

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

seem to me that we would take some care to do it. We may be here for a couple more weeks as it stands now. I think this should be back in committee where it can be looked at, hashed over with people on both sides, having their say. If this were put out to referendum, I wonder what the people of the State of Maine would vote on this particular bill. I think maybe you know what would happen. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. I sat here in the corner and voted against the original bill a few times, roll calls, because I thought the bill was flawed. You now have an amendment that was brought forward by the chair of the committee and worked on by people who were opposed to the original bill, because it was flawed. You now gain 17 or 18 votes that you never had before and someone has to stand up and castigate someone for making a motion that is completely in order. All you have to do is vote against the motion. Why would you irritate someone for using the parliamentary procedure that is in front of us? I don't understand it. You picked up all kinds of votes. This bill is flying through right now because many of you think it is a whole lot better than where it started, yet, when someone stands up to make a procedural motion, you denigrate them. I just think that is poor debating skills. I don't understand it. I don't want to vote against this bill, but I am upset enough to stand up and make a point.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Commit the Bill and all Accompanying Papers to the Committee on Judiciary. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 406

YEA - Austin, Berube, Bierman, Bowles, Carr, Churchill J, Clough, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Glynn, Heidrich, Honey, Jacobsen, Joy, Lewin, Lundeen, Maietta, Millett, Nutting, Peavey-Haskell, Richardson E, Richardson M, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan.

NAY - Adams, Andrews, Ash, Barstow, Beaudette, Berry, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Churchill E, Clark, Collins, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gerzofsky, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Mills J, Mills S, Moody, Moore, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Rosen, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Woodbury, Wotton, Young.

ABSENT - Annis, Bennett, Bryant-Deschenes, Gagne-Friel, Goodwin, Greeley, Jodrey, McKee, Murphy, Rogers, Tardy, Wheeler, Mr. Speaker.

Yes, 39; No, 99; Absent, 13; Excused, 0.

39 having voted in the affirmative and 99 voted in the negative, with 13 being absent, and accordingly the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **JUDICIARY FAILED**.

Subsequently, **Committee Amendment "A" (H-774) as Amended by House Amendment "B" (H-871) thereto was ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-774) as Amended by House Amendment "B" (H-871) thereto in NON-CONCURRENCE** and sent for concurrence.

Representative DUPREY of Hampden **OBJECTED** to sending this matter **FORTHWITH**.

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Increase Maine's Minimum Wage"

(S.P. 237) (L.D. 673)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359) in the House on March 30, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359) AND SENATE AMENDMENT "A" (S-491) in NON-CONCURRENCE**.

Representative SMITH of Van Buren moved that the House **RECEDE AND CONCUR**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. We are about to roll out a landmark health care plan for the State of Maine, the Dirigo Health Care Plan. I think before we pass this increase in minimum wage, we should consider the effects on Dirigo Health Care. Increasing the minimum wage has the potential to adversely affect an employer's ability to offer Dirigo Health to his employees. Let me give you an example. A business with 10 employees who earn minimum wage and work 20 hours a week and they get a minimum wage increase as this amendment would do for 25 cents an hour, the annual cost of that increase would be \$2,600. If that same employer wanted to provide Dirigo Health Care to those same employees that work 20 hours a week, the requirement is that he pay 60 percent of the premiums for the employees that work forty hours a week. We assume that the employer would have to pay 30 percent of the premium for those who work 20 hours a week. The total cost for Dirigo Health Care for that employer would be \$9,360 a year. What we are doing by raising the minimum wage at this time is limiting the number of employers who are going to be able to afford Dirigo Health Care. The increase in the cost to the employer for this minimum wage increase of about one-third of the premium costs for Dirigo. I would urge you to vote against the Recede and Concur and go on to Insist.

Representative TREADWELL of Carmel **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

On motion of Representative JACOBSEN of Waterboro, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "B" (H-870) to Committee Amendment "A" (S-359)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

Representative **JACOBSEN**: Madam Speaker, Ladies and Gentlemen of the House. Raising the minimum wage at this time is tremendously detrimental to the small businesses in our state. Businesses like mine who employ young people need a break. Everything is going up, insurances, possibly minimum wage. Myself and many others are close to the New Hampshire border where the minimum wage is \$5.15 an hour and no sales tax, cheaper insurance, cheaper workmen's comp. If my competitor a few miles away in New Hampshire sells a dinner for \$10, for me to make the same profit, I have to sell my dinner for \$13. It doesn't leave me very much incentive to stay in business. In the community I am in we have a high school. We have hundreds of kids looking for part-time jobs. When you ask these kids if they pay room and board, none of them do. They all have cell phones. They all have automobiles. They are not doing too bad. I believe the minimum wage for young people that the small businesses, the mom-and-pops privately owned stores, we hire the young people who have never worked before. They have no job skills. We are can hire them at 14, 15 or 16 years old. We cannot stand a higher wage. If we pay the federal minimum wage, many of these children would be happy, instead of hiring two, we could hire three. We could provide the service that our competitors do right across the border in New Hampshire. I urge you to consider voting for a student wage for children under 19 years of age. It would put a lot of them to work. It would get them off the street corners. It would put money in more of their pockets. It would give the small businesses a chance to survive and a chance to expand. Thank you for your consideration.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

Representative SMITH of Van Buren moved that **House Amendment "B" (H-870) to Committee Amendment "A" (S-359)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. So now we have before us the opportunity to bring the people of our state who are under the age of 19 into a special status so that they will be paid less for the same work as anybody else. They can be exploited and some businesses will have greater profits. I urge that this motion be voted down and we can proceed towards concurrence with the Senate.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. I urge you to vote to Indefinitely Postpone House Amendment "B." On the face of it it is an incentive to hire young people in order to let them go when they get to be a certain age, which is blatantly discriminatory. We want to keep our young people here. They need jobs in college as well and to encourage employers to hire someone for two years until they just get a little older and then let them go. It doesn't make a lot of sense. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

Representative **JACOBSEN**: Mr. Speaker, Ladies and Gentlemen of the House. It is obvious that many of us have not experienced being in business. It is obvious that many of us do

not see the contribution that small businesses make to our communities and to our young people. The location of any small businesses make it possible for young people to work after school near their homes. I have hired hundreds of children, young people. Many of them stay in the business. Most of them are fortunate enough that they can go on to college. Many of them do quite well. Generally they work for the small business for one or two summers. When they get a little older, they move onto the beaches where they can make higher wages. They are all trained. Last summer I was paying my fry cooks, young people in high school, \$9 an hour, after they learned how to cook. Three of them moved on last year after working for me for two years. They received \$14 an hour because they were trained in cooking, fry cooks. I have girls that start waitressing for me when they are 15 or 16 years old. Many of them move on. I have a reputation of training people like many other small businesses. Many of my waitresses move onto the beaches and the high-priced restaurants. Am I doing my job? Am I contributing to my community? Are the small businesses doing their part? I believe we are. How can we do it when I have to charge \$13 for a \$10 dinner in New Hampshire? How long can I survive? How long can I employ children, young people in my ice cream takeout in a small community when my labor expenses are so high? Not too long and many of our doors are going to be shut. Maybe we ought to put a sign down on the Maine Turnpike, the last one out, turn off the lights.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-870) to Committee Amendment "A" (S-359)**.

A vote of the House was taken. 68 voted in favor of the same and 54 against, and accordingly **House Amendment "B" (H-870) to Committee Amendment "A" (S-359)** was **INDEFINITELY POSTPONED**.

Representative BROWNE of Vassalboro **PRESENTED House Amendment "A" (H-843) to Committee Amendment "A" (S-359)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment is similar to the one previous. If you notice it just states that it is going to be at 75 percent of the minimum wage for students under 19 years of age and living at home. I don't believe that this is exploiting or manipulating child labor. I think it is providing an opportunity for these people to be employed in the summertime, for them to have some training and experience. I am not going to throw them out after two years in lieu of something else. Many manual type businesses, many farm work type businesses work, need some of these inexperienced students, students who have never worked before and need to develop a little bit of work ethic. In order to do this they have to have some training. I am afraid that employers are going to take a more mature worker and a lot of these high school students are going to be without jobs. I think it is very important that high school people have a chance to work doing something where they can explore career possibilities. Mr. Speaker, when we vote on this, I would ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-843) to Committee Amendment "A" (S-359)**.

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

Representative SMITH of Van Buren moved that **House Amendment "A" (H-843) to Committee Amendment "A" (S-359)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. This amendment is even more regressive than the last one. I ask that the motion to Indefinitely Postpone be carried.

Representative BROWNE of Vassalboro REQUESTED a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-843) to Committee Amendment "A" (S-359)**.

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

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

Representative JACOBSEN: Mr. Speaker, Ladies and Gentlemen of the House. I don't believe that many of us have given this a lot of thought. I believe we should do our math. I believe that we should consider the capabilities of a young person going to work for the first time. I believe we should consider how long our mom-and-pop independent restaurants, corner stores are going to survive. How long is it going to take before we are in a vending machine society where we don't need to give any of these kids' jobs? We are forcing everybody to cut out the small jobs, the starting jobs that employ young people. How many jobs are we going to eliminate today? How much pressure can you put on us small businesses? How many more kids are going to be hanging around street corners because they don't have a job because they are not learning responsibility? I know I am emotional on this, but I have an awful lot of kids work for me, an awful lot of young people. It is regretful that a lot of these small businesses are going to have to terminate employees. I can buy, like many restaurants, an awful lot of things pre-made, ready to go, take it out of the box and sell it. I can do away with a lot of jobs for these young people. I don't want to. Others don't want to, but we will be forced to do it in order to survive. We can't survive now with our next door neighbors. They are paying \$5.15 an hour. What we are creating here is a tragedy. Go home and ask your small businesses how they feel about this? Ask the people who run these businesses who work 70 and 80 hours a week. They know what hard times are. They realize it is going to get worse. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-843) to Committee Amendment "A" (S-359). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 407

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Gerzofsky, Glynn, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, McGlocklin, McLaughlin, Mills S, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Mr. Speaker.

NAY - Andrews, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Finch, Fischer, Fletcher, Heidrich, Honey, Hotham, Jacobsen, Joy, Kaelin, Ledwin, Lewin, Lundeen, Maietta, Marraché, McCormick, McGowan, McKenney, McNeil, Millett, Moore, Muse, Nutting, O'Brien J, Peavey-Haskell,

Rector, Richardson E, Richardson M, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Wotton.

ABSENT - Annis, Bennett, Bryant-Deschenes, Cowger, Gagne-Friel, Goodwin, Greeley, Jodrey, McKee, Mills J, Murphy, Perry A, Rogers, Tardy, Wheeler, Young.

Yes, 69; No, 66; Absent, 16; Excused, 0.

69 having voted in the affirmative and 66 voted in the negative, with 16 being absent, and accordingly **House Amendment "A" (H-843) to Committee Amendment "A" (S-359) was INDEFINITELY POSTPONED**.

Subsequently, the House voted to **CONCUR**.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry who wishes to address the House on the Record.

Representative PERRY: Mr. Speaker, Men and Women of the House. In this last vote I attempted to vote, but it did not light up. I would have voted yes.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (6) Ought to Pass as Amended by Committee Amendment "A" (S-475) - Minority (5) Ought Not to Pass - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Strengthen the Enforcement Provisions of the Maine Health Data Organization"

(S.P. 730) (L.D. 1884)

Which was **TABLED** by Representative KANE of Saco pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Men and Women of the House. The Maine Health Data Organization is charged with the responsibility of collecting information to help us manage and improve health care costs and quality. To do that we have been increasing in both volume and quality of health care data that we collect with respect to the cost and outcomes of care. The increase requires vigilant oversight in protecting the confidentiality and the security of the data. That is the job of the MHDO. With the creation of a substantial increase in the demand and use of the data, MHDO needs to send a clear signal to all data users the confidentiality and data use agreements are to be taken seriously and failure to do so will result in substantial fines.

Currently all hospitals and health care providers help finance the MHDO operation and should to be subject to exploitation of others who would abuse the use of data. The purpose of LD 1884 is to strengthen the enforcement provisions of the Maine Health Data Organization, which are outdated and inconsistent with other sections of the Maine Revised Statutes. The amendment provides a person who intentionally or knowingly engages in the unauthorized misuse of individually identifiable health information or data obtained from organizations are subject to civil fines of up to \$250,000, an amount that is commensurate with the provisions of the Federal Health Insurance Portability and Accountability Act of 1996 for the