

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 7, 2016

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Representative:
LONGSTAFF of Waterville

READ.

Representative WARREN of Hallowell moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended.**

On motion of Representative HERBIG of Belfast, **TABLED** pending the motion of Representative WARREN of Hallowell to **ACCEPT** Report "B" **Ought to Pass as Amended** and later today assigned.

**ENACTORS
Mandate**

An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder
(H.P. 597) (L.D. 848)
(C. "A" H-448)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 17 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Bond Issue

An Act To Authorize a General Fund Bond Issue To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund
(H.P. 101) (L.D. 143)
(C. "A" H-452)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative HERBIG of Belfast, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act To Improve the Tax Appeal Process for Maine Businesses and Consumers
(S.P. 198) (L.D. 583)
(C. "A" S-227)

An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners
(S.P. 243) (L.D. 731)
(C. "A" S-229)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Clarify the Authority of an Affiliate of a Utility To Own Power Generation outside of the Utility's Territory
(H.P. 536) (L.D. 756)
(S. "A" S-220 to C. "A" H-314)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative HERBIG of Belfast, was **SET ASIDE.**

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-209)** - Minority (2) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Restore the Tip Credit to Maine's Minimum Wage Law"
(S.P. 235) (L.D. 673)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-209).**

TABLED - June 8, 2017 (Till Later Today) by Representative FECTEAU of Biddeford.

PENDING - ACCEPTANCE OF EITHER REPORT.

Subsequently, Representative FECTEAU of Biddeford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **SYLVESTER**: Thank you, Madam Speaker, good folks and colleagues of the House. I stand, as I did in committee, in opposition of this bill. And, while the folks on my committee put on several amendments which, if they were in a standalone bill, I would vote for 100 out of 100 times -- important protections -- I cannot. Others will speak of fears of what might happen, fears of what could occur, the real fears of what voters said who are opposed to this bill or opposed to the referendum. And perhaps you know they will not listen to those who spoke in support, but I will let others speak of fear. I rise today to speak of hope. Now, we talk a lot in this building about kids who go hungry at night, about constituents who are at risk of having the lights turned out or losing their homes, of people who cannot afford their prescriptions. We talk and we talk and we offer hope that something might get done, but for the most part, we say no, too much; no, not ready; no, not at this time; or worse, no, not for you. On the question of the minimum wage -- oh, how this body has talked. Year after year we offered hope to those Mainers who toil for the least wages allowable under law. And we said, here is hope, hungry child, here is hope, constituent sitting in the dark -- and occasionally we gave some small relief, but for the most part we talked, but decided no, no hope, too much, not ready, not at this time, not for you. So, the people of Maine said, "Enough." When they saw an opportunity to give a raise, to give hope in tangible form to those Mainers who labor for the least amount permissible by law, they said yes. Yes, person worrying about paying rent or mortgage, yes to those who wonder how they will fill their prescriptions. But then, cue the talking. Cue the Legislature. You may wonder what a dapper gentleman from Portland such as myself even knows about the minimum wage. After all, it's all caviar and champagne in Portland. Well, it might surprise you to know that I know quite a bit about living

under the minimum wage. To know that for the first 18 years of my life, that is all I knew. My mother, a single mother, worked at a minimum wage or a hair over the minimum wage for most of her adult life, and never made over \$14,000 a year. I was that hungry Lewiston child going to bed after the smallest chicken breast that they sold and a fifth of a can of peas. Listening to my mother ask for extensions on this bill or that, going without prescriptions until she could afford it. So, I applaud this referendum and the people of Maine, and I even appreciate that this bill that seeks to amend it allows some of that hope to live. This referendum allowed hope to workers all over this state, to all of our constituents, to retail clerks and car wash attendants and bus boys and hotel chambermaids. And, this current bill allows that hope to stand now and into the future for some of them, and for that I am grateful, on behalf of that kid I was: the Franco kid with two pairs of pants to his name, both gray corduroys, which I will tell you, Madam Speaker, is not a good look. This bill allows hope for all those workers, except the tipped workers. To them we say, "Too much." To the servers we say, "We're not ready." To tipped workers we say, "No, not at this time. No, not you." And I will not belittle the many fears and honest concerns that tipped workers brought to our committee, I listened to every one with an open heart for 12 hours, just as I listened to the many tipped workers who came out in support of maintaining the tipped minimum wage. Even as I listened to the dozens of my tipped constituents living three or four to an apartment and still wondering how they could afford to live near work, since their fabulous tipped wages did not allow them to purchase a car to live elsewhere. Not all of them, but enough of them: 117, in fact. And I briefly considered reading each one of them on this floor today; the ones that said that the gratuity is a gift from their customer for their good work, and not a wage. Never mind, we will say though, their fears of how to pay the rent or how to buy a car, because we started to talk. And, we talked in this body and we decided we needed bills to say no. We decided that, regardless of what might happen, or that we would base this on what might happen, or despite the data of every minimum wage increase ever passed, we would say no. But, I promised I wouldn't talk of data, so I will only offer these two numbers. In the many, many hours of testimony that we heard, here is the most compelling argument that I heard. No one ever claims the tipped credit, so who cares, it won't even help. Well I don't doubt that is true at \$5 an hour. At \$5 an hour for 40 hours, that would be \$200 a week, and if you don't make \$200 a week as a working man, you're finding other work. Yet at \$12 an hour, that's \$480 a week, and are there no Maine tipped workers who in the dead of winter do not make \$480? I'll leave that to your wisdom. Now, I thank this body for listening, I thank the people of Maine for the hope they have given to the people all over this state who toil every day for the least allowable wage that is offered under our great statutes. And to those servers for whom \$480 in the dead of winter might have helped, I say, I'm sorry if today this body says no. We're not ready. No, not now. No, not for you. Thank you, Madam Speaker.

Representative FREDETTE of Newport **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 South Portland, Representative Hamann.

Representative **HAMANN**: Thank you, Madam Speaker, Men and Women of the House. I rise in opposition to the

pending motion. Real families are on the line. Passing this bill would result in a pay cut for thousands of Maine tipped workers. The median income including tips for a restaurant server in Maine is just \$9.06 an hour. Tipped workers are two times as likely to be in poverty and three times as likely to access food stamps. Seventy-nine percent of tipped wage workers are women, many of them single parents. Real families are on the line. Well, no, we hear people claim that without a tip credit, people will stop tipping, and the result will be a loss of income for tipped wage earners. That's some people's opinion. But, let's look at some evidence. In the seven states with no subminimum wage, and in others with higher tipped wages, tipping is just as high or higher, and servers make higher incomes. Restaurant industry growth and employment are also higher. And finally, the people have spoken. Question four passed with over 55 percent support statewide. That wasn't all in Portland, in fact it won with 54 percent support in Aroostook and Washington Counties. Further, it received more votes than any citizen initiative in Maine history, and more people cast ballots on question four than voted for President. The people have spoken. Raise the minimum wage, raise the tipped wage. Well, perhaps the referendum wording was vague. So, let's revisit the referendum question and see how it was presented on the ballot. I quote "An Act To Raise The Minimum Wage." "Do you want to raise the minimum hourly wage of \$7.50 to \$9 in 2017, with annual \$1 increases up to \$12 in 2020; and annual cost-of-living increases thereafter; and do you want to raise the direct wage for service workers who receive tips from half the minimum wage to \$5 in 2017, with annual \$1 increases until it reaches the adjusted minimum wage?" That could not be more clear. It's right in the wording of the question. It wasn't buried in the text of the bill, right in the wording that more Maine voters voted for than any referendum in Maine history. The people have spoken. Let's honor the intent of the 55 percent of Maine voters who, I believe, did know what they were voting for when they voted for question four. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Madam Speaker, Men and Women of the House. I rise in support of the pending motion. In my district, I've heard from service and restaurant staff who are worried about their livelihood because of the tip credit elimination. They worry that as their wages increase and restaurants are forced to raise their prices, customers will leave smaller tips or just order out. These people are my neighbors and my constituents. The people who elected me and whom I serve. To be clear, Maine voters have spoken, and I feel strongly that this body should avoid making unnecessary changes to the new law they approved. Reinstating the tip credit and allowing employers to consider tips part of a servers' wages and meeting their minimum wage obligation will still mean servers will make \$12 an hour by 2020. If servers don't make enough in tips to bring their total pay up to minimum wage, employers will have to bridge the difference. In keeping with the will of the voters, as the minimum wage increases, servers will never make less than minimum wage, and could considerably make more. My job is to listen to my constituents as I make decisions on policy, and I take that job very seriously. That is why I'm supporting this solution to their concerns. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand today in support of the over 5,000 Maine servers who have taken a stand, gotten involved, and had their voices heard in support of 1673, "An Act To Restore the Tip Credit to Maine Employees." My husband and I own RM Flagg Foodservice Equipment Company and through our family business, I have the privilege of knowing servers throughout the state. I have spoken with hundreds of these servers over the last two years about the tip credit, and have heard them clearly when they have told me that they want the tip credit. Actually, they not only want it, but they depend on it to buy their groceries, pay their house payment and oil bill, and support their families. These tipped wage workers understand the impact of the referendum ballot question that passed in November and they are thankful that the framers of our Maine Constitution provided a means of amending citizen referendums. As you all know, citizen referendums do not allow for the thorough vetting that legislative bills receive. The LCRED public hearing was the first official chance to hear from the citizens who were directly affected by the removal of the tip credit. They are passionate that we listen to their personal stories shared in the public hearing showing why we must fix this aspect of the ballot question. Today, I speak to you as a former restaurant server who has personal experience in choosing tips over minimum wage. I know that I would not have made as much money or worked as hard if it were not for my tips. As a college student, I had a wonderful job at Mickey's Ice Cream Shop. Every afternoon I could look forward to my boyfriend and his handsome football player friends from the City of Bangor, Parks and Rec crew stopping in for an ice cream after work. I had a very kind boss, George Brontas, who allowed the young people who worked for him a lot of flexibility and freedom. It was a young person's dream job, except for the minimum wage pay. I was a pay-as-you-go college student with about as much wardrobe as the good Representative who spoke earlier, and I needed to make more money that summer than my ice cream scooping was providing. I decided that I would apply at Lum's Restaurant as a server. They hired me and my server life began. I've always liked people, so the transition was pretty easy for me. I quickly learned that full water glasses, quick service, and a nice smile equal bigger tips. I mastered the art of suggestive selling to bring up the check total. That helped both the restaurant and my own bottom line. I quickly more than doubled my former minimum wage pay. We all love and value our Canadian customers and know that they are an important part of the Maine tourist economy. We also know that they don't have a tip wage in Canada, so people do not feel it necessary to tip well for even the very best service. Sometimes, that summer I was waitressing, my Canadian customers left a tiny tip of maybe two or three percent, but most of them left nothing. Having watched a lot of those Bangor High football games, I've picked up some good ideas on blocking. I'd do anything I could to block my tables and send those nontipping Canadians to some other poor server's table. Wherever the Canadians ended up, one thing was for sure -- those tables showed us what life would be like without the tip credit here in Maine. Some people will tell you that serving is demeaning to women, and subjects them to sexual harassment. Never once did I feel demeaned by my customers, and sexual harassment from a customer at this roast beef and beer restaurant never happened to me. It did occur in a public school I later taught at, but I still think teaching is an honorable profession. Another thing that people opposed to this bill may say is that, at the end

of the pay period, the servers might get a tiny or zero paycheck. That is basically a reason to celebrate. It happened to me many times, I would get a cash out from my tips each day instead of having to wait to the end of the pay period. The more money I made in tips, the more money had to be taken out of my tip wage paycheck to pay my state, federal, and social security tax. This might result in a very small paycheck, but it certainly did not mean that I didn't make an excellent wage that week. Additionally, by federal law, all, and I repeat all, servers are already required by federal law to be paid minimum wage every single pay period. Looking back, would I have stayed at the carefree ice cream summer job if I hadn't had the opportunity to make more money as a restaurant server? Sure, I would have, but I wanted to make more money, and I was willing to put in the extra effort to earn that higher pay, just like servers throughout Maine. We must restore the tip wage to our servers throughout Maine. Please join me in supporting the hundreds of servers who flooded the public hearing's many overflow rooms, and the thousands of servers throughout Maine who have stood proudly and asked us to preserve their way of life by restoring the tip credit. I'm proud of these grassroots advocates. Please join me in voting Ought to Pass on the pending motion and proving to these hardworking Mainers that their voices count, and that they do have a say in their future.

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

Representative **COLLINGS**: Madam Speaker, Ladies and Gentlemen of the House, with all due respect to the great work of the Labor Committee, I stand in opposition to this motion. And, I have a few quick reasons here, briefly, I'd like to share with you. First and foremost, I want to talk about the will of the voters, and I think we should be very careful about setting a precedent on how we react to enacted referenda by the people. I'm all for coming into this body and looking at past referenda and making sure it lives up to the constitutional scrutiny, and also in the cases of past referenda such as gaming, marijuana, I absolutely agree that we need to put in regulatory structures. We need to look at the tax structure, make sure we have the infrastructure to monitor those new laws that weren't created before; otherwise, it just wouldn't make any sense. But, I would caution us to set a precedent where we directly go against the intent of the voter and, I mean, when we look back, there has all been issues we have not all agreed with over the past couple decades, it could have been on term limits, it could have been on gaming, it could have been on hunting, it could have been on many issues, but -- I could be wrong, but this is one of the first times I see us coming here and directly reversing the intent of a voter. The people voted for this in a record historical vote, and in the question that directly talked about the tip workers. So, I would caution us to do that today. So, there's that reason. The other reason -- I'm hearing this theoretical argument, and that's the job of people that would oppose something. They would say, well, you know if we do this, the sky is going to fall. Things are going to be awful, so we shouldn't do this because this might happen, and that's politics. But, I would say to us that there is also a bill we're going to be voting on, LD 1117 to study the phase-out of the subminimum wage, and that would, over the next year or so, look to see if there's evidence that if we do enact the will of the voters, it will be a huge detrimental effect to the industries of those working for the tip wages. That would be a more rational approach to me. When we look at different reasons, we are having these theoretical arguments, you know people have said, well I've heard that in some businesses, tips

have gone down, business has gone down -- well, we really need to study that, because I've talked to some friends that own restaurants in Portland and other places, and they've said all the businesses have been down because of the spring weather. So, less people are coming in. So, we really need to have solid evidence before we make such huge changes to the clear intent of the voters. And, also in the many states where they don't have the tip credit, I don't see overwhelming evidence that, by not having that, businesses have closed down and the restaurant industry's struggling, and that tipped workers are losing money. I think it's to the contrary. And the last thing that I'm sort of concerned about if we pass the Majority Report is that, unfortunately, and I've talked to many people, restaurant owners, I've talked to people that work for these restaurants and bars, and I've heard a lot and I've listened and tried to be as open-minded as I can, and I've heard the concerns of businesses, I've heard the concerns of the people that are serving and rely on tips. And, they've told me several things and workers have told me where they've been getting pressured by the industry, where the organic kind of movement has come about from the workers themselves, and what the fears are. But, what I also see is where I grew up in Fort Kent, and where I now live and represent people in Portland, there's a huge disparity in what tipped workers are making in this state. Yes, I may take my kids out, and in an hour of eating there I may leave a \$40 or \$50 tip, and I'm not the only customer there. So, people are making good money. But, we have to realize that in many parts of the state, people are just making the minimum wage as tipped servers, and they are living in severe poverty. So, if we pass this motion, I'm very concerned about these people, and basically all we're going to be doing is forcing a lot of them to stay on subsidized government programs which, as a body, we should be working to lift people up. So, that's one of my big concerns. I've listened to a lot of people in this industry, and I truly think that when we raise wages, it helps the economy. There's more demand for goods and services, which creates more jobs, it stimulates more tax growth. And, I think if we stick with the will of the voters here, I think the high-end earners in this industry will earn the same or even more, and I think what we will do for thousands of people living in severe poverty, we will give them a better standard of living and for those purposes, I respectfully oppose this motion. Thank you.

The SPEAKER: There are nine members in the queue. The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am one of those employers who has tipped employees who urged me to support this effort and indeed this bill, and some of them text me with some regularity, wondering about the pace of this body, and I said, well, it is indeed deliberative. But I rise not to address that of which I have a self-interest, but rather to speak to the will of the voters. We have, in the 109-year history of direct referendum, had 66 items appear on the ballot, 38 of which were rejected, 28 of which passed. As of January 1st of this year, 20 of those had been amended by this body. And it is my understanding, at this point in time, that we have amended the marijuana referendum. It seems as if the courts have told us that there are problems with ranked-choice voting. I have been inferring from discussions of late that the three percent tax may be limited. And with this, the change in minimum wage, should it be enacted, we will have had 24 of 28 of the referenda that passed have been subsequently amended by the Legislature. So, when we speak to the will of

the voters, are we speaking for people who make mistakes 84 percent of the time, or are we speaking to the responsibility we have to properly vet these bills? I hope you will follow my light.

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

Representative **SHEATS**: Thank you, Madam Speaker. I was not intending to speak today so I had nothing prepared, but I have received so many emails opposing this bill that I thought I would read just one to you because it's short and sweet. "We voted in favor of the minimum wage increase, which passed with over 55 percent of the vote. Nevertheless, there are those in this Legislature who are attempting to undermine this vote. We want you to know that we are opposed to any attempts to roll back the referendum, and we ask you to use your influence to prevent this from occurring. Thank you," from my constituents on Oakland Street in Auburn.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I rise in support of the pending motion. I have been asking servers all over Maine, from north to south and east to west, as I travel the state for my business. The overwhelming response from servers has been to keep the tip credit. The servers from chain restaurants, like Applebee's, to small local cafés, like my cousin's restaurant in Thomaston, said their hourly wage was between \$15 and \$33 an hour; well above the past and present minimum wage. They also stated that if for some reason their tips didn't earn them the minimum wage, their employer would make up the difference to ensure they at least make the minimum wage, although this never needed to occur with the servers that I met. Please follow my light in support of the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker, Men and Women of the House. I rise to oppose the pending motion. We have had the citizen's initiative for a century, and I'm glad to hear that the point's been made that there have been 66 times that this initiative has been used in our state's history. It's important to understand, however, last year we saw six questions on the ballot, that's 10 percent of all of the questions that have been considered in the last hundred years. Why is this? Why? Direct democracy happens when representative democracy fails. When there is special interest gridlock in Augusta, when the people of Maine speak and legislators do not listen, they get referendum questions. And, to think we are now considering overriding the direction of an overwhelming majority of Maine voters, defies our Maine democratic values. To say otherwise is to ignore the facts. How can we, as legislators, with a straight face, tell the voters that their votes actually count, when hand-in-hand with special interests we're getting ready to ignore their will? Common sense says that, after months of debate, the voters in November knew exactly what they were voting on. Got to tell you, the restaurant industry is healthy in every one of the seven states that have no tip credit. By the way, I'm wondering who among us can name all seven? Because if you can't then, like me, because I don't know either, if you can't, then you don't know where not to tip. You know, I just tip for good service, and I think most people who eat out do the same. We should not be making our policy based on anecdotes. And we do, by the way, have some data that suggest from the Department of Labor of Maine, that things are pretty good in the labor market. In fact, the first quarter of reporting shows that we are setting

records for wage growth in Maine. Why do you think that is? Well, this is one economist who can tell you, the only explanation to infer is that the implementation of question four is actually starting to lift the wages of working Mainers. When they voted in November, Mainers were clear; they want an economy in Maine to work for the smallest of small businesses, the smallest of small businesses. That is when anyone, you and me and any individual Mainer, goes into the labor market to sell their labor. That's small business, Madam Speaker. And, when we make those decisions, it's a profit-maximizing decision, as any small business person knows. Mainers want their economy to reward hard work, and that is the question that we have in front of us today. You know, I'm reminded today of the value of facts, for we cannot make wise public policy based on stories or anecdote. If we do, we will simply be rewarding those who have the resources to repeat their stories and anecdotes as long, and as loud, as they possibly can. No, Madam Speaker, I think we should be relying on data and the will of the voters to guide us in this measure.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of restoring the tip credit today. When I was a much younger man during the decade of the 80's, my parents could not afford to put me through college. I had to go it alone. I took a job as a waiter at the legendary Governor's Restaurant in Old Town. I waited tables or tended bar for about eight years after high school; getting myself through college and setting myself up for a career in education. My tips paid for my tuition, my fees, books, food, apartment, electricity, heat, car payment, gas, car repairs, telephone, and the many other things in life that we incur as people. Over that time, I worked with several single parents. Add diapers, baby food, daycare cost, clothing and all the necessities of life. Minimum wage, then and now, would prohibit my ability to graduate from college and pursue the American dream. Tips were, then and now, the very thing that has given myself and countless other Mainers the ability to prosper in life.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Madam Speaker. I rise in support of this motion, because I'm a Representative, that's my job title, and I've heard loud and clear from my district in Ogunquit, York, Sanford and part of Wells that that's what they want me to do. But, what I want to tell you is that, two weekends ago, I flew away for the weekend to, with my husband, to Seattle, for my aunt's 100th birthday. And, I was back here on Monday, so it was a fast trip, it was a wonderful party, we went to a few restaurants, and in Seattle they're raising the minimum wage to \$15 and they're taking away the tip. So, on every restaurant that we went to, on the bottom of the menu it said, there's a 20 percent service charge that's been added. So, I talked to the waitresses, who had been working there for a long time, and they were happy. They were happy with the new revenue sharing that had been instituted at their restaurant, and they felt they worked better as teams. The service was terrific. And, I felt that the conversation that I had with them was genuine. So, while I'll be supporting this measure, I hope that we move along organically or maybe with other legislation in the future to move us away from our tip culture, which now has become pervasive and needs to change. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise today to speak in support of the pending motion. I rise today to speak on behalf of the 5,000-plus Maine restaurant workers who have banded together and brought their voices to Augusta. They came before the Labor, Commerce, Research, and Economic Development Committee to stand up against the incredible odds they faced when they learned they were caught up in the middle of a three-part question on the ballot that only allowed for a one-part answer, yes or no. These 5,000-plus workers had no objection to raising minimum wage. We heard that loud and clear in their testimony. However, linked to that referendum was the elimination of the tip credit, a vital credit that has a direct bearing on the incomes of servers. Servers found themselves caught up in a people's referendum, a referendum initiated without input from servers. They found themselves questioning what had happened, and how were they ever going to effect change. As it turned out, servers started a Facebook page to communicate with other servers around the state for the purpose of creating a community; a community that self-organized; a community that questioned why; a community that reached out to the supporters of the referendum to explain that their livelihoods will be negatively affected; a community of citizens who just wanted to be heard. This grassroots community of restaurant workers grew, grew into a community of over 5,000, made up of servers and bartenders from Presque Isle to Kittery, from Calais to Bethel, from Mapleton to Porter, and beyond. Servers and bartenders from Maine's iconic restaurants, such as Moody's Diner, Governor's Restaurant, Miss Portland Diner, and Dysart's, Helen's, and Geaghan's, and servers from new start-ups just getting off the ground, just to name a few. All wanted their voices heard. Leaders of this alliance emerged, young and not-so-young, college educated and high school grads, a diverse cross section of Maine that does not exist in many industries. It was really impressive to watch. It's what makes Maine so great. This alliance is not a political alliance, it just is not. It is made up of real Maine people wanting to go to work every day. It took great courage for them to enter into the world of politics. It took great courage for them to step outside their comfort zone. It took a great deal of courage for them to testify. They reached out, as citizens of democracy should, to their elected representatives. Madam Speaker, on April 5th, a public hearing was held on this legislation. Restaurant workers filled the committee room at 8:00 a.m. for a 10:00 a.m. hearing. Nearly 200 of restaurant workers gave up a day of work and Moody's Diner closed for the day so the whole crew could come to the State House. They came of their own doing. They waited for hours to testify. The testimony was heartfelt and written by their own hand. The public hearings that day went until 1:00 a.m. It was the longest day I have ever had for public hearings. This past Saturday, I read in the *Portland Press Herald* that Portland, Maine ranked number one in the U.S. for best small cities to spend a weekend. I'm going to read a portion of that article and want you to know that the very first topic they led with was, "Must Eat and Drink: steamed lobsters from the waterside seafood shack at Portland Lobster Company, or if you're looking to put less work into cracking and declawing, Eventide's brown butter lobster roll is the best bet. Don't leave without experiencing the working waterfront in the Old Port, walk the piers, pop into the fish markets, where the catch is literally boat-to-counter, grab lunch and drinks at J's Oyster, a local hut with a lot of history and no-nonsense service in the best way possible, or snag a bread bowl of fish chowder at Gilbert's Chowder House. Portland's ratio of

restaurants to people is tilted in your favor so eat as much as possible. Ribollita offers classic refined Italian with a grandmotherly dining room. Street and Co. is known for masterful upscale seafood and vanilla bean panna cotta with wild Maine blueberries. Pai Men Miyake's ramen menu is bolstered with great sushi and pork belly buns, and the Front Room's brunch is top tier -- order the Munjoy Hill mimosa, a High Life with O.J. Portland wasn't named one of the most underrated food cities in America last year for nothing. An afternoon should consist of sampling beers at Allagash, Bissell Brothers, Shipyard, and Rising Tide. An evening should be spent getting weird with karaokeing locals at Silver House Tavern, eating popcorn and playing darts at Rosie's, or shooting pool and seeing live music on the patio at Amigos, reggae Sundays at Jones Landing -- take the ferry from Commercial Street to Peaks Island -- are an institution." Since the passage of this referendum, I have noticed that prices in restaurants have gone up. Costs to restaurants have gone up. This changes the business model for restaurants, which result in fewer menu items, replacing the table service with counter service and kiosks. A huge part of the foodie experience is the person who serves you. To say that people still tip begs the question, will the same number of people eat out when the prices have spiked? Maine has become known as a foodie destination, we have good eats across the state. Our servers love what they do, they do it with great passion, and we heard that for hours. Maine is doing so well in this area, they say, if it ain't broke, don't fix it. Reinstating the tip credit is the right thing to do. As minimum wage rises, servers will get a raise. If servers do not make enough in tips to make the minimum wage, then the employer makes up the difference, guaranteeing a minimum wage. Additionally, reinstating the tip credit enables tipped employees to make well above the minimum wage. It is a win-win. We protect the floor and allow tip employees to rise to their potential. Madam Speaker, Ladies and Gentlemen of the House, this is the right vote to make, please follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Speaker, people of the House. I rise today in opposition to the pending motion. I started -- my first work was as a bus girl in one of our local restaurants, and there were definitely people there that worked, you know, well into their, their careers were as waitresses, and that was very honorable and they did a fantastic job. What is different to understand, I think, is that depending on the restaurant, we do have a seasonal culture here in Maine, and we enjoy the four seasons, and there could be very different restaurants throughout Maine. We have many rural restaurants, many -- in Lewiston-Auburn, we have a lot of restaurants that have different cultures, and coastal restaurants might be a little different as well. One of the things, when I first started working, the women worked in the front and the men worked in the back, and that had evolved while I was there, and I started out as a bus person. One of the first mistakes I made as a bus person was, I was cleaning off a table and I took all the paper off the table and put it in the trash. Among the paper was a credit card receipt. The waitress I was working with, obviously, you know, was upset about losing that credit card receipt, and I was just heartbroken that, that loss to the business was, had to be absorbed, and a lot of times, if the restaurant is open, waitresses and people that work at the business have to be there, and that just makes sense for a lot of businesses. But, there is no calculation into if the customers don't come in, you know, sure, maybe they will

make the minimum wage, but they are going out in inclement weather, getting the transportation to go there, they often set up their stations and prepare salads and bread, and the tips may not be there. And they are supporting a family on not great wages, and the budget for that is very difficult to do. I'm really glad to hear that in some places, you know, not every server encounters sexual harassment, but I know that it is something that people do encounter. And, I think that it's important that we do move away from the culture of having an unlevel playing field for any people that are working in our state and nation. And, I think that if somebody was working for minimum wage before this referendum, 40 hours a week, they would make \$15,600. If they were working 40 hours a week and were able to get work every week. Another thing I encountered is that, you know, the differentiation between the peak times that the customers were coming in, like a Friday or Saturday night, or a time during the day when there might not be as many customers, and I think it's just really important that we recognize that there is an incumbent equality that's very pronounced and I wish to change that culture and so, that's all I wanted to say and I hope that we understand that restoring the tip credit would be perhaps a move backwards into supporting something that the people had spoken against.

Representative HERBIG of Belfast assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Thank you, Madam Speaker Pro Tem, Women and Men of the House. I'm pretty proud of my get-up for color day. I want you to know, and start there. Thank you. Alright, I'm a co-sponsor of this legislation, so you probably know where I stand. Just a couple of quick points, you know, where we fit in New England, you know, once our minimum wage advances to \$12, the highest wage elsewhere in New England where I really think we compete is going to be \$6.38 in comparison. And, I would also point out that we don't have the service charge structure that exists in other states here in Maine statute. But, the real reason I stood up today, a personal plea, please do not use the term "subminimum wage" in conjunction with this debate. I urge you to type that term into your favorite search engine and find out that it means, as someone who has worked extensively with the disabled population, employing them in my business, and I'm proud of that and have felt honored to do so, that's where that particular piece of federal law and labor statute applies, not as part of this debate. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker. My district is home to several restaurants, and the servers are not happy. Many came to testify on this issue and on this bill, and they were thankful to finally be able to speak out. We are representatives of many people with many views, and we are called to represent good sense. Does it make sense to imagine a special interest group coming to us and saying to us, I want you to vote on a bill that does not receive one second of testimony in a public hearing from those involved, that the special interest group tells us we cannot change one word as originally proposed, no legal scrutiny, no access to the Attorney General, and we're to vote on that, in that form, with no changes? It doesn't make sense to me to pass laws without

vetting and allowing the people directly involved to have the basic courtesy of a voice. I recently traveled to two countries, New Zealand and Australia, and in New Zealand, specifically, there -- people don't tip, and you learn very quickly to wait on yourselves. They don't serve you water, the bill can take forever to be brought out to you. You have to look around for silverware. Food comes out cold. When I go out to eat, I admit, I really like to be waited on and I tip accordingly. I think we need to be very careful about legislation like this. We need to listen to our constituents and to the people involved, and I strongly support restoring the tip credit. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker Pro Tem. I guess today the million dollar question is going to be that I don't think there's any single simple answer to what was the will of the voters last November when it comes to minimum wage. Well on April 5th, this past spring, from 10:00 a.m. to 10:00 p.m. in the LCREED Committee, we were fortunate enough to get a very good sense of that question. This was when the people had their first opportunity to have their voices heard in a public hearing. And, you know, in the three years that I've been here, that day was the one day that I am most proud of, having the opportunity to be a part of with so many working people having the opportunity to have their voices heard. Since then, I was told by several people with many years of experience in this building that the turnout and the amount of testimonies were unprecedented. We had at least three overflow rooms and on public record, right now, there's 178 items of public testimony. After about 12 hours of nonstop testimony from proponents and opponents, there was definitely agreement that question four was about increasing workers' pay. Although some may say it's anecdotal fear or unfounded theoretical sky is falling stories, I choose to believe those who are telling us that this new law, right now, as we speak, are hurting their families. I'd like to take a few minutes and share portions of some of the testimonies of the people who know the industry best, those who make a living earning tips. It's their voices that we are here to listen to and not mine.

Amber McIntyre from Kenduskeag: "I have worked as a server in Bangor for almost 17 years, 16 of which at the same restaurant. I started waiting tables in 2000 while attending UMaine, studying to become a high school English Teacher. I quickly realized that the income potential and flexibility of the service industry offered me fit my personality and lifestyle, and I chose to stay in this profession. I think there is a perception that servers end up waiting tables because they have no viable options. That is not the case. Serving works best for me and my family. I love my job. I love the challenge, the fast pace, and the interactions with my customers. I love the opportunity that my industry affords my family. [And] I am able to stay home with my children during the day, and my husband stays with them in the evenings. Our children benefit from having the undivided attention of their parents while they're young. Eliminating the tipped wage means I will work longer hours to support my family at the level I have in the past. As a numbers person, I keep track of my daily take home income and I can tell you 100% that I have lost money due to the confusion surrounding the tip credit. I have [made] \$2,717 less so far this year than I had made in 2015 and 2016."

Adam Dwelley of Porter, Maine. You don't get much more rural than Porter, Maine. "I am a server/bartender and [I] have been in this industry for roughly seven years. I have washed dishes and managed kitchens, sat tables and tended bar, and most jobs in between. I am not a temporary server. This is my

career and I am one of the lucky ones who can say they I love their job. Three years ago, I was in debt and on welfare, depressed and drinking my life away. I finally got out of the horrible job that I was in and received a server position in a resort in South Florida. Within 6 months I had enough capital to get back to Maine, with the love for this industry that I didn't fully understand. Fast forward two years, I have zero personal debt and I was just approved for my very first car loan. Now, I must give credit to God for helping me up, but the service industry allowed me the peace of mind to not only pull myself out of debt but also keep myself successful."

Kassandra Small of Charleston. "I am a server in rural Maine and I have been waitressing for 9 years. I am able to support myself and my three year old daughter -- completely - off of tips I make through serving. Waitressing is one of the best jobs I could have locally: it pays well and provides the flexibility I need to raise my child."

Wendyll Caisse from Freeport provided us testimony. "They had done a poll of servers in Maine in February to learn what they were making. With 50 reporting from Kittery to Fort Kent the average was \$33.00 per hour in just tips. People want to work in the industry because of the tips."

Erin Speeches of South Portland. "I'm a medical student by night and I'm a server bartender at Easy Day in South Portland. The reason I work there is that it provides a flexible work schedule and financially supports me while I'm in school because I am in [the] tipped industry."

And the last one I'll read today was from a very, very impressive young lady, and I'm probably going to butcher her name, but it's Alex Haight and she's a resident of Ogunquit. She testified, "I grew up in the restaurant business and now I own a small 40 seat, all outdoor, seasonal restaurant in Ogunquit with my brother, Matt." And I failed to mention this young lady is 25 years old. "In the off season, I work as a server to help pay my seasonal debt and support myself. This will be my third year in business and last year I employed 34 people. I'm in favor of increasing the minimum wage in Maine but if the goal of this law was to help employees who need a wage increase, then elimination of the tip credit is not the answer for this industry."

So, after having heard nearly 200 testimonies, there could be no question that in the vast majority of cases, tipped employees earn a good living and eliminating the tip credit has been doing harm and continues to do harm and it needs to be overturned immediately. I'm not only asking for your support of the bill, but for at least two-thirds of us so that our hardworking neighbors can get back on track planning their futures and providing for their families. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. *Sing me a song Mr. Piano Man. Sing me a song tonight. We're all in the mood for melody, and everyone's feelin' alright.* I believe I am the waitress practicing politics. I've been in the service industry for about 33 years. It's allowed me the luxury of raising four wonderful children, all the while never missing a baseball game or dance recital. I left the corporate world when I realized I could make twice as much, if not more, as a server and bartender. I never looked back and it's likely in my golden years, which are pretty much here, I will remain in the service industry because I truly love people and my forte is to feed them, pour them a good drink -- nips are never involved, they're too small -- and I make these people happy. My flexible schedule has allowed me the great honor of serving in the

Legislature and working with all of you good people to help create policy that we all hope will benefit Maine people. The small establishment I worked for has already cut hours for much of the back of the house. Those dishwashers, cooks, prep people and bakers, who generally already make over \$9.00 an hour, saw no annual pay increases and will likely not see one in the future because the servers, who are the highest earners, were awarded a 33 percent raise that very few in the industry voted for. Even with the wage increase, my paycheck was very low, sometimes zero, because I claim my tips. That is exactly where I earn my living, by giving the best service possible in the most efficient manner. This new law, which was poorly written, thwarts my ability to earn a good living in Maine. I am not an isolated case. This is happening from Kittery to Caribou. Living and working in a border town makes this referendum question more egregious. Not only did it decrease my earnings but many of my regular customers who are elderly and on fixed incomes are not dining with us as frequently. They tell me they just can't afford the increases, which will continue if we don't fix this ill-thought-out proposal. These same customers sheepishly admit Burger King in New Hampshire will see more of their business. It's just about getting out for many people, regardless of where they eat. When asked why our prices are increasing so drastically, I explained the removal of the tip credit and the huge cost due to the implementation of question four. Time and time again, individuals express their sorrow in voting for this question. They were unaware it changed an entire business model that was working and they wished they could rescind their votes. I can provide you with information that shows the failure of the states and the loss of income for places that did this and will show the miserable failure of such endeavors. I keep hearing legislators say that this is the will of the people. As we heard, those statements are disingenuous at best considering the legislative body voted to create a 17-person committee to change question one, making it more palatable. Furthermore, as we've heard, 71 percent of all referendum questions have come back to the legislative body and have either been amended or fully repealed. You cannot have it both ways. We as a body need to fix this mess before more businesses are harmed worse with considerably higher prices, less business, lower wages for servers, and an overall decline to an industry and model that was not broken to begin with. Thank you for your time and indulgence on this issue that has already proven harmful to the tourism and restaurant industry in Maine, and I urge you to follow my light and I won't sing again.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Madam Speaker, thank you. Ladies and Gentlemen of the House, good afternoon. I've had such a good time talking to you as of late that I just could not resist this opportunity to chat one more time before we leave these very hallowed halls. I hail from Gray, which has its own, very own, historic restaurant, Cole Farms, which is approaching its 75th year. I, too, learned the early value of the job and the work ethic, serving and hosting as I went through high school and then on to college. I have the luxury of being on the Business Labor Committee and I had the opportunity to hear this bill not only once, but twice. I heard the bill last spring and then I heard it again this spring in what we would call the May marathon of May 5th. Actually, I think we might be trying to compete in this testimony in having our own marathon on a very valued subject. Oh my, there's that word again, tip. Remember the tip of last week, the tip of the nip? I'm thinking now, let's not nip the tip. I want to just share

two salient points I hope that can connect with you after all of this testimony. Picture our room over in LCRED with its overwhelmingly consistent testimony on this bill. As it has been said, it went on for about 11 hours and this is some of the information that we heard. I've made a determined decision to be a wait staff person because I found that I could work hard at a flexible schedule that took into consideration my stage of life. Be it a college student, a young mother, a caretaker of parents, freedoms to travel, get an extended degree, perhaps a master's degree, even down to buying a home as a single man or woman. I love what I do. I have made a place for myself amongst a staff family that is now part of my life. I can make more money in this respectful manner than a 9 to 5 position that cost me much to even go and get to the office. Please leave this arrangement with our restaurants alone. I really like what I do. I love what control I have over my income and my schedule, and I feel very successful here at home in Maine. Alright folks, think about the time you have spent here, many days in committee and in hearings. What is the reason for a piece of legislation? Someone wants something. They want something from the state. They want things fixed. They want a special exemption. They want a special license. They want seed money and maybe some grants. Just speckle those through there. Now, think about that versus this bill, right here, right now. They want nothing. They want us to leave them alone. They want the freedom to do well, to thrive, to be successful in what they, they themselves, have chosen to do. Not us, they chose. When have we ever had it so good here, so easy to make a choice, a decision for folks across our state who would be so grateful to be able to continue working hard to take care of themselves utilizing their personal assets and their abilities? They told our committee on two occasions, thank you for the offer but no thank you. I found that through their amazing testimony and their personal sharing of stories that we have the luxury of having some of the most amazingly bright, articulate, capable, and hardworking people that I would consider as ambassadors to the State of Maine. Will you please join with me as we sing with others. Have it, have at it, go to it and happily let them serve the people of Maine as those that come to break bread with us while they visit our great state. Thank you very much, Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Hamann.

Representative **HAMANN**: Thank you, Madam Speaker, Men and Women of the House. I apologize for rising a second time. I will be brief. I promise not to sing. If I did it would sound like a combination between Bob Dylan and Tom Waits, so I will spare you all and instead read a few quotes. These are some quotes from servers who are opposed to the tip credit. The first server, Catrina, who is a server from Biddeford, said, "the fact that I'm relying solely on the generosity of my customers means I need a more stable base wage. I know tips won't go away and I will continue to provide great service to my customers and feel financially secure in doing so." Second quote from Kent who is a server in Littlefield, "Earning a consistent and full minimum wage plus tips each week, regardless of weather conditions, seasonal variations, and other factors, provides me with the economic security and stability I need to plan for my financial obligations." Madalyn, a server from Portland: "Since [the wage increase] has gone into effect I have seen an increase of about \$25 a week, which has made a big difference during the slow season. Legislators should stand by the will of the people and make sure tipped workers get the same fair wage as

everyone else." Please vote red. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I rise in support of the pending motion. In policy silos, it is easy to forget the very persons affected by policies set forth. I've read dozens of reports concerning the elimination of the tip credit. Minnesota, Montana, Washington, Oregon, California, Nevada, and Alaska pay servers at least minimum wage without considering tipped earnings. Multiple academic studies indicate a lack of a tip credit has not hindered workers or employers in those states. By most accounts, it seems to work quite well. In fact, I reached out to a friend who serves in Alaska, and she said patrons tip well even though her employer does not use a tip credit. In fact, Alaska topped an analysis of tens of millions of transactions from the POS company Square in 2014 for highest average tip, 17 percent. Madam Speaker Pro Tem, I do, in fact, believe this policy could work well in Maine. However, policymaking is more than what you or I or analyses suggest could work. Madam Speaker, Ladies and Gentlemen of the House, policymaking must include those most intimately impacted. It was clear to me when the committee of jurisdiction surpassed hour 8 or 9 or 10 of public testimony that a significant tide of those intimately impacted were, in fact, not true believers in a policy argued to help them. Unlike the public hearings related to changing other parts of the referendum question, hundreds of tipped workers pleaded with lawmakers to support the LD before this body today. Madam Speaker Pro Tem, the amended version of LD 673 recognizes what stakeholders in the committee also noted. There is always room for improvement. Though federal law permits employers to use three percent of an employee's tips to cover credit card charges, the amended version of this bill prohibits that from occurring. The amendment also defines the timeframe for which the difference in tip wage, tips earned, and hours worked must be accounted. Finally, it adopts a federal notice rule concerning the tipped workers' rights under the law. Policymaking is not easy. It is especially difficult when personal beliefs conflict with the proposed policy at hand. But, Madam Speaker Pro Tem, policymaking cannot be paternalistic. Hundreds of tip workers testified that the policy before this body today is the one that they support. It's a policy that sets forth how they will be making a living, and is the one that they overwhelmingly support. I urge the body to support the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker Pro Tem. Madam Speaker, Women and Men of the House, I rise in opposition to the pending motion. I'll briefly quote a restaurateur named Danny Meyer, who some in this room may know. Tipping, quote, "tipping is one of the biggest hoaxes pulled on an entire culture. Tipping started in our country right after the Civil War. The restaurant industry, as well as the Pullman Train Car industry, successfully petitioned the United States government to make a dispensation for our industries that we would not pay our servers. But it wasn't considered slavery, because we would ask our customers to pay tips, and therefore no one could say they were being enslaved. And, no surprise, but most of the people who were working in service professional jobs at that time and in restaurants and in Pullman Train Cars were African-Americans. That's the history of how this started in this country. You don't see this elsewhere. But,

that's what it was, and it created a completely false economy," end quote. I used to be a waiter. It was a very good one I think. I would have to ingratiate myself to certain customers in order to get that tip, even though I gave them great service. I think it should come as no surprise that, here today, if I have an opportunity to vote against, or for removing a vestige of slavery from our statutes, I will take that opportunity and that is why I oppose this motion. Thank you, Madam Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Madam Speaker. I'm just questioning whether or not we have a quorum?

Representative **POULIOT** of Augusta inquired if a Quorum was present.

The SPEAKER PRO TEM: The Chair would declare there is a quorum.

The Chair declared a Quorum present.

The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. May I address you as Madam Speaker, because you are the Speaker? You are a Pro Tem while you approach, but you are now the Speaker. I want to share a little story about Saturday mornings in Bangor. They have a Chamber of Commerce, and many of us attend what is called the hot stove meeting. A lot of business people, mostly non-profits, but this year it was a little different. Early on in our monthly meetings, restaurant owners were around the horseshoe, which surrounded the whole room, including seating behind, and asked us to repeal this referendum piece that was thrust upon their employees. A couple of months later, several of the wait staff came to the meeting and begged us to repeal this piece of this referendum. They had three major points. One was, we never asked to be helped. We were thrown into this referendum because, we feel, that we were a tool to pass this referendum. They mentioned that this was a job of choice; I chose to do this, because my husband works a day job. I'm able to work an evening job, so we have help for our children at home from when they get home from school, on the weekends. This is my choice, and this has just lost me \$700 in the first two months of this year. I make more money than my husband does because of this job. This is my choice, and they were on the verge of weeping because of what this referendum has done to their family. Again, this is their choice. Again, she had lost \$700 of income because of this referendum in the first two months of this year. Again, we never asked to be helped. It was a tool to sell this referendum. Please repeal. Thank you.

The SPEAKER PRO TEM: 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. 302

YEA - Alley, Austin B, Austin S, Bailey, Bates, Battle, Bickford, Black, Blume, Bradstreet, Campbell, Cardone, Casas, Cebra, Chace, Corey, Craig, DeChant, Denno, Dillingham, Duchesne, Dunphy, Espling, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Gerrish, Gillway, Ginzler, Grant, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Higgins,

Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lockman, Longstaff, Luchini, Lyford, Madigan C, Malaby, Mason, Mastraccio, McCrea, McElwee, McLean, Monaghan, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Warren, White, Winsor, Wood, Madam Speaker.

NAY - Ackley, Babbidge, Beebe-Center, Berry, Brooks, Bryant, Chapman, Collings, Cooper, Daughtry, Doore, Farnsworth, Fuller, Gattine, Golden, Hamann, Handy, Harlow, Hickman, Lawrence, Madigan J, Martin J, Martin R, McCreight, Melaragno, Moonen, Perry, Reckitt, Rykerson, Sheats, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Zeigler.

ABSENT - Marean, Stearns, Ward.

Yes, 110; No, 37; Absent, 3; Excused, 1.

110 having voted in the affirmative and 37 voted in the negative, with 3 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-209)** 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" (S-209)** in concurrence.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

(H.P. 281) (L.D. 390)

Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)** in the House on June 12, 2017.

Came from the Senate with Report "C" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475)** in **NON-CONCURRENCE**.

On motion of Speaker Pro Tem HERBIG of Belfast, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-356)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Eliminate the Indexing of the Minimum Wage to Inflation"

(H.P. 558) (L.D. 778)

TABLED - June 1, 2017 (Till Later Today) by Representative FECTEAU of Biddeford.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative FECTEAU of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I rise in support of the pending motion. The minimum wage has been raised more than 30 times since our state established a \$1 an hour minimum wage in 1959. Because the state's minimum wage does not automatically increase with the cost of living, prior to November's referendum question, minimum wage had less purchasing power than it did in 1968. I often hear from those in business that predictability is paramount. Rather than have the Legislature wrestle over a ten cent increase here, or a 25 cent increase there, or send ballot questions to the voters when a raise is long overdue, indexing to inflation removes the political elements of giving a raise to working men and women earning minimum wage. Madam Speaker Pro Tem, please follow my light.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In 2020, the minimum wage in this state will be \$12. Thereafter, who knows because it will be linked with a printing press in Washington. And, any business might look at this state and they may be able to decide they can live with \$12 or not live with \$12, but as they look at it now, they have no idea what this is actually even going to be. If you do not repeal this, and we will be dealing with this later on -- there's no doubt about this. But, even any business that's looking at coming here between now and then has no idea what the predictability of this may be. Now, it feels good because we can just say, oh, let's just let it run with inflation. But when that happens, you have no control over this, what happens. When you raise minimum wage too high and the labor market is doing that, you're working with that flow. When that downturn happens and those wages are too high, the only thing that a business will be able to do, is shed labor. This is just basic economics. But, if you want to keep leaving the minimum wage in this state to the control of the federal printing press, then vote yes. If you want to take control of it for yourself and for our own state, then I can suggest you follow my light.