

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives

December 7, 1994 to May 23, 1995

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Thank you Mr. Speaker and I promise to be brief. I just want to reiterate what I said before and respond to my friends from the Human Resources Committee who have been speaking to this.

This is not a bill about copays, this is a bill that makes a technical change in state law to bring us in compliance with federal law that has an amendment that was offered to us by DHS. Some day in the future I hope we can debate copays on the floor. I think we've started the debate tonight and I assume we will in the future. But again, this is a technical change in the law to bring us in compliance with federal law and the amendment before you is one that DHS asked us to put in. I personally am not necessarily not in favor of copays, I mean I think they have their place, but in terms of what we're talking about tonight on L.D. 313 is simply not the issue. Thanks.

The Chair ordered a Division on the motion to accept the Majority "Ought to Pass" as amended Report.

Representative MITCHELL of Portland requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Thank you Mr. Speaker. Again, I simply want to reiterate on this. This is a small technical change that brings us in compliance with federal law and I ask you to support the "Ought to Pass" Report. 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. 83

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Keane, Kerr, Kilkelly, Kontos, Lafountain, Lemaire, Lemke, Luther, Martin, Meres, Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, McElroy,

Murphy, Nass, Nickerson, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Dexter, Joseph, Mayo, McAlevey, Mitchell EH; Ott, Rotondi, Truman, Yackobitz.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative with 9 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-198) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, May 11, 1995.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

SENATE DIVIDED REPORT - Report "A" (8) "Ought to Pass" as amended by Committee Amendment "A" (S-91) - Report "B" (2) "Ought to Pass" as amended by Committee Amendment "B" (S-92) - Report "C" (3) "Ought Not to Pass" - Committee on Transportation on Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles" (S.P. 77) (L.D. 165)

- In Senate, Report "A" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-91).

TABLED - May 4, 1995 (Till Later Today) by Representative O'GARA of Westbrook.

PENDING - Motion of same Representative to accept Report "A" "Ought to Pass" as amended by Committee Amendment "A" (S-91).

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Very, very brief, first of all I want to point out that if Report A is passed, I will present an amendment which will change the enforcement from primary to secondary. I know that was an issue with a lot of you. The amendment was placed on your desks this morning. Secondly, just on the side, about an incident that happened the other day during the debate. Shortly after I finished my opening remarks, one of the young pages, you might recall, he had several cub scouts that were here came over and were standing beside my desk, I thought he was either delivering a message or was hoping to pick one up. Instead, he wanted me to know that he agreed with what I said about the need for seat belts because his father had been in a serious accident and everyone had told him that if he hadn't been wearing his seat belt his father would have died. Needless to say I was very moved by his youthful sincerity.

Third comment, just one more, a comment about Maine citizens, I know that there are those who say they don't want to be told to wear seat belts but I also know that Maine citizens are law abiding citizens and that instead of being last in terms of usage among the several states, I believe we will move very quickly toward the national average of 61 percent and beyond if this bill passes. The formula is very simple Ladies and Gentlemen of the House,

more usage means less injuries and death. Fewer injuries, especially long term ones, means less health care cost and a diminish cost to families and taxpayers in general.

You have seen the date, the costs are awesome. Your constituents, those who say they don't want this bill don't understand the cost that they share because so many people exercise that famed Maine independence and refuse to wear seat belts. They don't have access to the information, but you do. Those same constituents sent you here to use your judgment to make a decision based on the evidence, the facts and not emotion. I ask you to support the Majority Report which will be immediately amended as I promised a few minutes ago. Thank you.

Representative STROUT of Corinth moved that the Bill and all accompanying papers be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone the Bill and all accompanying papers.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Thank Mr. Speaker, Men and Women of the House. You've heard the good chairman of the committee tell you why you should support this and I am going to tell the other side of the story.

Over the weekend, I mention this because what's being distributed right now from Representative Perkins is a sheet that shows you where Maine stands in regards to other states in this nation on average expenditure. It's amazing to me that Maine is one of two states who doesn't require mandatory seat belts, but it seems that we are one of the states that has the lowest cost of insurance and that amazes me I guess, but some people might say to you that that's not accurate. Let me give you an example, over the weekend my daughter was home, she's been in New York for four years and she just moved back to the state of Maine in February, she was telling me about mandatory seat belts and how I stood on it even though she uses them she may disagree with me. We discussed a little bit about the cost of insurance up in New York where they have mandatory seat belts. The same two vehicles that she insured in New York cost her \$1,100 dollars. When she got to Maine, surprising to her she went and insured the same two vehicles and it cost her \$750 dollars. So I said to her I said isn't it nice that you moved back to Maine and she said well I wanted to get back in Maine but it's also helpful that we saved \$350 dollars on an insurance bill. I guess I would ask tonight those people who support mandatory seat belts why this is true.

Last week when we discussed about the number of states outside of Maine and New Hampshire that do have mandatory seat belts there's a difference, some states only require the front driver and passenger to have mandatory seat belts. This bill requires all adults to wear seat belts.

You know, I mention again tonight that when the chairman got up and said that if his report passes that later on he would be bringing an amendment, I would go so far as to ask the chairman if he feels that way, I wonder what his remarks would be if we were to support his Report A if he would offer an amendment to send this out to referendum and settle it once and for all. I thought about this last week, because we had three votes on it and all three failed. I'm going to make a pledge tonight that I

have always opposed mandatory use of seat belts, but I would compromise and I would say it on the floor tonight and I would ask the good chairman of the committee if he would make a statement like I'm going to make a statement. I would support sending this bill to referendum, I would support that.

Just last week I had meeting with the sponsor of this L.D., a member of the other body, I asked that person and she related to me under no circumstances would she support sending this to referendum. So having heard that that's why I made the motion tonight to Indefinitely Postpone this Bill and all its papers.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Thank you Mr. Speaker. Ladies and Gentlemen I want you to know and I tell you this sincerely and you can ask any number of people, I pledged that I would not allow this to get back into, at least I would not contribute to this getting back into a long debate, but obviously some things have been thrown at you that I can't respond to this sheet that you've just had tossed at you Ladies and Gentlemen.

I don't have those numbers, but I can tell you that in one of the statements that I decided not to read the other day because I tried to read so much to you. There have been 1676 deaths in Maine from car accidents in the last 10 years, in the last 10 years and the cost to the state's economy has been more than \$1.1 billion dollars in health care costs and the tremendous job that is done on families and loss of worker hours, etc.. I'm just not going to get back into all those figures. As far as the referendum, yes I'll make a statement right now, I don't intend, at this point in time, to decide or make a decision on a referendum and the Representative from Corinth knows that we've talked about it many times. The issue right now is not you turning around and sending a decision out to the public. I have never been a great supporter of sending items out through referendum, whether it's at the local level, in my 10 years as the Mayor of the City of Westbrook I objected time and time again to continually sending items out to referendum, they were elected to do a job. You and I are elected to do a job and I'm prepared to vote tonight on this bill "Ought to Pass" as amended and including the amendment which I will add immediately after the vote is accepted. Thank you.

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

Representative JOHNSON: Mr. Speaker and Men and Women of the House: I am a New York native, born in Brooklyn, New York, raised in Brooklyn, New York, attended school in New York City and if you have driven a car in New York State and in New York City you know right well why there is this difference in insurance expenditures. Just look at the fenders of a New York car and then look at a Maine car. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Thank Mr. Speaker, Men and Women of the House: I know a little bit about insurance, maybe just a little bit, but I know a little bit and insurance rates are based on exposure, risk exposure and I find it very appalling that you would compare a state which has 1,250,000 people when

the city of New York, the city of New York not the state of New York but the city of New York has 8,000,000 people or more. That's how rates are defined and figured out as far as insurance companies are concerned is exposure to risk. I think that 8,000,000 in one city compared to a state of 1,250,000 speaks for itself. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Thank you Mr. Speaker, Men and Women of the House: There's nothing at all inconsistent with generally low insurance rates in Maine and the fact that we currently don't have a mandatory seat belt law. When you think about what goes into an insurance rate it's how many accidents occur, how often cars get stolen and how badly repair shops gauge you for repairs. Well in Maine that's really not that much of a problem, we're a rural state, there aren't that many accidents. Cars don't get stolen frequently here and we have good solid folks in our car repair shops.

The point is when an accident does occur the injury is much worse if the driver or the passenger is not wearing a seat belt. It's really not disputable that medical insurance costs will go down, because injuries will be less severe with seat belts. So if saving lives is not enough, we will save some money too. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Mr. Speaker, Men and Women of House. Referring to the good Representative Bouffard's comments about Maine being a rural state and sparsely settled I would call your attention to the state of Montana tenths on this list and Montana is less populated, way less densely populated than Maine so there are other factors here. That state also has mandatory seat belts, but nobody here I don't think on this side of the argument is arguing that in most accidents you're safer with a seat belt. Most accidents if you go into the water, turn upside down perhaps you wish you weren't fumbling around with it. If you were hit on the side under certain conditions you might wish you didn't. I agree, most of the time there is less severe injury and less death if you have your seat belt on, that isn't the question. There are also less deaths in large cars too, if we were all forced to drive large cars. The other day I asked in this debate, what's next on the list, which probably wasn't a fair question, but I think what a fair question is in this milieu in this continuum, there must be a continuum of items that we can look at that if we impose these on people to change their behavior, it would lower all of our insurance rates and health cost rates. There's got to be and I would invite and urge and encourage somebody to list a few of things that we should be looking at in addition to this instead of saying what's next, what type of things should we be looking at. Certainly this isn't an isolated one. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I have a question to the Chair, if I may?

The SPEAKER PRO TEM: The gentleman may pose his question.

Representative VIGUE: Is it proper to discuss seat belts and their use when the motion on the floor is Indefinite Postponement of the Papers?

The SPEAKER PRO TEM: Absolutely, the pending motion would kill the entire bill which requires the use of seat belts.

Representative VIGUE: In that case I will discuss the use of seat belts. I have here a petition signed by a number of people at the Mid Maine Medical Center and every single one lives in Winslow so that there are probably a number of them that signed a like petition and the part of it is injuries, not only have a permanent impact physically, but financially as well. Here we are preaching prevention is the best medicine, we're teaching people about proper diet, exercise, injury prevention, seat belt use, wearing helmets, riding bicycles with helmets, protective gear using roller blades, but we're not going to use probably the most simple thing which is seat belts.

My generation is not firmly entrenched in believing the need for seat belts. I think we are a dying institution and 10 or 20 years down the road we will not be having this kind of a discussion because young people are using their seat belts. My grandchildren embarrass me, they put their seat belt on as soon as they get in the car and I think probably we have something we can learn from the kids and I think we probably should take heed and start doing the same thing. I will be supporting the seat belt law and I urge you to do the same. Thank you.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

ROLL CALL NO. 84

YEA - Ahearne, Aikman, Ault, Bailey, Bigl, Birney, Bunker, Campbell, Chick, Chizmar, Clark, Clukey, Cross, Damren, DiPietro, Donnelly, Dunn, Gerry, Goolley, Gould, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Look, Lumbra, Luther, Madore, Marshall, McElroy, Meres, Murphy, Nass, Nickerson, O'Neal, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Pouliot, Rice, Ricker, Robichaud, Rosebush, Savage, Spear, Stedman, Strout, True, Tufts, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor.

NAY - Adams, Barth, Benedikt, Berry, Bouffard, Brennan, Buck, Cameron, Carleton, Chartrand, Chase, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Green, Greenlaw, Heeschen, Johnson, Jones, K.; Keane, Kontos, LaFountain, Lemaire, Lindahl, Lovett, Martin, Marvin, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Paul, Plowman, Povich, Reed, G.; Reed, W.; Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Stevens, Stone, Taylor, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Winglass, Winn, The Speaker.

ABSENT - Dexter, Mayo, McAlevey, Ott, Rotondi, Truman, Yackobitz.

Yes, 74; No, 70; Absent, 7; Excused, 0.

74 having voted in the affirmative and 70 voted in the negative, with 7 being absent, the Bill and all

accompanying papers were indefinitely postponed and sent up for concurrence.

Representative STROUT of Corinth moved to reconsider action whereby Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles" (S.P. 77) (L.D. 165) and all accompanying papers was indefinitely postponed.

The Chair ordered a division on the motion to reconsider.

A vote of the House was taken. 65 voted in favor of the same and 74 against, subsequently, the motion to Reconsider failed.

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

HOUSE DIVIDED REPORT - Majority (8) **"Ought Not to Pass"** - Minority (5) **"Ought to Pass"** as amended by Committee Amendment "A" (H-68) - Committee on Labor on Bill "An Act to Provide a Cost-of-Living Adjustment to Minimum Wage Earners" (H.P. 206) (L.D. 265)

TABLED - May 4, 1995 by Representative HATCH of Skowhegan.

PENDING - Motion of Representative JOY of Crystal to indefinitely postpone Bill and all accompanying papers.

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

Representative LEMAIRE: Thank you Mr. Speaker, Men and Women of the House: I would like to preface my remarks by saying I am strongly in support of minimum wage. I voted in committee Majority "Ought Not to Pass" on this particular bill because I decided there was a better vehicle that is coming to the floor almost instantaneously. Thank you Mr. Speaker. I urge you to support this motion.

The Chair ordered a division on the motion to indefinitely postpone the Bill and all accompanying papers.

A vote of the House was taken. 102 having voted in the affirmative and 23 voted in the negative, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **"Ought to Pass"** as amended by Committee Amendment "A" (H-66) - Minority (5) **"Ought to Pass"** as amended by Committee Amendment "B" (H-67) - Committee on Labor on Bill "An Act to Increase the Minimum Wage in Maine" (H.P. 108) (L.D. 143)

TABLED - May 4, 1995 by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to accept the Majority **"Ought to Pass"** as amended by Committee Amendment "A" (H-66) Report.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: We went round and round on this minimum wage bill in our committee and I suppose that we probably will go round and round on it in the House. You just got flooded with a whole batch of information and I wish that I could say that I would vote on this based upon the amount of weight of

papers that I've received for and against this measure, but I'm afraid that I would be sadly outweighed.

Over the past two or three weeks I've checked with 20 or 30 small businesses in my area and the answer when I asked them how do you feel about the minimum wage has always been the same. How would you react to it? I would have to lay off one or two workers, I would have to raise my prices in order to pay for the rest. Unfortunately, what we're looking at here is not just an increase in the minimum wage on the bottom of the scale. What happens when there's an increase and people have several employees if the minimum wage is increased than each one of the employees above that figures that they ought to have a corresponding increase and this is called the ladder effect.

You'll note that one of the pieces of information which was passed out to you said that 20,000 families are struggling to survive on the minimum wage and that's not exactly true. We received information that there are 20,000 people who are employed at the minimum wage level in the State of Maine. However, what they didn't tell you was that most of the 20,000 people that are employed at the minimum wage are people who are students, people who are in training and people who are trying to learn some skills so that they can earn a better wage. The actual average minimum starting wage in the State of Maine is about \$5.30 an hour and this was released in information about two and a half to three months ago. The average amount of time that anybody stays on the minimum wage is about four months. Now we will hear that there are people who have been hung on the minimum wage forever and that probably is not true. I don't know of any situation where anybody is still working at the minimum wage if they have tried to better themselves.

We have had adult education programs which have offered opportunities for people to learn new work skills and they've been around for a long, long time. I've taught many myself and I'm sure that there are many people in here who have had opportunity to instruct other people in adult education to help them learn new skills to try to improve themselves.

You're also going to find that a lot of the information about the benefits of a minimum wage are predicated on a study that was done in New Jersey. New Jersey raised its minimum wage and Pennsylvania did not. There was a survey done which consisted of a bunch of telephone calls that went out to fast food industries and they informed these people that there seemed to be no loss in employment. However, a follow up study of the reports of these payrolls to the Bureau of Taxation showed that indeed there was a significant loss in employment. If there is anyone who truly believes that an increase in minimum wage is going to move people off the welfare roles or move them up on a higher standard of living, I feel very very sad if that's your true belief.

The truth is that every time there has been an increase in minimum wage there has been a corresponding increase in unemployment. In 1933, a bill was passed, the NIFB bill, and it included a minimum wage. The unemployment was already high, but it soared to 22 and 23 percent and stayed there for a long, long time. In 1935, when the bill was repealed the employment dropped to twelve percent. Corresponding increases in unemployment have followed