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ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157).

TABLED - May 31, 2007 (Till Later Today) by Representative NORTON of Bangor.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill went through the Committee with really not great objections as to the substance of the bill. Some of us realized that there is an error in the name used in the bill and just were not speedy enough to change that, so if you are noting that I was on the Minority Report, that is the reason why, and so if this bill passes, I will then offer an amendment to fix the name in the bill. The substance is not a problem at all, it is simply the name.

On motion of Representative NORTON of Bangor, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-157)** was **READ** by the Clerk.

The same Representative **PRESENTED House Amendment "B" (H-465) to Committee Amendment "A" (S-157)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-157) as Amended by House Amendment "B" (H-465) thereto was **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-157) as Amended by House Amendment "B" (H-465)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-476) - Minority (2) Ought to Pass as Amended by Committee Amendment "B" (H-477) - Committee on LABOR on Bill "An Act To Amend the Labor Laws Regarding Automobile Dealerships"

(H.P. 1295) (L.D. 1295)

Which was **TABLED** by Representative PINGREE of North Haven pending the motion of Representative CLARK of Millinocket to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative JACKSON of Allagash **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With this bill, I guess auto dealers came into Labor Committee and presented a solution to a problem that they were having. They wanted to be able to, I guess, pay salary to finance people and things like that that they were already doing for car salesmen; it was going to simplify their paperwork. On one hand, they were doing salesmen over here; and then were over here having to take care of all of these hourly rates. From all of us on the Committee, that made sense that they do it all under a salary system. Everyone

on the Committee, I believe, would support something along those lines.

The only difference in these two reports is that the current report says that you must pay at least 3,000 times the current minimum wage; and the difference is that the other one says 4,000 times. Now 3,000 times the current minimum wage is \$21,000; I felt that was a little low. You can take away people's overtime, and you will be able to take away their overtime. Under the current one that we are voting on, all you would have to pay is \$21,000, and you could not receive any overtime. Under another proposal it would be a bit higher, and that is why two of us on the Committee voted to support a higher, \$28,000 number. I think that makes sense, and so I would ask that you would support the **Ought Not to Pass**. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hate to dissent from the majority of my committee, as I am sure Representative Jackson does, but the people who brought this bill to our attention had no problem with the Minority Report; they had no problem with it. Based on that, I thought, and Troy, Representative Jackson thought, that if we are going to err, let's err in favor of balance and justice. So if the sponsors or if people who brought this to our attention had no problem with it, I urge you to vote for Minority Report, because either way I think it is okay. I am not going to twist any arms here, not that I could, but if you vote with the Minority Report, you can be confident that workers in this class of employment are not going to be taken advantage of. Thank you, Men and Women of the House.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As you have heard, the bill amends the wage and hour overtime laws in relation to automobile dealership employees. The bill was sponsored by Representative Clark of Millinocket. The bill will eliminate paperwork to back in to an hourly wage of certain positions. The bill does not apply to anyone making less than \$21,000 per year. This bill adds a couple of jobs to the existing statutory exemption for a mechanic and salespersons. These employees will then be covered under the same terms of the federal overtime law, as other non-hourly, wage employees are at automobile dealerships.

I guess the difference in the two proposals is that the Majority Report more clearly reflected the wishes of the sponsor and to the people in general. As has been mentioned, the difference between the Majority Report is that we set the threshold to exceed 3,000 times the state minimum wage, which would be about \$21,000 a year, which will cover more employees as had been requested by the sponsor of the bill. The other one of \$24,000, or a 4,000 times the minimum wage, would cover a less amount of people.

Usually, in the deliberations of the committees I have been involved with, we try to stick in line with what the sponsors of the bill do, which more clearly defines the number of employees that we want to represent. I understand the concerns from the other side, but I would hope that you would stick with the Majority Report. There is a little bit of difference, but I think that if we support the Majority Report, it more clearly defines what the sponsor of the bill wanted to have and accomplish.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think the good House Chair explained this bill extremely well; everything that he was

going to say, I was going to say. I hope when you vote, you vote for the Majority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Having served on the Committee, let me see if I can explain to you why I am on the Majority Report. The only difference is whether it is 3,000 or 4,000 times; and while 4,000 would probably be a good idea, what it does is it leaves the rest of the workers in this class behind, because the standard all across Maine law is 3,000 times. So in order for this particular job not to be different than any other job in which we make a determination of what that cutoff is, I stayed with the Majority Report. I think that if at some point in the future we would like to raise it to 4,000, we ought to do it for all of the people in that class, not just for this very specific and very narrow group. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **NORTON**: Thank you, Mr. Speaker. This is 3,000 times the minimum wage if the people only worked 40 hours a week, but now we are going to a salary basis, so they could make many, many more than the week; in other words, readjusting that salary?

The **SPEAKER**: The Representative from Bangor, Representative Norton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Representative Norton is right: 3 times minimum wage puts a ceiling, these folks cannot, they can be made to work more than a 40-hour week, but it is likely they won't be paid more. Right now they are compensated if they work more, if they work overtime. That is why Representative Jackson and I asked for this to be raised to 4,000 times minimum wage, because the testimony was such, as to lead us to believe, that these workers currently earn 4 times minimum wage, so why put a ceiling lower than that?

The gentleman who brought this bill, with all due respect to the sponsor of the bill, agreed that it would be harmless for us to do 4,000 times minimum wage, and that is why we have dissented from the majority, because what we want to do is assure that we do not under mind this class of workers as they exist today. We do not want them working longer hours for less pay. We do want to help eliminate the burden on the employer and help them do less arithmetic, because I understand it's burdensome on the process that they must go through. But I will tell you what; the folks that are doing the real work are far more burdened than the arithmetic process that these folks have to go through. Thank you, Representative Norton, for raising the question.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Never let it be said that I am one to fight against overtime, but this is voluntary. You have to understand the industry that we are talking about. Because of the nature of the industry, there are certain types of work conditions that they voluntarily choose to do if they are a salesperson, if they are involved in certain aspects of this industry. They wanted the bill. The workers wanted the bill. They came to Representative Clark; he put the bill in and listened

to them. It is strictly voluntary. If they do not want to do this, they do not have to, so let's listen to the Majority Report, let's do the right thing, and support the workers.

The **SPEAKER**: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I was in the Committee, I never had any workers come and telling me that they wanted this, and most of the people that I know certainly want their overtime. I know I voluntarily have been screwed out of my paycheck before, but I could not say anything about it, and I am not saying that this is the case with this bill, but what we wanted to do was make sure that it never happened.

Mr. Brown, who was lobbying for this bill, said that most mechanics are making an average of \$32,000. I figured that \$28,000 was a good compromise, and that is why we put it at 4,000. I think that, like I said, if the auto dealerships do not have any problem with 4,000, but there are some of us who have an idea with a possible loss in overtime for some workers, and I think that we should make it 4,000.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The last thing that I want to do is to prolong this bill. I did not think it was going to go this long, a little simple bill like this trying to protect some workers. But if any of you know me and know my history, the last thing I want to do is put workers in jeopardy and harms way.

The good Representative from Portland explained this bill extremely, really well, and why we cannot go from four to three, three to four. I wish you would have paid some attention to when she explained it to you, what was taking place on this Committee when it went the route it did go. We are only doing what we have to do to protect the workers, the ones that are working in the auto dealership. Please, when you vote, you will vote with the Majority Report, and do the right thing for the people who work in those work places.

The **SPEAKER**: The Chair recognizes the Representative from Allagash, Representative Jackson. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **JACKSON**: Thank you Mr. Speaker, and one last time, I just wanted to say that I did not think that we were protecting the workers; I thought we were helping the auto dealerships out, that is the way the bill was presented to me.

What the Representative said about the 3,000 times: This is a difference. This is going to make a difference for some workers, and everyone in here should know that the federal guidelines, they set the minimum, but we can go over, we can supersede them anytime that we want as long as there are more. We are not doing anything out of the ordinary, there are many other cases where we have gone past federal guidelines, and this would be one of them. I do not see any issue with it at all. I think that we are actually going to protect more workers.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 131

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Browne W, Bryant, Cain, Campbell, Carter, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Eberle, Edgecomb, Faircloth, Finch, Finley,

Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Hinck, Hotham, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lewin, MacDonald, Marean, Marley, McDonough, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Woodbury, Mr. Speaker.

NAY - Boland, Burns, Canavan, Casavant, Craven, Dunn, Eaton, Harlow, Jackson, Norton, Patrick, Pratt, Walcott, Watson, Wheeler.

ABSENT - Berube, Blanchette, Brautigam, Conover, Cressey, Duprey, Emery, Farrington, Fischer, Fisher, Gerzofsky, Greeley, Hogan, Lansley, Lundeen, Makas, Mazurek, McFadden, McKane, Moore, Perry, Pineau, Pinkham, Richardson E.

Yes, 111; No, 15; Absent, 24; Vacant, 1; Excused, 0.

111 having voted in the affirmative and 15 voted in the negative, 1 vacancy with 24 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-476)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-476)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007

(H.P. 1290) (L.D. 1851)
(H. "A" H-380 to C. "A" H-321)

Which was **TABLED** by Representative **TARDY** of Newport pending **PASSAGE TO BE ENACTED**.

On motion of Representative **WALKER** of Lincolnville, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-532) to Committee Amendment "A" (H-321)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative **WALKER**: Mr. Speaker, if you like the RGGI concept, I think that you are going to like my amendment even more. My amendment looks at carbon-free sources of energy production. My amendment produces a Maine Nuclear Power Council, which is not only going to look at carbon-free

alternatives for power production, but it would also lessen our dependence on foreign oil.

Mr. Speaker, this is not an amendment for next week; this is not an amendment for next month or next year; this is an amendment which is going to have to deal with an issue that is probably going to come to roost, ten, fifteen years down the road. The rest of the world uses nuclear power for their energy production. France has 56 different, working nuclear plants, which generate 76 percent of their nuclear power. Our good friends to the north and east, the Province of New Brunswick, are speeding along a feasibility study to look at building a second nuclear power plant. We do not know what is going to happen with natural gas supplies, we do not know what is going to happen with the price of natural gas, we do not know what is going to happen with foreign oil sources, and we do not know what is going to happen with the price of foreign oil. We can look at tidal, we can look at wind power, we can look at solar power, but these technologies really will not be with us in any significant form for many years to come.

Mr. Speaker, I would hate for the person that is to follow me in this seat, be standing here 15 years from now, when we have rolling blackouts in the northeast, when we have rolling brownouts and a lot of people are suffering, somebody is going to say, "Gee, I wish somebody had thought about this and done something about this 10 or 15 years ago."

Again, this is a power source that the rest of the world is using. I think we need to look around, and we need to at least put together this council so we can look at how we can locate study, look at the environmental effects, and look at the construction of a nuclear power facility.

Mr. Speaker, I simply leave you with something that Thomas Jefferson said. He said that "a politician looks forward only to the next election. A statesman looks forward to the next generation." Mr. Speaker, Ladies and Gentlemen of the House, I would ask you to join me in becoming statesmen, stateswomen, today, and vote green on this amendment. Thank you, Mr. Speaker.

Representative **KOFFMAN** of Bar Harbor moved that **House Amendment "B" (H-532) to Committee Amendment "A" (H-321)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. While we could enjoy an energetic and robust discussion about the role of nuclear power in our future, I find this amendment to be inconsistent with the purposes of the bill.

The bill is establishing a regional greenhouse cap and trade program. It was well crafted by the work of a number of participants including members of two committees in a joint referral to Utilities and Energy and Natural Resources. Had we included, for some reason, nuclear power in the bill, the public hearing would have taken a space significantly larger than the Natural Resources Committee room, probably the Civic Center, and all of it.

I do think that the good Representative raises important points. There will be many discussions in the years ahead about this issue, this problem, and the many tools we will need to contain this problem, so that future generations do not suffer from the consequences of our inaction. But this bill stands on its merits, it has strong support, I appreciate all of the work that has gone into it, and I appreciate that the Representative would like to improve on it, but I do not find that in this case it would add value to our effort. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from South Portland, Representative Bliss.