

MAINE STATE LEGISLATURE

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

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ROLL CALL (#427)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, GOOLEY, HASTINGS, HOBBS, MARTIN, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROTUNDO, SCHNEIDER, SHERMAN, SMITH, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BRANNIGAN, DOW, MARRACHE, MCCORMICK, MILLS, MITCHELL, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-936)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "B" (H-936) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-936)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/7/08) Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Implement the Recommendations of the Governor's Task Force on Passenger Rail Funding"

H.P. 1403 L.D. 2019

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-906)** (8 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - April 7, 2008, by Senator **DAMON** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 4, 2008, 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-906)**.)

(In Senate, April 7, 2008, Reports **READ**.)

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-906) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/7/08) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Ensure Fair Wages"

S.P. 604 L.D. 1697
(C "A" S-452)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-452)** (8 members)

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

Tabled - April 7, 2008, by Senator **COURTNEY** of York

Pending - motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "A" (S-570) to Committee Amendment "A" (S-452)

(In Senate, April 7, 2008, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-452) **READ**. On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-570) to Committee Amendment "A" (S-452) **READ**.)

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-570) to Committee Amendment "A" (S-452) **ADOPTED**.

On motion by Senator **DOW** of Lincoln, Senate Amendment "B" (S-586) to Committee Amendment "A" (S-452) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW**: Thank you, Madame President. I have two amendments. They don't do the same thing but the results are the same. The attempt is to strip out all the additional extras that are in the minimum wage bill so that the discussion centers around the increase of the minimum wage. This particular amendment didn't get many headlines even in the committee because it just simply said to repeal sections such and such. The parts that are repealed have to do with exemptions that are now on the books for minimum wage and overtime. They deal with

both the restaurant industry and the hotel industry. That will keep, if we accept this amendment, everything status quo, the way it is, and allow the exemptions that do exist to continue in both of those industries. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. With all due respect to my good colleague, and I will actually later be supporting one of his amendments, I don't support this one. It is accurate to say that there was no opposition to these exemptions being changed in the law. They are pretty antiquated and pretty old and deal with domestic servants, governesses, and folks who are working in a home from a different era. There was no opposition. We did talk about it. In the committee there was nobody speaking too clearly about why they wouldn't want to get rid of these. I would ask that we defeat this motion and move to the next amendment.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President. This amendment would say that if we hire the local kid down the street to mow the lawn for us we have got to pay him minimum wage even if he's only 14 years old or even if he's only using one of the old fashion reel-type mowers where we want some trim done. They may be old fashioned and antiquated, but they are in there for a reason. The attempt is to get this bill down to where we can have a simple discussion on just the minimum wage part. I would ask you to support me on this part of the bill.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. I appreciate the good comments, but they are incorrect. This would not include somebody who is coming to mow your lawn occasionally. It is somebody who is a regular worker in your home. I will read the federal definition because that is the definition that the state uses. Let me make it clear, this is somebody who is regularly doing these jobs, not somebody who occasionally comes and shovels your walk or babysits or anything like that. 'The term domestic service employment refers to services of a household nature performed by an employee in or about a private home. The term includes employees such as cooks, waiters, butlers, valets, maids, housekeepers, governesses, nurses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use.' These are all people who are doing this on a regular basis. This is not folks who are just coming to do a little bit of work here and there. I would ask anybody if there are any folks on there who they think should be earning below minimum wage. I don't see anybody on there. All of them are people who, if they were not working in your home, would have to be earning the minimum wage. I think, as we know, when these were written it was an antiquated time. These were not added. These were put in way back when minimum wage laws were first created. There was no opposition to changing any of this. I would ask that we defeat this motion.

On motion by Senator **STRIMLING** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Dow to Adopt Senate Amendment "B" (S-586) to Committee Amendment "A" (S-452). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#428)

YEAS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: MITCHELL

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DOW** of Lincoln to **ADOPT** Senate Amendment "B" (S-586) to Committee Amendment "A" (S-452), **FAILED**.

Committee Amendment "A" (S-452) as Amended by Senate Amendment "A" (S-570) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **DOW** of Lincoln, Senate Amendment "A" (S-587) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President. This portion keeps the penalties in place that we have now. The penalties that are now for violating the minimum wage laws that are, I believe, \$50 to several hundred dollars. I can't remember what the top is, it might be \$500 to \$1,000. The penalties that are included in this version of the bill are excessive and they start at \$1,000 and go up to a maximum of \$10,000 for a violation of the minimum wage bill. We've increased the penalties 10 to 20 times, depending on whether it's on the bottom end or the top end. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING**: Thank you, Madame President. I rise in support of this motion. I would say that when we had the hearing and we had these in, there actually was not a lot of testimony that there were a lot of violations out there. We were originally thinking the bill was a little broader; that there might be some new pieces in place and we had to make sure those got enforced. I think the Senator is doing a good thing by pulling these provisions out. I would encourage my colleagues to support it.

On motion by Senator **DOW** of Lincoln, Senate Amendment "A" (S-587) **ADOPTED**.

On motion by Senator **COURTNEY** of York, Senate Amendment "B" (S-602) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY**: Thank you, Madame President, men and women of the Senate. What this amendment does is adds a little economic stimulus to the equation. We noticed that the federal government, when they did their minimum wage increase, tried to do the same for a lot of the small businesses across the nation. This particular amendment addresses one of our difficulties that small businesses are facing with the increase in the fuel costs that they pay sales tax on. This amendment would reduce that from 5% to 3%. If you look at the fiscal note, you will see the fiscal note is pretty substantial but it actually is money that has been over-collected. It's been a windfall for the state. If you look across, there has been a ton of additional sales tax revenues coming in from this because of the increased fuel prices. Heating oil has gone from \$2.00 a gallon to \$3.70 and the 5% sales tax on that has created a ton of money coming into the state. Had somebody like Exxon or somebody like that done this we'd be all over them. We'd have the AG sitting in their office, just pouring over their books and trying to find out why they are gouging the good citizens of the state of Maine. I just want to offer this as a way to offer some relief to the small businesses across the state, those with 50 employees or fewer. This would give us the opportunity to do that as well as be able to afford the minimum wage increase. Thank you, Madame President.

Senator **MARTIN** of Aroostook inquired if Senate Amendment "B" (S-602) was **GERMANE**.

THE CHAIR MADE THE FOLLOWING RULING:

"The Senator from Aroostook, Senator Martin, has questioned whether the Amendment offered by the Senator from York, Senator Courtney, is Germane. The Chair has looked at it. It does not apply to minimum wages, it has to do with fuel tax and electricity."

The Chair **RULED SENATE AMENDMENT "B" (S-602) NOT GERMANE**.

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW**: Thank you, Madame President. After we get done with this debate, I know you are all going to vote your own conscience. What I want to say is something that hasn't normally been said about the minimum wage because I consider the minimum wage all part of a huge economic policy that governs the state. I know that it's been argued in our committee that this is a big boom for many people, that will help them out, and I know it's been argued that it, in its own way, helps the economy of the state of Maine. It's been argued that with a couple of the other states, I think it was Idaho and Washington, one state changed their minimum wage and the other didn't, it hauled people over the border to the state that had the higher minimum wage. It was all talked about in terms of economy. I want to ask this one question; how does any minimum wage discussion really help the people that we are trying to help? I know, for instance, if we raise the minimum wage 50¢ that would increase a person's pay \$1,000. I realize that. If we were at, for instance, \$8.00 an hour for a minimum wage, that translates to around \$16,000 per year for a forty hour a week job. The average salary in the state of Maine is double that. I'm wondering how it helps. Why shouldn't we be upholding economic policies that bring forward much better results than trying to rely on a minimum wage to try to solve some of our people's problems?

We pass the minimum wage and then we say we've done a good job and we've helped out a few people. Have we really helped them out? Have we helped these people out of some of their economic poverty? I would say no. I would say we've done the opposite. We've perpetuated them staying in poverty because we haven't dealt with the real issues at hand; their educational value which can get them a better job, better industry in the state of Maine where they can work better jobs, and several other factors. These are the real economic conditions. In my opinion, we have an economy in this state that's on steroids. With the minimum wage portion of it, when we come along and try to change that, we're just giving ourselves another steroid shot but we're not taking care of the real problem with the economy in Maine. As I've said, our salaries in Maine average about just under \$32,000. The salaries in the next state, New Hampshire, which I know everybody hates to discuss, are over \$7,700 more than here. How does changing our minimum wage, and thinking that we are actually benefiting this group of people, really help anybody? Shouldn't we be working on other policies that really will help the people? I'm not talking about a livable wage either. It was mentioned one time that we'd like to change the minimum wage to a livable wage, but that's not good enough because the livable wage is around \$12 an hour. All the livable wage does is allow someone to meet their expenses and nothing more, without welfare or without anything else. That's all it allows. The average salary therefore in this state, if we're earning \$32,000 on the average, is around \$16 per hour.

We want to always treat the Maine economy and the people of Maine as if we were the only entity in the universe, as if Genesis read that in the beginning there was the state of Maine and the rest of the world formed around it, but it doesn't exist out there. The things that we do in this state don't somehow effect everything that is going on around us. The argument given for the states of Idaho and Washington were quite interesting. People were streaming over the border from Idaho to go to Washington because the minimum wage was higher there. Well that is an interesting concept. I thought I would check how it is along our borders and check the unemployment. I've already

said I feel that the Maine economy is on steroids. The unemployment rate in this state now has flip-flopped and we're .5% higher than the national average. How does the minimum wage changes help that? How does it ever help it? It doesn't. We used to be a couple ticks below the national average in unemployment. Now we're 5/10 over. We have an economy that I say is on steroids. This minimum wage continuation and thinking that we're helping people out is just another steroid shot.

We do have some good employment areas in the state of Maine. One of them is in the Portland/ South Portland/Biddeford area and another one is the Portland/South Portland/Sanford area. Those areas have unemployment rates of 4.2 and 4.4. Pretty good because the national average right now is 5.2. The state national average right now is at 5.8. How about some of the other good areas in the state of Maine that have unemployment? One of them is listed as Conway, New Hampshire Maine at 4.4%. One is listed as Portsmouth, New Hampshire Maine at 3.9%. One is listed as Rochester/Dover, New Hampshire Maine with 4.8%. Their minimum wage has been much less than ours over time. Those people aren't crossing the border for minimum wages. They are crossing the border for much better economies than we have. We've failed to produce better jobs for our people that will get us above and out of these minimum wage discussions. What we are left with is the Belfast area at 8% unemployment; Calais at 11.6%, Machias at 11%, Madawaska at 8.1%, and Millinocket at 9.6%. This either says something about our overall economy or our failed Pinetree Zones or maybe something about the minimum wage because I'd ask you, how does the minimum wage help these people out in these communities? How does changing it help them out when the average salaries are in the \$16 range? How is changing it up to \$7.50 going to help these communities? There are many of them in the state of Maine. I've traveled in hundreds of them in my lifetime. I'm talking about communities like Sherman Station or Island Falls or Mapleton. Mapleton's a nice community. Uncle Arthur came from Mapleton. How about the people in Whitneyville? It has a population of around 250. How does this minimum wage discussion we have every two years effect them? You know, there is a bright spot in Whitneyville, actually a couple of them, they're not waiting for the minimum wage to help them out because their household income is about \$12,000 lower than the state average. Their property, homes, are valued right now, according to the census, at around \$66,000 per home instead of \$158,000 which is the state average. How does this minimum wage policy that we keep perpetuating help them? Yet they are a proud community. They don't have a school, but they have a library and they have a pot of gold ham dinner every year to support this library, which is special to them even though it's small. It has a special collections in genealogy and Maine history, a top rated children's collection, and art, biography, and history sections. They have this pot of gold dinner so that they don't have to charge anybody for taking a book out or any late fees. They are proud of this library and I'd say they are proud to be members of this community. How does minimum wage discussions help them? Shouldn't we be working and spending our energy on real economic discussions that would help all the people in all of these communities?

I've come to look at some of the time that we waste talking about subjects that border on Maine's problems. This is one of the bordering issues. Yes, it is going to help some people. It's going to provide them with a little bit more money and they will be able to say to their neighbor when they are asked if they got a

raise this year that they will when the minimum wage increases. That's no help. In this state we have 22% of our people working two jobs to make ends meet. The national average is 14%. The gulf is widening. A few years ago we were only under \$7,000 less income than New Hampshire. Today we are over \$7,700 and the gulf is widening. Maybe being like New Hampshire still isn't good enough because the economies are scaled to the state. They are earning an average of \$46,000. We don't have enough economic vision to get us through the \$1.50 tollgate on the New Hampshire border. We've erected a wall of 16 miles between us and prosperity. The minimum wage is not, never has been, and never will be the solution, even though we like to tout it year after year and say we've fixed the problem for a certain group of people. We haven't. We've only perpetuated them into poverty. I'm not going to vote for policies anymore that are just a bandaide on a gaping wound.

There is a businessman in my hometown who sells cars. I always check on my own business by asking people in other businesses how they are doing. I don't want to know about another furniture store. I want to know how the rest of the economy is doing. I asked him one time during a recession how he was doing. He replied to me, 'Dana, Maine is always in a recession, so we're doing okay.' I want to address the real economic issues, not these issues which pretend to help out the citizens of the state of Maine because they don't. We need to get people's wages up where they really belong through education and economic opportunities, not promising them a minimum wage hike every year. We need to really help the people in the Whitneyville's around this state. If they are not listening in Whitneyville today, right at this moment, I guarantee you they are going to be listening tomorrow to find out why they have been singled out as representative of all people in the state of Maine that need to have their economy scales changed. Thank you, Madame President.

The President requested the Chamber Staff escort the Senator from Aroostook, Senator **MARTIN** to the rostrum where he assumed the duties as President Pro Tem.

The President retired from the Chamber.

The Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

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

Senator **STRIMLING:** Thank you, Mr. President and colleagues of the Senate. I do appreciate my good colleague from Lincoln for presenting a few factual pieces. Not to dispute that there are struggles in Maine, but our unemployment rate in Maine is the same as the national average. If the good Senator, or anyone here, would like to know how raising the minimum wage helps or who it helps I would encourage you, invite you, and be happy to escort you to meet the thousands of people in Maine who are making minimum wage. We may think that a mere 25¢ increase on their wage this year won't help very much but I tell you for folks who are on the edge, for folks who are making minimum wage,

and for the women who are supporting their families and their children on the minimum wage \$500 a year, which is what this equals, means a lot. We live in a very different world if we think that \$500 a year doesn't mean a lot to Maine families because there are a lot of Maine families who are living on the edge. When you want to talk about artificial steroid injections to economies, I would say the minimum wage is not even close to an artificial steroid injection. An artificial steroid injection would be an economic stimulus package in which you might provide some tax rebate on a one-time basis, as often seems to be the answer from the federal government to the recession that we are living in today and the recession that we expect will continue. We know that throughout the history of Maine when you raise the minimum wage you raise people out of poverty. When you raise the minimum wage you raise wages in Maine, you raise incomes in Maine, and you help families. The evidence is clear.

I was very glad to hear my colleague from Lincoln County talk about New Hampshire and how the gap on their incomes and ours is widening because, ladies and gentlemen of the Senate, it's about to widen even further. They are about to raise their minimum wage above ours while we fall stagnant if we do nothing today and fall behind further. They, New Hampshire, the fiscally responsible, with the great economy and the low taxes, are raising their minimum wage above Maine's for the first time, I think, in 20 years because they recognize the minimum wage must be raised in order to raise the incomes of the lowest income of their state and to indeed have that money go back into their economy.

We did, in committee, get evidence in front of us that showed when bordering states have a higher minimum wage than the state next door their workers travel to the higher minimum wage state to make money. We saw it in Washington and Idaho, out west. People who lived on the border were going into Washington because the minimum wage in Washington was indeed higher. The businesses in Idaho were losing workers and insisted that their legislature raise the minimum wage or they had to raise the wages themselves because workers were going over. It's the same thing that we will now see with New Hampshire if we do nothing today, if we do not at least, at a minimum, meet their minimum wage, which is what we do in the first step and then in the second step we get ourselves in the middle of the pack to be competitive with the rest of New England.

I would also remind my colleagues on the other side of the aisle that it was President George Bush, the Republican President George Bush, who just signed the largest minimum wage increase in our nation's history. A three year bump up to the place that we will be this fall. I think the reason that he did it is because he understands that the American people recognize that the minimum wage must be raised. He understands that if we raise the minimum wage a mere \$1 an hour across the country we would pull almost one million people out of poverty. Here in Maine if we raise it we will be helping families who are struggling on the edges, with a raise of about 3.5% or 4%. It would be 4% the first year and 3.9% or 3.8% the next year. I think Maine workers work hard. I think they work to support their families and they deserve a 4% raise. They especially deserve it because our bordering states are paying more and our incomes are dropping here. Colleagues, I would ask you to support the motion before you in the name of those workers who are at minimum wage and in the name of the workers across Maine who are struggling and falling behind because as the gap grows wider and wider between the wealthiest in this state and the poorest it

only tears apart our social fabric further. We know a widening gap is unhealthy for our economy, so for the sake of our economy I ask you to support raising the minimum wage today 25¢ this year and 25¢ next year. Thank you.

The President Pro Tem requested the Chamber Staff escort the Senator from Cumberland, Senator **EDMONDS** to the rostrum where she resumed her duties as President.

The Chamber Staff escorted the Senator from Aroostook, Senator **MARTIN** to his seat on the floor.

Senate called to order by the President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. This bill is important to many people. Interestingly enough, my area, the Biddeford area, was one of the areas that was quoted as doing well. Well is relative of course. We're doing well compared to the rest of the state. Indeed, for me, minimum wage is not much of an issue. It won't cost me votes. It won't save me votes, if that's what it's all about. I will tell you that the minimum wage is important to many, especially women, in depressed areas that take a job and they have to do the work of the people down in my area whether it's working at the local McDonald's or the local Mom and Pop store and get less money than people in my area. That may be difficult for many of you men to understand but women get about 76% of every dollar that a man earns. That 25¢ an hour becomes very important for a single mom who has two kids and needs to feed them and keep them in shoes and also fill the tank. It is important.

I sit on the border of New Hampshire and when New Hampshire can go above us we have real problems. They will go above us. If you are looking, as a young person, to move would you go to the area that pays the lowest minimum wage anywhere in the state, especially if you want to bring people to the northern part of the state?

The Democratic caucus of the Labor Committee were pretty strong and the good Chair, the Senator from Cumberland, Senator Strimling, wasn't very happy with us. After many conversations with restaurant owners and everything, we took out what was the most onerous for most of us. That was that tip where we were going to take the people who make the most within the restaurant area and let them continue to make more. We said we couldn't go there. We also couldn't go by automatic indexing because we don't know how long this recession will last. If history is correct, it will last longer here than in the rest of the country. There was no problem in supporting the penalties. No sense in raising that penalty piece. I let it be known that I would support the good Senator from Lincoln, Senator Dow's amendment.

I want to leave you with a story. You've heard it before. I've said it before on this floor, but I figure I'll join the many Senators who repeat themselves. Who will minimum wage help? Well, there was a really bad storm along the coast of Maine and a little boy was walking along after the storm. All these starfish had

washed back up on the shore. There were just hundreds of them and he was throwing them back, one at a time, into the ocean to save them. A very knowing adult person walks up and says, 'What are you doing?' The boy said, with the wonderment of a child, 'I'm throwing all the starfish back.' The adult said, 'You're crazy, you can't save all those starfish. You can't make a difference.' In the truth of a child, he looked and said, 'No, probably I can't.' As he tossed one in he said, 'I just made a difference for that one.' Maybe this minimum wage will make a difference for that single mom who's going to get \$500 over the course of a year. I have to confess, that's what I told my oil company, that this was as high as I could afford to pay this year. For the first time in my life I had to stop oil delivery at a certain level, not to go over \$500. If I'm suffering, that woman that might get 25¢ an hour, that little starfish, I want to be able to make a difference in their life. I will be supporting this. I was not supporting the first minimum wage bill as it came through, but I believe it has been pared down and it has been made better. I do not support an automatic indexing in this. That's been taken out. Until we can do the economic stimulus that I agree we need, we must continue to make a difference, albeit not grandiose. Save a few starfish, I beg of you. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I want to thank the Senator from Lincoln, Senator Dow, for putting forward a helpful discussion because he's offered for us the opportunity to just look at the data. We tend to have the same conversation around increases in minimum wage every session, as the good Senator pointed out. I appreciate his attempt to try to at least step back and just look at the information in front of us to determine whether or not the policy is effective. It's a good time to just take a moment and examine that because we, the State of Maine, have been on a steady regular increase, almost on an annual basis over the last few years, of increasing Maine's minimum wage. We do have an opportunity to look at the data and make a determination. Is this, in fact, a policy that's pulling people out of poverty, as has been stated in this debate? I refer you to the recent Kids Count report. Since 2003 we have seen an increase in the number of children in this state living in poverty. This year we had the most recent Kids Count report and once again there was an increase in the number of families and children in Maine living in poverty. The good Senator has brought our attention to spending a little time examining the effort, the policy, and its effectiveness. I appreciate it and appreciate the opportunity to step away from the regular discussion and just ask ourselves if this is an effective approach. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you, Madame President. I rise to repeat and repeat and repeat. It's beginning to sound like Groundhog Day. I'd like to associate myself with the remarks of the good Senator from Lincoln, Senator Dow. This is my tenth year of hearing this same debate. It started in the other Body the first year I was here by Russ Treadwell, who was exiled to Labor for eight years. The piece that I heard from Representative Treadwell was that there were actually studies that existed

around folks who were on minimum wage. I wish I had those today because they were, I think, from the University of Michigan. They were out there. Those numbers, in my mind, support what the Senator from Hancock, Senator Rosen, and the Senator from Lincoln, Senator Dow, were saying. If I remember correctly, and I sometimes forget my wife's name, those studies said that if you take a group of people, and I think they studied 10,000 people, that very few of those folks are still on minimum wage after five years. They had moved on. You get this churning of folks on minimum wage. It is a starting wage, for a number of reasons that you've all heard in the past. I would suggest that we do find someone that has looked at the people who are on minimum wage, look at why they are there, and how long they are there so we have some statistical data to look at. We use statistics to say how poor everyone is, maybe we should use statistics to say how long they are on minimum wage and do they go someplace else. Are they college students? Are they part time students? Are they some one who is in and out? Are they one of us old fellas who lug groceries at the local Hannaford store? I would suggest that we put some sort of study together, like the Senator from Hancock, Senator Rosen, was talking about. Maybe people could actually do that for free where we don't have too much money. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. If I may. There is always a danger in loading up a minimum wage bill with a lot of substantive changes on top of an attempt to adjust the rates. I'm one of those who thinks that the rates have to be adjusted from time to time if they are not adjusted automatically for inflation. If you are going to have a minimum wage you've got to have it increased or adjusted every once in a while. This bill, as it now lies before us in its current posture, eradicates two exemptions. Actually there are more than two. The two that are of concern to me are these. It eliminates an exemption for domestic service in or about a private home. That probably applies to people who mow lawns, and people who do the dishes and clean house. I pay far more than the minimum wage to people who work at my house most of the time. As I read this, if we pass the bill in its present form, we would be applying the minimum wage to babysitters. I think that will come as some news to young parents hiring school kids to tend to their 3-year-olds. It also, in its current posture, will eliminate an exemption which I don't think is ancient, I think it's of relatively modern vintage but I could be wrong, that says that the minimum wage does not apply to publicly supported non-profit organizations or an educational non-profit organization, neither of which is a political body or a political subdivision. I've been trying to figure out what that is and why the exemption was created in the first place since we are on the cusp of eliminating it. I'm not sure, but I think it may be the exemption that authorizes non-profit organizations to pay much less than the minimum wage to people with developmental disabilities in work shelters and workshops. I'm not certain of my ground here, but I'm trying to understand what we're doing with this bill.

I've often not been opposed to increasing the minimum wage from time to time, but when we combine it with major substantive changes it means that we have to understand the implications of what we're doing. I remain uncertain about whether I want to go home and explain that we've applied a minimum \$7.50 hourly rate

to babysitting and that we have somehow put sheltered workshops out of business, if that is what this bill does.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. My good colleague from Somerset, Senator Mills, apparently may have missed the debate earlier. We debated on this domestic issue. There was an amendment that came forward in which we discussed, and I read into the record, who it would effect. It does not effect babysitters or people mowing your lawn. It's in the record already. I'm happy to share it with you. There is a federal definition that we used and that federal definition basically states that it must be somebody you are using on a regular basis and then they list them out. It's basically cooks, waiters, butlers, governesses, grooms, chauffeurs, and etcetera. In the federal law. I'm happy to share that with my good colleague.

On the issue about the other exemptions, there was no opposition to them. In fact, I run a non-profit organization and it does not deal with the areas you were referring to. We were actually surprised that it existed in there. When we laid it out in front of the committee and talked about it with out legal analysis, there was nobody coming forward saying that was a problem because everybody is paying within the jobs. If you are dealing with folks who are, for instance, in a training setting it is a different set of rules. If you are dealing with some kind of assistance setting it is a different set of rules. These are people who are working for you in some capacity.

In answer to the question by my good colleague from Aroostook County as to who gets the minimum wage, the studies have already been done. I'll just give you some pieces of it. There is an estimated 26,000 workers in Maine that are earning the minimum wage. Women comprise 63% of those earning at or below the minimum wage. Three quarters of workers earning at or below the minimum wage are over the age of 19. I can tell you nationally but I don't have the statistic for Maine, 24% of the minimum wage earners work full time or more. There are often a lot of myths that the minimum wage is mostly young people, summer jobs, or temporary jobs but it is actually not true. A vast number of them are full time and the overwhelming majority of them adult. As I said, 63% are women. I think over a majority of those women are actually supporting families.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President. Still some of the discussion has to do with how we're going to help people with the minimum wage. If that's the only vision we have for this group of people then shame on us. Do we want our people streaming across the border to New Hampshire so they can earn 25¢ an hour more? At \$8 an hour your yearly pay for a 40 hour job is a little over \$16,000 a year. At \$12 an hour, which would be close to a livable wage, you are at \$24,000 to \$25,000. In this state we are earning what I consider a pitiful average of under \$32,000 a year. New Hampshire is over \$39,000 per year. Massachusetts is over \$46,000 per year. That translates into about \$23 an hour. New Hampshire is just under \$20 an hour. In the state of Maine the average is just under \$16 an hour. Somehow we seem to think that we are going to perpetually help the people at the bottom end by giving them a 25¢ increase so that they can get up

to \$7.25 and \$7.50 an hour. The policies that we've had for over a decade have failed. The gaps are still continuing to widen and we need to step back and take a look at the real vision of what we need to do to improve people's lives. It's not the minimum wage. We've got a lot of programs to help people with their education. We've got programs to help women that have families to provide daycare, to provide vehicles, to provide tuition, but we don't fund them good enough. We've wasted our money on too many other welfare packages that give \$500 this year but they don't really do anything for the individual. It just perpetually keeps them on this system of minimum wage. It's not good enough for the people of the state of Maine. It's not good enough for that group and it's not good enough for the \$12 an hour people that are earning just enough to barely get by. It's not good enough.

We need a new vision, one that takes into account all aspects of the Maine economy and this minimum wage is part of it. Is our vision that low for everybody, for the state of Maine that said its workers are the gold standard for the United States, and for the people that want to work? The people of Whitneyville don't want any additional help with the minimum wage. They want real wage increases. Real training. They want a real opportunity to earn not just the \$16 an hour that keeps us around \$32,000 per person but more. We have got to have a better vision that will carry us over the top. Why do we look at everything as if it's just the state of Maine and forget to look out beyond our borders to see what is really happening in the world? This is a failed policy to have these increases year after year after year. What's it been, 10 or 11 years in a row? It's failed. The gulf is still widening between the better paid and the lower paid. It's still widening. More people, more children, are ending up on the poverty level. These policies have failed. We need to take a look at something else. By instituting a regular minimum wage bill, this is what I envision it doing, we say, 'There, we've done our homework. We've done our work and we've helped the people of the state of Maine.' We haven't helped them. We have not helped this group. The minimum wage will not help them survive better. They need more than that. They need more than the average wage that we are getting paid in the state of Maine now.

We need to change many of the policies. It isn't just taxes. Taxes are just a part of it. It's educational level. In Whitneyville only 11% of the people have above a high school education. There are Whitneyvilles all over the state of Maine. Until we stop talking about a nickel and a dime here we're never going to help the run of the mill people in the state of Maine, and I'm one of them. I consider myself one of them that grew up in a home that just asking if my father could take me to the store just to get some popsicles because I had friends over and he would say, 'Sorry, son, I don't have any money. We can't go.' That's not the vision that we need to have for this state. This is just one of the policies that perpetuate poverty. I'm not going to support ideas that don't have a grand vision for the people of the state of Maine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. We were having a short discussion about what the exemptions mean. I have to say that, in the absence of any direct cross-reference to federal law or some other state drafted exemption, I would be concerned that the bill, as it is presently formulated, would apply to all forms of domestic

employment. I am concerned about whether there is a separate exemption or some other measure that would enable non-profit entities to continue operating what we sometimes call sheltered workshops. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. Knowing that what I say will change no votes, and that would have been true a half an hour ago, I just want to say that this debate ought to continue at some point and it ought to continue, hopefully, to an election in November that will provide at the federal level someone who will prevent what's happening in some of our mills, like in my area, from closing and causing people to be unemployed. On the other hand, I think it's also fair to say that the minimum wage does help a little bit and that's all we're doing. It's certainly not improving the quality of education, providing healthcare, or doing all the other things we can do. I would hope the members of the other party will join me in doing other things that we can do.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Madame President. Over the years I've sat through dozens of these debates. Sometimes I've voted in favor of the minimum wage increase. Sometimes I've voted against it. This time I can't support the bill but I can support the amendment. I also don't think the minimum wage is the cause or the cure for poverty.

I just want to lay out a few of the things I've heard over the years through this debate and then I want to pose a question through the Chair. Over the years I've heard things such as the minimum wage isn't that important because so few people get it and stay on it for such a short period of time. Then I hear that businesses can't afford it. Then I hear they can't afford the minimum wage but if we didn't have one, or had a much lower one, people would earn more money. I've heard that if we go up on the minimum wage it's going to force the wages up for everyone above minimum wage. I've heard that if we go up on the minimum wage they won't be able to afford to give raises to anyone above minimum wage. I've even heard that if we go up people will stop buying their bagel and coffee in the morning. I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **PERRY:** Thank you, Madame President. Is that all true?

THE PRESIDENT: The Senator from Penobscot, Senator Perry poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Piscataquis, Senator Smith.

Senator **SMITH:** Thank you, Madame President. I certainly don't rise to answer those questions, but I have a couple of other points that I would like to make. I'm in agreement with the Senator from Aroostook, Senator Martin. My comments are going to change no votes here today. I just wanted to rise to say thank you to the good Senator from Lincoln, Senator Dow, for broadening the discussion. It is an important discussion for the state of Maine

and one that I would very much like to engage in. I realize the hour is late today, but the minimum wage is probably not going to lift us out of the economic doldrums that this state has been in for some time. That is a broader discussion. I come from an area of the state that needs to enter that discussion and we need to produce some overall results. The minimum wage is not going to assist very much in the kinds of things that my areas in the state need. We need massive investment in the private sector, basically. The minimum wage has nothing to do with that. It would greatly help many of the workers in that area if we could arrange our policies in such a way that we would encourage it. To do that we've got to have a major discussion on taxes, on regulatory cost reform, on health insurance costs, and on energy costs.

I might note that in some of the bills that are coming through here some of these issues are beginning to be recognized as problems. In the regulatory cost area, for instance, in a major piece of transmission line legislation that we are dealing with here in this legislature and on a major wind policy bill that is making its way through with bipartisan support, regulatory costs are recognized as a major component because both of those bills have expedited regulatory procedures in them that very few other developments receive.

We have major problems here and it's effecting our lowest paid workers and our highest paid workers, to tell you the truth. I look forward to the day when we can have a major discussion in all of these areas and so does my district. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "A" (S-542) as amended by Senate Amendment "A" (S-570) and Senate Amendment "A" (S-587). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#429)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452) AS AMENDED BY SENATE AMENDMENT "A" (S-570) thereto, AND SENATE AMENDMENT "A" (S-587).**

Sent down for concurrence.