to be able to hire more people to be able to do those jobs to give me more time to represent my constituents here and to do my job here as well as to be responsible to my business.

This type of legislation hits small businesses, Mom and Pop operations, particularly hard. This is not about big corporations. They already pay very favorable wages. For those Mom and Pop operations an increase in payroll, which includes increases in unemployment and Workers' Compensation taxes as well, could well mean the difference between employing two people or laying one off. For that person who loses their job to this kind of legislation, the minimum wage becomes zero. Haven't we killed enough jobs in this state already?

The best way to increase wages is to stimulate our economy with lower taxes, which will lower unemployment and create more competition for workers. Right now Maine's ranking is second to last nationally in terms of small business survivability. We pride ourselves in leading in this state. I hope that we are not going to be taking pride in leading ourselves further to the bottom of the pack in terms of small business survivability. Most economists agree that artificially high minimum wage laws increase unemployment amongst the least skilled, the least experienced, and minority workers. With a little experience these people are likely to be worth more, but they can't move up the ladder if they can't get on the ladder. I urge you to vote to protect jobs, to give our young people a chance to get those entry level jobs that will help them work their way towards skilled, high paying employment. Thank you very much, Madame President.

**THE PRESIDENT PRO TEM**: The Chair recognizes the Senator from Cumberland, Senator Edmonds.

Senator **EDMONDS**: Thank you, Madame President, men and women of the Senate. I just wanted to add a couple of ideas. I guess the thing I want to say is that, from my point of view, when you raise the level of the minimum wage, you raise all wages. There is going to be disagreements. I know people can pop up on the opposite side and disagree with me, but this is my belief. That is something that I think we have to take into consideration.

Frankly, I think if we are going to talk about ridiculousness, it is ridiculous in this state that there are working families who work just as hard as any other family and are getting paid the minimum wage and can't live on it. That is the ridiculous thing for me. We need for people who are working forty hours a week and putting their heart and soul into their work to be able to live on the wage that they receive. That is just where I stand and I hope you will join me. Thank you.

**THE PRESIDENT PRO TEM**: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Edmonds to Accept the Majority Ought to Pass as Amended Report.

The Chair ordered a Division. 13 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Specially (1/29/04) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"

H.P. 308 L.D. 388

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-623)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - January 28, 2004, by Senator **BRYANT** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, January 27, 2004, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**.)

(In Senate, January 28, 2004, Reports **READ**.)

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

**THE PRESIDENT PRO TEM**: The Chair recognizes the Senator from Oxford, Senator Bryant.