

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

NAY - Bagley, Baker, Belanger IG, Berry RL, Brennan, Bryant, Bull, Bunker, Chartrand, Colwell, Cowger, Davidson, Desmond, Etnier, Farnsworth, Fuller, Gagne, Gagnon, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, LaVerdiere, Lemaire, McKee, Mitchell JE, Morgan, Muse, O'Neal, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Saxl MV, Shiah, Sirois, Thompson, Townsend, Tripp, Tuttle, Vedral, Volenik, Watson, Wright, Madam Speaker.

ABSENT - Berry DP, Bodwell, Honey, Skoglund, Stevens.

Yes, 92; No, 54; Absent, 5; Excused, 0.

92 having voted in the affirmative and 54 voted in the negative, with 5 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-463)** - Minority (4) **Ought Not to Pass** on Bill "An Act to Extend the Prevailing Wage Laws to the Maine Turnpike Authority"

(S.P. 708) (L.D. 1956)

Which was tabled by Representative HATCH of Skowhegan pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Madam Speaker, Men and Women of the House. I think this bill is a bad idea. The original intent of the Davis Bacon laws and the prevailing wage laws was to regulate the wages on construction projects involving federal funds. The Maine Turnpike, none of the projects involve federal funds. I think it is a real bad precedent to set to start expanding all those laws to all the other construction projects. Thank you.

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

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. The very interesting thing about this bill is that it suddenly makes the Maine Turnpike, like the State of Maine, a public entity and that any money coming into it, you are forcing them to recognize the prevailing wage laws and you are saying to them that you will do this. This is going to have the tendency to hurt the small contractor that comes in and does small jobs for the Maine Turnpike during the length of the turnpike. The prevailing wage is going to tell them that they are going to have to pay the prevailing wage for the industry and run up the costs and therefore may delay some of their projects because of the higher cost.

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

Representative WRIGHT: Madam Speaker, Men and Women of the House. Here we go again. What this will do for the small contractors is it will level the playing field. What it will do is they will know what the prevailing wage will be. They will know what their cost will be. It will just be easier for them to bid for the bigger companies. Over and over again we hear that it is going to hurt the small companies. It won't hurt the small companies. Also, I want you to know that the Maine Turnpike Authority and the Department of Labor had no objection to this when it was heard. Here we go again. I just hope you support this.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. When we heard this bill in committee, we had a couple of contractors who came forward to testify in opposition to this bill. One of the contractors put up metal buildings. I don't know what that had to do with constructing a road, but

nevertheless, he was in opposition. The other contractor when questioned by the committee members, we asked if he did other contracting jobs around the state and he said yes. Folks, if you do construction work on Route 1, 2 or on the Interstate, you are already under the prevailing wage. I can't see where this is going to hurt any contractors to bidding on a job. They all know going in how much they have to pay their laborers. I believe this is a very good bill. When the Turnpike Authority came in they said they would have to hire someone at \$70,000, I applied for the job only to find out the Labor Department already does that work, so there is no need for an extra person.

This is really a good bill. It brings everybody under the same umbrella and if they can do the work on Route 1 and 95 and have to pay the prevailing wage, then those same contractors can pay prevailing wage on the turnpike. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative MACK: Madam Speaker, Men and Women of the House. It was my understanding that when the turnpike gets expanded and when work is done on the turnpike, that it will be paid for by an increase in tolls and also from some bonds. I would like to ask anyone who knows the answer, how much more will the tolls increase and how much more will the taxpayers of Maine have to pay if this goes through?

The SPEAKER: The Representative from Standish, Representative Mack has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. In answer to their question, I don't think anybody can calculate that at this point. I do know that the Turnpike Authority went out and questioned other states in regards to their prevailing wage. One of the states came back and said that it cost him less. It was underbudget and they finished the job more timely with experienced workers. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I guess I must be missing something here. I am referring to what Representative Wright said previously, that being required to pay the prevailing wage would actually help out because then they would know what their costs were going to be and they could be competitive. I must be missing something here because when I put a bid out, the prevailing wage of carpentry in my area is probably about \$20 an hour. That is what the going rate is for most carpenters. I only charge \$15 an hour. I get, using that logic, I should have a better chance getting those bids if I charge that \$20 an hour. If I am wrong with my analysis of what was said by Representative Wright, I wish he could point out how that works because I would love to charge the \$20 an hour and get that work.

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

Representative WRIGHT: Madam Speaker, Men and Women of the House. What I said was all contractors will know before they go in what the wages will be. The wages and the benefits, hopefully. I just also want to say that back when we had this debate before about prevailing wage, I passed out some sheets and a national survey was done. When comparing the top 26 states in construction dollar volume despite an 81 percent wage differential between the top paying and the low paying, the highway stage averages \$123,000 per mile savings over the low wage stage. Why was this? They had highly skilled, highly

trained workers who they kept. We heard yesterday how the good companies keep their workers. They are highly trained and highly skilled. It is not like they are gypsies traveling from job to job. This will help the State of Maine. It will help the workers of Maine. It will help the families of Maine.

Representative MACK of Standish **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 Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. I apologize for getting up again, but I can't believe what I am hearing. I would like to think that I am a great carpenter. In fact, I am. I get a lot of work that I have to turn away because I have too much work. I know carpenters that charge a lot more than I do, but don't get work. It is not because of the price they are charging. It is because they don't do their work very well. They have a reputation. Others charge that higher rate and they are good and they get the work also. Could I direct a question through the chair to Representative Wright?

The **SPEAKER**: The Representative may proceed.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. Representative Wright, could you tell me if I knew the prevailing wage for carpenters in my area is \$20 an hour, which it is, how being required to bid out at \$20 an hour would make my chances of getting that bid as opposed to charging like \$15?

The **SPEAKER**: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. As we say in the industry and I am from that industry, you have to use a very sharp pencil on your other costs.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. I think that is the point. If the wages are equal, the difference will be in your productivity. How smart you do the job. How well you do the job. That is the answer to the good Representative from Bridgton. I would just like to say that we seem to be spending a lot of time this week debating ways to lower wages for Maine workers. I, for one, plan to support this motion. I want to go on record as being in favor of raising the wages for Maine workers.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. I am on the opposition side on this bill. For the reason we all have been discussing here, it is going to increase the cost of widening the Maine Turnpike, those projects. Having said that, there is a plus side. I think if we continue to raise the cost of doing business in the State of Maine as we have done all this week, as has been pointed out, we are going to run our companies out of business. We are going to run them out of state. We are not going to have to widen that turnpike. That is the plus side of this argument I believe.

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. Of course I rise to support this legislation. Currently, this involves all state projects and state highways. I think the reason why the turnpike has never been covered is it

was believed that by now the state would have those highways. Most contractors that work on the Maine Turnpike pay prevailing wage. The bottom line of this legislation is that local workers could be protected from outsourcing to cheap labor. That is the bottom line.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Men and Women of the House. I just want to clarify what the good lady from Skowhegan had to say about the contractor who built metal buildings that spoke before you. He was the president of the Associated General Contractors of the State of Maine. He was representing their position. It wasn't necessarily his because he said he was outside of this normal part of operation.

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

ROLL CALL NO. 429

YEA - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Winglass, Winn, Winsor.

ABSENT - Berry DP, Bodwell, Honey, Poulin, Skoglund, Stevens, Vigue, Wheeler EM.

Yes, 78; No, 65; Absent, 8; Excused, 0.

78 having voted in the affirmative and 65 voted in the negative, with 8 being absent, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-463)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 6, 1998.

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-468)** on Bill "An Act to Exempt from State Income Tax Previously Taxed Contributions to an Individual Retirement Account"

(S.P. 636) (L.D. 1853)

Which was tabled by Representative TRIPP of Topsham pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED**.